

**TOWN OF KIRKWOOD  
PUBLIC HEARING**

**September 26, 2023**

A public hearing regarding the adoption of a Local Law of the Town of Kirkwood for the year 2023 entitled “A Local Law Amending the Zoning Code Regarding Solar Energy Systems” was held on September 26, 2023 at 6:05 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham  
Councilmember William Diffendorf, Jr.  
Councilmember Katie Legg  
Councilmember Sandy Wasson  
Councilmember Robert Weingartner

Also Present: Robert McKertich, Attorney  
Kelley Diffendorf, Town Clerk  
John A. Finch Jr., Commissioner of Public Works

Supervisor Grubham opened the hearing to public comments. John O’Neil of Route 11 spoke to the Board, he acknowledged that this is a good law for the residents and asked if the law is passed how will it affect the current solar farm application that is going through the Planning Board now, since it states no solar farms in residential areas. Mr. McKertich responded, that is not the question for tonight, tonight is whether or not to amend the law, this isn’t a law aimed at any particular project. This law is amending the solar law as it pertains to all commercial energy solar systems in the R-1 and Residential districts, so those will be prohibited. How that law would apply to any particular project is an issue that the Town will have to address after the law is approved. It’s not something we can address here tonight. John O’Neil spoke in favor of the amendment and said others at the meeting were in favor as well, and would appreciate the protection from these solar farms. He mentioned visiting a large solar farm on Foley Road and that he has visited others with a decibel meter and they are loud, a different kind of noise. They are eyesores and they don’t belong in residential areas. John O’Neil finished by saying he would appreciate the Board’s consideration to amend the law.

Mark Fabrizio of Valley Vista Court referenced the proposed solar farm on Trim Street and mentioned he is concerned about zoning, he doesn’t want residential property to get rezoned into a commercial district so a solar farm can be installed. He gave an example of another town that approved a zoning change near residential properties to allow a recycling plant be built in a residential community, with a lasting blemish to the neighborhood. He is hopeful the Board would not rezone the property on Trim Street into a commercial district.

Supervisor Grubham thanked everyone and closed the hearing at 6:08 PM.

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk