

October 21, 2024

Via Email

Hon. Ed Lachterman, Supervisor
and the Members of the Yorktown Town Board
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

***Re: Proposed Local Law for Extension of Moratorium
Regarding Solar Power Generation Systems and Facilities***

Dear Supervisor Lachterman and Members of the Town Board:

This firm represents Freestone Renewables (“Freestone”), the contract-lessee of an approximately 15-acre portion of the 53-acre parcel located at 1805 Jacob Road (“Property”) on which Freestone proposes to construct a large-scale solar energy system (“Project”). We understand that the Board is holding a public hearing on October 22nd regarding a proposed local law to extend the moratorium on approval of applications furthering the development of solar power generation systems and facilities. We thus offer the following comments for your Board’s consideration.

First, we reiterate Freestone’s support for the Board’s efforts to update the Town’s regulation of solar energy development. In fact, Freestone believes that the Board has prepared good amendments to the existing regulations (aside from the proposed 200-ft setback in residential districts for the reasons explained below), which amendments the Board considered at its August 15th and October 1st meetings. Particularly, the clarification of visual impact mitigation standards by replacing the subjective “fully screened” standard in the current law with reasonable “buffering” and “screening” requirements is an important modification. This new standard allows the Planning Board to ensure on a site-by-site basis that visual impacts are properly mitigated without imposing an unrealistic burden of requiring solar panels to be invisible from every angle.

However, we again respectfully submit that the Board should eliminate the proposal to increase the setback to 200 feet in residential districts because doubling the setback would not be an effective measure to mitigate any potential visual impacts of solar arrays. Instead, it could significantly impair the ability to bring this needed clean energy technology to the area. Indeed, landscape design that is considerate of topography and other site-specific conditions is the operative measure to ensure sight lines are sufficiently screened. As Freestone has demonstrated

through its Landscape Plan and Line of Sight profiles prepared for its Project, sufficient mitigation of potential visual impacts can be achieved with a 100-ft setback.

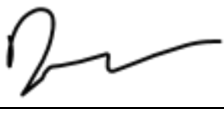
Moreover, a 200-ft setback would result in unintended design and efficiency consequences for solar projects. For example, the reduction in panel area would significantly reduce the energy production of the solar facility into the local electric grid. In Freestone’s case, the Project would lose approximately 1 megawatt of power production (or approximately 26% less efficiency), resulting in a more expensive project and impacting Freestone’s ability to invest in as much landscaping as it currently proposes.

Accordingly, Freestone urges the Board to either maintain the 100-ft setback or add language to the 200-ft setback requirement to grant the Planning Board discretion to vary the setback when it finds that an applicant has achieved suitable screening that sufficiently mitigates any potential visual impacts.

We thank the Board for its attention to Freestone’s comments. If you have any questions or require any additional information, please do not hesitate to contact us.

Respectfully Submitted,

ZARIN & STEINMETZ LLP

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Encls.

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