

PUBLIC HEARING

June 22, 2016

At 8:59 p.m. Supervisor Schiliro stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on June 22, 2016, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY for the purpose of considering the Special Use Permit Application of Swiss Re Corporation for the installation of an approximately 9,000 panel photovoltaic (PV) ground-mounted solar array within a 9.6 acre area located on the southeast portion of the site in an open meadow and wooded area adjacent to NYS Route 120. The property is located at 175 King Street, Armonk, NY, known on the North Castle Tax Maps as 113.04-1-2 and located within the DOB-20A Zoning District.

The special use permit application is available in the Town Clerk's office during regular business hours. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Alison Simon, Town Clerk

Dated: June 3, 2016
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

The following letters and documents were noted as received:

The Town Clerk noted that the Board received a letter and Applications for Site Development Plan Approval and Tree Removal Permit to the Planning Board, from Divney, Tung, Schwalbe, LLP, dated March 21, 2016, including site plans, aerial photo, and Short Environmental Assessment Form marked Exhibit "D" for the record.

The Town Clerk noted that the Board received a letter from Director of Planning, Adam Kaufman, dated April 26, 2016, stating that the Planning Board has no objection to the Town Board acting as Lead Agency for the environmental review of the local law and the Swiss Re solar project was marked Exhibit "E" for the record.

The Town Clerk noted that the Board received a letter and Application for Special Use Permit from Cuddy & Feder LLP, dated May 2, 2016, was marked Exhibit "F" for the record.

The Town Clerk noted that the Board received a letter from Stacey Pittman, Swiss Re, dated May 4, 2016, was marked Exhibit "G" for the record.

The Town Clerk noted that the Board received a letter from Westchester County Planning Board, dated May 23, 2016, stating that while the proposed Town Code amendment is not subject to referral to the County Planning Board, it continues to find the site plan and special permit applications to be matters for local determination and was marked Exhibit "H" for the record.

The Town Clerk noted that the Board received a letter from Director of Planning, Adam Kaufman, to the Town Board dated May 24, 2016, regarding positive recommendation from the Planning Board regarding both the adoption of the local law as well as the issuance of the requested special permit from Swiss Re was marked Exhibit "I" for the record.

The Town Clerk noted that the Board received a letter from Cuddy & Feder LLP, dated June 7, 2016, with following enclosed supplemental documentation, was marked Exhibit "J" for the record:

- A letter from the Federal Aviation Administration, dated May 11, 2016, confirming its "Determination of No Hazard to Air Navigation" with regard to this Solar Energy Collector project.
- A letter from NYC Department of Environmental Protection, dated June 7, 2016, confirming that this project does not require a Storm water Prevention Plan (SWPPP) from NYCDEP.

The Town Clerk noted that certificates denoting mailing of Notice of hearing to adjacent property owners were in order.

Lucia Chioccio of Cuddy and Fedder, LLP, legal representative for Swiss Re Corporation and Gerhard Schwalbe of Divney Tung Schwalbe, LLP, design professionals for the project, appeared before the Board with regard to their Special Use Permit Application for the installation of Solar Energy Collectors, an approximately 9,000 panel photovoltaic (PV) ground-mounted solar array located at 175 King Street, Armonk, NY, within a 9.6 acre area located on the southeast portion of the site in an open meadow and wooded area adjacent to NYS Route 120.

Ms. Chioccio reviewed project submissions including a letter from the Federal Aviation Administration (FAA) indicating the determination that the proposal would not be an obstruction to air navigation; a letter from the NYC Department of Environmental Protection (DEP) stating a Storm Water Pollution and Prevention Plan would not be required for the project; and a positive recommendation from the Planning Board regarding granting of permission for this project. The applicant understands that the Town Board is considering a Local Law to regulate Solar Infrastructure Siting with respect to this Special Use Permit Application, and anticipates that the Town Board will adopt this local law at the July 13, 2016 Town Board meeting, and act on the Swiss Re Special Use Permit Application at the July 27, 2016 Town Board meeting. The applicant would then be able to move forward with the Planning Board for site plan approval at the August 1, 2016 Planning Board meeting.

Ms. Chioccio stated that timing for this project is critical because installation needs to occur before the ground is frozen in order for Swiss Re and the Town to enjoy the benefits of this project.

Mr. Schwalbe described this project as a 2.2 megawatt solar array on 9.6 acres. He estimated that 60% of the electrical needs for the building will be met by use of this solar array, and pointed out that they cannot be used at night.

Mr. Schwalbe reviewed the property line of Swiss Re's 127 acre property and, due to the proximity of the property to the Kensico Reservoir, he stressed the importance of meeting with the DEP to be sure no environmental issues existed and also said that the location of wetlands on the property was remapped and verified with a surveyor. He indicated the proposed 9.6 acre solar panel site is away from wetlands and well within the permitted setbacks. He said gravel roads on the property will be maintained for egress. He showed views of the solar array site from many locations bordering the property including King Street and Cooney Hill Road.

Mr. Schwalbe said the solar array is ground mounted and designed to be 2 to 6 to 8 feet high. In response to Councilmen Berra's suggestion to cap the height of the array at 6 feet, Mr. Schwalbe said the additional height is necessary to allow for a level application in response to changes in ground level, and it is more aesthetically pleasing to have the panels level. He showed photos of other locations where the panels were level.

Swiss Re is still entertaining requests for proposals to determine costs; there are no middle men and all gains go to Swiss Re. Stacey Pittman, Head of Logistics for Swiss Re, said the exact size of the solar array installed may be less than 9.6 acres and will depend on the efficiency of proposals. The proposal submitted is the largest possible and if more efficient panels can be purchased, the array may be smaller. Mr. Pittman and Mr. Schwalbe agreed to work with the Town regarding the aesthetics of the proposed site and said if they purchase a smaller solar array, it will be installed farther away from King Street.

A screening plan is in the works and will include clearing ground brush and creating a buffer with plantings for screening which will include shade and evergreen trees. Swiss Re wants to maintain flexibility as to where exactly each tree will be planted. In response to a query from Supervisor Schiliro, Mr. Schwalbe said it was Swiss Re's intent to maintain the new landscaping.

Mr. Schwalbe added that a storm water erosion control plan, including trenching, is being prepared for Town. He indicated that this proposal includes installation of an underground electrical line from the solar array to the building. He said Swiss Re plans to install a 42 inch high chain link fence around the perimeter of solar display for safety purposes. This is not required by the Planning

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Board. Councilmen Berra said this fence may have a negative visual impact, to which Mr. Schwalbe responded that Swiss Re wants it to be installed for safety.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be adjourned at 9:15 p.m. and reconvened at the July 27, 2016 Town Board meeting.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Alison Simon, Town Clerk

Dated: July 11, 2016