

Town of Stony Point

Department of Planning

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STONY POINT, NEW YORK 10980

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PLANNING BOARD MINUTES

August 24, 2017

RHO BUILDING at 7:00 P.M.

Present:

Eric Jaslow, Member
Peter Muller, Member
Gene Kraese, Member
Gerry Rogers, Member - absent
Michael Ferguson, Member
Paul Joachim, Member
Thomas Gubitosa, Chairman

Steve Honan, Esq.
Special Counsel

Town Planner
Adriana Beltrani

PLANNING BOARD AGENDA

August 24, 2017

RHO BUILDING at 7:00 P.M.

APPLICATIONS:

1. New Planet Sustainable Fuels - SBL 20.02-11-25,26.27,28, 20.04-11-3,5,2 Site Plan, located on the East end of Holt Drive 1800 feet East of Route 9W

- Presentation

Application taken off Agenda

2. Nine Holt Drive SBL 20.04-11-8 Site Plan located on the south side of Holt Drive 588 feet east of South Liberty Drive/Route 9W

- Review

3. Eagle Bay SBL 15.04-6-3,4&6 Site Plan-Conditional Use located on the north end of Hudson Drive 600 north of Tomkins Avenue

- Review

INFORMATIONAL NOTICE ONLY:

4. Dunkin Donut/Mini Mart at Willow Grove Road – SBL 19.02-4-28 Site Plan located on the north side of Willow Grove Road and the East side of Algonquin Drive

- Public Hearing for September 28, 2017

Other Business:

Proposed Amendment Chapter 215 Zone Code Add Regulation of Solar Generation Facilities

Minutes of July 27, 2017

Chairman: First on the agenda is a presentation from New Planet Sustainable Fuels

Stenographer recorded this application.

New Planet Sustainable Fuels - SBL 20.02-11-25,26,27,28, 20.04-11-3,5,2 Site Plan, located on the East end of Holt Drive 1800 feet East of Route 9W

- Presentation

Chairman: Next on the agenda is Eagle Bay.

Stenographer recorded this application.

Eagle Bay SBL 15.04-6-3,4&6 Site Plan-Conditional Use located on the north end of Hudson Drive 600 north of Tomkins Avenue

- Review

Chairman: Next is the Proposed Amendment.

Proposed Amendment Chapter 215 Zone Code Add Regulation of Solar Generation Facilities

Chairman: At the request of the Planning Board the Town Planner and Town Engineer will provide a joint review of the draft Solar Law.

MEMORANDUM

TO: JIM MONAGHAN, TOWN SUPERVISOR
MEMBERS, TOWN OF STONY POINT TOWN BOARD

FROM: MAX STACH, AICP
ADRIANA BELTRANI

JOHN J. O'ROURKE, P.E.

SUBJECT: TOWN OF STONY POINT LOCAL LAW TO REGULATE SOLAR GENERATION FACILITIES

DATE: AUGUST 29, 2017

CC: THOMAS GUBITOSA, PLANNING BOARD CHAIR
MEMBERS, TOWN OF STONY POINT PLANNING BOARD
MARY PAGANO, PLANNING BOARD CLERK

We are in receipt of a copy of the local law proposed for inclusion in Chapter 215 of the Town of Stony Point Zoning Code, Article XIII regulating solar generation facilities.

The following comments are jointly presented from the offices of Nelson, Pope & Voorhis Environmental Planning and Consulting, and Lanc & Tully Engineering and Surveying, at the request of the Stony Point Planning Board:

General

1. It is our understanding that New York State has authorized a 15-year tax exemption for new solar facilities, subject to a local option. We recommend that the Town Board determine if they want to opt-out of this provision for commercial solar projects and consult with the assessor regarding procedure if they do.
2. It is typical for a code to regulate small-scale solar installations as an accessory use and large-scale solar as a principal use as a single section within the Town Code. This is the recommended approach to avoid confusion between the two uses to maintain a thorough code and to benefit from NYSERDA incentives. We are only providing comments on the law as submitted, but recommend that if a more comprehensive law is adopted, that additional provisions for other types of solar facilities may be advisable. A comprehensive small-scale solar code might include:
 - a. Provisions for residential accessory building-mounted or ground-mounted:
 - i. Definitions, including wattage and size criteria
 - ii. Setbacks and height requirements
 - iii. Installation requirements, permits and approvals
 - b. Provisions for commercial accessory solar installation including building-integrated and rooftop solar;
 - c. Adopting the use of the NY Unified Solar Permit which earns credit towards NYSERDA's Clean Energy Communities Program and includes a \$5,000 grant for communities that adopt the Unified Solar Permit.

Comments on Specific Proposed Provisions:

3. As this draft law does not include a local law for residential or small-scale solar, it is important that this code specify the regulation of large-scale energy systems through definitions and the title of the provision. The title of this local law should specify that this regulation pertains specifically to large-scale solar generation.
4. Definitions.
 - a. The clause within the definition for "Freestanding or Ground Mounted Solar Array", "and is used for the primary purpose of producing electricity for off-site sale or consumption" is not typical to the term. Typically, the term "Freestanding or Ground-Mounted Solar Arrays," is inclusive of accessory residential and commercial facilities and the use of this term will likely cause

confusion. We suggest the term be changed to “large-scale solar generation facility.”

- i. This definition does not permit on-site consumption of the generated electricity. It is unclear why the Town would wish to preclude onsite use.
 - b. Because this text refers only to large-scale solar, it may be necessary to include more definitions to differentiate between energy system types. We suggest the following be added for the purpose of distinguishing them regardless of whether the law regulates them:
 - i. **BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM:** A combination of photovoltaic building components integrated into any building envelope system, such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.
 - ii. **ROOF-MOUNTED SOLAR ENERGY SYSTEM:** A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption. *[This definition is important as it would allow for commercial solar facilities accessory to such possible users as Shop Rite and New Planet Energy.]*
 - iii. **SMALL-SCALE SOLAR:** Solar generation systems which serve the building to which they are attached, and do not provide energy for any other buildings.
 - c. Definitions for large and small scale may also include wattage and size criteria, usually in accordance with the NYS Unified Solar Permit threshold of 25kW or less for small-scale.
5. Permitting Section B.
 - a. We recommend that item 2 specifically require “Site Plan” instead of the term “designs”
 - b. Item 3 should replace the term “list” with “narrative summary”
6. Permitting Section C.
 - a. It seems that the first paragraph of Section C contains a typo, “§217-79” should be “§215-79.”
 - b. The proposed provision should specify that large-scale solar generation facilities are permitted “*as a principal use.*”
 - i. In the case where large-scale solar generation facilities are a principal use, a lot containing an existing principal building should be subdivided
 - c. We recommend that these facilities be permitted in the R-1, RR, SR, SR-R, and APRP zoning districts. If the Town opts out of the tax exemption, these facilities may also be appropriate in the LI and LI-2 districts.
 - d. Height and Setbacks. No use group is specified. We suggest setbacks from street of 100 feet and from other lot lines of 50 feet, as these uses can impact the existing visual character of neighborhoods. Higher setbacks should be set for facilities bordering residential land uses.
 - i. If the Town chooses to permit roof-mounted or solar panels over parking areas, no minimum lot area need be associated with those types of facilities.
 - e. C.3 – Generally, to avoid visual and neighborhood character impacts, we recommend a maximum lot size of 20 acres and a minimum separation between large-scale solar facilities of 1,000 feet.
 - i. 1 MW of solar takes approximately 5 acres of solar panels, the Board should discuss appropriate lot size given this and the following information, and the impacts to community character and ecology.
 - f. C.4 - We would not regulate “lot coverage” as this term is difficult to define relative to the solar panels because they only attach to the ground via small

- footprints, and the area under the panels is deemed to be pervious. Instead, we would recommend that all site structures including the panels when oriented to
- g. zero tilt (pointing straight up) shall not cover more than 75% of the horizontal ground area of the lot. We feel that 65% would be more appropriate, although do not necessarily object to 75%.
 - h. C.8 – We believe there may be a typo in the first sentence, it should read “...on all large-scale solar generation facilities”
 - i. C.8 - We suggest that fences be no closer than 75 feet from public roadways, and require a 7 foot fence surrounding the full facility.
 - j. C.10.- Tree Clearing. This section should include more defined thresholds. The maximum clearing generally allowed by similar local laws is 50% clearing of vegetation on unrestricted acreage (such as that limited by wetlands, steep slopes and other sensitive natural features). It may be more effective to include text such as: “any tree clearing shall be justified with emphasis on development of previously cleared areas and any proposed tree clearing shall not exceed an area of more than 50% of the subject property’s size. Clearing shall be minimized and limited to the area necessary for site access and the installation and operation of solar panels...”
 - i. Site plan should include an indication of which trees are proposed for clearing
 - k. C.11- The language proposed seems to indicate that the Planning Board could allow construction within the regulated areas required by the code for streams and wetlands. This is strongly discouraged. Typically, the ground cover under solar arrays is either stone or low-maintenance groundcover which would provide very low-value upland habitat and potentially result in impacts to these sensitive areas.
7. Permitting Section D.
- a. Safety risks for solar generation facilities and equipment should be determined by the Town Engineer as opposed to the Planning Board.
8. Safety Section D.
- a. A maintenance plan describing continuing repair and maintenance and property upkeep should be required to ensure accountability from the applicant.

It is the opinion of the Planning Board that the Town requires a comprehensive solar law that addresses both large and small-scale, commercial, ground and building-mounted solar facilities. The Planning Board recommends that their planning consultant work with the Town Board to revise the local law. Nelson, Pope & Voorhis has authored numerous solar codes for communities in Rockland and surrounding counties and is happy to assist in writing a comprehensive solar code.

Please feel free to contact us with any comments or questions.

Minutes of July 27, 2017

MOTION: ACCEPT MINUTES OF JULY 27, 2017

Made by Gene Kraese and Gerry Rogers

MOTION: CLOSE PLANNING BOARD MEETING

Made by Paul Joachim and seconded by Michael Ferguson

Respectfully submitted

Mary Pagano, Clerk to the Planning Board