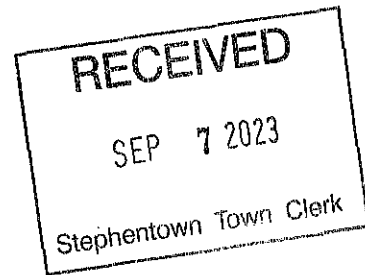


TOWN OF STEPHENTOWN
PLANNING BOARD



**IN THE MATTER OF JACK GOODMAN—SOLAR POWER
NETWORK, LLC**

**RESOLUTION
GRANTING SPECIAL
USE PERMIT**

WHEREAS, on or about March 21, 2023, Jack Goodman—Solar Power Network, LLC (“Applicant”) submitted a preliminary application for both a special use permit and site plan approval to allow the establishment and operation of a community solar farm (“Project”), an application that was amended/supplemented in several following submissions, the procedural history of which is set forth in the accompanying Resolution issuing a negative declaration and which is hereby incorporated herein by reference;

WHEREAS, the Project is a 2.5 megawatt community solar farm on a portion of a +/-20.79 acre parcel (Tax ID 174.-1-35), located approximately 1,750 feet from the intersection of NYS Route 22 and West Road (“Project Site” or “Site”), a portion of which is a former sand and gravel mine which has been closed and reclaimed. As a result, the majority of the site is vacant grasslands land with a forested area located to the north of the Project Site. The Project is considered a Utility Scale Solar Energy System under Local Law No. 2 of the Year 2023, the “Solar Photovoltaic Energy Systems Law of the Town of Stephentown”;

NOW THEREFORE BE IT RESOLVED THAT THIS BOARD MAKES THE FOLLOWING FINDINGS:

Procedural History & The Site

1. As noted above, the procedural history of the application and description of the site that is the subject of this resolution are set forth in the Negative Declaration, which is being adopted contemporaneously herewith, as well as the resolution granting site plan approval, both of which are incorporated herein by reference.

Standards For Grant of Special Use Permit

2. Article VI of Local Law Number 1 of the Year 2014, entitled “Amended Land Use Regulations of the Town of Stephentown” is entitled “Special Use Permit Uses” and states:

All special permit uses specified in Article III, Schedule of Use Regulations, shall be subject to review and approval of the Planning Board in accordance with the standards and procedures included in this Article and no Building Permit or Certificate of Occupancy of Use shall be issued by the Building Inspector unless in full conformity with plans approved by the Planning Board.

3. Article VI, subsection A, sets forth the following “General Standards for Special Use Permit Uses”:

advised of their intent to obtain this easement, a valid and recorded easement will be required for this connection.

2. Obtaining of all necessary permits and approvals necessary for the project, including, but not limited to from NYSDEC and Army Corps of Engineers (ACOE) and Rensselaer County Highway Department,

3. All requirements if MJ Engineering and Land Surveying, PC's review letters, including, but not limited to June 5, 2023 and July 11, 2023 and September 3, 2023.

4. The access road shall meet all requirements of the NYS Fire Code and obtain the approval of Stephentown Fire District No. 1 as the Authority Having Jurisdiction.

5. At all times the Project shall be in compliance with all provisions of the Solar Photovoltaic Energy Systems Law of the Town of Stephentown (Town of Stephentown Local Law Number 2 of the Year 2023), the Amended Land Use Regulations of the Town of Stephentown and all other applicable federal, state, county and local laws, rules, regulations and codes.

6. Updates to the decommissioning and restoration plan and a copy of the annual maintenance and inspection report shall be submitted to the Town within sixty (60) days after the first year and every two years thereafter, coinciding with the terms of the special use permit.

7. The term of this special use permit is one (1) year. After the termination of that one year period the permit shall be renewal every four years. Per section 16 of the Solar Photovoltaic Energy Systems Law of the Town of Stephentown, a copy of the annual inspection reports shall be provided to the Stephentown Code Enforcement Officer as part of the renewal of the special use permit.

8. All approvals shall not be effective, including this Special Use Permit, until a proof of bond or security shall be filed with the Town and approved by the Attorney for the Town and reviewing engineer for this Board, a copy also provided to the Town Code Enforcement Officer. Such bonding and/or other acceptable surety to be tendered in compliance Town of Stephentown Local Law No. 2 of the year 2023 (Solar Photovoltaic Energy Systems Law of the Town of Stephentown), including but not limited to in an amount to be determined by the engineer for the Planning Board and subject to the approvals of the engineer and attorney for the Planning Board as to forma and content.

9. The Project shall comply with all plans, applications and submissions to the Town, including but not limited to this this Board.

10. As Applicant represents it is purchasing the subject property, should any assignment take place of any approvals or Applicant not otherwise own the subject property, a copy of an Operations and Maintenance contract with the owner of the property which shall comply with Local Law No. 2 of the year 2023 (Solar Photovoltaic Energy Systems Law of the Town of Stephentown) and be subject to the approval of the engineer and attorney for the Planning Board.

11. Applicant shall provide a revised Decommissioning Plan to meet or exceed the requirements of: (i) Local Law No. 2 of the year 2023 (Solar Photovoltaic Energy Systems Law of the Town of Stephentown); (ii) the National Electrical Safety Code and the US Department of Labor and Occupational Safety and Health Standards; and (iii) the bonding/surety documents and agreements to be submitted; (iv) all conditions set forth herein or any other approvals issued by this Board; (v) and the review and approval of both the Board's reviewing engineer and attorney for the Planning Board. Any requirements as set forth in the bonding/surety documents and agreements, including but not limited to decommissioning requirements or triggers that are more stringent than what is set forth the Decommissioning Plan shall govern.

12. Applicant satisfying all requirements of all MJ Engineering review letters and requirements therein and paying all reviewing engineering and reviewing attorney's fees that are owing.

13. Applicant satisfying and complying with all conditions and requirements as set forth in all materials submitted by Applicant to any governmental body or entity, including this Board, and compliance with all approvals granted by the Town and any of its Boards, further conditioned that the subject special use permit must be renewed on or before the time periods set forth above (one year and if such renewal(s) are granted every four years thereafter.

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
GARDNER	X		
PRESCOTT	X		
HALEY	X		
LEONARD	X		
LOBDELL			

Dated: September 5, 2023



 Derrick Gardner, Chairman

TO: Aaron Ovis, PE.
 Robert M. Sutherland P.C.
 11 MacDonough Street
 Plattsburgh, NY 12901