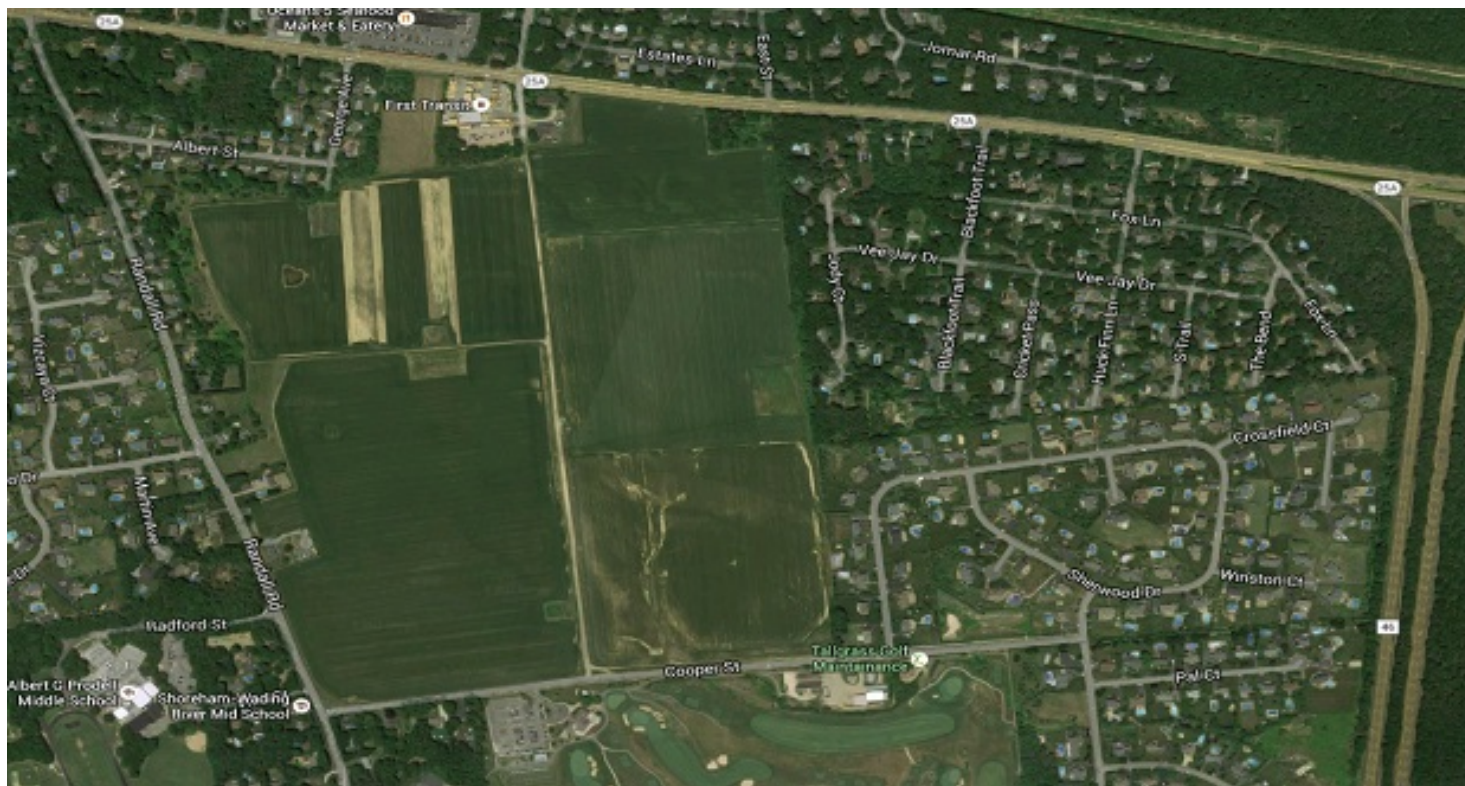


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Court nixes challenge to Shoreham solar project

By: David Winzelberg August 6, 2015 Comments Off on Court nixes challenge to Shoreham solar project

A legal challenge against a 60-acre solar energy project in Shoreham has been denied.

A group of local residents calling themselves Shoreham Wading River Advocates for Justice had filed a lawsuit seeking to reverse the Town of Brookhaven's approvals for the 9.5-megawatt solar project to be built on part of a sod farm located south of Route 25A and just north of the Tall Grass golf course. The group claimed the solar project was "out of character" in the surrounding residential community and that replacing the sod farm with a solar installation will reduce property values because of "the negative environmental, aesthetic and health related impacts that it will have on the neighborhood."

But Acting Suffolk County Supreme Court Justice Joseph Farneti ruled on August 3 that the residents failed to offer expert testimony or any "scientific justification" on the perceived risks of the solar project and that the town had followed proper procedure in its environmental review prior to granting permits to sPower, the Salt Lake City-based solar project developer.

"We're pleased with the decision. It was thorough and well-thought out by the judge," said attorney Jason Stern of the Weber Law Group, which represented sPower in the case. "sPower is now going to proceed promptly with the construction."

Deputy Town Attorney Beth Reilly was also pleased with the court ruling.

"We're satisfied that the judge upheld what the town's zoning and planning boards had decided about the environmental and zoning issues of the project," Reilly told LIBN.

Attorney Frederick Eisenbud, who represented the residents' group, didn't return a request for comment.

The town is currently considering the application of another company, Chicago-based Invenergy, to build a 25 megawatt solar energy project on about 150 acres of the Tall Grass Golf Course just south of the sPower project.

Both properties were part of the 320 acres that had been the proposed site of an ill-fated mixed-use development of 352 units of housing and 125,000 square feet of commercial space. After community opposition and the failure to gain the approval of the Pine Barrens Commission, Brookhaven rescinded the planned development district designation from the land in March 2009, which was zoned for one-acre residential use.

In 2012, the town adopted new zoning for the area, including the Tall Grass properties owned by the DeLalio family, allowing clustered housing or solar energy projects to be built on the parcels. So far, the DeLalios have sold 60 acres to sPower and plan to sell 150 acres to Invenergy once that project is approved.

Marie Zere of Zere Real Estate Services in Ronkonkoma brokered the land sale for sPower.

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