Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 10, 2017

Stony Point Town Board
74 East Main Street
Stony Point, NY 10980

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date:

Date Review Received: 7/27/2017

Item: ***TOWN OF STONY POINT - SOLAR GENERATION FACILITIES (SP-830)***

A Local Law to amend Chapter 215 of the Town of Stony Point Code, by adding Regulations for Solar Generation Facilities.

Reason for Referral:

Town wide local law

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***Recommend the following modifications**

The Rockland County Planning Department supports local efforts to encourage the growth, development, and use of renewable energy sources, such as solar power. The economic and environmental challenges presented by climate change will have significant consequences for Rockland County and its residents. As recommended in the 2011 Rockland County Comprehensive Plan, the County should "Employ all available tools to address climate change" (p. 142). In support of this measure, we offer the following comments:

1 A condition must be added to require ground-level plantings throughout the facility in order to mitigate stormwater runoff or erosion that may arise from rain sheeting off solar panels.

2 The proposed definition of "Large-Scale Solar Generation Facility" does not offer any guidance or criteria with regard to size or scope of the facility. Criteria must be added to the definition to clarify this term.

3 The proposed Law does not specify in which zoning districts Large-Scale Solar Facilities will be allowed, does not offer a minimum lot size, or specify what use group will apply. As a result, we do not know what the setback requirements will be and cannot properly assess the impact on neighboring properties. This information must be provided.

4 Section C.2. of the Local Law under Permitting, refers to Sections 215-15 and 215-16 for special bulk requirements for height and setbacks for large scale facilities. However, no specific requirements are provided for this proposed use. For all large scale facilities, specific special bulk requirements must be provided.

5 Section C.2.a. of the Permitting section permits the Planning Board, at their discretion, to require an increase for the setback requirement when the parcel is located in, or adjacent to, a residential district. This setback regulation must be a requirement, not an option, in all instances. This is especially important since the setback requirements are not provided. The minimum setback requirements should be increased, with an additional buffer area regulation stated, on all sites located in, or adjacent to, residential zoning districts.

6 The lot coverage limit must specify that the 75% limit applies to the maximum horizontal length of the solar panels when oriented in the minimum tilt position.

7 It is not clear if freestanding solar arrays, that are small-scale, are permitted. If permitted, criteria must be implemented to regulate their use. This must be clarified.

8 It must be clarified if large scale solar arrays are permitted as an accessory use to a site that contains an existing use.

9 The maximum height limit must incorporate other factors, such as slope, elevation, and grade of the site, into its calculation for height. In addition, the town must reconsider the proposed maximum height limit of 20 feet. This limit is higher than what is allowed in other communities. When combined with a maximum lot coverage limit of 75%, a height limit of 20 feet can potentially result in an excessive level of overall bulk and have a negative impact on views from neighboring properties.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point
New York State Department of State
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Division of Environmental Resources
Palisades Interstate Park Commission

Town of Haverstraw
Village of West Haverstraw

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

TOWN OF STONY POINT - SOLAR GENERATION FACILITIES (SP-830)

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.