

## PUBLIC HEARING

July 27, 2016

At 8:15 p.m. Supervisor Schiliro stated that the Public Hearing that was adjourned on June 22, 2106 would reconvene 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 following correspondence was received since the Public Hearing was opened on June 22, 2016:

Updated site plans from Divney, Tung, Schwalbe, LLP including an updated wetland survey line as part of the June 2016 submission to NYCDEP were marked Exhibit "J" for the record.

Letter from Divney, Tung, Scwalbe, LLP to Mr. Viscusi, dated July 22, 2016, in response to his letter, dated July 12, 2016 was marked Exhibit "K" for the record.

The Town Clerk noted there was a proposed Resolution for approval.

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 stated that at the July 13, 2016 Town Board meeting the Town Board adopted the solar installation law which required a special permit for the solar installation at Swiss Re Corporation, and also adopted a Negative Declaration with respect to their project, and said the applicant is here tonight in anticipation of approval of the special permit. Ms. Chioccio said the project remains the same as previously presented to the Town Board.

Mr. Schwalbe summarized the proposed 9,000 panel solar installation and indicated that it would be located on a 9 acre previously disturbed portion of Swiss Re's 127 acre property. Mr. Schwalbe reviewed the property lines and, due to the proximity of the property to the Kensico Reservoir, he said that the plan was reviewed by NYCDEP which provided acknowledgement that no permit was required. Mr. Schwalbe said the installation is sensitive to the site environment and that only 2 acres of soil would actually be disturbed due to installation of posts and placement of gravel to minimize erosion. He said there would be selective clearing of trees and an extensive planting plan for screening.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman Berra, that the Public Hearing be closed at 8:21 p.m.

The roll call vote was as follows:

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

Noes: None

Town Board Minutes

July 27, 2016

Councilman Berra moved, seconded by Councilman DiGiacinto, approval of 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 Resolution follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

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Alison Simon, Town Clerk

Dated: August 3, 2016

## RESOLUTION

<b>Action:</b>	Special Use Permit for Large Scale Ground Mounted Solar
<b>Application Name:</b>	Swiss Re Solar Installation
<b>Applicant/Owner:</b>	Swiss Re Corporation and Swiss Re Investors
<b>Zone:</b>	DOB-20A Zoning District
<b>Location:</b>	175 King Street
<b>Date of Approval:</b>	July 27, 2016
<b>Expiration Date:</b>	July 27, 2017 (1 year)

WHEREAS, the Town of North Castle Town Board received an application for the installation of an approximately 9,000 panel photovoltaic (PV) array at the Swiss Re site to supply electricity to the headquarters campus; and

WHEREAS, project activities will take place 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; and

WHEREAS, the panels will be surrounded by a chain link fence enclosure and accessible via on-site existing access roads; and

WHEREAS, Town-regulated trees around the perimeter of the array will also be removed; and

WHEREAS, pursuant to Section 258-4.J of the Town Code, proposed solar installation requires the issuance of a special use permit by the Town Board and site plan approval by the Planning Board; and

WHEREAS, on May 23, 2016, the Planning Board reviewed and discussed the requested application and positively recommended that the Town Board consider issuing the proposed special use permit; and

WHEREAS, the application for special use permit was referred to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code on March 21, 2016; and

WHEREAS, a duly advertised public hearing on said application was opened on June 22, 2016 and closed on July 27, 2016, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, § 355-37 of the North Castle Code establishes certain general standards for all special permit uses; and

WHEREAS, in order for the Town Board to approve a special use permit, the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 355-37(A) of the Town Code, in order to grant a special permit, the Town Board must find that “the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in” the Town Code; and

WHEREAS, the subject property is located within the DOB-20A Zoning District; and

WHEREAS, within close proximity are several corporate headquarters uses located within the OB and DOB-20A Zoning Districts; and

WHEREAS, the proposed use would be compatible with surrounding commercial uses; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all requirements for such use established in the Town Code; and

WHEREAS, pursuant to § 355-37(B) of the Town Code, the second criteria for the issuance of a special permit is that “the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings;” and

WHEREAS, the proposed solar panel mounting height and proposed fencing complies with the requirements of the zoning code and the Planning Board will require the implementation of a landscaping plan during site plan review; and

WHEREAS, the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings since the proposed solar panels and fencing with height and setback requirements and an extensive landscaping plan will be implemented, and that the construction of this project will promote appropriate development and use of adjacent land and buildings; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings; and

WHEREAS, pursuant to § 355-37(C), the third requirement for the issuance of a special permit is that “operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit;” and

WHEREAS, the proposed solar installation will not generate any noise, fumes or vibrations; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit; and

WHEREAS, pursuant to § 355-37(D) of the Town Code, the Town Board, in order to grant a special permit, must find that “parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety;” and

WHEREAS, the proposed solar installation will not generate any off-street parking demand; and

WHEREAS, the Town Board, based upon its review of the entire record finds that existing parking areas are of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways are laid out so as to achieve maximum convenience and safety; and

WHEREAS, pursuant to § 355-37(E) of the Town Code, the fourth criteria for the issuance of a special permit is compliance “where required, [with] the provisions of the Town Flood Hazard Ordinance;” and

WHEREAS, no development is proposed within the floodplain; and

WHEREAS, the Town Board, based upon its review of the entire record finds that development is not proposed within the floodplain; and

WHEREAS, pursuant to § 355-37(F), it is required that “the Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment;” and

WHEREAS, on May 11, 2016, the Town Board declared its intent to act as Lead Agency with respect to the environmental review of the proposed action pursuant to the State Environmental Quality Review Act (SEQRA) and adopted a resolution authorizing circulation of a Lead Agency Determination Notice and a copy of the application materials, including a copy of the Environmental Assessment Form, to all involved agencies for the project, and no agencies objected to the Town Board becoming the Lead Agency; and

WHEREAS, the Town Board has found that the proposed action is a Type I Action pursuant to SEQRA; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the proposed special permit use will not have a significant adverse effect on the environment; and

WHEREAS, the Town Board on July 13, 2016 adopted a Negative Declaration and found that the proposed action would not result in any significant adverse environmental impacts; and

NOW THEREFORE BE IT RESOLVED, that this special permit shall be deemed to authorize only the particular use of uses specified in the permit and shall expire if work is not initiated within one year from the date of issue, or if said use or uses shall cease for more than one year for any reason or if all required improvements are not completed within two years from the date of issue or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use; and

BE IT FURTHER RESOLVED, that the special permit be, and it hereby is, approved, subject to the conditions set forth below:

**Conditions:**

1. The Applicant shall obtain Planning Board site plan approval of the project.
2. The Applicant shall prepare a suitable landscape screening plan along NYS Route 120 to the satisfaction of the Planning Board.
3. The Applicant shall provide a plan for the operation and maintenance of the large-scale solar installation, including, but not limited to, measures for maintaining safe access to the installation, stormwater controls, landscaping, and adequate security as well as general procedures for operational maintenance of the installation to the satisfaction of the Planning Board.
4. The Applicant shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief as a condition of Planning Board site plan approval.
5. Compliance with all applicable local laws and ordinances of the Town of North Castle.