

**TOWN OF FALLSBURG PLANNING BOARD  
ROSEMOND SOLAR, LLC  
SITE PLAN AND SPECIAL USE PERMIT APPROVAL RESOLUTION  
ADOPTED APRIL 13, 2017**

**WHEREAS**, the Town of Fallsburg Planning Board has a proposal for a site plan approval for the creation of a 3,000-kW solar photovoltaic array system that will operate as a Community Distributed Generation (CDG) facility on an approximately 50-acre site located on Rosemond Road, Town of Fallsburg, County of Sullivan for Rosemond Solar, LLC (hereinafter referred to as the project) situated in the Town of Fallsburg, Tax Map SBL: 30.-1-9.4. The zoning is REC-2 and the use is classified as a 'public utility facility' under the current Town of Fallsburg Zoning Code.

**WHEREAS**, the Planning Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act, SEQRA 6 NYCRR617.6 and was designated lead agency, conducted a coordinated review and classified the action as Type I. Applicant completed Part I EAF, the Board reviewed an EAF Part II and approved an EAF Part III, and after a series of public meetings determined that the Project will not have a significant impact on the environment and adopted a Negative Declaration at the April 13, 2017 meeting; and

**WHEREAS**, the Planning Board reviewed all the information and documentation developed for the Project, including plans prepared by Michael Bodendorf, P.E. and Adam Gasparre, P.E., Consulting Engineers, as well as comments and correspondence received from staff, consultants, interested agencies and the public, and made certain modifications to the Project. A last review of plans and supporting material(s) will be made by staff to confirm that all requested changes have been made and conditions have been met, including:

A. Standard Conditions

1. Changes requested by Planning Board members prior to the approval vote.
2. Comments from Code Enforcement Officer during the approval process.
3. Comments from Town Engineer during the approval process.
4. Comments from Planning Board attorney during the approval process with the exception of review of legal documents.
5. Changes to the plans necessitated by permit agency requirements.
6. Payment of all fees in accordance with Town Fee schedule.
7. Payment of any outstanding consultant escrow fees.
8. Offer of dedication to Town of land or easements for roads, future road widening strip, utilities, etc., that may be shown on the plan or determined to be necessary by the Town Engineer or Highway Superintendent.
9. Payment of money in lieu of land fees for parks.
10. Meet all requirements of the Town's consultant; Keystone Associates Architects, Engineers and Surveyors, LLC (Keystone); except as modified by the Town Engineer.
11. Escrow for soil erosion control during construction.
12. Approval by the Architectural Review Board.
13. Establishment of an escrow account, letter of credit or similar financial security to cover future maintenance/repair costs of infrastructure, including water supply, on site sewers, stormwater management, roads as determined by the Town Engineer.

14. Respond to all comments from the Town Planning Consultant, Mari Giurastante, except as may be modified by the Planning Board.
15. Review and approval by Planning Board, staff and consultants of all portions of condominium documents prior to the effective date that reference Planning Board approval and conditions.
16. Subject to completion of all off-site improvements, whether public or private, prior to issuance of the first building permit, or as determined by the Town Engineer.
17. Provision for an escrow account for site inspection by the Town Engineer, his designee, or a consulting engineer of his choice.
18. Receipt of all Town and other agency permits before land disturbance except as may be specifically authorized by the Planning Board in this resolution. Building permits shall not be issued until all other required permits have been received and the plans have been stamped.
19. Applicant to provide information regarding construction sequencing to be approved by the Town Engineer. There shall be no site disturbance prior to the required pre-construction meeting with the Town Engineer.
20. Building permits shall not be issued until all site plan approval conditions have been met, all fees paid and all permits obtained.
21. All proposed demolition will take place and debris will be removed before any building permits are issued.
22. No site disturbance or construction will take place except for any specific site disturbance or construction identified in this resolution before any building permits are issued.
23. The site plan set and supporting document shall meet all the requirements of Section 310-7.4 (Site Plan Elements) of the Fallsburg Zoning Code, except or as may be individually modified by the Planning Board upon request of the applicant.
24. The site plan set and supporting documents shall meet the requirements of the Fallsburg Zoning Code.
25. The plan set and supporting documents shall meet the requirements of the Fallsburg Zoning Code.

#### B. Special Conditions

1. Applicant must provide an updated lease agreement reflecting the lease boundary line that will be drawn on the approved site plan.
2. Applicant must provide warning signs in both directions during construction.
3. Applicant must provide written authorization from NYSEG for any construction within their easement.
4. Applicant must provide record drawings stamped by a licensed engineer in New York State upon completion of construction and prior to activation of the system.
5. Applicant must provide a project specific construction sequence.
6. Prior to construction, applicant must confirm benchmarks and transfer benchmarks into and through work zone.
7. Applicant must provide stamped plans that scale.
8. Applicant must provide a letter of credit for Cypress Creek Renewables.
9. Applicant must provide formal training to Mountaindale Fire Department on appropriate emergency response to photovoltaic (PV) system fire as it specifically relates to Rosemond Solar as well as PV systems in general.

**NOW THEREFORE BE IT RESOLVED**, the Town of Fallsburg Planning Board, based on the record before it, including the general, specific and detailed knowledge of the Board of the Project and of the community, hereby determines that the project should receive site plan approval with certain conditions as enumerated above; and

Be it further resolved, that the Planning Board grants Site Plan Approval with the understanding that the site plan map will not be stamped by the Chairman or his designee until all conditions have been met and found to be acceptable by the Planning Board.

Dated: June 2, 2017

Arthur Rosenshein

Arthur Rosenshein  
Chairman of the Planning Board

Vote as follows:

5 For

0 Against

0 Absent

The Planning Board Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the Adoption of Negative Declaration record on file in this office and find that it is a true transcript.

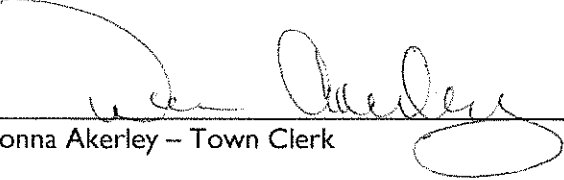
Filed and Dated this 2nd day of June 2017

Denise Monforte

Denise Monforte – Planning Board Clerk

The Town Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Adoption of Negative Declaration record on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this 6<sup>th</sup> day of April 2017

  
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Donna Akerley -- Town Clerk