

CLIFFORD L. DAVIS
ATTORNEY AT LAW

200 MAMARONECK AVENUE
SUITE 602
WHITE PLAINS, NEW YORK 10601-5304

—
(914) 548-7422
cdavis@clifforddavis.com
www.clifforddavis.com

May 13, 2025

Honorable Supervisor Edward Lachterman
Honorable Council Members of the
Yorktown Town Board
363 Underhill Avenue
Yorktown, NY 10583

Re: Proposed Solar Legislation

Dear Honorable Supervisor Edward Lachterman and Honorable Council
Members of the Yorktown Town Board:

I am counsel for the direct adjacent residential property to
the proposed Dell Avenue Solar Farm, located at 200 Dell Avenue in
Yorktown, New York, by the developer SOL Systems, also in the R-160
residential zone.

A. The Town's Proposed Solar Legislation Is Consistent
With Westchester Communities Addressing The Detrimental
Impacts From Large-Scale Solar Facilities

It is respectfully submitted that the Town of Yorktown's
proposed amendment regarding large-scale solar facilities is
consistent with the recent developments in other municipalities in
Westchester which have addressed the detrimental impacts of large-
scale solar facilities in their municipalities.

The Town has a great opportunity to be proactive and to convey
to developers where it wants solar to be developed in the Town, as

opposed to being in a more reactionary mode when a development application is submitted. The municipalities below have made it clear that solar is not welcome in residential districts, and certainly not in an undeveloped woodland. The City of White Plains does not permit solar farms at all.

Westchester municipalities in addressing large-scale solar facilities have trended to limit such facilities to non-residential districts as set forth in the Towns of Greenburgh, Cortlandt, and North Castle.

In the Town of Greenburgh, large-scale ground mounted solar panels are only permitted in specified nonresidential zoning districts and not in residential districts. Section 285-37.2.F: "Permitting Requirements for Tier 3 Solar Energy Systems. Tier 3 Solar Energy Systems (nonresidential ground-mounted systems) shall be permitted in the following zoning districts in the Town (CB, DS, CA, HC, UR, OB, OB-1, LOB, IB, PD, PED, LI, and GI) as accessory uses, subject to the issuance of a Building Permit and compliance with the following conditions."

In the neighboring Town of Cortlandt ground mounted solar panels are prohibited in almost all residential districts. Section 255-5.E: "Ground-mounted and canopy-mounted solar energy systems are prohibited in the R-40, R-40A, R-20, R-15, R-10, and RG Zoning District. "

In the Town of North Castle large-scale solar panels are only allowed in non-residential districts. Section 258.4.J: "Large-scale ground-mounted and freestanding solar collectors shall be permitted in all nonresidential zoning districts of the Town via Town Board special use permit and Planning Board site plan approval."

As stated above, the City of White Plains takes a different approach and completely bans solar panel farms throughout the city and only permits solar panels on buildings or a solar parking canopy. Section 4.4.21.4: "Solar panels" are only permitted on "buildings" and as part of a solar parking canopy. The Commissioner of Building is the approving agency for all rooftop solar installations except a "solar parking canopy."

The Town/Village of Harrison limits large scale solar facilities to only two residential districts. Section 206-6.C(1) "Tier 3 Solar Energy Systems. A Tier 3 Solar Energy System shall be permitted as a Special Exception Use in the SB-100, SB-35, SB-1, SB-0, R-1 and R-2 zoning districts only on parcels containing twenty-five (25) acres or greater in land area, subject to the

following safeguards and conditions.

However, even within those 2 residential districts the Town/Village of Harrison further essentially bans ground mounted solar in "undeveloped, vegetated and wooded areas that exist in a natural or manicured state". Section 206.2.E. : "The Town values its open space, natural areas, and unique character. Maintaining high environmental quality and values are a mainstay of the Town's efforts in its guidance and regulation of development in the Town. As such, the Town, in guiding the development of large-scale solar installations, will prioritize their placement on the roofs of existing commercial buildings, or in existing parking lots within the Special Business (SB) zoning districts. ***The installation of solar facilities in undeveloped, vegetated and wooded areas that exist in a natural or manicured state should be avoided and would be considered contrary to the open space preservation policies of the Town of Harrison.***" (Emphasis supplied).

B. The Town's Proposed Legislation Is Consistent With the Town's Comprehensive Plan

As this Board well knows any zoning change has to be consistent with the Town's Comprehensive Plan.

Yorktown's Comprehensive Plan, adopted in 2010, is consistent with the intent and purpose of the Town's proposed solar law.

The Vision Statement of the Land Use Chapter states in the first paragraph of the first page:

"Throughout Yorktown, development should be carefully balanced with natural resource conservation and scenic and historic preservation."

This chapter recommends:

"[L]and uses and development patterns are compatible with the goals and policies in this Comprehensive Plan which have been established to protect natural resources, historic resources, and scenic corridors and vistas." (p. 2.)

Housing

The Comprehensive Plan's vision statement for housing is clear:

"Yorktown should remain a community of primarily

lower-density single-family homes, interspersed with open space preserves. Yorktown's high neighborhood quality of life is derived from a long history of preserving its rural quality and protecting its natural resources." (p. 5-1)

The Comprehensive Plan is antithetical to permitting industrial large-scale solar in all residential districts in Town:

"Yorktown has a distinctive scenic and historic character, comprised of farmland, woodlands, lakes and streams, historic structures and sites, and unique natural resource areas like the Croton Reservoir. These characteristics contribute to Yorktown's unique character and help make the Town an attractive place to live, work, and play. Yorktown's scenic and historic resources should be protected and carried forward into the Town's future, even as development continues to occur." (p. ES-11).

The Comprehensive Plan has goals and recommendations designed to "[p]rotect and enhance the community character of residential neighborhoods;" (p 2.2), "[p]rotect the visual quality of scenic corridors, as well as key scenic vistas;" (p. 2.2) and to "[p]rotect street trees and woodland areas, particularly significant trees, in residential areas where they contribute to the character of the community." (p. 5.2)

Yorktown's Comprehensive Plan is clearly designed to limit growth as a way of protecting the distinct residential character of the Town.

C. Severability Recommendation

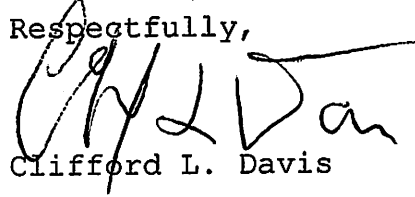
In the Severability section it is recommended that the following be added: "To the extent that a court or agency of competent jurisdiction determines that a large-scale solar facility is permitted in a residential district that the setback from the property boundary line for said facility shall be no less than 200 feet and that the large-solar facility shall not exceed 10 feet in height."

D. Conclusion

Accordingly, it is respectfully submitted that the Town's proposed solar law as to large-scale solar facilities is consistent with the Town's Comprehensive Plan and is in agreement with the zoning amendments made in other Westchester communities which addressed the detrimental impacts of large-scale solar facilities to

their residential districts.

Respectfully,

A handwritten signature in black ink, appearing to read "Clifford L. Davis", with a long horizontal flourish extending to the right.

Clifford L. Davis