

Ulster County Planning Board



Dennis Doyle, Director

Chris Brand
Town of Marlborough Planning Board
PO Box 305
Milton, NY 12547

RECOMMENDATION

REFERRAL NO: 2024-109
2024-110
DATE REVIEWED: 07/10/2024

Re: ELP Solar Truncali – Special Permit and Site Plan Review

Summary

The applicant is proposing a 5-MW community solar facility with battery at 335 Bingham Road in the R-AG-1 zoning district and Ulster County Agricultural District #1. Approximately 28 acres are to be disturbed as part of this application. No arrays will be placed on slopes 15% or greater, wildlife fencing has been included, and a visual impacts analysis and updated landscaping details have all been provided.

Materials Submitted for Review:

- Referral Form
- NYS Inter-Agency Fire Safety Work Group Fire Code Recommendations
- 4/5/24 Application Materials
- Full EAF and Materials
- Cover Letter 7/3/24
- SHPO No Impact Finding 7/3/24
- Contour Map 7/3/24
- C&AE&L 7/3/24 Response Letter
- Town Building Guidelines
- Cover letter 02/22/24
- Decommissioning Calculations
- Interconnection Signed Contract
- Site Plan Set
- Visual Analysis
- Slope Analysis
- Existing Conditions
- Letter of Agent
- Landscape Plan
- Glare Analysis

Recommendations

Seed Mix – Required Modification

Recommend a “NY Pollinator Habitat Seed Mix” or a comparable seed mix designed for the site that does not use turf grass and avoids non-native species.

Stormwater Monitoring/Maintenance

Given the clearing and grading that will occur as this site is developed, it is important that monitoring and inspections of the site’s stormwater facilities and erosion and sediment control measures occur both during construction and post-completion of the project.

Required Modification

As a condition of approval, regular site visits by the Town’s stormwater inspector should be conducted to ensure the site remains compliant and that no unexpected stormwater seepages occur. The daily log must be available online on the Town’s website for public viewing.

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Fire Access – Required Modification

The local fire district will need to review the plans to verify the access for emergency response vehicles and hoses is adequate to serve the project.

Advisory Comment

The UCPB notes that the applicant has provided the local fire district with information regarding proposed updates to the Fire Code that focus on lithium-ion Battery Energy Storage Systems (BESS). We are providing the Town with a copy of NYSERDA's Model Permit for BESS as a reference for handling the review of these types of applications now and in the future.

Prime Soils and Soils of Statewide Importance – Advisory Comment

The project is being proposed almost in its entirety on soils of statewide importance. Most communities in Ulster County have added language to their zoning statute that requires applicants to avoid these key agricultural soils outright or to only allow a small percentage of these soils to be used for solar. The Town of Marlborough's zoning statute is lacking these standards which support the continuation of agricultural activities, and we would recommend the Town Board consider amending their zoning statute to incorporate language to protect these soil types. A review of other local statutes (Rochester, Lloyd, Shawangunk) would be advised.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Cindy Lanzetta, UCPB