

STATE OF NEW YORK
PLANNING BOARD OF THE TOWN OF STEPHENTOWN

In the Matter of the Application of

LONGROAD DEVELOPMENT, LLC

DECISION
(Special Permit)

For a Special Permit Pursuant to Article VI
of the Amended Land Use Regulations of
the Town of Stephentown

WHEREAS, Article III of the Amended Land Use Regulations of the Town of Stephentown (“Regulations”) provides that “Public Utility Structures” are permitted use of property located in a Rural Use (RU) District, subject to the issuance of a special permit by the Planning Board pursuant to Article VI; 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, the Applicant’s proposed use of the property constitutes the use of property for “Public Utility Structures” within the meaning Article III of the Regulations; and

WHEREAS, the subject property is located in an RU District; and

WHEREAS, by application received on April 20, 2022, the Applicant applied to the Planning Board for the issuance of a special permit pursuant to Article VI of the Regulations; and

WHEREAS, The Project was 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 VI – Special Permit Uses, Section A – General Standards for Special Use Permits provides as follows:

In authorizing any special permit use, the Planning Board shall take into consideration the public health, safety, and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular. The Planning Board shall also consider where appropriate, whether the special permit use will create noise, traffic, danger or congestion, fire hazards, noxious fumes or other adverse conditions which will be seen heard or smelled by other residents of the Town.

; 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 VI of the Regulations:

1. Upon full consideration of the Project and all materials submitted to the Planning Board in connection with its review, and for the reasons more fully set forth in the adopted Negative Declaration, the Planning Board finds and concludes that the Project will not result in any significant or material impacts to the public health, safety, and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular; and that the Project will not create noise, traffic, danger or congestion, fire hazards, noxious fumes or other adverse conditions which will be seen heard or smelled by other residents of the Town.

2. The proposed special permit use involves the operation of a solar energy farm on approximately 27 acres of land. The operation of the solar farm, including periodic inspection and maintenance activities, does not present any threat or impacts to public health, safety and general welfare, nor to the comfort and convenience of the public in general and/or that of the residents of the immediate neighborhood. With the exception of potential visual impacts, discussed below, the operation of the solar farm is not expected to result in any adverse conditions. As set forth in the Negative Declaration adopted by the Planning Board, the proposed Project is not expected to result in any significant adverse environmental impacts.

3. The proposed special permit use will not result in any noise detectable beyond the property lines of the site location; will not result in any traffic, danger, or congestion to State Route 22 or surrounding roadways; will not result in any fire hazards; and will not result in any noxious fumes. With respect to fire hazards, 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.

4. The primary impacts associated with solar farms such as the one proposed are potential visual impacts to neighboring properties, and in the course of its review of the Project the Planning Board has focused extensively on assessing and mitigating such impacts. 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.

AND IT IS FURTHER RESOLVED, that the Planning Board hereby grants and approves the Applicant's application for a special permit, subject to the conditions set forth below, which special permit shall be subject to renewal every five (5) years;

AND IT IS FURTHER RESOLVED, that the special permit 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.