

TOWN OF ULSTER TOWN BOARD SPECIAL MEETING (23)

DECEMBER 4, 2018

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 6:04 PM

SALUTE TO THE FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:

TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN JOHN MORROW
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR JAMES E. QUIGLEY 3rd

ALSO IN ATTENDANCE:

1. Town Attorney, Jason Kovacs
2. Building Inspector, Kathy Moniz
3. Town Planner, Alan Sorensen
4. Planning Board Chair, Gary Mulligan
5. Five audience members

ADDITIONS OR CHANGES TO THE AGENDA— None

PUBLIC DISCUSSION ON AGENDA ITEMS – None

Old Business

Continued Discussion and Review of Cypress Creek / Landau Solar project Environmental Review Report

Present:

Brian Stumpf, Cypress Creek
Crystal Eggers, Langan Engineers

Supervisor: On 11/19, public hearing received comments and topics raised. Cypress Creek did more studies and now have the opportunity to respond to topics. Topics: 1. Pollinators; 2. Drainage; 3. Use of trees.

TOWN OF ULSTER TOWN BOARD SPECIAL MEETING (23)

DECEMBER 4, 2018

Brian Stumpf: Regarding beekeeping and pollinators. He is a beekeeper. He called Vicki Lucarini directly (Vicki had concerns about pollinators) and she wanted verification of root system. Shows a model. Ninety percent of roots are in the range of 12” deep. He gave Vicki contact information of a reputable beekeeper in Ulster – Megan Denvers – a third party expert.

Crystal Eggers: RE: Drainage

- Proposed development – drainage area map with flow areas.
- Describes drainage, analysis, and concentration points
- Meeting or reducing peak flow from existing to proposed condition
- Meadow mix does great job of holding water within site.
Proposed ponds and existing ponds – retrofitting.

What ifs? What if what we see isn't the outcome?

- Inspected daily for compliance during construction
- After construction, monthly vegetation and basin inspections
- Annual inspections of structural integrity; pond elevations (ponds designed for 100 year storm)

BS: Any instance where there are consequences for non-compliance?

CE: Provisions and fines in the general permit.

Supervisor: RE: Area A – walk us through water flow and current collection system.

CE: Water does not come near properties; swale leads water away.

Councilman Secreto: Working on five acres at a time? Will you fix any problems before moving on?

CE: Yes

Councilman Secreto: Can you explain to the public about the fences.

CE & BS: Explain. No animals will be trapped.

Supervisor: Tree cutting.

BS: I talked to Laura Hartmann (who was concerned about tree use after removal). We will provide mulch and trees to an undetermined sawmill in the area. Will put that into the construction plan.

Supervisor: Introduces Alan Sorensen, Town Planner

Sorensen: Reviewed entire environmental record of environmental impacts. Visual, balloon test. Applicant went to furthest extent practical. Applicant responded to potential impacts and through project design, this project, as proposed, will not have any significant adverse environmental impacts. Recommend to the Board to issue SEQR negative declaration. Also reviewed by Town

TOWN OF ULSTER TOWN BOARD SPECIAL MEETING (23)

DECEMBER 4, 2018

Engineers, Brinnier & Larios and found project to be in compliance with stormwater regulations. Thorough and completed.

No Questions from the Town Board

Resolution Determining a Negative Declaration under SEQR for the proposed Solar Development by Cypress Creek Renewables Dba Landau Solar, LLC and Landau Solar II, LLC (with the consent of Isidore Landau for Eddyville Corp., 2986 – 3040 Route 32, Town of Ulster, Kingston, N.Y. 12401, SBL: 56-14-1-24, 56.14-2-18 and 56.14-2-36.1

RESOLUTION
TOWN OF ULSTER TOWN BOARD

Negative Declaration
CYPRESS CREEK RENEWABLES
Dba LANDAU SOLAR, LLC AND LANDAU SOLAR II, LLC
2986 - 3040 Route 32
Town of Ulster, Ulster County, New York
S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1

WHEREAS, the Town of Ulster Town Board and its consultant planner and engineers have reviewed an application by *Cypress Creek Renewables dba Landau Solar, LLC and Landau Solar II, LLC (with the consent of Isidore Landau for Eddyville Corp)* (the “Applicant”); and

WHEREAS, the Applicant is seeking Site Plan, Special Permit, Minor Resubdivision and Open Development Area approval to construct, operate and maintain: (1) a 2 Mega Watt (MW) Solar Energy Facility and; (2) a 4 MW Solar Energy Facility, both to be located at 2986 - 3040 Route 32, on parcels identified as S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1, near the hamlet of Eddyville, as well as a PILOT Agreement with the Town of Ulster (collectively, the “Proposed Action”); and

WHEREAS, the proposed use (i.e. utility and “electric generating”) is allowed subject to *Site Plan and Special Permit* approval by the Town Board (Lead Agency) within the R60-Residential Zoning District, in accordance with the standards set forth in §190-69 Table of Uses and §190-75 of the Town Code; and

WHEREAS, the following materials related to the Minor Subdivision were provided by the Applicant for review:

- *Consent Form & Agent Authorization* signed by Isadore Landau, Landowner;
- *Application for Preliminary Subdivision approval* by Cypress Creek Renewables dated 9/18/2018;

TOWN OF ULSTER TOWN BOARD SPECIAL MEETING (23)

DECEMBER 4, 2018

- *SEQRA Full EAF Scoping Document* prepared by Cypress Creek Renewables dated July 18, 2018;
- *Minor Subdivision Plat Sheet 1* by Lawson Surveying & Mapping dated September 17, 2018;
- *Minor Subdivision Plat Sheet 2* by Lawson Surveying & Mapping dated September 17, 2018;
- *Minor Subdivision Plat Sheet 3* by Lawson Surveying & Mapping dated September 17, 2018;
- *Minor Subdivision Plat Sheet 4* by Lawson Surveying & Mapping dated September 17, 2018; and
- *Minor Subdivision Plat Sheet 5* by Lawson Surveying & Mapping dated September 17, 2018.

WHEREAS, the following materials related to the Site Plan and Special Use Permit were provided by the Applicant for review:

Landau Solar, LLC Civil Set:

- (C-100) *Title Sheet* prepared by Langan Engineering revised September 7, 2018;
- (C-150) *Existing Conditions and Demolition Plan* by Langan Engineering revised September 7, 2018;
- (C-200) *Site Layout and Materials Plan* prepared by Langan Engineering revised September 7, 2018;
- (C-300) *Grading & Drainage Plan 1* prepared by Langan Engineering revised September 7, 2018;
- (C-301) *Roadway Profile* prepared by Langan Engineering revised September 7, 2018;
- (C-400) *Erosion & Sediment Control Plan 1* prepared by Langan Engineering revised September 7, 2018;
- (C-401) *Phasing Plan* prepared by Langan Engineering revised September 7, 2018;
- (C-500) *Details (1 of 3)* prepared by Langan Engineering revised September 7, 2018;
- (C-501) *Details (2 of 3)* prepared by Langan Engineering revised September 7, 2018;
- (C-502) *Details (3 of 3)* prepared by Langan Engineering dated September 7, 2018;
- (C-600) *Overall Site Layout Plan* prepared by Langan Engineering revised September 7, 2018;
- (L-100) *Landscape Plan 1* prepared by Langan Engineering dated September 7, 2018;
- *CB-101 Subdivision Plan* prepared by Langan Engineering dated September 7, 2018;
- *Alta/NSPS Land Title Survey* by Lawson Surveying & Mapping dated December 29, 2017;
- *Stormwater Pollution Prevention Plan for Landau Solar, LLC* by Langan Eng., revised 9/7/17; and
- *Wetland Delineation Report* prepared by Environmental Resources Management, Inc. dated 11/18/17.

Landau Solar II, LLC Civil Set:

- (C-100) *Title Sheet* prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture (hereafter referred to as “Langan Engineering”), revised September 7, 2018;
- (C-150) *Existing Conditions and Demolition Plan 1* by Langan Engineering revised September 7, 2018;
- (C-151) *Existing Conditions and Demolition Plan 2* by Langan Engineering revised September 7, 2018;
- (C-200) *Site Layout and Materials Plan 1* prepared by Langan Engineering revised September 7, 2018;
- (C-201) *Site Layout and Materials Plan 2* prepared by Langan Engineering revised September 7, 2018;
- (C-300) *Grading & Drainage Plan 1* prepared by Langan Engineering revised September 7, 2018;
- (C-301) *Grading & Drainage Plan 2* prepared by Langan Engineering revised September 7, 2018;
- (C-302) *Roadway Profile* prepared by Langan Engineering revised September 7, 2018;
- (C-400) *Erosion & Sediment Control Plan 1* prepared by Langan Engineering revised September 7, 2018;
- (C-401) *Erosion & Sediment Control Plan 2* prepared by Langan Engineering revised September 7, 2018;
- (C-500) *Details (1 of 3)* prepared by Langan Engineering revised September 7, 2018;
- (C-501) *Details (2 of 3)* prepared by Langan Engineering revised September 7, 2018;
- (C-502) *Details (3 of 3)* prepared by Langan Engineering dated September 7, 2018;
- (C-600) *Overall Site Layout Plan* prepared by Langan Engineering revised September 7, 2018;
- (L-100) *Landscape Plan 1* prepared by Langan Engineering dated September 7, 2018;
- (L-200) *Landscape Plan 2* prepared by Langan Engineering dated September 7, 2018;

TOWN OF ULSTER TOWN BOARD SPECIAL MEETING (23)

DECEMBER 4, 2018

- *CB-101 Subdivision Plan* prepared by Langan Engineering dated September 7, 2018;
- *Alta/NSPS Land Title Survey* by Lawson Surveying & Mapping dated December 29, 2017; and
- *Stormwater Pollution Prevention Plan for Landau Solar II, LLC* by Langan Eng., revised Sept. 7, 2017.

Environmental Assessment Studies and Reports:

- Final Full Environmental Assessment Form (FEAF) Scoping Document prepared by Cypress Creek Renewables, LLC dated July 18, 2018 and revised November 13, 2018;
- *Full Environmental Assessment Form (FEAF) Part 3 for the Landau Solar Site prepared by ERM dated November 16, 2018, which included the following studies:*
 - Appendix A – Site Plans – Landau Solar, LLC by Langan Engineering revised September 7, 2018;
 - Appendix B – Site Plans – Landau Solar II, LLC by Langan Engineering revised September 7, 2018;
 - Appendix C – Wetland Delineation Report by Environmental Resources Management, Inc; dated 11/18/2017;
 - Appendix D – Ecological Community Report by Environmental Resources Management, Inc (ERM); dated 11/15/18;
 - Appendix E – IPaC Trust Resources Report dated November 15, 2016;
 - Appendix F – NYNHP Letter prepared by Colleen Lutz dated September 8, 2017;
 - Appendix G – Cave Bat Acoustic Survey Report by Environmental Resources Management, Inc; dated 10/31/2018;
 - Appendix H1 – Viewshed Analysis Map with Trees prepared by Langan Engineering;
 - Appendix H2 – Viewshed Analysis Map without Trees prepared by Langan Engineering;
 - Appendix H3 – Cross Section Visual prepared by Langan Engineering;
 - Appendix H4 – Landau Balloon and Photo Locations prepared by Langan Engineering;
 - Appendix H5 – List of Visual Changes prepared for Cypress Creek Renewables by Langan Engineering;
 - Appendix I – Phase 1A Cultural Resources Survey Report by Karen Mack & Jennifer Larlee (TRC) dated 8/26/2017;
 - Appendix J – Phase 1 Environmental Site Assessment Report by ERM, Inc; dated 10/31/2018.

WHEREAS, the Town of Ulster Planning Board and Town Board, upon review of the SEQR Full EAF Part 1, determined the Proposed Action was a *Type I Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, on January 8, 2018 the Town Board indicated its intent to declare itself lead agency with respect to the Proposed Action; and

WHEREAS, notices of the Town Board’s intent to declare itself lead agency with respect to the Proposed Action were sent to all involved and interested agencies as required by the Environmental Conservation Law (“ECL”) of the State of New York and no involved agency objected to the Town Board declaring itself lead agency with respect to the Proposed Action; and
Landau Solar, LLC and Landau Solar II, LLC

Page 3

WHEREAS, on March 15, 2018, the Town Board Declared Itself Lead Agency for the purposes of conducting the review and making such determinations as are necessary with respect to the Proposed Action as required by 6 NYCRR Part 617 of the New York ECL (State Environmental Quality Review Act (“SEQRA”)) and the regulations promulgated thereunder; and

TOWN OF ULSTER TOWN BOARD SPECIAL MEETING (23)

DECEMBER 4, 2018

WHEREAS, based upon the Town of Ulster Planning Board's and Town of Ulster's Town Board's [thorough](#) review of the SEQR Full EAF Part 1 (prepared by applicant) and Full EAF Part 2 (prepared by the Town Planner); along with Full EAF Part 3 and *FEAF Scoping Document* (prepared by the applicant) along with supporting Site Plan drawings, Stormwater Pollution Prevention Plan (SWPPP), and detailed studies cited above and condition of full compliance with all applicable regulations concerning development on the project site has determined the Proposed Action would not have any potentially large impacts due to the project design and mitigation measures, which were designed into the Proposed Action.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board has determined the Proposed Action described above would not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby adopts a SEQR *Negative Declaration* with the condition requiring compliance with all applicable regulations concerning development on the subject site; and

FURTHER BE IT RESOLVED, the Town Board directs the Town Clerk to publish the Type 1 Action Negative Declaration in the NYSDEC Environmental Notice Bulletin.

Supervisor: Purpose of this Resolution is to declare negative declaration and completion of the environmental review. This next to be reviewed by the Planning Board immediately following this meeting at 7pm. Upon completion of their meeting, refer back to the Town Board for the 12/6/18 meeting to consider issuing special use permit, open development area, and granting site plan approval

MOTION: Councilman Morrow
SECOND: Councilman Brink

Roll Call Vote:

Councilman Brink:	Yes
Councilman Kitchen:	Yes
Councilman Morrow:	Yes
Councilman Secreto:	Yes
Supervisor Quigley:	Yes

CARRIED

TOWN OF ULSTER TOWN BOARD SPECIAL MEETING (23)

DECEMBER 4, 2018

PUBLIC COMMENT – No Public Comments

MOTION to adjourn (6:29 pm):

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreta	-Aye
Supervisor Quigley	-Aye

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk