



ALBANY COUNTY PLANNING BOARD
NOTIFICATION

RECOMMENDATION DATE: 44154

Case #: 13-201103599
Applicant: Lands of Burke - Borrego Solar
Project Location: Altamont Road (near Theresa LN. Tax ID 72.-1-65)
Tax Map Number: 72.-1-65
Referring Agency: Town of New Scotland Zoning Board of Appeals
Considerations: Area variance request to allow a large scale solar project to be sited on a parcel that contains prime soil

ACPB Recommendation: Disapprove.

1. The request does not fulfill the balancing test for area variances set forth in State Statute.
2. Town Law prohibits construction of solar array projects on parcels with prime soil.

Advisory:

1. An agricultural data sheet is not required for an area variance. However, because the issue at hand is prime soils, a survey of surrounding farms and areas may be helpful in determining the appropriateness of this specific area variance.
2. While the property development will require a site plan review, the zoning board should not grant the variances without first consulting NYS DOT on the proposed design layout and curb cut changes.

Laura Travisson, Senior Planner
Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

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In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

LOCAL ACTION ON ACPB RECOMMENDATION:

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

LOCAL DECISION ON PROJECT:

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: _____ DATE OF LOCAL ACTION: _____

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: _____ TITLE: _____