

THE MEETING TONIGHT IS FOR THE CONDUCT OF TOWN BUSINESS BY THE TOWN BOARD. THE PUBLIC IS INVITED TO PARTICIPATE AT THE ITEMS MARKED ON THE AGENDA "PUBLIC COMMENT." DURING THAT SEGMENT OF THE MEETING, IF YOU HAVE A QUESTION OR COMMENT FOR THE SUPERVISOR, PLEASE RAISE YOUR HAND AND WAIT TO BE ACKNOWLEDGED. PLEASE STATE YOUR FULL NAME AND LIMIT YOUR REMARKS TO THREE MINUTES. THANK YOU FOR YOUR ANTICIPATED COOPERATION.

AGENDA
WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
(ZOOM VIDEO MEETING DUE TO THE
CORONAVIRUS PANDEMIC)
MAY 24, 2021 7:00 PM

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

ITEM #4 Motion to approve minutes from the May 10, 2021 Town Board Meeting

ITEM #5 Authorize payments of bills

ITEM #6 Presentations

ITEM #7 Comments on the agenda

ITEM # 8 New Business

A). Garage Ductless Unit

ITEM #9 Workshop topics

- A). COVID 19
- B). 2021 Summer Camp
- C). Sands Ave Park Report
- D). Cluett Schantz Park upper ballfield lights and poles
- E). STR code and Number of STR
- F). Tent rental for summer camp

ITEM #10 Correspondence

ITEM #11 Public Comment

ITEM #12 Resolutions

- A). Resolution #56 To approve an application for NYS DEC 2020 Hudson River Estuary Grant for River Access "Accessible Kayak Launch at Milton Landing Park."
- B). Resolution #57 To Transfer Funds
- C). Resolution #58 Granting Conditional Site Plan Approval and a Special Use Permit to NEXAMP SOLAR, LLC for a solar photovoltaic system on the Landfill site.

ITEM#13 ADJOURNMENT

May 24, 2021

A). Resolution #56 To approve an application for NYS DEC 2020 Hudson River Estuary Grant for River Access "Accessible Kayak Launch at Milton Landing Park."

Supervisor Lanzetta proposes the following:

Whereas the Town of Marlborough has finished its LWRP and is moving forward with the implementation of the directives for economic & recreational development

And whereas the Town is seeking to improve River Access for people of all abilities at the Milton Landing Park

And whereas, as a designated site along the Hudson River Greenway Trail, the Milton Landing Park is an important launching site that needs additional amenities to be fully utilized by all members of the public.

And whereas, the NYS DEC 2020 Hudson River Estuary Grant for River Access makes funding available for kayak launch enhancements that will bring value to the community and broader region, including nearby environmental justice areas

Be it resolved that the Town of Marlborough supports the application for a NYS DEC 2020 Hudson River Estuary Grant for River Access for the Accessible Kayak Launch.

And moves for its adoption.

Councilman Corcoran	-----
Councilman Molinelli	-----
Councilman Koenig	-----
Councilman Baker	-----
Supervisor Lanzetta	-----

May 24, 2021

B). Resolution #57 To Transfer funds

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough embarked on a Cultural Resource Survey in 2020, and

Whereas, the survey was to be funded by a \$10,000.00 grant which we received \$5,000.00 of donated funds and \$5,000.00 from the Towns general fund for a total of \$20,000.00, and

Whereas, the Town Board needs to approve the transfer of funds.

Be it resolved, that \$20,000.00 be transferred from the general fund to our operating budget to pay for this project in regularly billed intervals until its completed.

And moves for its adoption

Councilman Corcoran	-----
Councilman Molinelli	-----
Councilman Koenig	-----
Councilman Baker	-----
Supervisor Lanzetta	-----

May 24, 2021

C). Resolution # 58 Granting Conditional Site Plan Approval and a Special Use Permit to NEXAMP SOLAR, LLC for a solar photovoltaic system on the Landfill site

Supervisor Lanzetta proposes the following:

WHEREAS, the Town of Marlborough owns real property located at 20 Baileys Gap Road, Marlborough, New York, containing approximately 82.33 acres (the “Property”); and

WHEREAS, the Property was formerly operated as a solid waste management facility authorized by the New York State Department of Environmental Conservation and other applicable Government Authority (“Landfill”); and

WHEREAS, the Landfill was closed and capped and the New York State Department of Environmental Conservation (“NYSDEC”) conditionally approved a Revised Closure Plan on March 15, 1995 as Case # 3-1297/8611; and

WHEREAS, the Town Board has executed a Ground Lease with NEXAMP SOLAR, LLC, for the lease of a portion of the Property as shown on a map attached to the Ground Lease to develop, construct, operate and maintain a solar powered electric generation and energy storage facility and any uses necessary or ancillary thereto (the “Facility”); and

WHEREAS, NEXAMP, INC (the parent company of NEXAMP SOLAR, LLC and of BAILEY’S GAP SOLAR, LLC) has submitted an Application to the Town of Marlborough for site plan approval and for a special use permit for the Facility accompanied by plans entitled “CIVIL PERMIT PLANS FOR BAILEY’S SOLAR GAP, LLC” prepared by Labella Associates last revised _____, 2021, and with a draft of a Post Closure Monitoring and Maintenance Plan also prepared by Labella Associates, D.P.C., and dated May, 2021; and

WHEREAS, by Resolution #64 dated July 13, 2020, the Town of Marlborough Town Board previously determined that the establishment of the Facility on the Property was exempt or immune from local land use regulations pursuant to an analysis made pursuant to the standards set forth in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and further that the Town Board would

conduct the review of any application submitted and would issue any approvals deemed necessary; and

WHEREAS, the Application was referred to the Ulster County Planning Board, which issued a Recommendation to the Town dated May 5, 2021 which provided the following: “Coordination with and compliance with the requirements of the NYSDEC will be required – as it relates to modification of a previously approved closure plan and post-closure care manual.”; and

WHEREAS, the Town Board previously classified this action as a Type II action under the State Environmental Quality Review Act (SEQRA) and its implementing regulations specifically 6 NYCRR 617.5(c)(14)(i);

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The Town Board hereby conditionally approves the Application of NEXAMP, INC., dated March 19, 2021, the draft Post Closure Monitoring and Maintenance Plan prepared by Labella Associates, D.P.C., dated May, 2021 and the Civil Permit Plans prepared by Labella Associates, last revised _____, 2021, consisting of the following Sheets:

C-000	Cover Sheet
C-001	General Notes and Legend
C-101	Existing Conditions and Demolition Plan
C-201	Site and Utility Plan
C-401	Grading and Erosion Control Plan
C-501	Construction Details
C-502	Construction Details
C-503	Construction Details.

B. The plans identify $3.18\pm$ acres of trees to be cut with stumps left in place. The Applicant shall comply with any restrictions on tree clearing required by NYSDEC on tree clearing, specifically including restrictions related to potential habitat for protected bat species.

C. The Applicant shall obtain approval from NYSDEC for the placement of the solar array on the Landfill and shall file such approval with the Town. No construction activities shall begin or occur until such approval has been received and filed.

- D. The Applicant shall also obtain approval from NYSDEC for the Post Closure Monitoring and Maintenance Plan (the “Plan”) and shall file such approval with the Town. Any modifications required by NYSDEC shall be made to the Plan, and the approved Plan shall be executed by both NEXAMP, INC., and the TOWN OF MARLBOROUGH prior to the commencement of any construction activities on the Property.
- E. Installation of the fencing required by the plans shall cease if any landfill cap material or landfill debris are encountered during installation. Such condition shall be remedied to the satisfaction of NYSDEC before installation can resume.
- F. The General Notes on the plans shall include a Note that no disruption shall occur to the Town’s transfer station operations which exist at the Property.
- G. Applicant shall obtain approval from the Town MS4 officer.
- H. The Applicant shall comply with the decommissioning plan requirements set forth in Town Code Section 155-32.2(J), except that the Town Board shall approve the decommissioning plan.
- I. The Applicant shall pay all fees and costs of the Town, specifically including all consultant expenses of the Town related to the review of this Application.

The foregoing Resolution was duly put to a vote which resulted as follows:

Supervisor Lanzetta _____

Councilman Molinelli _____

Councilman Corcoran _____

Councilman Baker _____

Councilman Koenig _____

The Resolution was thereupon declared duly adopted.

DATED: Milton, New York
May 24, 2021

Colleen Corcoran, Town Clerk