

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: 12/04/2024

Re: Highland Solar – Special Permit and Site Plan Review

Summary

The applicant proposes 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
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- 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

Recommendations

New York State Agriculture and Markets – Required Modifications

Given its location in State Certified Agricultural District #2 of Ulster County, the applicant must coordinate with NYS Ag and Markets regarding this proposal and address their concerns as part of the approval process.

Visual Impacts Analysis – Required Modifications

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 and landscaping may prove more effective in mitigating these issues.

Stormwater Monitoring/Maintenance

*2024-148-149 Highland Solar
Special Permit and Site Plan Review*

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. The Department of Agriculture and Markets may have more comments on this topic as well.

Required Modifications

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 – Required Modifications

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

Prime Soils and Soils of Statewide Importance – Required Modifications

Similar to the proposed ELP Truncali Solar Project, the site has a few areas where prime soils are absent. While the project includes those areas that do not contain prime soils, most of the arrays are within areas that do contain it. All other communities with large-scale solar standards in Ulster County have added language 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. The UCPB recommends 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.

For this site, a prime soil analysis is recommended, with the percent of the property in prime soils determined and the percentage of the sites' prime soils utilized for the solar arrays. Consistent with other local statutes, it is recommended that prime soils be avoided to the greatest extent possible and that a maximum of 20% of the site's prime soils be utilized for the solar array. Those areas to be used for solar and a percentage of the development's use sites of prime soils. We recommend that agricultural use coexists with this project or, at minimum, that a native species pollinator seed mix be utilized under the proposed solar panel locations.

Decommissioning Plan – Required Modifications

The materials referred to the County did not include a decommissioning plan required by the Town zoning statute. As a condition of approval, the town will need to review this plan.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Cindy Lanzetta, UCPB

Bradley Geroux, Senior Environmental Analysis NYS Agriculture and Markets

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

Required Modifications

See Attachments



Referral Officer

A handwritten signature in blue ink, appearing to read "Ruth = L. B.", is written over a horizontal line.

Representing the Ulster County Planning Board

Date Received

10/23/2024

Date Reviewed

12/4/2024

Form Date

12/6/2024

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: Required Modifications

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: 12/4/2024

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

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