



MEMORANDUM

TO: Members, Hurley Planning Board

FROM: Bonnie Franson, AICP CEP

RE: **Winkler/Freeman Residence Small Scale Solar Array (Ground Mount)**
(SBL – 38.1-3-6)

DATE: May 21, 2023

CC: Maggie Colan, Planning Board Secretary

The following has been received:

- Code Enforcement Officer Review, dated 3/28/23;
- Application for Building Permit, received 3/20/23;
- Planning Board Application, 5/4/23;
- Short EAF Part 1, dated 4/27/23;
- Aerial Site Plan, Liston Freeman, dated 5/3/22, prepared by Solar Generation. The hard copy received is 8.5" x 11" and is not scaleable.

General Comments

1. The property which is the subject of the application is in the R-1 zoning district. Note that Windwood Lane appears to be a private road.
3. Proposed action. The proposed action is construction of a ground mounted solar array accessory to a proposed single-family residence. As per the use table, small scale solar facilities are allowed in the R-1 zone subject to site plan review.
4. Site plan submission required. A site plan has been submitted. Comments are provided below.
5. Use requirements. Solar energy systems are regulated in accordance with Section 210-71 of the Town of Hurley Zoning Chapter. A ground-mounted, small-scale solar energy system is a permitted accessory use and structure in all zoning districts, subject to site plan approval by the Planning Board and subject to the requirements set forth in 210-71.D as follows:
 - (1) A ground-mounted, small-scale solar energy system is permitted to serve only the building(s) and structure(s) on the lot upon which the system is located. **This needs to be confirmed and should be a note on the plan.**
 - (2) A ground-mounted, small-scale solar energy system shall not be located in the front yard, unless the applicant applies to, and demonstrates to the satisfaction of the Planning Board, that the front yard is the only area where the solar energy system can reasonably function, and that appropriate screening to mitigate impacts on adjoining properties is implemented. **Whether or not the front yard is deemed to**

be from Windwood Lane or Maverick Road, the solar facility is located in the front yard. The Applicant has to demonstrate that the solar facility will not be visible. Note that the Town Board, on May 16, 2023, recently adopted revisions to the corner lot yard regulations.

- (3) The solar energy system and related equipment shall not be located within the minimum required front, side and rear yards for the district in which the system is situated. **This appears to be met based on the dimensions shown on the plan, but we need a scaled drawing to check to determine if the distances are accurate.**
- (4) Solar collectors and related equipment shall be substantially screened from view from adjoining properties and public roadways. It is unknown whether the solar array would be visible from adjoining properties. **The Planning Board should review the location in the field.** The screenshot below shows the nearest residences.



- (5) The height of the solar collectors and mounts shall not exceed 15 feet when oriented at the maximum tilt. **The submission does not indicate the height of the array. The application states that the height of the array is 1.18 inches – we believe this is the depth of a panel, not the height.**
- (6) The area beneath all solar collectors shall be included in calculating maximum permitted lot coverage limitations. **The actual size of the panel system is not specified on the plans. The lot coverage calculation cannot be confirmed.**

6. Approvals. It does not appear any other outside discretionary approvals are required.

Site Plan

The following data are required as part of a site plan, which are relevant to this application:

- existing topography and proposed grade elevations (indicate the limits of disturbance or note no grading is proposed).
- location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.
- description of the method of water supply and sewage disposal and the location of such facilities – this should be n/a for the solar facility.

- location and size of all signs – are any shut off signs required?
- location and design of landscaping and buffer areas, location and design of lighting, power and communication facilities – the Planning Board will determine if supplemental landscaping is needed.
- And any other pertinent information as may be necessary to determine and provide for the proper enforcement of this chapter.

Aerial Site Plan

1. The kilowatt size appears to meet the new small-scale solar facility definition adopted recently by the Town Board.
2. A scaled site plan was not provided to our office, so we cannot confirm the dimensions shown on the plan.
3. Please indicate whether any tree clearing is required to accommodate the array in its proposed location.
4. The actual size of the array needs to be provided on the plans.
5. The height of the array, at maximum tilt, needs to be indicated on the plans.

SEQR

1. Type of Action. As per the regulations implementing SEQR, the construction, expansion or placement of **minor accessory/appurtenant residential structures**, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density are considered a Type II action, i.e., they are not subject to SEQR. If the Planning Board is in agreement that the structure is accessory to the residence, it may determine it is a Type II action.
2. Short EAF. At this time, we have not reviewed the short EAF, pending the Planning Board's classification of the action.

Process

1. The site plan should be updated to address the comments above.
2. The Planning Board should review the site to determine its visibility from adjoiners.
3. A public hearing is optional. The Planning Board should determine whether a hearing should be held.
4. Depending on whether the solar array is in the front yard, the Planning Board would need to determine there is no other location for the array to meet the requirements applicable to the array. Given the dwellings location on the lot, it appears that there is one location that could accommodate it behind the dwelling, and which is cleared. However, it is unknown where the well and septic system is for the dwelling, and if the ground mount would disturb these utilities. The plan should show the dimensions of the required yards. It may not fit with the rear or side yards outside the required yard area.

Dear Sir,

I have the pleasure to inform you that your application for the position of [Job Title] has been reviewed and we are pleased to offer you the position on the following terms:

The salary for this position is [Salary] per annum, payable in 12 equal monthly instalments. The position is full-time and requires a minimum of 40 hours per week.

The position is subject to the usual conditions of service of the [Company Name] and is for an initial period of [Duration].

TERMS AND CONDITIONS

1. The employee shall be employed on a full-time basis for a period of [Duration].
2. The employee shall be entitled to a salary of [Salary] per annum, payable in 12 equal monthly instalments.
3. The employee shall be entitled to a gratuity of [Gratuity] upon termination of service.
4. The employee shall be entitled to a leave of [Leave] days per annum.
5. The employee shall be required to work for [Company Name] for a period of [Notice] days upon termination of service.

Yours faithfully,
[Signature]



Town of Hurley
PO Box 569
Hurley, N Y 12443
planning@townofhurley.org
(845)331-7474 Ext.335

Planning Board Application

Date: 6 / 4 / 23

Type of Request: Check one of the following to indicate the nature of your request.

- | | |
|--|---|
| <input type="checkbox"/> Sub-Division of Property | <input type="checkbox"/> Visual Assessment Review |
| <input checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Discussion |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Resub-division of property |
| <input type="checkbox"/> Other | |

APPLICANT NAME: Solar Generation/Kelly DiMarzo on behalf of Lisa Winkler and Liston Freeman

LEGAL ADDRESS: 1535 Broadway West Park, NY 12493

PHONE NUMBER: Home _____ Work 845.679.6997

Description of Property.

Property Size in Acres (1 acre= 43,560 sq ft.): 2.4 Acres/104,544 sq. ft.

Present Zoning (Zoning Map): R-1 (Please note Windwood lane is a private road)

Section Block & Lot No. (Tax Map): 38.1-3-6

Location of Property (Be Specific): 12 windwood Lane Hurley, NY 12433

Present use of property: Residential Home

Presently owned by: Lisa Winkler & Liston Freeman

Existing Building & Signs	Building Dimensions			Dimensions to Boundaries			
	length	width	height	Front	Rear	R side	L side
Residential Home	38 FT	50 FT	20 FT	222 FT	61 FT	178 FT	40 FT

When was the property first used for its present purpose? 1990
 Was it being used for this purpose as of December 23, 1968 No
 Proposed use (describe fully): Installation of a 7.2 kW DC ground mounted solar array. Project includes 16 Talesun 450 panels, and 16 Enphase IQ8A microinverters. No backup batteries included.

Proposed Building & Signs	Building Dimensions			Dimensions to Boundaries			
	length	width	height	Front	Rear	R side	L side
Ground Mounted Solar Array (4x4 Panel Dimensions)	82.44 in.	40.87 in.	1.18 in.	140.4 Ft.	148.3 Ft.	129.5 Ft.	73.7 Ft.

Has Ulster County Board of Health Approved? N/A
 Provide signed copy of permit.

I certify that all information contained in this application (including the map) is accurate, complete, and I hereby authorize the cognizant Zoning Agency to inspect the site and/ or solicit additional information which it deems necessary to render a disposition to my request.

Signed: Kelly DiMarzo Signed: *See agency
 Applicant Property Owner
 Date: 6/4/23 Date: 6/4/23

Final Disposition

() Approved () Disapproved Date: _____
 Conditions of approval: _____

 Date conditions have been met: _____
 Date applicant officially notified: _____
 By: _____