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PLANNING BOARD

MICHAEL H. McLAUGHLIN
Chairman
CAROLYN SARACINO
Planning Board Secretary

**TOWN OF MOUNT PLEASANT PLANNING BOARD
SITE PLAN DENIAL**

**CES HAWTHORNE SOLAR, LLC
GATE OF HEAVEN CEMETERY**

JANE ABBATE
JAMES COLLINS
PATSY FUCALE
JOAN LEDERMAN
GEORGE PAPPAS
JOHN PIAZZA

OCTOBER 7, 2021

APPLICANT:	CES HAWTHORNE SOLAR, LLC
APPLICATION #:	SP #19-14
LOCATION:	GATE OF HEAVEN CEMETERY, 10 STEVENS AVENUE WEST
ZONING DISTRICT:	R-20 ONE-FAMILY RESIDENCE ZONING DISTRICT
TAX DESIGNATION:	SECTION 112.17, BLOCK 1, LOT 20 AND SECTION 117.5, BLOCK 1, LOT 2
ENGINEER:	WHITMAN

WHEREAS, the Planning Board of the Town of Mount Pleasant, located in Westchester County, New York, has received an application for Site Plan Approval, submitted by CES Hawthorne Solar, LLC (herein after referred to as the "Applicant"); and

WHEREAS, the site is on the grounds of the Gate of Heaven Cemetery, 10 Stevens Avenue West, Valhalla, and is more specifically known and identified as Section 112.17, Block 1 Lot 20 and Section 117.5, Block 1, Lot 2 (herein after referred to as the "Site"); and

WHEREAS, the proposed action involves the installation of a 5.75-megawatt, direct current, ground mounted, photovoltaic solar panel array and related appurtenances

the proposed zoning amendment would not result in any significant adverse environmental impacts; and

WHEREAS, the documents submitted relative to the zoning amendment did not include full details of the site application; and

WHEREAS, after the Town Board amended the zoning code to permit ground mounted solar facilities as a Special Permitted Use based on certain conditions in the R-20 zone, the Planning Board has considered the Site Plan application, and all other materials submitted by the Applicant in support of this proposal, the comments of Town staff and consultants made via memoranda to the Planning Board (which memoranda are incorporated herein by reference), the verbal commentary made during the Planning Board's meetings pertaining to the review and evaluation of the proposed action, and the comments of the public;

NOW THEREFORE BE IT RESOLVED, that upon full consideration of the above, the Planning Board of the Town of Mount Pleasant hereby denies Site Plan Approval for Application #SP19-14 submitted by CES Hawthorne Solar, LLC, as described above, for the following reasons:

1. The Planning Board serving as Lead Agency for the SEQR review of the proposed zoning amendment, did not have in its possession all of the relevant facts and data that has been subsequently submitted in support of the site plan application, at the time of the adoption of the Negative Declaration.
2. The submission of additional documentation from the Applicant, review comments from staff and consultants, correspondence from various environmental organizations and comments from the public, have brought to light additional serious concerns about the Proposed Action.
3. The Proposed Action does not comply with the Purpose of the Zoning Code set forth in §218-1 I. to *"encourage the wise use and sound management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of land."*
4. The Planning Board finds that the Proposed Action does not comply with several Special Permit General Standards as set forth in §218-28; specifically:
 - The extensive size of the solar facility which requires the clear-cutting of approximately 26 acres of forested land, is not in harmony with the appropriate and orderly development of the R-20 zoning district.
 - The proposed solar facility results in a markedly different appearance than would the continued use and operation of the site as a cemetery, which may therefore hinder and discourage the appropriate development of adjacent lands and impair the value thereof.

Town of Mount Pleasant, when far more preferable alternative locations exist elsewhere in Town. Further, the size and scope of the Proposed Action is massive and the Applicant never proposed smaller alternatives.

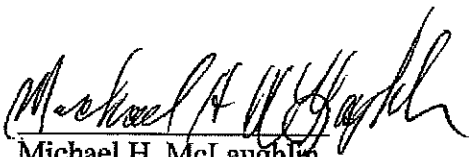
11. The Archdiocese of New York has operated the Gate of Heaven Cemetery for many years, and will continue to operate the Site as a cemetery in perpetuity. Absent the community solar facility, the Site will continue to operate as it does today, whether the community solar facility is installed or not. The Proposed Action therefore has no bearing on the continued lawful operation of the cemetery. The economic benefits to the owner of leasing the Site to the Applicant are not a factor in the Planning Board's decision.
12. The Proposed Action results in encroachments into regulated steep slopes. The Purpose and Intent of Chapter 180, Steep Slope Protection, is to prevent erosion and sedimentation, prevent habitat disturbance and water quality degradation, protect scenic views and vistas, preserve trees, areas of vegetation and wildlife habitat and minimizing the area of land disturbance related to site development. If land disturbance is necessary, that it be done in an environmentally sound manner. The clear-cutting of the forested site as proposed to accommodate the Proposed Action is inconsistent with these objectives.
13. There is no imperative to install the proposed solar facility at this location. The Planning Board has stated on numerous occasions that such a facility would be more appropriately located in an area that does not require the clear-cutting of an existing forest, such as within an existing parking lot, or on the roof-top of one of the many large commercial buildings in Town. The presumed beneficial financial lease arrangements for the Gate of Heaven Cemetery and the Applicant should not override the proper evaluation of alternatives or the prudent minimization of adverse impacts resulting from the clear-cutting of the on-site forest.
14. The wetland delineation and analysis were restricted to on-site wetlands. No assessment of vernal pools and the species that may be utilizing those areas as habitat, was conducted. Both vernal pools and many of the species that utilize these areas warrant enhanced protection.
15. The wildlife survey did not assess species (mammals, birds and amphibians) at various times during the year, to properly document migratory patterns. Clear-cutting the existing forest has the potential to adversely impact annual wildlife cycles.
16. The Planning Board accepts and endorses the recommendation of the Pace University Energy and Climate Center, which stated in correspondence to the Planning Board dated June 1, 2021 that "... it is essential that local communities deploy clean energy in a manner that safeguards natural resources such as forests. While recognizing the importance of advancing solar in New York State, the Pace

23. The stormwater runoff from the solar panels has the potential to increase waterborne pollutants, used in the cleaning and maintenance of the solar panels, and to suppress weeds and control vegetation in and around the solar arrays.
24. The Proposed Action and the clear-cutting of approximately 26 acres of existing forest, does not comply with the Policies, Purpose and Intent of the following local ordinances:
- Chapter 96 – Excavations and Topsoil Removal
 - Chapter 108 – Flood Damage Protection
 - Chapter 111 – Freshwater Wetlands
 - Chapter 180 – Steep Slope Protection
 - Chapter 183 – Stormwater Management and Erosion and Sediment Control.
 - Chapter 185 – Streams and Watercourses
 - Chapter 201 - Trees
 - Chapter 218 - Zoning

BE IT FINALLY RESOLVED, that this Site Plan Denial resolution shall have an effective date of October 7, 2021.

On a motion of Planning Board Member Patsy Fucale, Seconded by Planning Board Member Jane Abbate, this site plan denial resolution was adopted by the following vote:

Michael H. McLaughlin, Chairman	<u>AYE</u>
Jane Abbate	<u>AYE</u>
James Collins	<u>Absent</u>
Patsy Fucale	<u>AYE</u>
Joan Lederman	<u>Absent</u>
George Pappas	<u>AYE</u>
John Piazza	<u>Absent</u>


Michael H. McLaughlin
Chairman

10/7/21
Date

This Resolution Was Thereupon Duly Adopted

***CES Hawthorne Solar, LLC
Gate of Heaven Cemetery
#19-14
Site Plan Denial
October 7, 2021***