

TOWN OF MILTON
ACTIVE SOLAR SODEMAN RD. SOLAR FARM 163. 1-56.11

RESOLUTION OF PLANNING BOARD APPROVING

SPECIAL PERMIT USE

AND

SITE PLAN

RECEIVED
OCT 30 2020

TOWN CLERK

WHEREAS, Creighton Manning, LLP on behalf of A.M.C. Realty of Saratoga, LLC and Active Solar Development, LLC, did present for approval pursuant to Article VII of Chapter 180 of the Town of Milton, Section 274-a of the Town Law, a special permit application and a final Site Plan prepared by Creighton Manning Engineering, LLP, depicting premises consisting of a ground mounted solar farm proposed for 434 Sodeman Road, Town of Milton, County of Saratoga, New York,

WHEREAS, the Planning Board has met and considered all of the relevant facts, circumstances and subject matter concerning the Special Use Permit and Site Plan,

Now, **THEREFORE, BE IT RESOLVED**, that the applications are approved subject to the specific conditions stated herein, if any, and the following findings in accord with the Town Code and the Comprehensive Plan were and are hereby made:

- 1. Public health, safety and general welfare and the comfort and convenience of the public in general and that of the immediate neighborhood, specific conditions and general objectives.**

The public health, safety and general welfare, as well as the comfort and convenience of the public and the neighborhood will not be adversely impacted by the project, so long as the conditions of approvals are properly complied with by the applicant. Consideration of these factors has caused the board to conclude that with introduction of the proposed use, the safety in the area will be maintained so long as the conditions of approvals are adhered to. The applicant has proposed reasonable aesthetic controls, screening, emergency services access, storm water protections and mitigation measures, including a funded decommissioning plan. The Saratoga County Planning Board found and determined that the application presents no significant countywide or intercommunity impact.

The services provided by the applicant in its operations will serve and benefit the community, as renewable energy is favored within New York State at this time.

Where the terms of this resolution may be inconsistent with the EAF, the terms of this resolution shall be controlling.

2. Record of Review

A. Operations

The total acreage of the site is appropriately sized at about 46.97 acres, of which only about 24.60 acres will be disturbed for the proposed operations. It is in harmony with the orderly development of the district as it is the location of a permitted scrap metal recycling operation.

The Town of Milton Zoning Board has granted and approved an area (density) variance, as follows:

Permitted 10.0%

Proposed 15.84%

Relief Sought 5.84%

Approved 15.84%.

B. Sidewalks

Not applicable.

C. Buildings and Improvements

Will not discourage appropriate development.

D. Traffic

There is a preexisting point of access to the property from Sodeman Road. There will remain a point of access at or about the location. The improvement will not cause significant traffic impacts. The plans contemplate a suitable on-site access road. In addition, the improvement will be situated at the easterly side of the overall real property, where an emergency turnaround area will be located toward the north westerly area of the improvements. Adjacent to that turnaround a private drive isle will be located to afford internal site access and flow of any use related traffic.

E. Parking

Safe and accessible parking to the extent required by this use is available at and about the site.

F. Landscaping

There are preexisting areas of vegetation, trees, stone walls and visual blocks of the solar array, which will remain. Plan Sheet C-01, depicts the existing conditions (metal buildings and trailer). To the easterly side of the real property, where the array will be located, clearing will be limited to that specified on the plans (see Sheet C-04). The applicant has committed to keeping and maintaining the premises in an orderly and clean manner, by mowing the grass. Disturbed areas will be stabilized with topsoil, seed and mulch, as required.

G. Life Safety

Sodeman Road provides safe and easy access. There will be in internal roadway turnaround for emergency purposes.

H. Sounds and Lighting

The Planning Board considered lighting and sound. The proposal does not increase light pollution and creates little to no sounds.

I. Character and Appearance of Buildings

This criteria does not apply.

J. Route 50 Transition Plan

Not applicable.

K. Best Management Practices for Streams and Other Natural Features

The project will not adversely impact the natural features.

3. Conditions

The applications are approved subject to the following:

Conditions:

Applicant shall in accord with the following conditions approved by the Planning Board at the regularly scheduled Board meeting and following a public hearing held October 30, 2020;

a. As a condition to the issuance of the building permit for the proposed generating facility, deliver to the Town proof, reasonably satisfactory to the Town Attorney, that funds in the sum of \$95,000.00 have been provided to the Town and deposited into a restricted,

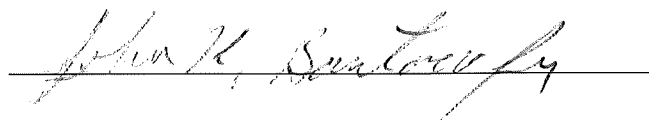
interest bearing account by and in the name of the project owner, or as an alternative, in the Town's sole discretion, an irrevocable standby letter of credit of equal value approved by the Town Attorney has been posted by the project owner, in either case which the Town may draw on to fund decommissioning of the generating facility, if the project owner fails to do so in accordance with applicable provisions of this Resolution, the Town Code or other applicable law, including but not limited to the decommissioning plan filed by the applicant. The Town shall be permitted to draw on the same after notice and a reasonable opportunity to cure is afforded the project owner. The Town may utilize the funds as it sees fit in order to cause decommission of the generating facility on the site.

- b. As a condition of the issuance of a certificate of completion or close out of the building permit for the proposed generating facility, the applicant has voluntarily agreed to enter into a Payment In Lieu of Taxes (PILOT) agreement acceptable to the Town of Milton, but in no event later than December 30, 2020.
- c. As a condition of Approval, the applicant voluntarily agrees to pay a public benefit to the Town, in the amount of \$100,000.00, to be paid \$50,000.00 within ten (10) days of this approval, and \$50,000.00 on or before December 30, 2020.
- d. Maintain continuing compliance with all laws, ordinances, rules and regulations.
- e. Comply with, in accord with applicable sections of the Town Code, all conditions and modifications approved by Planning Board action and address all technical comments from all staff on the applicant's simultaneous applications for site plan approval and special use permit, and as required in the record.
- f. As a condition of the issuance of a certificate of completion or close out of the building permit for the proposed generating facility, the applicant demonstrate that they have permission from the National Grid and the landowner to cross the fee National Grid right-of-way to access the leased solar farm property.

- 4. The application for a Special Use Permit is hereby approved, subject to the findings and conditions stated, if any, and upon the applicant's compliance with the submission requirements and modifications, if any, stated herein.**
- 5. The Final Site Plan is hereby approved subject to conditions herein, if any, and any relating to the Special Permit Use approval of October 30, 2020.**

The Chairman be and hereby is authorized to stamp and sign the site plan upon the applicant's compliance with the submission requirements.

Dated: October 30, 2020.

A handwritten signature in cursive script, appearing to read "John H. Santorelli", is written over a horizontal line.

John K. Bartow, Chairman
Milton Planning Board