

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

In the Matter of

- BOARD BUSINESS

- CONTINUING EDUCATION - MEMBER TRONCILLITO

BOARD BUSINESS

Date: April 15, 2024

Time: 7:30 p.m.

Place: Town of Marlborough
Town Hall

21 Milton Turnpike

Milton, New York 12547

BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
FRED CALLO
JAMES GAROFALO
STEVE JENNISON
CINDY LANZETTA
JOE LOFARO
BOB TRONCILLITO

ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

GERARD J. COMATOS, JR., ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

BOARD BUSINESS

1 CHAIRMAN BRAND: I'd like to call the meeting
2 to order with the Pledge of Allegiance to the Flag of our
3 Country.

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of Marlborough
6 Planning Board, April 15, 2024, regular meeting at
7 7:30 p.m. On the agenda tonight we have a public hearing
8 for Vito Triolo Pizza Town, a public hearing for the site
9 plan at 1326 Route 9W in Marlboro. We also have a public
10 hearing for the Feeney two-lot subdivision on Plattekill
11 Road in Marlboro. Under Ongoing Application review, we
12 have a discussion of the site plan for ELP Solar at 335
13 Bingham Road in Marlboro. The next deadline is Friday,
14 April 26, 2024. The next scheduled meeting, Monday,
15 May 6, 2024.

16 MS. FLYNN: Can we amend it from discussion?

17 CHAIRMAN BRAND: We'll amend that to say
18 sketch?

19 MS. FLYNN: Right.

20 MR. GAROFALO: Mr. Chairman.

21 CHAIRMAN BRAND: Mr. Garofalo.

22 MR. GAROFALO: Could we also amend the agenda
23 to have a very short notation under Special Topics
24 Discussion about the Sparta board material that we
25 received?

BOARD BUSINESS

1 CHAIRMAN BRAND: Yes. I also would like to
2 hear from our counsel regarding the ridgeline proposed --
3 I didn't ask you to prepare anything, but just a quick
4 review of the proposed legislation from the Town Board.
5 Is that something we can handle this evening?

6 MR. COMATOS: I don't have a photographic
7 memory of the local law change. If there's a copy of it
8 available, I can go through it and summarize it.

9 CHAIRMAN BRAND: First up, we have a public
10 hearing -- oh, sorry. Announcements. Mr. Troncillito.

11 MR. TRONCILLITO: Yes. I went to a two-day
12 class on residential sprinkler systems.

13 CHAIRMAN BRAND: We will enter that in to earn
14 credits. Any other announcements?

15 (No response.)

16 Time noted: 7:32 p.m.

17

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

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20 Certified to be a true and accurate transcript.

21

22 Stacie Sullivan

23 Stacie Sullivan, CSR

24

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

In the Matter of

VITO TRIOLO PIZZA TOWN

Project No. 23-1024
1326 Route 9W, Marlboro
Section 108.4; Block 3; Lot 28

PUBLIC HEARING - SITE PLAN

Date: April 15, 2024
Time: 7:32 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
FRED CALLO
JAMES GAROFALO
STEVE JENNISON
CINDY LANZETTA
JOE LOFARO
BOB TRONCILLITO

ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER

GERARD J. COMATOS, JR., ESQ., PLANNING
BOARD ATTORNEY

JEN FLYNN, PLANNING BOARD SECRETARY

APPLICANT'S REPRESENTATIVES: JOSEPH MINUTA
VITO TRIOLO

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

V. TRIOLO PIZZA TOWN - PUBLIC HEARING SITE PLAN

1 CHAIRMAN BRAND: Moving right along, we have a
2 public hearing for Vito Triolo of Pizza Town. Legal
3 Notice, Amended Commercial Site Plan Application. Please
4 take notice: A public hearing will be held by the
5 Marlborough Planning Board pursuant to the State
6 Environmental Quality Review Act or SEQRA and the Town of
7 Marlborough Town Code Section 155-31 on Monday, April 15,
8 2024, for the following application: Vito Triolo Pizza
9 Town at the Town Hall, 21 Milton Turnpike, Milton, New
10 York, at 7:30 p.m. or as soon thereafter as may be heard.
11 The applicant is asking for a commercial site plan
12 approval on lands located at 1326 Route 9W, Marlboro,
13 Section 108.4, Block 3, Lot 28. Any interested parties,
14 either for or against the proposal, will have an
15 opportunity to be heard at this time. Chris Brand,
16 Chairman, Town of Marlborough Planning Board.

17 Pat, you had nothing for this one; correct?

18 MR. HINES: Yeah, I don't.

19 CHAIRMAN BRAND: Any comments or questions from
20 the Board?

21 (No response.)

22 CHAIRMAN BRAND: At this time if you're a
23 member of the public and you're here to ask a question or
24 speak either for or against, I would ask that you please
25 come up to the podium and just state your name slowly and

V. TRIOLO PIZZA TOWN - PUBLIC HEARING SITE PLAN

1 clearly for the stenographer, and you'll have an
2 opportunity to be heard at this time.

3 (No response.)

4 MR. JENNISON: I make a motion to close the
5 public hearing.

6 MR. LOFARO: I'll second.

7 CHAIRMAN BRAND: There's no one to speak here
8 for the public hearing. Okay. There is a motion to
9 close the public hearing.

10 MS. LANZETTA: We need the pertinent
11 information about the mailings.

12 CHAIRMAN BRAND: How many mailings did you send
13 out, sir?

14 MR. MINUTA: The entire list. I don't have the
15 exact number off the top of my head.

16 MS. FLYNN: It should have been 56.

17 CHAIRMAN BRAND: There is a motion to close the
18 public hearing.

19 MR. TRONCILLITO: I'll second it.

20 CHAIRMAN BRAND: Any objection to closing the
21 public hearing at this time?

22 (No response.)

23 CHAIRMAN BRAND: No. All right. Since there
24 was no input from the public, can I have a motion to ask
25 the attorney to prepare a Resolution of Approval for our

V. TRIOLO PIZZA TOWN - PUBLIC HEARING SITE PLAN

1 following meeting?

2 MR. JENNISON: I'll make that motion.

3 MR. GAROFALO: I'll second.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any objection?

7 (No response.)

8 CHAIRMAN BRAND: All right. We will have that
9 ready for the next meeting, gentlemen.

10 Time noted: 7:34 p.m.

11

12

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

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15 Certified to be a true and accurate transcript.

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17 Stacie Sullivan

18 Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 FEENEY TWO-LOT SUBDIVISION

4 Project No. 24-2002
5 Plattekill Road, Marlboro
6 Section 108.3; Block 3; Lot 1.100
-----X

7 PUBLIC HEARING - SUBDIVISION

8
9 Date: April 15, 2024
10 Time: 7:35 p.m.
11 Place: Town of Marlborough
12 Town Hall
21 Milton Turnpike
Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
FRED CALLO
14 JAMES GAROFALO
STEVE JENNISON
15 CINDY LANZETTA
JOE LOFARO
16 BOB TRONCILLITO

17 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
18 GERARD J. COMATOS, JR., ESQ., PLANNING
BOARD ATTORNEY
19 JEN FLYNN, PLANNING BOARD SECRETARY
20

21 APPLICANT'S REPRESENTATIVE: DAVID FEENEY
22
23

24 -----X
Stacie Sullivan, CSR
25 staciesullivan@rocketmail.com

FEENEY TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 CHAIRMAN BRAND: Okay. Next on the agenda we
2 have the public hearing for the subdivision, Feeney
3 two-lot subdivision, on Plattekill Road in Marlboro.
4 Please take Notice: A public hearing will be held by the
5 Marlborough Planning Board pursuant to the State
6 Environmental Quality Review Act or SEQRA and the Town of
7 Marlborough Town Code Section 134-33 on Monday, April 15,
8 2024, for the following application: David Feeney, at
9 the Town Hall, 21 Milton Turnpike, Milton, New York, at
10 7:30 p.m. or as soon thereafter as may be heard. The
11 applicant is seeking approval of a two-lot subdivision
12 application for lands located at Plattekill Road in
13 Marlboro, New York, Section 108.3, Block 3, Lot 1.100.
14 Any interested parties, either for or against the
15 proposal, will have an opportunity to be heard at this
16 time. Chris Brand, Chairman, Town of Marlborough
17 Planning Board.

18 Pat, I believe you do have a couple of comments
19 here. We'll start with you.

20 MR. HINES: Yes. The applicant has complied
21 with our 15 March comments. They provided us with a copy
22 of the NYDEC Stormwater SPDES permit. Coverage will be
23 granted within five days, but they have the permit here.
24 We're just suggesting that the acknowledgment of coverage
25 be provided to the Building Department. And Ulster

FEENEY TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 County DPW previously approved the driveway locations,
2 and the Health Department has approved the subsurface
3 sanitary sewer disposal systems. So we have nothing
4 outstanding on this as well.

5 CHAIRMAN BRAND: Mr. Feeney, do you have the
6 mailings that you sent out for this as well?

7 MR. FEENEY: Yes.

8 CHAIRMAN BRAND: Do you know how many went out?

9 MR. FEENEY: Thirty-six.

10 MS. FLYNN: Thank you.

11 CHAIRMAN BRAND: Comments or questions from the
12 Board before we open this up to the public?

13 (No response.)

14 CHAIRMAN BRAND: Is anyone here from the
15 public? If you could just come up to the podium and
16 state your name for the stenographer.

17 MR. FIORE: Thank you. Ken Fiore. I live at
18 51 Scenic View.

19 My main concern is just the drainage with the
20 new development, the subdivision of two homes. One of
21 them, it looks like the electric is going to be right up
22 against my property, the electric box. I'm not a
23 surveyor, but from the view of the actual map, it looks
24 like it's going to be right on the property line. And
25 then I'm more concerned about drainage with all the rain

FEENEY TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 we've been getting and with knocking out all the apple
2 trees and stuff. What are the plans on that?

3 CHAIRMAN BRAND: Dave, did you want to address
4 that?

5 MR. FEENEY: Yes. So we haven't laid out the
6 electric, but it's going to be coming in off of
7 Plattekill Road and coming up, so it won't --

8 MR. FIORE: It looked like there was a box
9 right on the property line, two boxes.

10 MR. HINES: Those were the symbols for the
11 property line.

12 MR. FEENEY: Yeah, either those symbols or the
13 septic will be on that.

14 MR. FIORE: Two rectangles.

15 MR. FEENEY: The septic maybe.

16 MR. JENNISON: Can you show him?

17 MR. HINES: There's two boxes you're looking
18 at. Here's you (indicating). That's your shed. The
19 proposed house is on top of the hill. That's the
20 expansion area for the septic, and this is the approved
21 septic location (indicating).

22 MR. FIORE: So it's septic, not electric?

23 MR. HINES: Buried septic. Once they're done,
24 you won't see it.

25 MR. FIORE: My wife thought it was electric.

FEENEY TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 Thank you. The main issue is just the drainage. We're a
2 little bit down from you. You already put a trench
3 there. It might overflow, and that would be chaos for my
4 family.

5 MR. FEENEY: Yeah. I mean, the grading in that
6 area is not changing really at all.

7 MR. FIORE: That's all I wanted to bring up,
8 whoever they're hiring for pitching the land and stuff --

9 MR. FEENEY: As of right now, it's all kind of
10 staying.

11 MR. HINES: Mr. Feeney is the applicant and the
12 engineer.

13 MR. FIORE: So we're gonna be neighbors.

14 MR. FEENEY: Yes.

15 MR. FIORE: Thank you.

16 CHAIRMAN BRAND: Is there anyone else here for
17 the public hearing to either speak for or against?

18 (No response.)

19 CHAIRMAN BRAND: No.

20 MR. JENNISON: I move to close the public
21 hearing.

22 MR. CALLO: I second it.

23 CHAIRMAN BRAND: Any discussion? Any
24 objection?

25 (No response.)

FEENEY TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 CHAIRMAN BRAND: Can I have a motion to
2 authorize the attorney for a Resolution of Approval of
3 this for our next meeting?

4 MR. TRONCILLITO: I'll make the motion.

5 MR. LOFARO: I'll second it.

6 CHAIRMAN BRAND: Any discussion?

7 MR. GAROFALO: Yes. I have one request. Given
8 that this is two feet beyond the front yard setback,
9 maybe if we could have that staked out before any actual
10 construction as part of the conditions.

11 CHAIRMAN BRAND: Can you repeat that? I'm
12 sorry.

13 MR. GAROFALO: To stake out the location of the
14 building prior to construction because it's only two feet
15 beyond the front yard setback.

16 CHAIRMAN BRAND: Is that going to be an issue,
17 Mr. Feeney?

18 MR. FEENEY: Not really, but as long as I'm
19 behind the setback, I don't quite understand why I need
20 to have it staked out.

21 CHAIRMAN BRAND: I think we have asked other
22 applicants to do this when they're close to a neighboring
23 property or the setback.

24 MR. HINES: It saves a potential trip to the
25 ZBA.

FEENEY TWO-LOT SD - PUBLIC HEARING SUBDIVISION

1 MR. FEENEY: Not a problem.

2 MR. GAROFALO: We have had a few instances
3 where the buildings were not put in the right place and
4 then have come before us.

5 MR. HINES: So we typically that handle that
6 with a note on the plan that just says the property will
7 be staked out and a plot plan submitted to the Building
8 Department for the building permit application.

9 MR. FEENEY: Okay.

10 CHAIRMAN BRAND: Great. So any objection to
11 authorizing the attorney to draft a Resolution of
12 Approval for the next meeting with that caveat?

13 (No response.)

14 CHAIRMAN BRAND: So done. Mr. Feeney, thank
15 you.

16 MR. FEENEY: Thanks.

17 Time noted: 7:40 p.m.

18

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

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21 Certified to be a true and accurate transcript.

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_____*Stacie Sullivan*_____

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Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 ELP SOLAR TRUNCALI

4 Project No. 24-2004
5 335 Bingham Road, Marlboro
6 Section 108.3; Block 3; Lot 21
-----X

7 SKETCH - SITE PLAN

8
9 Date: April 15, 2024
10 Time: 7:40 p.m.
11 Place: Town of Marlborough
12 Town Hall
21 Milton Turnpike
Milton, New York 12547

13 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
FRED CALLO
14 JAMES GAROFALO
STEVE JENNISON
15 CINDY LANZETTA
JOE LOFARO
16 BOB TRONCILLITO

17 ALSO PRESENT: PATRICK HINES, PLANNING BOARD ENGINEER
18 GERARD J. COMATOS, JR., ESQ., PLANNING
19 BOARD ATTORNEY
20 JEN FLYNN, PLANNING BOARD SECRETARY

21 APPLICANT'S REPRESENTATIVE: EVAN YOUNG
22
23
24
-----X

25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 CHAIRMAN BRAND: Moving right along, next on
2 the agenda, under Ongoing Application Review, we have a
3 sketch of a site plan for ELP Solar Truncali, at 335
4 Bingham Road in Marlboro. How are you this evening?

5 MR. YOUNG: Good. You're moving right along
6 this evening.

7 CHAIRMAN BRAND: Yes, we are. Pat, while he's
8 getting set up, maybe you can run through your comments.

9 MR. HINES: Sure. So we reviewed the
10 application. We had kind of an informal meeting
11 previously. This is the formal application that we
12 received. We'll need written proof from the local
13 utility -- this is out of your Code -- for acknowledgment
14 of the interconnect. They have a report from the local
15 utility identifying some improvements to the grid that
16 are required, but your Code specifically says an
17 acknowledgment must be received from the utility that
18 they're going to accept this power.

19 The project is a special use in your Code. It
20 will require a public hearing upon complete application.

21 A Stormwater Pollution Prevention Plan must be
22 prepared.

23 Certain portions of this site are greater than
24 10 percent, and those will have to be addressed with DEC
25 guidance. And DEC's guidance actually refers to the

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 Maryland Department of Environment Stormwater Protection.
2 The applicant is familiar with that. In those areas
3 where it's steeper than 10 percent, they'll have to do
4 some additional Stormwater to meet those requirements.

5 They're proposing an eight-foot high fence.
6 There's a Code section that requires a seven-foot
7 minimum. So the eight-foot fence is a good idea.
8 Otherwise, you're buying eight-foot fence and cutting it
9 down to seven.

10 The Decommissioning Plan was submitted. We
11 need a detailed cost estimate for that to be prepared.

12 The decommissioning -- we're suggesting
13 decommissioning security should be a requirement of the
14 special use permit, and that the decommissioning security
15 must be in a form acceptable to the Town Attorney and
16 Town Board.

17 In reading Central Hudson's report, there was
18 quite a substantial amount of work that's going to be
19 required to connect to Central Hudson's distribution
20 lines in that area. They're detailed in the report, but
21 these folks are going to be spending some money to allow
22 Central Hudson to allow them to interconnect. And those
23 approvals were all detailed in the chart in that report.

24 The battery storage portion of the project,
25 which was discussed previously, continues to be proposed.

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 Additional information regarding the battery storage per
2 the Code section should be provided, and comments from
3 the jurisdictional fire department regarding the battery
4 storage and access should be received.

5 The applicants provided a proposed section of
6 the New York State or the FDN Code, but that has not been
7 adopted yet, so right now, there's not a lot of fire
8 department standards for that, but there is certainly a
9 review of a proposed Code section underway.

10 The project is a Type I action under SEQRA.
11 Coordinated review will be required. We're suggesting
12 that the Board declare its intent for lead agency,
13 authorizing us to circulate that Notice of Intent for
14 lead agency, and that can be an action the Board can take
15 tonight.

16 CHAIRMAN BRAND: We'll do that right now. Can
17 I have a motion to allow the Planning Board to consider
18 its intent to act as lead agency and authorize
19 circulation of the Notice of Intent?

20 MR. GAROFALO: I'll make that motion.

21 CHAIRMAN BRAND: Is there a second?

22 MR. JENNISON: I'll second it.

23 CHAIRMAN BRAND: Any discussion?

24 (No response.)

25 CHAIRMAN BRAND: Any objection?

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 (No response.)

2 CHAIRMAN BRAND: Thank you. Pat.

3 MR. HINES: Ulster County Planning approval
4 will be required. The project is located at the
5 municipal boundary for the Town of Newburgh. It's also
6 at the municipal boundary of Orange and Ulster County, I
7 believe, in that vicinity of the Town of Newburgh.

8 The Planning Board should discuss whether a
9 visual assessment is required, whether it be photo
10 simulations or line of sight drawings. This Board is
11 certainly more familiar with it than I, but if there are
12 any prominent locations where this will be viewed from,
13 those should be reviewed under SEQRA.

14 The applicants have submitted to the Office of
15 Parks Recreation and Historic Preservation. I will need
16 a copy of that submission and the token number. I need
17 that for submitting the lead agency. If we submit it
18 again, Parks and Rec gets very upset and send us all
19 letters telling us we have a redundant submission.

20 The regulation requires a 25-foot buffer around
21 the site. Currently it's proposed to maintain the apple
22 orchards in that 25-foot buffer. I just don't picture
23 those apple orchards being that dense to provide a
24 quote-unquote buffer, but that's something we can review
25 either at the visual simulations, or when the applicant

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 is flipping towards a page there. I don't know that the
2 orchard trees are going to provide much screening.

3 The survey we have right now is from publicly
4 available records. We'll need the actual survey for the
5 property boundaries and topography.

6 And then I just noted that there are six above
7 ground utility poles proposed. Those are often some of
8 the most visual parts of these projects as you go along
9 the access points. Six new utility poles with all the
10 reclosers and some of the equipment, and I've often
11 tasked the applicants to see if they can reduce that
12 number of poles. The public utility will have certain
13 requirements they won't waive, but those six poles can be
14 unsightly, and I just call the Board's attention to it.
15 They did give you a detail of that on the plan to take a
16 look at.

17 CHAIRMAN BRAND: Thank you, Pat.

18 MR. JENNISON: Pat, could you explain 11 to me?
19 What -- I understand going to the Ulster County Planning
20 Board. Why do we need to transmit to the Town of
21 Newburgh? Are they over the line?

22 MR. HINES: No. They're within 500 feet of the
23 municipal boundary. So you have to notify the adjoining
24 municipalities when you're within that -- under the 239L,
25 M, N. I'll defer to which letter that is. But that's a

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 requirement of the State law.

2 MR. JENNISON: It's just a notification, not a
3 required action from them.

4 MR. HINES: There's no action. They can
5 comment back to you if they want. There's no force to
6 those comments. They would be like received from another
7 person at a public hearing, but it is a requirement that
8 you check the box. It would be a fatal flaw if you
9 didn't do that.

10 MR. JENNISON: Thank you.

11 CHAIRMAN BRAND: Comments or questions from the
12 Board?

13 MR. TRONCILLITO: Yes. In regards to where
14 you're going tie into Central Hudson's lines, are you
15 building out? Are you going to connect to Plattekill or
16 Lattintown? Because they're only the two places that are
17 going to be able to carry that load.

18 MR. YOUNG: The proposed interconnection is
19 along Bingham Road. It ties in the distribution network,
20 and then from there, I mean, that's Central Hudson.

21 MR. TRONCILLITO: You mean to tell me -- what I
22 was told is that the lines that are running on Bingham
23 Road, they're not the size or whatever that would carry
24 that load.

25 MR. HINES: They're not. That's what I

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 discussed with the Central Hudson report. There's
2 extensive upgrades required on Bingham Road. I'll defer
3 to the applicant.

4 MR. YOUNG: Yeah. We have an interconnection
5 agreement with the utility. You know, the exact
6 improvements along Bingham Road, we can certainly get you
7 that answer. I don't have that on me tonight. But we do
8 have the signed interconnection agreement with Central
9 Hudson that we can provide for the record.

10 MR. HINES: It was more -- it's quite a bit of
11 improvements required to Central Hudson's distribution
12 system for them to connect. They identified the
13 substation, and there's -- it was an extensive amount of
14 line to be replaced.

15 CHAIRMAN BRAND: Any other comments or
16 questions while Pat is looking for that?

17 MR. GAROFALO: I have one comment. On the
18 western access where you have the first pole in is after
19 the two pads, I would think that if there was a problem,
20 a fire or something at those pads, that fire trucks might
21 not want to drive past it. Maybe it should be before the
22 two pads. I guess that's really a question for -- for
23 you to talk to the fire department, whether they actually
24 would want it before rather than after. I know there's
25 one at the very end where they can turn around, but I

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 certainly would be concerned that if there were a fire or
2 something, that you would want to have a turnaround
3 before it rather than have to drive past it.

4 MR. YOUNG: That's certainly something we can
5 incorporate. We'll talk with the fire department.

6 MR. TRONCILLITO: I can tell you right now, if
7 there was a fire in that battery system, we're just going
8 to sit there and watch it burn. You're not doing a darn
9 thing with it. It's as simple as that.

10 MR. GAROFALO: But you certainly might want to
11 be able to turn the trucks around.

12 MR. TRONCILLITO: We wouldn't be going in
13 there, Jim. If the battery system that they're
14 proposing, because there's been situations where they
15 happen, there's not a darn thing you can do. We're just
16 gonna to stay out on Bingham Road and watch it burn.
17 It's as simple as that. There's nothing else you can do.
18 We're not going in there. That's guaranteed.

19 MR. HINES: You can spray all the water on it
20 you want. It doesn't do a darn thing.

21 MR. TRONCILLITO: That's right.

22 MR. GAROFALO: You might need to keep it from
23 spreading. I don't think there's too much opportunity
24 for that given what they're going to be doing with the
25 landscaping.

ELP SOLAR TRUNCALI - SKETCH SITE PLAN

1 The other question I have is, is any part of
2 the work being done on slopes of 15 percent or greater?

3 MR. YOUNG: All of the panels that have been
4 located to be on slopes less than 15 percent. You know,
5 I think we need to work with that a little bit more to
6 accommodate the Stormwater memo that MHE has noted.
7 Certainly less than 15 percent.

8 MR. GAROFALO: You're not prohibited the 15 to
9 25 percent with certain limitations.

10 MR. HINES: Even more than 10 percent kicks in
11 the Stormwater regulations that are more stringent. I
12 didn't do a slope analysis, but I laid a scale on
13 numerous locations, and there's a lot of spots that are
14 greater than 10 percent.

15 MR. YOUNG: Certainly greater than 10, less
16 than 15. But we're going to tune that in a little bit
17 more.

18 MR. HINES: The Board may want for the next
19 submission if they can give you a slope analysis map.
20 That would be helpful for you to review that.

21 MR. YOUNG: Slope analysis with -- maybe a
22 slope analysis map with the facility layout overlaid on
23 it. Would that be helpful?

24 MR. HINES: Yes.

25 CHAIRMAN BRAND: Were you planning on providing

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1 some type of photo simulations?

2 MR. YOUNG: Yeah. Certainly. I mean, we're
3 open to discussing with the Board on what you'd like. We
4 could do a line of sight analysis. We could do a
5 rendering. Maybe we could pick a couple of locations
6 that the Board would like us to analyze. We'd be happy
7 to provide that to you.

8 MS. LANZETTA: Scenic Hudson has a report on
9 certain areas along the Hudson that visual impact might
10 be something that really needs to be addressed. I don't
11 have that report in front of me, so I'd have to take a
12 look at that.

13 MR. YOUNG: Is there a visual analysis locally,
14 I mean, to the -- you know, within -- along the road or
15 from specific parcels that we want to focus on? I assume
16 Scenic Hudson is a big picture, visual.

17 MS. LANZETTA: Mostly within any sight of the
18 Hudson River or any historic sites, but I think we're far
19 enough south. I don't know of any historic sites or
20 large parks where that would be visual -- visible from.

21 The only other thing would be the opportunity
22 for glare if those panels are going to be more upright.

23 MR. YOUNG: Certainly.

24 MS. LANZETTA: So that would be something I
25 think we'd be concerned about.

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1 CHAIRMAN BRAND: I think, obviously, the more
2 information you provide us with, the easier it makes our
3 job.

4 MR. YOUNG: Okay.

5 MR. HINES: So in the EAF there was a site
6 called the Birdsall House/Polhamus Farm. So I don't know
7 where that is, but that would be a potential. It's an
8 eligible property. It's not registered currently, but
9 that was flagged.

10 MR. TRONCILLITO: What was the name of that
11 again, Pat?

12 MR. HINES: Birdsall House slash Polhamus,
13 P-O-L-H-A-M-U-S.

14 MR. YOUNG: So we did receive a letter of no
15 effect from SHPO. I don't think that property was
16 identified as a historic resource. I think it's eligible
17 based on age. But, you know, if we look at this locator
18 map that we provided in our application here, if we
19 could -- you know, I'd like to pick out a couple of spots
20 that we could focus in that visual analysis for you.

21 MS. LANZETTA: It's in this packet?

22 MR. YOUNG: Yes. Do we have any thoughts on
23 where we want to do that visual analysis?

24 MR. TRONCILLITO: Let me see that.

25 MR. YOUNG: You know, we've got Bingham Road.

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1 I assume we could do one from Bingham Road specifically.
2 I think that might be a good start.

3 MR. TRONCILLITO: Shale Drive, up there, you've
4 got some houses that are up on that hill to the east.

5 MR. YOUNG: Is Shale Drive over here
6 (indicating)?

7 MR. TRONCILLITO: That sits up on a knoll, and
8 you've got a few houses up there.

9 MS. LANZETTA: What about Benmarl Winery?

10 MR. TRONCILLITO: That's all the way down off
11 of Highland Avenue. That's a distance away.

12 MS. LANZETTA: Okay.

13 MR. GAROFALO: These transmission lines to the
14 south, these are full --

15 MR. YOUNG: They're big, yeah.

16 MR. GAROFALO: So those would be much more
17 visible for anybody in that direction, so I don't think
18 we have to worry about that.

19 MR. YOUNG: So we've got Shale Drive, Bingham
20 Road. Any other locations you want? We've got Hampton.

21 MR. TRONCILLITO: On Hampton, some of them
22 upper elevations there where all the McMansions are up
23 through there, that might be something you can take a
24 look at.

25 MR. YOUNG: We can do another one for Hampton

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1 Road.

2 MR. TRONCILLITO: Yes.

3 CHAIRMAN BRAND: That's Rue de Vin, I think
4 it's called. It comes in off of Hampton Road.

5 MR. YOUNG: What one is that? Rue de Vin?

6 CHAIRMAN BRAND: The Street of Wine.

7 MR. TRONCILLITO: That's not much more up that
8 way.

9 MS. LANZETTA: I don't think there will be a
10 big impact other than the possibility of glare because of
11 the slope.

12 MR. YOUNG: In terms of glare, we are currently
13 working on a glare analysis for this Board to consider,
14 just so we have it for the file. So in combination with
15 the glare analysis and the visual analysis, I think we'll
16 have a good amount of information.

17 MR. TRONCILLITO: Are they fixed or do they
18 rotate?

19 MR. YOUNG: These are fixed. So would you like
20 to see renderings and a line of sight? Would that be
21 helpful, or one or the other?

22 CHAIRMAN BRAND: I think both would be good.

23 MR. YOUNG: Both. Okay.

24 MS. LANZETTA: Can I also make a suggestion in
25 regards to the fence?

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1 MR. YOUNG: Yep.

2 MS. LANZETTA: It's -- in the past we have
3 asked the applicants to consider either a small area
4 above, before you start the fence, or large openings in
5 the bottom portion of the fence so that small critters,
6 like rabbits and the smaller things, can pass back and
7 forth.

8 MR. YOUNG: Certainly. What we've done in the
9 past is we've allowed for either one-by-one or two-by-two
10 openings every hundred feet or so to accommodate that
11 exact purpose. Leaving it up off the ground provides a
12 little more opportunity to skirt under it wherever you
13 like. So if the Board would accept a one-by-one opening
14 every hundred feet or so, we can certainly accommodate
15 that.

16 MS. LANZETTA: Just so long as they can get in
17 and out.

18 MR. YOUNG: Okay.

19 CHAIRMAN BRAND: Anything else?

20 MR. GAROFALO: Are the apple trees going to be
21 farmed? Are they going to remain active agriculture or
22 not?

23 MR. YOUNG: I don't think so. Maybe. I can't
24 tell you yes tonight. But, you know, they're still going
25 to produce apples at some capacity. Whether or not

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1 they're farmed, I don't know.

2 MS. LANZETTA: I think the Board should
3 consider asking for a landscaping plan in place of the
4 apple trees or in case the apple trees disappear, because
5 we ran into that on 9W, you know, when they took those
6 trees out. We had assumed that they would continue and
7 now we're left with a big open space that we can see the
8 site, and so I think we should --

9 MR. TRONCILLITO: Apple trees don't give you
10 much of a screen, anyway.

11 MR. YOUNG: Right. We did want to provide, you
12 know, the most organic screening as we could. I mean, I
13 think the apple trees are a good start. If we could
14 sprinkle in some evergreens and some shrubs in addition
15 to that, maybe that's something the Board would consider.

16 MS. LANZETTA: Yes.

17 CHAIRMAN BRAND: Absolutely.

18 MR. HINES: The issue -- if they're not going
19 to be farmed, and I think that's what Mr. Garofalo was
20 getting at, the other farmers are usually concerned
21 about; that they become diseased. They're not treated.
22 They're not sprayed. They're not controlled. I believe
23 that that's an issue when you stop farming and leave them
24 in place. It could be a concern for any other farms in
25 the area. So it's -- apple trees that aren't pruned are

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1 not the most beautiful specimen of trees. They support
2 poison ivy very well from what I've seen around here.

3 CHAIRMAN BRAND: Anything else from the Board?

4 (No response.)

5 CHAIRMAN BRAND: No. All right. So we will
6 see you at your next appearance, I think.

7 MR. YOUNG: Okay.

8 MR. HINES: My office will circulate the lead
9 agency notices.

10 CHAIRMAN BRAND: All right. Thank you.

11 MR. YOUNG: Oh, in terms of the decommissioning
12 security, is there a specific form that the Board would
13 like to see that in?

14 CHAIRMAN BRAND: Pat.

15 MR. HINES: We only have one other facility. I
16 think it was a bond.

17 MR. YOUNG: Bond.

18 CHAIRMAN BRAND: The last time, correct me if
19 I'm wrong, but I feel like I remember when we did the
20 decommissioning site that we did not hold them to a
21 substantial enough amount of money should it actually
22 need to be decommissioned. I remember there was a
23 discussion regarding that at the last one. Do you have
24 any recollection of that?

25 MR. HINES: No. That's why I need the cost

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1 estimate, but my office has reviewed 50 decommissioning
2 bonds in Orange County.

3 CHAIRMAN BRAND: Okay. I'll go back to my
4 notes and see, but I definitely recall it happening for
5 one of the solars that we did.

6 MR. LOFARO: I think it was the one before
7 Aldrich.

8 CHAIRMAN BRAND: Yes.

9 MR. HINES: So they did not take -- I always
10 take exception to salvage value, because my crystal ball
11 doesn't go out 25 years when these are any good. They
12 did not include the salvage value, which is typically a
13 comment I give you. They always apply like a 50 percent
14 salvage value on these. Who knows? There may be
15 hazardous materials by the time we get to the other end
16 of this thing.

17 MR. YOUNG: Would you like to see that cost
18 breakdown estimate for review?

19 MR. HINES: Yes. That's what we need.

20 CHAIRMAN BRAND: All right. Did you have
21 anything else for us?

22 MR. YOUNG: I think that is it. We'll get you
23 a formal response to the comment letter, and we'll
24 provide you that additional information next month and
25 keep going.

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1 CHAIRMAN BRAND: Perfect. Thank you.

2 Time noted: 8:03 p.m.

3

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

5

6 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR

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