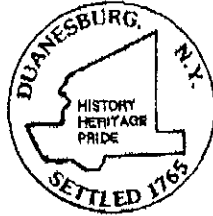


Jeffery Schmitt, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



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
February 18th, 2021
Final Copy

RECEIVED
MAR 19 2021
TOWN OF DUANESBURG
TOWN CLERK

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

Roll Call: Schmitt present, Harris present, Novak present, Rulison present, Houghton present, Santulli present.

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting.

OPEN FORUM:

Schmitt/Harris made a motion to open the open forum at 7:01.
Schmitt yes, Harris yes, Novak yes, Rulison yes, Houghton yes, Santulli yes. **Approved.**

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

Schmitt/Rulison made a motion to close the open forum at 7:05.
Schmitt yes, Rulison yes, Novak yes, Houghton yes, Harris yes, Santulli yes. **Approved.**

PUBLIC HEARINGS:

#20-23 Hickok, Richard: SBL# 26.00-2-16.111, (R-2) located at 974 Mariaville Scotch Church Rd is seeking a Special Use Permit under section 8.4(5); section 3.5.34 camp; and section 14.6.2 of the Town of Duanesburg Zoning Ordinance. Mr. Hickok explained to the board and the public that he will no longer be doing an incinerator toilet. Richard spoke to Domenic from Schenectady County and decided to move the cabin closer to the house and will connect to the septic system.

No Public Comment was made.

Harris/Rulison made a motion to close the public hearing for the #20-23 Hickok, Richard application.

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

This is a SEQRA Type II action no further action is required.

Rulison/ Schmitt made a motion to approve the Special Use application for #20-23 Hickok, Richard application.

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

OLD BUSINESS:

#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. Spiro Kagas explained that for right now he is only going to focus on the overflow parking lot. The Overflow parking will be short term, people will be sent over to the waiting parking area as to not crowd the entrance driveway. Cars, trucks, and trailers will not be there overnight. Mr. Kagas explained that Cobleskill Stone will be doing the work putting down the crush and run for the 42,000 SqFt parking area. There is no plan to put up fencing, Spiro stated he is keeping it simple and leaving up the trees and bush for some scenery. Cones will be set out so the tractor trailers to back into their spots. There will be 6 tractor trailer/camper spots and 15 cars spots. For now, they are dropping the food truck until they have more information for the board and have actually picked a truck that they want.

This is a SEQRA Type II action no further action is required.

Schmitt/Harris made a motion to set a public hearing for the #20-21 Kagas, Spiro application on March 18, 2021.

Schmitt yes, Harris yes, Rulison yes, Houghton yes, Novak yes, Santulli 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. Mr. Casale has returned a signed copy of the application with the ARC signature that the board was waiting for. Darryl explained that he is still waiting to hear from the department of health. Mr. Casale is going through all the proper steps but are just waiting on all the approvals. The Town planner has been in touch with the county regarding this application and they would like Mr. Casale to get a PE to evaluate the septic system and make sure it will be adequate.

Schmitt/Novak made a motion to table the #20-01 Casale Group LLC application until March 18, 2021

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

NEW BUSINESS:

None

SKETCH PLAN REVIEW:

#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. Gemmit for the major subdivision application. Lot number 1 has some slope to it but there is enough to make it a buildable lot. The board would like Mark to add to the Plans a purposed house location with well and septic. The Town Planner suggest putting a line where the property is no longer buildable because it is no longer 200 ft wide. Chairman Schmitt would like a site distance situation for a driveway. Lot 2 has a current residence on it with a shed. Mr. Gemmiti currently lives there. Mark is going to put on the mylar where the current well and septic are on the property. Lot 3 will be 7.9 acres with plenty of room for a potential home. The board would like to have a FEAF for this application.

#20-16 Gray, Scott and Bonnie: SBL#66.00-1-22&23.1, (R-2) located at 230 Overlook Heights Rd is seeking lot line adjustments under section 4 amendment to Article 2 of the Town of Duanesburg Subdivision Ordinance. Scott currently owns three parcels on overlook heights. One has his primary residence on and the other two are currently just vacant land. Mr. Gray explained to the board that what is now known as 7B and 6B will be reconfigured to create lot number 1 and consist of 4.768 acres. The remaining portions that are currently 7A and 6A will be reconfigured to create lot number 2 and will be 10.789 acres. Mr. Gray also stated that he does not have access to the 3.279 acres of parcel 66.00-1-23.1 so he will be selling that piece of land to Mr. Robert Farnum to have it merged with his land SBL # 66.00-1-2.1.

Harris/Novak made a motion to refer the application of **#20-16 Gray, Scott, and Bonnie** to Code Enforcement Officer for administrative action/lot line adjustment approval. Harris yes, Novak yes, Schmitt yes, Rulison yes, Houghton yes, Santulli yes. **Approved.**

MINUTES APPROVAL:

Schmitt/Rulison made the motion to approve the January 21st, 2021 Planning Board minutes with no corrections

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

OTHER:

Novak/Schmitt made a motion to refer the comp plan and public comments to the Town Board. Novak yes, Schmitt yes, Rulison yes, Houghton yes, Harris yes, Santulli yes. **Approved.**

ADJOURNMENT:

Schmitt/Harris made the motion to adjourn at 8:18pm.

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

PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chairman Duanesburg Planning Board
5853 Western Turnpike
Duanesburg, NY 12056

Transmitted via email: planning clerk mdeffer@duanesburg.net

February 18, 2021

Re: Interstate sales of electricity from Community Solar projects

Dear Chairman Jeffery Schmitt and the Planning Board,

Please include my statement as read into the minutes in the official record of the meeting minutes as posted on the town website.

Thank you for posting the draft January meeting minutes within two weeks of the meeting.

On February 5, 2021 I submitted a letter to Supervisor Tidball and Chairman Schmitt concerning the Oak Hill emergency access road. I have not received a reply. The letter is attached for your convenience.

Tonight's Agenda does not include a review of the solar law. When will the solar law be reviewed next?

Today Gov. Cuomo made an announcement for Community Solar and Storage Programs for Local Governments. <https://www.governor.ny.gov/news/governor-cuomo-announces-community-solar-and-storage-program-local-governments-will-create-1250>

As you review Duanesburg's solar law please keep in mind that "community solar" is a feel good marketing term. The electricity generate can be sold anywhere, even out of state. Enclosed is the October 18, 2018 Connecticut Office of Legislative Research for DEEP Energy Procurements documenting that Hecate Greene, Hecate Albany both projects sell 19.99MWac to Eversource Utility in Connecticut. Cassadaga Wind selling 42.5% of electricity generated to Eversource.

Thank you for your time and consideration.

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

PO Box 160
Quaker Street, NY 12141

Roger Tidball, Supervisor Town of Duanesburg
Jeffery Schmitt, Chairman Duanesburg Planning Board
5853 Western Turnpike
Duanesburg, NY 12056

Transmitted via email: town clerk jhowe@duanesburg.net

February 3, 2021

Re: Oak Hill Solar 1 and 2 emergency access road

Dear Supervisor Tidball and Chairman Jeffery Schmitt,

On September 19, 2019 the Duanesburg Planning Board approved Eden Renewables Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC. The approved site plan and resolution includes a 10 foot wide access road that is 1,500 feet from Duanesburg Road to the array fence. During the public hearing the residents brought to the planning boards attention that site plan, as reviewed by town engineer Doug Cole of Prime AE and the planning board, did not include concrete wash outs, snow dumps, pull outs or turn arounds for the entire length of the 10' wide access road. The town approved the site plan without modification to the access road. This allowed Eden to claim the site disturbance was below one acre and avoid a full stormwater pollution prevention plan.

On my abutting property the current snow storm has an accumulation of over 2.5 feet. The snowdrifts in my driveway are over 3 feet tall. How will Oak Hill's owner/operator provide emergency and maintenance access to the 65 acre solar array containing over 45,455 photovoltaic panels, four transformers, transmission lines and associated infrastructure during the winter?

Other towns that have reviewed Eden Renewables plans for similar energy resources have called for road widths that conform to the state fire code of 20 feet wide. Why did the town allow inadequate roadways, operations and maintenance for Oak Hill Solar?

At the January 28, 2021 Town Board meeting Supervisor Tidball informed me that Oak Hill Solar 1 and 2 LLCs has not applied for a building permit. The town still has authority.

What is the town going to do to protect emergency workers that need to access Oak Hill Solar site? How is the town protecting the abutting parcels and residents in case of an emergency at Oak Hill Solar?

As an abutting land owner sharing a 2,500 foot common property line with the two Oak Hill Solar power plants I request that the town require the owner/operator to provide an adequate access road that complies with state regulations. This will protect emergency workers, neighbors and the community for the over 40 year lifetime of the project.

Failure to do so places the town and residents at risk.

Thank you for your time and consideration.

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

DEEP Energy Procurements

By: Lee Hansen, Principal Analyst
October 1, 2018 | 2018-R-0262

Issue

This report describes the main terms of the contracts entered into under the Department of Energy and Environmental Protection's energy procurements conducted under PA 13-303 and PA 15-107.

Background

Generally, PA 13-303 and PA 15-107 authorized the Department of Energy and Environmental Protection (DEEP) commissioner, in consultation with certain other officials, to solicit proposals from certain clean and renewable energy facilities. If the commissioner finds that the responding proposals meet certain criteria, he may direct the electric distribution companies (i.e., Eversource and United Illuminating) to enter into long term agreements to buy energy, generating capacity, and environmental attributes (i.e., renewable energy certificates (RECs)), or any combination of them, from the selected facilities. The parties must submit any resulting contracts to the Public Utilities Regulatory Authority (PURA) for review and approval.

DEEP Procurement Results

Tables 1 through 4 show the main terms of the contracts subsequently entered into under each DEEP procurement process, as approved by PURA and currently publicly available.

(In January 2018, DEEP initiated an additional Procurement of Clean Energy and Renewable Resources Pursuant to Public Acts 13-303, 15-107, and 17-144. In June, DEEP issued a press release announcing the selection of over 250 MW of clean and renewable energy projects, including 200 MW from offshore wind, 52 MW from various fuel cell projects, and 1.6 MW from an anaerobic digestion project. However, DEEP's final determination for the procurement is not yet publicly available and PURA has not yet approved any subsequent contracts.)

Table 1
PA 13-303 (§ 6) — CLASS I RENEWABLE PROCUREMENT
 (9/26/13 Final Determination by DEEP; PURA Docket No. 13-09-19)

Project	Energy Type	State	Capacity (MW)	Contract Term (years)	Energy Price (\$/MWh)	REC Price (\$/REC)
<u>Fusion Solar Center</u>	Solar	CT	20	20	\$59.75 average (prices ranges from \$44.47 in year one to \$77.98 in year 20)	\$59.75 average (prices ranges from \$44.47 in year one to \$77.98 in year 20)
<u>Number Nine Wind Farm</u> ¹	Wind	ME	250	15	\$57.17	\$12.00

¹Number Nine Wind Farm's contract was terminated in June 2016

Table 2
PA 13-303 (§ 8) — 2013 CLASS I RENEWABLE PROCUREMENT
 (1/31/14 Final Determination by DEEP; PURA Docket No. 14-02-02)

Project	Energy Type	State	Capacity (MW)	Contract Term (years)	Energy Price (\$/MWh)	REC Price (\$/REC)
<u>Joseph C. McNeil Generating Station</u> (Burlington Electric Dept.)	Biomass	VT	5.4	5	N/A (RECs only)	\$22.50
<u>Joseph C. McNeil Generating Station</u> (Green Mountain Power)	Biomass	VT	2.7	10	N/A (RECs only)	\$27.00
<u>Schiller Unit.5</u>	Biomass	NH	21.5	10	N/A (RECs only)	\$24.84

Table 3
PA 13-303 (§§ 6 & 7) and PA 15-107 (§ 1(c)) — THREE STATE RENEWABLE AND HYDRO PROCUREMENT
 (6/27/17 Final Determination¹ by DEEP; PURA Docket No. 17-01-10)

Project	Energy Type	State	Capacity (MW)	Contract Term (years)	Energy Price (\$/MWh)	REC Price (\$/REC)
<u>Cassadaga Wind</u>	Wind	NY	126 (42.5% CT share)	20	N/A (confidential under PURA protective order)	N/A (confidential under PURA protective order)
<u>Chinook Solar</u> ²	Solar	NH	30 (50% CT share)	20	\$56.75	\$25.00
<u>Farmington Solar</u>	Solar	ME	49 (50% CT share)	20	\$59.85	\$25.00

Table 3 (continued)

<i>Project</i>	<i>Energy Type</i>	<i>State</i>	<i>Capacity (MW)</i>	<i>Contract Term (years)</i>	<i>Energy Price (\$/ MWh)</i>	<i>REC Price (\$/REC)</i>
<u>Quinebaug Solar</u>	Solar	CT	49 (50% CT share)	20	\$64.17	\$25.00
<u>Sanford Solar</u>	Solar	ME	49 (50% CT share)	20	\$53.95	\$25.00
<u>Woods Hill Solar</u>	Solar	CT	20 (50% CT share)	20	N/A (confidential under PURA protective order)	N/A (confidential under PURA protective order)

¹ In addition to the six projects above, DEEP's final determination also selected projects from Antrim Wind, Enfield Solar, and Hope-Scituate Solar. However, Antrim Wind and Enfield Solar withdrew their offers during contract negotiations and DEEP relinquished CT's share of the Hope-Scituate solar project to Rhode Island.

² DEEP selected the Chinook Solar Project at 49 MW but the project was reduced to 30 MW during contract negotiations.

Table 4
PA 15-107 § 1(b) — 2-20 MW RENEWABLE, PASSIVE DEMAND RESPONSE AND ENERGY STORAGE
PROCUREMENT

(6/27/17 Final Determination¹ by DEEP; PURA Docket No.: 17-01-11)

<i>Project</i>	<i>Type</i>	<i>State</i>	<i>MW</i>	<i>Term (years)</i>	<i>Energy Price (\$/ MWh)</i>	<i>REC Price (\$/ REC)</i>
<u>Constitution Solar</u>	Solar	CT	19.59	20	\$74.88	\$25.00
<u>Coolidge Solar</u>	Solar	VT	19.59	20	\$76.90	\$25.00
<u>Davenport Solar</u> ²	Solar	VT	14.7	20	\$73.25	\$25.00
<u>GRE-15 North Haven CT</u>	Solar	CT	4.98	20	\$79.15 average (prices range from \$62 in year one to \$99 in year 20)	\$30.00
<u>GRE-29 Waterford CT</u>	Solar	CT	17.73	20	\$81.70 average (prices range from \$64 in year one to \$102 in year 20)	\$30.00
<u>Hecate Energy Albany County</u>	Solar	NY	19.99	20	N/A (confidential under PURA protective order)	N/A (confidential under PURA protective order)
<u>Hecate Energy Greene County</u>	Solar	NY	19.99	20	N/A (confidential under PURA protective order)	N/A (confidential under PURA protective order)
<u>Highgate Solar</u>	Solar	VT	19.6	20	\$70.75	\$25.00
<u>Hinckley Solar</u>	Solar	ME	19.58	20	\$69.92	\$25.00
<u>Holiday Hill Community Wind</u>	Wind	MA	5	20	N/A (RECs only)	N/A (confidential under PURA protective order)
<u>Kidder Hill Community Wind</u>	Wind	VT	5	20	N/A (RECs only)	N/A (confidential under PURA protective order)

Table 4 (continued)

<i>Project</i>	<i>Type</i>	<i>State</i>	<i>MW</i>	<i>Term (years)</i>	<i>Energy Price (\$/MWh)</i>	<i>REC Price (\$/REC)</i>
<u>Litchfield Solar Plant + Park Project, Litchfield Solar Plant I Facility</u>	Solar	CT	19.8	20	\$32.47 average (prices range from \$29.50 in year one to \$35.60 in year 20)	\$57.26 average (prices range from \$52 in year one to \$62.80 in year 20)
<u>Minuteman Wind Project</u>	Wind	MA	12.5	20	N/A (RECs only)	\$40.00
<u>North Stonington Solar Plant + Park Project, NS Solar Plant I Facility</u>	Solar	CT	9.99	20	\$39.00	\$61.30 average (prices range from \$49 in year one to \$75 in year 20)
<u>Nutmeg Solar</u>	Solar	CT	19.6	20	\$73.88	\$25.00
<u>Pawcatuck Solar Center</u>	Solar	CT	15	20	\$39.50 average (prices range from \$29.40 in year one to \$51.55 in year 20)	\$39.50 average (prices range from \$29.40 in year one to \$51.55 in year 20)
<u>Randolph Center Solar</u>	Solar	VT	19.58	20	\$72.25	\$25.00
<u>Sheldon Solar</u>	Solar	VT	19.63	20	\$71.85	\$25.00
<u>W. Portsmouth St. Solar</u> ³	Solar	NH	10	20	\$66.95	\$25.00
<u>Wallingford Renewable Energy</u>	Solar	CT	19.99	20	N/A (confidential under PURA protective order)	N/A (confidential under PURA protective order)
<u>Wind Colebrook South</u> ⁴	Wind	CT	3.83	20	\$57.50	\$57.50
<u>Winslow Solar</u>	Solar	ME	19.58	20	\$70.55	\$25.00

¹ In addition to the 22 projects above, DEEP's final determination also selected projects from Swantown Road Solar and Swanton Wind. These two projects withdrew during contract negotiations. DEEP also selected a 34 MW passive demand response energy efficiency project which is not included above.

² DEEP selected the Davenport Solar project at 19.58 MW, but its capacity was reduced to 14.7 MW during negotiations.

³ DEEP selected the W. Portsmouth St. Solar Project at 14.69 MW, but its capacity was reduced to 10 MW during negotiations.

⁴ DEEP selected the Wind Colebrook South project at 3.5 MW, but its capacity was increased to 3.83 MW during negotiations.

LH:cmg