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Stephentown Town Clerk

**RESOLUTION GRANTING FINAL SITE PLAN APPROVAL - JACK GOODMAN—SOLAR POWER NETWORK, LLC**

**WHEREAS**, Applicant, JACK GOODMAN—SOLAR POWER NETWORK, LLC (“Applicant”), applied for site plan approval to construct and operate a community solar farm (“Project”) on a portion of Tax Map Parcel 174.-1-35 located on the western side of West Road, approximately 1,750 feet from the intersection of NYS Route 22 & West Road (“Site”);

**WHEREAS**, Applicant has represented that it is a contract vendee of the Site and will be purchasing the entire parcel from its current owner, Reginal and Margaret Carr;

**WHEREAS**, the proposed revised site plan has a total represented coverage of 4.93 acres on a +/- 20.79 acre parcel;

**WHEREAS**, the Project and procedural history of the Application are adequately described in the adopted Negative Declaration as well as in the resolution granting a special use permit, both of which are incorporated herein with full force and effect and will therefore not be repeated herein;

**WHEREAS**, prior to the grant of the approval set forth herein, this Board as lead agency for the Project voted to issue a Negative Declaration, setting forth its rationale in Part 3 of the FEAF under the New York State Environmental Quality Review Act, which have been issued and adopted by the Town’s Planning Board and also resolved to issue a special use permit, the contents of which are adopted and incorporated herein, as are all representations and assurances in the application materials as submitted by Applicant and those made at the meetings by Applicant and its agents;

**WHEREAS**, pursuant to Article III. B. of the Amended Land Use Regulations of the Town of Stephentown (“Amended Land Use Regulations”), said Amended Land Use Regulations requires referral to, and review by, the Planning Board for such Project in accordance with the standards and procedures set forth in Article VII, entitled “Site Plan Review;”

**WHEREAS**, the Planning Board hereby determined and re-determines that the project requires full review under Article VIII of the Town’s Amended Land Use Regulations;

**WHEREAS**, in making such determination the Board was also guided by Article VIII C. 1. of the Amended Land Use Regulations which provides the following “General

Considerations” for the Planning Board’s review of a preliminary site plan, shall thereby including, but is not limited to, the following:

- 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 live, 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 characteristic of area.

**NOW THEREFORE BE IT RESOLVED THAT** the Board determines that site plan approval should be granted, following full review under Article VIII of the Amended Land Use Regulations of the Town of Stephentown, with this Board determining that the proposed Project will offend the Town’s rural character ad quality of its many agricultural, scenic, cultural, environmental and community resources, including, but not limited to for the reasons set forth below:

General Consideration Factors of Article VIII.C.1 (a-j)

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

\*The site plan and access to the site have been designed, following input from the Town Fire Department and the Town Code Enforcement Officer, to provide safe vehicular traffic access and include adequate road width and access for emergency vehicles, a condition of approval. There are no issues with traffic to and from the site as West Road, a county road, can accommodate such traffic to the site, the most material of which shall be during the construction and removal phases.

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

\*As detailed above, the site plan provides adequate off-street parking for the proposed use. The Board finds that no light pollution will result from the subject use as the subject property is adequately screened from nearby properties. All signage is to comply with the Town's Photovoltaic Energy Systems Law. As to compatibility, per the revised FEAF, concerning construction, "The project will involve the installation of ground mounted photovoltaic panels as well as an access road, electric utility upgrade, inverters and a perimeter fence around the solar farm, all of which will be compatible with and to merge in with the landscape."

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

\* Applicant has represented that no storm water will discharge flow to adjacent properties and that runoff will match current drainage patterns and that all applicable erosion and sediment control practices will be followed during construction. Moreover, all necessary stormwater discharge permits will need to be obtained from NYDEC, as noted below a condition of this approval; see Negative Declaration which is incorporated herein.

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

\* As detailed in the Negative Declaration, the proposed Project does contemplate the removal of approximately 1.87 acres of woods. However, it is noted that is from the northern portion of the Property and is adequately screened from neighboring properties. There is no elimination of any protected species or fauna. It is expected that any fauna that is removed will re-establish itself on nearby properties; see Negative Declaration.

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

\*See d, which is incorporated herein by reference.

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

\* N/A

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

\* As to noise, as noted in the Negative Declaration, any noise that will result from the operation of the solar facility will be minimal. There will be no glare that will affect any neighboring properties. The Board does not find the panels or the attendant structures to be objectionable, noting that they are sufficiently away from, and screened from, West Road that they will not create any objectionable views from West Road and, as also noted in the Negative Declaration, are not viewable by the neighboring properties, one of which is an active sand and gravel mine. The Board does not find this community solar farm to be objectionable, noting that it appears well suited for the subject site.

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

\* This matter was the subject of significant discussions and resulted in the re-design of the access road that was approved by both the Stephentown Fire Department as well as the Town Code Enforcement Officer. As to access to the subject site in general, it is notable that West Road is a county road and the site is located within four miles of the Stephentown Fire Department. There is adequate water for firefighting including one or more streams that can supply water in the event of such an emergency only a short distance from the site.

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

\* As noted herein, NYSDEC approval is required for stormwater discharges. Applicant has represented and submitted documentation that the subject property is not susceptible to ponding, flooding and/or erosion; see response "c," above.

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

\* In addition to the arrays, also to be constructed are what is noted in Response b, above. It is the finding of the Board that same are compatible with the existing characteristics of the area for the reasons set forth herein as well as in the adopted Negative Declaration and all findings made pursuant thereto and Special Use Permit resolution/decision, all of which are incorporated herein and will not be restated.

**THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED**  
**THAT** the Planning Board of the Town of Stephentown, after due consideration of said Site Plan, and the requirements of the Amended Land Use Regulations (Article VIII) does hereby **GRANT** Final Approval of the Site Plan hereinabove stated and identified as submitted, consistent with all representations made by Applicant and conditioned and contingent upon

Applicant satisfying all conditions set forth in the resolution of the Planning Board granting approval of the special use permit by the following vote also with the following additional conditions:

1. New York State Department of Environmental Conservation approval for storm water discharge;
2. Work Permit from the Rensselaer County Department of Highways;
3. Town Fire Department approval for access road; and
4. Compliance with all conditions as set forth in the resolution granted the special use permit;

Motion made by Mark Prescott and seconded by Alex Haley  
and the vote was as follows:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
GARDNER	X		
LOBDELL	<del>X</del>		
PRESCOTT	X		
LEONARD	X		
HALEY	X		

Dennis Gardner 9/5/23