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2 STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD

## 5 MILTON TURNPIKE SOLAR FARM

## 10 SKETCH - SITE PLAN

11 Date: November 19, 2018  
12 Time: 7:30 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15       BOARD MEMBERS:     JOEL TRUNCALI, Acting Chairman  
16                             BEN TRAPANI  
16                             CINDY LANZETTA  
17                             JOSEPH LOFARO  
17                             MANNY CAUCHI  
17                             STEVE CLARKE

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
19 PATRICK HINES  
VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVE: MICHAEL CUCCHIARA  
WALTER KUBOW

2 MR. TRUNCALI: I'd like to call the  
3 meeting to order with a Pledge to the flag.

4 (Pledge of Allegiance.)

5 MR. TRUNCALI: Agenda, Town of  
6 Marlborough Planning Board, November 19, 2018.  
7 Regular meeting 7:30 p.m. Milton Turnpike  
8 Solar Farm, sketch, site plan; Ridge Road,  
9 preliminary, subdivision. Next deadline: Friday,  
10 November 23rd. Next scheduled meeting: Monday,  
11 December 3rd.

12 First up, Milton Turnpike Solar Farm.

13 MR. CUCCHIARA: How are you doing? I'm  
14 Mike Cucchiara from Nexamp. We met last time.  
15 Walter Kubow is filling in for Nick Vamvas from  
16 Chazen.

17 MR. TRUNCALI: Do you want to give us  
18 an overview of what's going on first?

19 MR. CUCCHIARA: Sure. When we were  
20 last here we presented to the Town Planning Board  
21 our community solar project proposal for a 2  
22 megawatt solar farm located on 132 Milton  
23 Turnpike, just down the road. At that time we  
24 received comments from the town engineer. We are  
25 working on those changes. We have not

2 resubmitted any changes on the plans themselves.  
3 We're just waiting for any further comment. The  
4 most recent comments that we received today,  
5 we're happy to go through.

6 I think the first one was the zoning  
7 update which we'd be interested in just clearing  
8 up with the Planning Board, making sure all that  
9 has gone through.

10 We're happy to answer any questions. I  
11 don't know if anyone else needs more details on  
12 the farm itself. I'm happy to answer any  
13 specific questions.

14 MR. TRAPANI: How many acres is that  
15 again, the actual --

16 MR. CUCCHIARA: The actual footprint is  
17 between -- approximately 11 acres or so. The  
18 actual clearing and disturbance is about 17  
19 acres. Within the fence and down to the --  
20 including the road access on Milton Turnpike  
21 would be just under 12 acres or so.

22 MR. TRAPANI: The fence is going to  
23 encompass how much acreage?

24 MR. CUCCHIARA: That fence is about 11  
25 to 12 acres. I'm blanking on the exact number.

2 MR. TRAPANI: I had that question to  
3 ask the other day about it. I said we'll find  
4 out. 12 acres. All right.

5 MR. CUCCHIARA: Yup.

6 MR. CAUCHI: One of my concerns is has  
7 Central Hudson given you a letter that they will  
8 buy the electricity from you?

9 MR. CUCCHIARA: Yes, they have. In  
10 fact, on this project we have a hundred percent  
11 cost. We went through a preliminary study and  
12 received our CSAR, which is their impact study.  
13 So the project has been studied. We know that  
14 they will take the energy from the project. We  
15 have an interconnection service agreement. I can  
16 provide that to the Planning Board.

17 MR. CAUCHI: I would like to see that.

18 MR. CUCCHIARA: We can send that along.  
19 The way it works in New York, we are within  
20 Central Hudson's cue as a community solar  
21 provider. The way the system works is that we  
22 get paid for the kilowatt hours we put onto the  
23 grid in credits. We can't take those credits to  
24 the bank, we have to distribute those to  
25 customers. Part of our model, and one thing that

2 sets Nexamp apart from other developers, is that  
3 we own these projects long term so we've built a  
4 strong customer sales team and support team.  
5 What we'll do is go out and find customers to  
6 basically purchase energy. Our credits that we  
7 generate from this project are at a discount so  
8 they're able to access benefits of solar without  
9 having to do it on their roof or on their own  
10 home or land. I'd be happy to share that with  
11 you. We have that contact with Central Hudson.

12 MR. CAUCHI: Is that a virtual meter --

13 MR. CUCCHIARA: Exactly. It's virtual  
14 metering. Except when you talk about like a  
15 residential customer, it's under the community  
16 solar panel.

17 MR. CAUCHI: Does Central Hudson have  
18 certain guidelines that you have to abide by?

19 MR. CUCCHIARA: They do. So there's a  
20 -- we had to, I would say, validate or show our  
21 qualifications as a community solar provider.  
22 We, on the other side of this, have shown our  
23 credentials, experience, et cetera.

24 MR. CAUCHI: Have all these  
25 requirements been met?

2 MR. CUCCHIARA: Yes, they have.

3 MR. CAUCHI: Can we see also a  
4 verification of that, please?

5 MR. CUCCHIARA: Sure.

6 MR. HINES: The other thing we asked  
7 for was the details of the interconnect. Each  
8 publicly owned utility has their own unique  
9 method of connecting to their grid. That's why  
10 they submitted the additional detail that they  
11 gave us showing the number of poles and how  
12 they're going to connect to Central Hudson's  
13 equipment.

14 MR. CLARKE: Where does this connection  
15 take place?

16 MR. CUCCHIARA: It happens right on 132  
17 Milton Turnpike. I'm trying to see -- it's not  
18 shown on this site plan. The recent submission  
19 would show the poles. Basically what will happen  
20 is -- I don't know if you have the new -- we can  
21 go back to that original site plan. I can  
22 explain from there and I think you'll see on the  
23 supplementary information. That page.

24 MR. HINES: They did submit seven  
25 sheets. We don't have a computer right now

2 showing it. I think it's four poles that they  
3 require.

4 MS. LANZETTA: Did she have that up,  
5 the very first one?

6 MR. HINES: There it is.

7 MR. CUCCHIARA: So these four poles  
8 would be right at the end of that driveway set  
9 back. We can set them back a certain amount so  
10 they're not right on the road. Basically these  
11 poles hold utility equipment as well as our own  
12 protective equipment. The utilities are required  
13 to have shutoff switches. We have a pole for  
14 meters, et cetera. All of the interconnection is  
15 done above ground on poles. The last pole will  
16 then span and interconnect with the lines that  
17 run along 132 Milton Turnpike.

18 MR. CLARKE: Is this where you work  
19 from DC to AC also?

20 MR. CUCCHIARA: That is done at the  
21 inverters. That's further up into the farm.  
22 Right as you enter into the gates there's going  
23 to be a transformer pad there. That's happening  
24 at the inverter level.

25 MS. LANZETTA: I'd like to clear up

2 just a couple of things that are bothering me.  
3 Al was able to provide us with the information  
4 from the Town Board that they have changed the  
5 code and that this is now a parcel that's  
6 designated as Ag. The parcel numbers, the tax  
7 parcel numbers as recorded in the new code do not  
8 match the tax parcel numbers that you have. Was  
9 there a subdivision filed on this?

10 MR. CUCCHIARA: I believe what we used  
11 as the SBL number came from the Ulster County  
12 Parcel Viewer map. I think we have recently --

13 MS. LANZETTA: No.

14 MR. CUCCHIARA: They haven't?

15 MS. LANZETTA: I pulled it up today and  
16 they don't match that.

17 MR. CUCCHIARA: Right. So we had  
18 conversations, myself and Nick Vamvas, with Ron  
19 Blass on that number. He had submitted us the  
20 new numbers and we updated our application and  
21 resubmitted a Planning Board application with the  
22 new correct numbers.

23 MS. FLYNN: They did.

24 MS. LANZETTA: Okay. These maps have  
25 -- they actually have numbers that are really not

2 -- that don't match at all.

3 MR. CUCCHIARA: Right. That was from  
4 the original submission. Our new application  
5 will have the corrected number, --

6 MS. LANZETTA: Okay.

7 MR. CUCCHIARA: -- and I believe you  
8 have that.

9 MS. LANZETTA: Okay. I wanted to know  
10 about that.

11 Also, we discussed this up at the  
12 County Planning Board and the official comments  
13 we're still awaiting. I can tell you that at the  
14 discussion we were concerned about the possible  
15 visual impact. I think it would behoove you to  
16 do a visual simulation, especially what it would  
17 look like across the river at Locust Grove. We  
18 do know that over at Locust Grove we can see the  
19 dome perfectly. If you could do a visual  
20 simulation. I know the County is going to be  
21 asking for that. It's something that concerns me  
22 as well. So that's something.

23 I also -- let's see. There were  
24 discussions about the stormwater which you  
25 submitted a stormwater -- a SWPPP.

2 Also I had questions about how are you  
3 going to keep down the vegetation? What method  
4 are you going to use to keep down the vegetation?

5 MR. CUCCHIARA: When we go in and do  
6 our site work on the area we will re-seed that  
7 with a solar seed mix. It's sort of made with a  
8 variety of different grasses that are supposed to  
9 limit the height and not be taller than the  
10 leading edge or the lowest edge of these panels.  
11 Any leaves or grasses that grow higher than that  
12 we would do it mechanically, just get out there  
13 and do some weed whacking or mowing as needed.  
14 Typically we get out and maintenance these  
15 projects two times a year and more if need be.  
16 No pesticides or anything like that. A low  
17 growth seed mixture and mechanical cutting.

18 MS. LANZETTA: I was looking at the  
19 fencing details. You have a chain-link fence.  
20 Is that going to be around the entire perimeter  
21 as you show the fencing?

22 MR. CUCCHIARA: Based on our NEC code,  
23 yes. National Electric Code.

24 MS. LANZETTA: What is the purpose of  
25 the fence primarily as far as you're concerned?

2 MR. CUCCHIARA: Sure. I think it's  
3 based as a part of the National Electric Code  
4 that requires that fence. My understanding of it  
5 really is just safety and security and keeping  
6 people away from the inverters and other things  
7 like that. I mean it also provides us a certain  
8 amount of security, although we don't put barbed  
9 wire on these things or anything like that. They  
10 could be scaled and things like that. It's  
11 mostly because of the code that is out there and  
12 requires us to fence them in.

13 MR. CAUCHI: Is there a height  
14 requirement on this fence?

15 MR. CUCCHIARA: There is.

16 MR. HINES: Six feet.

17 MR. CUCCHIARA: We have this one at  
18 seven feet.

19 MR. HINES: I think you do have barbed  
20 wire.

21 MR. CUCCHIARA: I'm sorry?

22 MR. HINES: I thought you did have  
23 barbed wire.

24 MR. CUCCHIARA: No barbed wire. It  
25 should not be on that.

2 MR. HINES: Wrong project then.

3 MR. CUCCHIARA: We have it at seven  
4 feet, which is what I think NEC recommends.

5 MR. TRUNCALI: That won't keep deer  
6 out, though.

7 MR. CUCCHIARA: That I know. I hear  
8 they can jump pretty high.

9 MS. LANZETTA: The other thing is  
10 typically we ask that there be arrangements made  
11 that the fence isn't all the way to the ground.

12 MR. CUCCHIARA: Okay.

13 MS. LANZETTA: I have a picture here of  
14 a fence. I don't know if you've been over to the  
15 Beacon solar facility that is right by the Long  
16 Dock Park. They actually don't even have -- I'm  
17 not even sure if it's wire. It almost seems to  
18 be some kind of a plastic. It looks like chain  
19 link but I think it's a plastic. The thing is it  
20 doesn't come all the way to the ground which  
21 allows small animals to be able to go back and  
22 forth, turtles and other things. I think that's  
23 something that I would like to see incorporated  
24 so that wildlife can pass underneath it, small  
25 wildlife can go back and forth, if it's not real

2 critical. I mean you're not really going to be  
3 that worried about keeping people out of there.  
4 You could even possibly not have anything quite  
5 as heavy duty as what you're proposing. I think  
6 it's important that you allow that extra room  
7 underneath for small wildlife.

8 MR. CUCCHIARA: We can definitely look  
9 into fencing options and come back with something  
10 that would meet those needs. I think we even  
11 talked about using deer fence on some. We have  
12 to check if it meets the requirements.

13 MR. CLARKE: You're generally going to  
14 need a 6 by 6 or 6 by 12 which would allow  
15 smaller animals to go through, amphibians.

16 MR. CUCCHIARA: Okay.

17 MR. TRUNCALI: Any more questions from  
18 the Board?

19 (No response.)

20 MR. TRUNCALI: Pat, do you want to go  
21 through your comments?

22 MR. HINES: Our first comment, part of  
23 it has to do with the zone change. I did receive  
24 tonight the filing with the Secretary of State  
25 for that zone change. That zone change has taken

2 place. Again, I just got that tonight.

3                    Apparently this is an uncoordinated  
4 review, so this Board will continue declaring  
5 itself lead agency for the rest of the project,  
6 which we are recommending tonight.

7                    The applicants have identified they're  
8 submitting to Ulster County DPW for access  
9 approval. We would like to be copied on any of  
10 the information submitted to those outside  
11 agencies.

12                   The jurisdictional fire department  
13 should receive a set of the plans for review.

14                   I do have number 4 here requesting a  
15 PILOT agreement. I'll defer to the Town or the  
16 Planning Board's attorney on that. There may be  
17 provisions in the Town's Local Law that doesn't  
18 require that, but just as a checks and balances  
19 we would -- would you agree with a PILOT  
20 agreement with the Town?

21                   MR. CUCCHIARA: Yes. In fact, I've  
22 sent official letters to the Town as well as the  
23 County and school board indicating we were  
24 interested in negotiating a PILOT. We're open to  
25 that.

2 MR. HINES: They submitted some visual  
3 assessments but they were very local, they  
4 weren't from across the river. We do have the  
5 history of the dome we heard from across the  
6 river, although they don't mind us looking at  
7 their galleria mall I guess. That's another  
8 issue. The Board is looking for that.

9 Locust Grove is a park across the  
10 river? I'm not familiar with it.

11 MS. LANZETTA: It's a national historic  
12 landmark.

13 MR. HINES: The Board will be looking  
14 for that submission, what it looks like from  
15 there.

16 We requested the interconnect details.  
17 Those have been provided, which we just  
18 discussed.

25 These are going to be screw-in type

2 mounts.

3 MR. CUCCHIARA: Yes.

4 MR. HINES: The racking is just screwed  
5 in on anchors. There's no excavation for those.  
6 There may be some minor regrading of the site  
7 after construction but no permanent impervious  
8 surfaces.

9 That's where we're at. We would  
10 recommend the Board circulate for lead agency  
11 tonight and make a notice of intent, and then  
12 within thirty days, if no one objects to that,  
13 you'll be lead agency for the SEQRA review.

14 MR. TRUNCALI: Do I have a motion from  
15 the Board that the Planning Board declare intent  
16 to become lead agency?

17 MS. LANZETTA: I'll make that motion.

18 MR. CLARKE: I'll second.

19 MR. TRUNCALI: All in favor?

20 MR. CLARKE: Aye.

21 MR. TRAPANI: Aye.

22 MS. LANZETTA: Aye.

23 MR. TRUNCALI: Aye.

24 MR. CAUCHI: Aye.

25 MR. LOFARO: Aye.

2 MR. TRUNCALI: All opposed?

3 (No response.)

4 MR. TRUNCALI: So carried.

5 Do you have anything?

6 MR. BATTISTONI: No. I'm Jeff  
7 Battistoni, I work with Ron Blass. I'm filling  
8 in for him tonight.

9 I was going to make sure you declared  
10 yourself lead agency. You just did that.

11 I will look into the PILOT agreement.  
12 We received notice about that. I'll follow up on  
13 that.

14 MR. CUCCHIARA: Can I request one more  
15 thing? This might be for both the Planning Board  
16 and the town attorney. Would it be possible to  
17 call or at least set a public hearing for  
18 December 17th? I know that would be probably two  
19 days less than we would need for the comment  
20 period on the EAF. Assuming we had comments back  
21 from all parties having jurisdiction, can we set  
22 that as a possible public hearing date and then  
23 postpone if all the comments are not back in?

24 MR. HINES: We don't necessarily have  
25 to postpone it, we can just not take action until

2 such time.

3 I'll leave it to the Board. We don't  
4 have the visuals. I think if you have the  
5 visuals submitted in time, that would be  
6 important.

7 I think a lot of these are under a  
8 deadline for financial approval through the  
9 State. Some of the programs have sunset clauses  
10 I believe.

11 MR. CUCCHIARA: Some do. Some do. I  
12 mean I think more importantly for us is that,  
13 one, we've had this project for quite some time.  
14 We've had that agreement with Central Hudson.  
15 That requires us having money on our  
16 interconnections out for awhile. More  
17 importantly, the clearing of trees. We  
18 anticipate some type of clearing restrictions  
19 based on bat species that are in the area which  
20 typically we only have from say October or  
21 November through the end of March. Any way we  
22 can move this along quicker and get to an  
23 approval point which would allow us to clear the  
24 site before March 31st, otherwise we would be  
25 looking at going a whole other six or seven

2 months before we can start.

3 MR. HINES: Your EAF didn't have the  
4 threatened or endangered species impact based on  
5 the DEC's website. You might be outside of that.

6 Understood there are some -- I don't  
7 have a problem scheduling the public hearing.  
8 We'll get the public input sooner rather than  
9 later if there are any neighbors that have  
10 concerns.

11 MR. CUCCHIARA: I think as far as the  
12 visual simulation, I could definitely have that  
13 probably not before the next submission date but  
14 possibly before that December 17th I think would  
15 be do able.

16 MS. FLYNN: The deadline for the  
17 December 17th meeting is December 7th.

18 MR. CUCCHIARA: Okay.

19 MR. CLARKE: I did get a letter in the  
20 mail this week from Central Hudson saying that if  
21 you wanted to have renewable electric you could  
22 sign up for that. I'm thinking of this project.

23 MR. CUCCHIARA: Sure.

24 MR. CLARKE: Central Hudson is  
25 obviously on board.

2 MR. TRUNCALI: Does anyone oppose  
3 having a public hearing set for December 17th?

4 MR. CAUCHI: My only reservation is  
5 it's so close to the holidays. We have holidays.  
6 I'm okay with it. That's my only reservation I  
7 have.

8 MS. LANZETTA: I won't be here. Does  
9 anybody else not plan on being here on the 17th?

10 MR. CLARKE: It's just a matter of  
11 risk. See what his tolerance for risk is.

12 MS. LANZETTA: Do you plan on being  
13 here?

14 MR. CLARKE: The 17th, absolutely.

15 MS. LANZETTA: If I'm the only person  
16 who is not here, you should still have a quorum.

17 MR. TRUNCALI: Do we have to have a  
18 motion to do that?

19 MR. HINES: Yes. A motion to set a  
20 public hearing.

21 MR. TRUNCALI: Do I have a motion to  
22 set the public hearing?

23 MR. LOFARO: I'll make a motion to set  
24 the public hearing.

25 MR. TRUNCALI: For December 17th.

2 MR. CLARKE: I'll second.

3 MR. TRUNCALI: All in favor?

4 MR. CLARKE: Aye.

5 MR. TRAPANI: Aye.

6 MS. LANZETTA: Aye.

7 MR. TRUNCALI: Aye.

8 MR. CAUCHI: Aye.

9 MR. LOFARO: Aye.

10 MR. TRUNCALI: All opposed?

11 (No response.)

12 MR. TRUNCALI: So carried.

13 MR. CUCCHIARA: Thank you.

14

15 (Time noted: 7:50 p.m.)

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## C E R T I F I C A T I O N

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7 I, MICHELLE CONERO, a Notary Public  
8 for and within the State of New York, do hereby  
9 certify:

10 That hereinbefore set forth is a  
11 true record of the proceedings.

12 I further certify that I am not  
13 related to any of the parties to this proceeding by  
14 blood or by marriage and that I am in no way  
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 28th day of November 2018.

18

19

2

Michelle Conero

MICHELLE CONERO

2 STATE OF NEW YORK : COUNTY OF ULSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD  
----- X

4 In the Matter of

5 RIDGE ROAD  
6

7 Project No. 18-2004  
8 Ridge Road, Milton  
Section 102.4; Block 2; Lot 32.810

9 ----- X

10 PRELIMINARY - SUBDIVISION

11 Date: November 19, 2018  
12 Time: 7:50 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547  
14

15 BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman  
16 BEN TRAPANI  
17 CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI  
STEVE CLARKE  
18

19 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
PATRICK HINES  
VIRGINIA FLYNN  
20

21 APPLICANT'S REPRESENTATIVE: NICHOLAS GALLELA  
22 ----- X

23 MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
24 Newburgh, New York 12550  
(845)541-4163  
25

2 MR. TRUNCALI: Next up, Ridge Road.

3 So where did we leave off with this,

4 Pat?

5 MR. HINES: The last we left off with  
6 this was the discussion regarding the drainage  
7 agreement. I believe the applicant's attorney  
8 has forwarded some information to Ron's office  
9 regarding that.

10 MR. BATTISTONI: There's going to be a  
11 document called a covenant that will address that  
12 issue. We received an initial draft and then a  
13 revised draft from Mr. Kelson. It's close to  
14 being in final form.

15 There is a drainage district that was  
16 created in 2010. I want to get a copy of the  
17 approval resolution for that from the Town Board,  
18 and I want to refer to that in the actual  
19 covenant so it's very clear what we're referring  
20 to and what was done. I don't have that yet.  
21 I'm sure I can get that fairly quickly. Other  
22 than that, the covenant will be in good order.

23 MR. TRUNCALI: So Mr. Gallela has  
24 agreed to comply with the original agreement?  
25 There's eight parcels that are paying equally

2 between them and he's going to pay two-eighths --

3 MR. BATTISTONI: On the larger parcel.

4 MR. TRUNCALI: -- on the larger parcel?

5 MR. BATTISTONI: Correct. The covenant  
6 says that but I want to make that a little  
7 clearer. It does say that there will be one  
8 benefit unit assessed to each of lot 1 and 2 on  
9 the new subdivision and two benefit units to the  
10 larger parcel. I want to say one benefit unit  
11 out of eight and two out of eight. I just want  
12 to make that clear.

13 MR. HINES: The only other change is we  
14 received a letter from the water superintendent  
15 recommending that the water services be increased  
16 to one inch, which I believe the applicant's  
17 representative said they would do.

18 The catch basin detail which we  
19 previously discussed has been added to the plans.

20 The Ulster County approval for the  
21 septic system is still outstanding. I was a  
22 little surprised it wasn't sent yet. That can be  
23 a condition of a future approval as well. Both  
24 the new septic systems need Health Department  
25 approval.

2 That's the extent of where we're at. I  
3 think with the applicant's agreement to that  
4 covenant and those couple of plan changes, we  
5 would be in a position to issue a conditional  
6 final approval once those are written, as well as  
7 a neg dec.

8 MS. LANZETTA: In order to satisfy the  
9 water department's conditions of individual  
10 service lines under the road and putting in those  
11 larger lines, how do you ensure that that  
12 happens?

13 MR. HINES: They're going to be added  
14 to the plans. The applicant's plans will show  
15 one-inch water service. The highway department  
16 will be able to verify with regard to the boring  
17 versus open cut. So those notes will be added to  
18 the plans.

19 MS. LANZETTA: Okay.

20 MR. TRUNCALI: Then there's nothing  
21 else we can do tonight?

22 MR. HINES: Typically the Board  
23 authorizes Ron's office to draw up those draft  
24 resolutions and neg decs for your use.

25 MR. TRUNCALI: Is everybody good with

2 that?

3 MR. CLARKE: Yes.

4 MR. TRAPANI: Yes.

5 MS. LANZETTA: Yes.

6 MR. CAUCHI: Yes.

7 MR. LOFARO: Yes.

8 MR. TRUNCALI: Okay. That's what we'll  
9 do.10 MR. GALLELA: So the next meeting final  
11 approval or --12 MR. HINES: Yeah. The Board doesn't  
13 have those final approval documents. They'll get  
14 a written one from Ron's office that they'll be  
15 able to take action on.

16 MR. GALLELA: Okay.

17 MR. TRUNCALI: Thank you.

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19 (Time noted: 7:55 p.m.)

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## 4 C E R T I F I C A T I O N

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7 I, MICHELLE CONERO, a Notary Public  
8 for and within the State of New York, do hereby  
9 certify:

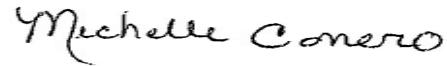
10 That hereinbefore set forth is a  
11 true record of the proceedings.

12 I further certify that I am not  
13 related to any of the parties to this proceeding by  
14 blood or by marriage and that I am in no way  
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 28th day of November 2018.

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD

In the Matter of

7

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## 10 BOARD BUSINESS

11 Date: November 19, 2018  
12 Time: 7:55 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15       BOARD MEMBERS:     JOEL TRUNCALI, Acting Chairman  
16                             BEN TRAPANI  
16                             CINDY LANZETTA  
17                             JOSEPH LOFARO  
17                             MANNY CAUCHI  
17                             STEVE CLARKE

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.  
19 PATRICK HINES  
VIRGINIA ELYNN

20

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22

23

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25

MICHELLE L. CONERO  
PMB #276

56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

2 MR. TRUNCALI: Does anyone have any  
3 new business?

4 MR. LANZETTA: I have a question. I  
5 hear a lot about these bats. It holds up a lot  
6 of development in the Town of Marlborough.

7 MR. HINES: It does.

8 MR. LANZETTA: When you go to the  
9 County map, they don't show the Indiana Bat  
10 species in Marlborough. Why do people always  
11 refer to the bats like this gentleman?

12 MR. HINES: There's two species of bats  
13 that are a concern of DEC, the Indiana Bat and  
14 most recently -- they used to call it the Little  
15 Brown Bat -- it's the Northern Long Eared Bat  
16 that has been added to that list in New York  
17 State but not the Federal list. There are  
18 different habitat types for them. DEC has -- if  
19 you click on -- basically if you go by the EAF,  
20 when you fill out the EAF online now it tells you  
21 whether or not DEC has issues with the bats.  
22 It's based on known maternity colonies of a 2.5  
23 mile radius, and known caves where they also  
24 hibernate has another radius. If you fall within  
25 that there are restrictions. If you clear more

2 than 10 acres now they are also controlling that,  
3 if a project has more than 10 acres anywhere,  
4 because of the potential loss of bat feeding  
5 habitat. It varies site to site. They're just  
6 assuming it is but on their EAF it doesn't come  
7 up showing a bat issue. It's kind of spotting.  
8 That's why we require them to fill it out on the  
9 DEC's website now. It goes off DEC's database  
10 when you fill it in off their site.

11 MR. LANZETTA: There's different  
12 criteria?

13 MR. HINES: Yes. And distances.

14 MR. LANZETTA: Most of the bats are  
15 probably in Rosendale in all those caves.

16 MR. HINES: In the caves in the winter.  
17 They went in those caves and put little backpacks  
18 on them and found out where they go and drew  
19 circles around there for their maternity  
20 colonies. If you had one of those land within  
21 2.5 miles of your project --

22 MR. LANZETTA: So regardless if you're  
23 in that area or not, the precautionary thing is  
24 to wait --

25 MR. HINES: To limit tree clearing.

2 MR. LANZETTA: -- for those -- that  
3 opportunity to do that?

4 MR. HINES: Yup.

5 MR. LANZETTA: Most of the developers  
6 don't want to take a chance.

7 MR. HINES: Right. Some of them are  
8 wholesale clear cutting their projects just to  
9 avoid the Indiana Bat problem.

10 MR. TRUNCALI: Is there a size that  
11 takes that into account for clearing?

12 MR. HINES: There used to be certain  
13 tree species. They liked Hickory trees and  
14 Locust trees. Because of the sensitivity and the  
15 two different species now, they're just saying  
16 clearing of any of those areas that have a  
17 potential habitat for those species. It's not  
18 necessarily they're there, it's just a habitat  
19 for them.

20 MR. TRUNCALI: It doesn't matter the  
21 acreage?

22 MR. HINES: No. If you're in 10 acres  
23 or more, actual tree clearing of 10 acres,  
24 they're also looking at that as a potential  
25 habitat loss, especially if you need a Federal

2 permit from the Army Corp of Engineers. They're  
3 flat out making you get a permit if you're  
4 clearing more than 10 acres, if you need a permit  
5 from them originally. If you need an Army Corp  
6 permit and you're 10 acres, they're almost  
7 preventing you from getting that permit now.  
8 It's just complicating things more.

9 MR. TRUNCALI: Does anyone else have  
10 anything?

11 MR. CLARKE: Is Ag exempt from that?

12 MR. HINES: It is. I say that now. I  
13 can't say what's going to happen in the future.

14 MR. CAUCHI: I have a motion to  
15 adjourn.

16 MR. TRUNCALI: Do I have a second?

17 MS. LANZETTA: I'll second that.

18 MR. TRUNCALI: All in favor?

19 MR. CLARKE: Aye.

20 MR. TRAPANI: Aye.

21 MS. LANZETTA: Aye.

22 MR. TRUNCALI: Aye.

23 MR. CAUCHI: Aye.

24 MR. LOFARO: Aye.

25 (Time noted: 8:00 p.m.)

## C E R T I F I C A T I O N

7 I, MICHELLE CONERO, a Notary Public  
8 for and within the State of New York, do hereby  
9 certify:

10 That hereinbefore set forth is a  
11 true record of the proceedings.

12 I further certify that I am not  
13 related to any of the parties to this proceeding by  
14 blood or by marriage and that I am in no way  
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 28th day of November 2018.

Michelle Conero

MICHELLE CONERO

25