

PUBLIC HEARING

June 22, 2016

At 8:40 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 a local law to create a new Chapter 258 within the Town Code to regulate solar infrastructure siting.

The proposed Local Law is available in the Town Clerk's Office during regular business hours and on the Town's website. 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 from Director of Planning, Adam Kaufman, dated April 26, 2016, stating that the Planning Board has no objection to the Town Board being Lead Agency for the environmental review of the local law and the Swiss Re solar project marked Exhibit "D" 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 marked Exhibit "E" 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 Corporation was marked Exhibit "F" for the record.

The Town Clerk noted there was a Full Environmental Assessment Form dated May 3, 2016.

The Town Clerk noted there was a Negative Declaration for consideration.

The Town Clerk noted there was a proposed Local Law for consideration.

It was noted that Councilman Berra provided a memo and suggested changes to the proposed local law.

Director of Planning Adam Kaufman said that the proposed local law would create a new chapter in the Town Code to regulate solar installations, both commercially and residentially. Mr. Kaufman provided highlights of the proposed local law:

- Rooftop mounted solar panels within residential zoning districts would require a simple review by the Town.
- Ground mounted solar collectors would not be permitted in residential zoning districts.
- Larger commercial scale ground mounted solar collectors would require review and issuance of a special permit from the Town Board.
- Small rooftop mounted commercial solar projects would require site plan approval.
- Large solar projects would need the review of the Town Board and the Planning Board.

Supervisor Schiliro said that from an environmental standpoint this represents good, forward progress and is consistent with the Town's Comprehensive Plan. Mr. Schiliro said it was very progressive of Swiss Re to invest in their solar project.

Mr. Kaufman said that currently the Town Code lists the installation of solar panels as a permitted accessory use in every zoning district. Mr. Kaufman explained that when Swiss Re came to the Town with their specific plan for the project at their headquarters it was determined that the existing language within the Town Code did not contemplate the type of project Swiss Re is proposing and that led to the proposal of this local law.

The Town Board recommended revisions to the proposed local law as follows:

Section 258.2 Definitions: ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM

- Councilman DiGiacinto said she would like the definition to be revised to eliminate the phrase "which can be tilted toward the south at an optimal angle". Ms. DiGiacinto expressed concern about the potential visual impacts of tilted solar panels on rooftops and preferred not to permit tilted panels.
- In response to a query from Supervisor Schiliro, Mr. Kaufman said that while flush mounted panels may provide an impediment in terms of the panels working properly, the vast majority of installations the Town has seen are flush mounted. Mr. Kaufman said if the Board has concerns about the visual impacts of tilted panels, it could permit only flush mounted panels, adding that he did not think there would be a significant negative impact on solar installations.
- Councilman D'Angelo said he was in agreement with the recommendation to permit only flush mounted panels on rooftops.

Councilman Berra expressed support of solar installations and the Swiss Re solar project. Mr. Berra said he would like to see solar installations on Town buildings. He said that while Swiss Re will install their project in a responsible way, some ground mounted solar mounted installations could be unsightly and become an eyesore. He said he would prefer to limit solar projects to roof mounted installations, besides the big arrays in large fields like the Swiss Re project. Mr. Berra noted that he spoke with Stacey Pittman of Swiss Re about considering whether the height of the ground mounted panels could be a maximum of six feet instead of eight feet as currently proposed in the local law.

Councilman Berra recommended minor editorial changes and provided some examples.

Councilman Berra provided comments and recommended revisions to the proposed local law as follows:

Section 258.2 Definitions:

ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM

- Recommendation was to further revise this definition to eliminate "Building Mounted" as a type of solar system and permit only rooftop, flush mounted solar systems.

QUALIFIED SOLAR INSTALLER

- Any installer who is reputable has certifications from both NYSERDA and NABCEP. Recommendations were that the Town should not become involved in qualifying installers and the language regarding same should be eliminated from the definition.

Section 258-4 Permitting Subsection C.

- Recommendation was to revise this Subsection to permit only small scale rooftop solar collectors and to eliminate large and building mounted solar collectors.

Section 258-4 Permitting Subsection I.

- Recommendation was to revise this Subsection for the Town Board to make these decisions as opposed to delegating to the Planning Board.

Section 258-3. Applicability Subsection C.

- In response to a query from Supervisor Schiliro regarding the language: "shall be permitted only to provide power for use by owners" and "the sale of excess power", Mr. Kaufman clarified that this is to deal with day and night changes. Mr. Kaufman said it is expected that the building as a whole will need a certain amount of electricity during the day, generate in excess of what it is consuming, sell it back to the grid, use the energy at night, and not go beyond the totality of the energy needs for the building for the day.

Town Board Minutes
June 22, 2016

Mr. Baroni said the public hearing should be adjourned and be reconvened at the July 13, 2016 Town Board meeting to give all, including the Town Board, the Swiss Re applicant, Mr. Kaufman and himself, time to review the changes proposed by the Town Board. A second draft of the proposed law will be provided for the Town Board to consider for adoption.

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman D'Angelo, that the Public Hearing be adjourned at 8:58 p.m. and reconvened at the July 13, 2106 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