

ZONING BOARD

TOWN OF NEW SCOTLAND
Slingerlands, N.Y. 12159

APPEAL REQUEST FORM

Date: 3 / 31 / 21

Submittal Fee Due With Application \$75.00

Parcel Location: Bullock Road

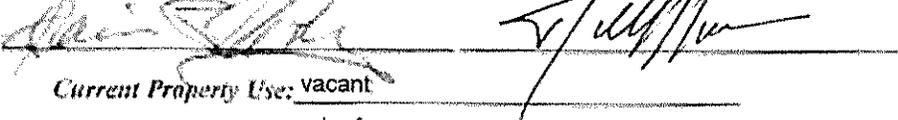
Town Tax Id. #: 83 - 4 - 40.2

Owner: Francis P McCaffery & Robert J Jones

Address: 34 Bullock Rd, Slingerlands, NY 12159

Owner Phone #: (518) 439-2510 518-858-2346

Owner(s) Signature of Consent:



Current Property Use: vacant

Proposed Use: solar farm

Applicant/Agent: (Complete if not the owner)

Name: Bullock Road Development, LLC

Address: 143 West Street; Suite C201
New Milford, CT 06776

Phone #: (860) 717-2104

Phone #: () -

Interest in Property: Building the proposed solar farm

Appeal Type: Area Variance - Use Variance - Interpretation
 Temporary Use - Appeal Decision of Official

Narrative of Appeal:

Applicant is proposing to disturb approximately 4,600 SF of prime farmland soil.
Refer to attached supporting narrative for additional information

<u>Dept/Use</u>	
Var #	: _____
Zng/Dst	: _____
Article	: _____
Section	: _____
<u>Date/Purpose</u>	
Submt/Dt:	___/___/___
Fee Amt	: \$ _____
Fee/Pd	: ___/___/___
ZB/Dt (s)	: ___/___/___
	: ___/___/___
	: ___/___/___
	: ___/___/___

Supporting Narrative
Area Variance Application – Prime Farmland
March 31, 2021

The applicant seeks a variance of the following requirements of the Town of New Scotland Zoning Code pertaining to Large-Scale Solar Collector Projects and Solar Energy Systems:

§ 190-58 H. 4) a) xiii Siting Considerations.

It is a goal of the Town to preserve, to the maximum extent practicable, (a) agricultural land with Prime Farmland and Prime Soils; and (b) Mature Forests. No Large-Scale Solar project shall be permitted on: (a) any site that is Prime Farmland or which contains Prime Soils (or) (b) any site that either (i) contains more than one (1) acre of Mature Forest at the time the application was filed or (ii) was a Mature Forest one (1) year prior to the submission of an application for a Large-Scale Solar Project. The applicant may submit information to demonstrate that the soils on the project site are not Prime Soils or have poor drainage.

Specifically, the Applicant is requesting the following relief:

Impact to Prime Soils – Area Variance		
Impact Allowed	Proposed Impact	Relief Requested
0 Acres	0.1 acres	0.1 acres

The following is provided to demonstrate the standards to grant the requested relief have been met:

- 1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.*

The requested variance to allow a 0.1 acre of prime soils/farmland is necessary for the installation of the proposed access driveway road from Bullock Road. The grant of this minimal area variance will not cause an undesirable change in the neighborhood nor have any impact on the availability of prime soils in the neighborhood to be utilized for agricultural purposes.

Additionally, due to the fact the project components will be removed after the useful life of the project, the soils will be available for farming if so desired. In considering other permitted uses for the property, development of single-family residences and other uses would not be subject to this restriction and would have a far greater impact on this resource than the project. The proposed conservation of ±46 acres will significantly contribute to the project being compatible with the Bullock Road neighborhood, which generally consists of scattered residences, forested areas, open fields, and high voltage electric transmission lines.

Any possible changes to the character of the neighborhood and surrounding properties, will be minimized as the project generally has limited visibility along its northern extent as the array is located approximately 700' from Bullock Road and will be screened, for the most part, by a combination of topography and forested buffer retained around the perimeter of the project.

The eastern, western, and southern sides of the project will be screened as well by large tracts

of mature forest, both on and off the parcel and the native topography. The nearest residential dwelling is 400 feet from the nearest solar panel. Visual renderings and a visual impact assessment will be provided to establish that the neighboring properties will have limited to no views of the project. Such limited visibility will minimize any impact to the neighborhood and surrounding properties.

Furthermore, after construction, the project will generate almost no traffic, since it will only be visited a few times a year for inspection and maintenance purposes.

2. *The variance is necessary and the result could not be achieved by some other method not requiring a variance*

The project is only accessible from its 50' wide frontage located on Bullock Road. Since an area of Prime Farmland crosses the 50' frontage, it is not possible to access the parcel without crossing the area of Prime Farmland. This crossing affects only ± 4,600 SF of Prime Farmland. There are no other impacts to prime soils/farmland resulting from the project.

3. *The variance is not substantial*

While the variance seeks 100% relief due to the code provisions, the project's de minimus impact to Prime Soils/Farmland occurs in a single area located along the only access to the property from Bullock Road. Only 0.1 acres (4,600 SF) of Prime Soils/Farmland would be impacted because of this crossing on the 77 acre property.

Furthermore, the Prime Farmland top soil, as with all topsoil in the areas to be disturbed, will be stockpiled during construction and used to stabilize the project's finished grades. Therefore, the impact to Prime Farmland is not substantial.

4. *The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district*

The grant of the requested ±0.1-acre variance to accommodate the project will not have an adverse effect on the physical or natural environmental conditions of the neighborhood. The prime soils will be removed and stockpiled for later use on site and, upon decommissioning, the use of these soils for agriculture can resume. It will not cause a negative impact on traffic generation, erosion, fugitive dust, noise, or odors.

The project has been carefully designed to prevent impacts on drainage, flooding, and stormwater runoff. A stormwater pollution prevention plan including all necessary erosion and sediment control measures will be prepared and submitted as part of the project's review and ultimately filed with the NYSDEC.

Substantial forested buffers will be maintained along the project's perimeter to minimize or eliminate visual impact. Once construction is complete, the project will not cause noise or traffic impacts as all inverters and similar equipment will be located to the interior of the project to minimize noise and vehicles will access the site a few times a year for maintenance related inspections.

Furthermore, land under and around the solar array will be planted with deep-rooted low-growing shade-tolerant pollinator-friendly vegetation. Bees and other pollinating species play an integral role in food and crop production through pollination. The bee population is falling year-over-year and planting pollinator-friendly vegetation is one method to support the population.

5. *The variance is not the result of self-created difficulties.*

While the request is self-created, there are no other options to provide access to the project. As shown on the plans, the project is only accessible from its 50' wide frontage located on Bullock Road where an area of prime soils/farmland crosses the site. Any other proposed development in the parcel would require crossing the area of prime farmland and would therefore have the same impact as the proposed project without the need for any variances.

Given these factors, it is respectfully submitted that this factor is outweighed by the benefit to the applicant and the fact that due to the use and preservation of ±46 acres of mature forest to buffer the project from view, the possible grant of a conservation easement, donation of the unused portion of the lands for conservation or recreational use, there is no significant impact to the neighborhood and surrounding properties from the grant of the requested variance.