

Jeffery Schmitt, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member
Michael Santulli, Board Member

Town of Duanesburg
Planning Board Minutes
April 15th, 2021
Final Copy

RECEIVED
MAY 21 2021
TOWN OF DUANESBURG
TOWN CLERK

MEMBERS PRESENT: Jeffery Schmitt Chairman, Joshua Houghton, Michael Harris, Elizabeth Novak, Michael Santulli. Also, in attendance Planning Board Attorney Teresa Bakner, Town Planner Dale Warner and Clerk Melissa Deffer.

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Chairman Schmitt asked the Planning Board members to introduce themselves to the public:

Jeff Schmitt Hello, Elizabeth Novak Hello, Michael Santulli Hello, Josh Houghton Hello, Michael Harris Hello, Teresa Bakner Hello, Dale Warner Hello.

OPEN FORUM:

Schmitt/Novak made a motion to open the open forum.

Schmitt yes, Novak yes, Santulli yes, Houghton yes, Harris. **Approved.**

Lynne Bruning located at 13388 Duanesburg Rd (**Please see attachment**)

Schmitt/Novak made a motion to close the open forum.

Schmitt yes, Novak yes, Santulli yes, Houghton yes, Harris. **Approved.**

PUBLIC HEARINGS:

#20-21 Kagas, Spiro: SBL#53.00-1-29.21, (C-1) located at 9938 Western Turnpike is Site Plan Approval for accessory use under section 5.2.2 of the Town of Duanesburg Zoning Ordinance. Representing Mr. Kagas is land attorney Donald Zee.

Chairman Schmitt stated that the board has received two photos submitted by Pat Wren of the water runoff. The Board also received a sketch plan drawn up by Engineer Brett Steinberg.

Schmitt/Novak made a motion to open the public hearing for the **#20-21 Kagas, Spiro** application.

Schmitt yes, Novak yes, Santulli yes, Houghton yes, Harris. **Approved.**

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Over➔

Mr. Zee introduced himself to the residence and explained that the new site plan shows the new parking area. The parking area will have 16 spaces that will be 10X20 for regular cars and 8 truck parking spaces 20X85. The parking field design will be crush and run that is graded so that the storm water will flow in the southerly direction to the proposed 18-inch-deep drainage swale that will drain into the existing swale that runs the easternly property line. There is a tree line of 14 white pines staggered buffer that will be installed along Mr. Wrens property. The white pines will grow quickly and will be 4 ft high when installed. The board in March asked Mr. Kagas to provide the following:

1. Additional information of the run on/runoff control.
2. Screen Plan
3. Estimate of traffic flow in and out of the facility
4. A better business plan to include the development of the 3rd bay and how it will impact the overall parking and traffic thru the facility.

An analyst for the estimated traffic flow in and out of the facility was completed from the records from 2019, 2020 and January-March of 2021. There are two types of customers to use the car wash, self-service are the people who come to the car wash and use the bay with their own funds and clean their own vehicle. Full service are tractor trailers normally and Mr. Kagas will come and physically clean the trailers himself. Both the cab and the trailer are being cleaned and takes several hours. For the number of self-service cars in 2019 was 30 per day, 2020 was 32 cars per day. Full-service average in 2019 was 359, in 2020 it was 466 average. January-March for 2020 they have done 128 trucks is a little increase. If you add it up it will come out to roughly 1.4 trucks per day. It is a reasonable number considering it is a truck wash that is open 24/7 365 days a year operation. The reason Mr. Kagas would like this parking area is so that he does not loose anymore business. For the trucks who do not want to wash their trailers they could unhook in the purposed parking lot then pull in and was the cab. Mr. Zee explained that there will be less trucks causing issues on the main highway if they can just pull into a parking lot and not congest the driveway coming in. for question number 4 from the Planning Board Mr. Zee expects roughly a 20-25 percent increase potentially for the business if there were a third bay to be put on. Mr. Kagas is not proposing that currently, possibly in the future it would go from 32 cars a day to 40 a day. Chairman Schmitt raised a question about the water system in the last meeting and Spiro received a quote from car wash products from Middletown NY and the do recreation set ups and they get all the permits from DEC the cost to put it in would be 8,500 dollars. Mr. Kagas has submitted the application to DEC with an extension to April 14th regarding to the regulation to the water supply.

Patrick Wren located at 9866 Western Turnpike. Pat lives east of where the entrance driveway is the wishy wash. Mr. Wren stated that he is not trying to put anyone out of business. He has lived next to the car wash for 30 years and has never complained. Pat has 3 concerns as he will be directly impacted by this new parking lot. First concern is the overnight parking of the trucks. If a truck comes in at 11-12 o'clock at night, it should be able to get cleaned then. Instead, it sits and idle for hours. There is an idling law in NYS that states trucks are not allowed to idle more than 5 minutes when there are in a specific location. Second, is the screening proposal in the town ordinance it states that screening shall be provided to obscure the parking space from the residential property. Pat does not think that white pines will hide anything. Third, the runoff. Mr.

Wren took photos while it was raining, and you can see the water running onto his property. Pat reached out to ECPO and they feel that an 18-inch ditch isn't going to work. Pat would like to know if the 18-inch ditch was approved by any engineers. Mr. Wren would like signs put up stating no overnight parking. Trucks pull in at 10-11:00 at night and leave at 6 am and never even receive a service. Pat's biggest fear is for the car wash to turn into a truck stop. What will be done with the over night parking?

Lynne Bruning located at 13388 Duanesburg Rd How many trucks are washed?

Mr. Zee explained that from January 1st thru March 31st there was 128 trucks being washed, which brings the average to about 1.4 a day. If Spiro gets approvals from DEC it would increase it to 1.75 trucks a day. On a rainy day they may not have anybody, but on a real clear day they may have 2-3. It will be in the single digits. It does take several hours to clean the trailers.

Lynne Bruning located at 13388 Duanesburg Rd would like to thank Mr. Zee and confirm that they are adding 8 parking spaces for trucks with fear that it will attract over night parking. Lynne is also concerned that if the project moves forward that the restrictions must be put into play such as signage, tree screening is done to the abutting neighbor's satisfaction (recommended a type of pine tree) staggered in two rows 20 ft on center, a lifetime maintenance agreement of vegetation.

Mr. Zee explained to Lynne that it is shown on the site plan two rows of white pines. White pines are not a leaf tree so there will be a buffer year-round. The reason why they show those numbers for parking spaces is so that when a truck comes into the property, they can drop their trailer in the parking lot and wash the cab.

Lynne Bruning located at 13388 Duanesburg Rd would like to thank Mr. Zee but would still like to have restrictions in case the current owner chooses to sell, and the next owner has legal documents.

Board Member Novak answered Lynne's question stating a new owner would have to come back to the Planning Board.

Town Attorney also stated that approvals run with the land so if the use changes on the land than they would have to come back in front of the Planning Board to seek approval of the new use. If Mr. Kagas in the future would like to add the third bay onto the car wash, he would have to come back in front of the board for an amendment to his special use permit.

Patrick Wren located at 9866 Western Turnpike would like to hear more about his questions he has asked about how the overnight parking will be addressed and if the runoff plan was approved by someone in the engineering business.

Mr. Zee stated that regarding the overnight parking Don agrees with the suggestion of signage of no overnight parking is allowed along with a no idling sign. Mr. Zee also suggested to have the laws for overnight parking and idling laws posted. For the runoff plan yes, they were prepared by Brett L Steinburg who is a professional licensed engineer who was made aware of all the concerns and Brett knows about the storm water practices of the NYS DEC and by the local

government. The Screening plan Don said is far there are two rows of white pine staggered 20 feet on center, the second row is around 10 feet away and white pines grow fast and large.

Patrick Wren stated that the idling law is enforced by the ECON officers but Pat would like to know who is going to enforce the no overnight parking? Who does Pat call the state police, or Mr. Kagas?

Mr. Zee asked Mr. Kagas to speak on what he would like to have done.

Spiro explained that he is a one-man operation and that sometimes trucks do have to wait for him to get there. It could take him 2-3 hours to get there so the trucks will have to sit and wait. It is a 24/7 operation, and he does have to get some sleep. Hours vary for Spiro. For the idling issue trucks do not idle for more than 5 minutes they have a generator that will kick on and off but that could barely be heard. Sometimes Mr. Kagas stated that the truck drivers do stay a couple hours after because the drivers have run out of time to be on the road, so they must stay and wait. The trucks are not running they are hooked up to a generator and it is perfectly legal.

Patrick Wren Located at 9866 commented that he can hear the generator running. Pat would like to know what is going to happen with the overnight parking. They are right outside his window for 6,7,8 hours and would like something said that will be done.

Spiro stated that it is not all the time that the trucks must stay for long periods of time. If the truckers' hours are getting close and they cannot leave to go to their next destination, then they have to stay.

Patrick Wren Located at 9866 said that it sounds more like a truck stop than a car wash. A truck stop is what Pat is fearing.

Spiro does not promote the trucks to stay. They are there to get a service done and if not they need to be on their way. The services are 24 hours a day so if they come in at mid night Spiro might not be able to get there till 2-3 in the morning. Sometimes there is a lapse.

Board Member Houghton put on the record that there is a truck stop 10 minutes up the road on route 20 and there is a park and ride in Schoharie also 10 minutes away.

The board would like to see for the next meeting in the form of writing from Mr. Kagas

1. Additional information of the run on/runoff control.
2. Show the elevations on the plans
3. Screen Plan (making sure the trees will grow to be the proper height, width and time of growth.)
4. Estimate of traffic flow in and out of the facility
5. A better business plan to include the development of the 3rd bay and how it will impact the overall parking and traffic thru the facility.
6. A plan on how Mr. Kagas will make it not a truck stop. (Overall limit of how long a truck can stay?)
7. What the signs will look like and say.

8. The size of the culvert by route 20.

Schmitt/Harris made a motion to close the public hearing for the **#20-21 Kagas, Spiro** application.

Schmitt yes, Harris yes, Houghton yes, Santulli yes, Novak yes. **Approved.**

#20-01 Casale Group LLC: SBL# 25.00-2-1.311, (R-2) located at 1485 Mariaville Scotch Church is seeking a Special Use Permit under section 3.5.3; section 8.4(1) and section 14.6.2 of the Town of Duanesburg Zoning Ordinance. Darryl gave his presentation to the public.

Schmitt/Santulli made a motion to open the public hearing for the **#20-01 Casale Group LLC** application.

Schmitt yes, Santulli yes, Houghton yes, Harris yes, Novak yes. **Approved.**

THERE WAS NO PUBLIC COMMENT

Schmitt/Santulli made a motion to close the public hearing for the **#20-01 Casale Group LLC** application.

Schmitt yes, Santulli yes, Houghton yes, Harris yes, Novak yes. **Approved.**

Novak/Harris made a motion to table the **#20-01 Casale Group LLC** application until the May 20th, 2021 meeting.

Novak yes, Harris yes, Schmitt yes, Santulli yes, Houghton yes. **Approved.**

OLD BUSINESS:

#20-17 Gemmiti, Paul: SBL#52.00-1-12.221, (R-2) located at 1756 McGuire School Rd is seeking a 3 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Land surveyor Mark Blackstone is representing Mr. Blackstone has added septic disclosure note along with the SWPP note, and the agricultural district note. Mr. Blackstone has added the site distances for the east and west about driveway accesses. Additionally, the existing septic area for the residences on lot 2. Heading to the west there is a old farm house a little more than 1200 feet away. Nothing being done on this property will be in view of that land. Heading east the next residences more than 2000 feet way is the octagon house. A coordinated review will be sent out to DEC, County DPW, County Planner, and OPRHP. A notice will be sent out along with a copy of the application and AG data statement to the county and to the surrounding farm operators within 500 feet. Mr. Blackstone still has to provide the FEAF to the clerk so everything can be sent out.

Harris/Houghton made a motion to table the **#20-17 Gemmiti, Paul** application until the May 20th, 2021 meeting.

Harris yes, Houghton yes, Santulli yes, Novak yes, Schmitt yes. **Approved.**

SKETCH PLAN REVIEW:

#20-20 Ising/ Yauchler Lot Line Adjustment: SBL# 35.09-2-11&12, (L-1) located at 722 South Shore Rd is seeking a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Joanne Darcy Crumb land surveyor is representing Mr.

Ising and Mr. Yauchler. Joanne explains that the 2 landowners would like to do a double lot line adjustment. The properties received all the appropriate variances from the ZBA. In the 1980's a land surveyor did a survey on what is now the Ising property and there are big errors on the survey because of the survey done on Isings property a garage was built on the Isings property and when Mr. Yauchler purchased the property to the east, he had Mr. Koch survey of his property. When Mr. Koch held up the 1980s survey, he went onto the Harrington property. The Yauchler's property line went right through the Harrington's garage. Mr. Ising hired Joanne to do the survey for his property and she found and fixed all the errors on the 1980s survey. The actual property line for the Ising property starting at the road just south of the garage going right through the garage. Ising property will increase by .19 and Yauchler property will be reduced by 0.19 acres.

Harris/Santulli made a motion that the Planning board determines that the proposed action **#20-20 Ising/ Yauchler Lot Line Adjustment** neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels, that no additional lots will be created as a result of the lot line adjustment. The Planning Board declares the proposed action to be further exempt from any further subdivision review pursuant to this article and refers the application to the Code Enforcement Officer to complete administration of the same.

Harris yes, Santulli yes, Novak yes, Houghton yes, Schmitt yes. **Approved.**

#21-03 Sisson, Joe and Debbie: SBL#52.00-1-41, (R-2) located at Braman Corners Rd is seeking a 3 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Mr. Sisson explained that the property is roughly 15.6 vacant acres, and he would like to split it 3 ways. Joe and his wife are going to keep one lot to build his home one and the other two lots will be given to their children to eventually build homes on as well. Mr. Sisson would be building right away but the kids it will be in 3-4 years. To create a flag lot, they must have a 60 ft wide strip lot that runs east to west so what they are proposing is a rough drawing. A surveyor has not been hired yet. Mr. Sisson would like to see if this is even something that could be done on the property. The Board advised Mr. Sisson to set up a time to meet with the Town Planner to go over plans.

MINUTES APPROVAL:

Schmitt/Santulli made the motion to approve March 18th, 2021 Planning Board minutes with a minor spelling correction.

Schmitt yes, Santulli yes, Novak yes, Harris yes, Houghton yes. **Approved.**

OTHER:

Town Attorney addressed the two new local laws (**Please see DRAFT attachments**)

Town Planner stated that he had a phone call with AMP Solar, and they have some minor changes that are all covered under the general permit. First, they are taking out 7 poles out by the front of the road and the lines are now going to be buried. Second, they are going to extend

the west access road a little and third they are moving the electrical to the center of the property to be more centralized.

ADJOURNMENT:

Santulli/Novak made the motion to adjourn.

Santulli yes, Novak yes, Schmitt yes, Harris yes, Houghton yes. **Approved.**

PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chair of Planning Board
Town of Duanesburg Planning Board
5358 Western Turnpike

April 15, 2021

Dear Jeffery Schmitt and the Planning Board,

Please include my statement in tonight's official record of the planning board meeting minutes as posted on the town website.

The town web page for the planning board minutes page has two "Draft minutes March 2021". Each has a different file name. Which file is correct? see exhibit A screen shots.

Since 2018 the town website calendar has not contained the planning board meeting information. When will this be corrected? see exhibit B screenshots.

Town website homepage left sidebar "Legal and Public Notices" webpage has not been updated since October 2018. See Exhibit C. Since 2018 there have been multiple planning board public hearings including the controversial Eden Renewable Oak Hill Solar September 2019, Charles Rhodes multi-family housing on Alexander Road in 2020, and Kagas Car Wash on Western Turnpike in 2021. Failure to keep this webpage up to date deprives the tax payers of full and free access to town decision making. I first brought this to the town and the planning board's attention in August 2019. Why is the town and planning board omitting legal and public notices from this webpage for the past 30 months?

Thank you for the robust and informative discussion at the end of the March 18, 2021 planning board meeting concerning meeting minute accuracy and the omission of my statements from the 2019 and 2020 minutes. The board decided it was an inefficient use of the clerk's time to add the omitted statements to the online meeting minutes. I submitted a freedom of information request to learn if my statements were on the record. The town clerk completed the request and provided the statements. I believe it is important for all taxpayers to have access to this information about solar energy and the planning board's transparency and accountability. Please find attached PDFs containing the omitted statements. I ask these documents be added to the online record of tonight's meeting in their entirety. See Exhibit D.

At the March 25, 2021 town board meeting the draft solar law was reviewed. see Exhibit E. The public was not provided a copy of the draft law before or at the meeting. The supervisor and town attorney discussed that the next steps are for planning and zoning boards review of draft solar law. Tonight's planning board agenda, as posted on the town website April 8, 2021 at 3:05PM, does not include an action item to review the draft solar law. When is the planning board going to review the draft solar law? Will there be a public discussion? How will this be announced? How will the taxpayers be provided a copy of the planning board draft solar law revisions and their comments?

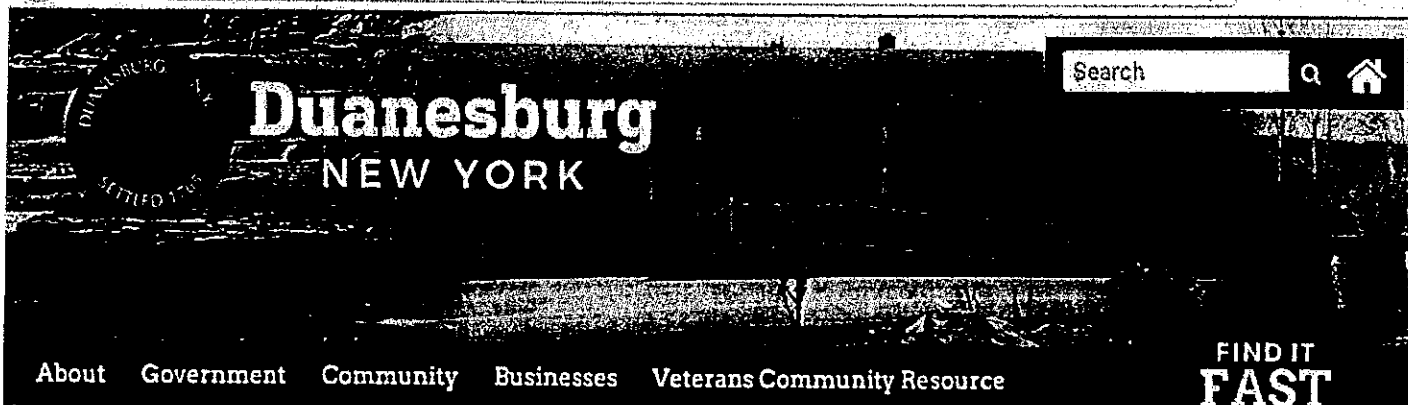
There are two trash barrels placed at the access road to Oak Hill Solar project at 13590 Duaneburg Road. See Exhibit F. Has a building permit been issued? Has the town received a revised planting plan and maintenance agreement from the owner/operator as directed in the September 2019 Resolution? If anything is built beyond what is shown in the approved site plan and approved resolution I reserve all legal rights afforded to me and my mother Susan Biggs. For the record the planning board approved a site plan that does not include concrete pads for equipment, battery energy storage, or perimeter roads around the arrays. The access road is not in compliance with NYSERDA requirements for funding as directed in their October 28, 2019 letters to Eden Renewables. See Exhibit G. If constructed these items will increase site disturbance and impact the stormwater pollution prevention plan. The project site drains into abutting parcels to the east. The application, approved resolution, site plan, negative declaration and decommissioning plan do not include the words "battery energy storage".

Thank you for your time and consideration.

Respectfully,
Lynne Bruning
720-272-0956
lynnebruning@gmail.com

EXHIBIT

A



April 15, 2021 Casal Public Hearing

Kagas Continuation of Public Hearing April 15, 2021

March 18, 2021 - Public Hearing Kagas

Planning Board Meeting Videos

State Environmental Quality Review Act (SEQR) Forms

Home » Planning Board » All Planning Board Meeting Minutes

2021 Planning Board Meeting Minutes

March 18, 2021 - Draft

March 18, 2021

March 18, 2021 - Draft

March 18, 2021

February 18, 2021

February 18, 2021

January 21, 2021

January 21, 2021




Duanesburg
NEW YORK

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EXHIBIT

B



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April

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

All upcoming events

Upcoming Events

Town Board Meeting
April 22, 2021 - 7:00pm

Town Board Meeting
May 13, 2021 - 7:00pm

Town Board Meeting
May 27, 2021 - 7:00pm

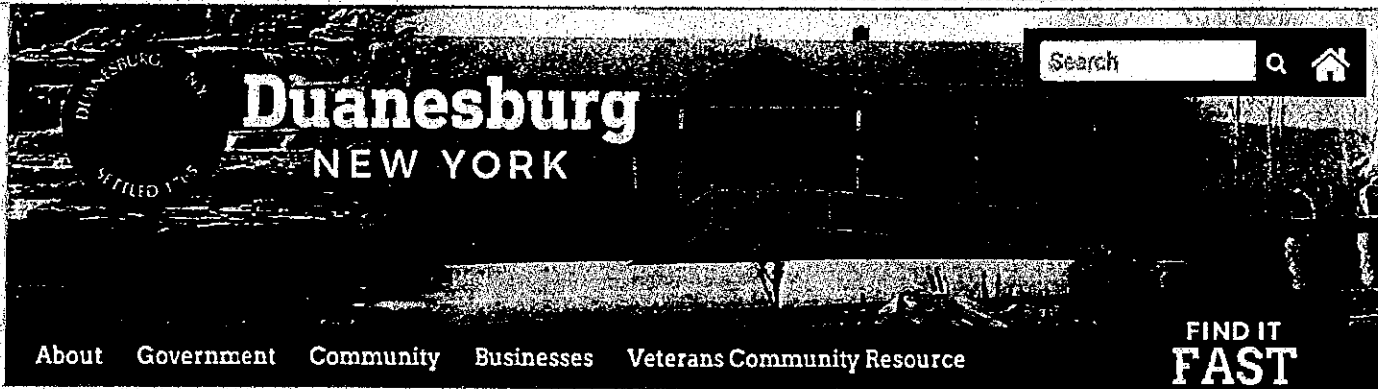
Town Board Meeting
June 10, 2021 - 7:00pm

Town Board Meeting
June 24, 2021 - 7:00pm

All upcoming events

EXHIBIT

C



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[Notice of Public Hearing for Comprehensive Plan »](#)

NOTICE OF PUBLIC HEARING TOWN BOARD TOWN OF DUANESBURG April 22, 2021 At 7:00 PM.

[Notice of Remote Access For Town Board Meeting on April 8, 2021 at 7:00 p.m. »](#)

Notice of Remote Access For Town Board Meeting on April 8, 2021 at 7:00 p.m. Topic: Duanesburg Town Board Meeting Time:...

[Notice of Remote Access For Town Board Meeting on March 25, 2021 at 7:00 p.m. »](#)

Notice of Remote Access For Town Board Meeting on March 25, 2021 at 7:00 p.m. Topic: Duanesburg Town Board Meeting Time:...

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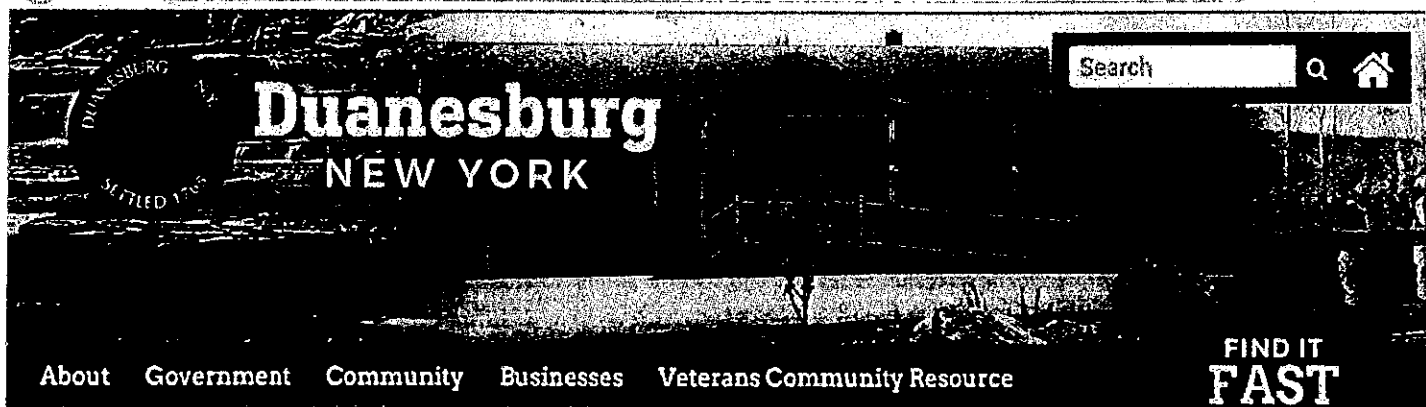


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NEW YORK

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Shared Google Map

Duanesburg
Broadband Initiative

Duanesburg
Broadband Initiative
Powerpoint
Presentation

Legal Notice for
Entering and
Terminating Fire
Contracts Public
Hearing Oct 25, 2018

NOTICE OF
ADOPTION OF
RESOLUTION
SUBJECT TO
PERMISSIVE
REFERENDUM

Resolution 161-17
Gazette Publication
Sewer District 3

Home

Legal Notices and Public Notices

October 2018

- October 30, 2018 Public Hearing for Cable Agreement
- October 25, 2018 Public Hearing for Preliminary Budget and LL# 7 of 2018
- October 25, 2018 Sewer District Assessment Roll Public Hearing
- October 4, 2018 Town Board Special Meeting

September 2018

- September 27, 2018 Special Town Board Meeting Budget Workshop
- September 22, 2018 Special Town Board Meeting
- Instructions for Spectrum Broadband cost aid in construction
- Seebold/Livingston Public Notice
- Schworm/BEB Drilling Public Notice

News & Announcements

Town of Duanesburg
Broadband Public
Hearing

EXHIBIT

D

PO Box 160
Quaker Street, NY 12141

Planning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12058

November 21, 2019

Dear Chairman Sexton and the Planning Board,

I will hand the clerk my statement so that it may be included in tonight's minutes in its entirety.

Lynne Bruning 13388 Duanesburg Road

PLANNING BOARD VACANCIES

November 16th the Town posted an announcement on their website home page requesting new members for the both the Planning and Zoning Boards. Thank you for posting this online. In 2018 the announcement for interested parties was made at a Planning Board meeting where the clerk stated that announcement would not be posted on the website and she encouraged the Board to inform people they knew of the opportunity to participate. Thank you for being more inclusive.

Would you please share with us which members will be resigning resulting in how many openings for 2020?

Where can town residents find the Planning Board bylaws so that we can understand the requirements and expectations for members of the Planning Board?

Would you please embed the announcement seeking new members and the Planning Board bylaws on the Planning Board webpage for easy access.

AGENDA

Thank you for posting the November 2019 Agenda online.

MINUTES

August 15, 2019 Minutes are posted online and state "please see attached documentations" from Mr. Lapin, Lynne Bruning, Susan Bliggs, Leila Otis, Wallace Johnson. These documents, as well as other comments from the public, are not included in the online PDF file for the August minutes. I request that all supporting documents for the August 15, 2019 Planning Board Meeting Minutes and Public Hearing for Oak Hill Solar 1 and 2 be posted on line as soon as possible.

As of today the Planning Board Meeting Minutes are posted thru September 19, 2019. It is my experience that draft minutes are only available as a hard copy on the Town Hall bulletin board or by FOIL to the Town Clerk making it both difficult and time consuming to obtain and review the Planning Boards recorded activity for accuracy prior to the Planning Board approving the document.

RECORDING TOWN MEETINGS

In 2018 the Planning Board Meetings were recorded and posted on youtube. **I encourage the Town and the Planning Board to please live stream their meetings and post the recordings online.** Many Towns use the service "<https://townhallstreams.com/>" and report it to be cost effective and reliable. Recording the meetings would allow our tax payers to utilize current technology to fully and freely participate in our local government and allow the Town staff to focus on other important work matters.

RER SOLAR - tax parcel 75.00-1-12.11

August 2017 the RER Solar facility was approved by the Planning Board and posted in the DEQ Environmental Notice Bulletin.

October 2019 I noticed construction of an access road by Needful Things. I researched the Planning Board minutes and learned of this power plant for the first time. This solar facility is approximately 2,000 feet from my eastern property line.

Would the planning Board please share the current status of this approved solar facility?

Is there a time limit from when a Resolution is approved for a solar facility and when the Resolution is no longer valid?

What is the Town's criteria to consider a project abandoned?

SOLAR MORATORIUM

July 2019 Public Hearing for Oak Hill Solar Facilities 1 and 2: Ms. Bakner stated that the Duaneburg Solar Laws are "unremarkable". At that meeting residents requested the Oak Hill Special Permit, Site Plan and Subdivision be denied and moratorium adopted so that the Town could improve their laws. Since July 2019 I have repeatedly requested that the Town improve its solar laws prior to approving any solar facilities.

August 15, 2019 Public Hearing for the Oak Hill Solar Facilities 1 and 2 - Joshua Barnes requests to update the Town Solar Laws to limit how many solar power plants can be developed within our Town, limit the proximity and limit the MW produced.

August 22, 2019 Town Board meeting I asked how we, as a town, could work together to strengthen our Solar Laws. Supervisor Tidball told me that the two Oak Hill Solar power plants at 13590 Duaneburg Road would be the last solar facilities in Duaneburg because according to Eden Renewables the Delanson Substation 269 was at capacity. He also told me that any changes to the Solar Laws would occur hand in hand with the long awaited Comprehensive Plan revisions. He asked me to speak with the Planning Board Chairman.

Board. Please confirm if any representative for Oak Hill Solar 1 and 2 has approached Town Board.

Letters and/or emails from Joshua Barnes requesting a moratorium and/or improvements of the Duanesburg Solar Laws May 2019 thru November 2019.

Demolition Permit for 13590 Duanesburg Road, Delanson, NY 12053, between September 19, 2019 and November 21, 2019.

Building Permit for Oak Hill Solar 1 and Oak Hill Solar 2 at 13590 and 13592 Duanesburg Road.

SUBMIT PROPERTY MAINTENANCE VIOLATION 13590 DUANESBURG ROAD

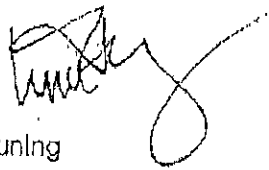
Please accept my Property Maintenance Violation and enclosed images.

Provide Dale Warner with a copy.

Thank you for your time and attention.

Regards,

Lynne Bruning

A handwritten signature in black ink, appearing to read 'Lynne Bruning', is written over the printed name.

August 30, 2019 I sent Planning Board Chairman Sexton a message thru the Town of Duaneburg web portal.

September 9, 2019 I delivered to the Town Clerk letters for all members of the Planning Board inviting them to a community forum in Schoharie to discuss solar laws and how to implement a moratorium.

September 19, 2019 The Planning Board approved the Oak Hill 1 and 2 Resolution for two 5 MW solar power plants at 13590 Duaneburg Road.

September 20, 2019 I sent an email to Chairman Sexton documenting errors in the Oak Hill 1 and 2 Resolution. Specifically the total parcel acreage and the solar array acreage.

September 23, 2019 I deliver a letter to the Town Clerk for Chairman Sexton and Ms. Bakner again addressing errors in the Resolution.

September 26, 2019 I address Town Board about my concern with the Oak Hill Resolution and outline the discrepancy in the parcel acreage and the solar array coverage acreage.

September 27, 2019 I have not had a reply from the Town or Planning Board about the acreage discrepancy and I ask my attorney to contact Planning Board Council Teresa Bakner.

October 17, 2019 The Planning Board makes an oral correction to the Resolution.

October 24, 2019 Community members address the Town Board again requesting a moratorium on major solar developments.

November 14, 2019 Town Board Meeting Ms. Bakner read a proposed resolution for a six month solar moratorium and a Public Hearing date was set for December 12, 2019. During the November 14th Town Board meeting Ms Bakner stated that there are suggestions from the Planning Board on how to improve our Solar Law.

Would the Planning Board please explain on what grounds you have suggested a moratorium, what you believe needs to be looked at and when did the Planning Board discuss this?

SUBMIT FOIL

Please accept enclosed FOIL addressed to Town Clerk Jennifer Howe for the the following information:

RER Resolution for solar facility on tax id 75.00-1-12.11 located behind Needful Things on Duaneburg Road on or about August 2017

Oynx Solar facility on Alexander Road Resolution on or about March 2017

Glare Study for Oak Hill Solar 1 and 2 between dates of January 2019 - October 2019.

Any documents between the Town Board and Eden Renewables. January 2017 - November 21, 2019. Please note - the Town Board minutes do not record Eden Renewables addressing the Town. Supervisor Tidball informs me that Eden Renewables has not approached the Town

PO Box 160
Quaker Street, NY 12141

Planning Board
Code Violations
Building Department
5853 Western Turnpike
Duanesburg, NY 12056

November 21, 2019

Chairman Sexton and the Planning Board,

I will hand my statement and images to the Clerk so that my statement may be included in the minutes in its entirety.

August 30, 2019 I reported property maintenance violations at 13590 Duanesburg Road Delanson, NY 12053 to Duanesburg Building Inspector Dale Warner.

September 9, 2019 I witness police activity at 13590 Duanesburg Road due to trespassers.

September 14, 2019 I witness police activity at 13590 Duanesburg Road due to trespassers.

September 16, 2019 Planning Board Chairman Sexton, Vice Chair Schmitt and I viewed the property.

September 19, 2019 At the Planning Board meeting the Board discussed the neglect of this property with the property owner Richard Murray. Planning Board Council Bakner confirms that demolition will require a permit and an asbestos survey. Bakner states that demolition is a condition of the Resolution for Oak Hill Solar 1 and Oak Hill Solar 2 and that this structure (green house on north side of Route 7) must be demolished within two months unless there is a plan to rehabilitate. Murray confirms that the building will not be renovated. Further discussion between Bakner and Murry clarifies that the silo and shed on the south side of Route 7 are not required to be demolished.

October 3, 2019 The Planning Clerk informs me that a demolition permit has not been issued.

I would like to report 13590 Duanesburg Road tax parcel 74.00-2-5 with a total of three structures situated on both the north and south sides of Route 7 for Property Maintenance Code (PMC) violations.

Please see enclosed four images taken on 20 November 2019 and three images taken on August 29, 2019 which document many violations not limited to:

Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Weeds. All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds

shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces de-signed for stabilization by oxidation are exempt from this requirement.


Window, skylight and door frames. Every window, sky-light, door and frame shall be kept in sound condition, good repair and weather tight. PMC 304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

All three structures on this tax parcel have not been used or inhabited for many years and property owner Richard Murray has allowed it to fall into disrepair and neglect prompting police activity due to trespassers.

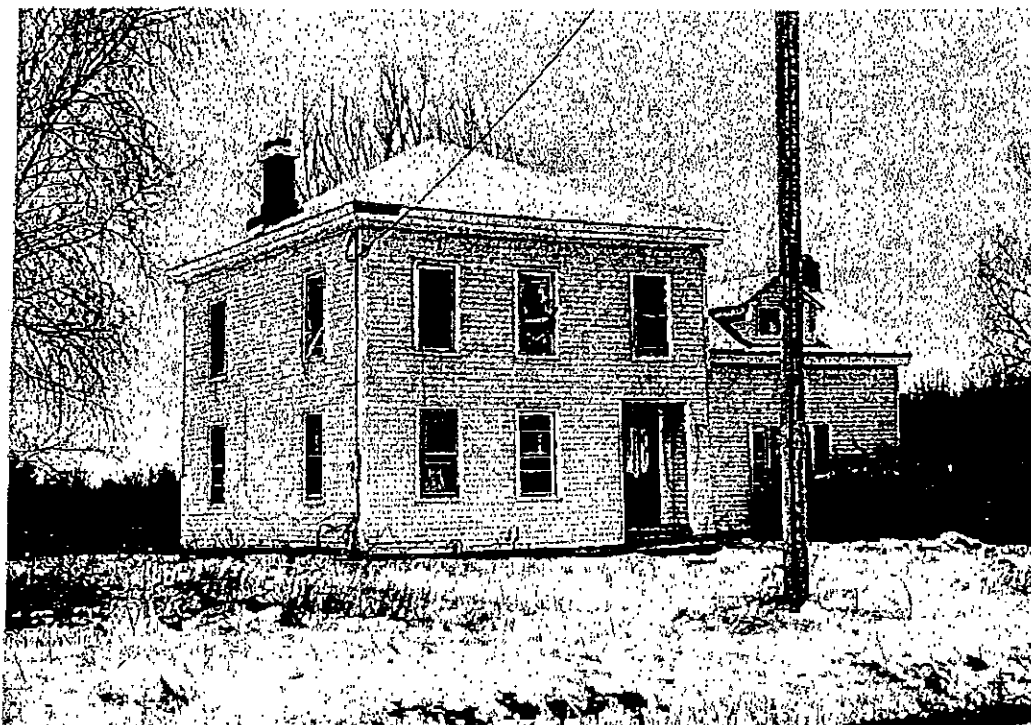
I would like the Town Board to follow up with the Planning Board about the demolition of this structure as a Condition of the Resolution for Oak Hill Solar 1 and Oak Hill Solar 2.

Thank you for your assistance.

Regards,


Lynne Bruning
lynnebruning@gmail.com

13590 DUANESBURG ROAD, DELANSON, NY 12053 ON 20 NOVEMBER 2019

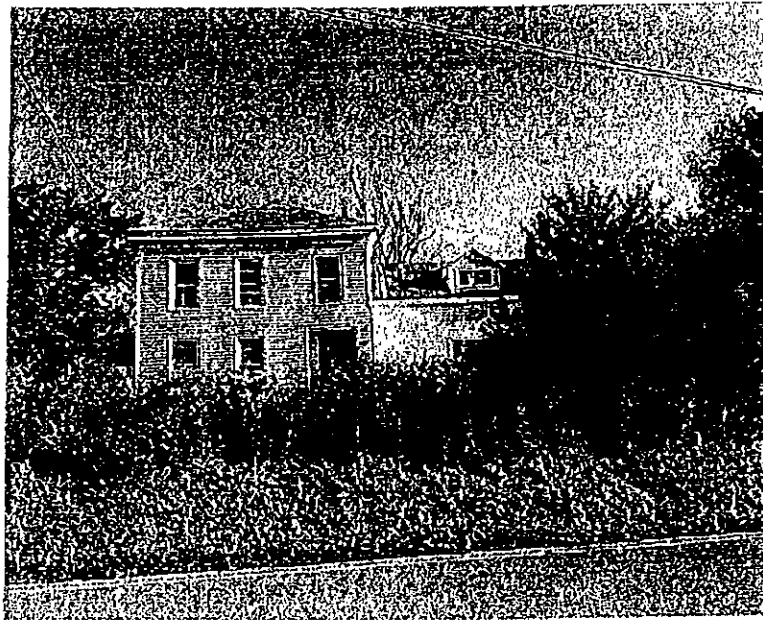


13590 DUANESBURG ROAD, DELANSON, NY 12053 ON 20 NOVEMBER 2019



13590 - 13592 Duaneburg Road on August 29, 2019

North side of Route 7



South side of Route 7 Barn/Storage and Silo approximately 25 feet south of road



PO Box 160
Quaker Street, NY 12141

Planning Board
Open Forum
December 19 2019

Lynne Bruning Duanesburg Road

I'll hand the clerk my statement so it can be included in the meeting minutes in its entirety.

Agenda and Minutes as Posted on duanesburg.net

Thank you for posting on duanesburg.net the Planning Board Agenda for tonight's meeting.

Thank you for updating the Town website today by adding the October 17, 2019 Planning Board Minutes. Unfortunately the August 15, 2019 Minutes still do not contain the referenced attachments:

Posting meeting minutes online within two weeks of the meeting date is best practices, protects the Town and informs the residents. Thank you.

Bylaws

I reviewed the Zoning Ordinance Section 14.6 for Planning Board roles and responsibilities. Although many topics may be covered under NYS Consolidated Laws not all residents and applicants to the Planning Board know how or where to access this information nor is it linked to the the webpage for Town Code.

Strong concise well stated laws allow Duanesburg residents to understand the Planning Board's roles and responsibilities. Accuracy and transparency with official documents helps the Town avoid lawsuits. Please adopt bylaws to help protect the Board and the Town.

For your reference I'm submitting copies of Planning Board Bylaws for:
Town of Glen
Village of Lowville
Dutchess County

I hope this information helps that Board decide to adopt bylaws that may include:
specifying governing rules such as Roberts Rules of Orders; and
if the Agenda can be changed at a meeting by a majority vote.

13590 Duanesburg Road

At the September 19, 2019 meeting the Resolution for Eden Renewables was read. The Planning Board Attorney, Teresa Bakner, stated that demolition of this building within two months was a condition of the project. I do not understand why this was not transcribed into the final Resolution as posted on Town Hall bulletin board on September 20th. This lack of accuracy is reason enough that the Planning Board should video their meetings and post them on duanesburg.net.

As of today the building at 13590 Duanesburg Road is standing and remains a property maintenance violation. This structure is a hazard to my neighborhood and needs to be demolished.

RESULTS OF NOVEMBER 21, 2019 FOIL

The documents I received did not contain a Resolution for Onyx Solar Plant or a Resolution for RER Energy Solar Plant.

The absence of governing documents for multimillion dollar projects is concerning and possibly leaves the Town open to lawsuits during the projects 30 years life span:

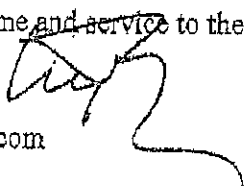
FOIL

Submitting a FOIL to be delivered to the Town Clerk.
Attachments for August 15, 2019 Planning Board Meeting; and
All documentation from Eden Renewables, Planning Board, Town Board for financial security of the project as outlined in the September 19, 2019 Resolution for Oak Hill Solar Item #4; and
any documents between Eden Renewables, Oak Hill Solar I LLC, Oak Hill Solar II LLC,
Richard Murray, The Planning Board and the Town of Duanesburg.

I wish you all Happy Holidays!

Thank you for your time and service to the Town.

Lynne Bruning
lynnebruning@gmail.com



PO Box 160
Quaker Street, NY 12141

Duanesburg Planning Board
5853 Western Turnpike
Duanesburg, NY 12056

January 16, 2020

Please include my letter in its entirety with the minutes for tonight's Planning Board Meeting.

Thank you for posting tonight's Agenda on the Town Website.

As of January 16, 2020 the most recent entry for Planning Board minutes is October 17, 2019.

At the January 9, 2020 Town Board meeting it was announced that for the first time all Planning Board members have an email address at the town website, duanesburg.net. Thank you. Effective communications methods between the residents and all Planning Board board members allows for correspondence to be easily documented in the official record. This is critical for documenting Town decisions.

Sensible Solar Summit is Wednesday January 22, 2020 from 4 - 8 PM.
Christ Church - 132 Duanesburg Churches Road, Duanesburg, NY 12056

Thank you for your time and service to the Town of Duanesburg.

Lynne Bruning
720-272-0956
lynnebruning@gmail.com

COPY

PO Box 160
Quaker Street, NY 12141

Planning Board
Town of Duaneburg
5853 Western Turnpike
Duaneburg, NY 12056

February 20, 2020

Please include my statement with the official record of tonight's minutes.

Referencing the September 19, 2019 Planning Board meeting for Oak Hill Solar 1 and Solar 2:
The Resolution and SEQR do not include Battery Storage or Community Solar requirements.
Resolution 2.f. Requests Eden Renewables provide updated planting agreement and maintenance agreement. Has the Planning Board received these updated documents?
Resolution 3.b. "The projects are located on parcels in excess of 97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 and 45.63 acres.
Environmental Design Partnership's drawing submitted to the Planning Board September 2019 have Lot 1 as 70.378 acres with 32.2 acres of solar coverage. Lot 2 at 70.353 acres with 30.0 acres of solar coverage.
August 6, 2019 Full Environmental Assessment Form E.1.b Increase of solar field by 65.2 acres.
Documentation of project acreage is not in alignment.

August 6, 2019 Full Environmental Assessment Form E.1.b Forested change of 0.24 acres.
December 4, 2019 a building permit was issued to Richard Murray for site work at Oak Hill Solar 1 and 2, specifically for tree clearing. The paperwork does not indicate a limitation of tree clearing to 0.24 acres as the applicant stated in the SEQR document. I request the building inspector add a limitation of 0.24 acres to tree clearing permit for 13590 Duaneburg Road.

The Planning Board did not request specifications for equipment to be installed at Oak Hill Solar 1 and Solar 2. Solar panel, inverter, DC converter, battery enclosure, and transformers are not specified. Due to current global health concerns and work shortages due to coronavirus I request

the Planning Board and Building Department be vigilant on the quality of equipment, especially the solar panels and the increased potential of back sheet defects. According to EAF Mapper Oak Hill Solar will be sited on 82.2 acres of wetland over Principal Aquifer. My water comes from a well and this project site has a 5-10% slope to the north east draining into both the Biggs and Rowland properties which already experience extreme stormwater runoff and flooding.

The Town Calendar does not include Planning Board Meetings. The most recent entry for a Planning Board meeting on the Town calendar is December 21, 2017.

The most recent entry for Legal and Public Notices is October 30, 2018. Attached screenshots. Thank you for posting tonight's meeting Agenda on the Town website on February 13, 2020 at 11:10AM.

Planning Board meeting minutes most recent entry is October 17, 2019. Open Meeting law requires board minutes be available within two weeks.

Planning Board minutes do not include a time and date stamp indicating when documents are uploaded or revised. Please see attached screen shot.

Planning Board minutes posted online do not include supplemental documents as discussed at the meeting. I request that the Planning Board post supplemental documents online.

Failure to notify residents of meetings, minutes, supporting documents, legal notices, public hearings, and special notices limits the residents full and free participation in the Town and Planning Board's decision making process.

I request that the Planning Board record all meetings and post the videos online. Town Hall Streams is used by many New York towns and villages.

January 9, 2020 the Town Board adopted a six month moratorium for major solar development. When will meetings to review the town's solar law begin?

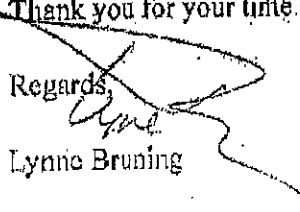
I request that this information be posted on the town website.

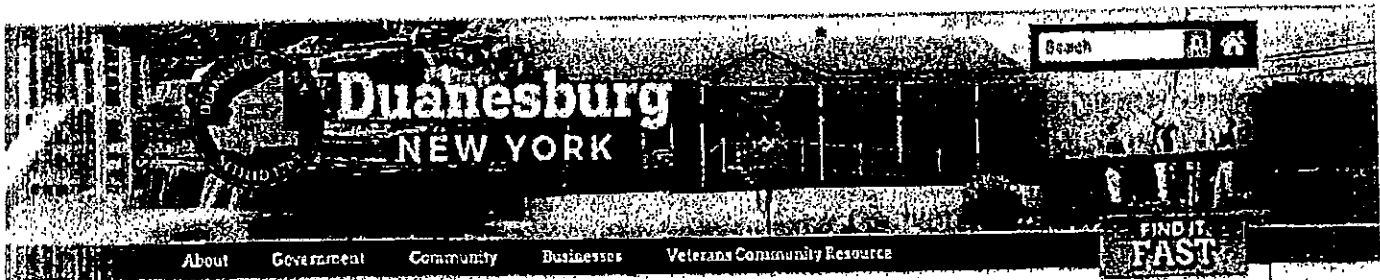
Please do not delay meeting to review and possibly revise the solar law.

Please include my statement and supporting documents in the official record of tonight's meeting.

Thank you for your time and attention.

Regards,


Lynn Bruning



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Public Hearing »
LEGAL NOTICE NOTICE OF PUBLIC HEARING TOWN BOARD TOWN OF DUANESBURG

Town Board Special Meetings »
The Town of Duanesburg Town Board will be holding two Special Meetings December 31, 2019 @ 7:00 p.m. at Duanesburg Town...

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 **Duanesburg**
NEW YORK

5653 Western Turnpike, Duanesburg, New York 11026 | Phone: (516) 895-8920
Hours: Monday - Friday: 8am to 4pm (Closed: 12pm to 1pm)
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Town of Duanesburg Board of
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Legal Notices and Public Notices

October 2018

- October 20, 2018 Public Hearing for C&M Agreement
- October 25, 2018 Public Hearing for Preliminary Budget and 11.4.7 of 2018
- October 25, 2018 Sewer District Association Fall Public Hearing
- October 4, 2018 Town Board Special Meeting

September 2018

- September 27, 2018 Special Town Board Meeting Budget Workshop
- September 27, 2018 Special Town Board Meeting
- Instructions for Spectrum Broadband cost aid in construction
- Seabold/Harlegation Public Notice
- Schaefer/RIS Drilling Public Notice

August 2018

- Dog Control Law Amendment
- Zoning Board of Appeals Public Hearing

July 2018

- Public Hearing on the proposed improvements to Marienville Lake Sewer District #2 pursuant to Town law 2012-b.

June 2018

- Hynes Major subdivision Public Hearing
- Harris Special Use Public Hearing

May 2018

Town Board Supplemental Board Resolution Legal Notice

Town Board Local Law #3 of 2018 Legal Notice

DK Capital Building Board Legal Notice

McDonough St. Building Board Legal Notice



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State
Environmental
Quality Review Act
(SEQR) Forms

February 20, 2020

SUBMITTED ON FEBRUARY 13, 2020 - 11:10AM

REVISED ON FEBRUARY 13, 2020 - 11:11AM

Upload file:

february.pdf

Contact Info

Date: Thursday, February 20, 2020 - 7:00pm

Phone:

(518) 895-8920

Address:

Planning Board

5853 Western

Turnpike

Duaneburg, NY

12056

United States

See map: Google

Maps



Duaneburg
NEW YORK



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2019 Planning Board Meeting Minutes

October 17, 2019

October 17, 2019

September 19, 2019

September 19, 2019

August 15, 2019

August 15, 2019

July 18, 2019

July 18, 2019

June 20, 2019

June 20, 2019

May 16, 2019

May 16, 2019

*TIME/DATE STAMP
WHEN FILE WAS
UPLOADED IS
OMITTED*

*CLICKING ON LINK
DIRECTS TO PDF
OF MINUTES*



ORIGINAL

PO Box 160
Quaker Street, NY 12141

Planning Board
Town of Duaneburg
5853 Western Turnpike
Duaneburg, NY 12056

May 21, 2020

Re: Eden Renewables Oak Hill seeding plan

Dear Chairman Sexton and members of the Planning Board;

Please include my statement and supporting documents in the permanent online record of tonight's meeting minutes.

1. July 31, 2019 Eden Renewables hosted a public information meeting for Oak Hill Solar 1 & 2. On or about August 5, 2019 Eden submitted meeting documentation to the Planning Board, specifically Question and Answers #41 *"We will be seeding nearly 80 acres of land with wild flowers to create pollinator-friendly habitats, which will be ample to support our beehives and those nearby."* Exhibit A

July and August 2019 Public Hearings Eden Renewables presented Oak Hill Solar 1 & 2 to the residents and board as pollinator friendly.

September 5, 2019 Environmental Design Partnership letter to Planning Board page 2 paragraph 4 *"As previously noted, the Applicant plans to create a biodiverse, wildflower abundant habitat for pollinators and other wildlife, restoring organic process."* Exhibit B

September 19, 2019 Town of Duaneburg Planning Board approved Oak Hill Solar 1 & 2 Site Plan Sheets 1 - 11. Site Plan Sheet 9 Additional Erosion Controls and Grading Notes *"3. Seed shall be commercially available perennial rye and utility grade fescue. Percentage of perennial rye shall not exceed 50%"* Exhibit C



ORIGINAL

Planning Board's approval of seeding in not alignment with the pollinator friendly landscape as Eden Renewables marketed, presented and promised.

What can be done to bring the Project into alignment with what the Planning Board and the residents were told for a pollinator friendly wildflower diverse seeding and maintenance plan restoring the organic process?

2. Eden Renewables presented to residents and the board a maintenance plan for vegetation within the array accomplished by sheep grazing. Exhibit A #4. Additionally, September 19, 2019 the Planning Board approved Resolution for Oak Hill Solar 1 & 2 that states maintenance of array will be done by sheep grazing. **How will Eden Renewables seeding plan for rye and fescue be maintained by sheep grazing around tracking panels with above grade wiring? Will owner/operator be allowed to maintain entire property with herbicides?** Environmental Design Partnership August 8, 2019 Above Ground Wiring Details Sheet 1 and 2 obtained thru Freedom of Information request to Department of Conservation. Exhibit D

I look forward to your reply at lynnebruning@gmail.com.

Thank you for your time and consideration.

Regards,

Lynne Bruning
lynnebruning@gmail.com
720-272-0956



ORIGINAL

EXHIBIT

A

Oak Hill Solar Farms Q&A

Introduction

Eden Renewables is committed to bringing community solar farms to households and small businesses across NY. Our low-cost, natural power is designed to have a positive impact on the local environment and communities, while enabling the transition from fossil fuels to clean, renewable energy.

Eden was founded in 2017 and is an offshoot of the award-winning UK solar developer, Solstice Renewables, which was known for its unique, ethical approach, putting communities at the heart of its solar developments.

We are proposing to develop two solar farms adjacent to each other at Oak Hill (7.5 MW each) which will generate enough clean power for about 2,450 homes.

We are also developing six additional community solar farms in the Capital Region, with a number of other projects in the pipeline.

Questions Material to the Determination of the Planning Application:

1. Will there be any toxic materials on site? Are the materials solar arrays made out of toxic?

Solar panels use inert materials found at every building site including silicon (glass), silicon wafers (PV cells), aluminum (frame) and copper (wiring).

Standard low and medium-voltage copper and aluminum electrical wiring is used on site.

The solar inverters on site are power conditioning units used to convert the DC electricity from the solar modules to AC power for export to the utility grid. They are composed mostly of switches and circuitry, with similar materials negligible toxic materials.

The containerized Energy Storage System (ESS) incorporates lithium-ion batteries, power electronics, inverters, control and monitoring systems and fire detection, prevention and suppression systems. The Lithium-ion batteries are designed to be recycled at the end of their 10-15 year lifespan. Recycling rates for lithium-ion batteries are improving dramatically for example Canada-based recycler LI-Cycle argues that 100% recycling rates are achievable for lithium batteries of many types.

All equipment used in the solar farm is UL listed as required, and all electrical systems conform to National Fire Protection Association (NFPA) National Electric Code. United

Laboratories is a testing agency which develops standards that electrical equipment industry must comply.

2. **Will the water supply be contaminated by herbicides used to control vegetation? Will pesticides be used? If so what types? If pesticides are ever used, do herbicide control plans need to be filed with the town? What, if any, water pollution may be created if chemical weed control practices are implemented?**

Our plans are to create a biodiverse, wildflower abundant habitat for pollinators and other wildlife, restoring organic processes. That means avoiding chemical pesticides wherever possible. If any pesticides are occasionally required (for example to control an invasive species like Japanese Knotweed) they will be applied in accordance with all rules and regulations, avoiding nearby bodies of water.

3. **On what date did New York State Environmental Quality Review Act (SEQRA) begin?**

The Applicant submitted a draft SEQRA Long Environmental Assessment Form to the Planning Board with their initial application on May 7, 2018. The Town of Duanesburg Planning Board declared themselves as Lead Agency and initiated coordinated review during their July 19, 2018 Planning Board Meeting.

4. **How will you prevent sheep from eating the wild flowers as well as the grass?**

The sheep are not present all year round. They will graze on site during the autumn, after the wild flowers have set seed. The New York State Department of Environmental Conservation recognizes the use of domestic livestock like sheep and goats for conservation grazing as a sustainable alternative to herbicide or mowing for vegetation control. <https://www.dec.ny.gov/lands/86641.html>

5. **Describe projects Eden has successfully completed. Names and locations of projects? What are the results from those projects?**

Eden team members were responsible for the following solar developments: Harry and Giovanni developed 30 solar farms throughout the UK, totalling 275 MW, between 2011 and 2017, 13 of these totalling 118MW through Solstice Renewables, with project names and locations detailed here:

<http://www.solsticerenewables.com/project-location-map/>.

They also developed tens of smaller commercial solar ground and roof projects for farmers and commercial property owners all across the UK.

Gillian developed 4 large ground and roof solar projects totalling 6.7MW for K-12 School Districts and Higher Education in upstate NY between 2013-2018, as well as numerous further roofs for school districts totalling another approx 5 MW. Prior to that he

developed many residential and small commercial systems on houses, businesses and farms in NY, CT, MD, DC, VA. All of Gillian's projects are performing well.

The Solstice UK projects are performing well in terms of energy generation, and our regular ecological surveys show a substantial improvement in biodiversity – both in variations and numbers of species – across the portfolio.

All of these sites are extremely well screened, are not visible from public locations, and have been popular with local residents and the town authorities. They have also provided the town authorities with excellent annual funds.

Solstice's leading biodiversity work led to site visits from US not for profits and Tim Echols, Vice - Chairman of the Georgia Public Service Commissioning.

The work was then used as the basis of the 'pollinator friendly program' in the US. Rob Davis of Fresh Energy: "In 2016 Minnesota legislators unanimously adopted the nation's first standard for pollinator-friendly solar. Creation of this standard significantly benefited from input and lessons learned by Solstice Renewables and its vegetation consultant Guy Parker. Pollinator-friendly solar standards following the Minnesota model have been adapted to more than a dozen states and adopted into law by MN, MD, IL, SC, VT, NY, MI, and MO. This work throughout the US meaningfully benefited from scientists and stakeholders seeing the videos and photos of Solstice Renewables' successful establishment of flowering habitats on solar farms in the United Kingdom."

6. Who will care for the sheep?

The farmer who uses the site for grazing will care for his own sheep. We are in discussions with several local livestock owners that are interested in using the site.

7. How many short-term jobs will this project create? Long term jobs?

The key phases of the project are: Project Development and Permitting, Design and Pre-construction, Construction, Commissioning and Operations and Maintenance. Please see below for skilled and unskilled jobs generated by each phase.

Project Development and Permitting: Eden currently employs 7 people full-time in upstate NY, one from the Duaneburg area. We also provide indirect employment to approximately 10 full time equivalent employees in our legal, surveying, ecology, technical sub-contractors all in the upstate NY region.

Construction and Commissioning: This phase lasts 3 to 9 months and requires 12-20 skilled people and a further 50-100 unskilled people.

Operations and Maintenance for the 30 year life of the projects: The park is monitored remotely and maintained by local contractors:

- Services provided remotely or by Eden in Troy, NY: remote monitoring for faults, management of the asset including managing the Operations & Maintenance contractor and local subcontractors; and administration of community subscribers. Estimate 1-2 FTE.
- Local businesses benefit from the following service provisions: landscaping maintenance, electrical maintenance, CCTV maintenance, general maintenance including snow removal and panel cleaning, administration of community and school visits. The extensive ecological management and monitoring programme employs professional wildlife biologists as well as providing ecology students with excellent training and real world data gathering experiences. There is also the potential for beekeepers and sheep farmers to benefit from some extra work. Estimate 1 skilled and 1 unskilled FTE.

Our intention is to contract as many of these roles as possible from the local communities. We have designed our parks with slightly more expensive, smaller 'string' inverters instead of larger 'central' inverters to further increase the amount of local maintenance.

Eden is developing a portfolio of projects in the Capital region that will need to be constructed over the next 1-5 years. Many of the project-related roles that have been described here will be transferred to other projects in our portfolio as we build a skilled workforce to work on developing, designing, constructing, commissioning and maintaining our projects over the next several years. There is therefore a great opportunity for good local service providers to grow with us across the region.

Overall, the solar industry in the US has contributed over 242,000 jobs in the US as of 2018. New York State ranks fourth for solar jobs overall:
<https://www.thesolarfoundation.org/solar-jobs-census/factsheet-2018-ny/>.

8. **How many permanent jobs will Oak Hill Solar Farm generate for Duanesburg residents?**

See question 7

9. **Why was tree clearing occurring in 2018?**

The landowner performed brush hogging as part of his farm management activity.

10. **Will there be a new full EAF to ID productive soil profiles that exist on the property?**

Question E.3.b of the EAF asks about the presence of agricultural land consisting of highly productive soils. The original EAF provided a response of "no" to this question based on the landowner's actual experience farming the land. However, in review of guidance provided on the New York State Department of Environmental Conservation website relative to answering Question E.3.b we note that the site does include soil groups, as noted below, identified by the USDA County Soil Survey as potentially highly productive. Therefore, we have provided a revised EAF with the response to Question E.3.b answered as "yes".

In terms of assessing the impact of this project, the landowner notes that the topography of the site, lack of drainage and associated wetlands renders the land as not highly productive farmland. In fact, the landowner has had failed crops as a result of these factors leading to an insurance claim. Given the lack of drainage, wetlands and landowner's experience with failed crops we would suggest that the impact of this project relative to loss of farming activities will be minimal.

For reference, the USDA County Soil Survey identifies soils groups BvB, BvC and IIA (Burdett-Scriba channery silt loams, 3 to 8 percent slopes, Burdett-Scriba channery silt loams, 8 to 15 percent slopes, and Illion silt loam, 0 to 3 percent slopes) as present on the site.

USDA SOIL REPORT – PRIME AND OTHER FARMLANDLANDS

<i>Map Symbol</i>	<i>Map Unit Name</i>	<i>Farmland Classification</i>
<i>BvB</i>	<i>Burdett-Scriba channery silt loams, 3 to 8 percent slopes</i>	<i>Prime farmland if drained</i>
<i>BvC</i>	<i>Burdett-Scriba channery silt loams, 8 to 15 percent slopes</i>	<i>Farmland of statewide importance</i>
<i>IIA</i>	<i>Illion silt loam, 0 to 3 percent slopes</i>	<i>Farmland of statewide importance</i>

See included letter from Landowner

11. Is there a 10-year moratorium on land use after solar projects are decommissioned?

No, the land will be more fertile at the end of the solar farm's expected lifespan due to the organic processes restoring the soils.

- 12. Will the Decommission Plan provide enough money to cover clean up at the end, and is it accurate?**

The Decommissioning Plan accounts for all costs associated with dismantling the solar farm. Our estimates follow the NYSDERDA Decommissioning Solar Panel Systems guidance created for local governments and landowners, and so are as accurate as this can be. Additionally, nearly 99% of the solar farm is comprised of glass, silica, aluminium, steel, copper and plastic which are largely recyclable with a good salvage value.

- 13. Why does the decommissioning plan only include a total of 10 acres?**

The 10 acres is in reference to the amount of reseeded that would be required after decommissioning. The decommissioning plan covers the entire solar park area. However, due to the limited ground impact during the decommissioning process, reseeded is generally only required on areas covered by the access track, transformer pads and locations of high decommissioning traffic.

- 14. How do we know the estimated decommissioning escrow will cover the actual cost of removal and remediation based on future costs?**

The future remediation costs could go up or down over the 30 year life of the solar farm. The decommissioning costs will be periodically reevaluated by a licensed professional engineer to ensure the decommissioning escrow is in line with costs at that time. It is important to note that, to be conservative, the decommissioning escrow calculation only takes account of the costs and does not account for the salvage value of materials. In fact the salvage value of materials is currently significantly higher than the decommissioning costs, which gives further reason for comfort that between the escrow and salvage value there is more than sufficient money for full reinstatement.

- 15. Who completes the decommissioning? Who is responsible to have old solar arrays removed, repaired or replaced?**

The owner of the solar park is responsible for maintaining the solar farm during its life and for removing the equipment at the end of its life. This requirement will be in a legally-binding contract with the town.

- 16. How is the site prepared?**

There are no special measures, outside of typical construction methods, necessary in the preparation of the site. The Contractor will initially install New York State

Department of Environmental Conservation Stormwater Pollution Prevention Plan for erosion and sediment controls followed by improvements to the access road and installation of the solar farm components. Other than minimal placement of concrete associated with the equipment pads, as depicted on the site plans, the solar farm components are largely installed by driving posts or other supporting framework into the subsoil. Upon the completion of construction and adequate stabilization of construction, the related erosion and sediment control measures will be removed.

17. Will this require an expansion or upgrade to the existing Power Station (located on Alexander Road)?

The Delaneseon substation located on Alexander Road has already been upgraded to connect the existing solar farm on the same road. There is a requirement for a minor upgrade to the feeder that connects these solar farms to the substation and that cost will be paid by Eden Renewables. No further upgrades will be required. The local grid improvements paid for by the solar farm benefit the local community by a strengthened grid with higher capacity.

18. Will the closest power station need to be redeveloped, considering the increased load?

See question 17

19. Who shoulders the financial responsibility?

See question 17

20. Or is the existing infrastructure enough to meet the needs of the project?

See question 17

22. Are there wetlands located in the project area?

Yes there are Federal meadow wetlands as indicated by the site plan maps already submitted to the Planning Board. The sites have been carefully designed to minimise disturbance to the wetlands in accordance with criteria set out by the U.S. Army Corp of Engineers (ACOE), who regulate Federal wetlands.

23. Will evergreen screening be installed?

At this stage the Planning Board has recognised that the solar farms are already well screened and have not requested any additional landscaping. We were asked by the Planning Board to take some images from the solar farms towards the two households

on the south and east boundary of the proposed solar farm area. The map and images were submitted on June 6, 2019 and discussed during the Planning Board on June 20, 2019. Those images show the properties were not visible from the solar farm.

Questions not material to the determination of the Planning Application

24. Is there an expectation that the panels will recoup the energy spent manufacturing and installing them?

The energy payback periods for solar farms have reduced significantly over time and current best calculations put it at less than one year of their expected 25-40 year life. (<https://www.nature.com/articles/ncomms13728>)

25. Is the cost of the equipment including transportation to the site, labor, and all other associated costs, without the NYS rebate, a positive cash flow in terms of the electricity created?

Yes

26. Total cost of project without NYS financial input?

Approximately \$15m per 7.5MW park, based on NYSERDA's estimated costs.

https://www.nyserda.ny.gov/All-Programs/Programs/NY-Sun/Solar-for-Your-Business/How-to-Go-Solar/~/_/link.aspx?_id=3EDA16BA368B4EA1AC337CF902023F94&z=z

27. What is the benefit to the Town?

A. The solar farms are community solar farms. This means that the local community will be able to purchase green credits from them to offset their National Grid electricity bills. Any resident that subscribes to the solar farm will receive an annual discount of 10% of their National Grid bill for each year that they subscribe for the life of the solar farms. Residents will also have access to clean, green solar electricity, reducing their energy bills – so freeing up cash to spend in the local economy - and without needing to install panels on their own property.

B. The total number of households in Duaneburg, Delanson and Esperance is 3,068 according to the most recent census data. The solar farms will generate enough electricity to power 2,450 homes annually, equivalent to 80% of the households in those three towns. If all households signed up this could generate savings for the community of approximately \$200,000 every year for 25 years.

C. Any household in the capital district is eligible to subscribe to the solar farms; however, we are committed to giving the local community priority to benefit from these projects.

D. We are working with the Town and the School District to agree a 15-year PILOT that will significantly increase the taxes paid from this land. (On our UK projects we voluntarily offered each host community an annual community fund- the concept of property taxes does not exist in the UK.)

E. We have met with Duanesburg School District to discuss developing an education fund to help integrate the solar farms into the STEM curriculum, provide field trips to solar farm, and for independent research projects

F. Each solar farm will also provide an annual college scholarship to a graduating senior that is planning to pursue a degree in green or clean energy STEM.

G. The environmental benefits are wider than just green energy generation. Our solar farms create wildflower meadows under and around the panels, providing a habitat rich in pollen and nectar, enabling a strong local pollinator population to thrive for the lifetime of the farm and supporting local agriculture.

28. How will this project support the greater Duanesburg community? How does the town benefit?

See Question 27

29. Is this solar farm exempt from paying taxes? If so, how does the payment in lieu of taxes work?

See question 27

30. Why are we doing this? What's in it for "us"?

See question 27

31. How long will Eden own this operation?

The construction financing of these projects is generally comprised of a mix of debt and equity investors. Such renewable energy assets often end up in the ownership of life insurance or retirement funds due to the long term, low risk, low return cash flow profile which matches their own obligations. Eden will continue to have an interest in the solar farms through construction and possibly into operations.

32. What happens when potential new owners purchase Solar fields?

They will be legally required to take on all the obligations of the site, including community benefit payments and biodiversity implementation and maintenance.

33. Is the project cost efficient for Duaneburg? Albany 180 days of full or partial sun; 4.7 peak hours of sun per day.

Yes, we would not be proposing to build a community solar farm in the area if we were not satisfied that the irradiation levels in the area are sufficient for cost-effective solar energy generation. The irradiance for this part of New York is higher than the irradiance in the United Kingdom. The UK has installed over 10 GW of solar farms and is now just beginning to install solar farms without any incentives whatsoever. It is important to remember that direct sunlight is not required for the solar farms to produce electricity, and our plans also include installing storage on site. Notably, the peak demand for this part of NYS happens to be in the summer months which the peak production months for solar farms.

34. How much will this proposed project pay to the Town of Duaneburg for property taxes?

Currently, Eden Renewables is having discussions with the Town and the Duaneburg School District. Once the negotiations are complete the amounts will be made public, as both taxing entities will have to present them to their respective boards for approval. The final amount will be higher than the current amount paid in property taxes.

35. What tax incentives did the Town of Duaneburg and the State of New York give to the developer? And what incentives to the property owner?

Eden Renewables has not received any direct tax incentives from the Town nor the State of New York. Generally, NY State has passed a law making all solar projects of any size between 1 kw and upwards exempt from property taxes. As part of this law (RPTL 487) Eden was required to write to each tax authority: Town, School, and County informing them that we intend to build a solar farm. The entities have 60 days to let us know if they want to negotiate a Payment In Lieu of Taxes (PILOT). Both the Town and School confirmed that they wanted to discuss a PILOT. The county opted out in order to make more of the PILOT available for the local host community. The landowner does not receive any direct tax incentives from the Town or the State.

36. How will this project affect property values? One resident claims Century 21 has determined it will decrease neighboring property values.

As the site will be well screened from neighbouring properties there is no reason to expect that property values will be negatively affected.

37. Why wasn't the neighboring community made aware of this project prior to being notified by the planning board on June 11?

On Tuesday, August 7, 2018 between 4:00 pm – 8:00 pm at the Duanesburg Ambulance Corps, 30 Cole Road, Delanson, NY 12053 we hosted a public open house event. We sent event invitations by mail to approximately 2,000 addresses covering Duanesburg and Delanson using a US Postal Service's Every Door Direct Mail. We purchased a quarter page advert in the Daily Gazette, July 27th weekend issue and posted 5 flyers around the community in high traffic locations like Stewart's, the YMCA, the Post Office, and the Duanesburg Diner. The event was attended by 40 people, and numerous residents contacted us following the event with further questions and comments.

We apologise that a small number of residents did not receive an invitation due to errors in our mailing program. Firstly, there is a zip code that covers 17 addresses for Quaker Street, which was inadvertently overlooked inside the zip code for Duanesburg. One of the residents adjacent to the solar farm project uses a PO Box address at Quaker Street for their post. Another adjacent land owner lives in Connecticut and does not have a house so our mailing program could not reach them. We also missed some residents that live on Oak Hill Road and Schoonmaker Road. They live in Esperance which was mistakenly not included in our mailing as the town center is nearly 2 miles from the site.

We use multiple media sources to advertise our Open Houses just in case there are mailing errors such as this. We have tightened our mailing policies and processes as a result including asking the US Postal Service if there are any unique zip codes within the larger zip code area.

Please see the included 2018, 2019 marketing material, exhibition boards and event summaries.

38. Is this solar farm exempt from paying taxes? If so, how does the payment in lieu of taxes work?

See question 34 and 35

39. Why are we doing this? What's in it for "us"?

See question 27

40. Since the solar farm is land-locked by private property how will the Town of Duanesburg inspect the site for possible infractions of promises re plantings, fences, etc. without trespassing?

The solar farms are not landlocked by private property. The parcel being used for the solar farms is 140 acres and it has nearly 1050 feet of road frontage on the north side of Route 7. The parcel has an existing farm track that traverses nearly ½ mile north from Route 7 into the northern part of the proposed solar farms.

41. Will beekeeping consider the concerns of other local beekeepers? It was mentioned one beekeeper maintains a 5-mile radius away from another bee keeping businesses / apiary.

An acre of pollinator habitat will support 2 bee hives. We will be seeding nearly 80 acres of land with wild flowers to create pollinator-friendly habitats, which will be ample to support our beehives and those nearby. Sometimes if there is not enough pollinator habitat within a 5-mile radius of an apiary that can create competition among the bees for pollen; however, that generally does not cause a hive to collapse because bees have the ability to fly long distances and it is not uncommon for them to cover 5 - 5,000 square miles. Typically we will be placing 10-20 hives at our project which should easily be sustained by the large area which will be sown with wild flowers.



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900 Route 140 Quilon Park, NY 12008
(P) 518.371.7821 (F) 518.371.9540 edplp.com

September 5, 2019

Mr. Phillip Sexton
Planning Board Chairman

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Town of Duanesburg
Planning and Zoning Office
5853 Western Turnpike
Duanesburg, NY 12056

Regarding: Eden Renewables
Oak Hill Solar Projects 1 & 2
Duanesburg Road

Dear Mr. Sexton:

The Oak Hill Solar Projects 1 & 2 last appeared before the Town of Duanesburg Planning Board during your August 16, 2019 meeting at which time the Public Hearing was closed. During the Public Hearing the Planning Board received written comments which were subsequently forwarded to the applicant by Mr. Dale Warner. On behalf of the Applicant, EDP has reviewed the written comments and offers the following relative to questions and comments raised within these written comments that are under the purview of the Planning Board.

We note that a revised Site Plan has been enclosed which includes the addition of a Planting Plan as discussed below relative to visual screening. Other than the addition of the Planting Plan, Sheet 11, the Site Plan remains the same that the Planning Board previously reviewed.

Letter from the Otsego County Conservation Association, Inc. dated August 15, 2019

Relative to Part E.1.b of the EAF relative to land cover type. The applicant submitted an initial draft Part 1 EAF with the initial submittal to the Planning Board on May 7, 2018. Since that initial submittal the proposed project layout was modified at least five times during the Site Plan review process. As a result the land cover types also changed. The Applicant offered a revised EAF with their August 5, 2019 submittal that includes an update to the land cover type table reflecting the final Site Plan configuration. The Final Site Plan and EAF accurately reflects a changed in Forested land cover type from 24.98 acres to 24.74 acres or a loss of only 0.24 acres.

Relative to the visual impact and deciduous nature of vegetation on the eastern boundary of the adjacent properties (13392 and 13358 Duanesburg Road). The applicant has prepared a Supplemental Visual Impact Assessment (attached) relative to the visual impact of the project from these two properties. The Supplemental Visual Impact Assessment supports the previous conclusion that the existing residences will be adequately screened by a combination of existing vegetation, distance and topography such that the proposed solar array will not be visible. See response to visual screening requirements on Page 2 of this letter for additional information.

Relative to the Planning Board's June 20, 2019 action on SEQRA. After careful consideration of the SEQRA Long EAF, the Planning Board, with advice from their legal counsel, issued a SEQRA Negative Declaration on June 20, 2019.

Mr. Phillip Sexton
September 8, 2019

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Relative to the Planning Board's requirement to take a hard look at the environmental impacts of the proposed project. The Planning Board, with advice from their legal counsel, conducted a detailed review of the proposed project's environmental impacts and issued a SEQRA Negative Declaration.

Relative to clarification of future expansion plans. The Applicant has no plans for future expansion of the proposed solar farm.

Letter from Mr. Wallace E. Johnson dated August 1, 2019

Relative to Stormwater Runoff from the project. The proposed project has been designed in compliance with New York State Department of Environmental Conservation requirements and guidelines relative to stormwater runoff. The Town Designated Engineer has reviewed the applicability of stormwater design requirements and guidelines and determined that the proposed project is in compliance with the same.

Relative to herbicide usage. As previously noted, the Applicant plans to create a biodiverse, wildflower abundant habitat for pollinators and other wildlife, restoring organic processes. That means avoiding chemical pesticides wherever possible. If any pesticides are occasionally required (for example to control an invasive species like Japanese Knotweed) they will be applied in accordance with all rules and regulations.

Relative to visual screening. The Applicant has complied with all required setbacks, including a 100 ft buffer around the perimeter of the solar farm, and all other zoning requirements. Pursuant to Section 4, paragraph 3.e of the Town of Duaneburg Solar Energy Facilities Law, the Planning Board may require evergreen tree planting to screen portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas. The Code does not unilaterally require evergreen screening regardless of the situation. The Applicant has provided a Supplemental Visual Impact Assessment supporting the conclusion that the proposed solar array will be adequately screened from neighboring residences.

Although the Supplemental Visual Impact Assessment concludes that the proposed solar array will be adequately screened from neighboring residences, the Applicant understands through discussions with Ms. Bakner (Attorney for the Planning Board) that the Planning Board may wish to consider additional evergreen screening. It is the Applicant's understanding that the additional screening under consideration would include evergreen tree planting on the Applicant's property to screen visibility of the solar array from neighboring residences if all existing vegetation between the neighboring residence and the property line were removed. This potential screening situation applies only to the Biggs residence (13388 Duaneburg Road) east of the solar farm as all other neighboring residences are screened either by existing topography or vegetation on property controlled by the Applicant. Please see attached Planting Plan.

The Applicant has provided the Planning Board with a revised Site Plan which includes a Planting Plan depicting the view limits of the solar array from the neighboring Biggs residence and a potential evergreen tree screening consisting of 107 western arborvitae trees installed along a 1,375 +/- ft length of the eastern property line within the view limits.

While the Applicant has provided the Planting Plan as requested, the Applicant maintains that the evergreen screening is entirely unnecessary, as supported by the Supplemental Visual Impact Assessment, and will

Mr. Phillip Sexton
September 6, 2019



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result in an extra project expenditure that will reduce the cost effectiveness of the clean energy brought to market by the proposed solar farm. As supported by the Supplemental Visual Impact Assessment, the proposed solar array would only be visible from the Biggs residence if a substantial stand of existing evergreen and deciduous vegetation were removed from the Biggs residence. Based on the expressed desire of the owners of this property to maintain their privacy, the removal of any existing vegetation would appear to be extremely unlikely. Furthermore, the 100 ft buffer provided between the solar array and the property line will be left in a natural state with existing and new vegetation able to mature thereby enhancing the available screening.

Notwithstanding the above, the Applicant is willing to provide the evergreen screening as depicted on the enclosed Planting Plan. If the Planning Board continues to believe the evergreen screening is necessary, the Applicant would ask the Planning Board to consider establishing an escrow account, or similar means of financial security, such that the evergreen screening could be installed at a later date if and when it was deemed necessary.

Letter from Ms. Biggs dated August 16, 2019

Relative to construction noise. The Applicant will comply with the Town's Solar Law relative to limiting noise at the property line. Enforcement of the Town's Zoning Ordinance will be provided by the Town's Zoning Code Enforcement Officer.

Relative to screening. As noted, the applicant has provided the Planning Board with a documentation to illustrate that the solar farm will be adequately screened from the existing roadway and neighboring residences by the existing vegetation and topography of the site.

Letter from Ms. Bruning dated August 16, 2019

Relative to the Applicant's marketing plan versus Site Plan under review by the Planning Board. Several of the comments in Ms. Bruning's letter are related to a conceptual landscaping and habitat creation plan. The Applicant has provided a Site Plan in accordance with the Town of Ouananetown Site Plan Review requirements. The conceptual plan referenced by Mr. Bruning during her presentation and in her letter is just that, a conceptual plan and is not part of the formal Site Plan under consideration by the Planning Board. The Site Plan under consideration by the Planning Board has been reviewed by the Town's Code Enforcement Officer and Town Designated Engineer for compliance with the requirements of the Town's Zoning Code.

Relative to the location of neighboring residences. The Site Plan submitted to the Planning Board accurately depicts the location of neighboring residences.

Regarding presence of wetlands. The Site Plan submitted to the Plan Board includes a complete wetland delineation and the Applicant is the process of working with the Army Corps of Engineers to obtain any necessary permits.

Regarding evergreen screening. See above.

Regarding confirmation of Nation Grid acceptance. The Applicant has included National Grid's Coordinated

Mr. Phillip Sexton
September 5, 2019



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Electrical System Interconnection Review (CESIR) for Oakhill Solar 1 & 2

Regarding financial plan and demonstration of adequate funding. The Applicant has previously provided to the Planning Board all requirements of the Site Plan application process.

In addition to the above comments, the Applicant has included an updated Decommissioning Plan which includes a step by step removal process, additional decommissioning costs, and recycling details.

Please do not hesitate to contact our office if you have any questions or require additional information.

Sincerely,

Travis J. Mitchell, P.E.
Environmental Design Partnership

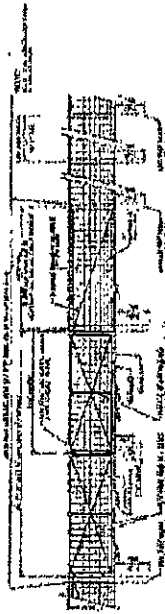
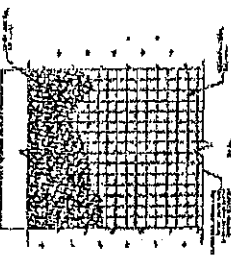
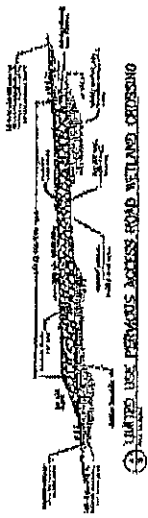
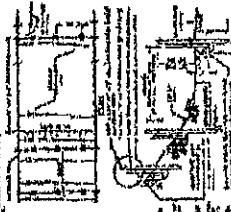
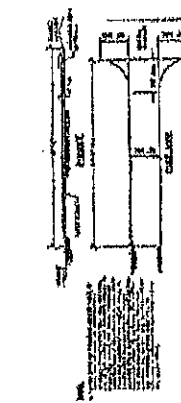
cc: Giovanni Maruca, Applicant (via email)
Doug Cole, Prima AB (via email)



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1. The first step in the process of the investigation is to identify the problem or issue that needs to be addressed. This involves gathering information about the situation and determining the scope of the investigation.

2. Once the problem is identified, the next step is to develop a plan of action. This plan should outline the objectives of the investigation, the methods to be used, and the timeline for completion.

3. The third step is to collect data. This involves gathering information from various sources, including interviews, observations, and documents. The data should be organized and analyzed to identify patterns and trends.

4. The fourth step is to interpret the data. This involves drawing conclusions from the data and identifying the causes of the problem. It is important to consider alternative explanations and to be open to new information.

5. The final step is to report the findings. This involves writing a report that summarizes the results of the investigation and provides recommendations for action. The report should be clear, concise, and easy to understand.

6. The investigation process is ongoing and iterative. As new information is gathered, the plan of action may need to be revised. It is important to remain flexible and adaptable throughout the process.

7. The investigation process is a collaborative effort. It involves working with a team of experts and stakeholders to gather information and develop solutions. Communication and teamwork are essential for a successful investigation.

8. The investigation process is a learning experience. It provides an opportunity to gain new insights and knowledge about the problem and the organization. The findings of the investigation can be used to improve processes and prevent future problems.

9. The investigation process is a critical part of the organization's operations. It helps to identify and solve problems, improve performance, and ensure the organization is meeting its goals. It is a key component of the organization's quality management system.


10. The investigation process is a continuous cycle. It is not a one-time event, but an ongoing process that evolves as the organization's needs and challenges change. It is a key part of the organization's culture and values.



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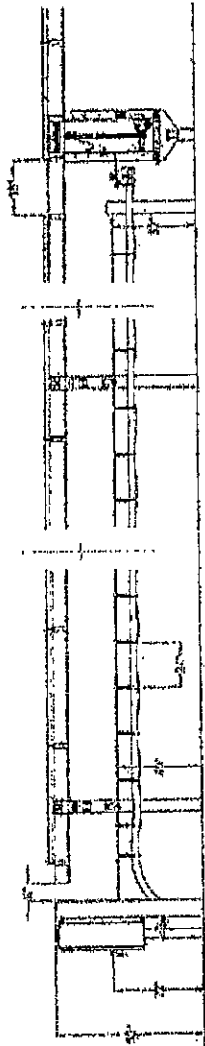
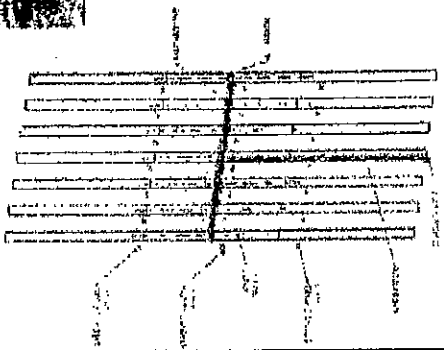
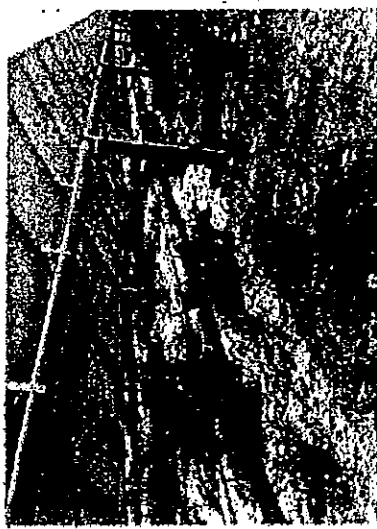
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		SOLAR FARM DETAILS FOR OAK HILL SOLAR		13680 DUANESBURG RD TOWN OF DUANESBURG SCHENECTADY COUNTY TAX MAP, NO. 74.00-2-5 AUGUST 8, 2019	
ENVIRONMENTAL DESIGN PARTNERSHIP, LLC 1400 N. 14th St., Suite 200 Albany, NY 12207 (518) 867-1234 Fax: (518) 867-1235		13680 DUANESBURG RD TOWN OF DUANESBURG SCHENECTADY COUNTY TAX MAP, NO. 74.00-2-5 AUGUST 8, 2019		SCALE: AS NOTED SHEET TITLE: ABOVE GROUND WIRING DETAILS SHEET NO. 2 of 2	

CAB SYSTEM ELEVATIONS	
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PLUG N PLAY NORTH TO SOUTH DETAIL (BY OTHERS)



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AUG 27 2019
NY STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
Schenectady County

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

Town of Duanesburg
Planning Board Minutes
October 17th, 2019
Final Copy

MEMBERS PRESENT: Phillip Sexton Chairman, Jeffery Schmitt Vice Chairman, Elizabeth Novak, Martin Williams, Thomas Rulison and Michael Harris. Also, in attending Dale Warner Town Planner, and Melissa Deffer Clerk.

INTRODUCTION: Chairman Phillip Sexton opened the meeting at 7:00pm. Phillip welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM: Chairman Sexton opened the forum at 7:01

Bruce O'Day of 5394 Western Turnpike wanted to state on the record that he is supporting the Andrew Lucks application.

Lynn Bruning located at 13388 Duanesburg Rd wanted to know what the status of the Comprehensive Plan?

Chairman Sexton explained to Lynn that they have been working on the Plan for just over a year now and how in the near future he will be asking the public for comments.

Harris/Rulison made the motion to close the open forum at 7:07.

Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Sexton yes. **Approved.**

SKETCH PLAN REVIEW:

PUBLIC HEARINGS:

#19-13 Lucks Andrew: SBL#66.00-3-4.1, (H) located at 5456 Western Turnpike is seeking a Special Use Permit for a retail business under the Town of Duanesburg Zoning Ordinance

adopted 6/11/15 under section 9.4.(15). Andrew Lucks gave his presentation to the board. Andrew is looking to relocate his business Outlander Survival from 6721 Duaneburg Rd to 5456 Western Turnpike. They will be in the same zone as they are in now. Andrew explained to the public how he will upgrade the building with security Systems and bars on all doors and windows (as a smash and grab is one of their main concerns), fix the parking lot and eventually reface the building. All lights on the building will be down cast with some solar lights around the driveway. Andrew is leasing for now from Bruce O'Day who will be going to have the property subdivided. Once the property is subdivided Andrew will be purchasing.

Cheryl Schrade 1619 Eaton Corners Rd asked Andrew if they will be test firing guns on the property. Andrew explained to Mrs. Schrade that with his business they do not test fire any weapons.

Harris/Rulison made a motion to close the Public Hearing for the #19-13 Lucks Andrew application at 7:09.

Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Sexton yes. **Approved.**

Novak/Sexton made a motion to approve the #19-13 Lucks, Andrew application for a Special Use Permit for a retail business under the Town of Duaneburg Zoning Ordinance adopted 6/11/15 under section 9.4.(15) contingent on down cast lighting.

Novak yes, Sexton yes, Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

New Business:

#19-14 Perog, Steven and Cheryl: SBL#43.00-2-28, (R-2) located at 21 Lea Drive is seeking a Special Use Permit for a two family dwelling adding a single apartment over an existing garage under the Town of Duaneburg Zoning Ordinance adopted 6/11/15 under section 15.4(I); section 8.4(8); section 13.2.1; section 3.5.60. Steven gave some of his presentation to the board. Due to not enough information the board decided to table it until the November 21st meeting.

Sexton/Harris made a motion to table the #19-14 Perog, Steven and Cheryl application to the November 21st meeting.

Sexton yes, Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

Old Business:

None

Sketch Plan Review:

#19-15 O'Neil, Paul/O'Neil, Gerald: SBL#43.00-1-14.31, (R-2) located at 327 Hardin Road is seeking a minor subdivision under section 3.4 of the Town of Duaneburg Subdivision Ordinance. They would like to divide an existing lot of 34.30 acres into two portions lot #1 located on Hardin Road is 6.82 (+-) lot #2 located on State Highway 30 is 27.475 acres. Shannon O'Neil gave her presentation on behalf of her father Paul O'Neil.

Sexton/Williams made a motion to exempt the minor subdivision application from further planning Board review and refer to the Code Enforcement Officer to complete administratively as the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels. Sexton yes, Williams yes, Rulison yes, Harris yes, Schmitt yes, Novak yes. **Approved.**

OTHER:

#19-12 Murray, Richard/Eden Renewables: SBL# 74.00-2-5, (R-2) located 1206 Oak Hill Rd Under Local Law # 1-2016 of the Town of Duanesburg Zoning Ordinance Resolution revision.

Sexton/Rulison made a motion to amend the resolution approving the project to show the correct amount of lot coverage as shown on the site plans which were approved for the solar project for the **#19-12 Murray, Richard/Eden Renewables** application. Bullet 3B will now show that Lot 1 contains 70.378 acres with 32.8 acres of coverage which is 46 percent and that Lot 2 contains 70.353 acres with 33.0 acres of coverage which is 47 percent.

Sexton yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Harris yes. **Approved.**

MINUTES APPROVAL:

Novak/Harris made the motion to approve the September 19th, 2019 Planning Board minutes with minor corrections.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Rulison yes. **APPROVED.**

Sexton/Harris made a motion to go into **executive session to discuss the enforcement action with the CEO associated with #19-14 Perog, Steven and Cheryl** application.

Sexton yes, Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

Sexton/Harris made a motion to come out of **executive session.**

Sexton yes, Harris yes, Rulison yes, Schmitt yes, Williams yes, Novak yes. **Approved. NO ACTION WAS TAKEN BY THE BOARD DURING OR AFTER the EXECUTIVE Session.**

ADJOURNMENT:

Harris/Novak made the motion to adjourn at 7:50pm.

Harris yes, Novak yes, Schmitt yes, Sexton yes, Rulison yes, Houghton yes, Williams yes. **APPROVED.**

On March 22nd, 2021 Code Enforcement received a voicemail from Friday afternoon (March 19th) from a Rich Amerlos who is doing an environmental study on the property 13590 Duanesburg Rd- Richard Murry's property. Rich is looking for any septic or water information the Town of Duanesburg might have.

EXHIBIT

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**SOLAR ENERGY FACILITIES LAW
TOWN OF DUANESBURG
LOCAL LAW No. 1 OF 2021**

BE IT ENACTED by the Town Board of the Town of Duanesburg, in the County of Schenectady, as follows:

SECTION ONE. TITLE.

This local law shall be known as the “Solar Energy Facilities Law,” and shall repeal and replace Local Law No. 1 of the year 2016.

SECTION TWO. PURPOSE.

The purpose of this local law shall be to adopt a local law regarding the review of solar energy facilities and to amend the Town of Duanesburg Zoning Ordinance by providing for the siting, development and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts to adjoining properties while promoting development of renewable energy resources.

SECTION THREE. AUTHORITY.

This local law is adopted pursuant to sections 10 and 22 of the Municipal Home Rule Law.

SECTION FOUR. ADOPTING THE SOLAR ENERGY FACILITIES LAW AND AMENDING THE TOWN OF DUANESBURG ZONING ORDINANCE.

The Town of Duanesburg Code and Zoning Ordinance are hereby amended as follows:

1. Definitions.
 - a. Solar Energy System- A solar photovoltaic collection device and equipment that uses solar radiation to generate energy.
 - b. Solar Energy Equipment—Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.
 - c. Solar Energy System, Accessory —a roof or ground mounted solar energy system designed to supply energy for a principal use on a residential or commercial parcel and containing Solar Energy Equipment.
 - d. Solar Energy System, Major —a ground or roof mounted solar energy system that produces power to be sold to off-site customers.

- e. Tree-Clear-Cutting -- any cutting of trees over six inches in diameter at breast height where the average residual basal area of trees over six inches in diameter at breast height remaining after such cutting is less than 30 square feet per acre.
 - f. Glare -- the effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.
 - g. Solar Panel-- A photovoltaic device capable of collecting and converting solar energy into electricity.
 - h. Solar Storage Battery-- A device that stores solar energy and makes it available in an electrical form.
2. Solar Energy System, Accessory. An accessory solar energy system shall comply with the following requirements:
- a. A ground-mounted accessory solar energy system shall comply with the setback and height requirements for a major accessory structure in the zoning district in which it is located.
 - b. A roof-mounted accessory solar energy system shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by five feet.
 - c. The requirements set forth below in (3)(a) (g), with the exception that for the Solar Energy System, Accessory, ground mounted, a minimum perimeter buffer of 25 feet may be acceptable at the discretion of the Planning Board where sufficient screening exists or is proposed to screen the views of any ground mounted solar panels or equipment from surrounding properties.
3. Solar Energy System, Major. A major solar energy system shall comply with the following requirements:
- a. All electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a seven feet high fence as required by the National Electrical Code.
 - b. Signs. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal or State agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.

- G. Buffer/screening. A minimum one hundred feet perimeter buffer, consisting of natural and undisturbed vegetation, shall be provided around all mechanical equipment and solar panel arrays to provide screening to adjacent properties and to minimize glare on adjacent properties and roadways. Where the natural and undisturbed vegetation does not screen the views from the mechanical equipment and solar panel arrays, the Applicant may propose to enhance the perimeter buffer to improve its ability to screen the views.
- d. Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Exterior surfaces of roof-mounted collectors and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure.
- e. Evergreen tree plantings may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas.
- f. Existing on-site vegetation shall be preserved to the maximum extent practicable. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited. This clearing restriction shall not apply to trees cleared for the access road.
- g. Height. Ground-mounted arrays shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
- h. Lot coverage. A major solar energy system shall not exceed 60 percent lot coverage. Lot coverage shall be defined as the area measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways.
- i. Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of solar energy facilities, including ground-mounted systems, shall be minimized to the extent practicable. Forested sites shall not be deforested to construct solar energy facilities.
- j. Noise. Substations and inverters shall be set back a minimum distance to achieve no discernable difference from existing noise levels at the property line.
- k. Setbacks. Any structures and equipment shall not be placed in the one hundred feet perimeter buffer with the exception of the access road and the electrical transmission lines and poles connecting the facility to the grid, as well as the stormwater structures and fencing associated with the access road and the electrical transmission lines. Additional setbacks may be required by the Planning Board to adequately buffer adjoining properties and scenic roadways.

1. Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Any proposed new access road will be reviewed for fire safety purposes by the Town Building Inspector and the Chief of the Fire Company that serves the area containing the property.
4. Abandonment. An owner or operator of a major solar energy system that has not generated electricity for a period of six (6) consecutive months must notify the Town Supervisor and the Town Building Inspector in writing that the system is no longer operating. If the system ceases to operate for an additional twelve (12) consecutive months the system shall be deemed to be abandoned and shall be decommissioned within six months by the owner or operator. A decommissioning plan shall be submitted as part of the special use permit application to the Planning Board. The decommissioning plan shall include, but not be limited to, the following requirements: the plan must be signed by the owner and/or operator of the Solar Energy System and shall be submitted by the applicant, addressing the following:
 - a. The cost of removing the entire Solar Energy System shall be estimated based upon prevailing wages and any other requirements applicable to municipalities under State or federal law and no salvage value shall be attributed to any of the components of the Solar Energy System and/or the Solar Energy Equipment.
 - b. A schedule and methods for the removal of the Solar Energy System and/or the Solar Energy Equipment, including any ancillary structures.
 - c. The time required to restore the property to its pre-existing condition and to repair any damage caused to the property by the installation and removal of the Solar Energy System.
 - d. A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops or grazing.
 - e. A proposed Decommissioning Agreement which shall be provided by the Applicant and approved by the Town of Duanesburg Town Board. No building permit shall be issued for a Solar Energy System until the Decommissioning Agreement has been negotiated between the Applicant and the Town Board, has been approved by the Town Board and has been fully executed.

5. Security.

- a. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town Board and/or the professional engineer advising the Town, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Solar Energy System and restoration of the property with an escalator of 2 % annually for the life of the Solar Energy System. The Decommissioning Agreement shall specify the amount of the bond and the form of the bond or equivalent financial security. No building permit shall be issued until the bond or equivalent financial security is in full force and effect and has been provided to the Town Clerk.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until ninety (90) days after the restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.
 - (1) A schedule and methods for the removal of the solar energy system from the lot; and
 - (2) A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties.

6 Approvals Required: a. Prior to installing a solar energy system accessory, a building permit shall be obtained from the Uniform Code Enforcement Officer of the Town of Duanesburg pursuant to the requirements set forth in Section 14.3.

- b. Prior to installing a Solar Energy System Major, the applicant shall obtain site plan approval and a special use permit from the Town of Duanesburg Planning Board. A Solar Energy System Major shall only be permitted by special use permit and site plan approval in the R-2, C-1, and C-2 Zoning Districts. The substantive and procedural requirements for site plan review and special use permit review are set forth in Section 14.6 of the Town of Duanesburg Zoning Ordinance.
- c. Ownership Changes. 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 assumes in writing all of the obligations of the special use permit, site plan approval, decommissioning plan, bond and agreement. A new owner or operator of the Solar Energy System shall

notify the Building Inspector and the Town Supervisor of such change in ownership or operator within 30 days of the ownership change.

7. The Zoning Ordinance shall be amended to add a new section 13.8 which will provide "Solar Energy Facilities. See Solar Energy Facilities Law".

SECTION FIVE. SEORA DETERMINATION.

The Town Board hereby determines that the adoption of this local law is a type one action that will not have a significant effect on the environment and therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION SIX. EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State.

SECTION SEVEN. SEVERABILITY.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

EXHIBIT

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EXHIBIT

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ANDREW M. CUOMO
Governor

NYSERDA

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 28, 2019

Stephanie Puliafico
Eden Renewables, LLC
333 Broadway
Suite 460
Troy, NY 12180
Email: stephanie.puliafico@edenrenewables.com
Subject: Contract #145716

Dear Stephanie Puliafico,

NYSERDA is pleased to inform you that we have approved your Project Application #214683 Contract #145716 for incentives under the Retail Energy Storage Incentive Program. Your award in the amount of \$2,358,000 is contingent upon the installation and grid interconnection of a 5,000 kW/11,790 kWh (useable installed energy capacity measured in AC) energy storage system at 13590 Duaneburg Rd, Delanson, NY 12053, as outlined in the Project Application. This approval is subject to the terms and conditions set forth in the Project Application, Retail Energy Storage Incentive Program Manual, and Participation Agreement.

Please note that this letter does not commit NYSERDA to pay any potential incentive or cost incurred. You may now begin submitting the required deliverables to earn the milestone payment. Payment by NYSERDA is contingent upon approval of the required deliverables.

The energy storage project must be completed within 730 calendar days of the Program approval date. NYSERDA may require a satisfactory photo or field inspection of the completed project prior to the milestone payment.

Refer to the Program Manual for all Program rules and requirements. The Contractor is responsible for ensuring compliance of the system with all applicable laws, regulations, rules and standards. The system must meet the requirements set forth in the Battery Energy Storage Guidebook published by NYSERDA, which is based on the 2021 International Fire Code, even if these requirements are greater than those required by the local authority having jurisdiction.

Thank you for your participation in the Retail Energy Storage Incentive Program, and for your commitment to the promotion of clean energy in New York State.

Sincerely,

Signature: _____
NYSERDA Authorized Signatory

New York State Energy Research and Development Authority

Albany
900 State Street, Albany, NY 12247-0001
(518) 474-2000 (TDD) (518) 474-2001 (Voice)
www.nyserda.gov www.nyserda.org

Buffalo
725 Exchange Street
Suite 901
Buffalo, NY
14203-3484
(716) 842-1500
(716) 842-1501

New York City
1150 Broadway
8th Floor
New York, NY
10036-2842
(212) 312-0100 (TDD)
(212) 312-0101 (Voice)

West Valley Site
Management Program
5500 S. Route 219
West Valley, NY
14787-9500
(716) 718-9500 (TDD)
(716) 718-9501 (Voice)



ANDREW M. CUOMO
Governor

NYSERDA

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 28, 2019

Stephanie Puliafico
Eden Renewables, LLC
333 Broadway
Suite 460
Troy, NY 12180
Email: stephanie.puliafico@edenrenewables.com
Subject: Contract #145721

Dear Stephanie Puliafico,

NYSERDA is pleased to inform you that we have approved your Project Application #214694 Contract #145721 for incentives under the Retail Energy Storage Incentive Program. Your award in the amount of \$2,358,000.00 is contingent upon the installation and grid interconnection of a 5,000.00 kW/11,790.00 kWh (useable installed energy capacity measured in AC) energy storage system at 13686 Duanesburg Road, Delanson, NY 12053, as outlined in the Project Application. This approval is subject to the terms and conditions set forth in the Project Application, Retail Energy Storage Incentive Program Manual, and Participation Agreement.

Please note that this letter does not commit NYSERDA to pay any potential incentive or cost incurred. You may now begin submitting the required deliverables to earn the milestone payment. Payment by NYSERDA is contingent upon approval of the required deliverables.

The energy storage project must be completed within 730 calendar days of the Program approval date. NYSERDA may require a satisfactory photo or field inspection of the completed project prior to the milestone payment.

Refer to the Program Manual for all Program rules and requirements. The Contractor is responsible for ensuring compliance of the system with all applicable laws, regulations, rules and standards. The system must meet the requirements set forth in the Battery Energy Storage Guidebook published by NYSERDA, which is based on the 2021 International Fire Code, even if these requirements are greater than those required by the local authority having jurisdiction.

Thank you for your participation in the Retail Energy Storage Incentive Program, and for your commitment to the promotion of clean energy in New York State.

Sincerely,

Signature: _____
NYSERDA Authorized Signatory

New York State Energy Research and Development Authority			
Albany	Buffalo	New York City	West Valley Site Management Program
17 Columbia Circle Albany, NY 12204-6009	724 Delaware Street	1250 Broadway	9030 Sloats Ave
(518) 486-3100 FAX (518) 486-3101	Suite 621	12th Floor	West Valley, NY
nyserda.ny.gov nyserda@nyserda.ny.gov	Buffalo, NY	Buffalo, NY	14171-9500
	14200 Main	6000 22nd	(716) 934-2000
	(716) 834-1000	(716) 397-3000	(716) 934-2000
	(716) 834-1000	(716) 397-3000	(716) 934-2000

TOWN OF DUANESBURG LOCAL LAW NO. 2 OF 2021

**A LOCAL LAW AMENDING THE TOWN OF DUANESBURG ZONING ORDINANCE
WITH RESPECT TO COMMERCIAL EVENT VENUES**

BE IT ENACTED by the Town Board of the Town of Duanesburg in the County of Schenectady as follows:

Section 1. Title of the Local Law.

This local law shall be entitled “A Local Law Amending the Town of Duanesburg Zoning Ordinance with Respect to Commercial Event Venues.”

Section 2. Authorization.

This local law is enacted pursuant to the Municipal Home Rule Law and Article 16 of the Town Law of the State of New York.

Section 3. Purpose.

The purpose of this local law is to allow within the Town of Duanesburg in all but the L-1 and L-2 Districts, the conversion and use of existing structures for temporary events such as weddings, anniversaries, graduation parties, and other similar reasons on a commercial basis. The Town Zoning Ordinance currently addresses mass gatherings but does not address smaller commercial events that may be held in existing structures and/or tents, including Bed and Breakfasts, Agricultural Barns or other accessory structures. Use of Fire Halls, Churches and other buildings already rated for public assemblies for such events is not in any way restricted by the adoption of these regulations which pertain to commercial temporary events. Use of homes and properties on a non-commercial basis for such events is also exempted from the requirements of this local law.

Where an existing structure is going to be used for commercial events the goal is to balance the impacts of such events on the surrounding neighbors and to ensure that the events are carefully regulated to address impacts related to noise, property maintenance, traffic, public health, welfare and safety.

Section 4. Zoning Ordinance Amendment

The Zoning Ordinance is amended to reflect and include the following:

§ 1-1 Standards.

- A. The Planning Board may grant a special use permit to allow the conversion of existing structures, including temporary tents, for the holding of temporary events such as weddings, anniversaries, graduation parties and the like in all zoning districts in the Town

with the exception of the L-1 and L-2 Districts, provided that the Planning Board finds that all of the following conditions and standards have been met for the conversion of each existing structure for such purposes and that the structure/event venue:

1. Will comply with applicable legal requirements, will be consistent with the purposes of the district in which it is located and has been given due consideration by the Planning Board.
2. Will not result in excessive off-premises noise, dust, odors, solid waste or glare, or create any public or private nuisances.
3. Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, condition and any proposed improvements made to them by the applicant.
4. Will be suitable for the proposed action considering the property's size, location, topography, vegetation, soils, natural habitat, hydrology, and its ability to be buffered or screened from neighboring properties and public roads.

§ 1-2 Decision.

The Planning Board may approve the application, approve it subject to modifications, or disapprove the application.

- A. Decision. Any decision by the Planning Board to grant or deny a special use permit shall include either a negative declaration of environmental significance or a written SEQRA findings statement consistent with the requirements of SEQRA. The decision shall contain a statement of its findings regarding the appropriateness of the use so authorized and the conditions required in the special use permit, or its reasons for denial. In granting any approval, the Planning Board shall impose any conditions that may be necessary to ensure that the proposed use will be compatible with its surroundings.
- B. Quantity of Events. The number of events that can be held at a location may be limited at the discretion of the Planning Board depending upon the facts and circumstances of the application.
- C. The Planning Board shall attach to the special use permit such conditions and restrictions as are deemed necessary. Upon its granting of said special use permit, any such conditions must be met by the Applicant prior to the issuance of any permits by the Building Inspector and throughout the operation of the event venue. The special use permit for events may be reviewed at the discretion of the Planning Board on a yearly basis.

§ 2 Event Venue.

§ 2-1 Use Standards.

An event venue must demonstrate compliance with the following standards in addition to the special use standards in § 1-1.

- A. The event venue shall be located on a site with a minimum of five acres.
- B. The site of the event venue shall have at least two means of egress, at least one of which is adequate for emergency vehicles, as determined by the Planning Board in consultation

- with emergency responders based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.
- C. The maximum number of attendees at the event venue shall be 100.
 - D. The applicant shall demonstrate that all required parking can be accommodated on-site. This requirement shall not preclude an event venue from utilizing shuttle buses or other methods of guest transportation.
 - E. The applicant shall also submit a traffic study showing that the roadways around, entering and leaving the event venue have sufficient capacity and are safe to accommodate the event venue.
 - F. All events shall be provided with adequate potable water and sanitary facilities as required by the Planning Board, Building Inspector and/or the NYS Department of Health.
 - G. The Planning Board shall require appropriate buffers between the event venue and adjoining properties, given the size of parcel, the natural topography and vegetative cover.
 - H. The event will not make, continue, cause, or permit, unreasonably intrusive noise. Standards to be considered in determining whether an unreasonably intrusive noise exists include, but are not limited to, the following:
 - a. The volume of the noise.
 - b. The frequency of the noise.
 - c. The time of day of the noise.
 - d. The proximity to any residential, educational, medical, or religious facility.
 - e. The duration of the noise.
 - I. Maximum Sound Levels.
 - a. Events may only take place between the hours of 9:00 AM to 9:00 PM, and at no time may the maximum sound level exceed 70 decibels at any of the property boundaries.
 - b. The measurement of any sound or noise shall be made with a sound-level meter using the A-weighted scale and slow response, except for sounds or noises which occur in single or multiple bursts with a duration of less than one second, for which fast response shall be used. The sound level determination or measurement shall be conducted not nearer to the sound source than the closest property line of the parcel on which such noise is generated, except where otherwise specified by the Planning Board.
 - J. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event structure meeting the standards in § 2-3 below.
 - K. Locations for proposed temporary fabric structures must be included on the site plan. All buildings and structures, including fabric structures, to be used as part of the event venue shall, where required, obtain a certificate of occupancy for their intended uses, including an event structure meeting the standards in § 2-3 below.
 - L. The Planning Board shall determine the permitted hours of operation of an event venue. Events shall commence no earlier than 9:00 AM and shall terminate no later than 9:00 PM Sundays through Saturdays. The Planning Board shall also have the power to modify the commencement and termination times for a particular site based upon the specifics of the application before it as long as the modifications do not impact the health, safety and

welfare of the neighborhood and the surrounding community. For purposes of this section, "termination" shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises. A generic event management plan shall be prepared and submitted to the Planning Board for review and approval as part of the special use permit review. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary facilities and maximum number of guests. The plan shall also include a list of contacts for emergency situations to be used by the guests and shall be provided at each event along with the legal name and address of an emergency contact person at the site shall also be provided.

§ 2-3. Event Structures.

Event venues may utilize former residential, agricultural or accessory structures as a place of public assembly, such as a barn, house or garage, provided the following criteria are satisfied:

- A. The use of any structure for events shall be permitted only after the issuance of a building permit and a certificate of occupancy for public assembly by the Town's Building Inspector.
- B. The applicant shall provide the Building Inspector with a plan prepared by a registered licensed design professional to improve the structure to be used for events to enable the structure to obtain a certificate of occupancy for an assembly area, where none exists. A copy of the plan shall also be submitted to the Planning Board as part of special use permit and site plan review.
- C. The occupancy of the event structure shall not exceed occupancy load and exiting provisions of the New York State Uniform Code and those occupancy load limits shall be posted at the premises by the Town's Building Inspector.

§ 2-4. Special Use Permit.

- A. The special use permit and site plan for an event venue must include:
 1. The maximum number of attendees permitted during any event, but in no event greater than 100 attendees.
 2. The hours of operation of the special event venue and whether amplified sound is permitted either outside or inside or both.
 3. Any other conditions on operation, design and layout reasonably necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.
 4. Items in Subsection A(1) through (3) above shall be determined by the Planning Board based on the size of the parcel, location, topography, parking, proximity of neighbors, emergency access and the ability of existing and proposed buffers to provide sound attenuation and visual screening.
 5. This permit is allowed in all districts except L-1 and L-2.

6. Trash and other debris shall be stored in containers with lids. Any blowing trash shall not accumulate on any neighboring properties and all trash generated from the event must be removed no later than noon on the day following the event.
- B. Once a special use permit has been granted to permit an event venue at a particular site, individual events may be held at the site without further review by the Planning Board as long as such events are compliant with § 2-1 and with all the conditions of the special use permit and other approvals issued by the Town.

Section 5. Supersession.

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Duanesburg Town Code, in so far as such statutes are inconsistent with this Local Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

Section 6. Severability.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 7. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with Municipal Home Rule Law § 27.

**SOLAR ENERGY FACILITIES LAW
TOWN OF DUANESBURG
LOCAL LAW No. 1 OF 2021**

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SECTION ONE. TITLE.

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SECTION TWO. PURPOSE.

The purpose of this local law shall be to adopt a local law regarding the review of solar energy facilities and to amend the Town of Duanesburg Zoning Ordinance by providing for the siting, development and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts to adjoining properties while promoting development of renewable energy resources.

SECTION THREE. AUTHORITY.

This local law is adopted pursuant to sections 10 and 22 of the Municipal Home Rule Law.

SECTION FOUR. ADOPTING THE SOLAR ENERGY FACILITIES LAW AND AMENDING THE TOWN OF DUANESBURG ZONING ORDINANCE.

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 - c. Solar Energy System, Accessory –a roof or ground mounted solar energy system designed to supply energy for a principal use on a residential or commercial parcel and containing Solar Energy Equipment.
 - d. Solar Energy System, Major –a ground or roof mounted solar energy system that produces power to be sold to off-site customers.

- e. Tree-Clear-Cutting -- any cutting of trees over six inches in diameter at breast height where the average residual basal area of trees over six inches in diameter at breast height remaining after such cutting is less than 30 square feet per acre.
 - f. Glare -- the effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.
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 - b. A roof-mounted accessory solar energy system shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by five feet.
 - c. The requirements set forth below in (3)(a) – (g), with the exception that for the Solar Energy System, Accessory, ground mounted, a minimum perimeter buffer of 25 feet may be acceptable at the discretion of the Planning Board where sufficient screening exists or is proposed to screen the views of any ground mounted solar panels or equipment from surrounding properties.
3. Solar Energy System, Major. A major solar energy system shall comply with the following requirements:
- a. All electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a seven feet high fence as required by the National Electrical Code.
 - b. Signs. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal or State agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.

- c. Buffer/screening. A minimum one hundred feet perimeter buffer, consisting of natural and undisturbed vegetation, shall be provided around all mechanical equipment and solar panel arrays to provide screening to adjacent properties and to minimize glare on adjacent properties and roadways. Where the natural and undisturbed vegetation does not screen the views from the mechanical equipment and solar panel arrays, the Applicant may propose to enhance the perimeter buffer to improve its ability to screen the views.
- d. Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Exterior surfaces of roof-mounted collectors and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure.
- e. Evergreen tree plantings may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas.
- f. Existing on-site vegetation shall be preserved to the maximum extent practicable. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited. This clearing restriction shall not apply to trees cleared for the access road.
- g. Height. Ground-mounted arrays shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
- h. Lot coverage. A major solar energy system shall not exceed 60 percent lot coverage. Lot coverage shall be defined as the area measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways.
- i. Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of solar energy facilities, including ground-mounted systems, shall be minimized to the extent practicable. Forested sites shall not be deforested to construct solar energy facilities.
- j. Noise. Substations and inverters shall be set back a minimum distance to achieve no discernable difference from existing noise levels at the property line.
- k. Setbacks. Any structures and equipment shall not be placed in the one hundred feet perimeter buffer with the exception of the access road and the electrical transmission lines and poles connecting the facility to the grid, as well as the stormwater structures and fencing associated with the access road and the electrical transmission lines. Additional setbacks may be required by the Planning Board to adequately buffer adjoining properties and scenic roadways.

1. Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Any proposed new access road will be reviewed for fire safety purposes by the Town Building Inspector and the Chief of the Fire Company that serves the area containing the property.
4. Abandonment. An owner or operator of a major solar energy system that has not generated electricity for a period of six (6) consecutive months must notify the Town Supervisor and the Town Building Inspector in writing that the system is no longer operating. If the system ceases to operate for an additional twelve (12) consecutive months the system shall be deemed to be abandoned and shall be decommissioned within six months by the owner or operator. A decommissioning plan shall be submitted as part of the special use permit application to the Planning Board. The decommissioning plan shall include, but not be limited to, the following requirements: the plan must be signed by the owner and/or operator of the Solar Energy System and shall be submitted by the applicant, addressing the following:
 - a. The cost of removing the entire Solar Energy System shall be estimated based upon prevailing wages and any other requirements applicable to municipalities under State or federal law and no salvage value shall be attributed to any of the components of the Solar Energy System and/or the Solar Energy Equipment.
 - b. A schedule and methods for the removal of the Solar Energy System and/or the Solar Energy Equipment, including any ancillary structures.
 - c. The time required to restore the property to its pre-existing condition and to repair any damage caused to the property by the installation and removal of the Solar Energy System.
 - d. A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops or grazing.
 - e. A proposed Decommissioning Agreement which shall be provided by the Applicant and approved by the Town of Duaneburg Town Board. No building permit shall be issued for a Solar Energy System until the Decommissioning Agreement has been negotiated between the Applicant and the Town Board, has been approved by the Town Board and has been fully executed.

5. Security.

- a. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town Board and/or the professional engineer advising the Town, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Solar Energy System and restoration of the property with an escalator of 2 % annually for the life of the Solar Energy System. The Decommissioning Agreement shall specify the amount of the bond and the form of the bond or equivalent financial security. No building permit shall be issued until the bond or equivalent financial security is in full force and effect and has been provided to the Town Clerk.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until ninety (90) days after the restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.
 - (1) A schedule and methods for the removal of the solar energy system from the lot; and
 - (2) A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties.

6 Approvals Required: a. Prior to installing a solar energy system accessory, a building permit shall be obtained from the Uniform Code Enforcement Officer of the Town of Duanesburg pursuant to the requirements set forth in Section 14.3.

- b. Prior to installing a Solar Energy System Major, the applicant shall obtain site plan approval and a special use permit from the Town of Duanesburg Planning Board. A Solar Energy System Major shall only be permitted by special use permit and site plan approval in the R-2, C-1, and C-2 Zoning Districts. The substantive and procedural requirements for site plan review and special use permit review are set forth in Section 14.6 of the Town of Duanesburg Zoning Ordinance.
- c. Ownership Changes. 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 assumes in writing all of the obligations of the special use permit, site plan approval, decommissioning plan, bond and agreement. A new owner or operator of the Solar Energy System shall

notify the Building Inspector and the Town Supervisor of such change in ownership or operator within 30 days of the ownership change.

7. The Zoning Ordinance shall be amended to add a new section 13.8 which will provide "Solar Energy Facilities. See Solar Energy Facilities Law".

SECTION FIVE. SEQRA DETERMINATION.

The Town Board hereby determines that the adoption of this local law is a type one action that will not have a significant effect on the environment and therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION SIX. EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State.

SECTION SEVEN. SEVERABILITY.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.