

Town of Ossining (Westchester County, New York)
Application for Planning Board

A copy of this form accompanied by a \$350.00 Filing Fee, Escrow Deposit as outlined on the Town fee schedule, 10 Copies and 1 PDF of an accurate intelligible plan of the property. This must be submitted to the Planning Board Secretary on the specified submission date prior to the regularly scheduled meeting (see Calendar).

I, (We) Ecogy New York II LLC

Address 9 Binney Ln

Old Greenwich, CT 06870

Phone Number 718-304-0945 ext 2 Email projectmanagement@ecogyenergy.com

Request a Planning Board Hearing for:

Preliminary Site Plan Review

Architectural Review

Site Plan Approval

Conditional Use Permit

Rezoning Application

Subdivision Approval

Filling and Grading Permit

Wetland Approval

Location of Property 75 Ryder Rd, Ossining, NY 10562

Section 90 Plate 06 Block 1 Lot(s) 1

Present Zoning R - 40

Purpose of Hearing: Ecogy petitions the Planning Board to designate tax lot 90.06-1-1, 75 Ryder Road, as a floating zone for solar and to amend the zoning text height requirement. Ecogy requests Site Plan Approval from the Planning Board for the proposed solar canopy system at said location.

Date: 8/5/2020

DocuSigned by:
John Bertuzzi
Signature of Applicant

Note: The applicant is responsible for complying with all rules and regulations with respect to filing of final subdivision plats with the Westchester County Clerk.

Submission Checklist:

- Application Form & Plans (10) & (1) PDF File**
- Environmental Form (EAF)**
- Fees, Section 200-51**
- Property Owner Authorization**

Permitting Application by Ecogy New York II LLC for Construction of a Canopy Solar System at 75 Ryder Road

Solar Energy System Details

Location: 75 Ryder Road, Ossining, NY 10562 (Zone R-40 one-family residence district)

Type of System: Canopy system over paved parking lot

Size: 666 kW AC

The proposed solar system is a Community Solar project interconnected with Con Edison's distribution grid.

Contact Information

System Owner and Applicant:

Ecogy New York II LLC

c/o Ecogy Energy

Attn: John Bertuzzi and Julia Magliozzo

67 West St. Suite 232, Brooklyn, NY 11222

Email: projectmanagement@ecogyenergy.com

Phone: 718-304-0945

Property Owner:

Catholic Foreign Mission Society of America Inc.

Attn: Rev. Edward Phillips

85 Ryder Road, Ossining, NY 10562

Email: CFO@maryknoll.org

Phone: 914-941-7590 ext 2428

By signing below, the Property Owner consents to the application by Applicant and System Owner for the installation and operation of a solar energy system on the property at 75 Ryder Road.

SYSTEM OWNER AND APPLICANT

DocuSigned by:

59B6A7A3E78D427...

Name: John Bertuzzi

Date: 4/21/2020

PROPERTY OWNER



Name: EDWARD PHILLIPS

Date: 4-21-2020

**Permitting Application by Ecogy New York II LLC for
Construction of a Canopy Solar System at 75 Ryder Road
Executive Summary and Contents**

Ecogy respectfully submits this permitting application to the Ossining Planning Board for review of the proposed solar canopy project at 75 Ryder Road. The application contains

- (1) A proposed height amendment to Chapter 200-31.3 Solar Energy Systems of the Town of Ossining Code.
- (2) A narrative for the project, including a request to designate a floating zone for the solar project and a description of how the project meets the requirements of the Town of Ossining Code as it pertains to solar energy systems.
- (3) A Memorandum regarding a zoning analysis from John Hamilton to Town Board dated July 27 2020.
- (4) A Short Environmental Assessment Form for the project at the site.
- (5) A Site Plan showing the proposed locations of the solar canopies and associated equipment as required for interconnection with Con Edison.

Proposed Height Amendment to Chapter 200-31.3
Solar Energy Systems of the Town of Ossining Code

Ecogy Energy, as a solar developer working on solar projects in the Town of Ossining, has reviewed the Town of Ossining Code as it applies to Solar Energy Systems and commends the Town for its fair and encouraging approach to solar development. With this proposed Height Amendment, Ecogy Energy hopes to further expand the possibilities of beneficial solar development in the Town of Ossining while continuing to support the favorable land-use practices promoted by the Town Code.

The subject of this Height Amendment is Table 3 of the Solar Energy Systems chapter of the Town Code, which is referenced in Solar Energy Systems Section I.(3). The Section states “Tier 3 solar energy systems shall comply with the height limitations in Table 3 herein”, which defines the maximum height of Tier 3 solar systems to be 15 feet.

The definitions of solar energy systems as provided in the Code include canopy solar energy systems in Tier 3, since such canopy solar energy systems are not defined separately from a ground-mounted solar energy system. However, the Town of Ossining Solar Energy System Pilot Law does differentiate between canopy and ground-mounted solar energy systems: in the Solar Energy System PILOT Law a canopy solar energy system is a “canopy that is placed exclusively over Impervious Surfaces or surfaces without vegetation that are used as parking lots”. Further, in a Memorandum dated July 27, 2020 from John Hamilton to the Town Board, it was determined that the proposed canopy solar system is not ground-mounted and, thus, we believe canopy solar energy systems should be treated separately from ground-mounted systems by the Code.

Given the inclusion of canopy solar energy systems in Tier 3, the height limitations of 15 feet are currently applied to canopy solar energy systems. However, in Ecogy’s experience as a developer of solar canopy systems, 15 feet is too low to allow proper clearance beneath the canopy solar energy system. While the low end of the canopy may be 14 feet above the ground, due to the tilt of the canopy, the high end of the canopy is above 15 feet. Note that a low end clearance of 14 ft is required for fire trucks and other emergency vehicle passage beneath the canopy. Therefore, for safety reasons, the canopy solar energy system must be taller than 15 feet.

As was done in the Solar Energy Systems PILOT Law to allow a distinction for canopy solar energy systems, so too should the Town Code Solar Energy Systems chapter adopt a distinction in Table 3, as referenced in Solar Energy Systems Section I.(3), to allow for a taller height limitation for canopy solar energy systems. The same definition can be applied: a canopy solar energy system is a “canopy that is placed exclusively over Impervious Surfaces or surfaces without vegetation that are used as parking lots”. The height limitation for such a canopy system should be 25 feet.

Allowing for additional height specifically for canopy solar energy systems will ensure the canopies are tall enough for the safe passage of all vehicles beneath them, including emergency vehicles that are typically 13.5 feet or taller, while still maintaining the beneficial land use of developing solar energy systems over already paved surfaces.

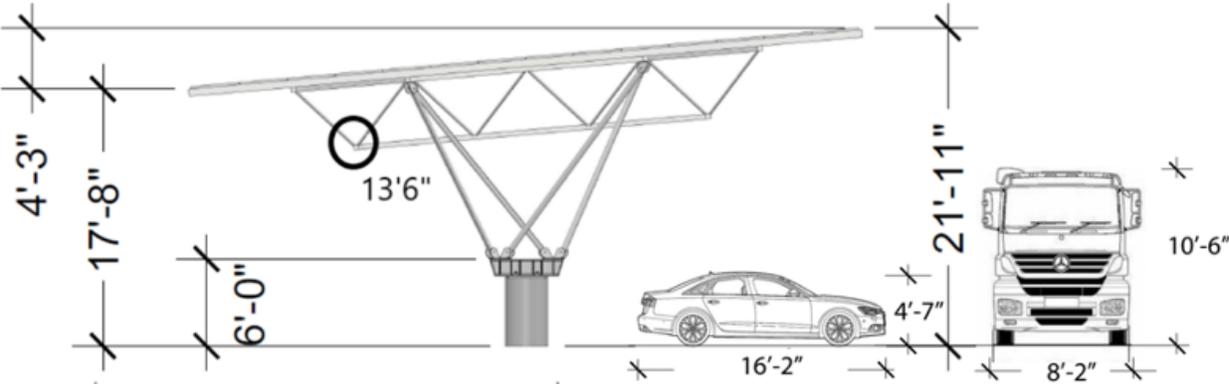


Figure A: This diagram shows a side profile of a typical canopy system in which the lower side is approximately 13’6” tilting to a higher height to accommodate tractor trailer and emergency vehicle access.

As such, Ecogy Energy recommends Amending Table 3 of the Solar Energy Systems chapter of the Ossining Town Code to include an exception to the Tier 3 height limitations of 25 feet for any canopy solar energy system that is placed exclusively over Impervious Surfaces or surfaces without vegetation that are used as parking lots.

Ecogy Energy Maryknoll Solar Project Narrative

The proposed Ecogy Energy Maryknoll Solar Project is a 666 kW AC solar canopy system over two parking lots at 75 Ryder Road, Ossining. The project was developed by Ecogy Energy for Maryknoll Fathers and Brothers as a community solar project, which will allow businesses and residents of Ossining to subscribe to the solar generation and receive discounted solar electricity credits on their Con Edison utility bills. The project has already been approved by Con Edison for interconnection.

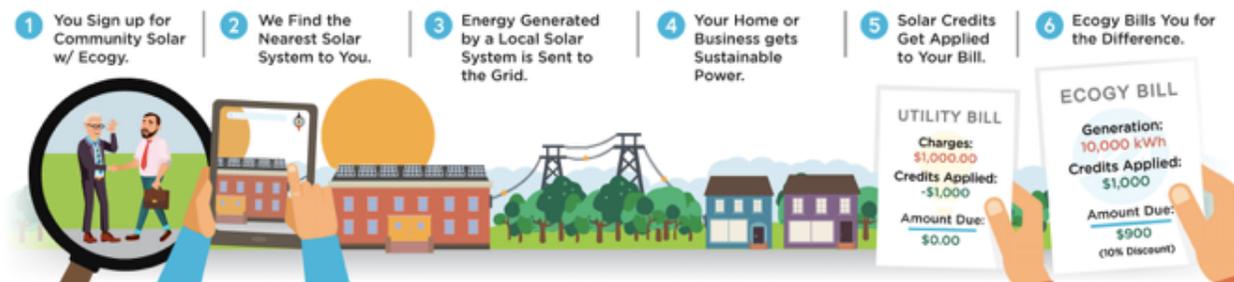


Figure B: This diagram shows the mechanics of Community Solar in the State of New York. Subscribers get allocated bill credits and are charged a certain % of the amount of the bill credits - thereby savings local community members on their energy bills and increasing solar access to renters and apartment dwellers.

In addition to the monetary benefits brought by the solar project, Ecogy believes the proposed solar canopy system is an excellent example of favorable land use for solar development. By designing the solar system on canopies over existing parking lots, Ecogy is avoiding the use of green land that could serve other purposes, such as agriculture or public parks. Further, the installation of the solar canopies does not alter the use of the existing parking lots. Finally, the canopies provide an added amenity to those who use them by creating covered parking.

Of course, the benefits of this solar project also extend to the environment and in meeting New Yorks' Reforming the Energy Vision 2030 Renewable Energy Goals. The proposed system will generate approximately 1,100 MWh of clean, renewable energy every year and over 26,193,000 kWh over its lifetime, which represents significant environmental benefits as shown below.

Est. Annual Production: 1,100,000 kWh | Est. Lifetime Production: 26,193,000 kWh*

This is equivalent to the CO2 emissions from:

-  **2,083,886 Gallons of gasoline consumed**
-  **42,877 Barrels of oil consumed**
-  **3,135 Homes' electricity use for one year**



This is equivalent to Carbon sequestered by:

-  **306,224 Tree seedlings grown for 10 years**
-  **24,186 Acres of US forests in one year**
-  **125 Acres of US forests preserved from conversion to cropland in one year**



Source: EPA Greenhouse Gas Equivalencies Calculator
<https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator> | *Includes 0.5% Annual Panel Degradation

Figure C: This graphic shows the estimated environmental benefits of the proposed canopy solar energy system over its lifetime (25 years).

Ecogy also recognizes the importance of respecting the goals and character of the Town of Ossining. For this reason, we are respectfully submitting this proposed solar project for Planning Board review pursuant to the Solar Energy Systems chapter of the Ossining Town Code (the “Solar Code”). Below are a few key points that we feel we must address from the Solar Code as it pertains to this proposed solar project.

First, per the Solar Code, Ecogy’s proposed solar project is a Tier 3 solar energy system.

Second, Ecogy petitions the Planning Board to designate tax lot 90.06-1-1 with an address of 75 Ryder Road, Ossining, NY 10562 as a floating zone for solar and to amend the zoning map accordingly. Currently, the lot is zoned as an R-40 one-family residence district, which is eligible to be a floating zone for Tier 3 solar systems per the Solar Code. This solar project, being a canopy solar system over a paved parking lot, is favored by the Solar Code for creation of a floating zone as outlined in Solar Code Section G.(2).

Third, pursuant to Section I.(1) of the Solar Code, the lot is larger than 4 acres, which is the required size for a Tier 3 solar energy system in a one-family residence district. Further, the proposed solar project complies with the setbacks as required by Section I.(2) and as evidenced by the Memorandum dated July 27, 2020 from John Hamilton to the Town Board.



Figure D: Shows approximate distance from Ryder Road to the nearest Canopy Solar Energy System.

Fourth, if the Height Amendment to the Solar Code is passed, then the proposed solar project will adhere to the height requirements of Section I.(3) and Table 3 of the Solar Code.

Fifth, to address Section I.(4) Screening and Visibility, Ecology wishes to note the distance of the proposed solar canopies from the road as well as the existing trees that screen the parking lot when viewed from the road. Ecology believes the existing screening is sufficient to prevent visual impacts by the solar canopies on the adjacent public road and neighboring properties. Ecology also guided the Town Board through a site visit to verify the screening is sufficient and received a verbal approval of such from the Town Board. For this reason, Ecology will not submit a screening and landscaping plan. Further, Ecology will not provide a vegetation management plan as outlined in Section I.(16) given that the solar canopies will be installed over an existing paved parking lot and will not displace existing vegetation.

Sixth, tree removal for installation of the proposed solar project will be limited to the removal of one or two trees (dependent on Con Edison requirements) along the driveway on the north side of the parking lots. Per Section D.(5), Ecology has chosen to place all electrical lines underground, thus no other trees will be removed from the property. However, Con Edison will install poles and wires above ground and will require the removal of trees.



Figure E: This image shows the entrance to Maryknoll Fathers & Brothers facing West towards the parking lot. As can be seen, the existing screening is sufficient to prevent visual impacts from the installation of the solar canopies.

Seventh, LED lighting will be installed beneath the solar canopies and shall not be visible from abutting properties, pursuant to Section I.(8) of the Solar Code.

Eighth, though the area beneath Tier 3 solar systems is included in the calculation of lot coverage per Section I.(11), the use of the lot and the area beneath the solar canopies is not altered by the installation of the solar canopies. Thus, Ecology believes the change in lot coverage has no effect on the existing or future use of those areas of the lot for parking.

Ninth, Ecology will comply with Section I.(12) requirements for a Security in the amount of \$25,000 in a cash deposit upon approval of the proposed solar project by the Town.

Tenth, Ecology will comply with all other requirements as outlined in the Ossining Solar Code.

Ecology thanks you for your consideration of the proposed Maryknoll Solar Project and hopes to receive all Town approvals as required by the Ossining Solar Code to be permitted to construct the solar canopies at 75 Ryder Road.



TOWN OF OSSINING
BUILDING DEPARTMENT
OSSINING OPERATIONS CENTER
101 ROUTE 9A, P.O. BOX 1166
OSSINING, NY 10562
(914) 762-8419 FAX (914) 290-4656 (E-FAX)

Memorandum

To: Dana Levenberg, Town Supervisor
Town Board Members

From: John Hamilton

Date: July 27, 2020

RE: 75 Ryder Road – Solar Farm Application

I received an email copy of the site plan for the above property. I reviewed the plan and found it is in zoning compliance with the setbacks for the R-40 Residential Zone in which it is located. The required setbacks and actual setbacks are listed below:

<u>Required</u>		<u>Actual</u>
1 Side Yard	20 Feet	35 Feet
Both Side Yards	42 Feet	459 Feet
Rear Yard	38 Feet	860 Feet
Front Yard	40 Feet	260 Feet

Additionally, I was asked to determine if this could be considered a ground mounted system. The definition of a ground mounted system in the zoning code states:

"A solar energy system that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for on-site or off-site consumption. As defined herein, ground-mounted solar energy systems do not include solar collector/lighting systems.

The information supplied to the building department is the system will be installed on a roof that will be created over the existing parking lot. The system will not be on freestanding poles, but mounted directly to the roof. Based on this information we do not consider this a ground mounted system. There will be other requirements that need to be met that will be addressed with the planning board and during the building permit process and review.

Cc: Town Counsel
Town Planner
Town Engineer
File

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

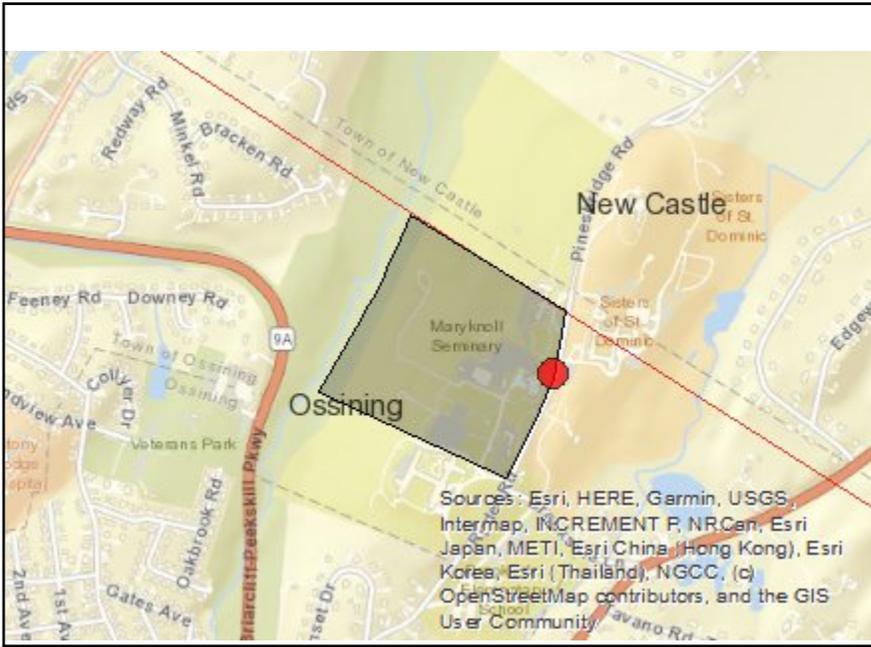
<u>Part 1 – Project and Sponsor Information</u>			
Name of Action or Project: Ecogy Maryknoll Community Solar Canopy			
Project Location (describe, and attach a location map): 75 Ryder Rd. Ossining, NY 10562			
Brief Description of Proposed Action: Ecogy Solar LLC as the Contractor and Builder for its Customer, Ecogy New York II LLC, proposes to install six solar photovoltaic canopies on the parking lot at 75 Ryder Rd. The solar project will consist of solar canopies on two existing paved parking lots, installation of two pad-mounted utility transformers, each near one of the existing paved parking lots, new buried conduit between the transformers and from the location of the Northern transformer to a new utility pole, overhead service from the new utility pole to a second utility pole on the property, and interconnection of the solar system to the electric grid on an existing Con Edison utility pole across Ryder Road. Ecogy New York II LLC has entered into a site lease for the parking lots and other relevant areas of the property as required for installation of the solar photovoltaic system with the property owner.			
Name of Applicant or Sponsor: Ecogy Solar LLC d.b.a. Ecogy Energy		Telephone: 718-304-0945	
		E-Mail: projectmanagement@ecogyenergy.com	
Address: 9 Binney Lane			
City/PO: Old Greenwich		State: CT	Zip Code: 06870
1. <u>Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</u>		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>Does the proposed action require a permit, approval or funding from any other government Agency?</u>		NO	YES
If Yes, list agency(s) name and permit or approval: Town of Ossining Conditional Use Permit, Site Plan Approval, and Building Permit		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. <u>Total acreage of the site of the proposed action?</u>		_____ 46 acres	
b. <u>Total acreage to be physically disturbed?</u>		_____ 1.2 acres	
c. <u>Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</u>		_____ 2.5 acres	
4. <u>Check all land uses that occur on, are adjoining or near the proposed action:</u>			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. <u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. <u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. <u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u> Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, If Yes, identify: <u>Date:1-31-90</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. <u>Does the proposed action meet or exceed the state energy code requirements?</u> If the proposed action will exceed requirements, describe design features and technologies: The proposed action is the installation of a solar energy system, which will generate clean electricity.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. <u>Will the proposed action connect to an existing public/private water supply?</u> If No, describe method for providing potable water: _____ No potable water is required for the solar energy system.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. <u>Will the proposed action connect to existing wastewater utilities?</u> If No, describe method for providing wastewater treatment: _____ No wastewater treatment is required for the solar energy system.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. <u>Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. <u>Identify the typical habitat types that occur on, or are likely to be found on the project site</u> Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. <u>Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</u>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. <u>Is the project site located in the 100-year flood plan?</u>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. <u>Will the proposed action create storm water discharge, either from point or non-point sources?</u> If Yes, <ul style="list-style-type: none"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. <u>Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?</u> If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. <u>Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</u> If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. <u>Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</u> If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>John Bertuzzi</u> Date: <u>5/7/2020</u></p> <p>DocuSigned by: <u>Signature</u> <u>John Bertuzzi</u> Title: <u>CEO</u></p> <p><small>59B6A7A3E78D427...</small></p>		

EAF Mapper Summary Report

Tuesday, May 05, 2020 4:45 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No