

TOWN OF YORKTOWN PLANNING DEPARTMENT

Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598, Phone 914-962-6565, Fax 914-962-3986

PLANNING BOARD RESOLUTION ROUTING TRANSMITTAL

DATE: May 10, 2022

TO: File
 Applicant (*via e-mail*)
 Town Clerk (*via e-mail and hard copy*)
 Building Inspector (*via e-mail*)
 Town Engineer (*via e-mail*)
 Fire Inspector (*via e-mail*)
 Highway Superintendent (*via e-mail*)
 Water Department (*via e-mail*)
 Town Assessor (*via e-mail*)

FROM: Planning Department

SUBJECT: Old Hill Farm Solar Farm

RESOLUTION: #22-11

SBL: 16.08-1-4 & 17; 571 East Main Street, Jefferson Valley

Attached please find a copy of Planning Board Resolution #22-11 approving site plan, special use permit for a large-scale solar energy system, stormwater permit, and tree removal permit for the Old Hill Farm Solar Farm dated April 25, 2022.

Thank you,

John A. Tegeder, R.A.
Director of Planning

/nc
Attachment

THIS IS TO CERTIFY that the attached copy is a true and correct copy of the Town of Yorktown Planning Board Resolution:

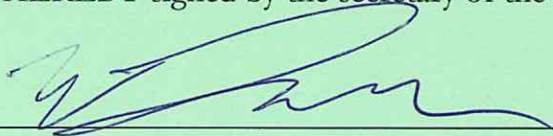
**PLANNING BOARD
TOWN OF YORKTOWN**

RESOLUTION APPROVING

**SITE PLAN, SPECIAL USE PERMIT FOR A LARGE-SCALE SOLAR ENERGY
SYSTEM, STORMWATER PERMIT, AND TREE REMOVAL PERMIT
FOR THE OLD HILL FARM SOLAR FARM**

DATE OF RESOLUTION: APRIL 25, 2022

HEREBY signed by the secretary of the Planning Board:



William LaScala, Secretary

5/9/2022

Date

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN, SPECIAL USE PERMIT FOR A LARGE-SCALE SOLAR ENERGY
SYSTEM, STORMWATER PERMIT, AND TREE REMOVAL PERMIT
FOR THE OLD HILL FARM SOLAR FARM**

RESOLUTION NUMBER: #22-11

DATE: APRIL 25, 2022

On motion of William LaScala, seconded by Aaron Bock, and unanimously voted in favor by Fon, LaScala, Bock, and Garrigan the following resolution was adopted:

WHEREAS in accordance with the Planning Board's Land Development Regulations, Town of Yorktown Town Code Chapter 195, adopted February 4, 1969 and as amended, a formal application for the approval of a site plan and special use permit for a large-scale solar power generation system with submitted plans titled, "Preliminary Development Plans for proposed Old Hill Farm Solar Farm," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and dated July 28, 2021, and last revised April 11, 2022, was submitted to the Planning Board on behalf of Hillside Solar, LLC. (hereinafter referred to as "the Applicant"); and

WHEREAS the Applicant is proposing to construct a 3.75 MW capacity large scale solar energy system on approximately 15.5 acres of a 19.40 acre parcel in the R1-20 zoning district, located at 571 East Main Street, Jefferson Valley in the Town of Yorktown and owned by Old Hill Farm, LLC, also known as Section 16.08, Block 1, Lots 4 & 17 on the Town of Yorktown Tax Map (hereinafter referred to as "the Property"); and

WHEREAS pursuant to SEQRA:

1. The action has been identified as a Type I action because the proposed action involves the physical alteration of more than 10 acres.
2. The Planning Board has been declared lead agency on February 28, 2022.
3. A negative declaration has been adopted on February 28, 2022 on the basis of a Full EAF dated July 28, 2021.

WHEREAS the applicant has submitted as part of his application the following maps and documents:

Site Plans

1. A drawing, sheet C000, titled "Cover Sheet," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
2. A drawing, sheet C001, titled "General Notes," prepared by Bergmann Associates,

Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and

3. A drawing, sheet C002, titled "Area Parcel Plan," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
4. A drawing, sheet C003, titled "Existing Conditions Plan," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
5. A drawing, sheet C004, titled "Overall Site Plan," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
6. A drawing, sheet C005, titled "Site Plan," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
7. A drawing, sheet C006, titled "Grading & Erosion & Sediment Control Plan," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
8. A drawing, sheet C007, titled "Grading Plan Details," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
9. A drawing, sheet C008, titled "Landscaping & Tree Mitigation Plan," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
10. A drawing, sheet C009, titled "Phasing Plan," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
11. A drawing, sheet C010, titled "Details I," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
12. A drawing, sheet C011, titled "Details II," prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and

13. A drawing, sheet C012, titled “Details III,” prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised April 11, 2022; and
14. A drawing, sheet LOS, titled “Line of Sight Profile Plan,” prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and dated February 10, 2022; and
15. A drawing, sheet LOS-1, titled “Line of Sight Profile Plan,” prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and dated February 10, 2022; and
16. A drawing, sheet LOS-2, titled “Line of Sight Profile Plan,” prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and dated February 10, 2022; and
17. A drawing, sheet LOS-3, titled “Line of Sight Profile Plan,” prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and dated February 10, 2022; and
18. A drawing, sheet LOS-4, titled “Line of Sight Profile Plan,” prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and dated February 10, 2022; and
19. A drawing, sheet LOS-5, titled “Line of Sight Profile Plan,” prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and dated February 10, 2022; and
20. A drawing, sheet LOS-6, titled “Line of Sight Profile Plan,” prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and dated February 10, 2022; and

Additional Documents

21. A Tree Inventory, prepared by Bartlett Tree Experts, and dated October 2, 2021;
22. A Stormwater Pollution Prevention Plan, prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., dated July 28, 2021, and last revised January 14, 2022; and
23. A NYSDEC Freshwater Wetland Boundary Validation on a survey titled, “Boundary

and Topographic Survey,” dated April 19, 2018, last revised March 4, 2022, signed by the NYS DEC on March 10, 2022, and valid until March 10, 2027; and

- 24. Photo simulations and Balloon Test analysis, prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and presented to the Board at the November 8, 2021 meeting; and
- 25. Specification sheets for proposed the solar equipment; and

WHEREAS the Applicant proposes a tree mitigation plan, which consists of the following:

- A) This project requires removal of 367 protected trees and the total area of tree removal is 267,130 square feet, therefore a payment to the Tree Bank Fund in the amount of \$53,328.00; and
- B) The Applicant proposes to plant 325 trees on the site as shown on the Landscaping & Tree Mitigation Plan, sheet C-008, listed herein; and
- C) The disturbed area within the perimeter fence will be seeded with a low-growing wildflower and grass mix; and

WHEREAS the Planning Board has referred this application to the following boards and agencies and has received and considered reports of the following:

Boards & Agencies	Report Date
Conservation Board	08/19/21, 10/21/21
Environmental Consultant	03/31/22, 04/08/22
Fire Inspector	12/17/21
Tree Conservation Advisory Commission	10/29/21, 11/15/21, 12/19/21, 12/21/21, 01/25/22
Westchester County Planning Board	02/14/22
NYS DEC	02/10/22

WHEREAS the requirements of this Board's Land Development Regulations, Town Code Chapter 195, have been met; and

WHEREAS a Public Informational Hearing was held in accordance with §195-39(B)(1) of the Yorktown Town Code on the said site plan application via Zoom video conference commencing and closing on December 6, 2021; and

WHEREAS having reviewed all current site plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested

and involved agencies associated with the application before it; and having conducted a public hearing held in accordance with §195-39(B)(2) of the Yorktown Town Code on the said site plan application commencing and closing on February 14, 2022 at Town Hall in Yorktown Heights, New York;

RESOLVED the Planning Board finds the proposed site plan meets all the requirements and special use permit standards set forth in § 300-81.4 Solar power generation systems; and

BE IT THEREFORE NOW RESOLVED that the application of Hillside Solar, LLC for the approval of a site plan and special use permit for a Large-Scale Solar Power Generation System with submitted plans titled “Preliminary Development Plans for proposed Old Hill Farm Solar Farm,” prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., and dated July 28, 2021, and last revised April 11, 2022, be approved subject to the modifications and conditions listed below, and that the Chairman of this Board be and hereby is authorized to endorse this Board's approval of said plan upon compliance by the applicant with such modifications and requirements as noted below:

RESOLVED the Applicant is required to provide the following measures to mitigate the environmental impacts of the proposed solar facility:

- A) A payment to the Tree Bank Fund in the amount of \$47,408.00, pursuant to the memo from the Town’s environmental consultant, Weston & Sampson, dated April 8, 2022; and
- B) The installation of 325 trees on the site as shown on the Landscaping & Tree Mitigation Plan, sheet C-008, listed herein; and
- C) The disturbed area within the perimeter fence will be seeded with a low-growing wildflower and grass mix; and

Additional requirements prior to signature of the Site Plan and Stormwater Pollution Prevention Plan & Tree Permit by the Planning Board Chairman:

1. Submission of fees as per town requirements in the form of separate checks made payable to the Town of Yorktown:

Tree Bank Fund	\$47,408.00
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2. Submission of a final Stormwater Pollution Prevention Plan to the satisfaction of the Town Engineer and Planning Board.
3. Submission of any applicable inspection fees and security, in a form satisfactory to

the Town Attorney, to the Engineering Department as required by the Town Engineer. Fees to be determined after Planning Board approval and a complete final set of drawings are submitted to the Town Engineer.

Additional requirements prior to Issuance of a Building Permit:

4. Submission of a decommissioning bond in an amount sufficient to cover the cost of decommissioning the system.

Additional requirements:

5. The owner, operator, or manager of the solar power generation system must conduct annual inspections of the site's approved landscaping, screening, and any other required vegetative plantings to ascertain the health, effectiveness, condition, and viability of said plantings and submit these findings annually to the Town Engineer. Any dead or diseased vegetative material or any other deficiencies must be promptly replaced or repaired.
6. Solar Energy Systems shall comply with all applicable laws, including, as applicable, the Fire Code of the State of New York and Applicant must obtain all necessary permits from outside agencies.
7. All Large-Scale Solar Energy Systems shall maintain an emergency key box on site to provide for emergency access to the system and to provide for the storage of vital system information.

BE IT FURTHER RESOLVED to the extent any real property with a Solar Energy System approved herein is exempt from taxation to the extent of any increase in the assessed value thereof by reason of the inclusion of such Solar Energy System under New York Real Property Tax Law § 487, the property owner shall be required to enter a contract with the Town for payments in lieu of taxes ("PILOT"), as set forth in N.Y. R.P.T.L. § 487(9). The amount of such PILOT shall be set by the Town Board, upon recommendation of the Town Assessor. Said recommendation shall be based upon industry-recognized standards (e.g., the New York State Energy Research and Development Authority (NYSERDA) PILOT calculators). Under N.Y. R.P.T.L. § 487, Solar Energy Systems are not exempt from special district ad valorem taxes, which will be the responsibility of the property owner in addition to any PILOT payments; and

BE IT FURTHER RESOLVED that in accordance with Town Code Chapter 248, and Chapter 270, the application of Hillside Solar, LLC for the approval of a Stormwater Pollution Prevention Plan and Tree Removal Permit #FSWPPP-T-062-21 is approved subject to the conditions listed therein; and

BE IT FURTHER RESOLVED the owner, operator or manager of the solar power generation system must conduct annual inspections of the site's approved landscaping, screening, buffering, and any other required vegetative plantings or structures required under this approval. The inspection shall ascertain the health, effectiveness, condition and viability of such landscaping, screening, buffering, and any other required vegetative plantings or structures. The findings of each annual inspection shall be reported to the Town Engineer as a written report with photographs where necessary. Any dead or diseased vegetative material or any other deficiencies shall be promptly replaced or repaired by the site owner, operator, or manager. If such diseased, dead or deficient material is not promptly replaced or repaired to the satisfaction of the Town Engineer, the Town Engineer shall exercise enforcement action pursuant to Section §300-193 of the Town Code; and

BE IT FURTHER RESOLVED the approval of the Planning Board is not valid until the conditions of this resolution are met and the Site Plan and Stormwater Pollution Prevention Plan & Tree Removal Permit **#FSWPPP-T-062-21** are signed by the Planning Board Chairman; and

BE IT FURTHER RESOLVED that unless a building permit has been issued within one year of the date of this resolution, **April 25, 2023**, or a time extension has been granted by the Planning Board, this approval will be null and void; and

BE IT FURTHER RESOLVED the special use permit granted by this resolution for a large-scale solar power generation system shall run with the site plan approval and all improvements shall be completed within 24 months once a building permit is obtained.

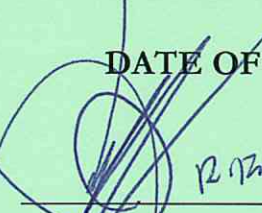
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DATE OF RESOLUTION: APRIL 25, 2022


SIGNED BY:

 R. Fon

Richard Fon, Chairman

ROLL CALL:

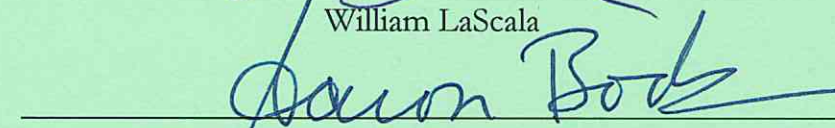
AYES:

 R. Fon

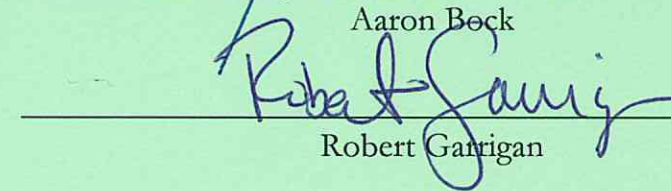
Richard Fon, Chairman



William LaScala



Aaron Beck



Robert Garrigan

NAYES:

