

TOWN OF HOOSICK ZONING BOARD OF APPEALS

REGULAR MEETING

January 2, 2024

RESOLUTION ADOPTING A NEGATIVE DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING THE HAWTHORN SOLAR, LLC SOLAR ENERGY SYSTEM

WHEREAS, Hawthorn Solar, LLC (a subsidiary of CS Energy, LLC) filed applications for special use permit, site plan, and area variances to construct, operate and maintain a solar energy system on 130 acres of land including a new 48,125-square-foot substation along Pine Valley Road and Fords Road within the Agricultural/Residential Zoning District; and

WHEREAS, the Hawthorn Solar proposed solar energy system project site is on lands of Dale Ford (Tax Map Parcel No. 36.-1-9.2) and Timothy and Brittany Marbot (Tax Map Parcel Nos. 36.-1-10.1, 36.-1-11.1, and 46.-1-10.11); and

WHEREAS, the Hawthorne Solar application materials included a Full Environmental Assessment Form (“FEAF”) pursuant to the New York State Environmental Quality Review Act (hereinafter “SEQRA”); and

WHEREAS, the Town of Hoosick Zoning Board of Appeals (hereinafter “Zoning Board”) determined to undertake a coordinated environmental impact review pursuant to SEQRA; and

WHEREAS, the Zoning Board served a notice of SEQRA lead agency coordination to all involved agencies concerning this action, indicating that it sought to be declared lead agency for this action; and

WHEREAS, following service of the notice of SEQRA lead agency coordination, no other involved agency objected to the Zoning Board serving as SEQRA lead agency for this action; and

WHEREAS, the Zoning Board declared itself lead agency pursuant to SEQRA through resolution at its August 7, 2023 meeting; and

WHEREAS, the Zoning Board, in consultation with its designated technical review consultant, reviewed all Hawthorn Solar application materials to determine completeness of the applications for purposes of holding a public hearing; and

WHEREAS, the Zoning Board determined such application materials to be complete and sought to hold a public hearing on such applications as required under the Town of Hoosick Land Use Regulations; and

WHEREAS, the Zoning Board, through resolution, scheduled a public hearing on such applications to be held at its meeting to be held September 5, 2023; and

WHEREAS, public notice of the public hearing, to be held September 5, 2023, was duly published, posted, and mailed by the Zoning Board in compliance with the requirements of the Town of Hoosick Land Use Regulations; and

WHEREAS, the Zoning Board held a public hearing on such applications on September 5, 2023, at which public comment on such applications was received; and

WHEREAS, the Zoning Board continued the public hearing on such applications on October 2, 2023, and accepted further public comment at that time; and

WHEREAS, the Zoning Board closed the public hearing on such applications on October 2, 2023, but established a 14-day period for submission of any additional written comments on such applications through and including October 16, 2023; and

WHEREAS, the 14-day period for written submission of any additional written comments on such applications ended on October 16, 2023; and

WHEREAS, additional written comments were received, considered by the Zoning Board, and provided to the applicant; and

WHEREAS, the Zoning Board required the applicant to respond to all public hearing comments and all written comments in writing; and

WHEREAS, the applicant thereafter submitted written responses to all public hearing comments and written comments; and

WHEREAS, the applicant reviewed its written responses to all public hearing comments and written comments at the Zoning Board's November 6, 2023 meeting; and

WHEREAS, the Zoning Board considered the applicant's written responses to the public comments and the applicant's presentation of the same at its November 6, 2023 meeting, and further deliberated on such applications at the November 6 meeting, including but not limited to the issues of screening and potential visual impacts; and

WHEREAS, the Zoning Board thereafter received and considered additional information from the applicant on tree planting species and a revised planting plan; and

WHEREAS, the Zoning Board has fully reviewed all application materials, including the site layout map and plan, the project narrative, the FEAF, all supporting technical information, public comments, agency comments, applicant responses to comments, and recommendation of the Rensselaer County Department of Economic Development and Planning, and has considered the comments of its designated technical review consultant; and

WHEREAS, the Zoning Board has reviewed and completed Part 2 and 3 of the FEAF for this action in form and content as attached hereto as Exhibit “A”; and

WHEREAS, the Zoning Board, as SEQRA Lead Agency, has identified no potential significant adverse environmental impacts resulting from such action requiring the preparation of an Environmental Impact Statement;

NOW, THEREFORE BE IT RESOLVED by the Zoning Board of Appeals of the Town of Hoosick in regular session duly convened as follows:

1. Pursuant to SEQRA and its implementing regulations at 6 NYCRR Part 617, the Town of Hoosick Zoning Board of Appeals, through a coordinated SEQRA review, hereby adopts a negative declaration with respect to the Hawthorne Solar, LLC action to construct, operate and maintain a solar energy system on 130 acres of land, including a new 48,125-square-foot substation, along Pine Valley Road and Fords Road, as set forth in Parts 2 and 3 of the FEAF in form and content as attached hereto as Exhibit “A” and incorporated by reference in full herein.

The foregoing Resolution, offered by _____ and seconded by _____, was duly put to a vote as follows:

MEMBER ZIEHM	VOTING _____
MEMBER BAILEY	VOTING _____
MEMBER PIRIE	VOTING _____
MEMBER SUSSMAN	VOTING _____
CHAIRMAN HOAG	VOTING _____

The foregoing Resolution was/was not thereupon declared duly adopted.

January 2, 2024