



SAVING THE LAND THAT MATTERS MOST

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By email: MarlboroughPlanning@marlboroughny.us

Mr. Chris Brand and Members of the Planning Board
Town of Marlborough
21 Milton Turnpike, Suite 200
PO Box 305
Milton, NY 12547

Re: Milton Turnpike Solar Farm

Dear Mr. Brand and Members of the Planning Board:

Scenic Hudson is following up on our statement at the January 22nd Planning Board meeting to address a few issues that were raised by the applicant. First, we want to reiterate that Scenic Hudson supports the rapid deployment of solar facilities throughout New York State. While first priority should be given to rooftop solar and facilities on disturbed lands and brownfield sites, we believe that the need to shift to renewable sources is so great that development on many greenfield sites is needed to meet New York's renewable energy goals.

In order for the Planning Board make a Determination of Significance under SEQRA , more information is needed, including visual analysis, a glare analysis, scope of grading required, and an alternatives analysis with financial feasibility. Once that information is provided, the Planning Board can take the requisite hard look and make its reasoned conclusion based on substantial evidence.

AVOIDING AN ADVERSE EFFECT ON THE VIEW FROM LOCUST GROVE

Reconfiguring 10-15% of the solar panels to avoid visual impact

According to the visual simulations submitted by the applicant, approximately 10-15% of the proposed panels are visible aligned down the narrow "keyhole" view corridor of Locust Grove, a National Historic Landmark. According to the National Park Service, National Historic Landmarks are historic places that hold national significance and are designated by the Secretary of the Interior because of their exceptional ability to illustrate U.S. heritage. While 90,000 places in the U.S. are listed on the National Register of Historic Places, only 2,500 are designated as National Historic Landmarks—and New York boasts fewer than 300.

Based on our review of the applicant's visual simulations, these panels would result in a significant adverse visual impact on the public view from Locust Grove. Avoiding this visual impact should always be the first goal in such a case. As we indicated in our January 22nd statement, our staff reviewed the site plan and found that it would be possible to relocate these panels farther to the south. This minor reconfiguration would avoid the adverse visual impact. Additionally, based on the site plan and aerial photos this alternative layout may provide other benefits, including avoiding construction on steep slopes, clearing fewer trees, and potentially lower construction costs.

The applicant indicated this layout was considered but rejected it because the panels would likely be visible from the Aldrich residence, as well as the home of a neighbor. We believe that visual impact on these private views could be addressed if topography were to allow a vegetated buffer to screen the panels from view. It should be noted that since Mr. Aldrich stands to benefit by lease payments for solar facility, he should bear some responsibility for avoiding impact on the public view from Locust Grove and, if necessary, providing the plantings needed to screen the panels from private views, including those from his own home and his neighbor.

Scaled-back project as an alternative

Alternately, we suggested that the project could be scaled back to avoid siting panels within the Locust Grove viewshed. At the meeting the applicant stated that scaling back the project by 10-15% may jeopardize its financial viability. If the applicant determines that removing from the project the panels visible from Locust Grove is not possible, a financial feasibility analysis should be provided to the Planning Board.

Glint and Glare Analysis should be required

At the Planning Board meeting the applicant seemed to downplay the need for a glint and glare analysis, stating that glint and glare are only issues when viewed from the east or west and during the winter months when the sun angle is low. The subject site is just 16 degrees south of west from Locust Grove, a west-southwest to east-northeast orientation that we believe warrants an analysis in order to determine the potential for glint and glare in the historic viewshed.

If the project advances as currently configured, we reiterate the need for a glint and glare analysis to ensure that under different lighting conditions the solar panels will produce glint and glare that would adversely impact the view from Locust Grove.

Other intrusions in the viewshed do not obviate the need to avoid impact in this instance

Also at the meeting, the applicant's presentation characterized Locust Grove's view as being dominated by the Sportsdome. While the Sportsdome is indeed in the view, it is the only visual intrusion. Scenic Hudson believes that the presence of the Sportsdome should not obviate the need for the Planning Board to take appropriate steps to ensure that additional adverse impacts of other future development, including the solar facility, are not introduced into this important view. The topography and steep slopes on the eastern portion of the site offer no potential for using vegetation to buffer these panels from the National Historic Landmark's view. Therefore we see the reconfiguration of solar panels as a straightforward solution that avoids a significant adverse visual impact. Alternately, as stated above, these panels could be removed from the project.

SPDES Permit requires coordination with NYS Historic Preservation Office

The EAF indicates that a NYSDEC State Pollutant Discharge Elimination System (SPDES) Permit is required for this application. Therefore, coordination with the New York State Historic Preservation Office (SHPO) is required to ensure the project will not have an adverse effect on historic and cultural resources, including views from Locust Grove, a National Historic Landmark.

CLEAR CUTTING AND CARBON SEQUESTRATION LOSS

While the 2.6MW project would help reduce our reliance on carbon-based fossil fuels and avoid greenhouse gas emissions, this benefit would be diminished to some extent by the loss of 14 acres of carbon-sequestering woodlands.



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We previously requested that the Planning Board require an analysis comparing the loss of the carbon sequestration capacity of the 14 acres of clearcut forest vs. the carbon offsets provided by the renewable energy generated over the life of the project. We believe it would be helpful for the Planning Board to understand the scope of the project's benefits with respect to addressing impacts of climate change when assessing the benefits and impacts of the project.

The applicant indicated that they are familiar with US EPA calculators that typically find there is a 3:1 benefit of solar panels over woodlands. We believe that a statement such as this would have to take into consideration certain assumptions, such as the site's location, slope and aspect, and maturity and type of vegetation found on the site, into account. Given this, we reiterate our request that the Planning Board require such a study.

GRADING AND SITE WORK

According to the EAF, much of the solar facility would be developed on fairly steep slopes: 0-10% slopes (20% of the site); 10-15% slopes (60% of the site); and 15-20% slopes (20% of the site). However the EAF does not indicate the extent to which site grading is necessary to construct the facility. Does this mean that no grading will be conducted on the site?

SEQRA

Since the solar farm is a non-residential project that would alter more than 10 acres, the application is considered a Type 1 Action, which presumes the need for an Environmental Impact Statement (EIS). As the Lead Agency in this SEQRA review, the Planning Board is obligated to gather the information necessary to make a reasonable determination as to whether the action may have significant environmental impacts. If the Planning Board determines the project would have a significant adverse impact on the environment, a Positive Declaration would be issued and an EIS would be required. If, on the other hand, the applicant can provide the Planning Board substantive evidence—including a site plan that avoids adverse impacts—that demonstrates a significant adverse environmental impact would not result, a negative declaration would end the SEQRA process.

Given this, a glint and glare study, more information about the extent to which grading is required, and understanding the extent to which reductions in greenhouse gas emissions would be offset by the loss of 14 acres of carbon sequestering trees is necessary to provide the Planning Board the substantial evidence it needs to make a Determination of Significance.

Summary

In summary, given its steep slopes, eastward-facing aspect and tree-covered hillside, the Milton Turnpike site poses certain challenges for the responsible development of a solar facility.

First and foremost, we urge the Planning Board and applicant to work together to relocate the solar panels at the northwestern part of the site to a location to the south that would avoid visual impact on Locust Grove. If this is not possible, removal of these panels from the plan should be considered. If this would render the project financially infeasible, this should be substantiated with information for the Planning Board's consideration. Either way, a glint and glare analysis should be conducted to ensure the visual simulations provide an accurate and worst-case scenario of the view from Locust Grove. The Planning Board should also require a carbon sequestration analysis to understand whether the loss of nearly 14 acres of trees on the site would offset the renewable energy project's carbon benefits.



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Finally, given that a SPDES Permit is required for this application, coordination with SHPO is required to ensure the project will not have an adverse effect on historic and cultural resources, including views from Locust Grove, a National Historic Landmark.

As stated earlier, Scenic Hudson supports the rapid deployment of solar facilities as necessary in meeting New York State's aggressive renewable energy goals. We hope that by making this adjustment to the site plan and taking these precautions, the parcel can be developed in a way that generates renewable energy without undue impacts on the environment and community.

Thank you.

Jeffrey Anzevino
Director of Land Use Advocacy

Cc John Bonafide, NYS Historic Preservation Office