

Crawford & Associates Engineering & Land Surveying, PC

Hudson Office – One Hudson City Centre, Suite 300 • Hudson, NY 12534
Tel: (518) 828-2700 • Fax: (518) 828-2723 • www.crawfordandassociates.com

PRESIDENT
Jennifer Crawford P.E.

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ASSOCIATES
Andrew P. Aubin, P.E., LEED
Daniel J. Russell, L.S.
Donna M. Verna, P.E.

LETTER OF TRANSMITTAL

TO: Town of Marlborough	DATE: 04/05/2024	JOB NO. 4996.26
Planning Board	ATTENTION: Chair Chris Brand	
21 Milton Turnpike, Suite 200	RE: ELP Marlborough Solar	
Milton, NY 12547	335 Bingham Road, Marlboro, NY	
	Site Plan Review Application	

WE ARE SENDING YOU VIA HAND DELIVERY & EMAIL THE FOLLOWING ITEMS:

SHOP DRAWINGS PRINTS PLANS SAMPLES SPECIFICATIONS
 COPY OF LETTER CHANGE ORDER OTHER Preliminary Conceptual Application Materials

COPIES	DATE	NO.	DESCRIPTION
2	04/05/2024	118	Site Plan Review Application Materials (24x36 drawings)
12	04/05/2024	118	Site Plan Review Application Materials (11x17 drawings)

THESE ARE TRANSMITTED as checked below:

FOR APPROVAL FOR YOUR USE FOR REVIEW AND COMMENT
 AS REQUESTED OTHER _____

REMARKS: Please find enclosed Site Plan Review Application materials for the proposed ELP Marlborough Solar project located at 335 Bingham Road in the Town of Marlborough. The enclosed application materials have also been provided via email for your consideration. We look forward to discussing the project at the April 15th Planning Board meeting. Should you have any questions or comments, please feel free to contact me at (518) 828-2700 ext. 1106 or via email at eyoung@crawfordandassociates.com. Thank you!

SIGNED: Evan Young, Assistant Project Manager / Senior Engineer



Planning Board
Town of Marlborough
21 Milton Turnpike, Suite 200
Milton, NY 12547

Re: Conceptual Site Plan for ELP Marlborough Solar

April 5, 2024

Chair Brand,

As follow up to ELP Marlborough Solar's first appearance before the Planning Board on March 4, 2024 for preliminary conceptual review, please find enclosed full project application materials covering all required documentation as specified in 155-31 Site Plan Review, 155-32 Special Use Permit, and 155-32.2 Solar Energy.

ELP Marlborough Solar LLC is proposing to build a community solar photovoltaic facility at 335 Bingham Road, on the parcel identified as SBL#s 108.3-3-21. The property is zoned R-AG-1 and under Local Law No. 6 of 2017, a large-scale solar system is allowed by special use permit and site plan review.

The proposed project is a 5-megawatt solar array, mounted on a fixed tilt racking system. The parcel is approximately 80 acres and the Area of Use shall be less than 20 acres. The project will utilize inverters located on equipment pads to convert the power from direct current (DC) to alternating current (AC). A lithium-ion battery energy storage system, which will store the energy generated by the solar panels, is also proposed to be sited on the equipment pads. The project will connect to Central Hudson's distribution system on Bingham Road in the pole configuration required by the utility's standards. The project will be a passive, quiet, and low-impact use of the property.

The project design complies with all aspects of Local Law No. 6 of 2017, as outlined below:

1. Height and setback: the height of the solar panels does not exceed 15 feet when oriented at maximum tilt and the project meets the required setbacks.
2. Area of use: the area of use for the large-scale solar energy system is less than 20 acres.
3. Lot coverage: the lot coverage, as measured by the surface area covered by the solar panels, including equipment pads, is less than 50%.
4. The project is designed and located to minimize reflective glare onto roadways and adjacent structures.
5. A minimum twenty-five-foot perimeter vegetative buffer could be included in future design.
6. Non-invasive ground cover that is low-maintenance, drought-resistance, and non-fertilizer will be utilized under and between the rows of solar panels.
7. Debris, materials, and/or mulch generated by site clearing or construction will not be stockpiled on the site.
8. The project will comply with all local stormwater regulations and SPDES guidelines
9. A 7-foot fence encloses the facility, with the required warning signs, will be placed at the entrance and along the perimeter fencing.
10. Signs will be no greater than two square feet and indicate the name of the facility owner and a twenty-four-hour emergency telephone number. A visible warning sign concerning voltage will be placed at the base of all pad-mounted transformers and substations.

Please find enclosed the 2 full-sized copies and 12 11x17 copies of the Application materials for ELP Marlborough Solar, including the following documents:

- Site Plan Application
- Site Plan Drawing Set
- Response to MHE Preliminary Comments
- Location Map
- Property Deed
- Copy of the memo of lease with the landowner
- Agricultural Data Statement
- Operation and Maintenance Plan
- Decommissioning Plan
- Long Form EAF
- Stormwater Memo
- Equipment specification sheets for the photovoltaic panels, racking, and inverters
- An excerpt from the project's Coordinated Electric System Interconnect Review, confirming that the electric grid has the capacity to support the energy generated from the system at its maximum peak design
- Information on Solar Basics from NYSERDA
- Information on fire safety related to battery energy storage systems in New York (per board member Troncillio's request)

The \$1,000 Site Plan application fee is also enclosed.

We look forward to coordinating with the Planning Board during its review of this application. If you have any questions, please do not hesitate to reach us by email at jbff@vcrenewables.com and eyoung@crawfordandassociates.com or by phone at 201-275-4795 and 518-828-2700.

Sincerely,

Jamie Fordyce
ELP Marlborough Solar LLC

Evan Young
Crawford & Associates Engineering & Land Surveying, P.C.

**Town of Marlborough Planning
Board Site Plan Application**

Application #

Please refer to the Town of Marlborough Town Code Section 155-31 <https://www.ecode360.com/8667578#8667578> to review all relevant local legislation with regards to Site Plan Review.

Please refer to Town of Marlborough Route 9W Corridor Building and Site Design Guidelines for New Commercial Construction and Rehabilitation of Existing Buildings.

[<https://www.townofmarlboroughny.org/Search?searchPhrase=Route%209W%20Corridor%20Building%20and%20Site%20Design%20Guidelines>]

Failure to accurately complete this application in its entirety may result in delays and additional review costs.

Date of Initial Submission and Latest Revision	04/05/2024
Name of Project	ELP Marlborough Solar LLC
Address of Project	335 Bingham Road
Tax Section, Block, and Lot Number	108.3-3-21
Zoning District	RAG-1 (Rural Agricultural District)
Number of Acres	+/- 80.1 Acres
Square Footage of Each Building	N/A

Reason For Application:

The proposed large scale solar energy system requires Site Plan Review and Special Use Permit pursuant to Town of Marlborough Zoning Code.

Description of Proposal 155-31 E (3) (a):

The proposed project is a 5-megawatt community solar array. Please see cover letter and site plans for specifics pertaining to the proposed project.

CONTACT INFORMATION	
Name of Property Owner	Joel V Truncali & William M Truncali
Address of Property Owner	27 Bingham Road, Marlboro, NY 12542
Telephone Number of Property Owner:	(845) 541-5635
Email of Property Owner	joeltruncali@gmail.com
Name of Applicant	ELP Marlborough Solar LLC
Address of Applicant	14 Arrow Street, Suite 22, Cambridge, MA 02138
Telephone Number of Applicant	(201) 275-4795
Email Address of Applicant	jbf@vcrenewables.com
Name of Surveyor	TBD
Address of Surveyor	
Telephone Number of Surveyor	
Email Address of Surveyor	
Name of Engineer	Crawford & Associates Engineering & Land Surveying, P.C.
Address of Engineer	1 Hudson City Centre, Hudson, NY 12534
Telephone Number of Engineer	(518) 828-2700
Email Address of Engineer	eyoung@crawfordandassociates.com, cknox@crawfordandassociates.com
Name of Attorney	N/A
Address of Attorney	
Telephone Number of Attorney	
Email Address of Attorney	
Name & Profession of Other Involved Personnel	N/A
Address of Other Involved Personnel	
Telephone Number of Other Involved Personnel	
Email of Other Involved Personnel	

Town of Marlborough Planning Board

Checklist For Site Plan Application

The following items shall be submitted for a Planning Board Site Plan Application to be considered complete. Site plans and Checklist shall be prepared by a licensed professional engineer, architect, land surveyor or landscape architect. Additional Town Codes apply to all site plans. Please check each required item. Y for yes provided, N for not provided, or RW for Request Waiver. **Provide a written explanation for any requested waivers from the checklist.** After final approval is given by the Planning Board, the Building Department should be contacted for further guidance.

Y/N/RW	Required Items To Be Submitted
1 Y	Complete application with below information and 12 copies of plans. Site plans SHALL be prepared by licensed professional (155-31 E) and shall refer to specific data sources.
2 Y	Completed Site Plan Application form (Pages 1 and 2) 155-31 E (1).
3 Y	Site Plan Application Checklist Complete (Automatic application rejection without checklist) pages 3 to 6.
4 N/A	Ethics code Town of Marlborough Disclosure of Interest (where applicable) Pages 8-10
5 Y	Application Fee Paid (Separate check from Escrow Fee) see page 11.
6 TBD	Initial Escrow Fee Paid (Separate check from Application Fee) see page 11, also 155-31 J.
7 Y	Disclaimer Forms Provided See Page 12.
8 Y	Letter of Agent Statement Page 13.
9 Y	A location map, at a scale of 2,000 feet to the inch or larger, showing the applicant's entire property and all easements and streets and existing structures within 500 feet of the applicant's property as well as the Tax Map and section on of USGS (United States Geological Survey) mapping. 155-31 E (2).
10 Y	Project Narrative. Complete Brief document 155-31 E (3) <ul style="list-style-type: none"> (a) A description of proposed project (bottom of page 1 of Site Plan Application) (b) A description of whether the site design includes the possibility for interconnections with adjoining sites and, if no such interconnection is provided, a thorough narrative as to why an interconnection is not feasible. (c) An analysis of how the project complies with the requirements contained within this Chapter 15 5, Zoning, is included. (d) Any waivers or variances needed have been identified. 155-31 F Waivers shall be discussed in the briefing document to be submitted by the applicant.
11 Y	Title of the drawing, including the name and address of the owner of record, applicant, and licensed professional(s) responsible for the preparation of such drawing, including seal and signature. 155-31 E(4)(a).

12 Y	Map of the site includes North arrow, scale, and date. 155-31 E (4) (b).
13 TBD	Map of the site depicts boundaries of the property with surveyed dimensions. 155-31 E (4) (c).
14 Y	Names of all owners of record adjacent to the applicant's property are indicated. 155-31 E (4) (d).
15 Y	Existing school district (if applicable), zoning district, and overlay district boundaries (if applicable), within 500 feet of the site's perimeter is indicated. 155-31 E (4)(e).
16 Y	Map of the site depicts acreage of each distinct existing and proposed land use on the applicant's property, and the proposed density of each if residential uses are proposed. 155-31 E (4) (f).
17 Y	Grading and drainage plan showing existing and proposed contours with intervals of two feet extending 50 feet beyond the tract. If any portion of the parcel is within a one-hundred-year floodplain as determined by the Federal Emergency Management Agency (FEMA), the area will be shown and base flood elevations given. 155-31 E (4) (g).
18 Y	Map of the site depicts location and boundaries of all existing natural land features on the property, including rock outcrops, isolated trees 12 inches or more in diameter at breast height (dbh) and all trees over 24 inches in dbh (whether isolated or in a forested area), existing vegetative and forest cover, orchards, hedgerows and other ornamental landscaping, stone walls, soil types and boundaries, active farmlands, visually prominent agricultural landscape features, such as fields, pastures, and meadows on knolls and hilltops, woodlands along roadways, property lines, and streams, steep slopes in excess of 15%, and water sources. Water sources include ponds, lakes, wetlands and watercourses, primary aquifers and primary aquifer recharge areas, floodplains, and drainage retention/detention areas. The plan shall show locally significant trees which include rare or unusual species, trees associated with historic events or persons, or trees that significantly contribute to a unique scenic viewshed. 155 E (4) (h).
19 Y	Location of all existing buildings, structures, signs, and agricultural lands, on adjacent property within 100 feet of the subject lot lines is shown. 155-31 E (4) (i).
20 Y	Map of the site depicts location, proposed use, height, and setback measurements of all existing and proposed buildings, structures and signs on the applicant's property, including floor plans, and plans for exterior elevations, at a scale of 1/4 inch equals one foot, showing the structure's mass and architectural features, and indicating the type and color of materials to be used. A table indicating square footage of building areas to be used for a particular use, such as retail operation, office use, warehousing, or other commercial activity; maximum number of employees; maximum seating capacity, where applicable; and number of parking spaces existing and required for the intended use. 155-31 E (4) (j).
21 Y	Traffic flow patterns within the site, entrances and exits, the location of potential interconnections between the project site and adjoining sites, truck/commercial vehicle loading and service areas, curb cuts on the site and within 100 feet of the site, and all streets which are either proposed, mapped or built are indicated. 155-31 E (4) (k). The Town requires right-of-way of 25 feet from the center line of Town roads along the property frontage. See also 155-31 G (8).
22 Y	Any cross-access easements, walkways, and bicycle path opportunities associated with the project are indicated. 155-31 E (4) (l).

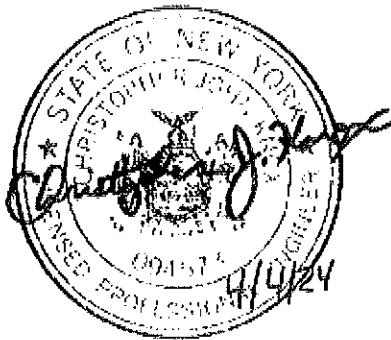
23	Y	The location, design (including size of spaces, and accessible parking information) and construction materials of all off-street parking areas (open and enclosed, if any), including the number of parking spaces required and to be provided is indicated. 155-31 E (4) (m) and 155-31 G (9) (c) Off-street parking spaces are a minimum of 162 square feet each. See 155-27 A (1) (a).
24	Y	The location, design and construction materials of all present and proposed walkways, bicycle paths and bicycle parking, benches, ramps, outdoor storage or display areas, retaining and/or landscaping walls and fences is indicated. 155-31 E (4) (n).
25	Y	A general and conceptual landscape plan showing proposed changes to existing natural land features. Trees to be saved shall be noted on site plans, and appropriate measures shall be outlined to protect the tree stock from damage during construction. 155-31 E (4) (o). Native species are encouraged. 155-31 G (17) (b).
26	N/A	Map of the site depicts the location, design and construction materials of all existing and proposed water supply system. 155-31 E (4) (p) [1].
27	N/A	Map of the site depicts the location, design and construction materials of all existing and proposed sewage disposal system. 155-31 E (4) (p) [2].
28	Y	Map of the site depicts the location, design and construction materials of all existing and proposed telephone, cable and energy systems, including electric, oil, gas, solar, or other energy systems. 155-31 E (4) (p) [3].
29	TBD	Map of the site depicts the location, design and construction materials of all existing and proposed storm drainage system, including but not limited to existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, manholes, and drainage swales. 155-31 E (4) (p) [4] Identify a distance off site to show drainage structures or a natural discharge location.
30	Y	The location of fire and emergency access ways and zones, including the location of fire hydrants or of the nearest alternative water supply for fire emergencies are indicated. 155-31 E 4 (q) Discussed lock box provision with fire department (see Milton or Marlboro Fire District) except on single family detached residential dwellings. See also 155-31 G (13).
31	N/A	The location, type, and screening details for solid waste disposal facilities and containers is indicated. 155-31 E (4) (r).
32	N/A	The proposed location, height, orientation, type of illuminating device, bulb type and wattage, and photometric data of all outdoor lighting fixtures is indicated. 155-31 E (4) (s). See also 155-31 G (14)
33	Y	The location, height, size, materials, design, and illumination of all present and proposed signs and other advertising or instructional devices are indicated. 155-31 E (4) (t) See also 155-28.
34	N	Estimates of noise generation at the source and property line are provided. 155-31 E (4) (u). See also 155-31 G (16).
35	N/A	Inventory and quantity of hazardous materials anticipated for on-site storage and/or use, if applicable, are provided. 155-31 E (4) (v).
36	Y	Plans for the disposal of construction and demolition, waste, whether on-site or at a New York State approved solid waste management facility are indicated. 155-31 E (4) (w).
37	N	A park or open space is being provided see 155-31 E (4) (x).
38	N/A	For projects involving more than one phase, a site plan showing each phase of the project is included. 155-31 E (4) (y)

39 Y	Proposed days and hours of operation are indicated. 155-31 E (4) (z).
40 Y	A copy of the deed to the property as most recently filed and/or a copy of the executed contract of sale is included 155-31 E (4) (aa) [1].
41 Y	A copy of each covenant, easement or deed restriction in effect or intended to cover all or part of the tract is included 155-31 E (4) (aa) [2].
42 TBD	Enforceable map notes of stormwater drainage, utility rights-of-way, etc., are indicated 155-31 E (4) (aa) [3].
43 Y	Identification, and submittal when available, of all necessary permits from federal, state, county or local agencies, approvals required from said agencies for the project's execution, and proof of special permit and/or variance approvals, if applicable, are included 155-31 E (4) (aa) [4].
44 Y	Short-unlisted actions or full EAF Type one action, as required by the lead agency under the Environmental Conservation Law, is complete and included. See 155-31 E (4) (aa) [6] Environmental Assessment Form. Applicants must use NYSDEC* web based system EAF mapper Application. https://www.dec.ny.gov/permits/6191.html Make sure to unblock popups.
45 Y	Twelve (12) copies of all maps, plans, reports, and a PDF file of all documentation submitted. Plan sets must be submitted in collated packages. (155 E, 155-31 E (5)). (See section 75-6 B. (6) regarding plan stamp requirements of licensed professional).
46 Y	Agricultural Data Statement (If applicable). See also 155-52 Setbacks and buffers from active agricultural lands.

The plat for the proposed Site Plan has been prepared in accordance with this checklist. A waiver request must be submitted by design professional for any items which are not provided.

By: _____

Licensed Professional



4/4/24

Stamp

Date

PLANNING BOARD FEES

(ALL APPLICATIONS Subject To Escrow Fees)

Please make checks payable to: Town of Marlborough

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 Bldg.
Minor Site Plan (Short Term Rental, Home Occupation, Bed & Breakfast)	\$350.00
All other Site Plans Reviews	\$550.00
Simple 2 Lot Line Revision	\$600.00
Recreation Fees (Residential Subdivision & Site Plans-Excludes parent parcel)	\$2,000.00 per Lot or Unit
Recreation Fees Adult Multiple Dwelling Affordable Housing (50 and over)	\$ 500.00 per Unit

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

Residential Subdivision – Single Family or Town House	\$1,500.00, plus \$150.00 per Lot or Unit
Residential Site Plan – Multi Family Apartments or Condos	\$1,500.00, plus \$100.00 per Unit
Commercial Subdivision	\$1,000.00 per lot (up to 4 lots) \$200.00 Per Lot Thereafter
Commercial Site Plan	\$2,000.00 Minimum
Minor Site Plan (Short Term Rental, Home Occupation, Bed & Breakfast)	\$750.00 Minimum
All other Site Plans Reviews	\$1,500.00 Minimum
Simple 2 Lot Line Revision	\$1,000.00 Minimum
Preliminary Conceptual Site Plan	\$300.00

Engineer Inspection Fees (All Town Roads 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): Michael Cocchimiglio, CEO & Head of Development

Applicant's Signature: 

Date: April 5, 2024

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

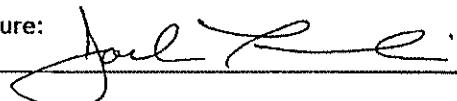
Town of Marlborough Planning Board
Letter of Agent

I (We), Joel Truncali am (are) the owner(s) of
a parcel of land located
on 335 Bingham Road in the Town
of Marlborough, Tax Map Designation: Section 180.3 Block 3 Lot 21.

I (We) hereby authorize ELP Marlborough Solar LLC and Crawford & Associates Engineering & Land Surveying to act as my (our) agent
to represent my (our) interest in applying to the Town of Marlborough Planning Board for
a Lot Subdivision Site Plan Minor Site Plan Lot Line Revision Application. (check one)

Conceptual Site Plan

Signature:



Date:

2/23/24

Signature:

Date:

State Of New York

County of Ulster

On the 23rd day of February in the year 2024 before me, the undersigned, a Notary Public in and for said

State, personally appeared Joel Truncali,
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.


Notary Public

THERESA A. STEWART
Notary Public, State of New York
Qualified in Ulster County
Reg. No. 01ST6306977

My Commission Expires June 30, 2026

10



Crawford & Associates Engineering & Land Surveying, PC

PRESIDENT

Jennifer Crawford P.E.

PRINCIPAL EMERITUS

David J. Crawford, P.E.

Hudson Office – One Hudson City Centre, Suite 300 • Hudson, NY 12534
Tel: (518) 828-2700 • Fax: (518) 828-2723 • www.crawfordandassociates.com

ASSOCIATES

Andrew P. Aubin, P.E., LEED

Daniel J. Russell, L.S.

Donna M. Verna, P.E.

April 5, 2024

Town of Marlborough
Planning Board
21 Milton Turnpike, Suite 200
Milton, NY 12547

Attn: Chris Brand, Planning Board Chair

**RE: ELP MARLBOROUGH SOLAR
335 BINGHAM ROAD, TOWN OF MARLBOROUGH, NEW YORK
TAX MAP ID: 108.3-3-21
TECHNICAL REVIEW COMMENTS – RESPONSE LETTER
C&A # 4996.26**

Dear Chair Brand:

Thank you for your time and attention at the March 4, 2024, Planning Board meeting in relation to the Preliminary Conceptual Application that was submitted for ELP Marlborough Solar, located at 335 Bingham Road. Crawford & Associates Engineering (C&A) is in receipt of a comment letter dated March 1, 2024, from the Town's consultant, Patrick J. Hines, MHE Engineering, D.P.C. We have reviewed the comments from MHE and offer responses herein for the Board's consideration. Please see original comments from MHE below in **bold**, C&A responses in *italics*.

- 1. Lot coverage is identified as 13.2%, while 28 acres is identified for the solar facility, which is greater than the lot coverage identified.**

According to Solar Zoning Law §155-32.2.l(3)(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 the solar panels shall be included in total lot coverage."

The proposed lot coverage, as identified in the Site Data / Zoning Summary, includes the following features: surface area covered by solar panels (9.64 acres), access drive (0.62 acres), equipment pads (0.05 acres), existing barn to remain (0.02 acres), totaling 10.33 acres, which is approximately

12.9% of the 80.1 acre parcel. The proposed lot coverage shall be less than the required 50%, maximum, which derives from 20% specified for the underlying R-Ag-1 district, plus the 30% bonus allowed for in the Solar Zoning Law.

2. An existing structure on the site is proposed to remain. Use of this structure should be identified.

The existing structure to remain is a shed/barn, approximately 1,000 SF, to be used by owner as agricultural dry storage.

3. Two access points are depicted for the project. The reason for the two access points should be discussed with the applicant's representative and approval for any access point should be received from the Highway Superintendent.

The access drive to the West will utilize an existing farm access and provide access to the general solar facility while utilizing the existing farm path to the greatest extent practicable. The access drive to the East shall provide access for maintenance of the overhead electric, utility poles, and electrical equipment associated with the Point of Interconnection (POI). The POI entrance is intended to provide adequate safety and emergency access for the utility. These talking points were discussed with the Board at the March 4 Planning Board meeting.

Highway Superintendent approval of the access points / curb cuts is anticipated and is expected to be coordinated as the application is progressed.

4. Side yard setback is depicted at 35 feet, while the Zoning Bulk Table identifies it as 50 feet.

155 Attachment 2 "Schedule 1 – Lot, Yard, and Height Regulations" specifies minimum set back dimensions for the R-Ag-1 district as follows:

- *Front yard (feet) – 50'*
- *Rear yard (feet) – 75'*
- *Side yard (feet)*
 - *One – 35'*
 - *Both – 80'*

All setbacks have been included on the site plan sketch, including, a 35' min. setback from the eastern boundary and a 45' min. setback along the western boundary.

5. A full survey of the parcel must be presented, stamped by a licensed surveyor.

Survey activities are underway. Once complete, a full survey, stamped by an L.S., shall be provided to the Board and the site plans shall be updated accordingly, although no major changes are anticipated at this time.

6. A Stormwater Pollution Prevention Plan (SWPPP) is required. SWPPP should be prepared with the site in the disturbed condition. Permanent water quantity control must be identified in the SWPPP.

It is anticipated that an Erosion & Sediment Control Only SWPPP will be prepared and a SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, will be obtained

prior to issue of Building Permit and commencement of construction.

7. The project is a Type I Action under SEQRA, disturbing greater than 2.5 acres in an AG District.

Comment noted.

8. Comments from the Jurisdictional Fire Department should be received regarding access.

The Applicant has shared the site plan with Fire Dept for review / comment.

9. A determination from the public utility that the power can be accepted should be received. Any improvements required to the public utility should be identified.

The Applicant has provided the final Coordinated Electric System Interconnect Review (CESIR) performed by Central Hudson in the most recent application materials.

10. Ulster County Planning comments are required.

Comment noted.

11. The project is located on the municipal boundary line with Orange County and the Town of Newburgh.

Comment noted.

12. The document labeled Truncali Application is a section of the Town Code for 9W Corridor Building Guidelines.

The Applicant did not submit a document labeled Truncali Application.

13. Planning Board should discuss whether a visual assessment is required, Photo simulations and/or line of sight drawings.

The Applicant could provide line of sight drawings and/or photo simulations/renderings from select locations, if desired. We look forward to furthering this discussion with the Board.

14. The EAF identifies 46.5 acres of agricultural to be changed in use.

It is anticipated that a portion of the 46.50 acres of agricultural change of use will include "abandoned agricultural", i.e. area outside of the proposed fence. The vegetation associated with the existing orchard outside of the proposed solar facility fence is planned to remain.

15. Soil type percentages are inconsistent with the drainage status of the project site located in the EAF.

FEAF E.2.c. identifies the three most predominant soil types present on the project site, including percentages of each. Note, the percentages do not add up to 100%, representative of additional soil types present on the project site.

FEAF E.2.e identifies drainage status of all project site soils, not only the three most predominant soil types listed in E.2.c. The drainage status of all project site soils has been represented in percentage, as identified by USDA Soil Survey.

16. Project site is located in an area with potential historic resources. Coordination with the Office of Parks, Recreation and Historic Preservation will be required.

The Applicant has submitted for consultation with OPRHP via the CRIS platform.

17. Large scale solar systems are a special use in the R-AG-1 Zone.

Comment noted.

18. All components of Chapter 155-32.21 must be complied with.

The Applicant intends to comply with all relevant sections of the Zoning Code.

19. The area used for large scale solar energy system shall be a maximum of 20 acres. It appears the footprint of the solar facility is greater than 20 acres.

According to §155-32.2., Area of Use is defined as:

“The area within the parcel measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and access roadways.”

The Area of Use associated with the Site Plan Sketch dated 02/21/2024, consistent with the definition within the Zoning Code equates to approximately 19.9 acres, as noted in Proposed Site Plan Note #8.

The updated site plans, dated April 05, 2024, specify an Area of Use totaling 19.4 acres, Proposed Site Plan Note #7.

20. The applicant's are identifying a 7 foot high fence. Planning Board should discuss fence height.

As discussed at the PB meeting, a 7 foot tall fence was provided as minimum to meet NEC requirements. It was discussed that an 8 foot tall fence would be more appropriate. The Application will be revised accordingly.

21. A De-commissioning Plan will be required.

A Decommissioning Plan has been provided in the most recent application materials for the Board's consideration.

22. The Planning Board should determine if security for de-commissioning should be part of the Special Use Permit requirements.

Comment noted.

If you have any questions regarding the information above, please feel free to contact me at (518) 828-2700 x1138.

Sincerely,
**Crawford & Associates
Engineering & Land Surveying, P.C.**



Christopher J. Knox, PE
Project Manager II

Cc: Chris Brand, Planning Board Chair (cbrand@marlboroughny.us)
Jen Flynn, Planning Board Secretary (marlboroughplanning@marlboroughny.us)

C&A File - 4996.26

H:\WORK\4996.26 Marlborough\Corresp\Permitting\Planning Board\2024.04.05 Site Plan Review\2024.04.05 PB Response Letter.docx

LIBER 3020 PAGE 0138

ULSTER COUNTY CLERK'S OFFICE
COUNTY CLERK'S RECORDING PAGE

128

Return To:

RUSK WADLIN HEPPNER&OR
PO BOX 727
MARLBORO NY 12542

PROCO
LILLIAN TRUSTEE
TRUNCALI
JOEL V&OR

DEED REC	\$	23.00
	\$.00
	\$.00
GOV REC FE	\$	5.00
TRANS TAX	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
Total:	\$	28.00

STATE OF NEW YORK
ULSTER COUNTY CLERK'S OFFICE

WARNING-THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT REQUIRED BY SECTION 316-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH.

ALBERT SPADA
COUNTY CLERK

Index Deed Book
Book 03020 Page 0138
No. Pages 0006
Instrument DEED
Date : 3/06/2000
Time : 4:18:15
Control # 200003060271
RPT 17 2000 004309
Employee ID RHAL

TRANSFER AMT

TRANSFER AMT \$.00
TRANSFER TAX \$.00

THIS INDENTURE, made the 26 day of January, Two Thousand

BETWEEN

LILLIAN PORCO, residing at 28 Lattintown Road, Newburgh, Orange County, New York, Trustee under an Irrevocable Trust Agreement dated the 28th day of December, 1989 made by VITO TRUNCALI as Grantor and LILLIAN PORCO as Trustee,

party of the first part, and

JOEL V. TRUNCALI, residing at 2 Truncali Road, Marlboro, Ulster County, New York 12542, and WILLIAM M. TRUNCALI, residing at 106 Highland, Marlboro, Ulster County, New York 12542,

party of the second part:

WITNESSETH, That the party of the first part, by virtue of the power and authority to her given in and by the aforesaid Trust Agreement and pursuant to and in satisfaction of Paragraph 8 of said Trust Agreement, does hereby grant and release unto the parties of the second part, their heirs, distributees and assigns forever,

SEE ATTACHED SCHEDULE A

TOGETHER with the appurtenances, and also all the estate which the said Trustee had in said premises which the Trustee had the power to convey or dispose of.

TO HAVE AND TO HOLD the premises herein granted unto the parties of the second part, their heirs, distributees and assigns forever.

AND the party of the first part covenants that she has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

That, in compliance with Sec. 13 of the Lien Law, the grantor will receive consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

IN PRESENCE OF

Lillian Porco 1/26/2000
LILLIAN PORCO, as Trustee under Indenture of
Trust dated the 28th day of December, 1989 made by
Vito Truncali

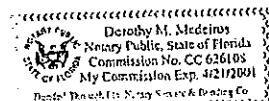
STATE OF FLORIDA)

COUNTY OF Bellmore)
ss.

On 1/26, 2000 before me, the undersigned, a Notary Public in and for said State, personally appeared Lillian Porco, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in

(insert the city or other political subdivision and the state or country or other place the acknowledgment was taken)

Dorothy M. Medina
Notary Public



R & R to: Rusk, Wadlin, Heppner & Maruscello
P.O. Box 727
Marlboro, NY 12542

LOT #1
PARCEL #1 of LOT #1

PARCEL #1. All that tract or parcel of land, situate in the Town of Marlborough, Ulster County, New York in a deed from Lawrence Beall to Vito Truncall dated the 5th day of June 1965 and recorded in the Ulster County Clerk's Office on June 9, 1965, in Liber 1167 at page 472 is bounded and described as follows:

BEGINNING in the southwest corner adjoining lands of William Mitchell, deceased, at a point ten chains from the middle of the road passing the house formerly owned by Oliver Cosman now deceased; thence running along the lands formerly owned by David Cosman, formerly the said Oliver Cosman, north twenty-one degrees and thirty minutes east eighteen chains and thirteen links to the middle of the road leading to Hampton; thence easterly along the middle of said highway twenty-two hundred and seven feet to lands formerly of Jeremiah Maher, formerly John W. Staples; thence along the lands of the said Maher, formerly John W. Staples, south seven degrees west twenty-nine chains and sixty-eight links to the line dividing the counties of Orange and Ulster; thence along the said line and lands belonging to formerly Jacob Covert and William Mitchell north eighty-six degrees and thirty minutes west thirty-five chains and sixty-five links to the place of beginning. Being part of the premises conveyed to C. W. Covert by James H. Purdy and wife by deed dated March 24, 1853.

BEING the third parcel of land described in a deed from Arthur B. Ewig, Referee, to Lawrence Beall dated the 6th day of May, 1941 and recorded in the Ulster County Clerk's Office on the 8th day of May 1941 in Liber 617 of Deeds at page 161.

EXCEPTING AND RESERVING from the above described premises all that lot or parcel of land conveyed by Lawrence Beall to Russ Henry and Viola Henry by deed dated February 27, 1954 and recorded in the Ulster County Clerk's Office on March 2, 1954 in Liber 883 of deeds at page 158.

ALSO EXCEPTING AND RESERVING from the first described premises all that certain lot, piece or parcel of land situate in the Town of Marlborough, Ulster County, New York, bounded and described as follows:

BEGINNING at a stake in the south line of Bingham Road 89 feet east of pole #27; thence through old Beall farm S. 25 degrees 30' W. 233 feet to corner stake 55 feet south of house; thence N. 80 degrees W. 263 feet to corner stake 97 feet south of other house; thence N. 5 degrees W. 146 feet to corner stake in south line of aforesaid road 52 feet west of house; thence, along said road N. 80 degrees East 120 feet to pole #29 at bend; thence, about S. 88 degrees 30' E. 262 feet to place of beginning and containing 1.4 acres of land.

SUBJECT to any and all rights heretofore granted to any public utility corporation under any recorded agreement.

TOGETHER with an easement and right of way for ingress and egress by foot and vehicle from said Bingham Road to the lands hereby conveyed to the party of the second part. Said right of

way to be 16 feet in width as measured from the line wall forming the boundary between the lands of Ross Henry and the lands of Polhamus on the west and being the same right of way reserved by the party of the first part in a deed to Ross Henry and Viola Henry recorded in the Ulster County Clerk's Office in Liber 683 of deeds at page 58.

LOT #2
PARCEL #1 of LOT #2

PARCEL #1 of LOT #2. All that tract or parcel of land situate in the Town of Marlborough in the County of Ulster and State of New York, bounded and described in a deed from Nicholas Affuso and Martha Affuso to Vito Truncali dated the 28th day of February 1969 and recorded in the Ulster County Clerk's Office March 7, 1969 in Liber 1224 of deeds at page 261.

BEGINNING at a point on the north side of the road leading to Piattekill and in the center of a road leading north and running thence to and along a stone wall north eighty-nine degrees ten minutes east one hundred forty and five-tenths feet to a post at the southeast corner of the land hereby conveyed; thence along a fence north nine degrees forty minutes east one hundred twenty-eight and seven-tenths feet; thence north sixteen degrees forty-five minutes east one hundred forty-one and eight tenth feet; thence north thirteen degrees fifty-five minutes east one hundred ninety-one and five-tenths feet; thence north seven degrees thirty minutes east two hundred ninety-seven feet; thence north thirty minutes west one hundred six feet to a point which is to be the center of a joint right of way for the use of the parties of the first part and also for the parties of the second part, and is to be kept free and unobstructed by both parties at all times; thence along center of said right of way south seventy degrees thirty minutes east two hundred twenty-two and five-tenths feet; thence north thirteen degrees thirty-five minutes east four hundred seventy-two and five-tenths feet; thence north sixty degrees east sixty feet; thence north twenty degrees thirty-five minutes east four hundred ten feet to the end of said right of way, to the lands of Mrs. John Budney; thence along her lands north seventy-one degrees forty minutes west seven hundred ninety-five feet to land of M. Affuso and northwest corner of lot now conveyed; thence along said Affuso's land south twelve degrees west one thousand forty-five feet; thence along lands of Mrs. McLaughlin south ten degrees forty-five minutes west two hundred thirty-five feet; thence north eighty-four degrees thirty minutes west ninety feet to a point on the north side of the road and in line with the center of the road leading south from this point; thence along the center of said road south twenty-three degrees east seven hundred twenty-seven feet to the place of beginning. Containing twenty-four and seven-tenths acres, be the same more or less.

EXCEPTING AND RESERVING from the above described parcel all that lot, piece or parcel heretofore conveyed by Nicholas and Martha Affuso to Anthony Bona and Edith Bona by deed dated the 5th day of November, 1957 and recorded in the Ulster County

Clerk's Office on the 13th day of November, 1957 in Liber 1019 of Deeds at page 53.

PARCEL #2 of Lot #2

PARCEL #2. Also all that piece or parcel of land, situate in the Town of Marlborough, County of Ulster, and State of New York, bounded and described as follows:

BEGINNING at a point in the center of a right of way for the use of both of the parties hereto, and running thence through the center of an old wall south 69 degrees 15 minutes east 502 feet to lands of Gustave Wischoff, thence along lands of said Wischoff north 14 degrees 47 minutes east 101.60 feet, thence still along lands of said Wischoff north 10 degrees 42 minutes east 597.60 feet, thence north 6 degrees 14 minutes east 251 feet to lands of Anthony Budney, thence along said Budney's lands north 71 degrees 26 minutes west 338 feet to lands of party of the second part, thence south along lands of party of the second part 21 degrees 4 minutes west 410 feet, thence south 60 degrees 29 minutes west 60 feet, thence south 14 degrees 4 minutes west 467.40 feet to the place of beginning.

CONTAINING 7.488 acres of land be the same more or less and being the same premises conveyed to Dominick Affuso by Dominick Affuso and Jennie Affuso, by deed dated April 21, 1939 and recorded in the Ulster County Clerk's Office in Liber 601 of Deeds at page 455, and being a part of the premises of which Dominick Affuso died seized and which were devised in his last Will and Testament to Jennie Affuso, Joseph Affuso and James Affuso and Nicholas Affuso.

BEING the same premises conveyed to Nicholas Affuso and Martha Affuso, his wife, by Jennie Affuso, Joseph Affuso, James Affuso and Nicholas Affuso by deed dated January 7, 1950 and recorded in the Ulster County Clerk's Office on January 10, 1950 in Liber 754 of Deeds at page 186.

SUBJECT to the rights hereto granted to Central Hudson Gas & Electric Corporation under right of way agreement dated August 13, 1932 and recorded February 27, 1933 in the Ulster County Clerk's Office in Liber 563 of deeds at page 428.

LOT #3
PARCEL #1 of LOT #3

PARCEL #1 of LOT #3. All that certain lot, tract or parcel of land situate in the Town of Marlborough, County of Ulster and State of New York, described in a deed from Josephine Truncal and Vito Truncal to Vito Truncal dated the 22nd day of March 1971 and recorded in the Ulster County Clerk's Office on March 22, 1971 in Liber 1020 of Deeds at page 53, bounded and described as follows:

BOUNDED on the north by the highway leading from Hampton to Pleasant Valley; on the west by lands formerly of Mary B. Williams and Leighton Williams, deceased, now Addison Wilklow; on the south by lands formerly of William H. Armstrong and formerly of Peter N. Layton, and on the east by Taylor Avenue. Containing

29.42 acres.

BEING the same premises that were conveyed to Nellie W. Williams by Emma Sleight and James E. Sleight her husband, by deed dated June 20, 1911 and recorded in Ulster County Clerk's Office in Book No. 431 of deeds at page 498 with the exception of a certain part thereof of about 6.74 acres conveyed by Nellie W. Williams to Patrick Meshan by deed dated November 3, 1919 and recorded in Ulster County Clerk's Office in Book No. 471 of deeds at page 525 to which said deed reference is made for a more definite description thereof.

The above premises are conveyed subject to certain rights and privileges therein granted to the Newburgh Light, Heat and Power Company by Charles C. Thomas as appears by grant, dated February 7th, 1910 and recorded in Ulster County Clerk's Office March 21, 1910, in Book of Deeds No. 424 at page 268 to which reference is hereby made for a more definite description thereof.

BEING the same premises conveyed to Giuseppe Truncale and Josephine Truncale to Giuseppe Truncale, Josephine Truncale and Vito Truncale, by deed dated the 4th day of April, 1961 and recorded in the Ulster County Clerk's Office on the 18th day of April, 1961 in Liber 1105 of deeds at page 876.

That Giuseppe Truncale died on the 2nd day of January, 1963, leaving him surviving, Josephine Truncale and Vito Truncale, the grantors herein and that they executed this deed as the surviving joint tenants.

RESERVING and EXCEPTING from the above described premises all of that part thereof conveyed by Josephine Truncale and Vito Truncale to Josephine D. Truncale by deed dated May 12, 1966 and recorded in Liber 1182 of deeds at page 600.



ULSTER COUNTY - STATE OF NEW YORK
NINA POSTUPACK, COUNTY CLERK
244 FAIR STREET, KINGSTON, NEW YORK 12401

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 7212 / 211
INSTRUMENT #: 2023-3950

Receipt #: 2023025659

Clerk: SM

Rec Date: 04/11/2023 10:49:55 AM

Doc Grp: D

Descrip: LEASE

Num Pgs: 6

Rec'd Frm: EAST LIGHT PARTNERS

Party1: TRUNCALI JOEL

Party2: ELP MARLBOROUGH SOLAR LLC

Town: MARLBOROUGH

Recording:

Cover Page	5.00
Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00

Sub Total: 75.00

Transfer Tax

Transfer Tax - State 0.00

Sub Total: 0.00

Total: 75.00

***** NOTICE: THIS IS NOT A BILL *****

***** Transfer Tax *****

Transfer Tax #: 4185

Transfer Tax

Consideration: 0.00

Total: 0.00

WARNING***

*** Information may be amended during the verification process, and may not be reflected on this cover page.

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a (5) & 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

Record and Return To:

EAST LIGHT PARTNERS
125 MT AUBURN ST #382389
CAMBRIDGE MA 02138

Nina Postupack

Nina Postupack
Ulster County Clerk

V
TN
36
/Return after recorded to:
East Light Partners
125 Mt. Auburn St. #382389
Cambridge, Massachusetts 02138
Attn: Legal

MEMORANDUM OF LEASE

This Memorandum of Land Lease ("Memorandum") is made as of the 6th day of April, 2023, by and between Joel Truncali and William Truncali ("Landlord") with an address of 10 Wygant Road, Marlborough, NY 12542 and ELP Marlborough Solar LLC ("Tenant"), with an address of 125 Mt. Auburn St #382289, Cambridge, MA 02138.

WHEREAS:

(A) Landlord is the owner of the property described on attached Exhibit A-1 (the "Land")

(B) The parties entered into a Land Lease (the "Lease") for a portion of the Land described on Exhibit A-2 (the "Leased Premises") as of the 3rd day of April, 2023 (the "Effective Date"), with an initial term of twenty five (25) years from the Commercial Operation Date described therein, and providing for two 5 year extension terms at the option of the Tenant; and

(C) The parties desire to enter into this Memorandum which is to be recorded in order that third parties may have notice of the interest of Tenant in the Leased Premises, the Solar Easement, the Access Easement and the Interconnection Easement.

NOW, THEREFORE, the Parties certify and agree as follows:

1. In consideration of the rent and other payments and covenants provided in the Lease to be paid and performed by the Tenant, Landlord hereby leases, lets and demises the Leased Premises to Tenant, and hereby grants to Tenant (i) an exclusive easement on, over and across the Land and any other adjacent areas owned by Landlord for access to sunlight (as more particularly described in the Lease, the "Solar Easement"), reserving, however, to Landlord the right to construct structures in areas adjacent to the Leased Premises that satisfy the following conditions: (a) such structure is not located south of the Leased Premises, (b) such structure is less than 40 feet tall, and (c) such structure is set back at least 50 feet from the Leased Premises; (ii) a non-exclusive, irrevocable easement ("Access Easement") over, on, under and across the Land (the "Access Easement") as more particularly described in Exhibit A-2 for the use and improvement of an access road for purposes of ingress and egress to the Leased Premises and such other purposes provided in the Lease; and (iii) a non-exclusive, irrevocable easement ("Interconnection Easement") over, on, under and across the Land as more particularly described in Exhibit A-2 for the development, construction, use, maintenance, repair, operation, improvement, replacement and removal of interconnection facilities.
2. All of the terms, conditions, provisions, and covenants of the Lease are hereby incorporated into this Memorandum by reference as though fully set forth herein, and the Lease and this Memorandum shall be deemed to constitute a single instrument or document. Should there be any inconsistency between the terms of this Memorandum and the Lease, the terms of the Lease shall prevail.

[Signatures Follow]

IN WITNESS HEREOF, the parties have executed this Memorandum as of the date set forth above.



Joel Truncali

JOEL TRUNCALI, Landlord



William Truncali

WILLIAM TRUNCALI, Landlord

ELP Marlborough Solar LLC

By: East Light Partners, its Manager, Tenant

By: Wendy DeWhite
Name: Wendy DeWhite
Title: Co-President

[Acknowledgements Follow]

EXHIBIT A-1

DESCRIPTION OF LAND

Approximately 80 acres of land located on Bingham Road in the Town of Marlborough, Ulster County, New York, identified as Tax ID# 108.3-3-21.

EXHIBIT A-2

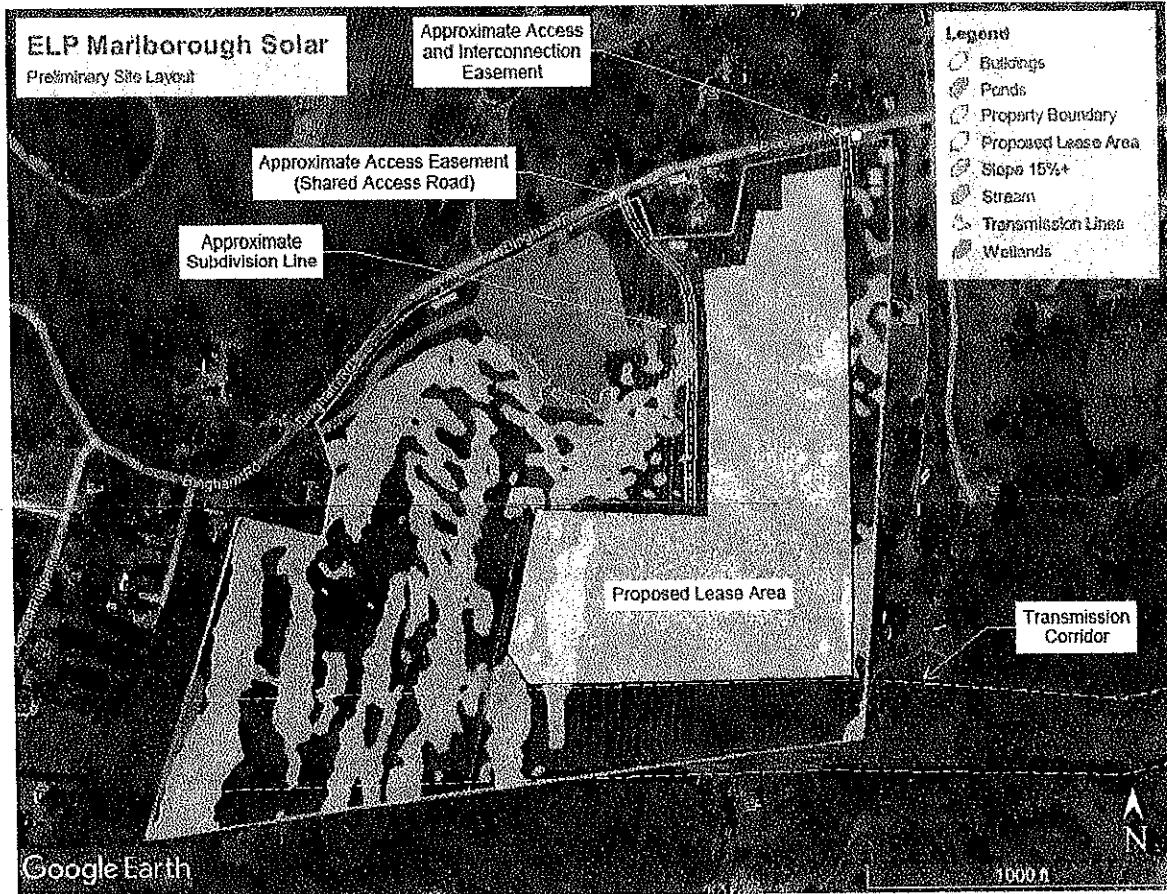
DESCRIPTION OF LEASED PREMISES, ACCESS EASEMENT AND INTERCONNECTION EASEMENT

Leased Premises

All or a portion of the Land to be designated by Tenant prior to the Commercial Operation Date. A preliminary depiction of the Leased Premises is provided below, which remains subject to change by Tenant following completion of Tenant's site review. A legal description of the Leased Premises will be provided prior to the Commercial Operation Date and made part of this Exhibit.

Access and Interconnection Easement

A preliminary depiction of the Access Easement and Interconnection Easement is provided below. A legal description of the Access Easement and Interconnection Easement, as applicable, will be provided prior to the Commercial Operation Date and made part of this Exhibit.



**Planning Department
TOWN OF MARLBOROUGH
21 Milton Turnpike
Milton, NY 12547**

AGRICULTURAL DATA STATEMENT

Project Identification No. _____

In accordance with Section 283-a of the New York State Town Law, the Town of Marlborough will use the data in this statement to assist in evaluating the impacts of proposed development projects on farm operations in or near Agricultural Use Districts.

A. Name of Applicant ELP Marlborough Solar, LLC.
Mailing Address 14 Arrow Street, Suite 22
Cambridge, MA 02138

B. Description of the proposed project: The project includes development of a 5-MW community solar PV Array.

C. Project Location: 335 Bingham Road, Marlborough, NY
Tax Map Designation: Section 108.3 Block 3 Lot 21

D. Number of total acres involved with project: Approximately 28.6

E. Number of total acres included in above tax map lot: 80.1

F. Is any portion of the subject site currently being used to produce an agricultural product?
Yes No (check one)
If yes, how much? 43.4 acres

G. Identify the type of agricultural production being conducted on the premises.
Fruit Production - Apple Orchard & other fruits such as pears, cherries, peaches, etc.

H. If no farming is conducted on the site at this time, estimate the last year any of the site was used for agricultural production.
Land is currently used for agricultural production.

I. Identify the person or entity who is farming the subject site.
Joel V. Truncali & William M. Truncali

J. Does this person or entity () own, or () rent the land? (check one)

K. Indicate what the intentions are for use of the remainder of the tax map lot that is not proposed to be developed.
The remainder of the land will remain as orchard for fruit production or remain undeveloped.

L. Who will maintain the remainder of the property not being used for this development?

Joel V. Truncali & William M. Truncali

M. Other Project Information: Include information about the existing land cover of the site, the slopes, if any, any known impacts on existing storm water drainage (including field tiles) or other significant plant materials.

Existing land cover types consist of meadow (non-grazed), woods-grass combination, woods, brush and pond.

Slopes within the development area are mild to moderate, mostly ranging between 5-10%, though some areas ranging in the 10%-20% slope range are included. Slopes in other areas of the site (not planned for development) exceed 20%. Soils are considered poor draining, with the majority of the development area consisting of HSG D soils, and the remainder consisting of HSG C soils and a small amount of rock outcrop.

N. Make a copy of the overall (original) parcel and surrounding parcels within five-hundred (500) feet from the Town's tax maps. Identify the site of this application by placing an "X" on it. Include the tax map with this completed agricultural data statement.

O. Town Law requires that this Data Statement be mailed by the applicant to all owners of land that is farmed within five-hundred (500) feet of the boundaries of the subject parcel provided such lands are within an Ag Use District or within five-hundred (500) feet of an Ag Use District. Therefore, please list the name, address, and section, block, and lot of all such lands.

1. Parcel Owner and address: Victoria Troncillito, Bingham Road, Marlboro NY, 12542

Mailing Address: 33 Miki Lane, Marlboro NY, 12542

SBL:108.3-3-41

2.

3.

4.

5.

6.

(for additional space, use reverse side)

FOR TOWN USE ONLY

Has this Agricultural Data Statement been referred to the County Planning Agency?

YES NO

If YES, give date of referral _____

If YES, give County Referral Number _____

If NO, state reason _____

Name of Official Completing Form _____ Date: _____

Name of Official Completing Form _____

Ulster County Parcel Viewer



ELP Marlborough Solar Facility Operations and Maintenance Plan

ELP Marlborough Solar's operations and maintenance (O&M) activities will include both preventive maintenance and unscheduled maintenance, supported by real time monitoring to ensure that the solar facility is performing in accordance with its warranty and performance requirements.

1. Preventative Maintenance

Preventive maintenance involves vegetation management, inverter servicing, and balance of system inspection. The frequency of preventive maintenance servicing is dictated by environmental factors and equipment warranty requirements. The value of preventive maintenance is measured in system efficiency and system/component lifespan. ELP Marlborough Solar will contract with qualified third-party service providers to perform preventive maintenance services on our solar energy facilities.

Vegetation beneath and between the proposed solar panel array will be maintained by mowing 2 to 3 times per season, or on an as-needed basis. Grass will be cut no shorter than 2 inches minimum and should not be allowed to grow taller than 18 inches. Ride-on and self-propelled mowers and weed whackers will perform the mowing operations. The site will be inspected for evidence of erosion on any slopes a minimum of 2 times per year. Any conditions of erosion or incipient erosion will be identified for repair and re-vegetation. Growth of trees or other vegetation that is having a shade impact on the arrays will also be managed. Vegetation growth (saplings, bush, large weeds, etc.) within any array fences or inverter enclosures shall be removed.

Preventive maintenance on equipment is scheduled for at least one visit per year to maintain manufacturers' warranties. Service entails recommended inverter maintenance, thermal scans of all electrical contacts and fuses, component calibration, inspection of mounting systems and service of tracker components per manufacturers' guidelines. Service entails full inspection of the array to identify loose wiring connections, broken panels, trash, weed growth, etc.

The roads to the solar facility will be maintained to ensure safe access to the facility for routine maintenance, unscheduled maintenance, and emergency events.

2. Unscheduled Maintenance

The facility will be installed with an Internet-based Data Acquisition System (DAS). The DAS will have the capability to send alarms identifying communication and power generation issues. Constant, real-time monitoring allows us to identify and address safety and performance issues in a timely manner.



A service technician will respond to all alarms, alerts and service requests pertaining to the system typically within 24 hours of such alarm and/or service request, as personnel safety and weather conditions permit. *Critical repairs* are those that entail the loss of power production or the loss of production recording, or situations that present a potential safety hazard. These usually fall under the system warranty and require resolution within 48 hours. *Non-critical repairs* are all other repairs and usually entail intermittent loss of communications with the array. Many of these non-critical repairs also fall under the system warranty and require resolution within two weeks.



ELP Marlborough Solar Facility Decommissioning Plan

Prepared for:
The Town of Marlborough Planning Board

Prepared on April 5, 2024

1. Introduction

ELP Marlborough Solar is a proposed five (5) megawatt (AC) solar facility, located at 335 Bingham Road in Marlborough, NY. The solar facility will have an operating life of approximately twenty-five (25) years. At the end of the project's lifetime, ELP Marlborough Solar LLC or any subsequent owner, will remove the system allowing for restoration of the project site to its original status. ELP Marlborough Solar LLC will be responsible for all costs of decommissioning the system. ELP Marlborough Solar LLC will notify the Town of Marlborough that the project will be decommissioned. The system will be removed within twelve (12) months of this notification.

This decommissioning plan outlines the steps to remove the system, dispose of or recycle its components, and restore the land to its original state. ELP Marlborough Solar will remove and dispose of all equipment, wiring, conduit structures, fencing, roads, and foundations. The plan is based on current best management practices and procedures. This plan may be revised if standards or best management practices change between now and decommissioning. The appropriate construction permits will be obtained prior to the decommissioning process. All equipment removal will be completed in accordance with any applicable regulations and manufacturer recommendations.

ELP Marlborough Solar LLC will manage and coordinate the construction, operation, and decommissioning of ELP Marlborough Solar. The contact information for ELP Marlborough Solar LLC is:

ELP Marlborough Solar LLC
c/o VC Renewables
14 Arrow St, Suite 22
Cambridge, MA 02138

2. Equipment Dismantling and Removal

The facility's equipment will be dismantled and removed according to the following steps:

- a) The solar facility will be disconnected from the utility electric transmission grid
- b) The photovoltaic modules will be disconnected and collected. The modules will be disposed of at an appropriate recycling facility or sold to be re-used for another solar project.
- c) All aboveground and underground electrical interconnection, distribution cables, and wiring will be removed and disposed of at an appropriate waste facility

- d) The facility's metal racking system will be removed. The metal will be disposed of at an appropriate waste or recycling facility or sold for re-use.
- e) Electrical and electronic devices, including transformers, inverters, protection equipment, controls systems and other related devices will be removed and disposed of at an appropriate waste facility
- f) Concrete electrical pads will be removed and disposed of at an appropriate waste facility
- g) Fencing will be removed and disposed of at an appropriate waste facility or sold for re-use
- h) Access roads will be removed. Gravel and other road materials will be disposed of at an appropriate waste facility.

Best practices will be employed during the decommissioning activities to minimize environmental disturbance.

3. Site Restoration

Once the equipment has been removed, the project site will be restored to a similar state as its pre-construction condition. The land may be seeded with a low-growing species to stabilize soil conditions.

4. Managing Materials and Waste

As part of the decommissioning process, a variety of materials will be removed and reused, recycled, or discarded. Materials will be re-used or recycled to the greatest extent possible. ELP Marlborough Solar will work with equipment manufacturers, local contractors, and waste firms to manage the appropriate separation and disposal of the materials. The following table indicates how the disposal of each waste material will be managed.

Waste Material	Disposal Management
Photovoltaic Panels	Sold for re-use in another solar project, returned to the manufacturer for appropriate disposal, or brought to an appropriate recycling facility where the components of the panels will be separated and recycled
Metal Racking System	Sold for re-use or recycling at an appropriate metal recycling facility
Transformers	Returned to the manufacturer for re-use or brought to an appropriate waste disposal facility. The small amount of oil in the transformers will be removed onsite before transport of the equipment to reduce potential spills and will be disposed of separately at the appropriate facility

Inverters	Returned to the manufacturer for appropriate disposal or recycled at an appropriate facility. The remaining components will be disposed of at an appropriate waste facility
Gravel	Brought to a gravel facility for processing for salvage and re-use
Concrete Equipment Pads	Brought to an appropriate recycling or waste facility
Cables, Wiring, and other electric equipment	Sold as scrap or brought to an appropriate recycling or waste facility
Fencing	Brought to an appropriate metal recycling facility or sold for reuse
Other Debris	Separated into recyclables and waste and brought to the appropriate waste facility

5. Decommissioning Notification and Construction Permits

ELP Marlborough Solar will provide notice to the Town of Marlborough that the project will be decommissioned. The required construction permits will also be obtained before commencement of decommissioning activities. If ELP Marlborough Solar is not operating for a period of six (6) months, and ELP Marlborough Solar LLC is not actively repairing the facility, the Town of Marlborough may notify ELP Marlborough Solar LLC that the project is considered abandoned and request it be decommissioned. If ELP Marlborough Solar LLC fails to decommission the project as outlined above, the Town of Marlborough may utilize the Decommissioning Security to remove the facility.

6. Decommissioning Cost Estimate

The estimated cost of executing the decommissioning plan, without taking into account the salvage value of materials, is \$113,414 (the “Decommissioning Cost Estimate”). This estimate is based on VC Renewables’ standard solar decommissioning cost calculation methodology.

7. Decommissioning Security

ELP Marlborough Solar LLC shall provide to the Town a decommissioning security in the form of either cash, letter of credit, bond, or a combination thereof, to cover the performance of decommissioning the facility at the end of the project’s life. The decommissioning security shall be posted in Year 1 of the project’s operation and shall be equal to 110% of the Decommissioning Cost Estimate for decommissioning the facility in Year 1 (the “Decommissioning Security”). Every 5 years, from Year 1 to Year 25, the decommissioning security shall be increased according to a 2% annual escalation rate, as set forth in the table on the following page.



Years	Decommissioning Security
1-5	\$ 124,756
6-10	\$ 137,741
11-15	\$ 152,077
16-20	\$ 167,905
21-25	\$ 185,381

The Decommissioning Security will be provided prior to the issuance of a certificate of compliance from the Code Enforcement Officer and shall be maintained in full force and effect until the facility is decommissioned. In the event that the facility is not removed within twelve (12) months of the proposed date of decommissioning in the written notification to the Town, then the Town may cause the facility to be removed and the site restored using the Decommissioning Security posted. Once ELP Marlborough Solar LLC completes the decommissioning of the facility, the Town of Marlborough will return the Decommissioning Security to ELP Marlborough Solar LLC.

8. Statement of Responsibility

This is to acknowledge that ELP Marlborough Solar LLC, or any subsequent owner of ELP Marlborough Solar, is responsible for completion of this Decommissioning Plan.

Signed by: _____

Name: _____

Title: _____

Date: _____

Accepted by: _____

Name: _____

Title: _____

Date: _____