



amp.energy

1550 Wewatta St, 4th Fl  
Denver, CO 80202  
United States

T +1 303.653.9805

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Dear Chairman Fariello and Members of the Zoning Board of Appeals,

Amp Solar Development, Inc ("Amp") is a developer of Community Solar projects and we are seeking a Use Variance to allow the development of a Community Solar Project on unused land within the Town of Amsterdam. As a part of our development process, we believe in communicating early and working with local communities to ensure our projects are built to the highest standards. We have had conversations with our potential project neighbors as well as the Town and it is our intent to continue these conversations and develop a project which meets the objectives of the recently enacted Solar Law Amendment.

#### **Use Variance Sought**

AMP, working on behalf of ASD Truax Road NY2 Solar LLC, is seeking to develop a Utility-Scale Solar Energy System within the Town at the northeast corner of Truax Road & Chapman Drive, also identified as SBL 56.4-2-4.1. In order to develop such a project a use variance granting relief from Article VIII Section 35.2. of the Zoning Law is required. This section of the Law restricts Utility-Scale Solar Energy Systems to the B-1, B-2 and M-1 zoning districts. The site of the proposed project is located within the R-1 district. The included application contains supporting material, including a financial analysis completed by Storr Associates, LLC, demonstrates that this application satisfies the requirements for the issuance of a Use Variance.

#### **Use Variance Standard**

The proposed Community Solar Project satisfies the standard for the issuance of a Use Variance as described in the Town of Amsterdam Zoning Law Section 48.4, reproduced below:

- 1. For each and every permitted use under the zoning regulations for the particular district where the property is located the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence*

*Included in the application package is a "Use Variance Analysis" completed by Storr Associates which completes a detailed financial analysis demonstrating that a reasonable rate of return cannot be realized from the uses permitted within the R-1 and the lack of return identified by the analysis is substantial.*

*The analysis shows that over the 25-year lifespan of the proposed solar project the owner will realize a Rate of Return of 393% compared to the existing use of -75%. The other feasible permitted use of one or more single family homes for rent returned a -7% rate of return. All other permitted uses are either infeasible or had lower rates of return.*

2. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood

*There are several unique characteristics of the property which do not apply to a substantial portion of the neighborhood including size & ability to connect, location, screening and current & potential uses.*

- i) Size & ability to connect – Community Solar projects typically require a parcel size of >50 acres that is located close to electrical lines that can support a solar project. Few if any other parcels in the Town of Amsterdam, let alone the R-1, meet this requirement.*
  - ii) Location – This parcel is isolated with no public road access and no utilities leading to the site. This limits the potential use of the land as demonstrated in the financial analysis.*
  - iii) Screening – The parcel is one of the very few parcels within the Town of Amsterdam that is both large enough to support a project of this size as well as having enough natural visual screening to keep the visual impacts to a minimum.*
  - iv) Current and Potential Uses – Unlike many other parcels in the community, this parcel is currently a vacant lot that has not been farmed in many years. There currently is no income from the property and a detailed analysis has shown that only a solar lease has the opportunity to generate any meaningful value to the landowner*
3. That the requested use variance, if granted will not alter the essential character of the neighborhood

*The Town Code includes a public utility station and a small wind energy facility as permitted uses. This is a legislative determination that those types of uses are consistent with the character of the neighborhood, and zoning district. A community solar facility is similarly a use related to the generation of electricity for use by the public, which is would provide a similar essential character to these expressly permitted uses.*

*The parcel is visually isolated with mature trees surrounding the property which will remain in place to eliminate visual impacts from the solar array. AMP will also commit to working with the Town to ensure that the Community Solar Facility is screened effectively so that it is not visible and does not alter the character of the neighborhood. Due to existing, mature trees the project is not anticipated to be visible from neighboring properties. The original design has been reduced and pulled away from the property to the Northeast to minimize potential impacts. To protect viewsheds the project will be set back from the ridge and trees will remain in place along the ridgeline.*

*The variance will therefore not alter the essential character with the combination of the natural and supplemental screening and the existing surrounding uses of land. The variance will permit the site to be utilized with minimal impact while retaining the existing appearance.*

4. That the alleged hardship has not been self-created

*The project was first proposed and an interest in the land was acquired in 2019. At that time the project would have met the existing requirements for development. The*

*moratorium on solar development in March 2021 and subsequent changes to the Zoning Law pertaining to Utility-Scale Solar projects have created the alleged hardship. Prior to the modifications to the Zoning Law, AMP undertook a diligent effort to identify a project site that complied with the Town's zoning and met the requirements of a community solar facility. The hardship created here was not self-created.*

*Subsequent to the zoning amendment, AMP conducted an analysis of feasible sites within the Town that could support a community solar use. Due to the use only being permitted within the B-1, B-2, and M-1, AMP identified roughly three (3) sites as viable for use. However, once existing site constraints are considered, the three identified sites are no longer viable for community solar.*

AMP looks forward to working with the ZBA and the Town of Amsterdam to ensure that, should a Use Variance be granted, this project is developed according to the strict standards developed by the Town. I would also like to highlight the fact that granting a Use Variance will not "open the floodgates" to solar development. Any solar developer seeking to develop a project requiring a Use Variance will be self creating their own hardship and not qualify for said variance.

Sincerely,



Terence Rasmussen  
Director of Development  
437.216.7812  
trasmussen@amp.energy

cc: Tom Di Mezza, Town Supervisor