Supporting Narrative
Area Variance Application
April 5, 2021

A. Prime Farmland

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 sols 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 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.

B. Mature Forest

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 Mature Forest – Area Variance		
Impact Allowed	**Proposed Impact**	**Relief Requested**
1 Acre	42 +/- acres	41 +/- acres

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

Overall, the project satisfies the standards for the requested relief. A large forested buffer will surround the solar farm limiting its visibility. Further, the project is compatible with the neighborhood as it does not generate noise or traffic. A Stormwater Pollution Prevention Plan will be put in place to ensure that the project does not result in impacts to water quality. The applicant also proposed to preserve the undeveloped portions of the property with a deed restriction. Further discussion of the standards is provided below:

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.*

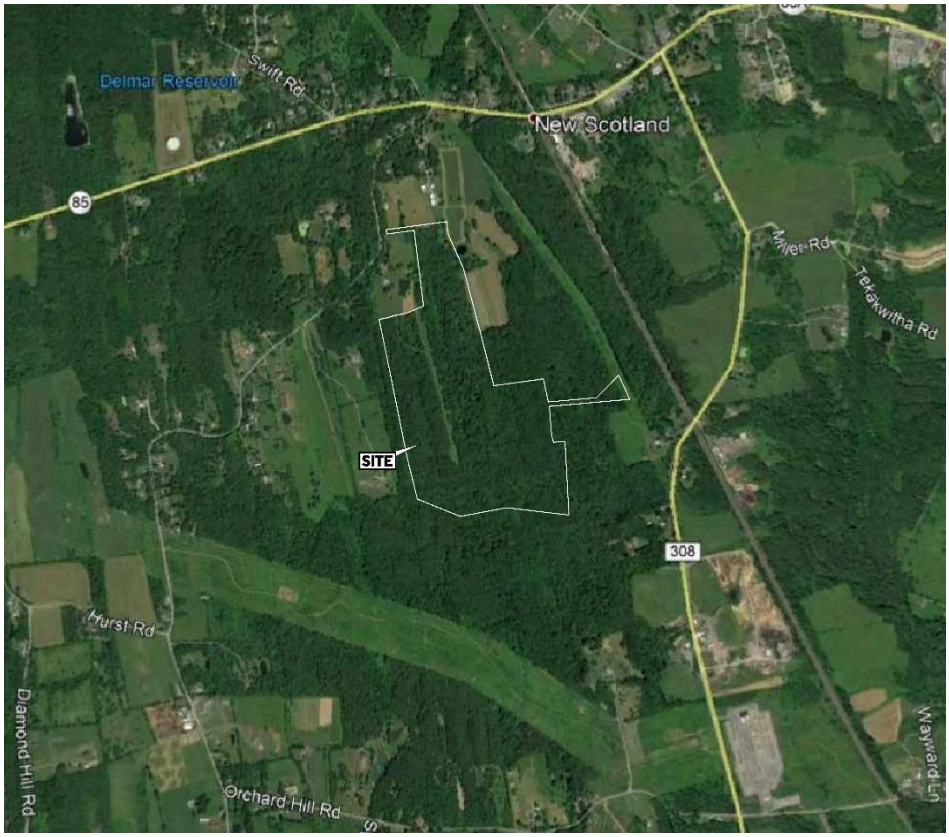
   The project will be compatible with the Bullock Road neighborhood, which generally consists of scattered residences, forested areas, open fields, and high voltage electric transmission lines. Generally, the project has limited visibility along its northern extent as the array is located approximately 700' from Bullock Road and will be screened, for the most part, by a combination of topography and perimeter forested buffer that will be retained.

   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. Therefore, the neighboring properties will have limited to no views of the project.

   Furthermore, based on a windshield survey, the immediate vicinity of the Project Site contains several hundred acres of forested wooded lands meeting the definition of "Mature Forest" per the Town of New Scotland Zoning Code. The Project site contains a total of 84 acres of such mature forest – 42 of which are to be removed to accommodate the Project.

   The Applicant intends to and has offered to preserve the remaining 42 +/- acres of the Project Site containing Mature Forest as a condition of approval through a conservation easement, other covenant, open space or forest management plan allowing for responsible stewardship of the acreage and allowing for recreational opportunities such as hiking or other similar recreation or through a different mean that might be preferred by the Town of New Scotland.

   Furthermore, the Mature Forest to be removed would be interior to the Project Site for the most part, which would prevent any substantial visual impacts for the adjacent Bullock Road neighborhood. A Mature Forest Buffer with a width ranging from approximately 90' at its narrowest to several hundred feet along the projects southern limit will remain. Therefore, the project would not result in an undesirable change to the neighborhood. The figure below illustrates the large tract of forested land found in the project vicinity.



It should be further noted that as a source of clean renewable energy, the Project is consistent with the promotion of a climate smart community as recommended on the Town of New Scotland Comprehensive Plan.

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

   Considering the site is almost entirely covered with Mature Forest, there is no option for the Project to be sited so as to avoid the proposed impact to Mature Forest. The 42+/- acres represents the minimum necessary for the project to move forward.

3. *The variance is not substantial*

   The requested relief is substantial however, it represents the minimum necessary for the Project to be viable. Notably, the impact to mature forest is less than could be expected if the site was developed in accordance with the existing RA-Residential Zoning District, which allows single family residential on one acre lots.

   If the Project Site was developed as single-family subdivision the current zoning would allow the clearing of the existing trees to approximately 20-30 single family homes and related infrastructure. Additionally, the impact to the mature forest on the Project Site could be significantly larger and not provide the benefits from preservation of 42+/- acres of forest land and creation of recreational opportunities as would occur if the Project is approved.

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

While there will be some impact on the environment on the Project Site, the Project will not impact viable farmland and important soils (except for a very small portion along the interconnection line that will be restored), will preserve a significant portion to the mature forest on the Project Site, (which will be subject of responsible stewardship) and possibly offer recreational opportunities to the public. In addition, a habitat study will be provided to identify (i) the habitat, wildlife and plants present on the Project Site, (ii) any particular impacts to occur through clearing for the Project and (iii) identify any mitigation measure to preserve the viability of the preservation area and surrounding wooded areas.

A visual impact analysis will further be provided to allow for the Board to assess the potential visual impacts from the Project from important viewing areas (including John Boyd Thatcher State Park) and the effectiveness of the remaining buffer of mature forest and any proposed landscaping to mitigate such views. The Project will not have a significant adverse effect on the physical or natural environmental conditions of the neighborhood due to these factors. It will not cause a negative impact on traffic generation, erosion, fugitive dust, noise, or odors. As part of construction, all disturbed areas would be stabilized.

The Project has been carefully designed to prevent impacts on drainage, flooding, and stormwater runoff and will have a Stormwater Pollution Prevention Plan ("SWPPP") in accordance with NYSDEC regulations. Forested buffers will be maintained along the project's perimeter to minimize or eliminate visual impact and to preserve the mature forest to the greatest extent practicable. Once construction is complete, the Project will not result in any noise or traffic impacts from traffic or operation since it will only be visited 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.*

Almost the entire parcel consists of mature forest, therefore, it not possible to develop the parcel for any use permitted under the New Scotland Zoning Code without impacting some portion of the mature forest.