

**Town of Marbletown  
Stone Ridge, New York 12484  
Zoning Board of Appeals  
Monthly Meeting  
June 13, 2018**

**Minutes**

**Agenda:** Chairman Husta called the meeting to order at 7:10pm and read the Agenda into the record

Attendees:

- Present: Will Husta, Chair, Paris Perry, Vice Chair, Andrew Nilsen Tom Smiley
- Alternate Kathie Grambling, Alternate Kevin Frederick
- Absent: Brian Taylor

Consultants Present: Bonnie Franson

Announcements: None

Public Hearings:

Old Applications:

- Cypress Creek- large Solar Array at 2585 Route 209 R1 zoning tax map number 55.3-3-8.100

New Applications: None

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**Public Hearings: None**

**Old Business:**

- Cypress Creek/New beginnings large Solar array at 2585 Rte 209 R1 zoning tax map number 55.3-3-8.100  
Tom Smiley Point person

Brian Stumpf; Doug Warden, Esq. Tracy Ruger were present to represent the file

The Board reviewed the memo prepared by Bonnie Franson, Planner, a copy is attached to these minutes, with the Applicant and its Consultants. The Applicant will submit revisions addressing the outstanding items noted.

Determinations:

None

**Action Items:**

Kathie Grambling motioned to pay voucher for Planner Franson's work on Cypress Creek in the amount of \$67.50; Tom Smiley seconded the motion and was thereupon called to the following vote of the members assigned to the application:

Will Husta-Aye

061318 ZBA minutes

Paris Perry-Aye  
Andrew Nilsen-Aye  
Brian Taylor-Absent  
Tom Smiley-Absent  
Kathie Grambling-Aye  
Kevin Frederick-Aye

The motion having been made, seconded and voted upon was approved/denied by 5 ayes; 0 nays; 0 abstentions; and 2 absent.

**Official Actions – Close:**

**Paris Perry** motioned to **adjourn the meeting**. **Kevin Frederick** seconded the motion that was thereupon called to the following vote:

Will Husta-Aye  
Paris Perry-Aye  
Brian Taylor-Absent  
Tom Smiley-Aye  
Andrew Nilsen-Absent  
Kevin Frederick  
Kathie Grambling-Aye

**Motion carried by a vote of 5 ayes, 0 nays, 0 abstentions and 2 absence**

**Meeting adjourned at 9:50pm.**

Respectfully Submitted,

Maggie Colan, Secretary



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**To:** Will Husta, Chairman  
Marbletown Zoning Board of Appeals

**From:** Bonnie Franson, AICP CEP, PP

**Re:** **New Beginnings Solar, LLC Special Use Permit and Plan – SEQRA Review**

**Date:** 6/13/2018

**cc:** Maggie Colan, ZBA Secretary

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The following has been submitted by the applicant:

- CCR Application Update letter, dated June 5, 2018;
- CCR Response Letter to NP&V comments, dated June 5, 2018;
- Sound Study – Project Specific Narrative (undated) to be appended to Study of Acoustic and EMF Levels from Solar Photovoltaic Projects located in Massachusetts, prepared for Massachusetts Clean Energy Center, undated;
- Visibility Assessment, prepared by TRC, updated June 2018;
- Solar Glare Hazard Analysis Report Explanation, undated with GlareGauge Glare Analysis Results prepared by Forge Solar, dated May 16, 2018.

The above referenced materials for the proposed New Beginnings Solar, LLC (Cypress Creek Renewables), solar installation have been reviewed and the following comments are raised.

The Applicant has indicated that it is updating the site layout in response to updated topography and the stormwater infrastructure question (within the 50-foot setback), as well as addressing the deed overlap, and is preparing a revised site plan of the project for the meeting on the 13th to discuss corresponding project changes. It is unclear whether the plan will also incorporate the additional mitigations outlined in the responses.

1. EAF and Site Plan. The applicant will need to transmit the updated EAF to the ZBA as per the previous NP&V comment letter. In addition, a revised site plan is being provided at the June 13, 2018 meeting. Thus, we are unaware of what revisions are being made.
2. Fire access. Has the ZBA received input from the fire department? No response had been provided as of June 5, 2018.
3. Geotechnical investigations. The Applicant would need to return to the ZBA if blasting is proposed. Additional information regarding impacts associated with rock grinding have not been provided.

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4. Archaeological report. The Applicant was to provide an updated report and obtain a sign off from the State Historic Preservation Office (SHPO). This has not been received, to our knowledge. Note that the Cultural Resource study in the SWPPP indicates that approximately 17 acres were examined as part of the Potential Area of Effect (APE). However, the total area of disturbance as per the EAF is 24.8 acres – the discrepancy needs to be addressed with SHPO.
5. Glare analysis. Based on the additional narrative that the Applicant submitted, the Applicant proposes to mitigate potential glare impacts. Specifically, the study states: *“In order to help mitigate the potential for low intensity glare within the yellow range, Cypress Creek is considering our options to further buffer the site at sensitive areas in order to filter glare from the surrounding receptor points.*
  - *At Observation Points 2 and 5, the SGHAT indicates potential for low intensity glare in two small peaks between March-April and September-October. This glare also is concentrated towards the northern 200 feet of the project area. (BF Note: the yellow glare is nominal compared with the other points listed below)*
  - *At Observation Points 3 and 8, the SGHAT indicates potential for low intensity glare in two more significant peaks between March-May and August-September. This glare also is concentrated towards the northern 500 feet of the project area.*
  - *At Observation Points 4, 6, and 7, the SGHAT indicates potential for low intensity glare, at different levels, constantly, from March to October. This glare is dispersed across the project area.*

The Applicant has not submitted any proposed mitigation measures. If additional screening is proposed, it needs to be incorporated into the site plan.

6. Noise analysis. The Applicant has provided additional information regarding the distance of the inverters from the nearest sensitive receptors. In our opinion, the study is not directly relevant, as the inverters are located above most of the receptors, while in the study area, the land was flat – noise will travel differently. However, given the great distances to the residential receptors and the trail from the inverters, the conclusion that noise should not pose a significant adverse impact seems reasonable.
7. Visibility Assessment. The assessment, for the most part, follows NYSDEC methodology, and is a much improved analysis. We note the following:
  - The report states that “visibility line of sight analysis herein is only provided for the Town of Marbletown.” This is contrary to the requirements of SEQRA, which requires an evaluation of significant adverse impacts regardless of the community within which they may occur. However, based on a review of the listed resources, those which would be of concern are within Marbletown, as the other locations outside Marbletown are distant from the project site.
  - VP1 is not representative, as it was taken from the center of the solar array, rather than at the edges. It will give the sense that the dwellings are much further than they actually are. That is why line of sight profiles were requested.
  - Clearly, the solar array will be most visible from the rail trail. Other views will be primarily obscured, given intervening vegetation, especially the coniferous trees situated around the dwellings and between same and the solar array. The Planning Board will need to determine what mitigation, if any, should be provided between the trail and solar array.

8. Ecological Report. It was our understanding that the Applicant was putting together a comprehensive ecological report. Also, the Applicant was to specifically determine whether a hibernacula is located on site, as per the information provided in the wetland report. As mentioned previously, the NYSDEC Natural Heritage Program responses only indicate what species “may” be present, and the letter is not to be substituted for on-site surveys. Although it was suggested that species were identified during the wetland delineation process, information is not provided in the wetland report. Finally, with regard to the Bald Eagle, the Applicant should contact NYSDEC directly and at this time to make a final determination as to potential impacts, if any.