

# Ulster County Planning Board



Dennis Doyle, Director

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

## RECOMMENDATION

REFERRAL NO: 2024-148  
2024-149  
DATE REVIEWED: 11/06/2024

### Re: Highland Solar – Special Permit and Site Plan Review

#### Summary

The applicant is proposing a 4.1 AC megawatt large-scale, community solar facility at 206 Milton Turnpike/CR-10 in the R-AG-1 zoning district.

#### Materials Submitted for Review:

- Visual Simulations and Map 10 10 24
- Ag District
- ALTA Survey
- Application Package
- Application
- Conceptual Layout
- Cover Letter 10 10 24
- Cover Letter
- EAF part 1 10 10 24
- FEMA
- iPac Endangered Species Response
- Maps – Site Plan Set
- NYSDEC Letter of No Effect (2)
- NYSDEC Letter of No Effect
- Project Visual Simulations and Map 2
- SWPPP
- UCPB Referral
- USDA Soil Map H Visual Simulations and Map 10 10 24
- Ag District
- ALTA Survey
- Application Package
- Application
- Conceptual Layout
- Cover Letter 10 10 24
- Cover Letter
- EAF part 1 10 10 24
- FEMA
- iPac Endangered Species Response
- Maps
- NYSDEC Letter of No Effect (2)
- NYSDEC Letter of No Effect
- Project Visual Simulations and Map 2
- SHPO No Effect Letter
- SWPPP – Compliant with NYSDEC Guidelines for Solar
- UCPB Referral
- USDA Soil Map

#### No Decision

The Ulster County Planning Board (UCPB) could not achieve a Quorum for the vote regarding this application, and no action was taken regarding the referral received from your board.

Under General Municipal Law §239-m, a county planning board has 30 days from receipt (10/23/2024) to act on referrals or up until two days before your Board takes its final action.

This notice informs you that upon the lapse of 30 days, you may consider the requirements of §239-m completed and take final action on the application. We offer the following staff comments. If the Town Planning Board does not take final action before then, the UCPB will take the matter up again at its December meeting.

**Staff Comments**

**Visual Impacts Analysis – Advisory Comment**

An analysis was provided, but based on the proposed visual simulations, it is unclear whether the mitigations successfully limit this proposal's long-term visual impacts. Berming, coupled with landscaping, may prove more effective in mitigating these issues.

**Stormwater Monitoring/Maintenance**

Given the grading that will occur as this site is developed, monitoring and inspections of the site's stormwater facilities and erosion and sediment control measures must occur both during construction and after the project's completion.

**Staff Comment**

As a condition of approval, the Town's stormwater inspector should conduct regular site visits 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.

**Fire Access – Staff Comments**

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.

**Prime Soils and Soils of Statewide Importance – Staff Comments**

Similar to the proposed ELP Truncali Solar Project, the project site consists almost entirely of prime soils. Most communities in Ulster County have added language to their zoning statute that requires applicants to avoid these critical agricultural soils outright or only to allow a small percentage of these soils to be used for solar. The Town of Marlborough's zoning statute lacks these standards that support the continuation of agricultural activities, and we would recommend that the Town Board consider amending its zoning statute to incorporate language to protect these soil types. A review of other local laws (Rochester, Lloyd, Shawangunk) would be advised. We recommend, if practicable, that agricultural use be allowed to coexist with this project or, at minimum, that a native species pollinator seed mix be utilized under the proposed solar panel locations.

**Decommissioning Plan – Advisory Comment**

The materials referred to the County did not include a decommissioning plan required by the Town zoning statute. This will need to be submitted for Town review as a condition of approval.

Reviewing Officer



Robert A. Leibowitz, AICP  
Principal Planner

Cc: Cindy Lanzetta, UCPB

# REFERRAL RESPONSE



## ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

2024148

Municipality

Marlborough

Local File Number

24-20010

Referring Agency

Planning Board

Type of Referral

Special Permit

Name of Applicant

Highland 201 Solar, LLC

Name of Project

Highland 201 Solar, LLC

Project Location

206 Milton Tpk.

Description

4100 kW solar photovoltaic array system.

UCPB Decision

Reviewed No Decision - Local Determination

See Attachments

☐

Referral Officer

Representing the Ulster County Planning Board

Date Received

10/23/2024

Date Reviewed

11/6/2024

Form Date

11/7/2024

Status

Reviewed

# FINAL ACTION REPORT FORM

Per GML 239-m and -n FINAL ACTION REPORTS ARE  
REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS  
AFTER FILING

Complete the local agency final action box, add the local file  
number, include any required submittals, and sign the form



**Name of Project:** Highland 201 Solar, LLC

**Referral Number:** 2024148

**UCPB Decision:** Reviewed No Decision - Local Determination

## Local Agency Final Action:

☐ Approve ☐ Disapprove

**Member Vote:** Yes: ☐ No: ☐

☐ County Planning Board Decision -  
Reviewed no County Impact

☐ Concurs with County Planning Board  
Modifications or Disapproval

☐ Contrary to County Planning Board  
Modifications or Disapproval (see  
required submittals if checked)

## Required Submittals:

Within thirty days after final action, the referring body must file a  
report of the final action it has taken with the UCPB. A referring body  
that acts contrary to a recommendation of modifications or  
disapproval of a proposed action shall set forth the reasons for the  
contrary action in such report attached to this form.

**Local File Number:** 24-20010

**Municipality:** Marlborough

**Referring Agency:** Planning Board

**Type of Referral:** Special Permit

**Name of Applicant:** Highland 201 Solar, LLC

**Project Location:** 206 Milton Tpk.

**Description:** 4100 kW solar photovoltaic array system.

☐ Required Submittals Attached

☐ Resolution Attached

**Local Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## ~ For Ulster County Planning Board Use Only ~

### Local Board Decision:

**Original Date Received:** 10/23/2024

**Original Review Date:** 11/6/2024

**Final Action Date Received:**

**Status:** Reviewed

### Return Form to:

Referral Officer  
Ulster County Planning Board  
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp

# REFERRAL RESPONSE



## ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

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Site Plan Review

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