

2243 Dryden Road 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 (SUP) should be considered first based upon the Site Plan and application for Special Use Permit, and understanding that any issues can be further addressed in conditions placed on the SUP. The factors to consider for the SUP, 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. Residential uses and agriculture will remain the primary land use activities. Uses allowed as of right in these districts include agriculture-related enterprises, craft workshop, car wash, professional offices, and congregate care facility. The proposed use is one of the many allowed in these districts 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. 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. While Ag land will be temporarily out of production it will not be permanently lost. 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 site lies between Dryden Road (Rt 13) to the north, and Ferguson Road to the south. Irish Settlement Road is approximately 1600 feet to the west of the site and Hilton Road, a private road, is approximately 1900 feet to the east. The site is surrounded by open farm fields. The property owner owns a single-family dwelling adjacent to the project site and a single-family dwelling on Ferguson Road that is directly across from the facility access drive. Refer to the discussion in the Full Environmental Assessment Form Part 3 (FEAF P3) Attachment

	A for more.
Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police and emergency vehicles.	No water or sewer utilities are required. Electric utilities will be buried . A permanent fire apparatus access road will not be required (per the Fire Code) for solar facilities. No permanent parking spaces are required. Improvements to an existing tractor lane will provide access to each facility. A Knox-box should be available to emergency services personnel for each facility to enable gate access.
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.	Other than during the construction phase, no noise, dust, or odors will be produced from the sites. No solid waste will be generated after construction. No outdoor lighting is proposed. There will be no increase in traffic. A SWPPP has been prepared. A federal wetland within the project vicinity will be protected. A Solar Glare Hazard Analysis (Attachment N) and a Visual Simulations report (Attachment O) are included with the application Neighboring residences should be monitored over the next few years to verify that there is no unanticipated glare experienced from the residence.
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.	The proposed hours of operation, Monday-Friday, 7AM- 7PM, seem reasonable. Given the proximity to residences the hours of operation for construction should be restricted to 7 am to 6 pm.
Compliance with the requirements for site plan review, including conformity to the Town’s Residential and Commercial Design Guidelines (guideline categories <u>underlined</u>)	See separate checklist for site plan review. Commercial Development Design Guidelines: the property is in the Rural Highway Corridor District where the rural character is to be maintained by, among other things, limiting Route 13 access points and using landscaping. <u>Access/Circulation</u> : An existing tractor lane will be improved to provide access from Ferguson Road. A temporary access drive, from Route 13, is indicated in the E&SC plan (Sheet C150). Except during construction, there will be minimal traffic. 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> : A permanent identification/address sign should be located on Ferguson Road. <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 There is no permanent lighting. <u>Landscaping</u> : Extensive landscaping. See FEAF Part 3 Attachment A for further discussion of landscaping measures. <u>Access to Public Transit & Trails</u> : Not applicable.

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SPECIFIC STANDARDS FOR SOLAR ENERGY SYSTEMS (Zoning Law §1312 F.)

Ground-Mount Large-Scale Standard	Planning Department Notes (recommendations in bold)
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.	Seven and a half acres of highly productive soils (though not prime) are on the project site. [Board approval is required to locate project on prime farmland soils.] After decommissioning the areas can be returned to cropland if desired. This does not represent a loss of farmland soils.
Conformance with federal and state laws and all regulations promulgated by federal and state agencies having jurisdiction	The Town’s Standard Conditions of Approval requires that the project during and following construction comply with all applicable Town, County, State and Federal laws, statutes, codes, ordinances, approvals and rules and regulations. The implemented SWPPP will comply with State and Federal environmental regulations. Creating two facilities are a result of compliance with PSC regulations.
Design and construction minimizes visual impact to the extent practical	Complies; refer to FEAF Part 3 Evaluation – 9 Aesthetics. No lighting is proposed.
Conformance with all adopted plans of the Town of Dryden	See amended Comprehensive Plan. Ground-mounted large-scale solar energy systems are allowed by SUP in RA zones. See FEAF Part 3 Evaluation -17 Consistency with Community Plans
Systems are in compliance with 50’ front, side and rear setback, except the setback is reduced to 10 feet (0 feet for all fences) along the portion of any lot line where another ground-mounted large-scale solar energy system (i) is located across the line and (ii) is no more than 50 feet from the lot line.	Complies
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.	See Viewshed Study (Attachment H) and FEAF Part 3 Evaluation – 9 Impact on Aesthetic Resources
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	No signs are indicated at access points. Condition should be placed on the permit to require these signs.
Fencing and system screened by landscaping or decorative fencing to avoid adverse aesthetic impact,	The National Electric Code (NEC) requires fencing. Agricultural fencing with 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. Emergency personnel 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.