

ARCIERO & BURGESS, PC

299 Windsor Highway
New Windsor, NY 12553
(845) 420-7877
Fax: (845) 784-4297
www.ambpclaw.com

Daniel C. Stafford
dstafford@arcieroburgess.com

Tarrytown Office
220 White Plains Road, Suite 280
Tarrytown, NY 10591
(914) 407-4767

January 17, 2025

Via Email and UPS

Chair John Parisi and
Members of the Zoning Board of Appeals
Town of Washington
10 Reservoir Dr.
Millbrook, New York 12545

Supervisor Ciferri and
Members of the Town Board
Town of Washington
10 Reservoir Drive
Millbrook, NY 12545

Re: August Madeline Fields, LLC w/ Casciano & Biase
A&B File No.: 1501

Dear Chairman Parisi, Supervisor Ciferri and members of the ZBA and Town Board:

We have recently been retained by Michael Pryor, who is the principal of August Madeline Fields, LLC (hereinafter, the "LLC"). The LLC owns a 390-acre parcel located at 749 Stanford Road (SBL: 6666-00-727971) (hereinafter, the "Property"). Several months ago, it engaged SunCommon to install an above-ground solar array in a field in the northwest portion of the Property. SunCommon has since coordinated with various representatives of the Town and Central Hudson to obtain necessary approvals and permits.

Lisa Biase and Louis Casciano (hereinafter, the "Appellants"), who own the adjacent property located at 5515 Route 82 (SBL: 6666-00-434999), have appealed the building permit issued by the Town and objected to any further development of the array. They claim that the array is destroying their viewshed, and that the permit should not have been issued without full site plan review and approval by the Planning Board.

I write in response to letters submitted to the ZBA and Town Board by the Appellants' attorney, Charles Gottlieb, Esq., on or around August 16, 2024, and November 12, 2024. Mr. Gottlieb's letters contain several misstatements of fact that must be brought to light and corrected. For example, they claim, "there is no way that the solar installations can be completely buffered from the adjacent right-of-way and the

neighboring homes (the Appellants property) via landscaping.” This representation is conclusory and simply inaccurate. SunCommon representatives have submitted landscaping plans to the Town that call for 18 mature Norway Spruce trees to be planted along the northern and eastern borders of the array, which will completely shield the panels from public view. An excerpt of the plan reflecting the location of the trees is attached hereto as Exhibit “1”.

Attached as Exhibit “2” are photographs taken on or around January 13, 2025, by Mr. Pryor from Route 82 directly in front of the Appellants’ driveway. Even in the absence of the new trees, it is still not possible to see the array from the ground level. Moreover, these photographs were taken at a time of year when vegetation is not in full bloom.

The photos attached as Exhibit “E” to Mr. Gottlieb’s letter of August 16, 2024 were taken from a similar ground-level angle. They also demonstrate that the panels are mostly obscured by vegetation at present. Furthermore, several of the photos attached to his letter of November 12, 2024 appear to have been taken by a drone, not from the second floor of the Appellants’ house. Clearly, their representations regarding the destruction of their viewshed are exaggerated.

With respect to the location of the array generally, the Appellants state as follows:

[T]he ZBA should consider alternative locations for the proposed solar development. The Project Site is approximately 390 acres with several open and flat fields. It is hard to believe that the Developer could not have located the solar panels in a manner consistent with the Solar and Wind Energy Law.

This overly simplified argument does not take into account that an array must be physically located near the main power grid in order to be connected to it. According to Central Hudson, the only power lines and sub-stations bordering the Property that can be connected to the array are on Route 82. Mr. Pryor, SunCommon, and Central Hudson did indeed explore alternative locations along Route 82, but there were impediments preventing their installation elsewhere. For example, an otherwise suitable field to the south had shallow bedrock that could not support the frame of the array. Trenching for the cables would have also been a potentially insurmountable challenge in that location. The other possible location was close in proximity to the home of Joanne Irish, who lives at 5498 Route 82. Unlike the Appellants, her parcel is on the same side of the road as the Property at issue. The panels would have essentially been in her backyard. The field across from the Appellant’s property was ultimately chosen by process of elimination.

Finally, the Appellants accuse Town officials and Mr. Pryor of making “backroom deals” to unlawfully usher the project through to completion. This unfounded and unsupported accusation is both audacious and offensive. In reality, Mr. Pryor has had no direct communication with Town officials. He engaged SunCommon to design plans for the array, to obtain any necessary permits, and to communicate with Town and Central Hudson representatives on his behalf.

In closing, we have not yet had an opportunity to conduct a proper review of the applicable laws and regulations to determine whether the Appellant’s legal arguments have merit. Without conceding that they do, Mr. Pryor is more than willing to work with the Town to cure any procedural defects and undergo any

additional review processes that may be required by law. He and I will be in attendance at the ZBA's January 21, 2025 meeting to address any questions or concerns the members may have.

Very truly yours,

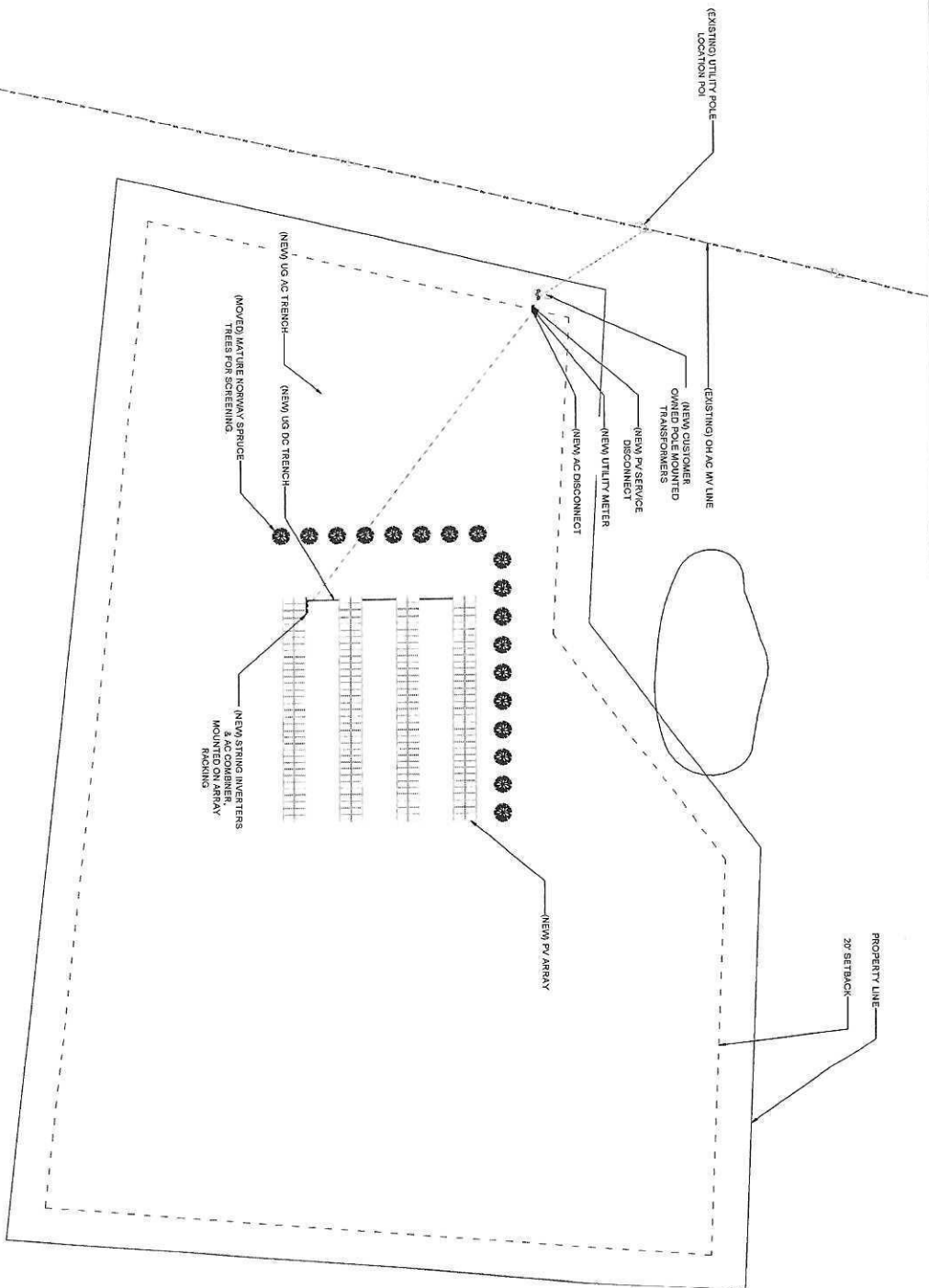
ARCIERO & BURGESS, PC



Daniel C. Stafford, Esq.

cc: Charles Gottlieb, Esq.
Kyle Barnett, Esq.

EXHIBIT 1



GROUND MOUNT SYSTEM		INVERTER MODEL		SOLIS 684COMBUS	
DC SYSTEM SIZE	14.2 MW	AC SYSTEM RATING	800VA		
AC SYSTEM SIZE	120 MW	TOTAL INVERTERS	2		
DC/AC RATIO	1.250	RACKING	AW-RELOADY-BOX		
PV MODULE MODEL	LONGI LR7-72HD-540A 540W	TILT	37		
TOTAL MODULE	222	AZIMUTH	180		

DESIGNED FOR CONSTRUCTION

REV	DESCRIPTION	DESIGN	REVIEW	DATE
R1	100% DRAWING ACCEPTED TO PERM	TAM		11/16/2024
R2	100% DRAWING AS-BUILT	TAM		11/16/2024
R3	100% DRAWING CHANGED INVERTERS	TAM		11/16/2024
R4	100% DRAWING INTERFERE POINT L/W	TAM		11/16/2024
R5	100% DRAWING REDESIGN	TAM		11/16/2024
R6	100% DRAWING OVERSIGHT	JK		11/16/2024

SCALE	CLIENT & ADDRESS	SITE ADDRESS
1"=30'	MICHAEL PRYOR 745 STRANDED ROAD MOUNTAIN VIEW, MO 64061	5492 ROUTE 88 QUINCY CORNERS MOUNTAIN VIEW, MO 64061

isun
 ENGINEERING ARCHITECTURE
 1200 WEST 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1234
 WWW.ISUNENGINEERING.COM

DRAWING TITLE: ELEC
 PROJECT TITLE: MCH-
 PROJECT NO: 1544-SI
 DRAWING NO: EP01

EXHIBIT 2





5515