



December 28, 2020

Missy Sossler, Zoning Board of Appeals Secretary

**Town of Wallkill, Zoning Board of Appeals**

99 Tower Drive – Bldg A

Middletown, NY 10941

**RE: Site Plan Application**

**Ground Mounted PV System**

**207-217 King Road**

**Wallkill, NY 10941**

Dear Ms. Sossler:

During the December 14<sup>th</sup>, 2020 ZBA meeting, members requested modification of the site plan to include a 1000' foot solar setback for the project and a narrative regarding the request for the variances and the justification therein. Please find the updated site plans attached to this submission and the requested narrative below.

Narrative:

Area Variances Requested:

Zoning Code SS 294-114 A.3

**For any parcel of property that is primarily clear of brush, trees and other screening vegetation, no fencing shall be closer than 1,000 feet from any road. Notwithstanding the foregoing, if there is sufficient vegetation and/or topography that will result in appropriate screening, as determined by the Planning Board, the required setback may be reduced from 1,000 feet to 500 feet.**

PV Engineers is requesting this variance for the setback to be reduced from 1000' from King Road to 731' from King Road.

PV Engineers reasoning for requesting said variance: While this project is predominantly well screened from King Road there is a small portion of the site which given the existing site condition would be visible from King Road. PV Engineers and Borrego Solar have determined that a proposed vegetative buffer will predominantly shield this visible area at the time of construction and nearly entirely conceal the solar array after the first year of growth. While the planning board is agreeable to this approach they felt that the existing definition does not explicitly allow proposed screening as a means of reducing this buffer and that allowing proposed vegetation to be included by right would not meet the intent of the regulation and thus requested that the project acquire a variance for this impact.

Zoning Code SS 294-114 B

**Solar farms and solar plants cannot exceed 15 acres of property. No greater than 15% of a parcel of property will be permitted for use as a solar farm or solar power plant. This restriction shall apply to**

**all residential zones. Notwithstanding the foregoing, two or more property owners may enter into appropriate agreements to form a contiguous aggregate parcel of property for the purposes of the development of a solar farm or solar power plant, provided that said combined parcel does not exceed 15 acres in the aggregate.**

PV Engineers is requesting this variance to allow a solar system lot coverage of 16.2% from 15% and 22.1 Acres from 15 Acres.

PV Engineers reasoning for requesting said variance: To develop a community solar power generation facility in New York one must be able to propose a project that is profitable within the market and subsidy constraints that are a reality in this state. There is a base cost to construct these facilities that does not fluctuate with the megawatt output of the project which must be offset by the revenue generated from the solar output of the facility; these items include civil construction, interconnection fees, cost of infrastructure upgrades, permitting, etc.. In a state that has seen reduced incentives for solar it has been recognized that the size of these sites must increase to bear the financial burden of the base cost of construction in an effort to meet New York's renewable energy goals and thus in 2018 New York increased the definition of "Community Solar" from a 2 MW AC facility to 5 MW AC facility. It was during the working session meeting with the Town of Wallkill Planning department that it was discussed that the intent of the zoning regulation was to allow community solar power generation facilities but to disallow larger utility scale solar facilities; unfortunately, at the time of the solar codes implementation (May 6, 2016) the community solar size definition required a substantially smaller footprint. PV Engineers and Borrego Solar feel that the project as proposed fits within the intent of the zoning code which was to allow community solar projects on a parcel that was large enough that the solar facility was not a predominant feature of said parcel.

The attached materials are as follows:

- 10 – SUP (Full Size 24x26) Updated 12/23/2020
- 10 – Cover Letter with ZBA Variance Narrative

We trust this information is sufficient for your use but if there are any other materials the board deems useful or necessary, please let me know and we will furnish that information ASAP.

Very truly yours,  
PV Engineers, P.C.

A handwritten signature in black ink, appearing to read "ReJean DeVaux", is enclosed within a hand-drawn oval. Below the signature, the name and title are printed.

ReJean DeVaux  
Civil Engineer