

May 31, 2024

Town of Florida
Zoning Board
214 Fort Hunter Rd
Amsterdam, NY 12010

RE: SEP Amsterdam Solar Project – 1225 NY-5S – Appeals Applications

Dear Zoning Board Chairman:

Please find enclosed 3 separate Zoning Board Appeal Applications for the proposed solar installation at 1225 NY-5S, Amsterdam, NY 12010. The Town Board requested that we submit for review of these three items at the May 20th meeting.

Application 1 – Variance Request for 500-foot property line setbacks per 45.5.C.2.a

Application 2 – Variance Request for 200-foot wetland and stream setbacks per 45.5.C.2.a

Application 3 – Review of proposed project to determine if a Variance will be needed under 45.5.C.2.d

Please advise if additional documents are required and we will provide them as soon as possible.

Very truly yours,

Solar Liberty Energy Systems, Inc.



Carter Powell
Senior Project Manager
Email: cpowell@solarliberty.com
Phone: 716.634.3780 ext. 109

APPLICATION TO BOARD OF APPEALS
TOWN OF FLORIDA, MONTGOMERY COUNTY, NY
(page one of two)

Appeal number _____ Date _____

To: ZONING BOARD OF APPEALS of the TOWN OF FLORIDA,
MONTGOMERY COUNTY, NEW YORK

I/We Carter Powell
PRINT (Name/s of applicant)

6500 Sheridan Dr., Suite 120
(Address)

(Mailing address - if different)

Erie County
(Municipality)

Buffalo, NY 14221
(State, Zip)

Hereby appeal to the ZONING BOARD OF APPEALS

Decision of the ZONING ENFORCEMENT OFFICER Dated _____

- Grant Deny
- A Permit for us
- A Permit for Occupancy

1. Location of property 1225 NY-5S, Amsterdam, NY 12010

2. Nearest Intersection NY-5S and Cleveland Ave
Distance and direction 575-feet west

3. PROVISION OF ZONING ORDINANCE APPEALED Article VIII Section 45.5
Sub-Section and paragraph C.2.a
(do not quote the Ordinance)

4. Appeal is made herewith for
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 Special permit under the Zoning Ordinance
 Variance to the Zoning Ordinance

5. Previous appeal. A previous appeal N/A (has/has not/not applicable-NA) been made
with respect to this decision of the Zoning Enforcement Officer with respect to this property.

In the form of:
 A requested Interpretation
 A requested Special Permit
 A requested Variance
and was (were) made in:

Appeal number _____ Dated _____
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APPLICATION TO BOARD OF APPEALS
TOWN OF FLORIDA, MONTGOMERY COUNTY, NY
(Page two of two)

6. Reason for appeal:

(complete relevant blank, use extra sheet if needed)

A. Interpretation of the Zoning Ordinance or Map is requested because

B. A Special Permit under the Zoning Ordinance is requested for because

C. A Variance to the Zoning Ordinance is requested because a strict application of the Ordinance would produce undo hardship for these reason:

(1) There is no reasonable return for the land because:

(2) The hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district:

(3) The Variance would observe the spirit of the Ordinance and would not change the Character of the district because:

See attached sheet.

Signature

Date

Application 45.5.C.2.a – Part 1

Reason 6.C.3

The Variance would observe the spirit of the Ordinance and would not change the Character of the district because:

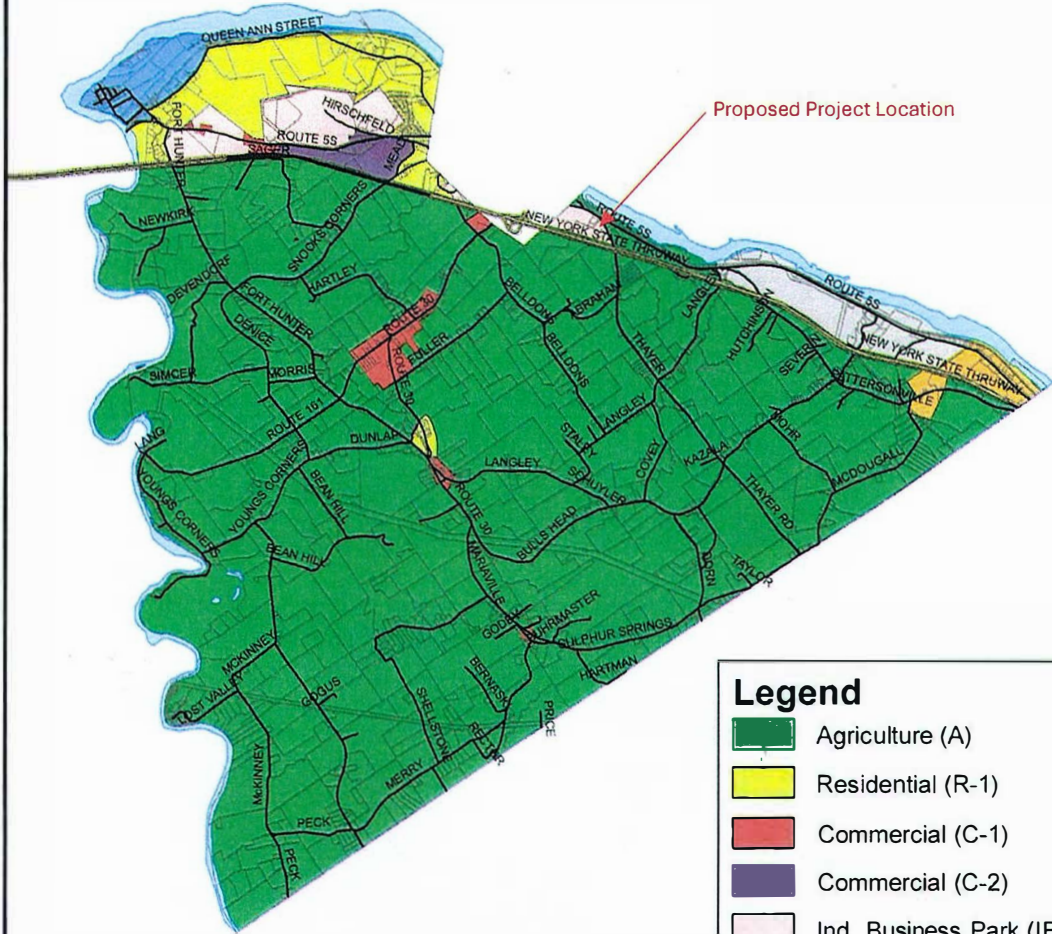
The parcel to the east is vacant farmland owned by the previous owner of the parcel where the solar project is proposed; the parcels to the west include the county waste transfer station and a private storage facility. Directly south of the site is the New York State Thruway.

As this property is zoned Industrial Business Park (IBP) we do not believe the proposed solar installation will result in an adverse impact on the surrounding properties if the Town were to grant the requested variance to the 500-foot setback requirement.

Per Article V Section 11, any number of other principle use structures or facilities could be erected on this property, including assembly plants, auto repair shops, tool and die shops and distribution centers, that would be less aesthetically pleasing, generate more noise and waste, and pose a greater pollution risk to surrounding wetlands and streams.

A non-polluting, relatively quiet solar array that will continue to support both plant life and wildlife within the site for decades to come presents itself as a preferred use case for an IBP zoned parcel.

MONTGOMERY COUNTY, NEW YORK

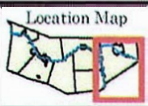


Legend

- Agriculture (A)
- Residential (R-1)
- Commercial (C-1)
- Commercial (C-2)
- Ind. Business Park (IBP)
- Natural Products (NP)
- Res. Mobile Home (R-M)
- Historic (H)
- NYS Thruway
- Roads



MAP IS INTENDED FOR GENERAL PLANNING PURPOSES ONLY.



Town of Florida Zoning Map

Source:
Montgomery
County
GIS

Montgomery County
Department of Economic
Development & Planning
9 Park St., P.O. Box 1500
Fonda, NY 12068-1500



SEP Amsterdam City Visual Impact Assessment

Facility Description

The Facility will include ground-mounted, fixed-tilt solar panel arrays, concrete equipment pad, perimeter fencing. It will be secured within fence surrounding the solar panels and equipment and can be accessed via gates located off the proposed access route.

The Facility will include the following site features:

- ~ 4,706 PV Panels
- Area within fence- 6.16 Acres.
- Seven (7)-foot Agricultural Fence
- Underground conduit and wires
- One (1) Transformer Pad

The Facility will produce electricity delivered to National Grid's local distribution system utilizing existing lines within the facility's footprint. Interconnection to National Grid's system will include both underground and overhead wires along with new utility poles located on the Property.

The solar PV modules will be installed on fixed metal racking structures secured to the ground utilizing direct push/driven pile foundations. Direct Current (DC) wiring with the Facility will be secured behind the modules, collected at a common point and transition underground at the end of each PV row where wiring will be connected to inverters.

From the inverters, AC wiring will run underground until a point where it will be combined via an equipment and transformer pad. From this pad, AC wiring will continue to a series of utility poles on the Property with equipment necessary for connecting to National Grid's system.

Visual Impact Assessment

Aerial Views: Aerial View of System location highlighted in Figure 1 below.



Figure 1: Aerial View

Solar Panels & Racking:

The project area has slopes ranging from 2 - 15%. Panels are facing south. Placing the panels in this manner uses the natural topography and existing vegetation to block the majority of views of the site from vantage points.

Solar panels will be installed at a 20° angle, facing in a southerly direction. The leading edge of each panel will be approximately 3 feet from the finished grade. The back edge will be 9 feet from finished grade. The figures below show the mounting systems being proposed for this project.



Figure 2 – Front View of Mounted Solar Panels



Figure 3 – Side View of Mounted Solar Panels

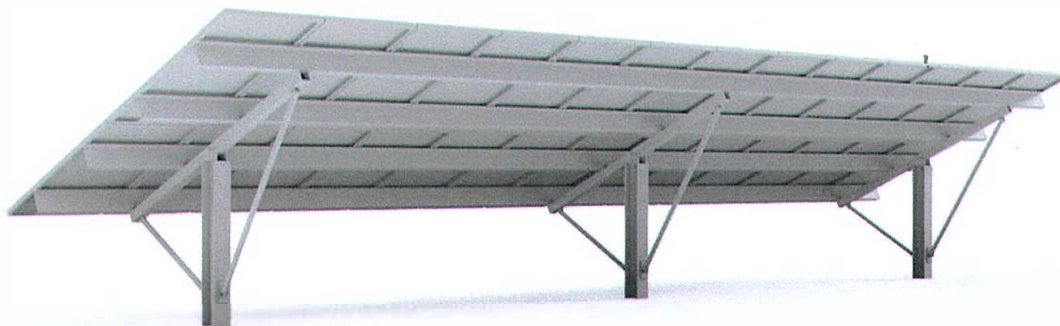


Figure 4 – Isometric Rear View of Mounted Solar Panels

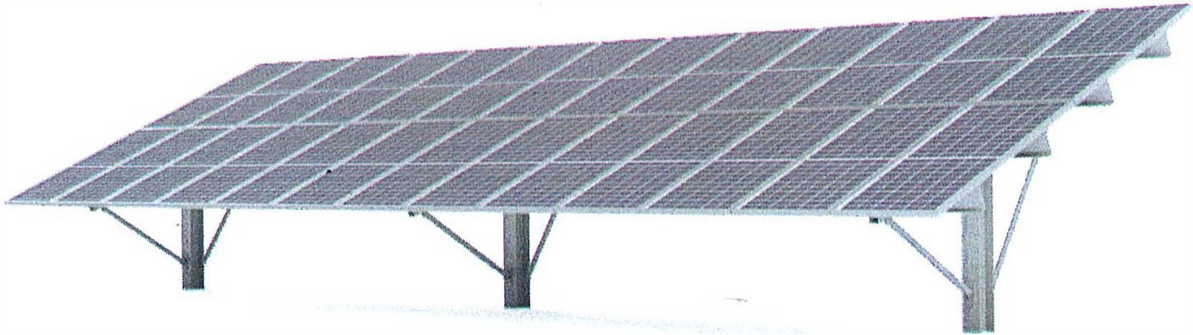
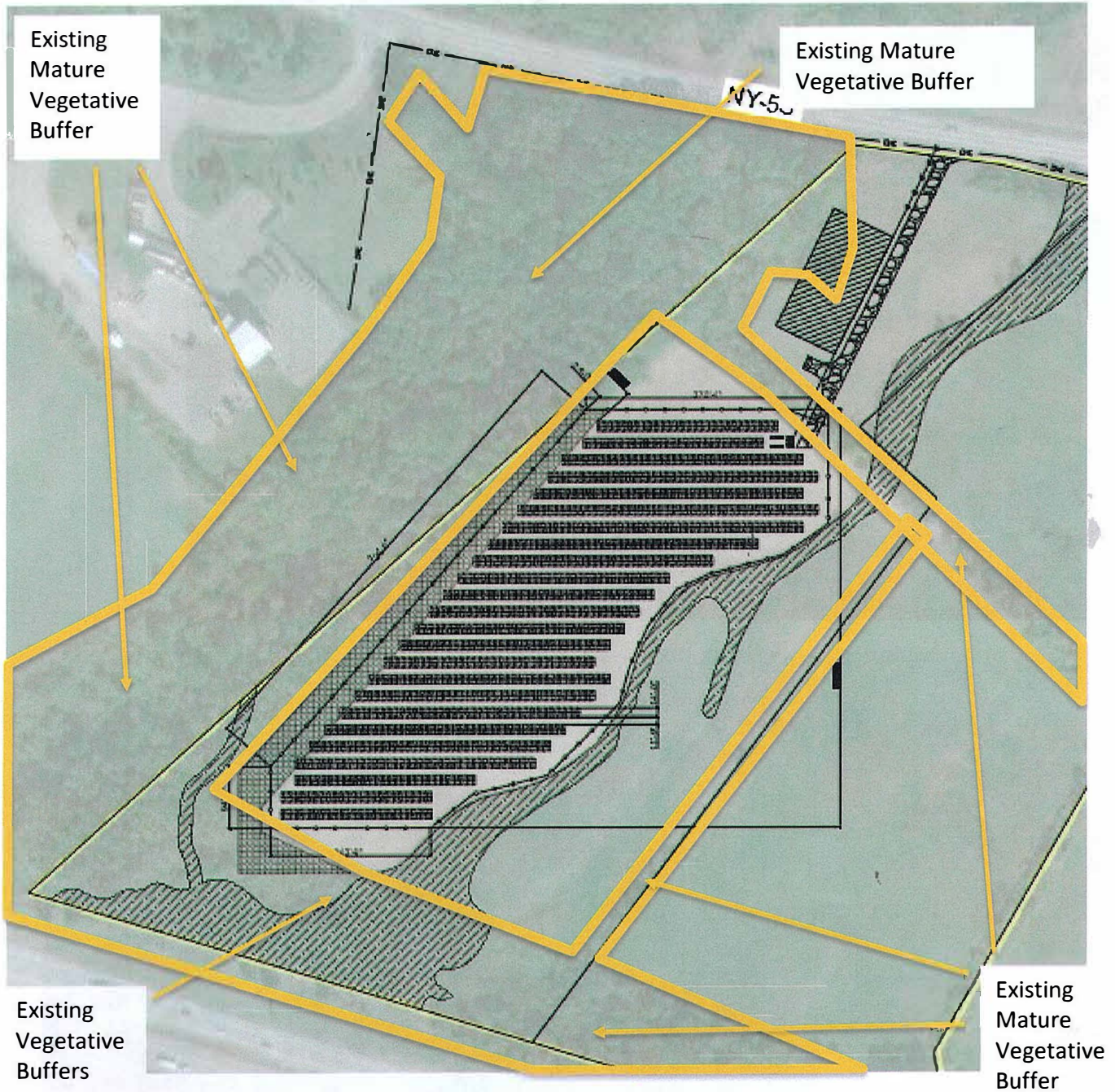


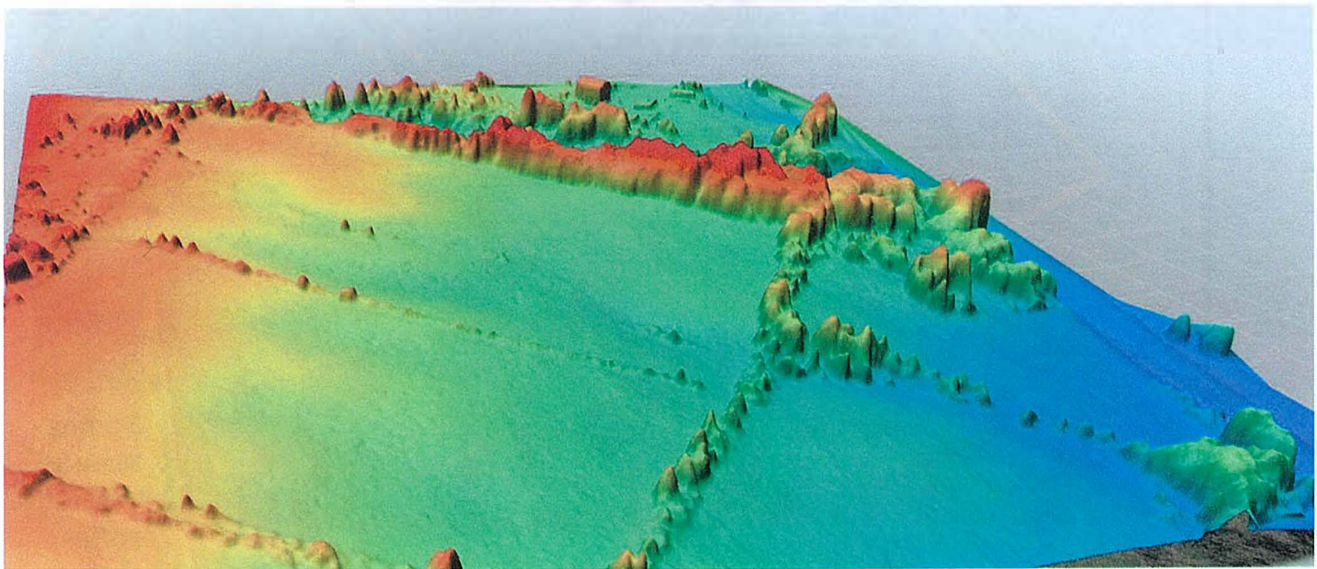
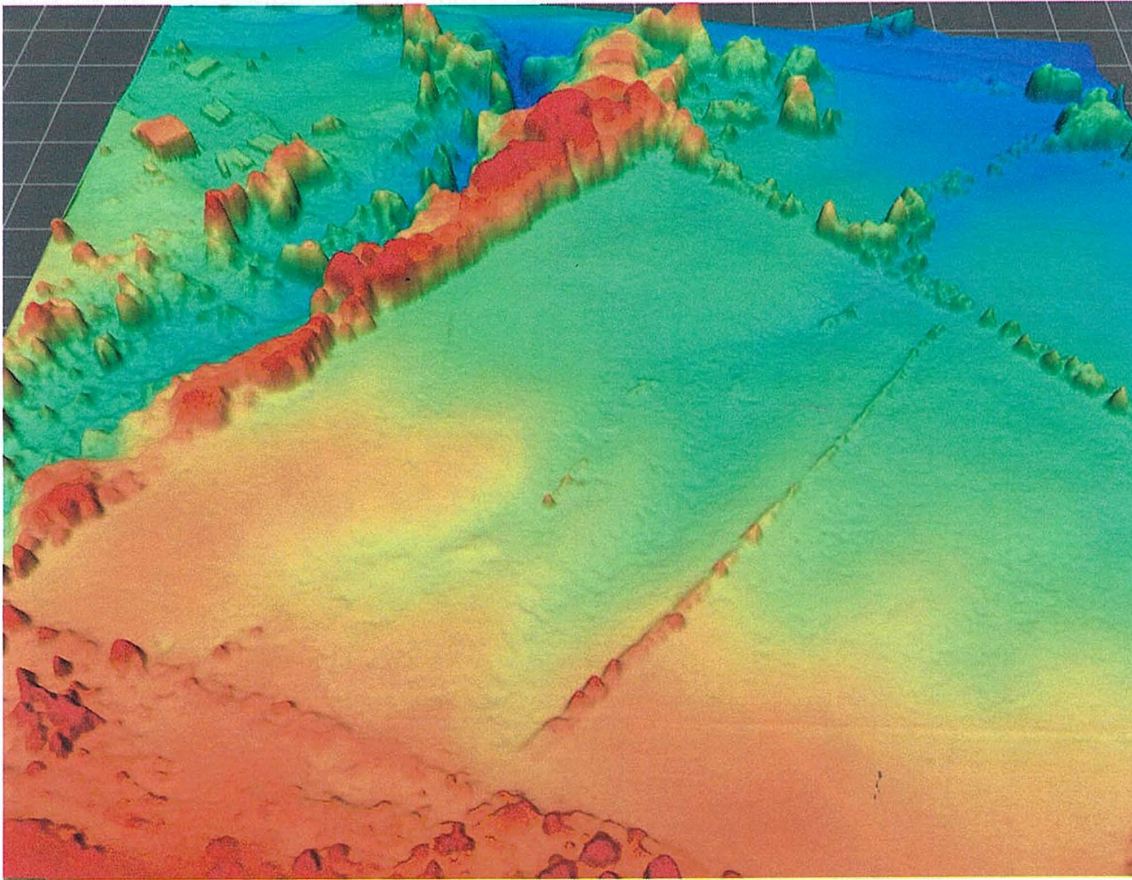
Figure 5 – Isometric Front View of Solar Panels

Vegetated Buffers:

The project site as designed, is situated on an area of the property that takes advantage best the existing vegetation of mature trees, brush, and topography to buffer views.



Topography Across Parcel via LIDAR:



Visual Impact

The project will have limited visual impact from the proposed solar project. As such, the following review outlines the impact topography and vegetation has on the visual impact of the solar project from several sample locations. Each location below is reviewed against the topography of the project location. The scale outline's location of the view point, vegetation and solar arrays. The topography data and graphs utilize USGS National Mapping Services: <https://apps.nationalmap.gov/viewer/>





Person 6'



Buffer



Buffer

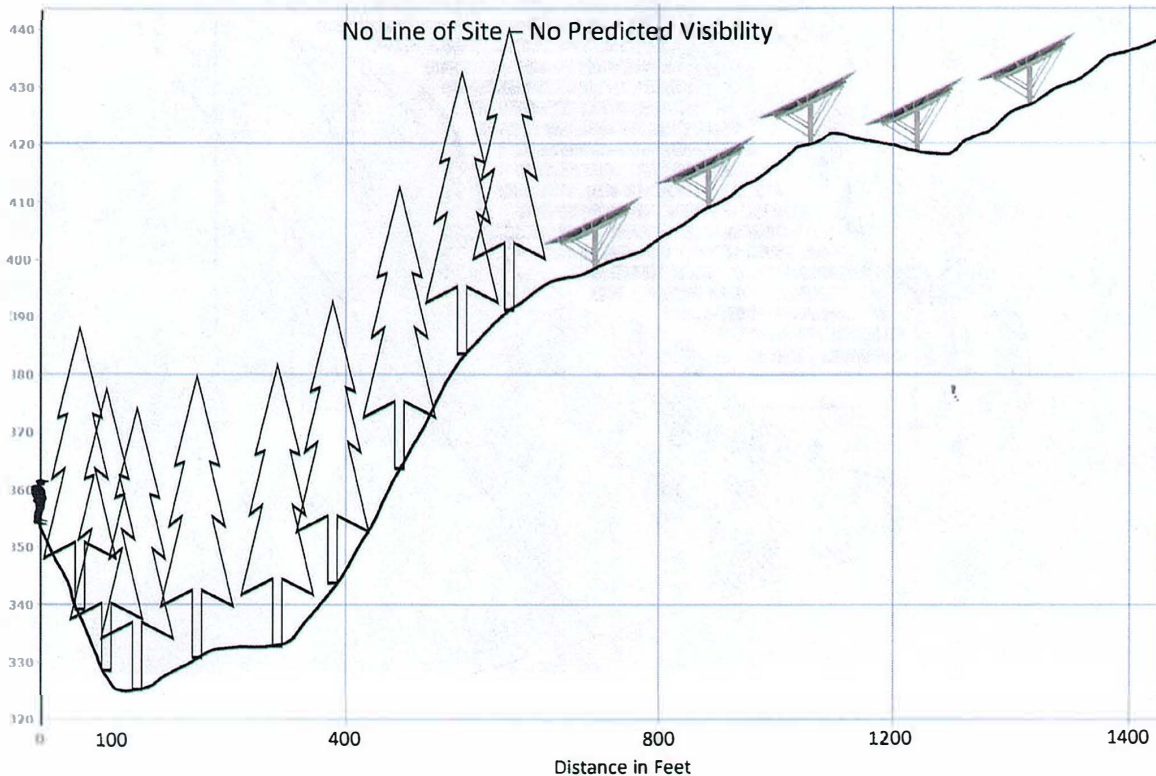


Array

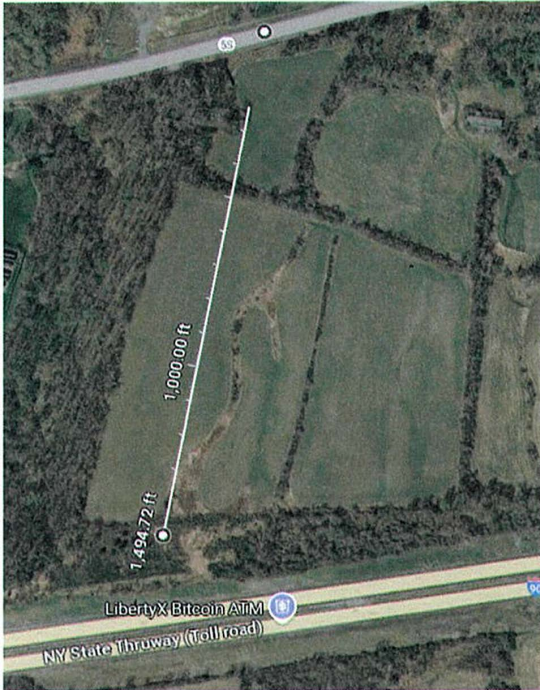
Visual Point 1



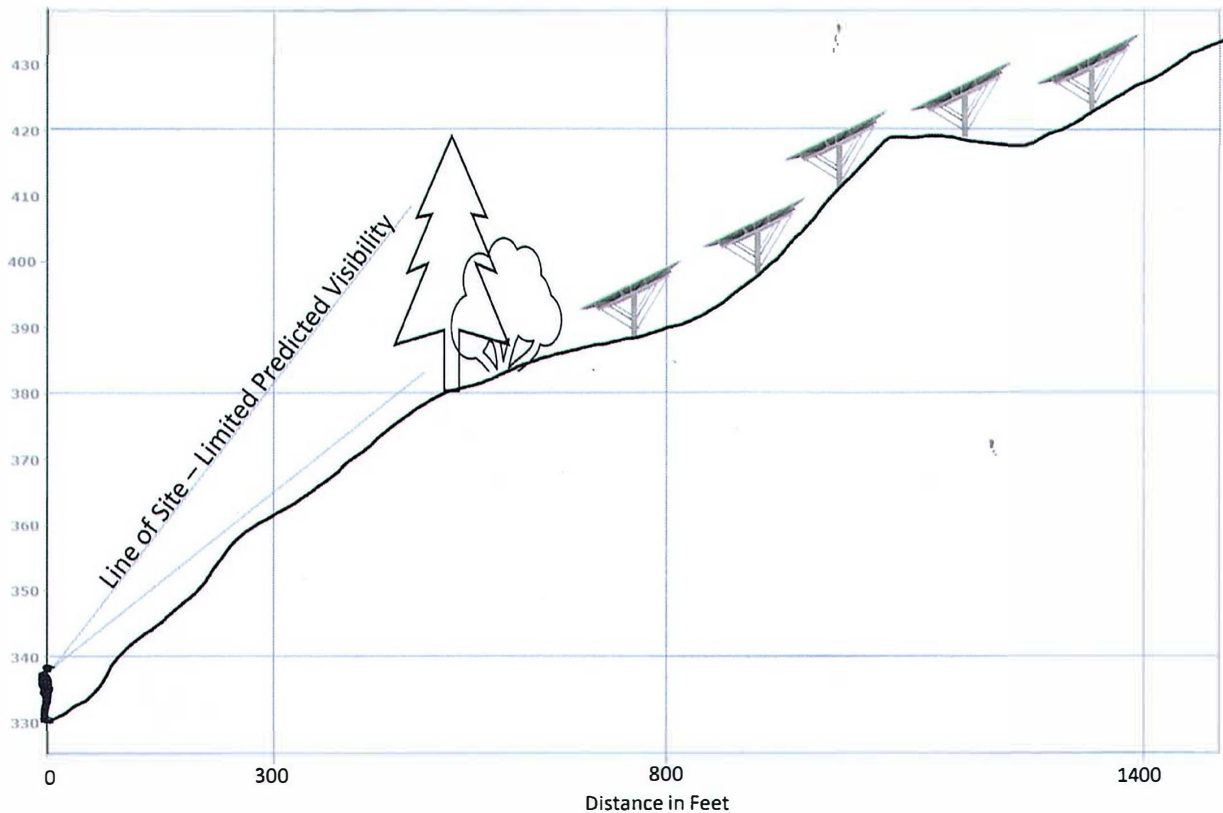
Based upon our evaluation, visual point 1 will not be impacted by the solar array given the existing vegetation and topography of the land.



Visual Point 2



Based upon our evaluation, visual point 2 will not be impacted by the solar array given the existing vegetation and topography of the land.

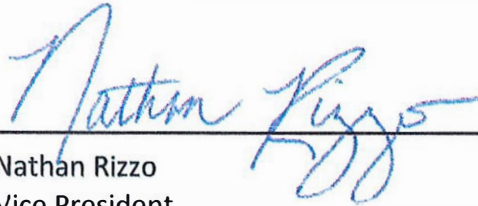


OVERALL VISUAL IMPACT

The SEP Amsterdam Solar Project is sited in a way that will take full advantage of natural topography and existing vegetative buffers to shield the site views.

Existing vegetative buffers surrounding the project location will minimize any views. Solar Liberty is willing to discuss this analysis with the Town and Planning Board. Should any updates be required, or portions of the project require screening, Solar Liberty will work with the Town to mitigate any concerns.

Sincerely,
Solar Energy Systems, Inc.



Nathan Rizzo
Vice President

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(3) The Variance would observe the spirit of the Ordinance and would not change the Character of the district because:

See attached sheet.

Signature

Date

Application 45.5.C.2.a – Part 2

Reason 6.C.3

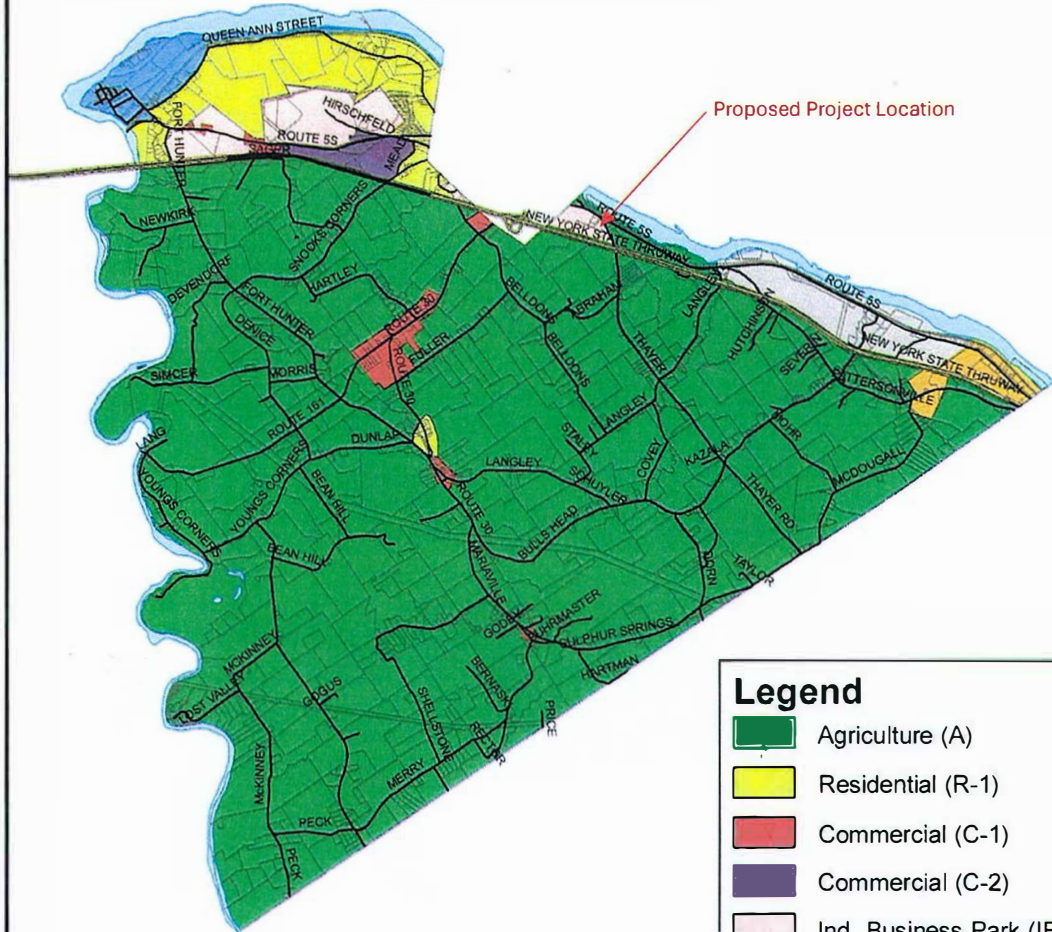
The Variance would observe the spirit of the Ordinance and would not change the Character of the district because:

As this property is zoned Industrial Business Park (IBP) we do not believe the proposed solar installation will result in an adverse impact on non-jurisdictional Wetland A, and Streams A and B, if the Town were to grant the requested variance to the 200-foot setback requirement.

Per Article V Section 11, any number of other principle use structures or facilities could be erected on this property, including assembly plants, auto repair shops, tool and die shops and distribution centers, that would pose a greater pollution risk to surrounding wetlands and streams.

A non-polluting, relatively quiet solar array that will continue to support both plant life and wildlife within the site for decades to come presents itself as a preferred use case for an IBP zoned parcel containing streams and wetlands.

MONTGOMERY COUNTY, NEW YORK

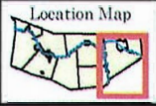


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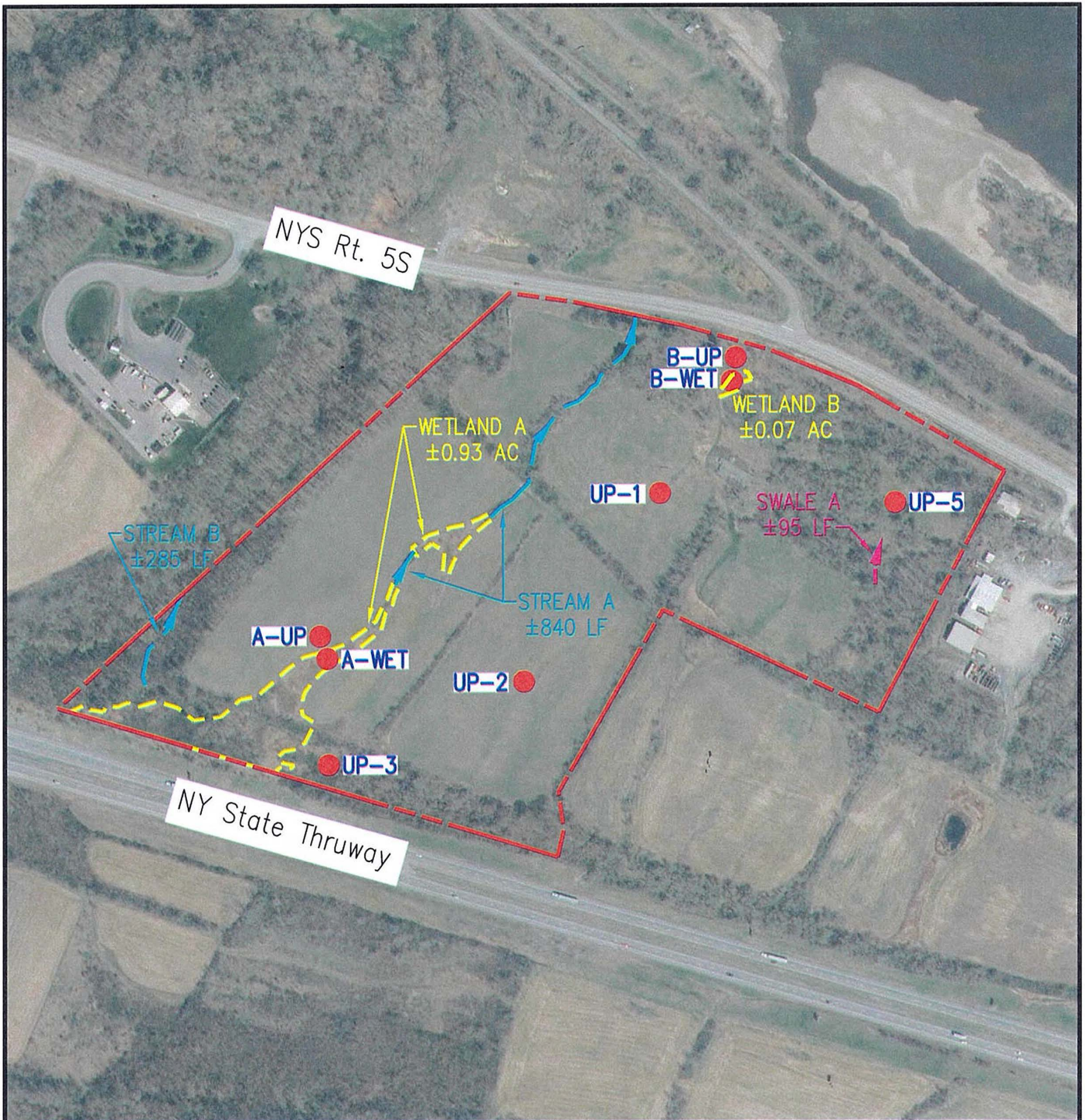


Town of Florida Zoning Map

Source:
Montgomery
County
GIS

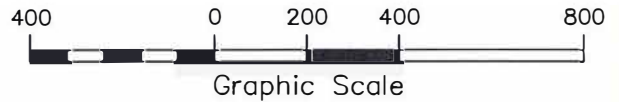
Montgomery County
Department of Economic
Development & Planning
9 Park St., P.O. Box 1500
Fonda, NY 12068-1500

M
MONTGOMERY
amb February 2016



- Site Boundary
- Intermittent Stream
- Delineated Wetland
- Ephemeral Swale

UP-1 ●
Data Sampling Point



Date: 10/16/2023

Project #: 2089-139

BME
ASSOCIATES

Solar Liberty Amsterdam
Aerial Wetland Delineation
Town of Florida, Montgomery County, New York
P:\2089-139\Drawings\Prelim\2089-139 Wetland Exhibits Base.dwg



Scale:
1" = 400'

Exhibit 6

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Signature

Date

Application 45.5.C.2.d

Reason 6.A

Interpretation of the Zoning Ordinance or Map is requested because:

An analysis of the site topography indicates two small areas where slopes are between 11 and 15 degrees. We have relocated portions of the array that were originally shown in these areas and are requesting confirmation that the array is in compliance with the code section.

