

Ellis Tract Special Use Permit (SUP) Checklist with planning department comments

Site Plan Review

A site plan review checklist with planning department comments was transmitted separately.

Special Use Permit

In order to review the project, the requirements of a Special Use Permit should be considered first based upon the Site Plan and letter of application for Special Use Permit, and understanding that any issues can be further addressed in conditions. The factors to consider for Special Use Permit, according to state and local law are stated in the table below. Please refer to the SEQR Environmental Assessment Form Part 3 Attachment A for a discussion of many of these items.

SPECIAL USE PERMIT STANDARDS (FROM TOWN ZONING LAW §1202)

SUP Standard	Planning Department Notes (recommendations in bold)
Compatibility of the proposed use with the other permitted uses in the district and the purposes of the district set forth in the Zoning Law.	The purpose of the Rural Agricultural (RA) District is to define an area of the town primarily for agricultural use and associated natural areas protection. The RA District is an area that is intended to remain rural and where agriculture is recognized as the primary land use. Small-scale rural businesses which are agriculturally related or supporting may be appropriate in the district. Uses allowed as of right in this district include agriculture-related enterprises, craft workshop, car wash, professional offices, and congregate care facility. The proposed use is one of the many allowed in this district by special use permit. Others include automotive repair garage, automotive salvage and junk yards, contractor’s yard, inn, kennel, mining and a variety of other businesses. The proposed use is compatible with these numerous and varied uses that can entail much greater traffic, noise, visual and other environmental impacts. Grazing sheep, an agricultural use, will help maintain the rural, agricultural sense of the area. The proposed project will also help maintain the rural and agricultural character in that the population density will remain low with no increase in noise or traffic (after construction). In addition residents and businesses in the district can also benefit from the electrical generation from this project. Refer to the discussion in the Full Environmental Assessment Form Part 3 (FEAF P3) Attachment A for more.
Compatibility of the proposed use with the adjoining properties and with the natural and manmade environment.	The sites are adjacent to single-family residences, open fields and Cascadilla Creek. There is extensive screening associated with this project and there is no increase in noise and traffic. Refer to the discussion in the Full Environmental Assessment Form Part 3 (FEAF P3) Attachment A.

<p>Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police and emergency vehicles.</p>	<p>No water or sewer utilities are required. Electric utilities will be buried and overhead. Parking spaces are not required. Gravel drives will provide access to each of the proposed lots. A Knox-box system to allow gate access for emergency vehicles should be established.</p>
<p>The overall impact on the site and its surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisance.</p>	<p>Other than the site development during the construction phase, no noise, dust, or odors will be produced. No solid waste will be generated after construction. There will be no increase in traffic. A SWPPP has been prepared. A wetland delineation has been conducted and panels have been relocated to avoid wetlands. A Solar Glare Hazard Analysis was performed, concluding that no vantage point was found to have objectionable glare from the arrays. Neighboring residences should be monitored over the next few years to verify that there is no unanticipated glare experienced from the residence.</p>
<p>Restrictions and/or conditions on design of Structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town.</p>	<p>Given the proximity to residences the hours of operation for construction should be restricted to 7 am to 6 pm.</p>

<p>Compliance with the requirements for site plan review, including conformity to the Town’s Residential and Commercial Design Guidelines (guideline categories <u>underlined</u>)</p>	<p>See separate checklist for site plan review. Concerning the Commercial Development Design Guidelines: <u>Access/Circulation</u>: An existing drive provides access from Route 13. No other access point is to be developed. Except during construction there is little traffic associated with this use. Gravel drives, off the existing drive, will provide access to each of the proposed lots. No connections to adjacent lots are proposed. No automobile or pedestrian connections to adjacent properties are proposed, no sidewalks are indicated, <u>Service & Roof Screening</u>: Not applicable. <u>Building Materials</u>: Not applicable. <u>Signs</u>: Signs are proposed to be located adjacent to the Turkey Hill access road, east of fenced area S5, on Dodge Road, near the northwest corner of fenced area S1 and on Stevenson Road, adjacent to an existing unpaved dirt road. The size of both construction and permanent signs should be reduced to 32 square feet, as allowed in Zoning Law §903 <u>Natural Site Design</u>: Solar panels are mounted to racks which run with the grade, with minimal cut and fill proposed. <u>Lighting & Utility Placement</u>: Utilities are proposed to be buried and overhead. There is no permanent lighting. <u>Landscaping</u>: Extensive landscaping. See FEAF P3 Attachment A for further discussion of landscaping measures. <u>Access to Public Transit & Trails</u>: Not applicable.</p>
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SPECIFIC STANDARDS FOR SOLAR ENERGY SYSTEMS (Zoning Law §1312 F.)

<p>Ground-Mount Large-Scale Standard</p>	<p>Planning Department Notes (recommendations in bold)</p>
<p>Proposed systems are outside of prohibited areas, including areas with prime farmland soils, areas of potential environmental sensitivity (historic sites, wetlands, Unique Natural Areas, and others), and steep slopes (>15%). Town Board must approve locating in these areas, in conjunction with SUP approval process.</p>	<p>Thirty one acres of highly productive soils are on the project site. These areas will be used for grazing sheep while the panels are present and after decommissioning the areas can be returned to cropland if desired. This does not represent a loss of farmland soils. To protect the soils the permit should stipulate that trenching in areas of prime farmland soils should follow NYS Ag and Markets standards. Board approval is required to locate project on prime farmland soils. Arrays have been relocated to avoid most wetlands, but there is construction of solar panels in delineated wetlands. This is discussed extensively in the FEAF P3 Attachment A Section 3. Board approval is required to locate project in wetlands. Other sensitive areas are either not present or avoided.</p>

Conformance with federal and state laws and all regulations promulgated by federal and state agencies having jurisdiction	U.S. Army Corps of Engineers; NYS Department of Environmental Conservation; and NYS Department of Parks, Recreation, and Historic Preservation have all written letters concerning their jurisdiction and all conditions have been met. The Town's "Standard Conditions of Approval as amended through 8-14-08" will be attached to permit stating "that the project during and following construction shall comply with all applicable Town, County, State and Federal laws, statutes, codes, ordinances, approvals and rules and regulations."
Design and construction minimizes visual impact to the extent practical	Complies; refer to FEAF Part 3 Attachment A for discussion of visual impacts.
Conformance with all adopted plans of the Town of Dryden	Complies with Town Comprehensive Plan that allows large scale solar installations in these zoning districts.
Systems are in compliance with 50' front, side and rear setback requirement	Applicant is seeking variance from 50' setback on internal lot lines where adjacent lot contains solar arrays. Site plan approval should be contingent upon the grant of these variances.
Panels do not exceed 20' in height	Complies
Combined lot coverage cannot exceed twice the lot coverage allowed in the underlying zoning district.	Lot coverage, as defined in the Town Zoning Law is a measure of land use intensity, representing the portion of a Lot that is impervious. It includes all areas covered by structures, driveways, roads, sidewalks, parking areas, and other impervious areas. Solar panels are structures, as defined by the Zoning Law. Complies; all lots <50% lot coverage (twice the underlying district's 25% limit)
System(s) have the least visual effect practical on the environment.	Extensive screening has been designed around the perimeter of array fields. Topography has also been used to reduce viewshed impact. Using agricultural fencing and selective tree removal protocols are further reducing visual impact. More discussion of this can be found in the FEAF Part 3 Attachment A. Most of the arrays located along public roads have screening but the Array #S1 along Dodge Road does not. A condition should be placed on the permit to extend landscaping between Array #S1 and Dodge Road.
Glare does not impair or make unsafe the use of contiguous structures, vehicles, planes or other uses	Complies; refer to the FEAF Part 3 Attachment A discussion of viewshed impacts and the glare analysis. A condition should be placed on the permit to mitigate any glare experienced at nearby residences by placing additional vegetative screen between arrays and receptors.
Exterior lighting has the least visual effect practical on contiguous properties.	Complies; no permanent lighting is proposed.

Warning signs with owner and emergency contact information shall be placed on access points	Proposed signs are 96 square feet. Zoning Law §903 limits construction and utility signs to 32 square feet Condition of approval should reduce size to 32 square feet and require placement no closer than 15 feet from the highway line.
Fencing and system screened by landscaping or decorative fencing to avoid adverse aesthetic impact,	The National Electric Code (NEC) requires fencing. Proposed fencing is 6' agricultural fencing with string wire above (7' total height). Extensive screening proposed. See discussion in FEAF Part 3 Attachment A
Motion or staff activated lighting is only activated when fenced area is entered and does not project off site	No permanent lighting proposed.
Lockable gate located entirely on lot, not public way	Complies. Fire Department Access should be accommodated through use of KNOX box or similar arrangement.
Solar Energy System built, operated and maintained to acceptable industry standards including the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI)	This requirement will be applied for the duration of the operation of the facility.