

LIVINGSTON PLANNING BOARD

January 06 2021

The regular meeting of the Livingston Planning Board was held January 06 2021 and opened at 7:00.

In attendance were Chairman Phil Schmidt, Robert Bellinger, John Ross, Chip Keil, Bernie Stickles, Martin Nayowith, Stephen Thibault and Brian Molinski.

Engineer Michelle Mormile.

Attorney Ted Hilscher.

Absent: NONE.

Correspondence: NONE.

A motion to accept the minutes of the December 02 2020 meeting was made by Chip Keil and 2nd by John Ross. All voted AYE. Motion passed unanimously.

7:04 The Public Hearing for Suncommon on behalf of Lindsay Shea, Tydeman Farm LLC. 564 County route 10 opened. A Solar Application a pole mounted array set behind the house. Will be screened from the roadway. All set backs are in compliance. Use for the homeowner only. Letters of notification were received. Fee paid. No written correspondence or comments from the public were received. Public hearing closed at 7:06.

The Board reviewed the application and deemed it complete.

Attorney Ted Hilscher completed the Short Form EAF.

A motion to approve the EAF with negative declaration was made by Bernie Stickles and 2nd by Martin Nayowith. All present voted AYE. Motion passed unanimously.

A motion to approve the Lindsay Shea, Tydeman Farms LLC as presented was made by John Ross and 2nd by Chip Keil. All present voted AYE. Motion passed unanimously.

7:08 the Public Hearing for Joyce Collier a Subdivision application to subdivide existing triangular lot of 26.394 acres into 2 lots. Parcel 1 16.124 acres. Parcel 2

10.270 acres opened. Property located 43 Cold Spring Road. Letters of notification were received. Public Hearing closed at 7:10.

The Board reviewed the application and deemed it complete. The applicant will need to see CEO Harkins for the fee as this is a major subdivision.

Attorney Ted Hilscher completed the Short Form EAF.

A motion to approve the EAF with negative declaration was made by Stephen Thiebault and 2nd by Chip Keil All present voted AYE. Motion passed unanimously.

A motion to approve the Joyce Collier subdivision as presented was made by Bernie Stickles 2nd by Martin Nayowith. All present voted AYE. Motion passed unanimously.

Kenneth Leggett representing Juanita and Gary Bryant (J&G Bryant LLC) Site Plan and Special Use application. Property located 3326 Route9. To be able to convert existing commercial building from a restaurant to (2) office spaces and one ice cream business requested to be put on the February agenda.

Planning Board Engineer Michelle Mormile will be recusing herself as her firm Crawford Associates will be representing ELP Livingston Solar. Paul S Mc Creary PE will represent the Planning Board.

ELP Livingston Solar LLC. A community solar photovoltaic facility on 3289 Route 9. Submitted a Special Use Application, Site Plan Approval Application and a Subdivision Application. EPL Livingston Solar is leasing a portion of 151.-1-4.200 from Gcard LLC (David Birch) requesting a minor subdivision of the solar projects lease area.

Wendy De Wolf gave a presentation on the project.

1. Survey and new maps received.
2. Facility Decommissioning Plan received.
3. Conservation Plan for Bald Eagles in NY State.

4. Minor subdivision.

This is an unlisted action but the applicant has requested a Long Form EAF be done.

Attorney Ted Hilscher completed the Long Form EAF.

A motion to approve the EAF with negative declaration was made by Martin Nayowith and 2nd by Chip Keil All present voted AYE. Motion passed unanimously.

Resolution Granting Site Plan Approval and Special Use Permit Approval to ELP Livingston Solar LLC

Name of Applicant: ELP Livingston Solar LLC

Name of Landowner: GCARD LLC and David Birch Revocable Trust

Date: January 6, 2021

WHEREAS, the Town of Livingston Planning Board has received an application for site plan approval, Special Use Permit and Lot Line Adjustment and Minor Subdivision from ELP Livingston Solar LLC for a large scale solar energy system to be located at Route 9 in the Town of Livingston, at Tax Map Parcel Number 151.-1-4.200 and 151.-1-30, said application dated September 23, 2020 and

WHEREAS, on November 4, 2020, the Planning Board held a duly noticed public hearing on said application, at which time all interested persons were given the opportunity to speak, and

WHEREAS, the Columbia County Planning Board held a 239m review of said application, and as a result of that review provided comments in correspondence dated November 17, 2020, and

WHEREAS, on December 2, 2020 the Livingston Planning Board designated this application an Unlisted Action for purposes of SEQRA review, and caused to circulate a notice to declare itself lead agency to all involved agencies, said notice being mailed on December 3, 2020, and

WHEREAS, thirty days have lapsed with no involved agency seeking to declare itself lead agency, and

WHEREAS, the Planning Board of the Town of Livingston has determined that the proposed action will not result in any significant adverse environmental impacts.

Now, Therefore be it Resolved, the Planning Board hereby grants site plan approval, lot line adjustment and special use permit in accordance with the plans and specifications heretofore submitted, subject to the provisions of the Town Code, and subject to the following conditions and modifications:

- A. Obtain SPDES General Permit for Storm water Discharges from Construction Activity from the New York State Department of Environmental Conservation (NYSDEC).
- B. Obtain approval and permit from the New York State Department of Transportation (NYSDOT) for the proposed facility entrance.
- C. Applicant shall comprehensively document the site with photography, for use to restore site in the event of decommissioning. A full set of photographs will be provided to the town.
- D. Site preparation shall cease and DEC shall be contacted if a bald eagle nest is observed within ¼ mile of proposed site.
- E. Screening shall be planted consisting of a mix of sixteen (16) 5-6' white spruce (*picea glauca*) and sixteen (16) 5-6' balsam fir (*abies balsamea*), planted 14-16' on center, and mix of seventeen (17) forsythia intermedia (*forsythia*) and amalanchier canadensis (*serviceberry*), on the southwest corner of the site. A mix of *Forsythia intermedia* (*forsythia*) and *amalanchier canadensis* (*serviceberry*) as need, max. of 5 on the northwest side of the site. A mix of nine (9) 5-6' white spruce (*picea glauca*) and nine (9) 5-6' balsam fir (*abies Balsamea*), planted 14-16' on center on the eastern side of the site.
- F. Vegetate with meadow seed mix between solar panels.
- G. No ground disturbance within 100 foot of DEC wetlands, if any.
- H. Compliance with Decommissioning Plan annexed hereto and made a part hereof. Bond or other financial security in the amount of \$86,000 to be provided to the town and reviewed and approved prior to issuance of Building Permit.
- I. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.
- J. All fees owed to the Town of Livingston related to the expenses of the consultants hired by the Town of Livingston to review, research and make inspections and report on this application shall be paid in full prior to stamping plans or issuance of certificates of occupancy. Failure to make payment in full within 60 days of the date of approval shall render said approval null and void.
- K. By accepting plans stamped by Town of Livingston Planning Board chairman or building permit signed by the Town of Livingston Building Inspector, applicant agrees to comply with all conditions.
- L. A violation or nonperformance of any of these conditions may result in a revocation of this approval by the Planning Board. Violations of any conditions are to be considered violations of the Town of Livingston Zoning Law and shall be subject to prosecution in Livingston Town Court and/or Columbia County or Supreme Court. The applicant shall pay the costs of all attorney fees and litigation expenses of the town in the event of a plea or a conviction in favor of the town.

M. The Special Use Permit and Site Plan Approval shall be effective as of the date of the receipt of the last necessary permit and the conclusion of any litigation that may serve to delay the project.

BE IT FURTHER RESOLVED that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicant.

On a motion by Martin Nayowith, seconded by John Ross, and a vote of

Roll Call Vote:
Chairman Philip Schmidt AYE
John Ross AYE
Robert Bellinger AYE
Chip Keil AYE
Bernie Stickles AYE
Stephen Thibault NAY
Martin Nayowith AYE

Resolution declared January 06 2021

Resolution Certified and Filed with the Town Clerk.

_____ EY _____
Eileen Yandik, Secretary to the Board

Date January 14, 2021

ELP Livingston Solar
Facility Decommissioning Plan

Prepared for:
The Town of Livingston Planning Board

1. Introduction

ELP Livingston Solar will be a five (5) megawatt (AC) solar facility, located on Route 9 in Livingston, NY. The solar facility will have an operating life of approximately twenty-five (25) years. At the end of the project's lifetime or if the project ceases to perform its originally intended **function for more than 12 consecutive months, ELP Livingston Solar LLC or any** subsequent owner, will remove the system allowing for restoration of the project site to its original status. ELP Livingston Solar **LLC** will be responsible for all costs of decommissioning the system. ELP Livingston Solar LLC will notify the Town of Livingston that the project will be decommissioned. The **system will** be removed within six (6) months of this notification.

This decommissioning plan outlines **the** steps to remove **the** system, dispose of or recycle its components, and restore the land to its original state. ELP Livingston Solar will remove and dispose of all equipment, conduit structures, fencing, roads, and foundations. The plan is based

on current best management practices and procedures. This plan may be revised if standards or **best management practices change between now and decommissioning. The appropriate construction permits** will be obtained prior to the decommissioning process. All equipment removal will be completed in accordance with **any** applicable regulations and manufacturer recommendations.

ELP Livingston Solar LLC will manage and coordinate the construction, operation, and decommissioning of ELP Livingston Solar. The contact information for ELP Livingston Solar LLC is:

ELP Livingston Solar LLC
c/o East Light Partners PBC
552 Massachusetts Avenue, **Suite 201**
Cambridge, MA 02139
Attn: James B. Fordyce

2. Equipment Dismantling and Removal

The facility's equipment will be dismantled and removed according to the following steps:

- a) The solar facility will be disconnected from the utility electric distribution grid.
- 11) The photovoltaic modules will be disconnected and collected. The modules will be disposed of **at an** appropriate recycling facility **or sold** to be re-used for another solar project.
- c) All aboveground and underground electrical interconnection **and distribution cables** will be removed and disposed of at an appropriate waste facility.
- d) The facility's metal racking system will be removed. The metal will be disposed of at an appropriate waste or recycling facility or sold for re-use.
- e) Electrical and electronic devices, including transformers and inverters will be removed and disposed of at an appropriate waste facility.
- f) Concrete electrical pads will be removed and disposed of at an appropriate waste facility.
- g) Fencing will be removed and disposed of at an appropriate waste facility.
- h) Access roads will be removed. Gravel and other road materials will be disposed of an appropriate waste facility.

Best practices will be employed during the decommissioning activities to minimize environmental disturbance.

3. Site Restoration

Once the equipment has been removed, the project site **will be** restored to a similar state as its pre-construction condition. The land may be seeded with a low-growing species to stabilize **soil** conditions.

4. Managing Materials and Waste

As part of the decommissioning process, a variety of materials will be removed and reused, recycled, or discarded. Materials will be re-used or recycled to the greatest extent possible. ELP

Livingston Solar will work with equipment manufacturers, local contractors, and waste firms to manage the appropriate separation and disposal of the materials. The following table indicates how the disposal of each waste material will be managed.

Waste Material	Disposal Management
Photovoltaic Panels	Sold for re-use in another solar project, returned to the manufacturer for appropriate disposal, or brought to an appropriate recycling facility where the components of the panels will be separated and recycled
Metal Racking System	Sold for re-use or recycling at an appropriate recycling facility
Transformers	Returned to the manufacturer for re-use or brought to an appropriate waste disposal facility. The small amount of oil in the transformers will be removed onsite before transport of the equipment to reduce potential spills and will be disposed of separately at the appropriate facility
Inverters	The metal components will be sold for re-use or recycled at an appropriate facility. The remaining components will be disposed of at an appropriate waste facility
Gravel	Brought to a facility for processing for salvage and re-use
Concrete Equipment Pads	Brought to an appropriate recycling or waste facility
Cables, Wiring, and other electric equipment	Brought to an appropriate waste facility or sent to the manufacturer for reuse or recycling
Fencing	Brought to an appropriate metal recycling facility
Other Debris	Separated into recyclables and waste and brought to the appropriate waste facility

5. Decommissioning Notification and Construction Permits

ELP Livingston Solar will provide notice to the Town of Livingston that the project will be decommissioned. The required construction permits will also be obtained before commencement of decommissioning activities.

6. Cost Estimate

The estimated cost of executing the decommissioning plan in Year 25, taking into account inflation, is \$86,000.

Accepted by:



Name: Phil Schmidt

Title: Chairman Planning Board

Date: January 6, 2021

Michelle Mormile returned.

Discussion:

Robert Ihlenburg appeared with a subdivision for Red Wing Properties. No application received. Advised to submit an application for the February meeting.

Sloop Brewery seeking permission to re-open Vosburgh Farm with a different brewery (Gun Hill Brewery). It will be leased from the farm with beer made in the Bronx. He was advised to submit a new site plan in the new corporation name and return to the February meeting.

A motion to close the meeting was made by Chip Keil and 2nd by Bernie Stickle. All present voted AYE. Motion passed.

Next scheduled meeting will be held February 3 2021.

Meeting closed at 7:50.

Respectfully submitted,

Eileen Yandik
Secretary Livingston Planning Board.