

STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

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In the Matter of

GREEN STREET SOLAR POWER
(2016-15)

Section 8; Block 1; Lot 97
AR Zone

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INITIAL APPEARANCE

Date: September 15, 2016
Time: 7:24 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018

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2 CHAIRMAN EWASUTYN: Our next item of
3 business is Green Tree Solar Power, project
4 number 2016-15. This is an initial appearance
5 being presented by Talcott Engineering.

6 MR. BROWN: It's actually Green Street.

7 MR. HINES: I caught that later.
8 That's the mortgage company, Green Tree.

9 MR. BROWN: I'm here tonight with my
10 client's representative, David Cane.

11 This is a 28 acre plus parcel. I don't
12 know if you remember awhile ago I did an
13 eight-lot subdivision. That map was never filed.
14 The owner lost it to the bank and the bank was
15 trying to sell it for a long time.

16 The subdivision, because of the drop in
17 lot values, is not really viable. It is pretty
18 steep coming off of Old Post Road. This common
19 driveway shown here follows that same geometry as
20 the private road in that subdivision.

21 The proposal here is to cut it into
22 half. The reason for that is the State is giving
23 incentives for solar power generated facilities
24 up to 2 megawatts. You need five or six acres
25 per megawatt in this area to generate that kind

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2 of power. To do the whole thing as one piece,
3 you wouldn't get the State incentives for roughly
4 half of what you're putting in there. That's the
5 reason for the subdivision.

6 Both of these, as shown, will generate
7 roughly about 2 megawatts, which is essentially
8 enough power to power 365 houses for a year.

9 We don't meet the zoning as far as the
10 use, so we would need a use variance. We would
11 like to get that. The solar portion of the
12 zoning code refers to the I district, and in
13 there they want a hundred acres for a power
14 generating facility. That code was put into
15 effect before the solar code. I think it's
16 tailored toward coal powered facilities. I did
17 check the Town zoning map and the only parcel
18 that's over a hundred acres in the I zone is the
19 Tilcon piece which is just north of the existing
20 power facility. That's pretty steep terrain so
21 it's not viable for this kind of project.

22 The other thing would be -- the acreage
23 variance would be a front yard setback because in
24 the I zone under the power generating facility
25 they want 250 feet.

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2 So that's where we're at. We're here
3 to take questions from the Board and hopefully
4 get a referral to the Zoning Board.

5 CHAIRMAN EWASUTYN: John Ward,
6 questions?

7 MR. WARD: No questions.

8 CHAIRMAN EWASUTYN: Dave Dominick?

9 MR. DOMINICK: Just for the applicant,
10 what got you started to bring this in? What was
11 -- just give us a little background.

12 MR. CANE: Sure. I run the commercial
13 division of Green Street Solar Power. We're
14 based in the Bronx. I come from a background in
15 what we call community solar. This is our
16 response to, as Charlie referenced, the new rule
17 making in New York from late last year called
18 community distributed generation, CDG, which
19 allows us to build these solar farms, send all
20 the power directly into the grid and then
21 reallocate that power to residential customer
22 accounts that are in the same utility load zone
23 and utility service territory. Obviously this is
24 Central Hudson. Any other Central Hudson
25 customer can purchase a portion of the production

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2 from this system if they elect and save -- you
3 know, save equivalent to what they would save if
4 they put solar panels on their own home. So a
5 large proportion, as it turns out, of homeowners
6 can't do solar because they have a bad roof, they
7 have orientation issues, they have a shading
8 tree, or they don't own their home. So this
9 allows low-income residents, people who live in
10 apartments, they don't have to own their home,
11 they just have to have an account with Central
12 Hudson and they can benefit from a project like
13 this.

14 We're in the process of developing --
15 we have about fifteen projects like this going
16 concurrently from the five boroughs, Westchester
17 right up to the Hudson Valley. Most of the
18 project are in Orange County. We're currently
19 before the board in Warwick. We have several
20 projects going on there right now, again through
21 the permitting process. We're leasing rooftops
22 on big buildings as well.

23 MR. DOMINICK: Thank you.

24 MR. CANE: Sure.

25 CHAIRMAN EWASUTYN: Ken Mennerich?

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2 MR. MENNERICH: The area of this piece
3 of property is mostly treed?

4 MR. BROWN: No. It's probably about
5 half meadow. It was farmed a long time ago.
6 This outbuilding right here, which is right in
7 the middle of the driveway, that's a barn that's
8 pretty much falling down. With the next
9 submission I can certainly attach a map that
10 shows the tree line. It's roughly half meadow.

11 MR. MENNERICH: The area that has the
12 trees would have to be all cleared?

13 MR. BROWN: That's correct.

14 MR. CANE: Yeah. There's not much --
15 as it turns out, there's not much there in the
16 upper right quadrant of the northwest portion as
17 you're looking at the map. I don't know if
18 that's true or not. In the upper left portion
19 there are some trees that we would have to clear,
20 yes. But, you know, as Charlie said, I think
21 sixty to seventy percent of the area is just
22 meadow. It's just grass, gently sloping.

23 MR. BROWN: This also borders on the
24 Central Hudson high power lines that go down to
25 the Danskammer plant. They run along this

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2 property and this is the golf course. It's a
3 pretty high plateau. When we were out there,
4 there's only two houses, the one that the former
5 owner's brother owns right here and the house
6 over -- Valentine. They couldn't actually see
7 this property. All the other houses are so much
8 lower that even if you cut the trees they
9 wouldn't be able to see this because of the
10 hills.

11 MR. CANE: The panels themselves will
12 not be visible from Old Post Road.

13 MR. MENNERICH: The panels themselves,
14 will they rotate with the orientation of the sun?

15 MR. CANE: No. Good question. It's
16 not feasible -- it's not cost feasible in this
17 environment. Trackers are used a lot in
18 California and the desert regions. These will be
19 fixed panels on a thirty-degree tilt. It's a
20 rack that's driven into the ground, a post that's
21 driven into the ground. It's just driven.
22 There's no concrete footing. On those posts we
23 put racks. So on the low end it's two feet
24 rising to about ten feet.

25 MR. MENNERICH: What kind of

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2 maintenance do you have to have to keep
3 vegetation from coming back?

4 MR. CANE: You know, during the growing
5 season, mowing every month, that kind of --
6 really just to keep the vegetation down around
7 the panels. The rain -- the weather takes care
8 of keeping the panels clean in this area of the
9 country. We just inspect them on an annual
10 basis. We inspect all the inverters to make sure
11 the connections are tight. We monitor the system
12 in realtime 24/7. We know even if an individual
13 panel goes down, we would obviously roll the
14 truck in that instance to repair that. Otherwise
15 we're just doing, you know, routine maintenance.

16 MR. MENNERICH: Thank you.

17 CHAIRMAN EWASUTYN: Cliff Browne?

18 MR. BROWNE: No. Thank you for the
19 background.

20 CHAIRMAN EWASUTYN: Frank Galli?

21 MR. GALLI: Charlie, all the panels
22 look pretty straight and even and across from one
23 another.

24 MR. BROWN: Those are the rows. The
25 gaps in between, like right there, that's where

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2 the terrain is too steep. But again, the way --

3 MR. GALLI: All the valleys and stuff,
4 they're just going to have longer poles in the
5 ground --

6 MR. BROWN: Right.

7 MR. GALLI: -- so they're all even up
8 so high from side to side?

9 MR. BROWN: Each row would be even.

10 MR. GALLI: In other words, if the
11 property goes like this --

12 MR. CANE: The panel will sort of
13 follow the contours of the land. We're trying to
14 minimize disturbance to the land. We don't want
15 to go in there and just bulldoze this lot. We
16 stayed off of -- we looked -- where you see the
17 panels, the grades are less than fifteen degrees.
18 We're staying off any grades in excess of fifteen
19 degrees on the site.

20 MR. HINES: It looks like -- I think
21 Frank is getting to it. It looks like they're
22 cutting across the contours. Across the rows
23 you're showing there's some topographic
24 differences that look fairly steep.

25 MR. BROWN: The rows do not have to be

1 in the same plain. The rows can be stacked.

2 Correct?

3 MR. CANE: Yes.

4 MR. BROWN: How long is one rack?

5 MR. CANE: Each rack is thirty feet.

6 MR. BROWN: Okay. So we'd have thirty
7 feet and then the next one could be stepped up or
8 down.

9 MR. HINES: It just would seem they
10 would more conform to the contours than the
11 straight lines you have. Maybe this is a
12 preliminary drawing.

13 MR. BROWN: Well the lines are based
14 upon -- oriented towards the south. But again,
15 each thirty-foot rack could be stepped up or down
16 based upon the terrain.

17 MR. CANFIELD: I'm somewhat familiar
18 with this property. It used to be grape
19 vineyards many, many years ago where it's
20 generally terraced. I think that was the largest
21 portion of this property was grape vineyards.

22 CHAIRMAN EWASUTYN: John Ward?

23 MR. WARD: Being that this region has
24 snow and everything, cloudy days, how does this
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2 function?

3 MR. CANE: So we really let the bad
4 weather, the snow, kind of take it's course. We
5 anticipate -- we model production of the solar
6 system. This is -- these panels are warranted
7 for twenty-five years. This is a system that's
8 going to be sitting there for a long time. There
9 are certainly going to be major snow events in
10 that period where the panels will just be buried
11 and won't be producing. The large majority of
12 the production comes in the hot -- you know, in
13 the June to September months, and then in those
14 other months the production trails off pretty
15 significantly. So we don't try to intervene.
16 The panels themselves, because they're black,
17 they absorb a little more -- a little radiation.
18 They tend to be a couple degrees warmer than
19 ambient temperature. They tend to sluff snow off
20 quicker and things tend not to freeze on them. We
21 don't worry about it.

22 MR. DOMINICK: You don't shovel them
23 off?

24 MR. CANE: We don't. The snow does,
25 especially with them being large, you know, kind

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2 of sails in the air. They do attract snow. Snow
3 will kind of pack up against them. We don't
4 really take any exceptional measures to keep them
5 clean.

6 CHAIRMAN EWASUTYN: Pat Hines, any
7 further comments?

8 MR. HINES: Our first comment is
9 regarding the AR Zone and the need for either a
10 use variance or a zone change. Apparently you're
11 going to pursue a use variance.

12 You described the subdivision, which
13 is, as I thought, the requirement for the amount
14 of power that can be generated per lot. We do
15 have a solar code, Section 185-83, that will need
16 to be complied with for future submissions.

17 Are there any buildings, utility
18 buildings that interconnect? There seems to be
19 something that needs to collect this and get it
20 into the power grid.

21 MR. CANE: There will be a pad mounted
22 transformer on site and then -- there won't be an
23 enclosure for that.

24 MR. HINES: We need the location map
25 updated.

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2 Lot 34.1, Charlie, can you explain what
3 that is, how we're going to access that?

4 MR. BROWN: That's the former owner's
5 brother I believe. I did talk to him. He's
6 interested in either selling his -- it's a
7 rental. He doesn't live there. He's interested
8 in either selling that to this applicant or
9 possibly going back to what we did with Suthers
10 which is give him frontage onto Old Post Road,
11 and we reconfigured his driveway to go onto our
12 private road.

13 MR. HINES: Moving forward that will
14 have to be addressed.

15 MR. BROWN: Right. Moving forward, if
16 this applicant buys the property, all those
17 issues go away. We would just remove that lot
18 line, tear the house down, absorb that into the
19 parcel. If we don't we'll do the same thing,
20 give him frontage to Old Post Road. Now that
21 will be three on a common driveway so we would
22 have to take a trip to the Town Board for that
23 I'm assuming.

24 MR. HINES: Yup.

25 MR. BROWN: That's still in negotiation

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2 with him.

3 MR. HINES: Also because of the amount
4 of clearing, you'll be clearing more than an
5 acre, obviously stormwater management will become
6 an issue in the future. This is just a checklist
7 for you moving forward.

8 Visual simulations, the Board is going
9 to want to see some cross sections and see where
10 this can be seen from.

11 They said there was a lot line change.
12 Does that have to do --

13 MR. BROWN: That had to do with the out
14 parcel we were just talking about. I wanted to
15 include that in the event it became a reality.
16 You're talking about on the application, the EAF;
17 right?

18 MR. HINES: The application said
19 subdivision, lot line change, site plan. I
20 didn't see the lot line change.

21 MR. BROWN: It's not shown there yet.

22 MR. HINES: Future development, details
23 of the equipment and such will need to be
24 provided to the Board if you're successful at the
25 ZBA and come back here.

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CHAIRMAN EWASUTYN: Let me understand.
At this point Mike Donnelly is going to be
preparing a letter -- I should ask Mike Donnelly.

Mike, you'll be preparing a letter to
the Zoning Board of Appeals for a use variance?

MR. DONNELLY: Well I'll do it for the
area variance for lot coverage and the proposed
front yard. The use variance is something you'll
have to appeal from Jerry's office. You'll get a
letter. But I will mention in the letter to the
Zoning Board --

MR. BROWN: I'm sorry for interrupting.
Do we apply for that for each lot as if they are
already subdivided or for the parent parcel?

MR. DONNELLY: I'd ask Jerry's office
how they think you should best handle that.

MR. BROWN: Okay.

MR. DONNELLY: We'll do the referral
for the area variance. We'll note the use
variance. I would suggest you might want to also
approach the Town Board to see if they have any
interest in amending the law. That might, just
might, be an easier route than getting a use
variance.

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2 MR. BROWN: We did meet with Gil on
3 this project. It was an informal meeting. We
4 told him what we were intending and he said
5 you're going to need a use variance.

6 MR. DONNELLY: You've done that already
7 then.

8 MR. BROWN: I did not talk with him
9 about the middle lot size of a hundred acres,
10 which again is totally contradictory to a solar
11 generating facility like this with the State
12 incentives. For that you only need twelve,
13 thirteen acres.

14 MR. DONNELLY: It might be helpful to
15 pass that along. Even if they wouldn't change
16 this to allow it in the AR Zone, they might want
17 to --

18 MR. BROWN: I told him we're harvesting
19 the sun. AR is agricultural.

20 MR. DONNELLY: That's why he sent you
21 for a use variance.

22 CHAIRMAN EWASUTYN: While you're
23 harvesting the sun are you setting aside any land
24 for deer for grazing?

25 MR. BROWN: They're welcome to clean

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the panels. This is an inside joke.

CHAIRMAN EWASUTYN: So Mike --

MR. MENNERICH: One other quick question. Is the area fenced in at all?

MR. CANE: Each array is separately fenced and secured. There will be cameras and fencing.

MR. MENNERICH: Okay.

MR. HINES: Your code requires an eight-and-a-half foot fence around these types of facilities.

MR. CANFIELD: Just one thing also. I'm sorry, Charlie. Pat mentioned 185-83 which spells out a lot of detailed information, such as fencing, landscaping and what not. One issue that may be of significance, you talked about a ten-foot high panel. There's a requirement in there of twelve feet -- average height of twelve feet. You may want to reexamine this and make sure that's not an issue that may get referred also to the Zoning Board.

MR. BROWN: Okay.

MR. CANFIELD: Take a look at the overall height of these panels.

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MR. BROWN: Okay.

CHAIRMAN EWASUTYN: For now it's an area variance.

MR. DONNELLY: We can refer it for those two. I don't know if you want to wait until you examine if you need more so you don't have to go back again.

MR. BROWN: The use variance is the most critical.

MR. DONNELLY: You could always change the plan to make them higher.

MR. BROWN: We don't want to spend a lot of time and effort.

MR. DONNELLY: You'll need to appeal to Jerry if the use isn't allowed. We'll send it for an area variance. We'll note you're also applying for a use variance.

MR. BROWN: Okay. Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to have Mike Donnelly prepare a letter to the ZBA for an area variance, and at the same time that motion will include a letter that Mike Donnelly will prepare and send to the Town Board introducing the application which is before us

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tonight.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli. I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Jerry, I need a building permit application or a letter?

MR. CANFIELD: Probably that would be the best way to handle it, Charlie.

MR. BROWN: A building permit. Okay.

CHAIRMAN EWASUTYN: Mr. Cane, thank you.

MR. CANE: Thank you very much.

(Time noted: 7:42 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter..

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of September 2016.

Michelle Conero

MICHELLE CONERO