

(Rev. 1/10/19 cb)

Town of Marlborough
Planning Board Application

Application For: (Check One)

Subdivision _____ **Site Plan** X **Lot Line Revision** _____

Application Number: _____

Date of Submission: _____

Name of Project: Independent Solar, LLC

Location of Project: 206 Milton Turnpike, Milton, NY 12547

Tax Section Block and Lot: 95.4-3-7.210

Zoning District: R-AG-1

Number of Acres: 29.6 Sq. Footage of Building: 65,340 (impervious area)

Description of Project (include number of lots/units & bedrooms):

Independent Solar, LLC is a proposed 3,000 kWac community solar + energy storage facility utilizing approximately 29.6 acres of parcel 95.4-3-7.210, with site access from the existing driveway at 206 Milton Turnpike. The project will be comprised of approximately 12,000 ground-mounted photovoltaic modules.

EMAIL: Paul.Irby@ccrenew.com

Name of Property Owner: Robert Titanic

Address of Property Owner: 206 Milton Turnpike, Milton, NY 12547

Telephone Number of Property Owner: 914-490-8458

Name of Applicant: Independent Solar, LLC (Paul Irby)

Address of Applicant: 3402 Pico Blvd, Santa Monica, CA 90405

Telephone Number of Applicant: 310-862-0371

Name of Surveyor: Lawson Surveying & Mapping

Address of Surveyor: 2959 County Route 8, Oneonta, NY 13820

Telephone Number of Surveyor: 607-432-3300

Name of Engineer: Langan Engineering

Address of Engineer: 1 N Broadway Suite 910, White Plains, NY 10601

Telephone Number of Engineer 914-323-7400

Name of Attorney: Doug Warden

Address of Attorney: 94 White Plains Rd, Tarrytown, NY 10591

Telephone Number of Attorney: 914-333-0700

Reason For Application: Special use permit approval and site plan review required for large scale
solar installations, as outlined in Section 155-32.2 of the Town of
Marlborough zoning ordinance.

Description of Proposal:

Independent Solar, LLC is requesting site plan approval and issuance of a Special Use Permit for
the proposed 3,000 kWac community solar facility at 206 Milton Turnpike. Construction of the
project is planned for 2021, with the project placed in service with Central Hudson Gas &
Electric by the end of 2021. The Independent Solar project will provide renewable electricity to
approximately 800 local CHG&E homes annually.

Applicant's Name

CHECKLIST FOR MAJOR/MINOR SUBDIVISION, SITE PLAN and/or LOT LINE REVISION

I. The following items shall be submitted for a COMPLETED Planning Board Application Form.

1. X Completed Application
2. X Environmental Assessment Form (*May be obtained from Planning Board*)
3. X Letter of Agent Statement
4. X Application Fee (*Separate check from escrow fee*)
5. X Escrow Fee (*Separate check from application fee*)
6. X Copy of deed
7. X Completed checklist (*Automatic rejection of application without checklist*)
8. X Agricultural Data Statement (*if applicable*)
9. X Provide twelve (12) copies of all maps, plans, reports and a PDF computer file on CD of all documentation submitted. Plan sets must be correlated packages.

II. The following checklist items shall be incorporated on the Subdivision Plat, Site Plan, or Lot Line Revision prior to consideration of being placed on the Planning Board Agenda. Non-Submittal of the checklist will result in application rejection.

1. X Name and address of applicant
2. X Name and address of owner (*if different*)
3. N/A Subdivision name and location
4. X Tax Map Data (*Section-Block-Lot*)
5. X Location map at a scale of 1" = 2,000
6. X Zoning table showing what is required in the particular zone and what applicant is proposing.
7. X Show zoning boundary if any portion of proposed subdivision or site is within or adjacent to a different zone
8. X Date of plat preparation and/or plat revisions (no plat, preparation date and revision dates shown on site plans)
9. X Scale the plat is drawn to (Max 1" = 100') (no plat, site plans are drawing 1"=100')
10. X North Arrow

- | | | |
|-----|--------------------|--|
| 11. | <u> X </u> | Surveyor's Certification (provided on ALTA survey) |
| 12. | <u> X </u> | Surveyor's seal and signature (provided on ALTA survey) |
| 13. | <u> X </u> | Name, SBL and acreage of adjoining owners |
| 14. | <u> N/A </u> | NYSDEC Wetland and 100 foot buffer zone with an appropriate Certification block regarding DEC requirements. |
| 15. | <u> N/A </u> | Flood plain boundaries |
| 16. | <u> X </u> | Federal Wetland Boundary |
| 17. | <u> X </u> | Metes and bounds of all lots |
| 18. | <u> N/A </u> | Name and width of adjacent streets, include dedication parcels. The road boundary is to be a minimum of 25 feet from the centerline of the paved street. |
| 19. | <u> X </u> | Show existing or proposed easements (<i>note restrictions</i>) (provided on ALTA survey) |
| 20. | <u> N/A </u> | Right of way width and Rights of Access and utility placement. |
| 21. | <u> N/A </u> | Road profile and typical section including existing proposed grades, vertical curve data, utilities, drainage and other improvements. |
| 22. | <u> X </u> | Lot area acreage. For lots under 2 acres, list in square feet & acres. |
| 23. | <u> N/A </u> | Number of lots including residual lot. |
| 24. | <u> X </u> | Show any existing waterways, wetlands, ponds, lakes, streams, drainage courses within 200 feet of parcel boundaries. |
| 25. | <u> N/A </u> | A note stating a road maintenance agreement is to be filed in the County Clerk's Office for private roads. |
| 26. | <u> X </u> | Applicable note pertaining to owners review and concurrence. |
| 27. | <u> N/A </u> | Show any public improvements, i.e. drainage systems, water lines, sewer lines, etc. |
| 28. | <u> N/A </u> | Show all existing houses, accessory structures, wells and septic systems on and within 200 feet of the parcel to be subdivided. |
| 29. | <u> X </u> | 2 Foot Contours |
| 30. | <u> X </u> | Indicate any reference to a previous subdivision, i.e., filed map number, data and previous lot number. (provided on ALTA survey) |

31. N/A If a private road, Town Board approval of name required, and notes on the plan that no Town services will be provided and a street sign (*per Town specs*) is to be furnished and installed.
32. X The amount of grading expected or known to be required to bring the site to readiness.
33. X Estimated or known cubic yards of material to be excavated.
34. X Estimated or known cubic yards of fill required.
35. X The amount of grading expected or known to be required to bring the site to readiness.
36. N/A Type and amount of site preparation which falls within the 100 foot buffer strip of wetlands and within the Critical Environmental Area. Please explain in square feet or cubic yards.
37. N/A Amount of site preparation within a 100-year flood plain or any water course on the site. Please explain in square feet or cubic yards.
38. X Planning Board approval block 4" x 2"
39. X Special district boundaries, agricultural, school, fire, water, sewer, etc.
40. TBD Sight distance of all intersections and driveways.
41. X Ridgeline and steep slope notation.
42. X Agricultural setbacks.
43. X After final approval is given by the Planning Board, the Building dept. needs to be contacted for further guidance.

The plat for the proposed subdivision, site plan, or lot line revision has been prepared in accordance with this checklist.



By: Michael Finan, PE, LEED-AP
Licensed Professional

07/07/2020

Date

Legal Notices for Public Hearing

Public Hearings will be held only on the first (1st) Monday of the Month.

Procedure for Notice:

1. Planning Board will schedule Public Hearing during a regularly scheduled meeting, after approval for such is granted.
2. Applicant is to obtain surrounding property owner names and addresses from Assessor's Office.
3. Applicant is to send Public Notice Letter, obtained from Planning Board Office, via Certified Mail with Return Receipt to property owners no less than 10 days prior to Public Hearing.
4. Planning Board Office will send notification to the town's official newspaper.
5. All Certified Mail with Return Receipt receipts and a copy of the Assessor's listing of names and addresses must be submitted at Public Hearing.

Any questions regarding procedures may be answered at 845-795-5243.

Ethics Code

TOWN OF MARLBOROUGH NOTICE OF DISCLOSURE OF INTEREST

In accordance with the Town of Marlborough Code of Ethics, Article 13-3 (E) and Public Officers Law § 209, the following disclosure notice ("notice") must be completed and signed by any individual, including any officer or employee of the Town of Marlborough, who has an application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, special use permit, site plan, subdivision, exemption from a plat or official map, license or permit, pursuant to the provisions of the zoning and planning regulations of the Town of Marlborough before any Town of Marlborough Board, Agency or Department ("decision-making authority"), in which a Town officer or employee has an interest in the subject of the application. The purpose of the disclosure notice is to identify and disclose any potential or actual conflict of interest for the Town employee or officer, which may compromise his/her ability to make decisions solely in the public interest. Please refer to the Town of Marlborough Code of Ethics for further information.

Under the Town of Marlborough Code of Ethics an interest is defined as: a participation, connection or involvement of any sort whether direct or indirect, pecuniary or non-pecuniary, personal or professional, which may result in a benefit. For the purposes of the Town of Marlborough Code of Ethics, the "interests" of a Town officer or employee shall be deemed to include the "interest" of:

- A. An immediate family member. Immediate family member is defined as: grand parents, parents, spouse, significant other, children, grand children, brother, sister, dependent, or any household member of a Town officer, Town Board member or employee.
- B. Any person other than a bank, trust company or other lending institution with whom he/she has a substantial debtor-creditor or other financial relationship.
- C. Any person by whom he/she is employed or of which he/she is an officer, director or member having a controlling interest in any business or enterprise in which the Town employee or officer holds stock or has any other profit-bearing or beneficial relationship.
- D. An officer or employee shall also be deemed to have an interest in a matter if he/she or any person described in A through C above is a party to an agreement, expressed or implied, with any applicant before any Board of the Town, whereby he/she may receive any payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of any such application, petition or request by any Town body.

This notice must be completed and included with the application, petition or request to the appropriate Town of Marlborough Board, Agency or Department.

I, Gerald A. Leone, Jr., residing at 863 Victor Road, Victor, NY 14564, make the following statements about interests in the real property which is the subject of this application, petition or request for a special use permit and site plan approval, before the Planning Board of The Town of Marlborough.

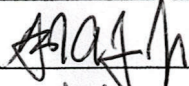
PART I: Except as otherwise set forth in Part II below:

PART II: If any of the statements under A through D above is not true, please explain and set forth the name and the relationship to the applicant and subject property of any Town employee or officer involved:

PART III: This completed notice is to be submitted to the Board, Agency or Department that is authorized to review and render a decision on the application, petition or request. Further, the submittal must be made prior to any review of the application, petition or request. This notice shall be made part of that decision-making authority's official record, disclosing the exact nature of the conflict in detail. If there is an actual or potential conflict, the Town officer or employee shall abstain from voting or otherwise acting on the application, petition or request so as to avoid an actual conflict.

ANY QUESTIONS REGARDING THIS DISCLOSURE NOTICE OR THE CODE OF ETHICS ARE TO BE DIRECTED TO THE TOWN SUPERVISOR AT (845) 795-2220.

PLEASE TAKE NOTICE.....A KNOWINGLY FALSE STATEMENT IS PUNISHABLE UNDER N.Y. GEN. MUN. LAW ' 809 AS A MISDEMEANOR.

Signed: 

Date: 7/8/20

ACKNOWLEDGMENT

State of New York
County of: Monroe

On 7/8/2020, before me personally appeared Gerald A. Leone, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to this instrument and acknowledged to me that [he/she/they] executed the same in [his/her/their] capacity(ies), and that by [his/her/their] signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary



Planning Board Fees

(All Applications Subject To Escrow Fees)

Application Fees:

Residential Subdivision – Single Family or Town House	\$750.00, plus \$150.00 per Lot or Unit
Residential Site Plan – Multi Family Apartments or Condos	\$750.00, plus \$100.00 Per Unit
Commercial Subdivision	\$600.00, plus \$200.00 per Lot or Unit
Commercial Site Plan	\$1,000.00, plus \$10.00 per 1,000 sf of Building
All Other Site Plan Reviews	\$550.00
Lot Line Revision	\$600.00
Recreation Fees <i>(Residential Subdivisions & Site Plans – Excludes parent parcel)</i>	\$2,000.00 per Lot or Unit
Recreation Fees Adult Multiple Dwelling Affordable Housing <i>(50 and over)</i>	\$500.00 per Unit

Escrow Deposit: *(To be replenished to 75% of original escrow when level drops to 25% remaining in account.)*

Residential Subdivision – Single Family or Town House	\$750.00, plus \$150.00 per Lot or Unit
Residential Site Plan – Multi Family Apartments or Condos	\$750.00, plus \$100.00 per Unit
Commercial Subdivision	\$600.00 per Lot (up to 4 lots,) then \$200.00 per Lot Thereafter
Commercial Site Plan	\$1,000.00 Minimum
All Other Site Plans	\$750.00 Minimum
Lot Line Revision	\$600.00 Minimum

Engineer Inspection Fees (All Town Road Installation Inspections)

Improvements as approved by Town Engineer	5% of the estimated cost to construct
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Disclaimer

The applicant is advised that the Town of Marlborough Town Code, which contains the Town's Zoning Regulations, is subject to amendment. Submission of an application to the Planning Board does not grant the applicant any right to continued review under the code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new code requirements made while the application is pending.

An approval by the Planning Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer or water. It is the applicant's responsibility to apply for and obtain Town of Marlborough and other agency approvals not within this Board's authority to grant.

AFTER FINAL APPROVAL IS GIVEN BY THE PLANNING BOARD, THE BUILDING DEPT. MUST BE CONTACTED FOR FURTHER GUIDANCE.

The Town of Marlborough Town Board sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgment of responsibility for payment of these fees to the Planning Board for review of this application including, but not limited to, fees for professional services (Planners/Consultants, Engineers, Attorneys,) public hearings and site inspections. Applicant's submissions and re-submissions that are not complete will not be considered by the Planning Board or placed upon its agenda unless all outstanding fees have been paid.

The undersigned applies for subdivision, site plan, or lot line approval as described above under the rules and procedures of the Town of Marlborough, New York as duly authorized by the Town Board of Marlborough, New York.

The undersigned also acknowledges receipt of the "Disclaimer" above.

Applicant's Name(Print): Matthew Bowers

Applicant's Signature:  Matthew Bowers

Date: 7/8/2020

*****Application will not be accepted if not signed and filled out completely*****

Letter of Agent

I (We), Organic Valley, LLC - Robert A. Titanic Jr. am (are) the owner(s) of a parcel of land located on 206 Milton Tpke., Milton, NY 12547 in the Town of Marlborough, Tax Map Designation: Section 95.4 Block 3 Lot 7.210.

I (We) hereby authorize Cypress Creek Renewables - Paul Irby to act as my (our) agent to represent my (our) interest in applying to the Town of Marlborough Planning Board for a 20 Ac Lot Subdivision Site Plan or Lot Line Revision Application. (circle one)

/
Signature

Signature

7/9/2020

Date

Date

State Of New York}

County Of Dutchess }

SS:

On the 9th day of July in the year 2020 before me, the undersigned, a Notary Public in and for said State, personally appeared

Robert A. Titanic Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Andrew Pimentel
Notary Public

