

TOWN OF CONCORD SPECIAL TOWN BOARD MEETING April 28, 2026
6 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,
at 6:02 p.m.

ROLL CALL: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH KASSEL COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ABSENT: KENNETH D. ZITTEL, COUNCIL MEMBER

ALSO PRESENT: LAURA SAFFORD, TOWN CLERK
BRIAN ATTEA, TOWN ATTORNEY
CALEB HENNING, TOWN ENGINEER

Jim Taravella	Meagan Krzemien
Peter Sorgi	Rick Hare
Diane Gamel	Daryl McEwan
David Gamel	Daniel Telaak
Mason Gaugler	Lisa Lines
Barry Edwards	

Supervisor Drozd opened the Special Town Board Meeting at 6:02 p.m. Town Clerk Safford had posted the Notice of the Special Town Board Meeting on the Town's website, the signboard at the Town Hall, and in the Springville Journal on April 16, 2026.

Supervisor Drozd stated that the only item on the agenda is the proposed solar array on Springville Boston Road. There have been numerous Public Hearings on the matter, so the Board will not be taking any questions from the audience this evening.

Town Attorney Attea informed the audience that the purpose of the meeting is to consider two Resolutions before the Board. One of the Resolutions is with regards to the applicant's application for a special use permit, and the other is in regards to the site plan. Town Attorney then read the following:

**TOWN OF CONCORD
TOWN BOARD RESOLUTION
REGARDING APPLICATION FOR A SPECIAL USE PERMIT FOR THE
PROPOSED CONCORD PV, LLC; CONCORD SOLAR PROJECT**

WHEREAS, the Town Board of the Town of Concord (Town Board) has been provided with an application for the development of a 5.00-megawatt solar project affecting 27.6 acres on a 100.2-acre property on 12119 Springville Boston Rd, identified with the SBL# 307.00-3-37 ("the Project") by RIC Energy; and

WHEREAS, the Concord Planning Board has reviewed the site plan and application, has determined the application to be complete, and has forwarded the application to the Town board for the completion of SEQR and consideration of the Special Use Permit as required in the Town of Concord Solar Energy Systems local law contained in Chapter 150, Article XXXIX of the Town Code, specifically §150-215; and

WHEREAS, the Town Board determined the above referenced Action to be a Type I Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Town Board assumed the lead agency, under the provisions of 6, NYCRR 617.6(b)(1); and

WHEREAS, the Town Board issued a Positive Declaration, pursuant to SEQRA, on January 9, 2025; and

WHEREAS, Scoping Documents were submitted and accepted on May 19, 2025; a Draft Environmental Impact Statement was submitted on July 24, 2025 and deemed adequate for public review; and a public hearing on the DEIS was held on October 14, 2025; and

WHEREAS, the Town Board determined that the Proposed Action will not result in a significant adverse environmental impact and issued a Negative Declaration on December 11, 2025; and

WHEREAS, the Town Board has reviewed all of the revised site plans, other materials, and request for Site Plan and Special Use Permit approval, submitted to the Town on March 9, 2026 along with the comments received from the public, involved agencies, and interested agencies, and

WHEREAS, the Town Board has weighed the effects of the Proposed Action and made the following findings:

1. The proposed special use is consistent with the general intent of the Town's Comprehensive Plan.
2. The applicant has further reduced the project from the scope proposed during the environmental review, further reducing the impact of the project.
3. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it would be compatible with the orderly development of the use district.
4. There is sufficient ingress and egress to the property and there will be no traffic impact.
5. There is reasonable screening and buffering.
6. There are no lighting, glare, or traffic safety impacts.
7. Operation of the proposed special use is not more objectionable to the uses of nearby properties by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
8. It is generally compatible with the adjacent properties.
9. The proposed special use satisfies each and all standards and conditions specified for such special use by the relevant provisions of the Town of Concord Solar Energy Systems local law contained in Chapter 150, Article XXXIX of the Town Code.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby grant a Special Use Permit for the Project subject to the following conditions:

CONDITIONS OF APPROVAL

1. Financial contribution equal to \$175,000 to the Town of Concord to be allocated for the enhancement of recreational spaces within the Town or other Town-owned facilities. Said financial contribution shall be paid to the Town of Concord prior to issuance of the Building Permit.
2. The Project shall adhere to the Project Drawings submitted on March 9, 2026 and with any modifications as approved herein.
3. Project will adhere to the requirements set forth in the submitted O&M plan.
4. Project shall adhere to the NYSDAM guidelines for solar projects.
5. Town of Concord fire companies: East Concord, Springville, Morton Corners and surrounding fire companies interested in training shall be trained with no less than the minimum requirements necessary to establish a reasonable level of safety and protection from fire, explosion, and dangerous conditions. Part of the Town Code's objective is to ensure that firefighters can respond effectively and safely to a fire.

6. Decommissioning bond must be submitted to the Town Board and Town Attorney for approval prior to issuance of the Building Permit.
7. Decommissioning bond must be obtained for Project with a minimum value of \$517,500. The Decommissioning bond is to be reviewed and renewed every five years. Any change in Project owner or operator must be reflected in the documentation for the decommissioning bond.
8. If the owner or operator of the Project changes, the successor owner or operator shall notify the Town Code Enforcement Officer of such change in ownership or operator within 30 days of the change and shall provide updated contact information in providing such notice.
9. The Project shall comply with the requirements of the current Town of Concord Solar Energy Systems local law contained in Chapter 150, Article XXXIX of the Town Code, also being Town of Concord Local Law Number 1 of 2021.

Supervisor Drozd asked Town Engineer Caleb Henning if he had anything add, and he said that it has been a lot of work getting to this point, and he is available to answer any questions that the Board may have. Mr. Henning also wanted to point out that the project has been reduced in size-during the environmental review there was no reduction to the size of the project. After the review was completed, the applicant submitted a revised application which showed a significant reduction in the acreage affected by the project. It was a little over ten acres difference.

Supervisor Drozd wanted to make a personal statement prior to the Board vote: “My personal view on this probably could be summed up by the movie The Witches of Eastwick from 1987, when Cher and Jack Nicolson had words. Direct and honest as possible. That is how I feel about this project. I personally am not in favor of this project. The sad thing is that I have an obligation to uphold the laws of New York State, however crazy they may be. The problem is not with local officials of any municipality. It is at the top. We have officials in Albany spewing unrealistic goals, if you will. Change will only come when common sense is restored at the top. There are some areas right now in Eric County that have projects going up that I do agree with. There is a project of battery energy storage at Tonawanda Coke. Everybody knows what is underneath that ground at Tonawanda Coke. It is worthless, vacant land-there is garbage in there and all kinds arsenic in there. That is where these projects should be. There is another spot between two train tracks in the Tonawanda area. It is land that nobody will ever buy and nobody will ever build on, and nobody would ever see it. That is where it belongs. There is another one over in Genesee County, just past GCC on the Thruway. It is right next to the Thruway. Nobody can see it and it doesn’t hurt anybody. It is under usable, undesirable land that is worthless-that is where these arrays belong in my personal opinion, and shame on Erie County Environment and Planning for not taking a harder stance on farmland. Again, we have to uphold laws that anyone with common sense would consider garbage, and again this application came in before our moratorium. A new, tighter law is coming.”

Council Member Drake made the following statement:

“I would just like to say that in 2017 this Town did not have a solar law, and I co-authored the first law, along with Wendel’s, which is a highly respected engineering firm, and believe it or not New York State. At that point they were pretty much against it. We were warned at the time not to make the law too restrictive where if it went to court the whole law would get thrown out. So, we did the first law based on the situation that was going on then. When I was Supervisor, we tightened that law up twice, as far as setbacks and things like that. But this has been a moving target, and unfortunately, we have other things that were going on and sometimes you win and sometimes you lose. These people have satisfied what the law requires. Again, we take an oath to uphold the laws and the code of the Town, and to do otherwise would be violating our oath.

Council Member Krzemien added her statement:

“I would just like to say that this project has been a tremendous amount of time and effort, from the Town Supervisor, my colleagues on the Board, our Town Clerk, Brian

our attorney, and Caleb our Town Engineer. I would like to thank them for their thorough review and guidance provided to us during this process. It is really appreciated. I took a sworn oath to uphold the laws of the State of New York and the Town of Concord. My vote will reflect my responsibility as a Board Member to support a necessary, if challenging, path forward, as RIC has met every requirement and law for this project. I want to put on the record that I am personally not in favor of the solar project, and I have lingering concerns. I sympathize with my neighbors and my family; however, as hard of a decision as this is the Board has been thorough, fair and has fulfilled its duty as a governing body, and I respectfully ask the community to support the decision that the Board makes as we move forward.”

Council Member Kassel also made a statement:

“I took an oath, too, and I am going to represent the people. Nobody wants this thing. That is as far as I am going to go. I am going to represent the people.”

Council Member Drake moved the adoption of the Resolution, seconded by Council Member Krzemien, with voting as follows:

Council Member Drake	Aye
Council Member Kassel	No
Council Member Krzemien	Aye
Council Member Zittel	Absent
Supervisor Drozd	Aye

Town Attorney Attea then read the following:

**TOWN OF CONCORD
TOWN BOARD RESOLUTION
REGARDING APPLICATION FOR SITE PLAN APPROVAL FOR THE
PROPOSED CONCORD PV, LLC; CONCORD SOLAR PROJECT**

WHEREAS, the Town Board of the Town of Concord (Town Board) has been provided with an application for the development of a 5.00-megawatt solar project affecting 27.6 acres on a 100.2-acre property on 12119 Springville Boston Rd, identified with the SBL# 307.00-3-37 (“the Project”) by RIC Energy; and

WHEREAS, the Concord Planning Board has reviewed the site plan and application, has determined the application to be complete, and has forwarded the application to the Town board for the completion of SEQR and consideration of the Special Use Permit as required in the Town of Concord Solar Energy Systems local law contained in Chapter 150, Article XXXIX of the Town Code, specifically §150-215; and

WHEREAS, the Town Board determined the above referenced Action to be a Type I Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Town Board assumed the lead agency, under the provisions of 6, NYCRR 617.6(b)(1); and

WHEREAS, the Town Board issued a Positive Declaration, pursuant to SEQRA, on January 9, 2025; and

WHEREAS, Scoping Documents were submitted and accepted on May 19, 2025; a Draft Environmental Impact Statement was submitted on July 24, 2025 and deemed adequate for public review; and a public hearing on the DEIS was held on October 14, 2025; and

WHEREAS, the Town Board determined that the Proposed Action will not result in a significant adverse environmental impact and issued a Negative Declaration on December 11, 2025; and

WHEREAS, the Town Board has reviewed all of the revised site plans, other materials, and request for Site Plan and Special Use Permit approval, submitted to the Town on March 9, 2026 along with the comments received from the public, involved agencies, and interested agencies, and

WHEREAS, the Town Board has weighed the effects of the Proposed Action and made the following findings:

- a. The project is consistent with the goals and objectives of the Town's master plan.
- b. The proposed improvements are sufficient to adequately serve the proposed use.
- c. Adjacent properties are protected from potential negative impacts.
- d. Potential adverse environmental impacts are minimized.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby grant a Site Plan Approval for the Project subject to the following conditions:

CONDITIONS OF APPROVAL

1. Financial contribution equal to \$175,000 to the Town of Concord to be allocated for the enhancement of recreational spaces within the Town or other Town-owned facilities. Said financial contribution shall be paid to the Town of Concord prior to issuance of the Building Permit.
2. The Project shall adhere to the Project Drawings submitted on March 9, 2026 and with any modifications as approved herein.
3. Project will adhere to the requirements set forth in the submitted O&M plan.
4. Project shall adhere to the NYSDAM guidelines for solar projects.
5. Town of Concord fire companies: East Concord, Springville, Morton Corners and surrounding fire companies interested in training shall be trained with no less than the minimum requirements necessary to establish a reasonable level of safety and protection from fire, explosion, and dangerous conditions. Part of the Town Code's objective is to ensure that firefighters can respond effectively and safely to a fire.
6. Decommissioning bond must be submitted to the Town Board and Town Attorney for approval prior to issuance of the Building Permit.
7. Decommissioning bond must be obtained for Project with a minimum value of \$517,500. The Decommissioning bond is to be reviewed and renewed every five years. Any change in Project owner or operator must be reflected in the documentation for the decommissioning bond.
8. If the owner or operator of the Project changes, the successor owner or operator shall notify the Town Code Enforcement Officer of such change in ownership or operator within 30 days of the change and shall provide updated contact information in providing such notice.
9. The Project shall comply with the requirements of the current Town of Concord Solar Energy Systems local law contained in Chapter 150, Article XXXIX of the Town Code, also being Town of Concord Local Law Number 1 of 2021.

Council Member Drake moved the adoption of the resolution, seconded by Council Member Krzemien.

Council Member Drake	Aye
Council Member Kassel	No
Council Member Krzemien	Aye
Council Member Zittel	Absent
Supervisor Drozd	Aye

Motion by Council Member Drake, seconded by Supervisor Drozd to close the Special Town Board meeting at 6:21 p.m.

Laura Safford
Town Clerk