



## **INDEPENDENT SOLAR, LLC 3 MW COMMUNITY SOLAR FACILITY**

Prepared by: Independent Solar, LLC  
Town of Marlborough Special Use Permit & Site Plan Review Application  
July 10, 2020

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## **MARLBOROUGH SPECIAL USE PERMIT APPLICATION**

### **Independent Solar, LLC 3 MW Solar Energy Facility**

Submitted by Independent Solar, LLC  
3402 Pico Blvd  
Santa Monica, California 90405

#### **COMPANY SUMMARY**

Independent Solar, LLC is a limited liability company that is owned by Cypress Creek Renewables, LLC (CCR). CCR is driven by the belief that solar makes our world safer and cleaner while also creating good jobs and contributing to our country's energy independence. CCR is recognized as an industry leader in providing clean, affordable energy throughout the U.S. Our team members specialize in the design, build, and ownership of a range of solar projects, and the company has invested over \$2.3 billion into solar energy production since 2014. CCR is committed to providing positive benefits to the communities we serve and we hope to be an asset to your community.

Independent Solar, LLC, the Applicant, has prepared this application for a 3 MW Solar Energy Facility in Marlborough, New York. This application was prepared according to the requirements detailed in Section 155-32.2 of Article VI of the Town of Marlborough zoning law. Independent Solar, LLC respectfully submits information, exhibits, and materials, which are hereby incorporated into and made part of the Application below in order to comply with Marlborough Special Use Permit Approval Criteria.

#### **PROJECT SUMMARY**

Independent Solar, LLC proposes to develop a 3 MW Solar Energy Facility on a roughly thirty (30) acre tract of land located at 206 Milton Turnpike and owned by Organic Valley LLC (Robert Titanic). The project site is located north of Milton Turnpike at the intersection with Clarks Ln, consisting of a portion of parcel 95.4-3-7.210, and with access through 95.4-3-7.110.

The project will contain rows of Photovoltaic (PV) cell panels mounted on posts set in the ground, along with a battery energy storage system. The anticipated power output of the project annually will be enough to power approximately 800 single-family homes per year, and the project will deliver that power onto the grid under the Community Distributed Generation (CDG) Program as established by the NY State Public Service Commission (PSC) in July 2015.

Under the CDG program, Cypress Creek would allocate the solar energy generated by Independent Solar directly to Central Hudson Gas & Electric customers. These customers would receive credits against their Central Hudson bills and pay Cypress Creek separately for the clean, solar energy. For each kilowatt-hour (kWh) they receive from Cypress Creek, residential customers would offset one kilowatt-hour of their bill from Central Hudson. This system – known as net metering – was previously only available to customers with solar panels at their home or business. Community solar expands the benefits of net metering to any customer interested in subscribing to a project. Subscribing to a community solar project like the one proposed in Marlborough is completely voluntary. Independent Solar plans to offer energy from the Marlborough project to customers at prices at or below the current standard utility

rate offered by Central Hudson. Through such contracts, customers would be able to reduce their electric bills and lock in rates for several years to come.

Cypress Creek Renewables has contracted environmental consultants to perform field investigations, literature reviews, and agency consultations to identify and assess existing environmental conditions at the project site. Information derived from the environmental diligence is used by CCR to avoid and minimize effects to environmental resources during the design process, and supporting information is presented in the Full Environmental Assessment Form (FEAF) included with this submittal ([Exhibit F](#)). Full compliance with federal, state and local regulations will ensure Independent Solar will not result in adverse impacts to environmental resources.

CCR is a proud partner of each town that we work with, and we look forward to a continued relationship with the Town of Marlborough.

## PROJECT BENEFITS

Allowing the property to develop as a solar energy facility provides many benefits, including:

- **The creation of locally generated, clean energy resources in Marlborough**
  - Independent Solar will produce enough electricity to power approx. 800 homes annually, and will provide Central Hudson customers the ability to source renewable power for their homes without the need to invest in individual systems.
- **A source of consistent, annual income for the land owner.**
  - This is especially helpful when the landowner's occupation provides variable income, as is often the case year-to-year for farmers.
- **An economic investment and increased tax revenue for Marlborough.**
  - Independent Solar expects to invest approximately \$6,300,000 into the project. Through this investment, Marlborough can expect: spending of over \$3,500,000 in the local economy; approximately 10 full-time equivalent (FTE) local construction and installation jobs; and additional tax revenue over the lifetime of the project. Independent Solar plans to enter into a payment in lieu of taxes (PILOT) agreement with the relevant property tax authorities for an amount to be determined.
- **Contribution to renewable energy goals outlined in the Town of Marlborough Comprehensive Plan and by the State of New York.**
  - Independent Solar will provide \$54,000 per year in economic value<sup>1</sup> to the State of New York and Marlborough by offsetting 1,400 tons of CO2 annually. This project is being developed in accordance with the New York State Energy plan, which calls for 100% renewable power by 2040, and NYSERDA's Community Distributed Generation (CDG) or Community Solar program.
- **Design that allows for continued agricultural use on the remainder of the property**

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<sup>1</sup>Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 (May 2013, Revised August 2016)

- The Independent Solar project is designed so that agricultural production may continue on the approximately 15-20 acres of high-quality soils on the property not being utilized by the project. Vegetative maintenance methods at the project will be harmonious with a potential adjacent organic farming use.

## APPLICATION FOR SPECIAL USE PERMIT

The following Application and supporting documents address the Town of Marlborough Special Use Permit application criteria for solar energy systems.

Once applicable permits have been obtained through the Town of Marlborough, Independent Solar, LLC will construct, own, operate and maintain the solar energy facility. The project will be a low-impact development requiring little to no local municipal services. The attached application illustrates that this project will not negatively impact public safety or general welfare, nor will it affect the comfort and convenience of the public in the Town of Marlborough or of the immediate neighborhood.

Independent Solar, LLC respectfully requests approval of a Special Use Permit Application to construct a 3 MW Solar Energy Facility. We thank you for your consideration and look forward to working together to bring the benefits of this solar energy facility to the Town of Marlborough. Please let me know if I can provide additional information or assistance.

With kind regards,

Paul Irby  
310-862-0371  
[paul.irby@ccrenew.com](mailto:paul.irby@ccrenew.com)  
Cypress Creek Renewables

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# Special Use Permit APPROVAL CRITERIA

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## SECTION 155-32 – SPECIAL USE PERMIT

**E. General consideration for special use permits.** In permitting any special use, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general in the Town and of the immediate neighborhood in particular. The Planning board may require modifications to development proposals, submission of alternative design and layout proposals and may attach reasonable conditions and safeguards to eliminate or minimize potential impacts as a precondition of its approval. The Planning Board, after public notice and hearing, may approve the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met:

**(1) Traffic access.** All proposed traffic access shall be adequate but not excessive in number, adequate in width, grade and alignment and visibility, and sufficiently separated from street intersections and other places of public assembly and shall meet other similar safety considerations.

*The project will utilize the existing access driveway at 206 Milton Turnpike, at the intersection with Clarks Ln. Any improvements made will fully comply with Ulster County Department of Public Works and Town of Marlborough specifications for commercial access driveways.*

**(2) Parking.** Parking areas will be of adequate size for the particular use, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

*No parking areas are planned. All access drives will be designed so as to ensure safety for project and emergency personnel.*

**(3) Landscaping and screening.** All parking and service areas shall be reasonably screened from the view of adjacent residential lots and streets, and the general landscaping of the site shall be in character. [Amended 5-9-2011 by L.L. No. 3-2011]

*Independent Solar proposes the included landscaping plans (Exhibit D) that adhere to the Town's zoning ordinance, utilizing a native meadow seed mixture for landscaping within the project area and a row of evergreen trees along the east side of the northern array area to shield the project from view from the Hudson River valley to*

*the east. The illustrated vegetative buffers incorporated into these plans represent commercially reasonable attempts to minimize visual impacts from key vantage points, although full screening of the project from view will be impossible due to the uphill topographical positioning of the site.*

**(4) Character and appearance.** The character and appearance of the proposed use, buildings, structures, outdoor signs and lighting shall be the character of the surrounding neighborhood and that of the Town of Marlborough. [Amended 5-9-2011 by L.L. No. 3-2011]

*The project fits the mixed agricultural, commercial, and residential character of the surrounding neighborhood, and the installment of the project will help the Town meet its long-term development goals as outlined in Section G of the Town of Marlborough Comprehensive Plan. No outdoor lighting will be installed at the project site.*

**(5) Historic and natural resources.** The proposed use shall be designed and shall be carried out in a manner that protects historic and natural environmental features on the site and in adjacent areas. [Amended 5-9-2011 by L.L. No. 3-2011]

*Extensive environmental diligence on the project site has been completed by Independent Solar, including consultation with the US Army Core of Engineers (USACE), the US Fish and Wildlife Service (USFWS), the NY State Department of Environmental Conservation (NYSDEC), and the NY State Historic Preservation Office (SHPO). Impacts to protected historic and natural environmental features, including wetlands and endangered species habitat, have been avoided to ensure the preservation of these resources.*

**(6) Level of service.** The level of services required to support the proposed activity or use is or will be available to meet the needs of the proposed activity or use. This consideration shall include the suitability of water supply and sanitary sewage facilities and protection from pollution of surface water or groundwater. [Amended 5-9-2011 by L.L. No. 3-2011]

*CCR has submitted Emergency Response Plans ([Exhibit J](#)) for the project and will provide training to the Fire Department on emergency response procedures for solar facilities, if requested. CCR has provided a fire break surrounding the project site, and a KNOX Box will be installed at each security gate to allow for easy access in the case of an emergency.*

**(7) In or adjacent to a residence district.** In addition to the above criteria, in the case of any use located in or directly adjacent to a residence district:

(a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, the size of the site in relation to the use, its site layout and its relation to existing and future access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residence district or conflict with the normal traffic of the neighborhood.

*Information on traffic impacts is included below in [Section 2.8: Traffic Safety](#). No significant traffic impacts are anticipated. Pedestrian traffic will be prohibited within the project area.*

**(8) The use of best management practices in the protection of streams, steep slopes, wetlands, floodplains and other natural features.**

*As demonstrated in the site plan ([Exhibit D](#)), the project is designed to avoid all impacts to streams, wetlands, floodplains, and other natural features identified through environmental diligence. The array has been specifically designed to avoid the steep slope areas on site to the greatest degree possible.*

**F. Additional safeguards and conditions.** The Planning Board shall impose additional conditions and safeguards upon the special permit as may be reasonably necessary to assure continuing conformance to all applicable standards and requirements, including reasonable assurance that these conditions and safeguards can be responsibly monitored and enforced.

*Acknowledged and confirmed.*

**G. Environmental consideration.** The proposed use shall be subject to review pursuant to the New York State Environmental Quality Review Act (SEQR). [Amended 5-9-2011 by L.L. No. 3-2011]

*Acknowledged. The SEQR Letter of Intent and Full Environmental Assessment Form is submitted in Exhibit F of this application.*

**H. Performance bonds.** The applicant will be required to post performance bonds pursuant to this chapter in amounts and duration to ensure that all public improvements as per the approved final site plan can be completed. [Amended 5-9-2011 by L.L. No. 3-2011]

*Acknowledged. Independent Solar will post a performance bond of the applicable amount.*

**I. The Planning Board may require that an as-built certified survey be provided to the Town Code Enforcement Officer and/or the Planning Board Secretary to be filed with the official record.** [Added 5-9-2011 by L.L. No. 3-2011]

*Acknowledged. The as-built survey can be provided to the Town upon request.*

**J. Existing violations.** No permit shall be issued for a special use for a property upon which there is an existing violation of this chapter or other land use regulations of the Town of Marlborough, and the Planning Board may withhold or suspend review pending remedy of the violation(s).

*There are no known existing violations of Marlborough land use regulations for the subject property.*

**K. Waiver.** The terms and conditions of a special permit may be modified by application to the Planning Board in the same manner as an application for a new special permit. In the event that the modification sought is deemed insubstantial by the Planning Board, it may waive one or more of the requirements of this section.

*Acknowledged.*

**L. Expiration of special permits.** A special permit shall be void if construction is not started within one year and completed within two years of the date of the final site plan approval, except that such special permit approval may be renewed by the Planning Board at its discretion. Each of these respective periods of expiration may be extended in the Planning Board's discretion for up to two additional periods of one year each. [Amended 5-9-2011 by L.L. No. 3-2011]

*Acknowledged.*

- M. **Revocation of special permits.** Special permits may be revoked by the Building Department / Code Enforcement Officers in the event of substantial deviation from approved special permit conditions, and the use allowed by special permit shall terminate immediately.

*Acknowledged.*

- N. **If the Planning Board indicates that all applicable requirements have been met and approves the special use permit, it shall approve issuance of the permit for which application has been made, including such conditions and safeguards to the permit as have been required. The Building Department/Code Enforcement Officers shall not issue the permit for which the application has been made until the provisions of § 155-32 have been met.**

*Acknowledged.*

- O. **Required referral.** Prior to taking action on the site plan, the Town Planning Board shall refer the project's site plan to the Ulster County Planning Board for advisory review and a report in accordance with §§ 239-1 and 239-m of the General Municipal Law.

**[Amended 5-9-2011 by L.L. No. 3-2011]**

*Acknowledged and confirmed. An introductory gateway meeting was held with the Ulster County Planning Board on March 10, 2020, and feedback was incorporated into the current project design.*

## SECTION 155-32.2 – SOLAR ENERGY

In addition to the general criteria set forth in Section V, Part A, above, the following additional criteria shall apply to this application:

### D. General requirements.

- (1) All solar energy system installations shall be performed by a qualified solar installer.**

*Cypress Creek Renewables is recognized as a qualified solar installer by NYSERDA, and has a strong track record of developing projects in New York and throughout the United States.*

- (2) A solar energy system connected to the utility grid shall provide written proof from the local utility company acknowledging the solar energy facility will be interconnected to the utility grid. Any connection to the public utility grid must be inspected by the appropriate public utility.**

*Please refer to the Interconnection Agreement between Independent Solar, LLC and Central Hudson Gas and Electric provided in Exhibit K, fully executed on April 7, 2020.*

- (3) Solar energy systems shall meet New York's Uniform Fire Prevention and Building Code and National Electrical Code standards.**

*Acknowledged and confirmed. All equipment shall be designed to meet New York's Uniform Fire Prevention and Building Code and National Electrical Code standards.*

- (4) Every solar energy system shall be depicted on a plan showing the location of the major components of the solar system and other equipment located on a roof or a legal accessory structure. This plan should represent the relative location of all components at the site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle. This plan shall show access and pathways that are compliant with New York State Fire Code, if applicable.**

*Please refer to the site plan provided in Exhibit D.*

- (5) Specification sheets for all manufactured components shall be required.**

*Manufacturer specification sheets are provided in Exhibit N.*

- (6) All diagrams and plans must include the following:**

*Please refer to the site plan provided in Exhibit D, which includes all of the requested information.*

- (a) Project address, section, block and lot number of the property;
- (b) Owner's name, address and phone numberName, address and phone number of the person preparing the plans; and
- (c) System capacity in kW-DC.

(7) Prior to operation of the solar energy system, proof that electrical connections have been inspected and approved by an appropriate electrical inspection person or agency, as determined by the Town of Marlborough, must be provided.

*Acknowledged and confirmed.*

**(8) Safety.**

*Please refer to information on facility safety provided in Section 2.7 of this application, and the Emergency Response Plan provided in Exhibit J.*

- (a) Solar energy systems shall be maintained in good working order.

*Acknowledged and confirmed.*

- (b) All solar energy systems shall be designed and located in order to prevent reflective glare from impacting roadways and contiguous properties.

*Panels are treated with an anti-reflective coating. A glare analysis is included in Exhibit L. The glare analysis was prepared using the Solar Glare Hazard Analysis Tool (SGHAT) which determines when and where solar glare can occur throughout the year from a user-specified PV array as viewed from user-prescribed observation points. The observation points were selected based upon proximity to public right of ways, adjacent properties, and notable sites within the viewshed. The tool is routinely utilized by the Federal Aviation Authority (FAA) to assess whether or not proposed solar facilities present a risk of glare. As illustrated in the analysis, the proposed site does not exceed FAA criteria, meaning no further study is recommended.*

- (c) If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Marlborough and other applicable laws and regulations.

*The civil site plan in Exhibit D outlines the containment measures for the onsite battery storage system that fully comply with the New York State Building Code. The Decommissioning Plan included in Exhibit I*

*demonstrates the methods that will be used to dispose of the battery storage system, complying with all applicable laws and regulations.*

**(d) Information required in Subsection D(4) must be provided to the Fire Department that is obligated to respond to a call from that location.**

*Acknowledged and confirmed.*

## **I. Standards for large-scale solar systems as a special use**

**(1) Large-scale solar energy systems are permitted through the issuance of a special use permit within the R-AG-1 and Industrial Zoning Districts, subject to the requirements set forth in this section, including site plan approval.**

*The proposed project is located in the R-AG-1 district.*

**(2) Special use permit application requirements. For a special permit application, the site plan application is to be used as supplemented by the following provisions:**

**(a) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.**

*The lease agreement between Independent Solar, LLC and Robert Titanic, and Letter of Agent Statement are provided in Exhibit B.*

**(b) Blueprints showing the layout of the solar energy system signed by a professional engineer or registered architect shall be required.**

*The site plan is provided in Exhibit D, stamped by Michael J. Finan, Licensed Professional Engineer.*

**(c) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.**

*Equipment specification sheets are provided in Exhibit N of this submittal.*

### **(3) Special use permit standards.**

**(a) Height and setback. The height of the large-scale energy systems shall not exceed 15 feet when oriented at maximum tilt. Setback requirements shall be as stated for the underlying zoning district,**

except all inverters shall be set back the lesser of 100 feet or until the electromagnetic field (EMF) meets background level, as determined by the World Health Organization (WHO).

*As demonstrated in the site plan provided in Exhibit D, the proposed project complies with all setback distances for the R-AG-1 district. The inverter pad is located approximately 500-ft from the nearest external property line. The panels shall not exceed 15-ft in height.*

**(b) Area of use.** The area of use for a large-scale solar energy system shall be a maximum of 20 acres.

*Confirmed – The solar area shall be below 20-acres. As demonstrated in Exhibit D, the proposed solar area is 14.9 acres.*

**(c) Lot coverage.** The lot on which a large-scale solar energy system is located in the R-AG-1 District shall be granted an additional 30% of bonus lot coverage from that permitted in the Schedule of District Regulations, and a lot in the Industrial Zoning District shall be granted an additional 10% of bonus lot coverage from that permitted in the Schedule of District Regulations. The surface area covered by solar panels shall be included in the total lot coverage.

*Confirmed – Lot coverage at the Independent Solar project shall not exceed the 50% allowed. The proposed solar area of 14.9 acres results in 19% coverage of the 78 acre lot.*

**(d) All solar production facilities shall be designed and located in order to prevent reflective glare onto roadways or adjacent structures.**

*A glare analysis is included in Exhibit L. The glare analysis was prepared using the Solar Glare Hazard Analysis Tool (SGHAT) which determines when and where solar glare can occur throughout the year from a user-specified PV array as viewed from user-prescribed observation points. The observation points were selected at the adjacent roadways and structures. As demonstrated, the proposed project will not produce glare to adjacent uses. Additionally, all panels will be treated with an anti-reflective coating to minimize glare.*

**(e) A minimum twenty-five-foot perimeter buffer, except for the area of roadway access, which may be partially or totally within the perimeter lot line setback, consisting of natural and undisturbed vegetation, supplemented with evergreen plantings, as may be required by the Planning Board, shall be provided around all mechanical equipment and solar panel arrays to provide screening from adjacent properties and Town, county and state roads.**

*As demonstrated in Exhibit D, a 25-ft landscaping buffer has been placed around the perimeter of the project. Evergreen plantings are planned along the eastern side of the northern array area to reduce viewshed impacts to the Hudson River valley to the east. Existing trees and the natural topography of the site largely shield the project from view to the north and west. Due to the upsloping topography of the site, screening methods would likely be ineffective in eliminating viewshed impacts to the residential structures and Milton Tpke south of the site, although alternative screening measures can be explored at the request of the Town. A viewshed analysis is included in Exhibit M of this submission, and visual renderings of the project from various vantage points can be furnished upon request.*

**(f) A land grading and vegetation clearing plan shall be prepared. Clear-cutting of all trees in a single contiguous area shall be limited to the area of the equipment compound plus the area of an emergency access roadway and the area required for solar access.**

*A grading plan is included in Exhibit D of this submittal. No tree clearing is proposed.*

**(g) Noninvasive ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant, and non-fertilizer-dependent.**

*Confirmed. Please refer to the landscaping plan included in Exhibit D. A meadow mix consisting of native grasses will be planted in the panel area and landscaping buffer. This seed mix was specifically selected to be low-maintenance, drought resistant, and non-fertilizer dependent.*

**(h) Debris, materials and/or mulch generated by site clearing or construction shall not be stockpiled on site.**

*As demonstrated in the Erosion and Sediment Control Plan in Exhibit D, two temporary soil stockpiles will be established to store soil during the grading process, but both will be removed at the completion of construction.*

**(i) All local stormwater regulations shall be complied with. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. If determined to be required, an SWPPP (stormwater pollution prevention plan) shall be prepared, and a stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site.**

*An SWPPP has been prepared by Langan Engineering, and is provided in Exhibit E. All local stormwater regulations shall be complied with.*

**(j) All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information**

shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Town of Marlborough Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.

*As demonstrated in Exhibit D, the site will be fully enclosed by a chain link fence and locked gate, with warning signs posted at the entrance and around the perimeter.*

(k) Signs. A sign no greater than two square feet indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone number shall be posted. In addition, "No Trespassing" or other warning signs may be posted. All signage shall be maintained in legible condition and contain accurate information. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. No signage of any kind shall be allowed to be attached to solar panels or support structures, except any required safety warnings.

*Acknowledged and confirmed – All signage shall adhere to these requirements.*

(l) Property operation and maintenance plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

*Please refer to the Operations and Maintenance Plan provided in Exhibit P.*

(m) A decommissioning plan, as detailed in § 155-32.2J, shall be prepared. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section.

*Please refer to the draft Decommissioning Plan provided in Exhibit I.*

**J. Decommissioning plan for solar energy system, large scale, and solar energy system, subdivision use.**

*The draft decommissioning plan and estimate is provided in Exhibit I of this submittal. A detailed decommissioning plan with cost estimate signed by a professional engineer will be submitted once the design of the project is finalized. Independent Solar proposes that the full decommissioning plan and estimate be stipulated as a condition of approval by the Town of Marlborough.*

- (1) Any use which requires approval by the Planning Board shall include a decommissioning plan approved by the Planning Board.**
- (2) The decommissioning plan shall specify that after the solar energy system will no longer be used, it shall be removed by the applicant or any subsequent owner and shall include a signed statement from the party responsible for**

completing the decommissioning plan acknowledging such responsibility.

- (3) The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.
- (4) The plan shall state disposal of all solid and hazardous waste shall be in accordance with local, state, and federal waste disposal regulations.
- (5) The plan shall include an expected timeline for execution.
- (6) The plan shall include a cost estimate detailing the projected cost of executing the decommissioning plan prepared by a professional engineer or contractor. Cost estimations shall take into account inflation.
- (7) Removal of solar energy systems must be completed in accordance with the decommissioning plan. If the solar energy system is not decommissioned after being considered abandoned, the Town may, after providing the last known owner of record prior written notice, by first-class mail, of no less than 20 days, remove the system and restore the property and impose a lien on the property to cover these costs to the Town. The decommissioning plan shall grant the Town a limited license to access the property for the purpose of removing the solar energy system after the notice requirements of this subsection have been satisfied.

# 1. APPLICANT INFORMATION

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## 1.1 APPLICANT ADDRESS AND CONTACT

### Company:

Cypress Creek Renewables  
3402 Ocean Park Blvd  
Santa Monica, California 90405

### Contact:

Paul Irby  
Phone: 310-862-0371  
Email: paul.irby@ccrenew.com

## 1.2 BACKGROUND ON CYPRESS CREEK RENEWABLES, LLC AND INDEPENDENT SOLAR, LLC

Cypress Creek Renewables believes solar energy makes the world, safer, cleaner, and better. Our team solves problems to successfully develop, build, and operate solar facilities across the United States. With more than 5.9 gigawatts of solar energy deployed in eighteen states and \$3 billion invested in solar energy production since 2014, CCR is one of the country's leading solar companies and was recognized by Solar Power World magazine as the No. 1 Solar Developer in the U.S. for 2017 and 2018. For more information about CCR, please visit <https://ccrenew.com>.

An overview of our current operational and development portfolio is illustrated below in Figure 1: Cypress Creek Renewables Portfolio Overview.

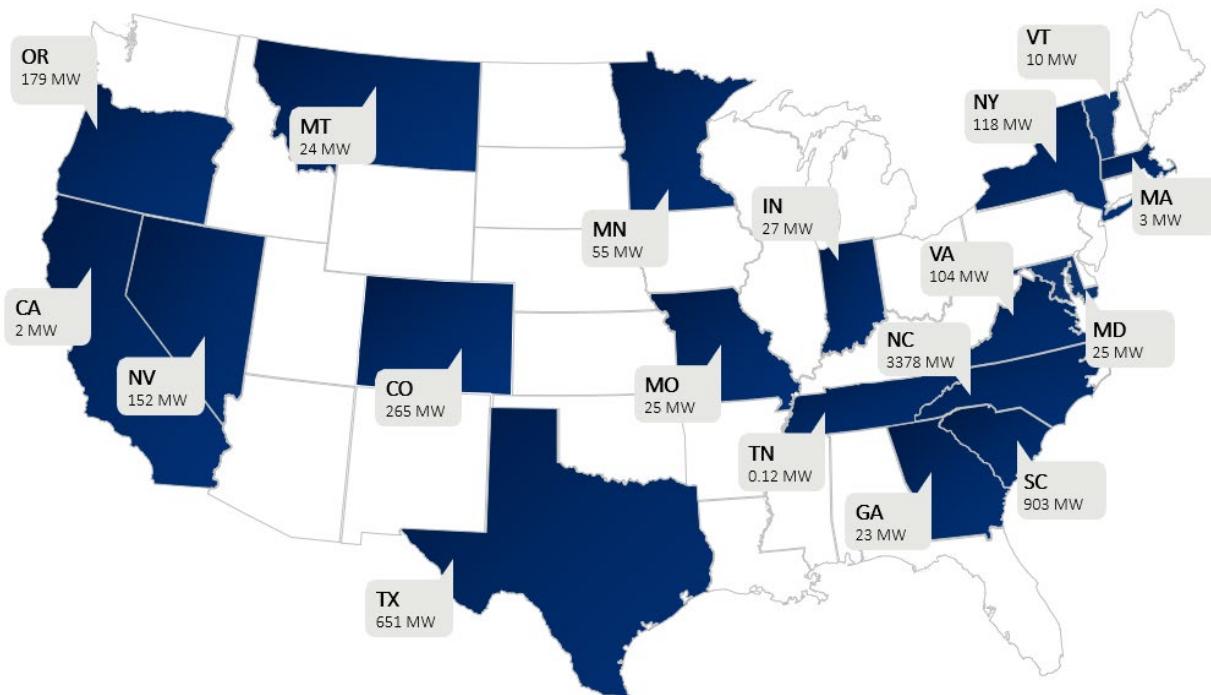


FIGURE 1: CYPRESS CREEK RENEWABLES PORTFOLIO OVERVIEW

CCR is also one of the leading developers in New York State. To date, 33 Cypress Creek projects, totaling 118 megawatts (DC), are in operation or have been successfully developed in the state of New York. These projects represent a total investment of about \$170,000,000.

According to the National Renewable Energy Laboratory's Jobs and Economic Development Index (JEDI) Model, the construction and installation of these projects has resulted in an estimated \$92,000,000 of spending in the local economy and the creation of around 200 local full-time-equivalent jobs and roughly 1,100 total jobs when all indirect and induced impacts are included. Wages paid to construction personnel over this time will total around \$13,000,000.

Over the operational lifetime of these projects we expect an estimated \$760,000 of annual investment into the local economy related to on-site labor, materials, and services. This does not include property tax revenue that will be paid to local taxing jurisdictions.

Altogether, the clean, renewable electricity generated by these projects can power an estimated 15,000 homes or 940,000 40-watt lightbulbs every year, offsetting more than 40,000 tons of carbon dioxide from being emitted into the atmosphere annually. This is equivalent to 7,500 medium-sized cars being taken off the road or the carbon sequestration achieved by 2,200,000 trees each year.

According to the US EPA's Social Cost of Carbon, this environmental benefit provides an economic benefit equivalent to \$1,500,000 each year to the state of New York in the form of avoided cost of damages associated with climate change.

CCR team members have a wealth of experience in the solar industry and work to develop, build, and operate solar facilities across the United States. We are committed to strong partnerships with utility companies, financial institutions, and the communities that host our solar energy facilities. As a national leader in solar energy, and a partner with many communities in New York already, Cypress Creek is the right partner for the Marlborough community.

## 1.3 PROJECT FINANCES

### 1.3.1 PROJECT COSTS AND FINANCING STRUCTURE

Independent Solar, LLC expects to invest approximately \$6,300,000 into the project. These costs are based on build cost assumptions and include all construction, material, labor, and professional service-related expenditures. Cypress Creek Renewables operating capital, in combination with tax equity and debt partners, will provide the financial backing for the project.

### 1.3.2 ECONOMIC DEVELOPMENT

The solar industry is one of the fastest growing and most robust emerging industries nationwide. The solar industry was the largest employer in the Electrical Power Generation sector in the US in 2016, providing 374,000 jobs.<sup>2</sup> Since 2010, employment in the solar industry has grown 168% and since 2012 has grown nine times faster than employment in the general US economy. In New

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<sup>2</sup> US Department of Energy, January 2017. 2017 US Energy and Employment Report.  
<[https://www.energy.gov/sites/prod/files/2017/01/f34/2017%20US%20Energy%20and%20Jobs%20Report\\_0.pdf](https://www.energy.gov/sites/prod/files/2017/01/f34/2017%20US%20Energy%20and%20Jobs%20Report_0.pdf)>  
Accessed on February 2, 2017.

York specifically, the industry grew 10% in 2019 alone, now employing approximately 10,740 workers.<sup>3</sup>

Based on estimates by the National Renewable Energy Laboratory, the construction and installation period of Independent Solar will result in the creation of approximately 10 full-time equivalent (FTE) local construction and installation jobs, provided qualified, local labor is available.<sup>4</sup> Cypress Creek Renewables hires and works with qualified, local subcontractors wherever possible. In addition, the project will inject over \$3,500,000 of direct spending into the local economy, which includes expenditures on parts and labor, goods and services, fuel and lodging, dining and other consumer resources. During the ongoing operational life of the project, local investment is expected to exceed \$29,000 annually.

The project will also generate additional tax revenue for the Town of Marlborough, without putting an additional demand on local municipal services. Taxes on the infrastructure and the land of Independent Solar will provide Marlborough a valuable funding source for public improvements, educational investment, economic development, and other initiatives for the next thirty-five (35) to forty (40) years.

## 2. PROJECT DESCRIPTION AND ANALYSIS

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### 2.1 PROJECT PURPOSE AND NEED

Solar energy is a vital part of our nation's economy and energy mix. Conventional sources of electricity such as coal, gas, and nuclear energy are expensive, finite resources that require significant environmental disruption and public safety risk to maintain and extract. Solar energy is a clean, cheap, and unlimited resource with little environmental impact. Technological advancements have made solar energy cost competitive with power generated by fossil fuels and with proven storage technologies, we are now able to keep the lights on even when the sun isn't shining.

New York has identified the advancement of renewable energy and energy efficiency as a state-wide goal. The Climate Leadership and Community Protection Act, adopted by the New York State Legislature in May 2019, stipulates that 70% of energy generation in New York State will be sourced from renewable energy sources by 2030. This mandate requires at least 13,000 MWs of utility-scale solar and onshore wind projects, like Independent Solar, to be placed in-service by 2030.

Independent Solar, and similar solar energy facilities, are essential to achieving the sustainability goals of Marlborough and the State of New York. Each 3 MW solar energy facility that can be placed in New York can offset an estimated 1,400 tons of carbon dioxide annually, the equivalent

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<sup>3</sup> *The Solar Foundation, State Solar Jobs Census: <https://www.thesolarfoundation.org/solar-jobs-census/states/>*

<sup>4</sup> National Renewable Energy Laboratory, January 2017. [Jobs and Economic Development Impact Models](#).  
<<https://www.nrel.gov/analysis/jedi/results.html>> Accessed on December 28, 2017.

of 270 cars off the road<sup>5</sup>. According to the U.S. EPA's Social Cost of Carbon<sup>6</sup>, this environmental benefit provides an economic benefit equivalent to \$54,000 per year to the State of New York.

## 2.2 PROJECT OVERVIEW

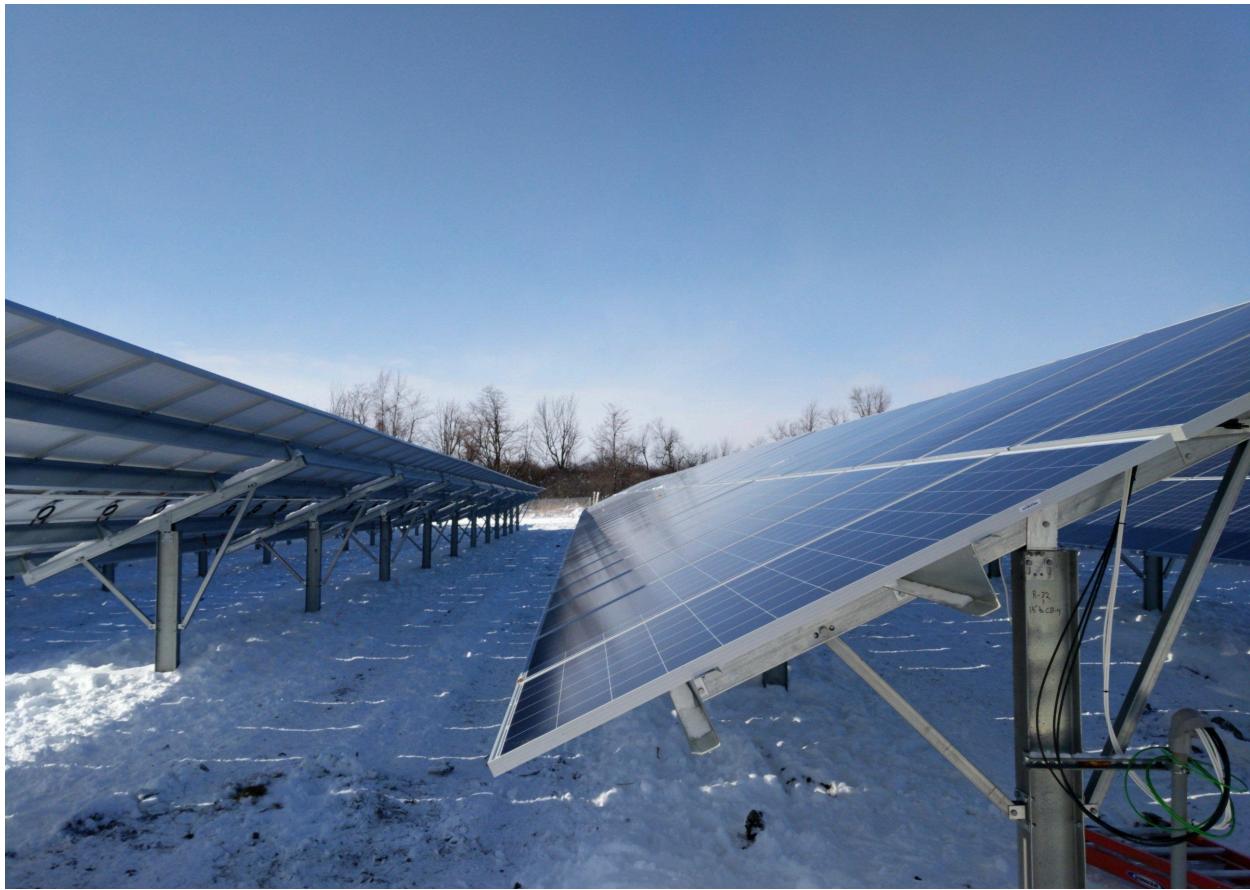
Independent Solar is proposing a 3 MW Solar Energy + Storage facility in the Town of Marlborough. The project will be located at 206 Milton Turnpike. The project will be placed on a roughly 30-acre portion of 95.4-3-7.210, with access using the existing driveway in parcel 95.4-3-7.110 that leads to Milton Turnpike at the intersection with Clarks Ln. The property is zoned R-AG-1 and will require both a Site Plan and Special Use Permit Approval.

Independent Solar will contain rows of Photovoltaic (PV) cell panels, also referred to as modules, mounted on posts set in the ground. These rows of PV panels are referred to as "solar arrays." Solar components will comply with the current edition of the National Electric Code, be UL listed (or equivalent), and designed with an anti-reflective coating. The solar panels will be supported by a metal racking system no more than twelve (12) feet in height. The anticipated power output of the project is approximately 6,500,000 kilowatt-hours (kWh) annually, enough to power approximately 700-800 single-family homes per year.

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<sup>5</sup> US EPA (2015). eGRID, U.S. annual national emission factor, year 2012 data. U.S. Environmental Protection Agency, Washington, DC.

<sup>6</sup> Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 (May 2013, Revised August 2016)



**FIGURE 2 JEFFERSON: 3 MW SOLAR ENERGY FACILITY IN WATERTOWN, NEW YORK**

The project will not require manned labor on-site, nor will it require sewer, water, or other services. The project will be completely enclosed by a 6-foot-tall fence with three strands of barbed wire, as required by the National Electric Code. Wildlife friendly fencing with a gap at the bottom allowing small species to pass through the project area will be utilized, at the request of the Ulster County planning board.

Independent Solar will not negatively impact the public health, safety, and general welfare, nor the comfort and convenience of the public in general, or the residents of the town or of the immediate neighborhood in particular. In fact, the project will be a benefit to the Town of Marlborough both in economic development as well as in helping the County achieve sustainability goals.

*Please see Exhibit N—Equipment Technical Memo for further information on panel materials, audibility, glare, soil protection, dust and weed control and wildlife protection.*

## **2.3 SOLAR ENERGY OVERVIEW**

### **2.3.1 SOLAR ENERGY TECHNOLOGY**

The conversion of sunlight into electric energy is not a new concept—solar technologies have been around since the 1970s. CCR is focused on utility-scale solar developments. Our projects are designed, built, and operated to the same rigorous standards as your current energy provider, complying with state and local codes and standards.

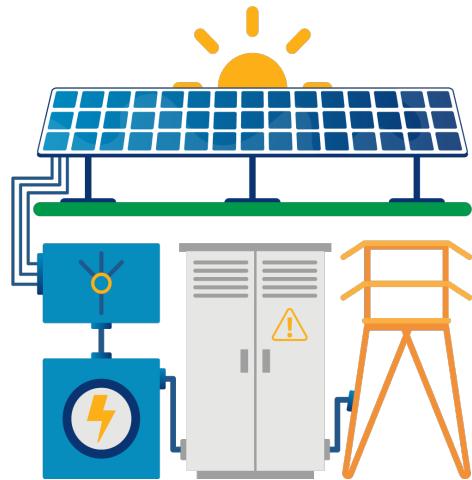
### 2.3.2 SOLAR ENERGY FACILITY EQUIPMENT

Solar facilities are simple constructions that employ the following basic equipment:

- Solar PV panels
- Inverters
- Transformers
- Wires and conductor cables
- Structural racking system for PV modules
- Perimeter fencing
- Lithium-ion batteries

The solar PV panels function as a solid state, inert crystal, most similar to a pane of solid glass. The panels do not erode and do not produce any emissions. The sealed PV panels do not leach metals into the environment and are recycled at the end of their lifecycle.

Cypress Creek Renewables typically mounts the solar arrays in one of two ways: on a fixed tilt (panels are stationary) or on a tracking system (panels slowly follow the sun throughout the day). Structural frames, also referred to as racks, are driven into the ground with steel beams on which PV panels are mounted. The inverters and transformers, which receive the power from the solar panels, are mounted on top of small concrete pads. Most sites require minimal grading, and an entire facility can often be installed with minimal soil disturbance.



**FIGURE 3: SOLAR ENERGY PRODUCTION**

Solar electricity production includes the following six components:

1. *Electrical Power Generation* – Sunlight strikes the PV panel cells, which convert photons of light into electrons, producing low-voltage, Direct Current (DC) electricity.
2. *Combination box* – The low-voltage, DC electricity is fed through cables from each PV panel to a combiner box.
3. *Inverter* – The low-voltage, DC electricity is fed through cables from the combiner box to an inverter, where it is converted to low-voltage, Alternating Current (AC) electricity.
4. *Transformer* – The transformer steps up the low-voltage, AC electricity to the appropriate voltage so that it can be fed into the electrical transmission system.
5. *Utility Transmission* – Electricity is sent through the electrical transmission lines to utility distribution systems for delivery to ratepayers.
6. *Battery storage* – Power is stored in lithium-ion batteries using the same technology as smart phones or hardware tools, just at a larger scale.

*Please see Exhibit N – Equipment Technical Memo for further information on materials.*

### **2.3.3 SITE ACCESS**

Solar energy facilities are low-impact developments that can often utilize existing right-of-way (ROW) infrastructure for site access, minimizing the need for new disturbance for the construction and maintenance of the project.

### **2.3.4 INTERCONNECTION WITH THE GRID**

New solar generating facilities improve local infrastructure and modernize an outdated grid, enabling future energy growth and increasing resilience to power outages.

The existing electrical distribution system in New York is owned and operated by the local utility. In order for a developer of a solar generating facility to inject power into the distribution grid, they must first work with the utility to ensure that the additional proposed generation will be safely and reliably handled by the existing utility infrastructure. The utility conducts studies to model the additional generation on their distribution grid and identifies what infrastructure upgrades are required to plug the proposed generating facility into the grid. The developer of the solar generating facility is then required to pay for the utility to upgrade their infrastructure so that it can adequately support the new generation.

This process results in an improved and upgraded electrical distribution system with the following primary benefits:

- modernization of an outdated grid;
- improved capability to support future load and generation growth;
- increased resilience to power outages through a more updated and distributed grid; and
- cost savings for customers who are normally charged through their utility bills for infrastructure upgrades.

## **2.4 MARLBOROUGH PROJECT SITE DESCRIPTION AND SITING**

### **2.4.1 SITE SELECTION PROCESS**

CCR uses a spatial and data-driven approach to select potential solar energy facility sites. When deciding whether to execute a lease option for solar development, CCR evaluates land based on the following criteria, among others:

- Proximity to relevant infrastructure, including electrical substations, existing three phase lines, and access roads;
- Lack of wetlands and other protected landforms;
- Slope of land and direction of this slope; and
- Lack of threatened or endangered species.

CCR was able to engage the landowner in their interest in solar development and execute a lease. During the initial development stages, we further analyzed the site against a number of diligence criteria, which verified that the screening process had been effective in selecting an ideal site for a solar energy facility. CCR has been working in close partnership with the landowner, Robert Titanic, throughout the due diligence and design process to reach a configuration that is ideal for his continued multi-purpose use of the property.

*Please see Exhibit D – Civil Site Plans for exact site location.*

## 2.4.2 SURROUNDING TERRAIN

The Independent Solar site is an ideal site for a solar energy facility, considering its access to the existing utility grid, lack of environmental constraints, south-facing slope and harmonious surrounding land uses.

## 2.5 CONSTRUCTION ACTIVITIES

### 2.5.1 CONSTRUCTION SEQUENCE

While each site is unique, Independent Solar will use standard construction and operation procedures used for our other solar energy facilities in the United States. The construction of Independent Solar is expected to take approximately 12 to 16 weeks.

As required by New York State Department of Environmental Conservation (NYSDEC), the limit of soil disturbance for all construction activities will be phased to five acres, unless otherwise authorized or waived by NYSDEC.

The construction and commission of Independent Solar will follow the general sequence shown in Figure 4: Construction sequence below:

The utility's engineering, procurement and construction of the interconnection facilities will take 6 to 18 months total and will be complete just before the construction of the solar farm itself. Construction of the solar farm itself will take approximately 12 to 16 weeks. After the construction sequences detailed above are completed, the solar farm will go through 2 to 3 weeks of commissioning before reaching commercial operation.

### 2.5.2 CONSTRUCTION MATERIALS

The PV panels do not erode, and do not produce any emissions.<sup>7</sup> There are no chemicals, fluids, or materials that are capable of entering the environment from the PV panels.

The only hazardous material that will be used during the construction of Independent Solar is fuel for machinery; all other construction materials are non-hazardous. Independent Solar and its subcontractors will follow all appropriate protocol related to the use and storage of fuel. A sufficient quantity of spill containment and clean up materials shall be readily available at each equipment storage area such that any spill which may occur can be cleaned up immediately. There shall be a drip pan placed at the fueling station so that no fuel can reach the ground. This area shall be inspected daily for spillage and any fuel spillage shall be properly disposed of and a receipt of proper disposal shall be required. Twenty-pound fire extinguishers shall be mounted within 25 feet of, and at each end of, the fuel storage area to ensure adequate protection in the event of a fire.

Independent Solar and its subcontractors shall maintain the site in a clean, neat and safe condition. As the work progresses, materials, tools, waste materials, rubbish and debris will be removed accordingly. Independent Solar and its subcontractors will incur all costs of clean-up.

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<sup>7</sup> Electric Power Research Institute and California Energy Commission, August 2003. Potential Health and Environmental Impacts Associated with the Manufacture and Use of Photovoltaic Cells.

<<http://www.energy.ca.gov/reports/500-04-053.PDF>> Accessed on February 3, 2017.

## 2.6 OPERATION AND MAINTENANCE

### 2.6.1 EQUIPMENT MAINTENANCE

Once constructed, the project will require very little maintenance. There will be no need to build additional transportation infrastructure or complete public improvements to accommodate traffic as all of our projects are remotely monitored. Electrical engineers will service electrical equipment, primarily the inverters and transformers, on average once per month. Solar PV panels have a very low failure rate (approximately one in 10,000 per year) and are warrantied for twenty-five (25) years.

Independent Solar will conduct an annual performance audit and inspection to assess the quality of equipment. Some years, we will expect to identify areas within the array area in need of replacement or repair. Module replacement rarely occurs outside of these annual performance inspections and we would expect to perform module replacement less than 10 times over the initial 25-year term. Solar panels are easily replaced from inventory stores and financing to change-out the array at warranty's end has been built into our cost models. Maintenance will likely create 5-9 visits to the site on average per year. Independent Solar does not anticipate the need for further equipment maintenance than the above.

*Please see Exhibit P – Operations and Maintenance Scope of Services for further detail on the maintenance schedule that Cypress Creek Renewables utilizes on all solar energy facilities that we maintain.*

### 2.6.2 VEGETATION MAINTENANCE

Independent Solar is committed to landscaping best practices that stabilize the soil to add strength and durability for the long-term success of the project and the health of the land. Sustainable management practices and the promotion of healthy biodiversity within local ecosystems are a priority for Independent Solar.

We will work to employ techniques that are most appropriate for the local environment based on the following factors:

- Runoff prevention
- Carbon sequestration
- Pollination and other insect services
- Air quality concerns
- Invasive species resistance
- Viable wildflower areas
- Rate of fescue growth

The landscape manager for Independent Solar will make it a priority to minimize the use of mechanical mowing and herbicides. We anticipate mowing will occur at the Independent Solar site at maximum six (6) times a year. In rare circumstances where herbicides are deemed necessary, an effort will be made to minimize use and only apply bio-degradable, EPA-registered, organic solutions that are non-toxic to pets and wildlife. Independent Solar will not use pesticides.

### **2.6.3 DECOMMISSIONING OF SITE**

Independent Solar guarantees that Independent Solar shall be removed, at the expense of the operator, in the unlikely event that the system ceases power production or the land lease expires or is terminated. Independent Solar is contractually obligated through the lease we sign with the Landowner to decommission the project if and when the need arises. We also submit a standard Decommissioning Plan (Exhibit I) for all projects, which specifies the conditions upon which decommissioning activities commence and the clear steps that are taken to decommission the property. We can amend that Plan to better integrate Town requirements.

In addition to the certainty provided by the lease agreement and Decommissioning Plan, another element that ensures decommissioning is the value of the equipment used to develop Independent Solar. If decommissioning becomes necessary, there will be great incentive to promptly remove all materials for sale and re-use. A standard decommissioning cost estimate is included as an Exhibit to this application, and that estimate shows that the salvage value of materials (racking, panels, inverters, etc.) far outweighs the cost to decommission.

*Please see Exhibit I —Decommissioning Plan for more information.*

## **2.7 SOLAR ENERGY FACILITY SAFETY**

Independent Solar will be a safe facility that will not impact the well-being of local residents or Marlborough in general. Solar energy facilities provide safe and reliable sources of power, using simple and proven technologies. Further, CCR sources panels from Tier 1 rated manufacturers, the highest rating in the Bloomberg New Energy Finance ranking system.<sup>8</sup>

The project will be constructed according to all required building and electrical codes and safety measures. Site plans will be approved by all applicable local authorities, and regularly visited throughout construction as required by the town or by New York State Building Code. Energized system components, such as inverters, will be commissioned by the manufacturers' technicians. The project will employ required lock-out measures and safety warnings. A perimeter security fence will prevent trespassing and vandalism. Access codes to the gate will be provided to the Police Department, Fire Department, and emergency service providers. Vehicular access to the site is adequate for the use proposed and for emergency services, as indicated in Exhibit D – Civil Site Plans.

The regular vegetation control methods prevent buildup of debris that could otherwise pose risk of fire material, thus Independent Solar will pose no increased risk of fires to the surrounding areas.

*Please see Exhibit J—Emergency Response Plan.*

## **2.8 TRAFFIC SAFETY**

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<sup>8</sup> Bloomberg New Energy Finance, November 2016. BNEF PV Module Maker Tiering System.  
<[https://data.bloomberglp.com/bnef/sites/4/2012/12/bnef\\_2012-12-03\\_PVModuleTiering.pdf](https://data.bloomberglp.com/bnef/sites/4/2012/12/bnef_2012-12-03_PVModuleTiering.pdf)> Accessed on February 1, 2017.

With no more than one to four vehicle visits per quarter on average, the project will not be a significant traffic generator and will not cause undue harm to the surrounding road networks, to local responders, or to the New York Department of Transportation. By contrast, American households generate an average of ~6 vehicle trips per day (over 500/quarter).<sup>9</sup>

A temporary rise in vehicle traffic during the 12 to 16-week construction period is anticipated. However, given the limited number of vehicles visiting the site over the construction period, traffic patterns are not anticipated to be impacted. During the construction period, approximately 2-15 personal cars and 1-10 trucks will visit the site per day.

Upon completion of the facility installation, no more than four (4) vehicles are anticipated to visit the site on a quarterly basis. In sum, no significant traffic impacts are anticipated.

## 2.9 AGENCY COORDINATION

Independent Solar will continue to coordinate with all necessary Federal, State, and County agencies and other entities throughout the planning process for Independent Solar. Independent Solar is prepared to work with the County should the Application trigger a County review per New York State General Municipal Law 239m.

This proposal will trigger a State Environmental Quality Review Act (SEQRA) review. Independent Solar has contracted an environmental consulting firm to perform field investigations, literature reviews, and agency consultations to assess existing environmental conditions at the project site. Information derived from these investigations will be used by Independent Solar to avoid and minimize impacts to environmental resources during the design process.

*Please see Exhibit F – SEQRA Letter of Intent and FEA – for further information on SEQRA concurrences.*

## 2.10 BENEFITS OF THE PROJECT

Independent Solar presents many benefits to Marlborough, the State of New York, and Central Hudson Gas & Electric customers. There are few, if any, costs associated with the project. Benefits are summarized below:

- Direct local investment of over \$4,530,000;
- Increased tax revenue for the Town of Marlborough;
- Contribution to fulfillment of the State of New York Renewable Energy Standard;
- Additional income provided to Landowner through lease payments;
- Local spending for project construction materials and other goods and services;
- Economic growth for Marlborough and the State of New York as a result of local spending for project construction and other goods and services;
- Generation of renewable, sustainable energy for the State of New York;

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<sup>9</sup> U.S. Department of Transportation . Summary of Travel Trends; 2009 National Household Travel Survey. 2009 <<http://nhts.ornl.gov/2009/pub/stt.pdf>>

- Diversified electrical mix in the grid

## 1. Exhibits

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### **EXHIBIT A. PLANNING BOARD APPLICATION FORM**

## **EXHIBIT B. LEASE AGREEMENT**

**EXHIBIT C. PROPERTY DEED**

## **EXHIBIT D. CIVIL SITE PLANS**

**EXHIBIT E. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

**EXHIBIT F. SEQR LETTER OF INTENT AND FEA**

## **EXHIBIT G. AGRICULTURAL DATA STATEMENT**

**EXHIBIT H. TOWN OF MARLBOROUGH ZONING MAP**

## **EXHIBIT I. DECOMMISSIONING PLAN**

## **EXHIBIT J. EMERGENCY RESPONSE PLAN**

**EXHIBIT K. CHG&E INTERCONNECTION AGREEMENT**

## EXHIBIT L. SGHAT GLARE ANALYSIS



## EXHIBIT M. VIEWSHED ANALYSIS

## EXHIBIT N. EQUIPMENT TECHNICAL INFO

## **EXHIBIT O. SOLAR ENERGY IN NEW YORK – OVERVIEW**

## **EXHIBIT P. OPERATIONS AND MAINTENANCE SCOPE OF SERVICES**

## **EXHIBIT Q. SOLAR FARM DEVELOPMENT & OPERATION OVERVIEW**

## **EXHIBIT R. AGRICULTURAL LAND USE & SOLAR DEVELOPMENT**

**EXHIBIT S. ILLUSTRATIVE PHOTOS OF TYPICAL SOLAR INSTALLATION**

