TOWN OF MANHEIM

ZONING BOARD OF APPEALS

SPECIAL USE PERMIT

For

SunEast Grassy Knoll’s LLC Solar Project

(Tax Parcel Nos. 115.1-1-10.1, 115.1-1-26, 115.1-1-21.1 and 115.1-1-21.3)

APPLICANT: SunEast Development LLC

ISSUED: April , 2021

THIS SPECIAL USE PERMIT is hereby GRANTED to SunEast Development LLC (SUNEAST GRASSY KNOLL’S SOLAR PROJECT) for the development and operation of a 19.9 megawatt (MW) solar photovoltaic electric generating facility on approximately 165 acres of land owned by David Grasse located near the intersection of Sabin Road and Burrell Road, Little Falls, New York, (Tax Parcel Nos. 115.1-1-10.1; 115.1-1-26; 115.1-1-21.1; and 115.1-1-21.3) in the Town of Manheim (Project”), pursuant to section 301 et seq. and Section 431 of the Town of Manheim Zoning Ordinance, and pursuant to Resolution No. \_\_ of the Town of Manheim Zoning Board of Appeals (“ZBA”) approved on April\_\_\_, 2021, which determined that the requirements of Town of Manheim Zoning Law for the issuance of a special use permit had been met and directed the issuance of a Special Use Permit subject to the conditions set forth below.

If the owner or operator of the Solar Energy System changes or the owner of the property changes, the Special Use Permit shall remain in effect, provided that the successor owner or operator of the Solar Energy System assumes in writing all of the obligations of the Special Use Permit, site plan approval, decommissioning plan and other conditions upon which the Special Use Permit was conditioned.

Conditions of Approval:

1. Decommissioning Plan and Bond.

The ZBA adopts the Decommissioning Plan submitted by the Applicant and approved and recommended by the Planning Board and makes the Decommissioning Plan, which includes posting a surety bond as a condition for the issuance of the special use permit. The Applicant shall enter into a Decommissioning Agreement with the Town Board before applying for a Building Permit. Prior to the commencement of construction, the Applicant shall provide a surety bond in the initial the amount of $211,492 and as thereafter required by the Decommissioning Plan. This will provide the Town with financial security in the event the Applicant fails to complete construction of the Project or in the case of Discontinuance of Operations.

1. County Highway Requirements.

The ZBA requires the Applicant to satisfy the County Highway Department’s design standard and receive the permits required by the Highway Department for work in the County Highway right-of-way as a condition for issuance of the special use permit.

1. Operation of Facility and Maintenance of Project Site.

As a condition of granting the special use permit the ZBA has determined the operation and maintenance of the facility shall be the responsibility of the Applicant, either directly or through contract. The required maintenance includes safeguarding operational safety through maintenance of Project components, compliance with the attached Vegetation Management Plan dated September 2020, keeping the Project Site in a neat and orderly fashion and the removal of snow from the access roads. All operation and maintenance contracts for the Project shall be submitted annually to the Town of Manheim Code Enforcement Officer.

1. Notification of New Owner\Assumption of Obligations. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within [30] days of the ownership change. The successor owner or operator of the Solar Energy System shall assume in writing all the obligations of the Special Use Permit, site plan approval, decommissioning plan and other conditions upon which the special use permit was granted.

Dated: \_\_\_\_\_\_\_\_\_, 2021 MANHEIM ZONING BOARD OF APPEALS

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Bruce Lyon, Chairman

Adopted:

A copy of ZBA Resolution No. \_\_\_\_of 2021, which approved the adoption and issuance of the above Special Use Permit is attached as Addendum “A.”

A copy of the Vegetation Management Plan dated September 2020 is attached as Addendum “B.”

A copy of the Decommissioning Plan dated September 14, 2020, revised October 23, 2020 is attached as Addendum “C.”