

Ulster County Planning Board



Dennis Doyle, Director

Rory Lee
Town of Ulster Planning Board
584 East Chester Ext.
Kingston, N.Y. 12401

RECOMMENDATION

REFERRAL NO: 2025-008
2025-009
DATE REVIEWED: 1/8/2025

Re: Lightstar Renewables – Special Permit and Site Plan Review

Summary

The applicant proposes constructing a 4.1 MW large-scale solar array with access from Tuttyenbridge Road split among the RC, R-60, and R-10 zoning districts. 42.8 acres of parcel is the project area, while 26.25 acres are proposed to be disturbed. Two hundred nine racks are proposed at 16' 6" in height at maximum tilt with a minimum spacing width between the rows of 25'.

Materials Submitted for Review:

- Referral Form
- Visual EAF and supporting info
- Photo Sims
- Full EAF
- SWPPP
- Plans
- Application
- Narrative
- Wetland Delineation Report
- Habitat Survey Report

Discussion

New York State has made it imperative to move to renewable energy. The siting of both large- and small-scale solar projects is common throughout the county, as a result, and to ensure that visual and other community character issues associated with the siting of solar facilities, every community in the County except the Town of Ulster has specific criteria in their zoning statutes to address the issues noted above. The Town of Ulster provides solar facilities in the use table but lacks criteria within the special permit section to guide the town through their review or to set the standards for project developers to follow. As noted in the Board's comments, the lack of specific solar regulations has resulted in a proposal that omits many of the critical requirements of large-scale solar regulations. With the likelihood of additional solar facilities likely to be proposed, now is the time for the Town to update its zoning statute with the inclusion of appropriate standards for the regulation of large-scale solar developments. We have shared several examples for the Town's consideration as part of this referral response.

Recommendation Advisory Comment

The Town should update its zoning statute to add appropriate standards to the special permit requirements for Solar Facilities in keeping with the attached examples from other towns as provided.

Recommendations

Buffers/Setbacks

The proposal uses the standard underlying zoning setbacks of the RC, R-10, and R-60 zoning districts the property straddles rather than proscribed setbacks and buffering requirements typically established for

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solar facilities. Most zoning statutes in the County require setbacks greater than 50', often more than 100', depending on adjacent land use type. In addition, these setback requirements are coupled with the need to include a vegetative (native species) visual buffer in these setbacks.

Required Modification

The Town should consider larger setbacks than proposed. Given the proximity of adjoining residents to the west of the site, the Town should move to place a clearing limit on all or portions of this area. Where needed to reduce visual impacts on adjoining, additional native species plantings should be required, with particular attention to the existing and proposed residential developments that adjoin the property. Furthermore, any fencing installed should be "wildlife-friendly" with adequate clearance to maintain migratory routes.

Maximum Size/Maximum Coverage/Maximum Clearcutting Allowed

Typical standards require sites to have a minimum of 20 acres for large-scale solar arrays with a maximum of 50% coverage incorporating the square footage of the arrays and a maximum amount of clearcutting to be allowed. The proposal calls for over 28 acres of disturbance, exceeding the requirements of a typical large-scale solar standard. Placing some arrays above the ridgeline creates challenges regarding slopes and access roads. In addition, this placement appears inconsistent with the Town's Comprehensive Plan, which calls for their protection and is also problematic to stormwater erosion and soil control.

Required Modification

Portions of the site are best left undisturbed. Such a reduction in scale would be more consistent with reducing clearcutting and ensuring consistency with the Town's Comprehensive Plan. In keeping with our comments on visual intrusion and reduced clearcutting, the Board recommends that the undeveloped portion of the site be placed into a conservation easement or other means of restriction.

Stormwater Monitoring/Maintenance

Given the grading that will occur as this site is developed, monitoring and inspections of the site's stormwater facilities and erosion and sediment control measures must occur both during construction and after the project's completion.

Required Modification

As a condition of approval, the Town's stormwater inspector should conduct regular site visits especially during clearing and grubbing operations to ensure the site remains compliant and that no unexpected stormwater seepages occur. The daily log must be available online on the Town's website for public viewing. The town may wish to hire an environmental monitor during the clearing and grubbing operations. A "NY Pollinator Habitat Seed Mix" or a comparable seed mix designed for the site that does not use turf grass and avoids non-native species should also be required.

Historic Impacts

The project has been identified as being in a historically sensitive area and requiring review from the State Historic Preservation Office (SHPO). No correspondence or letter of no impact has been submitted as part of this review package.

Required Modification

The applicant will need to coordinate with the SHPO. Documentation of correspondence will be required for review, and a letter of "no impact" will also be necessary as a condition of approval. Any archaeological surveys completed or required must also be submitted for review.

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Reviewing Officer

A handwritten signature in blue ink, appearing to read 'R. Leibowitz', with a long horizontal line extending to the right.

Robert A. Leibowitz, AICP
Principal Planner

Cc: Frank Almquist, UCPB