

STATE OF NEW YORK  
PLANNING BOARD OF THE TOWN OF STEPHENTOWN

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In the Matter of the Application of

**LONGROAD DEVELOPMENT, LLC**

**DECISION**  
(Site Plan)

For Site Plan Approval Pursuant to Article VIII  
of the Amended Land Use Regulations of the  
Town of Stephentown

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**WHEREAS**, Article VIII of the Amended Land Use Regulations of the Town of Stephentown (“Regulations”) requires that site plan approval be issued by the Planning Board prior to the issuance of a Building Permit in any district, except for one or two-family dwellings and related accessory uses; and

**WHEREAS**, applicant Longroad Development, LLC (“Applicant”) has proposed to construct a ground-mounted 5 mW (AC) solar array on an approximately 77 acre parcel located on New York Route 22 (Tax ID No. 196/-1-2), with the proposed improvements including photovoltaic modules divided into three clusters (a south cluster, a middle cluster, and a north cluster); a sixteen (16) foot wide pervious gravel access road; concrete equipment pads; electrical equipment and lines; and fencing around each of the clusters (collectively, “the Project”); and

**WHEREAS**, by application received on April 20, 2022, the Applicant applied to the Planning Board for the issuance of site plan approval pursuant to Article VIII of the Regulations; and

**WHEREAS**, The Project and proposed site plan were reviewed by the Planning Board at meetings held on May 10, 2022; June 14, 2022; July 19, 2022; September 13, 2022; and September 26, 2022; and

**WHEREAS**, a public hearing on the Applicant’s application was duly noticed and held on June 14, 2022, at which all interested persons were invited to provide public comment to the Planning Board regarding the proposed Project; and

**WHEREAS**, in its capacity of lead agency, the Planning Board has adopted a Negative Declaration pursuant to the State Environmental Quality Review Act with respect to the Project, which Negative Declaration is incorporated herein in its entirety; and

**WHEREAS**, Article VIII – Site Plan Review, Section C(1) – General Considerations, directs that the Planning Board consider the following criteria in reviewing a site plan for approval:

- a. Adequacy and arrangement of vehicular and pedestrian access and circulation, including intersections, road widths, pavement surfaces and traffic controls.
- b. Location, arrangement and sufficiency of off-street parking and loading, lighting, signs and general site compatibility of all buildings.
- c. Adequacy of storm water and drainage facilities, erosion and sediment control measures, water supply and sewage disposal facilities.
- d. Adequacy of protection and preservation of the vegetation, topography, wildlife, aquatic life, and other natural features of the site.
- e. Adequacy of type and use of trees, shrubbery and other landscape elements, including the maximum retention of existing vegetation.
- f. In the case of a multiple-family dwelling, the adequacy of usable open space for play areas and informal recreation.
- g. Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
- h. Adequacy of emergency vehicle zones and water supply for fire emergencies.
- i. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- j. Compatibility of building design with existing characteristics of area.

; and

**WHEREAS**, all required notice and other procedures have been duly followed, including the submission by the Applicant of all requested information, and the holding of a public hearing on timely and appropriate notice.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board makes the following findings accordingly to the criteria set forth in Article VIII of the Regulations:

- a. Adequacy and arrangement of vehicular and pedestrian access and circulation, including intersections, road widths, pavement surfaces and traffic controls.

The site plan provides for adequate and suitable vehicular access and circulation. The site plan provides for a sixteen (16) foot wide pervious gravel access road accessing the site from an existing curb cut on State Route 22 and providing for vehicular access to each of the three (3) solar

array clusters. On site vehicle traffic is expected to be minimal during operations, and primarily related to periodic inspection and maintenance activities. The proposed use does not involve pedestrian access to or across the site.

- b. Location, arrangement and sufficiency of off-street parking and loading, lighting, signs and general site compatibility of all buildings.

The proposed Project does not involve, and therefore the site plan does not require, provisions for off street parking and/or loading, site lighting, or signage. No buildings are proposed for the site. The proposed location and arrangement of the improvements – consisting primarily of the three solar array clusters, the access road, fencing, concrete pads, and electrical equipment and lines – are appropriate to the site.

- c. Adequacy of storm water and drainage facilities, erosion and sediment control measures, water supply and sewage disposal facilities.

The site plan adequately addresses stormwater and drainage facilities and erosion and sediment control measures. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared and reviewed by the Planning Board’s reviewing engineer, and has been deemed sufficient to mitigate any impacts associated with stormwater. The Applicant has further indicated that it intends to utilize “Scenario 1” pursuant to the memo issued by the NYS Department of Environmental Conservation (NYSDEC), dated January 17, 2020 and titled Solar Panel Construction – Stormwater Permitting/SWPPP Guidance”, which specifies the manner in which the solar panels are to be constructed and spaced so as to avoid impacts associated with stormwater runoff. Standard erosion and sediment control measures, including silt fencing, will be employed during construction. The proposed project does not require water for its operations, and will not generate solid waste or sewage.

- d. Adequacy of protection and preservation of the vegetation, topography, wildlife, aquatic life, and other natural features of the site.

The site plan adequately protects and preserves vegetation, topography, wildlife, aquatic life, and other natural features of the site. Most of the land on which the solar arrays and related improvements will be located has been previously cultivated and cleared for agricultural use, and slightly less than one acre of forested area will be removed as part of the site development for the project. No resident or migratory fish or wildlife species, or threatened or endangered species of animal or plant, are known to inhabit the project area. Given the rural setting of the project, it is expected that any resident local animals will re-establish themselves in adjacent areas. In accordance with the decommissioning plan submitted, the Applicant will restore the site to its pre-construction condition once the solar project has been decommissioned.

- e. Adequacy of type and use of trees, shrubbery and other landscape elements, including the maximum retention of existing vegetation.

The site plan adequately incorporates trees, shrubbery, and other landscape elements, primarily for the purpose of mitigating visual impacts to neighboring properties. The site plan includes a detailed landscaping plan which provides for the extensive planting of trees, shrubs, and other screening vegetation at the northern and southern end of the project area along Route 22 so as to minimize potential visual impacts. The Applicant will be required to inspect the landscaping and replace any dead or nonviable plantings on no less than an annual basis so that the screening remains effective and in place. Slightly less than one acre of forested area on the 77 acre parcel will be removed as part of the site development for the project.

- f. In the case of a multiple-family dwelling, the adequacy of usable open space for play areas and informal recreation.

Not applicable.

- g. Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.

During the course of its review, the Planning Board focused extensively on assessing and mitigating potential visual impacts to adjacent properties associated with the Project, including glare. The Applicant agreed to modify the size and location of the proposed south solar array cluster so as to increase the setback of the solar array from the eastern property line and to increase the distance from the residence located on the neighboring parcel (Sicley). In addition, and at the Planning Board's direction, the Applicant submitted a detailed landscaping plan which provides for the extensive planting of trees, shrubs, and other screening vegetation at the northern and southern end of the project area along Route 22 so as to minimize potential visual impacts, including to neighboring residences. The Applicant will be required to inspect the landscaping and replace any dead or nonviable plantings on no less than an annual basis so that the screening remains effective and in place. The Planning Board finds and concludes that the incorporation of the landscaping plan into the project mitigates, to the greatest extent practicable, visual impacts associated with the special permit use. The proposed Project will not generate any appreciable noise or odors during operations.

- h. Adequacy of emergency vehicle zones and water supply for fire emergencies.

The site plan provides for a sixteen (16) foot wide pervious gravel access road accessing the site from an existing curb cut on State Route 22 and providing for vehicular access to each of the three (3) solar array clusters. Such access appears to be sufficient to allow emergency vehicle access in the event of a fire or other emergency on the site. To confirm the sufficiency of such emergency access, the Applicant will be required to submit its proposed project plans to the Town of Stephentown Fire Department in advance of construction to confirm that the proposed access roads on the site meet loading and maneuverability needs for emergency vehicles should they need to access the site

- i. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

No areas of the project site have been identified as being susceptible to ponding, flooding, or erosion. In any event, development of the site will be conducted in accordance with the SWPPP and applicable NYSDEC guidelines so as to avoid ponding, flooding, erosion, or other stormwater issues.

- j. Compatibility of building design with existing characteristic of area.

The Planning Board recognizes that the proposed solar arrays are, by their nature, visually distinct from the character of the existing area, but does not view that factor as an impediment to granting site plan approval given all other considerations. The proposed use is permitted in an RU District, subject to a special use permit, and has therefore been deemed to be a use consistent with the rural setting of the property. Solar energy projects are commonly sited on rural parcels previously used for agricultural purposes, such as the subject site. The proposed project includes an extensive landscaping plan designed to screen and minimize, to the greatest extent practicable, visual impacts to neighboring properties along Route 22.

**AND IT IS FURTHER RESOLVED**, that the Planning Board hereby grants and approves the Applicant's application for site plan approval, subject to the conditions set forth below;

**AND IT IS FURTHER RESOLVED**, that site plan approval is granted subject to the following conditions:

- a. The Applicant shall satisfy all conditions/requirements set forth in the review letter of MJ Engineering and Land Surveying, P.C., dated September 26, 2022;
- b. The Applicant shall inspect all landscaping plantings planted in accordance with the submitted Landscaping Plan on no less than an annual basis, and shall replace any plantings which are dead or nonviable;
- c. The Applicant shall obtain and submit to the Planning Board a letter from the Town of Stephentown Fire Department approving of the proposed access roads as sufficient for emergency vehicle access to the site;
- d. The Applicant shall obtain and submit to the Planning Board a letter from the New York State Office of Parks, Recreation, Historic Preservation confirming that the Project will not result in any impacts to historic or archeological resources;
- e. The Applicant shall enter into a Solar Facility Decommissioning Surety Agreement with the Town in such form as may approved by the Town's attorney and the Town Board.