

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Joshua Houghton, Board Member
Michael Santulli, Board Member
Matthew Hoffman, Board Member
Michael Walpole, Board Member

Town of Duanesburg
Planning Board Minutes
March 17th, 2022
Final Copy

RECEIVED
MAY 02 2022
TOWN OF DUANESBURG
TOWN CLERK

MEMBERS PRESENT: Jeffery Schmitt Chairman, Elizabeth Novak, Joshua Houghton, Michael Santulli, Matthew Hoffman, Michael Walpole, Planning Board Attorney Teresa Bakner, Town Planer Dale Warner, and Clerk Melissa Deffer.

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Schmitt informed the participants that there is a minor change to the agenda for the meeting. Sketch Plan Review is moved to before Old Business due to a lengthy application.

OPEN FORUM:

Schmitt/Hoffman made a motion to open the open forum at 7:03 pm.

Schmitt yes, Hoffman yes, Walpole yes, Santulli yes, Houghton yes, Novak yes. **Approved.**

Kyle Tice located at 341 Schoonmaker Rd (**Please see attachment**)

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

Devlin Solman from Conway Massachusetts would like to let the Town of Duanesburg know that she lives next to a 30-acre NextAMP solar farm and is experiencing multiple issues with wetland delineation, litter, pollution, loud noises, destruction of property, dirty electricity, and construction traffic.

Schmitt/Novak made a motion to close the open forum at 7:13 pm.

Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Santulli yes, Houghton yes. **Approved.**

PUBLIC HEARINGS:

#21-14 Tazin, Sergei: SBL# 52.00-1-20.12, (R-2) located at State Route 30 is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Schmitt/Houghton made a motion to open the public hearing for the **#21-14 Tazin, Sergei.**

Schmitt yes, Houghton yes, Santulli yes, Walpole yes, Hoffman yes, Novak yes. **Approved.**

Mrs. Tazin gave her presentation of behalf of Mr. Tazin.

John Orlop located at 5291 State Highway 30 explained that he is the one buying the parcel to keep it agricultural.

Schmitt/Santulli made a motion to close the public hearing for the **#21-14 Tazin, Sergei** application.

Schmitt yes, Santulli yes, Houghton yes, Novak yes, Hoffman yes, Walpole yes. **Approved.**

Novak/Santulli made a motion to reaffirm the preliminary SEQRA findings of a negative impact declaration for the **#21-14 Tazin, Sergei** Type I application. **(Please See Part 3 of the FEAF Attachment)**

Novak yes, Santulli yes, Houghton yes, Schmitt yes, Hoffman yes, Walpole yes. **Approved.**

Novak/Hoffman made a motion to approve the minor subdivision for application of **#21-14 Tazin, Sergei.**

Novak yes, Hoffman yes, Walpole yes, Santulli yes, Houghton yes, Schmitt yes. **Approved.**

NEW BUSINESS:

#22-05 Catalytic Recovery Corp. SBL#67.00-3-8.1, (C-2) Located at 5469 Duanesburg Rd is seeking a seeking a Special Use Permit under section 12.4(33) of the Town of Duanesburg Zoning Ordinance. Project Manager John Hitchcock, Jr from ABD Engineers, LLP represent Mr. Michael Grandy. John explained that on the application the applicant is now the owner of the parcel and will complete a new Special Use Application with him as the owner. The neighboring properties to the east and west have single-family homes. Currently a couple pre-existing buildings are on the parcel. A 3,600 SqFt building that will be used for storage but once was previously used as an autobody repair shop. An office/garage along with a shed is also on the parcel. Mr. Grandy would like to build a 4,000 SqFt building on the south end of the parcel, with an 1,800 SqFt future addition that they are planning for now. The project is currently in front of the ZBA for two variances, a 55 ft rear yard setback and 15 ft east side yard setback variance to take place on April 19th, 2022. There are plans to have lights mounted on the building that will be down casting. The future buildings will be 25ft in height and only one story. Michael and his stepbrother own a catalytic recovery business for 18 years. They have no other employees and anything that will be done on the property will be during normal business hours. Mr. Grady explained the process of their business is first to decan the insides of a catalytic converter, then take the dust that is produced and send it out to a refinery. Currently they box them whole and send it out by tractor trailer. So, to save money because the cost of shipping is so high, he plans to do the process himself at the new location on Duanesburg Rd. Michael just bought the parcel in December of 2021. For the next meeting the Board would like to see the following:

1. Business plan
2. Updated Application
3. Land scaping plan
4. Have the neighbors notified
5. Use a turning template to show that larger trucks can safely access and turn around on the site.
6. Show that larger trucks can be accommodated on the Site Plan
7. Obtain conformation from NYSDEC that no air permits are necessary for this facility
8. Explanation on where the waste will be disposed of and what regulations apply
9. An evaluation of the number of truck accessing the facility during a 24 hour period

Novak/Santulli make a motion to declare the Town of Duanesburg Planning Board lead agency in the SEQR review process for **#22-05 Catalytic Recovery Corp** application as a Unlisted action.

Novak yes, Santulli yes, Houghton yes, Schmitt yes, Hoffman yes, Walpole yes. **Approved.** The applicant now must have the ZBA have a public hearing for the Variances, then come back to the Planning Board for the SEQR process.

SKETCH PLAN REVIEW:

#22-04 Adabahr/McKeone: SBL# 34.08-1-10.1, (H/R-2) located at 173 Mariaville Scotch Church Rd is seeking a minor subdivision/lot line adjustment under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Manager John Hitchcock, Jr from ABD Engineers, LLP is representing the applicants. John explained that both applicants are very ill and would like to do a lot line adjustment before anything unforeseen happens. Mr. Adabahr currently owns 1.41 acres in the Hamlet zoning district and would like to purchase from Mr. McKeone 1.84 acres of his hay field. Mr. McKeone parcel is currently 54.80 and, in the R-2 zoning district. There is no future construction plan.

Houghton/Santulli made a motion that the proposed action is a type 2 action under SEQRA, and that Planning board determines that the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels, that no additional lot will be created as a result of the proposed action. 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.

Houghton yes, Santulli yes, Walpole yes, Hoffman yes, Novak yes, Schmitt yes. **Approved.**

OLD BUSINESS:

#22-01 Valley Mobile Home Court, LLC: SBL#55.00-4-11.6, (C-2) located at 6204 Duanesburg Rd is seeking a Special Use Permit for 11 storage units under section 12.4(33) and a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Chris Longo from Empire Engineering is representing the owner, Eric Dolan, and applicant Valley Mobile Home Court. The Planning Board still has an issue with the current number of acres that have already been disturbed at the site and according to Chris the plan has changed, and the proposal is now for 10 self-storage containers. All disturbance that was done before coming to the Planning Board has stopped. The only activity that has continued is the stabilization on the site. The project does require storm water controls and a DEC permit that they plan to keep open just resubmit a modification to the permit, Chris recently resubmitted an updated SWPPP and grading plans to review. A DOT permit was prepared and submitted for a commercial driveway. A Full EAF was submitted with the application. To respond to the Board's request for the master plan for the overall project. The project is now broken down into phases. Phase 1(A), 1(B), 1(C). Phase 1 (A) is the first 6 units to be done and they will drain to the rear of the site, to make the rear storm pond to be constructed first. The next Phase 1(B) will be 2 acres of an impervious gravel surface for outdoor storage. After Phase 1(B) is 1(C) which will be when the out-front drainage pond and swales will be constructed for the last 4 storage units. Once Phase 1(A), 1(B), and 1(C) are completed that would be the end of the project for now. If Eric wants to add anymore storage units, he will have to come back to the board for and future phase 2 and get an

amendment to his Special Use Permit. There are three ponds designed to take all the impervious but there will not be any buildings or construction done to the site until the Planning Board approved the amendment. The eastern end of the plans has been removed and there is no proposed plan for development at this time. Now there is another subdivision with respect to the barn and the house. The Planning Board members commented that the fact that some work has already been done to the site is making it extremely difficult for the Board to review because the pre-existing conditions are no longer present. The single-family house is still located on the property next to the barn. There was an offer on the property, so there was a subdivision application submitted to put the barn, house, and western most field on a separate parcel. The parcel is currently 103.76 acres, the proposed subdivision consists of lot 1 being 93.5 acres and lot 2 being 10.24 acres. Until SEQRA is satisfied no land disturbing activities are to occur on the property is still to remain in effect. For the next meeting the board would like to have the following done:

1. Business plan
2. 3 quotes from potential TDE
3. Narrative on plans
4. Landscaping plans in front and along the East side
5. Resubmit permit modifications to NYSDEC
6. SHPO determination
7. OPRHP maps of where the holes were dug
8. DOT determination
9. Revise the FEAF (federal wetlands)
10. Documentation if there was any tree clearing (if so when, Dates)

Hoffman/Santulli made a motion to solicit bids to have a Town Designated Engineer review the SWPPP for the **#22-01 Valley Mobile Home Court, LLC** application.

Hoffman yes, Santulli yes, Houghton yes, Schmitt yes, Novak yes, Walpole yes. **Approved.**

Schmitt/Novak made a motion to table the application until the April 21st, 2022, Planning Board meeting.

Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Santulli yes, Houghton yes. **Approved.**

The amendment of application **#19-12 Murray, Richard/Eden Renewables**: SBL#74.00-2-5. (R-2) located at 13590 Duanesburg Rd is seeking an amendment to an existing special use permit under local law #1-2016 of the solar energy facilities law and section 14.6.2.5 of the Town of Duanesburg Zoning Ordinance.

Bill Pederson a representative from AMP introduced himself and explained that they are looking for an approval for an amendment to an existing special use permit for Oakhill Solar 1 and Oakhill Solar 2 LLC. Since July 2022, they have presented to the Board a lot of information such as the following but not limited to:

1. Site plans
2. EAF's
3. Revised Decom Estimate with a drastic increase
4. Glare Studies

5. Visual analysis
6. Noise analysis
7. Detailed landscaping plan
8. Module Specification including lab reports
9. Studies of impact of solar on property values
10. Several extensive community comment responses

All that was submitted to the town is located on the Towns website in the Oakhill Solar drop box. Along with all AMP submissions to the town they have also added all Prime AE comment letters along with the ESRG's reports.

Travis Mitchel, of EDP, who was part of the Original approved application from the start explained that any assumptions that were made as to noise produced by the proposed solar facilities are overly conservative. The noise input, and sound input was taken directly from manufacture cut sheets. This noise analyst is the most extensive one that they have ever done for any solar project. To Mr. Mitchel's knowledge the switch gear does not make any noise. The manufactures cut sheets include a reference to it being approximately 3db, the module showed it was equivalent to the sound of a car horn from 15 feet away which is equated to 100db.. Screening has been provided with evergreens, on our side of the property line; it is on the site plan. The module was accurate and portrays the conditions on the site. The development will be above grass and wildflowers.

ESRG did an extensive report; and the escrow account has been set up with the Town and is all set to go for the training costs. Paul Rogers had zoomed in to answer any questions that the Board might have. No remaining questions, comments, and concerns were asked from the Board.

The original land scaping plan has remained the same, and the maintenance agreement has been filed with the Town Clerk of Duanesburg and the County Clerk. As far as appraiser concerns for solar project, those studies show an opinion by an appraiser, and no study was done and did not indicated experience with solar projects. In New York solar projects are new and the studies that were shared with the Board are from other States. There is no indication that there would be anything special about New York. Another issue that has come up a lot in community comments is the fence line. Jackie from Prime AE explained that the Doug Cole compared the original 2019 plan to the current 2022 purposed plan and in 2019 the decom plan shows 8,519 linear feet, the 2022 plan shows 8,323 linear feet which is less than the original when compared. In Prime AE's review in 2019 the estimate double counted a middle portion of the fence therefore the 2022 plans are correct. Jackie explained the major changes from 2019 approved plans to the proposed 2020 site plans are as follows:

1. Larger battery storage units
2. Difference in fence height
3. Changes to access rd.
4. Height of the panels at maximum tilt

Kate Kornak from DEC was involved on March 16th when it was noted on ebirds.com that the Northern Harrier Hawk may use the Site. A NYSDEC biologist did a site survey and found that the land is not a suitable habitat for the Northern Harrier Hawk. **(Please See Email Attachment)** The concerns with the toxicity of the panels and the Planning Board had presentations by NYSERDA, because AMP had already ordered their panels for the site, they had the actual manufactured toxicity testing reports for the panels. The results are in the record, and it shows that the panels are not toxic.

Planning Board Member Hoffman explained the project did file a full SWPPP and a NOI based on the impervious area of the large battery storage areas. The applicant has provided an adequate means to treat and convey the stormwater runoff to the impervious area as it relates to the battery storage trailers. The Board did receive sign off from Prime AE as well as DEC that all requirements have been met, and the stormwater design meets the standards set forth by NYS DEC. A lot of comments and concerns were mentioned by the residences of the existing conditions throughout the site and their properties, about poor soils drainage area, it has been stated before multiple times that the applicant is not required to fix the current conditions, they are only required to not make the existing conditions worse by their project. The applicant has done its due diligence and has followed all NYS requirements for the project.

Novak/Santulli made a motion to reaffirm and approve the preliminary SEQRA negative declaration of environmental significance read into the record to address the potential environmental impacts of the Solar Projects and the changes proposed to the Solar Projects Special Use permit and Site Plan approval for **#19-12 Murray, Richard/Eden Renewables** application. **(Please See Attached Resolution)**

Novak yes, Santulli yes, Harris yes, Schmitt yes, Hoffman yes, Walpole yes, Houghton yes.
Approved.

Schmitt/Hoffman made a motion that the Town Planning Board grants the special use permit and site plan approval requested by the applicant subject to the following conditions **(Please see attached Resolution that was read into the record, with the exception of the WHERE AS clauses, noting that the Attached Resolution was posted to the website and copies were also available at the Planning Board meeting for the Public):**

- (1) Approval of the Amendment to the Decommissioning Agreement, which is related to the revised Decommissioning Plan and the revised amount of the associated financial security for the implementation of the Agreement, by the Town Board prior to the commencement of construction of the solar panels and Battery Energy Storage;
- (2) Submission of an acknowledgment of receipt by the New York State Department of Environmental Conservation ("NYSDEC") of the NOI and the final Stormwater Pollution Prevention Plan ("SWPPP") to the Building Inspector by the Applicant, prior to commencing construction.
- (3) The Applicant shall provide payment for all outstanding fees, including any invoices by Town Planning Board consultants for review and the first annual training prior to commencing construction;
- (4) The Applicant shall provide the Building Inspector with copies of all other approvals issued for the Project, including the renewed or reissued New York State Department of Transportation

("NYSDOT") Highway Work Permit and sign-off by New York State Energy and Research Development Authority ("NYSERDA"); and

(5) After completion of the Project and prior to commencing operation, the Applicant must meet with emergency responders at the Property to discuss the procedures to be followed in the event of fire and other emergencies. Within five (5) days of the meeting, the Applicant must provide the Town Planning Board with hard copies of the meeting minutes. The site-specific emergency plan must be presented to the Building Inspector and to the VFC prior to that training by the Applicant and a copy must be kept on file with the Town Clerk. The meeting minutes must indicate the name and contact information for each of the attendees and provide a detailed description of the procedures that will be followed by the emergency responders in the event of a fire or other emergency; and

(6) In the event the Building Inspector finds that the existing sources of off-site water are insufficient for firefighting purposes for any reason as confirmed in writing by the VFC having responsibility for the Fire Protection District, Applicant will be responsible for providing a sufficient water source; and

(7) After completion of the Project and prior to the commencement of operation, the Applicant shall retain the services of a New York State licensed professional engineer to provide post-construction certification that the Project complies with applicable codes and industry practices and has been constructed according to the approved special use permit and site plans; and (8) After commencement of operations, the Applicant shall monitor noise levels at the property boundary to ensure that the levels from the solar facility are within those predicted in the sound study submitted by the Applicant; and

(9) Prior to the commencement of construction, the Applicant shall attend a pre-construction meeting with the Building Inspector and the Town Designated Engineer to confirm the completion of the completion of the pre-construction conditions; and

(10) All SWPPP inspections and reporting during construction will be undertaken by a Qualified inspector. Copies of the inspection reports shall be submitted to the Town Building Inspector within five (5) days of the inspection.

(11) The Decommissioning Cost Estimate shall be updated every 5 years by a N.Y.S. licensed P.E. and be provided to the Town for review and approval and for the security for the decommissioning to be adjusted accordingly.

Schmitt yes, Hoffman yes, Walpole yes, Santulli yes, Houghton yes, Novak yes. **Approved.**
Please note that Vice Chairperson Michael Harris who had previously recused himself from the review of the Project was not present at the Planning Board meeting.

OTHER:

None

MINUTES APPROVAL:

Hoffman/Walpole made the motion to approve February 17th, 2021, Planning Board minutes with one minor correction.

Hoffman yes, Walpole yes, Santulli yes, Houghton yes, Schmitt yes, Novak yes. **Approved.**

ADJOURNMENT:

Schmitt/Hoffman made the motion to adjourn at 9:53 pm.

Schmitt yes, Hoffman yes, Walpole yes, Santulli yes, Houghton yes, Novak yes. **Approved.**

Full Environmental Assessment Form **Part 3 - Evaluation of the Magnitude and Importance of Project Impacts** **and** **Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The Town of Duaneburg Planning Board has completed an environmental assessment of the proposed Sergei & Irina Tazin Minor Subdivision. The Project's environmental impacts have been evaluated in accordance with the SEQRA Full Environmental Assessment Form, Part 2 - Identification of Potential Project Impacts. None of potential project impacts have been identified as "Moderate to Large". The proposed Minor Subdivision will consist of Lot #1 41.30 Acres and Lot #2 10.80 Acres. Both Lots have the potential for single family dwellings although, no construction is planned at this time. Any future construction will require approvals from Schenectady County Health Department for Drilling wells and Septic Systems. Temporary soil erosion controls measures will be required and maintained during any future construction activities.

Any future construction will be consistent with the character of the community and surrounding area. No aesthetic impacts are anticipated. The action will not result in any impacts to agricultural resources as the parcel currently is not farmed. There are no NYS regulated wetlands on the parcels and no federal wetlands have been delineated. Any future construction should not occur in any wet areas, thereby avoiding impacts to any potential federal wetlands. Threatened or endangered species, primarily the Northern Long-Eared Bat, have been identified. To avoid and minimize any potential threat to the bats, any tree removal activities will occur between October 31st and March 31st. If these dates can not be accommodated, an on site assessment by DEC Staff will be required. The proposed action will have no impact or any adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway. The proposed action should have little or no impact on the use of energy. The proposal is not in a 100 year flood Plain and not a Critical Environmental Area. Any future construction activities would be temporary which should have little to no impact on Noise, odor, Light, and Air. There is no anticipation of any impacts to Open Space and Recreation, or any Impact on Human Health.

The proposed project is located adjacent to the National Register listed Avery Farmhouse property and has been reviewed in accordance with Section 106 of the National Historic Preservation Act of 1966. SHPO has determined the proposed project will have no effect to historic and cultural resources. Therefore based on this information, the Planning Board has determined that the proposed Tazin minor subdivision will not have any significant adverse impacts on the environment and a Negative Declaration is made for the purposes of Article 8 of the Environmental Conservation Law.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Letter dated November 30, 2021 New York State Historic Preservation Office

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Tazin Minor Subdivision

Name of Lead Agency: Duanesburg Planning Board

Name of Responsible Officer in Lead Agency: Jeffrey Schmitt

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Dale Warner

Address: 5853 Western Turnpike, Duanesburg NY 12056

Telephone Number: 518-605-9425

E-mail: dale@duanesburg.net

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



ORIGINAL

**TOWN OF DUANESBURG PLANNING BOARD
RESOLUTION APPROVING AMENDED SPECIAL USE PERMIT AND AMENDED SITE
PLAN
FOR TWO 5 MW SOLAR PROJECTS BY OAK HILL SOLAR 1 LLC and OAK HILL SOLAR
2 LLC**

Moved by: Jeff Schmitt; Seconded by: Matt Hoffman

Date: March 17, 2022

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

WHEREAS, on or about May 7, 2018, Eden Renewables ("Eden Renewables" or the "Applicant") applied to the Duanesburg Planning Board ("Planning Board") for a Special Use Permit and Site Plan Review pursuant to the Town of Duanesburg Local Law No. 1-2016, for two 5 MW solar projects proposed as Oak Hill Solar Energy Projects 1 and 2 (collectively, the "Projects") to be located at 1206 Oak Hill Road in the Town of Duanesburg, Schenectady County, New York on the lands then owned by Richard Murray and now owned by the heirs of Richard Murray (SBL# 74.00-2-5) ("Property") pursuant to leases with the Property Owner; and

WHEREAS, the Property to be used for the solar facility is located in the Town's Agricultural-Residential zoning district where Major Solar Energy Systems are permitted subject to special use permit and site plan approval from the Town Planning Board pursuant to Local Law No. 1 of 2016 and the Town Zoning Ordinance; and

WHEREAS, on or about May 17, 2018, the Applicant appeared before the Planning Board in furtherance of the proposed Project and the Planning Board requested that the Applicant meet with the Town Planner/Code Enforcement Officer to discuss the proposed application; and

WHEREAS, on or about July 18, 2018, the Applicant appeared before the Planning Board and requested a lot line adjustment and minor subdivision in order to install two 5-MW solar fields on each created parcel, in addition to the Special Use Permit sought pursuant to the Town of Duanesburg Local Law No. 1-2016; and

WHEREAS, on or about July 18, 2018, the Planning Board adopted a resolution pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively referred to as "SEQRA"] in which it declared its intent to be SEQRA Lead Agency, declared the proposed action as a Type 1 action and conducted a coordinated review; and

WHEREAS, on or about August 16, 2018, the Planning Board adopted a resolution appointing Doug Cole of PRIME AE Group of NY as the Town Designated Engineer to assist in its review of the application from Eden Renewables; and

WHEREAS, on or about September 11, 2018, the Town's Designated Engineer provided written comments on the application; and

WHEREAS, on October 17, 2018, and on September 5, 2018, the Applicant received determinations of no hazard to air navigation from the Federal Aviation Administration for Oak Hill Solar 1 and 2 respectively; and

WHEREAS, on or about March 11, 2019, the Applicant submitted revised site plans, minor subdivision and lot line adjustment plans, revised applications, a revised Full Environmental Assessment Form ("Full EAF"), and a decommissioning plan, accompanied by a letter addressing comments from the Town's Designated Engineer; and

WHEREAS, on or about March 21, 2019, the Applicant appeared before the Planning Board in furtherance of the site plan review process, and the Planning Board requested receipt of additional information and other actions from the Applicant; and

WHEREAS, on or about June 6, 2019, the Applicant submitted additional information to the Planning Board and addressed the outstanding actions identified by the Planning Board; and

WHEREAS, by letter dated June 4, 2019, the New York State Historic Preservation Office ("SHPO") confirmed that the project will have "no Adverse Effect"; and

WHEREAS, on August 2, 2019, the Applicant received correspondence from the New York State Department of Environmental Conservation ("NYSDEC") stating that due to the presence of the northern long-eared bat, all tree clearing activities will need to take place between November 1 and March 31; and

WHEREAS, on or about June 20, 2019, the Planning Board reviewed the materials submitted by the Applicant, issued a negative declaration of environmental significance for this Type 1 action, after reviewing Part 1 of the EAF and completing Parts 2 and 3 of the EAF, and scheduled the Public Hearing for July 18, 2019; and

WHEREAS, on or about July 11, 2019, acting on a referral of the application from the Planning Board pursuant to GML § 239-m, County Planning recommended approval of the Project; and

WHEREAS, on July 18 and August 16, 2019, the Planning Board held two well-attended public hearings on the applications and heard comments for and against the Project; and

WHEREAS, the Planning Board directed the applicant to respond in writing to the public comments and the applicant submitted two sets of responses after each public hearing; and

WHEREAS, the Planning Board directed the Town Designated Engineer, Mr. Cole of PRIME AE to review the responses to the public comments and the additional information submitted by the Applicant, all as set forth in Mr. Cole's letter of September 10, 2019 providing comments on the Applicant's materials and recommending that the Town should condition any approval on the Applicant obtaining a permit from the US Army Corps of Engineers, if one is required by the agency, advising that the supplementary Visual Impact Assessment demonstrates that the existing Biggs and Otis and any other nearby residences will be adequately screened by existing vegetation, distance and topography such that the solar array will not be visible; and finding that the revised Decommissioning Plan is reasonable for the proposed system; and

WHEREAS, the Planning Board at its Planning Board meeting on September 19, 2019 carefully considered the documentation in the record including the supplemental information provided by the Applicant, the comments by involved and interested agencies, the recommendation of County Planning

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

and the comments, both oral and written, by the members of the public and approved the Project subject to the following findings and conditions:

1. That the applications for Minor Subdivision, Site Plan Review and Special Use Permit submitted by the Applicant for the Project were determined to be complete under the Town of Duanesburg Solar Law, the Duanesburg Zoning Law, and the Town of Duanesburg Subdivision Regulations; and
2. That having received and reviewed the application materials submitted by the Applicant, including but not limited to, site plans, subdivision plans, lot line adjustment plans, decommissioning plans, a Full Environmental Assessment Form, statements of proposed construction impacts and ongoing operation and maintenance, and having completed Parts 2 and 3 of the Full EAF, hereby determined that the Project will not have a significant adverse impact on the environment (as duly noted in the Full EAF) and, therefore, hereby confirmed and issued a Negative Declaration as set forth in the EAF Part 3 and its attached reasons supporting the determination read into the record and incorporated herein based on the following findings;
 - a. The Project will not have any significant impacts on federal wetlands or waterbodies as determined by the full wetland delineation conducted on the Project site, that any necessary approvals would be covered by the ACOE nationwide permit program, and that there are no impacts on State wetlands or streams;
 - b. The Project will not create any permanent impacts from odors, noise or traffic nor to groundwater and surface waters, there will only be insignificant and temporary impacts during construction;
 - c. The Project avoids and/or minimizes impacts on plants and animals, due to the very limited vegetative clearing that will result from the Project, once construction is complete vegetation will cover the ground under the panels and the property will continue to be used for limited agricultural purposes, such as sheep grazing and bee keeping;
 - d. The Project will not create any impacts to historical or cultural resources as shown in the Letter of No Effect from the New York State Office of Parks, Recreation, and Historic Preservation dated June 4, 2019;
 - e. The Project will minimize any visual impacts due to the existing topography, the retention of existing vegetation as shown on the final site plans and will not create any impacts from glare as demonstrated by the Applicant;
 - f. The Planning Board hereby required that the Project provide evergreen landscaping plan showing the establishment of a substantial evergreen buffer on the Applicant's property within 10 feet of the property boundary currently containing houses within approximately 600 feet of the project site boundary for a length of approximately 1600 feet at the back of the parcel with 2 staggered rows of trees planted 20 feet on center with the trees having the height at the time of planting of 6 to 7 feet and with the trees being species spruce and fir evergreens. The applicant shall also provide a maintenance and replacement agreement for the evergreen buffer to be planted;
 - g. The Project does not impact any Critical Environmental Areas and is not located in a flood zone;
 - h. The Project will have a positive economic benefit as it will result in revenue to the Town pursuant to a Payment-In-Lieu-Of-Taxes ("PILOT") Agreement and it will result in jobs during the construction and operation of the facility;

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

- i. The Project will provide renewable energy in the production of electricity and will contribute to the State's goal of replacing fossil fuel generated electricity with renewable sources of electricity;
 - j. The Project will also not change the community character as it has been sited to not be visible to the maximum extent possible to surrounding homes and roadways, and an evergreen landscaped buffer will be created on the property containing the project as set forth above;
 - k. The Project is also a use of land that will be discontinued in the future and as such a decommissioning plan is in place to return the property to its current condition; and
 - l. The Applicant has indicated that it intends to continue to have the property in agricultural uses, such as sheep grazing and beekeeping, which also makes it consistent with the community which contains agricultural uses.
3. That Planning Board's findings set forth below demonstrated that proposed construction of the Project, a Solar Energy System (Major), at the Property satisfied the requirements of the Town of Duanesburg Solar Law:
- a. The Project is in the R-2 Zoning District and as such is a permitted use subject to Special Use Permit and Site Plan approval by the Planning Board;
 - 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, respectively, thereby satisfying the lot coverage limitation of 60% (this finding was subsequently corrected at the Planning Board meeting in October 17, 2019 providing that "The projects are located on parcels in excess of 70.378 acres (lot 1) and 70.353 acres (lot 2) and when constructed will have a lot coverage of 32.8 acres which is 46% and a lot coverage of 33.0 acres which is 47% , respectively, thereby satisfying the lot coverage limitation of 60%");
 - c. The Project provides the required 100' setback between its components and the boundary of the Property, provides the required minimum of 25' buffer of vegetation to screen views of the Project and, in fact, that the Project exceeds this standard to address the concerns of adjoining property owners;
 - d. A fence meeting or exceeding the applicable requirements of the Zoning Law has been proposed;
 - e. The Project preserves existing on site vegetation to the maximum extent practicable and does not propose to clear cut all trees in a single contiguous area exceeding 20,000 square feet on the property;
 - f. The Town of Duanesburg Planning Board reviewed the plans showing brush hogging and tree clearing that had been undertaken by the property owner and determined such tree clearing did not exceed the above requirement;
 - g. The SEQRA regulations require that a project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been complied with and the Planning Board specifically found that the property owner brush hogging the property and taking down some limited trees for agriculture and silviculture purposes was consistent with the past uses of the property and not directly related to the development of the solar farm;
 - h. The Project is not located within an active farm field but is vacant hay field periodically cut by the property owner and historically used for more intensive agricultural purposes;
 - i. Native grasses and vegetation will be maintained below the arrays;
 - j. The site plans demonstrated that the Project:

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

- i. Provides through its siting and through the implementation of an evergreen landscaping plan to be approved by the Town of Duanesburg, a project design that minimized visual impacts from public roads and existing residential dwellings on contiguous parcels to the satisfaction of the Planning Board;
 - ii. layout ensures that the solar panels will not reflect solar radiation or glare onto adjacent buildings, properties and roadways and that the solar panels include a non-glare coating and are designed to absorb the maximum amount of solar rays such that the panels will not misdirect or reflect solar rays onto neighboring properties or public roads in excess of that which already exists;
 - iii. existing vegetation on the site is preserved to the maximum extent practicable;
 - iv. all transmission/interconnection lines on the Property shall be underground and within necessary easements and in compliance with applicable electrical and town codes excepting aboveground lines as required by National Grid;
 - v. no artificial lighting is proposed;
 - vi. that any signage will be in accordance with applicable town requirements and the manufacturers and/or installers identification and appropriate warning signage shall be posted;
 - vii. the average height of the solar panels are 8' feet above grade – below the 20' height limitation;
 - viii. all disturbed areas shall be restored in accordance with the zoning law's requirements.
4. That the decommissioning plan was approved and the Planning Board required that financial security be provided at least 30 days prior to the commencement of construction to the Town Clerk by the Applicant in the form of a bond or letter of credit in the amount \$422,762.00 (\$211,381.00 per project) with the form of financial security acceptable to the Town's attorney, with such funds to be used for decommissioning of the Project in the event that the Project is not decommissioned by the Project owner or the landowner; and
 5. That this project approval was conditioned upon the Applicant obtaining any other State or federal approvals required for the project including but not limited to any such permits required by the NYSDEC, the USACOE and the NYSDOT; and
 6. That the resolution and negative declaration adopted on September 19, 2019 be filed in the office of the Town Clerk and shall take effect immediately and that the notice of negative declaration be published in the ENB, that the negative declaration be provided to all involved agencies and that it be filed as required by SEQRA; and

WHEREAS, the Planning Board unanimously approved the Project; and

WHEREAS, subsequent to the issuance of Planning Board approvals, the Town Board of the Town of Duanesburg entered into agreements with Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC and the new owner of the LLC entities, AMP who had purchased Eden Renewable's interest in the LLCs and the Project, these agreements included the Payment In Lieu of Taxes Agreement, the Visual Screening Agreement, and the Decommissioning Agreement – all of the Agreements are on file with the Town of Duanesburg Town Clerk's office and the Visual Screening Agreement is also on file with the Schenectady County Clerk; and

RECEIVED

5

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

WHEREAS, after the Projects were approved by the Planning Board, Ms. Lynn Bruning and Ms. Susan Biggs who own and/or reside on an adjoining property commenced a lawsuit in Schenectady County Supreme Court seeking that the Planning Board's decision be overturned by the Courts, the lawsuit was sent to the Appellate Division Third Department by the Supreme Court Justice and the Town of Duanesburg Planning Board's decision was upheld by the Appellate Division Third Department; and

WHEREAS, due to the litigation and the covid pandemic, the Oak Hill Solar Projects were unable to proceed in a timely matter and two extensions of time to obtain building permits were granted by the Planning Board to Oak Hill Solar 1 and 2 LLC; and

WHEREAS, Applications for Building permits for the Projects were submitted to the Town Building Inspector in June of 2021 and upon review of the Applications the Town Building Inspector determined that the Projects had been changed in several respects: 1) consolidated battery energy storage was shown on the plans rather than the batteries previously shown; 2) the height and size of the solar panels increased; 3) the amount of soil disturbance increased; 4) an internal access road with turnaround area was added; and, generally, greater detail was provided on the Building Permit Plans than had been provided in the approved site plan;

WHEREAS, Many significant elements of the Projects did not change such as the size and location of the area of the solar panels and the exterior fencing running around the two projects, the solar projects are no closer to any adjoining properties or buildings on those properties than the originally approved projects, the visual screening remains the same as that approved previously and the access onto NYS Route 7 remains unchanged; and

WHEREAS, the Town Building Inspector made a determination dated July 14, 2021 that an amendment to the existing approvals was necessary due to the Projects plans being revised based upon the Building Permit Application by Greencells USA on behalf of AMP, the new owner of the Oak Hill LLCs; and

WHEREAS, the revised drawings and information were referred back to the Planning Board for further review by the Building Inspector and the Planning Board was to determine if the changes to the Projects and the Plans are consistent with the previous approvals granted, comply with the requirements of the Town of Duanesburg Solar Facilities Law, Local Law 1 of 2016 and the Town of Duanesburg Zoning Ordinance, and to make a determination, as the SEQRA lead agency for this Type 1 Action, if the negative declaration of environmental significance previously issued pursuant to SEQRA was still supported by the record; and

WHEREAS, Oak Hill Solar 1 and 2 LLC applied for amendments to their existing approvals on July 25, 2021 (with the exception of the subdivision which was previously approved, signed and filed in the Schenectady County Clerk's office) and have submitted substantial, new site plans and application documents, including a new full EAF and supporting environmental reports; and

WHEREAS, these application documents have been made available to the public via a share site, the link to the share site can be found on the Town's website—a list of the documents comprising the application are attached hereto as Exhibit A; and

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

WHEREAS, all public comments submitted to the Planning Board have been attached to the minutes of the Planning Board meeting and are also available in the Town Clerk's office—a list of the public comments are attached hereto as Exhibit B; and

WHEREAS, although the public hearing was held on August 19, 2021 and the time for public comments was long passed the Planning Board has continued to review the public comments, many of which are repetitive or relate to the project that was originally approved and litigated, and to ensure that the Planning Board's consultants, PRIME AE and ESGG, address all such public comments in their review of the application materials; and

WHEREAS both firms were retained by the Town Planning board to assist the Planning Board in the review of the Projects, especially the consolidated Battery Energy Storage, consisting of phosphorus lithium ion battery cells which had not been part of the original Projects and required substantial expertise in the review of this relatively new technology; and

WHEREAS, on July 23, 2021, the Applicant submitted a Solar Farm Glare Analysis Report that concluded "no glare" is predicted at any of the observation points over the course of the year; and

WHEREAS, on July 26, 2021, the Application was referred to the Schenectady County Planning Board pursuant to NYS General Municipal Law Sections 239-l and 239-m, and the County responded on August 12, 2021, the County Planning Board reviewed the Project materials and determined it to "defer to local consideration (no significant county-wide or inter-community impact)" and also added an advisory note that "The Applicant should provide a visual impact assessment or line of sight profile to ensure that the proposed landscaping and/or existing vegetation will screen the facility for neighboring residences"; and

WHEREAS, the Town Planning Board scheduled a public hearing on the Application for August 19, 2021; and

WHEREAS, official notice of the public hearing was properly published as required by the NYS Town Law and the Town of Duanesburg Zoning Ordinance and mailed out to adjacent landowners; and

WHEREAS, the Planning Board held a public hearing on the Project on August 19, 2021 and during the hearing, the Planning Board heard all comments from members of the public, the Applicant, and any interested parties regarding the pending Application; and

WHEREAS, the Town Planning Board directed the applicant to respond in writing to the public comments and the Applicant submitted multiple responses; and

WHEREAS, as noted above the Town Planning Board continued to allow the public to submit comments after the public hearing was closed and even after the Town Planning Board determined that it would entertain no more comments in November of 2021, nonetheless continued to receive and review public comments and reports as they came in and to have any issues raised addressed in the record by the Town Planning Board consultants and the Applicant; and

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

 ORIGINAL

WHEREAS, on August 18, 2021, the Town Planning Board received correspondence from Couch White, LLP, attorneys to the Applicant, that confirmed the Access and Utility Easement between the Owner and the Applicant; and

WHEREAS, on August 25, 2021, the Applicant responded to residential comments regarding the potential noise level of the Project by submitting a Solar Farm Noise Analysis Report concluding that the noise levels at the neighboring property lines would be 40 dB and 42 dB, similar to the noise level of a library, and roughly 30 dB below the 70 dB limit established in § 14.3.6.1 of the Zoning Ordinance; and

WHEREAS, on August 25, 2021, the Applicant submitted a Revised Glare Analysis that came to the same conclusion as the July 23, 2021 Initial Glare Analysis, that "no glare" is predicted at any of the observation points over the course of the year; and

WHEREAS, on August 26, 2021, AMP Solar Development ("AMP") provided the Town Planning Board an update on the changes from the original September 19, 2019 approval; and

WHEREAS, on September 8, 2021, the Applicant submitted a Visual Assessment that concluded, among others, that the existing Biggs and Otis residences will be adequately screened by existing vegetation, distance and topography such that the proposed solar array will not be visible; and

WHEREAS, on October 1, 2021, the Applicant submitted an updated Stormwater Pollution Prevention Plan ("SWPPP") that addressed comments provided by PRIME AE and among others, revised the amount of the soils proposed to be disturbed on the Properties; and

WHEREAS, the Applicant provided additional information on the battery energy storage system from Powin, the manufacturer, and submitted a Energy Storage System Risk Mitigation Strategy; and

WHEREAS, on October 19, 2021, the Applicant submitted a Pervious Road Assessment that concluded the Limited Use Pervious Access Road detail identified in the Oak Hill Solar plan set is "capable of carrying the load of local fire equipment in the event they are required to access the site"; and

WHEREAS, in response the Planning Board requested the information of the Applicant and as with all information submitted by the Applicant made it available to the public, the report submitted by the Applicant was also reviewed by the Planning board and by the Planning Board's consultants; and

WHEREAS, the Planning Board has discussed the Applications, technical documentation and public comments at the July, August, September, October, November, December, February and now March meeting of the Planning Board and a workshop meeting was held in October to focus on the environmental review of these Projects;

WHEREAS, the Planning Board invited and NYSEDA personnel came to the Town of Duaneburg Planning Board meetings on at least two occasions to address any questions that the Planning Board members had concerning the Projects, such as the safety of the proposed BES system and the toxicity, if any, of the solar panels and whether the panels could leach toxic chemicals over the life of the Project ;

RECEIVED

MAR 18 2022

 ORIGINAL

WHEREAS, the Planning Board's experts, PRIME AE and ESRG prepared and submitted reports and letters reviewing the Projects—in the case of PRIME AE, over 8 letters, dated August 14 & 19, September 15, October 15, November 18, December 7 all in 2021 and January 13, 2022 and March 15, 2022 reviewing the project were prepared and all comments and concerns raised by PRIME AE and ESRG have been addressed by the Applicant and its consulting engineers;

WHEREAS, ESRG in particular is going to continue on with the Town to assist in the review of the health, safety and fire training that the Applicant will be providing for the Village of Esperance Volunteer Fire Company and other mutual aid VFCs in the Town; and

WHEREAS, since the Village of Esperance Volunteer Fire Company is the VFC responsible for providing fire fighting and emergency services in the Town of Duaneburg Fire Protection District No. 3, the Planning Board and ESRG actively worked with the Fire Chief, Matt Deffer, and he attended several meetings of the Planning Board to participate in the review of the Projects and has signed off on the access roads as modified; and

WHEREAS, ESRG submitted its final report to the Town Planning Board on November 16, 2021 and in the report it contained several recommendations, all of which have been adopted by the Applicant, with the exception of providing water for fire fighting purposes at the site of the Projects; and

WHEREAS, the VFC advised ESRG and the Planning Board that it was not necessary to have a water source for fire fighting at the site because they had a source of such water nearby the Project Site; and

WHEREAS, the Planning Board has carefully reviewed this issue and agrees that there is not a need to have a water source for fire fighting at the site at this time, however, in the event that this changes in the future or if the fire fighting needs are greater at the Project Site than currently anticipated, the Planning Board is conditioning any approval on providing an appropriate water source at or near the Project Site in the future as the Applicant may be directed by the Town Building Inspector; and

WHEREAS, a new noise study was prepared by the Applicant due to the Projects changes related to the additional equipment at the site, including the consolidated Battery Energy Storage, all other sources of operational noise were considered and studied as well including, but not limited to, inverter noise and tracking panel noise, after the Planning Board received comments on the new noise study from a noise consultant who did not visit the site or conduct any independent analysis or modeling hired by the adjoining neighbors, the Planning Board requested that the Applicant address the comments made by the consultant and which response PRIME AE has reviewed and found acceptable; and

WHEREAS, a revised decommissioning statement dated November 23, 2021 was submitted for the projects; and

WHEREAS, the new estimated decommissioning costs are \$372,527.46 for Oak Hill 1 and \$372,296.32 for Oak Hill 2; and

RECEIVED

MAR 18 2022

TOWN OF DUANEBSBURG
TOWN CLERK



ORIGINAL

WHEREAS, numerous issues have been raised by project neighbors concerning stormwater flow, concentration and treatment, PRIME AE and the Planning Board have carefully reviewed the SWPPPS and the information on the soils on site, moreover, PRIME AE has worked with the Applicant and the reviewing authority, the NYSDEC, in the review of the many changes to the SWPPP that have been made to date and has advised the Planning Board that the SWPPP dated March 7, 2022 meets the requirements of the NYSDEC program; and

WHEREAS, a Notice of Intent to discharge stormwater pursuant to GP -0-20-001_ has been filed by the Applicant with NYSDEC and the five day period has passed; and

WHEREAS, on October 15, 2021, the US Army Corps of Engineers confirmed that the Projects are authorized under the nationwide permit program due to the minor impacts on Waters of the United States that will occur as a result of the Projects stating that the revised impacts are less than what was previously approved and therefore "no authorization is necessary", and the Applicant has designed the project to qualify for a blanket Water Quality Certification from the NYSDEC; and

WHEREAS, the NYSDOT previously issued the necessary Commercial highway work permit for the Projects and the permits will need to be renewed; and

WHEREAS, the Visual Screening Plan and Agreement is already in place for the Projects and the area within the fences containing the Projects has not changed so that any additional landscaping would be necessary; and

WHEREAS, the Planning Board is limited by the Solar Law to approving only a Six Foot high fence and the Applicant may, if it is otherwise required by the National Energy Code to construct a higher fence, need to obtain an area variance from the Zoning Board of Appeals; and

WHEREAS, the Planning Board reviewed, with the assistance of PRIME AE, a glare study undertaken by the Applicant on the Projects and PRIME AE has concurred with the study; and

WHEREAS, the Planning Board has reviewed and considered every part of the record in this matter and has carefully examined the Projects application documents and studies, the advice of its consultants, PRIME AE and ESRG, and the extensive public comments on these Projects; and

WHEREAS, the Town Planning Board has taken into consideration the special use and site plan permit criteria contained in § 14.6.2.4 and § 14.6.3.1 of the Town of Duanesburg Zoning Ordinance, § 4(3)(a)-(g) of the Solar Energy Facilities Law respectively, including, but not limited to, the location, arrangement, size, design, and general compatibility of the Project to surrounding uses; the potential glare and noise impacts; the adequacy of stormwater and drainage facilities; the adequacy of landscaping affecting visual and noise buffers; and the overall impact on the neighborhood; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board, as SEQRA lead agency, for this Type 1 Action, hereby approves Parts 2 and 3 of the full EAF (attached hereto as Exhibit C) which the Planning Board discussed and carefully reviewed at several Planning Board meetings;

RECEIVED

10

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

BE IT FURTHER RESOLVED, that having received and reviewed the amended application materials submitted by the Applicant, including but not limited to, revised site plans, revised application for a special use permit, revised decommissioning plans and estimates, revised construction level detail plans, a Full Environmental Assessment Form Part 1, last updated 3/7/22, a revised Stormwater Pollution Prevention Plan last revised March 7, 2022, and having completed Parts 2 and 3 of the Full EAF, hereby reaffirms the previous negative declaration issued on September 19, 2019, and determines after a full review of the revised Project that the revised Project will not have a significant adverse impact on the environment and that no Environmental Impact Statement will be prepared and therefore issues a Negative Declaration as set forth in the EAF Part 3 and its attached reasons supporting the determination set forth in Exhibit D and incorporated herein as based on the following findings;

- a. The Project will not have any significant impacts on federal wetlands or waterbodies as determined by the full wetland delineation conducted on the Project site, that any necessary approvals are covered by the ACOE nationwide permit program which has been confirmed by the US ACOE, and that there are no impacts on State wetlands or streams;
- b. The Project will not create any permanent impacts from odors, noise or traffic nor to groundwater and surface waters, and that there will only be insignificant and temporary impacts during construction;
- c. The Project avoids and/or minimizes impacts on plants and animals, due to the very limited vegetative clearing that will result from the Project, once construction is complete vegetation will cover the ground under the panels and the property may continue to be used for limited agricultural purposes;
- d. The Project will not create any impacts to historical or cultural resources as shown in the letter of No Effect from the New York State Office of Parks, Recreation, and Historic Preservation dated June 4, 2019 and subsequent letters dated September 21 signing off on the additional archaeological work and September 29, 2021 finding that "we have reviewed the recent submission, dated September 8, 2021 for this project. This submission includes revised project site plans for the proposed solar installations. We note that the proposed project is located adjacent to the National Register listed Sheldon Farmstead. Based on this review, it is the opinion of the SHPO that the proposed project will have no effect to historic and cultural resources";
- e. The Project will minimize any visual impacts due to the existing topography, the retention of existing vegetation as shown on the final site plans, the implementation of the vegetation screening plan, and will not create any impacts from glare as demonstrated by the Applicant;
- f. The Planning Board notes that the Project must implement the approved evergreen landscaping plan showing the establishment of a substantial evergreen buffer on the Applicant's property within 10 feet of the property boundary currently containing houses within approximately 600 feet of the project site boundary for a length of approximately 1600 feet at the back of the parcel with 2 staggered rows of trees planted 20 feet on center with the trees having the height at the time of planting of 6 to 7 feet and with the trees being species spruce and fir evergreens. As noted above the maintenance and replacement agreement for the screening plan is already approved and on file with the Town and requires no modifications ;
- g. The Project does not impact any Critical Environmental Areas and is not located in a flood zone;
- h. The Project will have a positive economic benefit as it will result in revenue to the Town

RECEIVED

11

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

pursuant to a PILOT agreement and it will result in jobs during the construction and operation of the facility;

- i. The Project will provide renewable energy in the production of electricity and will contribute to the State's goal of replacing fossil fuel generated electricity with renewable sources of electricity;
- j. The Project will also not change the community character as it has been sited to not be visible to the maximum extent possible to surrounding homes and roadways, and an evergreen landscaped buffer will be created on the property containing the project as set forth above;
- k. The Project is also a use of land that will be discontinued in the future and as such a decommissioning plan is in place to return the property to its current condition; and
- l. The Applicant has indicated that it may continue to have the property in agricultural uses which also makes it consistent with the community which contains agricultural uses.

(2) The Planning Board's findings set forth below demonstrate the proposed construction of the Project, a Major Solar Energy System, at the Property satisfies the requirements of the Town of Duanesburg Solar Law:

- a. The Project is in the Agricultural-Residential Zoning District and as such is a permitted use subject to Special use Permit and Site Plan approval by the Planning Board;
- b. The Projects meet the lot coverage limitation of 60%;
- c. The Projects provide the required 100' setback between its components and the boundary of the Property, provides the required minimum of 25' buffer of vegetation to screen views of the Project and, in fact, that the Project exceeds this standard to address the concerns of adjoining property owners;
- d. The Planning Board is approving a fence that is six feet in height only and the Applicant is free to apply to the Zoning Board of Appeals if the Applicant is required to construct higher fences due to State or National Electrical Codes requirements;
- e. The Project preserves existing on site vegetation to the maximum extent practicable and does not propose to clear cut all trees in a single contiguous area exceeding 20,000 square feet on the property—this issue was decided back in 2019 by the Planning Board and was upheld by the Appellate Division Third Department, no comments provided since 2019 have changed the conclusion of the Planning Board with respect to this requirement;
- f. The Town of Duanesburg Planning Board reviewed the plans showing brush hogging and tree clearing that had been undertaken by the property owner and determined such tree clearing did not exceed the above requirement as set forth above;
- g. The SEQRA regulations require that a project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been complied with and the Planning Board specifically finds that the property owner previously brush hogging the property and taking down some limited trees for agriculture and silviculture purposes was consistent with the past uses of the property and not directly related to the development of the solar farm;
- h. The Project is not located within an active farm field but is a vacant hay field which in the past has been periodically cut by the property owner and may have been historically used for more intensive agricultural purposes;
- i. Native grasses and vegetation, i.e. meadows, will be maintained below the arrays;
- j. The site plans demonstrate that the Project:
 - i. Provides through its siting and through the implementation of the evergreen



ORIGINAL

landscaping plan, a project design that minimizes visual impacts from public roads and existing residential dwellings on contiguous parcels to the satisfaction of the Planning Board;

- ii. The layout ensures that the solar panels will not reflect solar radiation or glare onto adjacent buildings, properties and roadways and that the solar panels include a non-glare coating and are designed to absorb the maximum amount of solar rays such that the panels will not misdirect or reflect solar rays onto neighboring properties or public roads in excess of that which already exists;
- iii. Existing vegetation on the site is preserved to the maximum extent practicable;
- iv. All transmission/interconnection lines on the Property shall be underground and within necessary easements and in compliance with applicable electrical and town codes excepting aboveground lines as required by National Grid;
- v. No artificial lighting is proposed;
- vi. That any signage will be in accordance with applicable town requirements and the manufacturers and/or installers identification and appropriate warning signage shall be posted;
- vii. The maximum height of the solar panels are below the 20' height limitation; and
- viii. All disturbed areas shall be restored in accordance with the zoning law's requirements and the SWPPP.

(3) That the Project meets the requirements for the issuance of special use permits set for the Duaneburg Zoning Ordinance including the following findings:

a. that the use is reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community—the Duaneburg Solar Law was specifically adopted to allow compliant solar facilities to be built in the Town and the goal of the Law was to encourage the installation of renewable energy systems,

b. the use is suitably located in relation to transportation, water and sewerage requirements of this Ordinance or, where not specifically required, that such facilities are otherwise adequate to accommodate anticipated use—no potable water or sewer is required for the proposed facility with the exception of fire water which is discussed below and the facilities are being constructed on an existing access point on a New York State Road near to an interstate road, I-88, and

c. the character of the neighborhood and values of surrounding property is reasonably safeguarded—bare allegations have been made that the solar facility will decrease property values, no such proof, however, was offered by Project Neighbors only a letter from a real estate agent with no appraisal or other documentation beyond his personal opinion, the Planning Board consulted with NYSEDA and reviewed several comparisons of property values in other municipalities and states before and after construction of solar facilities of this size and type and those studies have found that those expert reports show little to no impact on property values, moreover, based on the record and the Planning Board's experience with other solar projects and familiarity with property in the Town, the Planning Board finds that with the design of the project, the traffic and the landscaping, the Project will reasonably safeguard the value of the surrounding properties;

(4) That the Planning Board has conducted a formal review of the site plan pursuant to the criteria set forth in 14.6.1.5 of the Zoning Ordinance prior to action on the Special use Permit and has reviewed the specific requirements pertaining to solar facilities in Local Law no. 1 of 2016, and has also found that the proposed use will

RECEIVED

MAR 18 2022

TOWN OF DUANESEBURG
TOWN CLERK



ORIGINAL

- a. not have a significant negative effect on existing adjacent land uses;
 - b. the arrangement of pedestrian traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic control is adequate,
 - c. the location arrangement, appearance and sufficiency of off-street parking and loading is satisfactory,
 - d. the location, arrangement, size, design and general site compatibility of the buildings, lighting and signage is satisfactory,
 - e. the stormwater and drainage facilities are adequate,
 - f. the water supply and sewage disposal facilities are adequate,
 - g. the type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise deterring buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation are adequate;
 - h. performance standards, if necessary have been imposed to ensure protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
 - i. the fire access and the availability of water for fire fighting, as discussed in more detail above, are adequate, and
 - j. building appearance is compatible with existing neighboring structures. (See Section 14.6.2.4 of the Zoning Ordinance).
- (5) That the Planning Board finds that the Projects meet the specific performance standards set forth in Section 14.6.3.1 of the Zoning Ordinance as set forth below and that the use meets State environmental standards and will not, based upon the record before the Planning Board;
- a. Emit noise in excess of 70 decibels, dBA scale, of a standard sound level meter based on the sound studies prepared by EDP for the Applicant and reviewed by the Town Planning Board's consultant PRIME AE--the Planning Board specifically finds that the peer review study submitted by Ms. Bruning, was not credible and ignored the information on the equipment that was part of the EDP evaluation, the Planning Board also finds that the responses of EDP to the peer review report were credible and were confirmed by the Planning Board's consultant PRIME AE in its last review letter dated March 15, 2022;
 - b. Emit odor, which is considered offensive, the Planning Board finds that there is no indication that the proposed solar facility will emit any offensive odors;
 - c. Emit dust or dirt, the Planning Board finds that the implementation of the SWPPP will ensure that no dust or dirt is emitted beyond the property boundaries and that furthermore the emission of dust or dirt with the development of such a project is well within what would be anticipated from typical agricultural practices;
 - d. Cause, as a result of normal operation, a vibration, which creates displacement of 0.003 of one inch at the property line, the Planning Board finds no evidence that the Projects will create any vibration at the property boundaries given the setbacks proposed for the Projects and the nature of the solar project;
 - e. Create glare by lighting or signs which could impair a driver's vision, the Planning Board finds that the glare study prepared by the Applicant and reviewed by PRIME AE demonstrates that no glare will be produced in NYS Route 7 that could impair a driver's vision, moreover, no outdoor lighting or signs along NYS Route 7 are proposed for the Projects;
 - f. Cause a fire, explosion or safety hazard, the Planning Board finds that after a thorough review by its expert ESRG and the Planning Board itself that the Project, including the consolidated BESS.

RECEIVED

14

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

- g. As designed and as it is proposed to be implemented, monitored, and maintained will reduce the risk of such a hazard;
 - h. To ensure that the BESS is being appropriately monitored and inspected the Planning Board requires that quarterly reports be submitted to the Town Building Inspector demonstrating that appropriate monitoring, maintenance and repair of the BESS is occurring;
 - i. The Planning Board has ensured that the BESS has been thoroughly reviewed with the Esperance Volunteer Fire Company and that the Applicant will be required to provide training to the VFC, as well as any mutual aid responders who wish to participate, prior to the operation of the solar facility and after such training in writing annually thereafter. The Town Planning Board finds that the Applicant is required to pay ESRG for this training and, if the training does not take place in a timely fashion, this special use permit may be revoked by the Town Planning Board and that a record of each training event and the substantive materials provided at the event shall be provided to the Town Building Inspector; and
 - j. Cause harmful waste to be discharged into sewer, streams, or bodies of water, or to be stored on said property, the planning board finds that no harmful waste is proposed to be stored on the property and that the SWPPP addresses any discharge of sediments during construction and the management of any spills that may accidentally occur during construction ensuring that no harmful waste will leave the site or be stored on the site; and
- (6) That the revised decommissioning statement dated November 23, 2021 with the revised decommissioning estimate and increased amount of the decommissioning financial security is approved and the Planning Board requires that financial security be provided at least 30 days prior to the commencement of construction of the solar panels or installation of the BESS to the Town Clerk by the Applicant in the form of a bond or letter of credit with the form of financial security acceptable to the Town's attorney, with such funds to be used for decommissioning of the Project in the event that the Project is not decommissioned by the Project owner or the landowner and that the decommissioning agreement with the Town Board be amended to reflect the new decommissioning estimates and changes to the Decommissioning Statement dated November 23, 2021; and
- (7) That the project approval is conditioned upon the Applicant obtaining any other State or federal approvals required for the project including but not limited to any such permits required by the NYSDEC, the USACOE and the NYSDOT; and

BE IT FURTHER RESOLVED, in accordance with § 14.6.2.4 and § 14.6.3.1 of the Zoning Ordinance, the Town Planning Board hereby grants the special use permit and site plan approval requested by the Applicant subject to the following conditions:

- (1) Approval of the Amendment to the Decommissioning Agreement, which is related to the revised Decommissioning Plan and the revised amount of the associated financial security for the implementation of the Agreement, by the Town Board prior to the commencement of construction of the solar panels and Battery Energy Storage;
- (2) Submission of an acknowledgment of receipt by the New York State Department of Environmental Conservation ("NYSDEC") of the NOI and the final Stormwater Pollution Prevention Plan ("SWPPP") to the Building Inspector by the Applicant, prior to commencing construction.
- (3) The Applicant shall provide payment for all outstanding fees, including any invoices by Town Planning Board consultants for review and the first annual training prior to commencing construction;

RECEIVED

15

MAR 16 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

- (4) The Applicant shall provide the Building Inspector with copies of all other approvals issued for the Project, including the renewed or reissued New York State Department of Transportation ("NYSDOT") Highway Work Permit and sign-off by New York State Energy and Research Development Authority ("NYSERDA"); and
- (5) After completion of the Project and prior to commencing operation, the Applicant must meet with emergency responders at the Property to discuss the procedures to be followed in the event of fire and other emergencies. Within five (5) days of the meeting, the Applicant must provide the Town Planning Board with hard copies of the meeting minutes. The site specific emergency plan must be presented to the Building Inspector and to the VFC prior to that training by the Applicant and a copy must be kept on file with the Town Clerk. The meeting minutes must indicate the name and contact information for each of the attendees and provide a detailed description of the procedures that will be followed by the emergency responders in the event of a fire or other emergency; and
- (6) In the event the Building Inspector finds that the existing sources of off-site water are insufficient for firefighting purposes for any reason as confirmed in writing by the VFC having responsibility for the Fire Protection District, Applicant will be responsible for providing a sufficient water source; and
- (7) After completion of the Project and prior to the commencement of operation, the Applicant shall retain the services of a New York State licensed professional engineer to provide post-construction certification that the Project complies with applicable codes and industry practices and has been constructed according to the approved special use permit and site plans; and
- (8) After commencement of operations, the Applicant shall monitor noise levels at the property boundary to ensure that the levels from the solar facility are within those predicted in the sound study submitted by the Applicant; and
- (9) Prior to the commencement of construction, the Applicant shall attend a pre-construction meeting with the Building Inspector and the Town Designated Engineer to confirm the completion of the completion of the pre-construction conditions; and
- (10) All SWPPP inspections and reporting during construction will be undertaken by a Qualified inspector. Copies of the inspection reports shall be submitted to the Town Building Inspector within five (5) days of the inspection.
- (11) The Decommissioning Cost Estimate shall be updated every 5 years by a N.Y.S. licensed P.E. and be provided to the Town for review and approval and for the security for the decommissioning to be adjusted accordingly.

BE IT FURTHER RESOLVED, that this resolution and negative declaration shall be filed in the office of the Town Clerk and shall take effect immediately and that the notice of negative declaration be published in the ENB, that the negative declaration be provided to all involved and interested agencies and that it be filed as required by SEQRA.

The foregoing resolution was voted upon with members of the Town of Duanesburg Planning Board as follows:

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Jeffrey Schmitt	X		
Elizabeth Novak	X		
Joshua Houghton	X		
Matt Hoffman	X		

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

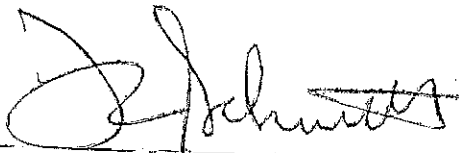


ORIGINAL

Michael Santulli
Michael Walpole

X
X

Michael Harris recused himself from the review of the project, was absent from this meeting, and did not participate in this decision.

 3/18/2022

JEFFREY SCHMITT, CHAIR - DUANESBURG (T)
PLANNING
BOARD

RECEIVED

17

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

 ORIGINAL

Exhibit A to 3.17.22
Resolution on Oak Hill Projects

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC
Amendment Application Documents

Site Plans

- 2021-06-21_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2021-08-27_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2021-10-01_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2021-11-12_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2021-11-23_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2022-01-06_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2022-01-17_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2022-02-16_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2022-03-07_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings

SWPPP

- 2021-06-11_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2021-08-27_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2021-10-01_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2021-11-12_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2022-01-06_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2022-01-17_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2022-02-16_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2

RECEIVED

MAR 18 2022

1



ORIGINAL

- 2022-03-07_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2021-12-06_SOIL INVESTIGATION REPORT OAK HILL SOLAR 1 & 2

EAF

- 2021-07-28: EAF Summary of Changes
- 2021-07-28: Environmental Assessment Form – Part 1
- 2021-08-27: Environmental Assessment Form – Part 1
- 2021-10-01: Environmental Assessment Form – Part 1
- 2021-10-18: Environmental Assessment Form – Part 1
- 2021-10-18REV1: Environmental Assessment Form – Part 1
- 2021-11-08: Environmental Assessment Form – Part 1
- 2022-03-07: Environmental Assessment Form – Part 1

Module Information:

- Anti-Glare Glass Specifications
- Anti-Glare ARC Solar Glass and Application in Module
- Vikram Solar Somera P-Duplex Half-Cell 144 (current cut sheet)
- Stave 5BB-Polycrystalline PV Module (historic cut sheet)

Presentations

- 8/19/2021 Board Meeting Presentation
- 9/8/2021 Board Meeting Presentation
- 9/16/2021 Board Meeting Presentation

DC-DC Converter Cut Sheet

- Dynapower DPS – 500 Cut Sheet

Battery Information

- Amp – Storage System Risk Mitigation Strategy
- Powin Smart Enclosures Cut Sheet
- Powin Battery Energy Stack Product Line
- StatX Aerosol Fire Suppression

RECEIVED

MAR 18 2022

2

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

- UL 9540a Test Report
- Draft Amp Solar Development, Inc. Oak Hill Solar Site Specific Safety Plan
- 2021-11-16_Energy Safety Response Group – Oak Hill BESS FCNYS 1206.8 Peer Review
- Various Images

Prime AE Review Specific Documents

- Oak Hill 1 Mechanical IFC Drawing
- Oak Hill 2 Mechanical IFC Drawing
- Water Quality Analysis Breakdown
- Memo Letter: Wolf Engineering LLC
- Design method for geogrid reinforced unpaved roads: development of design method
- Schletter Tracking System Assembly And Installation
- Oak Hill USACE Permit Correspondence
- ASSESSMENT: LIMITED USE PERVIOUS ACCESS ROAD
- OAK HILL - EAF VS DRAINAGE AREA BREAKDOWN
- 2021-08-10_Oak Hill DOT Permit
- FIG-1 EAF VS SWPPP AREA - PREDEVELOPMENT
- FIG-2 EAF VS SWPPP AREA - POSTDEVELOPMENT

Decommissioning

- 2021-07-30 Summary of Changes: Decommissioning
- 2021-07-30 Revised Oak Hill Community Solar 1 and 2 Decommissioning Statement
- 2021-11-23 Revised Oak Hill Community Solar 1 and 2 Decommissioning Statement
- Revised Appendix2-8/26/2021 Breakdown of Decommissioning Costs
- Revised Appendix2-9/28/2021 Breakdown of Decommissioning Costs
- Revised Appendix2-11/11/2021 Breakdown of Decommissioning Costs
- Battery Energy Storage System-Specific Decommissioning Plan – Oak Hill Solar 1 LLC & Oak Hill Solar 2 LLC – Revised September 2021
- Battery Energy Storage System-Specific Decommissioning Plan – Oak Hill Solar 1 LLC & Oak Hill Solar 2 LLC – Revised November 2021
- NYSEERDA: Decommissioning Solar Panel Systems: Information for local governments and landowners on the decommissioning of large-scale solar panel solar systems

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

- 2022-02-07: Draft Decommissioning Performance Bond-Oak Hill 1
- 2022-02-07: Draft Decommissioning Performance Bond-Oak Hill 2

Real Estate Studies

- CohnReznick: Impact study of Property Values Adjacent to Solar: A Study of Nine Existing Solar Facilities
- Policy Research Project (PRP), LBJ School of Public Affairs at the University of Texas: An Exploration of Property-Value Impacts Near Utility-Scale Solar Installations

SHPO Letters

- 2021-09-29-Parks, Recreation and Historic Preservation No Effect Letter
- 2021-09-21-Parks, Recreation and Historic Preservation Response Letter

Module Testing

- SGS: Test Report (SVHC)
- SGS: Test Report

Prime AE Letters

- 2021-08-14: Oak Hill 1 and 2 Solar Project Review
- 2021-08-19: Oak Hill 1 and 2 Solar Project Review
- 2021-09-15: Oak Hill 1 and 2 Solar Project Review
- 2021-09-21: Oak Hill 1 and 2 Solar Project Review
- 2021-10-15: Oak Hill 1 and 2 Solar Project Review
- 2021-11-18: Oak Hill 1 and 2 Solar Project Review
- 2021-12-07: Oak Hill 1 and 2 Solar Project Review
- 2022-01-13: Oak Hill 1 and 2 Solar Project Review
- 2022-03-03: Oak Hill 1 and 2 Solar Project Review

Prime AE Response Letters

- 2021-08-27_Town Engineer Response Letter
- 2021-10-10_Town Engineer Response Letter #2
- 2021-10-20_Town Engineer Response Letter #3

RECEIVED

MAR 18 2022

4

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

- 2022-03-07_Town Engineer Comment Response Letter – Stormwater Design

Amp Letters

- 2021-07-19_Oak Hill Solar 1 LLC & Oak Hill Solar 2 LLC's Energy Storage Projects Clarification
- 2021-07-28_Summary of Plan Changes
- 2021-07-30_Special Use Permit Amendment Cover Letter
- 2021-08-26_Amp Responses to August 19th Meeting Question
- 2021-09-15_AmpSeptember9, 2021 Special Meeting & WorkshopFollow Up
- 2021-10-18_Public Comment Responses
- 2021-11-15_Amp Response to October 21, 2021 Planning Board Meeting
- 2022-02-25_NYDEC Request for Response to Comments

Project Analysis

- 2021-07-23_SOLAR FARM GLARE ANALYSIS REPORT FOR OAK HILL 1 & 2 SOLAR FARM
- 2021-08-25_SOLAR FARM GLARE ANALYSIS REPORT FOR OAK HILL 1 & 2 SOLAR FARM _ Revised August 25, 2021
- 2021-08-25_SOLAR FARM NOISE ANALYSIS REPORT FOR OAK HILL 1 & 2 SOLAR FARM
- 2022-02-07_SUPPLEMENTAL SOLAR FARM NOISE ANALYSIS REPORT FOR OAK HILL SOLAR FARM 1 & 2
- 2022-03-07 EDP Response to Noise Memo
- 2021-09-08_SUPPLEMENTAL VISUAL IMPACT ASSESSMENT

Miscellaneous

- 2021-07-22_Agricultural Data Statement
- Application for the Planning Board Town of Duaneburg

RECEIVED

MAR 18 2022

5

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

Exhibit B to 3.17.22 Resolution on Oak Hill Projects

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

Oakhill 1&2 Public Comment List:

Lynne Bruning's Comments:

- 1) July 15, 2021, Email Subject (Public Comment Planning Board July 15, 2021) with PDF attachment Re: Privilege of the Floor: Battery Energy Storage
- 2) July 16, 2021, Email Subject (Please hire an unbiased independent engineer) with PDF attachment Re: Independent Engineer Review of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 3) July 16th, 2021, Email Subject (Please distribute: Doug Cole conflict of interest) with PDF Attachment Re: Independent Engineer Review of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 4) July 20th, 2021 Email Subject (July 20, 2021, Zoning Board Meeting) With PDF Attachment Re: Draft Solar Law and Battery Storage
- 5) October 12th, 2021, Email Subject (Bruning Comments Oak Hill Solar 1 Drawings) Sent VIA email with 1 PDF Labeled "Mechanical Signed- Compressed".
- 6) October 12th, 2021, Email Subject (Bruning Comments Oak Hill Solar 2 Drawings) Sent VIA email with 1 PDF Labeled "Mechanical Signed- Compressed".
- 7) October 12th, 2021, Email Subject (Bruning to Planning Board: Oak Hill FEAF) with PDF Attachment Re: Oak Hill Solar Full Environmental Assessment Form dated October 1, 2021
- 8) October 12th, 2021, Email Subject (Bruning to Planning Board Comments on Oak Hill Solar Decommissioning Plan) - Sent VIA email with 3 PDF Labeled "Oakhill Revised, BESS Decom Plan", "Flint Min Decom Plan", "NYSERDA Battery Storage Guidebook".
- 9) October 12th, 2021, Email Subject (Planning Comments on Tracking System)- sent VIA email with 2 PDF Labeled "Schletter Tracking System Part 1", "EDP to DEC Tracker Panels".
- 10) October 12th, 2021, Email Subject (Bruning to PB Decom Estimate Appendix 2)- Sent VIA email with 2 PDF Labeled "Flint Mine Decom Plan", "Chart Decom Statement Oakhill Entered June 18, 2021".
- 11) October 12th, 2021, Email Subject (Fwd.: Biggs to Planning Board Oak Hill Solar Amendment) Enc in email was Color photos views from second floor of residence and Color photos of trees of tress on Biggs parcel
- 12) October 13th 2021- Email Subject (Request for Site Visit)- sent VIA email with 1 PDF Labeled "Tom Aultia to P.B".
- 13) October 18th, 2021 – Email Subject (Bruning to Town and Planning Boards PrimeAE October 15, 2021, letter omits costs and risks) and a PDF- RE: Doug Cole of Prime AE October 15, 2021 Letter, Decommissioning of Batteries at Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 14) October 19, 2021, Email Subject (Solar Panel PFAS and request Town enforce the Precautionary Principle) RE: Precautionary Principle for PFAS at Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC. Sent VIA email with 4 PDF Labeled "FINAL Bruning to Duaneburg Planning Board", "Bruning to Town and Planning PFAS Research", "Saving Greene Cover Gmail", "Saving Greene PFAS Report".
- 15) October 19th, 2021, Email Subject (Response to Verdanterra October 20, 2021 letter Item #5 tree clearing) with PDF Attachment RE: Verdanterra October 20, 2021 Letter to Town of Duaneburg Item #5 Tree Clearing

RECEIVED

MAR 18 2022

TOWN OF DUANEBSBURG
TOWN CLERK



ORIGINAL

- 16) October 21st, 2021, Email Subject (Comments on Dr. Varun Rai, "An Exploration of Property-Value Impacts) sent VIA email with 1 PDF Labeled "Property Value Impacts near utility-scale solar installation".
- 17) October 21, 2021 (Cohn Reznick)-Email
- 18) October 21, 2021 (Bruning to Planning Board Privilege of the Floor October 21 2021)- Email
- 19) October 25, 2021 (Fwd.: Request witness at Oak Hill Solar Perc Tests)- Email
- 20) November 8th, 2021, Email Subject (Oak Hill Solar: Mortgage and long-term risk to the town) Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Mortgages Filed at Schenectady County Clerk October 20, 2021
- 21) November 8th, 2021, Email Subject (Oak Hill Solar may be visible from Duaneburg Road - request GPS coordinates of south fence) with PDF Attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC visible from Duaneburg Road
- 22) November 8th 2021 Email subject (Oak Hill Solar: PFAS solar panels, anti-reflective coating and lithium ion batteries) with PDF Attachment Re: PFAS Concerns at Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 23) November 8th, 2021, Email subject (Oak Hill Solar: Deny Amendment for BESS and the BESS Decommissioning estimate omits battery waste disposal) with PDF Attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Battery Energy Storage
- 24) November 8th, 2021, Email subject (Oak Hill Solar Amendment - Biggs home is still omitted from consideration" with PDF Attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC omission of the Biggs home
- 25) November 8th 2021 Email subject (Bruning Oak Hill Site Images Storm Water and Maryland Guidelines) with PDF Attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Site Photos
- 26) November 8th, 2021, Email subject (Oak Hill Solar Amendment - Visual Maintenance Agreement is not filed with the County) with PDF attachment Re: Filing Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Visual Screening Maintenance Agreement with the Schenectady County Clerk
- 27) November 8th, 2021, Email Subject (Oak Hill Construction Traffic)
- 28) November 8th, 2021, Email Subject (Oak Hill Solar: How Tall is 14.5 feet? It's a single-story house)
- 29) November 9th, 2021, Email Subject (Oak Hill Solar: Bruning Water Test Results) with PDF Attachment Re: Water test results Biggs 13388 Duaneburg Road collected on October 21, 2021
- 30) November 15th 2021 Email Subject (Oak Hill Solar Comments on Revised FEAF, 100% poorly drained soils and Stormwater damage) with PDF Attachment RE: Revised Full Environmental Assessment Form November 8, 2021 and Stormwater
- 31) November 15th, 2021, Email Subject (Oak Hill Solar Comments on November 12 Revised Site Plan) with PDF Attachment RE: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC revised site plan "E" submitted to Amp Drop Box on November 12, 2021
- 32) November 15th, 2021, Email Subject (Oak Hill Solar Revised Decommissioning and BESS Decommissioning) with PDF Attachment RE: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC revised BESS submitted by Applicant to Amp Drop Box on November 11, 2021
- 33) November 15th 2021 Email Subject (Oak Hill Solar Noise Analysis omits equipment) with PDF attachment Re: Oak Hill Solar Noise Analysis

RECEIVED

MAR 18 2022

TOWN OF DUANEBSBURG
TOWN CLERK

 ORIGINAL

- 34) November 18th, 2021, Email Subject (Oak Hill Solar Amp update on Historic Preservation - Sears Archeological Collection) -Email with PDF Attachment "Sears Archeological Tim Llyod Gmail RE. arrowheads".
- 35) November 18th, 2021, Email Subject (Bruning Privilege of the Floor Planning Board November 18, 2021) PDF attachment RE: Privilege of the the Floor Planning Board November 18, 2021
- 36) November 24th, 2021, Email Subject (Thank you for providing Oak Hill Solar's application online)-Email
- 37) November 26th, 2021, Email Subject (Oak Hill Solar Department of Transportation Permit) PDF attachment Re: Bruning to Planning Board DOT FOI-merge
- 38) November 29th, 2021, Email Subject (Oak Hill Solar: multiple drawing sets labeled with the same revision date - request correction)-Email
- December 16th, 2021, Email Subject (Oak Hill solar foot print has increased) PDF attachment RE: 2021 Application the Oak Hill Solar southern Project boundary is 800 feet north of Duanesburg Road. In 2019 it was 1,500 feet another of Duanesburg Road. The Project is significantly changed its foot print.
- 39) December 27th, 2021, Email Subject (Biggs to Town and Planning Board - Noise Peer Review) PDF attachment Re: Oak Hill Solar Noise Analysis
- 41) December 31st, 2021, Email Subject (Oppose appointment of PrimeAE as a town engineer) PDF attachment Re: Oppose the appointment of PrimeAE as a town engineer
- 42) January 3rd, 2020, Email Subject (Request the town appoint a new attorney specializing in municipal and marijuana law)- Email
- 43) January 10th, 2022, Email Subject (Oak Hill Solar Noise Analysis) -Email with PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Noise Analysis
- 44) January 10, 2022, Email subject (Oak Hill Solar: USACOE Freedom of Information Response dated January 6 2022) PDF attachment Re: United States Army Corps of Engineers Freedom of Information for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 45) January 10th, 2022, Email Subject (Oak Hill Solar Comments from Concerned Citizens) PDF attachment Re: Oak Hill Solar Concerned Citizen Comments
- 46) January 11th, 2022, Email Subject (Hard copies of Bruning correspondence to the planning and town boards)- Email
- 47) January 12th, 2022, Email Subject (Re: Oak Hill Solar Noise Analysis) with email and PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Noise Analysis
- 48) January 17th, 2022, Email Subject (Planning Board Agenda omits some color images that were provided to the Board) PDF attachment RE: Agenda's failure to include all color images for all projects
- 49) February 7th, 2022, Email Subject (Concerned Citizen's comments on Oak Hill Solar For the Next Planning Board Meeting)-Email with PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 50) February 7th, 2022, Email Subject (Biggs and Bruning comment on Oak Hill Solar's lack of compliance.) PDF attachment Re: Fence, Noise and the application document to date as provided through Amp's drop box the Amendment for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC should be denied due to lack of compliance with the town's comprehensive plan, zoning ordinance and solar law. I request that the planning board perform a site visit and gather more data before taking any action on the Project.

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

 ORIGINAL

- 51) February 7th, 2022, Email Subject (Oak Hill Solar October 1, 2021 EAF v SWPPP Area Post Development Figure 2) PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC and SWPPP
- 52) February 16th, 2022, Email Subject (Oak Hill Solar - Planning Board February 17 2022) PDF attachment RE: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC and noise
- 53) February 17th, 2022, Email Subject (Bruning Privilege of the Floor February 17, 2022) PDF attachment Re: Privilege of the Floor February 17, 2022 Planning Board and SWPPP
- 54) February 16th, 2022, Email Subject (copy of Biggs/Bruning correspondence with the DEC) - Email with PDF attachment "Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Stormwater Pollution Prevention Plan" and "Biggs and Bruning ATTACHMENTS to DEC.
- 55) February 21st, 2022, Email Subject (request for Amp to update drop box) PDF attachment Bruning.to Board request upload documents.
- 56) February 25th, 2022, Email Subject (Oak Hill Solar - Peer Review Noise Analysis) PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Peer Review Noise Analysis
- 57) March 7th, 2022, Email Subject (Oak Hill Solar Bruning Comments March 7, 2022) PDF attachment Re: the town and planning boards considered if the application for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC is fraudulent? Has the town and planning board considered that the town engineer may have a conflict of interest?
- 58) March 14th, 2022, Email Subject (Re: Bruning Privilege of the Floor) PDF attachment Re: Privilege of the Floor Town Board Meeting.
- 59) March 16th, 2022, Email Subject (E-Cooustic response to EDP Noise Comments) PDF attachment Re: Response to March 7th, 2022, Statement by EDP, To E-CS's Feb. 24, 2022, Review of EDP Noise Impact Statement for Oak Hill Solar I and II March 16, 2022, By: Richard R. James, Principal, E-Cooustic Solutions, LLC (ECS)
- 60) March 17th, 2022, Email Subject (Existing Conditions Biggs two parcels 13388 Duanesburg Road) PDF attachment RE: Existing Conditions 13388 Duanesburg Road, Delanson, NY 12056 Tax Parcels 74.00-3-18 and 74.00-3-16.3
- 61) March 17th, 2022, Email Subject (Omission of nearest neighboring house, switchgear,) - Email and PDF attachments "Sheet 27 Landscape Oak Hill IFC Plans Stamped and Sign", "Powin HVAC", "Switch Gear 117 Bliss Rd NY" "AMP uploads".
- 62) March 17th 2022, Email Subject (Is the Oak Hill Solar Resolution missing pages? Please provide the board all pages prior to taking any action.) - Email appears that the Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Resolution as provided on the Town website may be missing a page from the FEAF Part 3. Specifically is page 1 of the FEAF Part 3 omitted from the Resolution?

Pamela Rowling:

1. September 16, 2021, Email Subject (Planning board Meeting Scheduled for 16 September 2021, Oakhill Solar 1&2) Letter discussing issues with SWPPP, along with correction from previous letter sent on September 15, 2021.
2. October 12th, 2021, Email Subject (Oak Hill Solar 1, LLC and Oak Hill Solar, 2 LLC), Request to Deny and list of questions.
3. November 8th, 2021, Email Subject (Oak Hill Solar) 4 PDF attachments "Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC", "Contour Map 1", "13 Screen Shot", "Picture of Drainage"

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

6. March 3rd, 2022, Email subject (Oak Hill Solar 1, LLC, Oak Hill Solar 2, LLC SWPPP revised)- Email
7. March 7th, 2022, Email subject (Oak Hill Solar 1, LLC, Oak Hill Solar 2, LLC) word doc Re: In anticipation of the upcoming meeting of the Planning Board scheduled for 17 March 2022 I would like to continue to express my overall opposition to approval of the Oak Hill Solar 1, LLC and Oak Hill 2, LLC Amendments for on site battery storage.
8. March 17th, 2022, Email Subject (Oak Hill 1, LLC, Oak Hill 2, LLC) word doc RE: Existing Conditions Tax Parcel 74.00-3-19 and PDF attachment with pictures to descriptions.

Susan Biggs:

1. July 5, 2020, Subject: Eden Renewables request for extension of Oak Hill Special Use Permit
2. October 25th, 2021, Email Subject (Request witness at Oak Hill Solar Perc Tests)- Email

Illegible name???:

October 4, 2021, Illegible letter, but they individual lives on 14339 W Beacon Rd.

Wallace Johnson:

February 7th, 2022, Email Subject (Oak Hill Solar 1 and 2) word document attachment Re: having significant concerns regarding run off water management during the construction and post construction phases of the project.

Marcelline Fusiler:

1. January 9th, 2022, Email Subject (Oak Hill Solar)- Email expressing her concerns
2. February 7th, 2022, Email Subject (Oak Hill Solar) – Email expressing her concern about the noise.

Elizabeth Barnes:

October 12th, 2021, Email Subject (QUESTIONS FOR OAK HILL SOLAR 1, LLC and OAK HILL SOLAR 2, LLC) with a list of over 100 questions.

Leila Otis:

October 11, 2021, Email Subject (Oak Hill Solar Amendment, Duanesburg Town Board Meeting), requesting the denial of the BESS.

Danielle and Robert Swain:

August 9, 2021, Email Subject (Oak Hill Solar) discussing BESS.

Leonard M. Van Buren:

November 15, 2021, Letter regarding (Oak Hill Solar Project), Uncomfortable with Lack of Biggs Involvement

Josh Barnes:

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

October 12th, 2021, Email Subject (Please distribute to Planning Board) with a letter and attached NYSERDA BESS Study

Kyle Tice:

February 26th, 2022, Email Subject (Town of Duanesburg-February 24th, 2022)- Email with PDF attachments of Storm water runoff.

Kris Martin and Kim Rose:

October 11, 2021, Email Subject (Oak Hill solar plants: PFAS and the precautionary principle (report attached), Saving Greene.

People Who Sent Emails and Letters of concern of the project for Public Hearing:

Susan Biggs- August 12th, 2021
Daniel Bernhard- August 13th, 2021
Patty Barnes Bernhard- August 13th, 2021
Nick plant- August 13th, 2021
Wallace I. Johnson- August 13th, 2021
Justin Dykeman- August 14th, 2021
Laurie Dykeman- August 14th, 2021
Linda Walbridge- August 14th, 2021
Bob Bernhard- August 15th, 2021
Matthew Ferri- August 15th, 2021
Barton D MacDougall- August 16th 221
Anna & Dave Denney -August 16th, 2021
Lenny Van Buren- August 16th, 2021
Elizabeth Barnes- August 18th, 2021
Josh Barnes- August 18th, 2021
Matthew Ganster- August 19th, 2021
Nancy Harm- August 19th, 2021
Lynne Bruning- August 19th, 2021
Susan Biggs- August 19th, 2021
Pamela Rowling- August 19th, 2021
Colleen & Jay Affinito- August 19th, 2021

People who spoke at the Public Hearing 8-19-2021 with their questions comments and concerns:

Pamela Rowling located at 82 Maple St in CT
Matthew Ganster located at 13818 Duanesburg Rd
Susan Biggs located at 13388 Duanesburg Rd
Julie from Schoharie
Lynn Bruning 13388 Duanesburg Rd
Past Town Supervisor Tidball
Council Member Ganther
Town Supervisor Wenzel
Bill Fairchild from Schenectady
Josh Barnes located at 14314 Duanesburg Rd

RECEIVED

MAR 18 2022

**TOWN OF DUANESBURG
TOWN CLERK**



ORIGINAL

Exhibit C

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

**ORIGINAL**

Full Environmental Assessment Form

Part 2 - Identification of Potential Project Impacts

Project: Oak Hill Solar 1 and 2, LLC
 Date: 11/18/2021

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1)

☐ NO

☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED

Page 1 of 10

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

FEAF 2019

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

MAR 18 2022

1. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
-------------------------	--	--------------------------	--------------------------

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

☒ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.
 (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

☒ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

 ORIGINAL

MAR 18 2022

g. Other impacts: _____

☐

☐

6. Impacts on Air

The proposed action may include a state regulated air emission source.
(See Part 1. D.2.f., D.2.h, D.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☐ NO

☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECEIVED

MAR 18 2022

ORIGINAL

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1 b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

 ORIGINAL

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☐ NO☒ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO☒ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECEIVED



ORIGINAL

MAR 18 2022

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED

 ORIGINAL

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part 1. D.2.j)

☒ NO☐ YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part 1. D.2.k)

☒ NO☐ YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part 1. D.2.m., n., and o.)

☐ NO☒ YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

 ORIGINAL

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			



ORIGINAL

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

☐ NO☒ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

☐ NO☒ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED

PRINT FULL FORM

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

ORIGINAL

Agency Use Only (unapplicable)
Project : Oak Hill Solar 1 and 2 LLC
Date : 11/10/2021

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Reasons Supporting This Determination Attached

Determination of Significance - Type 1 and Unlisted Actions

RECEIVED

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

MAR 18 2022

TOWN OF DUANESEBURG
TOWN CLERK

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Duanesburg Planning Board _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Oak Hill Solar 1 and 2 LLC

Name of Lead Agency: Town of Duanesburg Planning Board

Name of Responsible Officer in Lead Agency: Jeffrey Schmitt

Title of Responsible Officer: Planning Board Chairperson

Signature of Responsible Officer in Lead Agency:

Date: 3/18/2022

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Dale Warner

Address: 5853 Western Turnpike Duanesburg, NY 12056

Telephone Number: 518-895-2040

E-mail: dale@duanesburg.net

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



ORIGINAL

RECEIVED

PRINT FULL FORM

Page 2 of 2

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

RECEIVED

APR 22 2022

Oak Hill Solar 1 & 2, LLC

Full Environmental Assessment Form

TOWN OF DUANESBURG
TOWN CLERK

Part 3 — Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

The Oak Hill Solar LLC project has been reviewed and evaluated for environmental impacts in accordance with SEQRA, including completion of Parts 1, 2 and 3 of a Full Environmental Assessment Form. On Part 2 "Identification of Potential Project Impacts", only two of the potential project impacts have been identified as "Moderate to Large" for the proposed amendment to the existing Special Use Permit for the Photovoltaic (PV) Solar Project located at 13590-13592 Duanesburg Rd. This is because the proposed action will be different from current surrounding land use patterns as this is the first proposed facility of its kind in the area, potentially having a moderate impact to the "Consistency with Community Plans" (No. 17a of Part 2). The proposed action may have a moderate impact on the "Consistency with Community Character" due to the fact that the development will be inconsistent with the character of the existing natural landscape for the same reason (No. 18f of Part 2). However, it is important to note that the proposed facility will be approximately 800' from public viewing (Duanesburg Road, Route 7) and will be heavily screened from the public vantage point by existing vegetation and natural gradation of the site. The solar panels will be located approximately 1368 feet in distance from the solar east corner to NYS Route 7. Please see approved plans and Prime AE email of December 20, 2021 with table and accompanying drawings.

The proposed project is overall consistent with the Town Comprehensive Plan, the Town Zoning Ordinance, and complies with the Town Law related to Solar Facilities. The parcels are not located in a Critical Environmental Area (No. 12 of Part 2), will not result in a change to existing transportation systems (No. 13 of Part 2), will not cause an increase to the use of energy (No. 14 of Part 2), and are not in a Hazardous Waste Remediation Site nor will the proposed use impact human health from exposure to new or existing sources of contaminants (No. 16 of Part 2).

The two parcels SBL# 74.00-2-5.1 and SBL# 74.00-1-5.2 will be used for construction of PV Solar Panels, Equipment and Battery Storage which had been approved previously. The project will not impact any unique geological features as there are none on the site (No. 2 of Part 2). The project will not require the drilling of a well or a septic system, creating no impact to the groundwater (No. 4 of Part 2). The project is not in a designated floodway, causing no impact to flooding (No. 5 of Part 2). No emissions will be produced as part of this project, therefore, there will be no impacts to the air (No. 6 of Part 2).

The total acreage to be physically disturbed has been increased from 0.88 (+/-) to 69.72 (+/-) acres this now includes equipment pads access roadways and turn-arounds. Disturbances may range from driving construction equipment over the surface to grading as described in the plans. Temporary soil erosion control measures will be installed and maintained throughout any construction activities, in accordance with NYSDEC Stormwater Management Design Manual. The Applicant has increased the acreage of Impervious surface from .0288 acres to .09 acres due to the equipment pad sizes. Due to the description of the types of disturbances and the erosion control measures considered during construction, impact on land appears to be minimal (No. 1 of Part 2).

There are federally regulated wetlands identified on the parcels and a wetland delineation has been performed. All wetlands have been avoided to the maximum extent practicable and any impacts would be within the limits set forth in the US Army Corps of Engineers nationwide permit program. The actual wetland disturbance has been reduced from 1,585 sf. to less than 990 sf. No NYSDEC wetlands or their regulated adjacent area will be disturbed by the project. Apart from the wetlands delineated on the plans and



ORIGINAL

Oak Hill Solar 1 & 2, LLC

Full Environmental Assessment Form

Part 3 — Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

mentioned in Part 1 of the FEAF, there are no other surface water bodies on the site or directly adjacent to the site. Sediment control practices to be employed during and post construction will help mitigate impacts to surface water (No. 3 of Part 2).

Threatened or Endangered Species, primarily the Northern Long-eared Bat, have been identified. To avoid and minimize any potential threat to the bats, all tree removal activities must occur between October 31st and March 31st. Additionally, the clearing of wooded or meadowed areas during construction may have a small impact on plants and animals that are "of least concern" but impact will not be substantial (No. 7 of Part 2). The action will not result in any impacts to agricultural resources as the property is not actively farmed with cropland (No. 8 of Part 2).

It has been deemed that the proposed project may create a small impact to aesthetic resources, but this will not be significant. The main object of concern of the SEQR process regarding aesthetic resources are officially designated scenic views or aesthetic resources. The properties are not within view of many "publicly accessible vantage points". A small portion of the proposed facility may be visible from Duaneburg Road, Route 7. However, visual window will be small and most noticeable during the winter months when deciduous vegetation lose their leaves (No. 9 of Part 2).

The State Historic Preservation Office (SHPO) has reviewed the project and the report entitled "Phase I Archaeological Investigation, Oak Hill Solar Farms, NY-7/Duaneburg Road, Town of Duaneburg, Schenectady County, New York". No archaeological resources were identified during the survey. SHPO has noted that the proposed project is located adjacent to the National Register listed Sheldon Farmstead, however, SHPO has made the determination that the project will have "No Effect" to historical or cultural resources (No. 10 of Part 2).

The development of the proposed lot will eliminate the opportunity for the properties to be used for recreational resources for the foreseeable future. However, the properties are not actively used for recreation at this time anyway. The applicant identified that the site is periodically used for hunting. The Impact on Open Space and Recreation has been determined to be minimal (No. 11 of Part 2).

Any potential noise impacts will be short term during construction activities. Noise produced by proposed equipment will be in compliance with the Town noise ordinance (No 15 of Part 2). A revised noise study was provided by the Applicant for the Projects. There were comments, characterized as a Peer review, on the noise study by a consultant acting on behalf of the neighboring property owners. The applicant's consultants produced a follow up report responding to the comments. The Planning Board has reviewed these documents and finds that any noise level at the property line during operation of the facility will be quiet with no discernable change in sound levels.

The Planning Board has requested and reviewed revised visual Impact Assessment, a revised Decommissioning plan, updated Stormwater Pollution Prevention Plan, revised SEQR Long Form, all revised changes to original plan including roadway and battery storage location changes for any potential impacts.

RECEIVED

MAR 18 2022

TOWN OF DUANEBSBURG
TOWN CLERK

 ORIGINAL

The Planning Board determines that the Projects and the changes to the Projects will not result in a significant adverse environmental impact.

Page 2

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK



ORIGINAL

Exhibit D

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION**

**NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3 EVALUATION
OF THE MAGNITUDE AND IMPORTANCE OF PROPOSED ACTION IMPACTS AND
DETERMINATION OF NON-SIGNIFICANCE**

**For the Oak Hill Solar 1, LLC and 2, LLC Solar Projects by the Town Planning Board of
the Town of Duanesburg**

March 17, 2022

This Notice is issued pursuant to Article 8 of the Environmental Conservation Law and Title 6 NYCRR Part 617, the implementing Regulations pertaining to said Article, together known as the State Environmental Quality Review Act ("SEQRA")

The Planning Board of the Town of Duanesburg ("Planning Board") acting as Lead Agency in a Coordinated Review, previously undertook an environmental review of the proposed Type 1 action, 2, 5 Megawatt Solar Facilities, known as Oak Hill Solar 1 and 2 and owned by two LLC's Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Applicants"). The Planning Board's review commenced in 2018 after the submission of the application by Eden Renewables, owner of the two LLCs.

After a thorough and careful review, the Town Planning Board issued a negative declaration and proceeded to approve the site plan, special use permit and subdivision plat in September of 2019. Immediately after the issuance of the negative declaration and the approvals, a neighbor, Ms. Briggs and her daughter Ms. Bruning, commenced an Article 78 proceeding against the Town Planning Board, Eden Renewables and the property owner alleging that the granting of the approvals was arbitrary and capricious. The Court that heard the case, the NYS Appellate Division Third Department, upheld the issuance of the negative declaration and the approvals.

While the subdivision plat was signed by the chairman of the Planning Board and filed in the Schenectady County Clerk's office, the project itself was substantially delayed by the pandemic. During the pandemic, Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC sought two extensions of its approvals which were granted by the Planning Board.

In June of 2021, Oak Hill Solar 1& 2 LLC submitted plans seeking building permits for the two solar arrays and appurtenant structures. The Building Inspector carefully reviewed the building plans and found that there were several changes to the Project that necessitated its review by the Planning Board to determine if the Project as revised meet the standards for site plan and special use permit, as the original project had done. The Project remained a type 1 action pursuant to SEQRA and in addition to reviewing the project changes to determine if they were consistent with the Town requirements for solar facilities, the Town Planning Board, as lead agency, also re-examined the SEQRA record to see if with the changes, the Project still would not result in any significant adverse environmental impacts or if an EIS would be prepared.

RECEIVED

MAR 18 2022

TOWN OF DUANESBURG
TOWN CLERK

In making the determination below the Town Planning Board is reaffirming its existing negative declaration, adopted in 2019, and with respect to the revisions to the Projects, is reissuing the negative declaration after having carefully reviewed the changes to the Projects. These changes include, but are not limited to, an increase in the height of the solar panels due to a change in the design and make of the solar panels, an increase in the amount of soil that will be directly and indirectly disturbed by the project through grading, installation of foundation footers for structures and by having heavy equipment operated in the vacant fields which may result in rutting or other temporary soil disturbance even where grading is not taking place. Another change to the project involved the addition of a second internal access road with turnaround area to assist in building and maintaining the solar array. Yet another change is the replacement of the distributed batteries shown on the original site plan with four steel containers with lithium phosphorus ion batteries that are installed in cabinets with monitoring, fire safety and security measures incorporated in each cabinet.

In evaluating the potential environmental impacts of these changes to the Project, the Town Planning Board carefully studied the building permit plans—which provided a greater amount of detail than the original site plans. The Planning Board retained specialists to assist it in this review including Prime AE who provided eight (8) comment letters on the application with input from the Planning Board, the Town Building Inspector and the Volunteer Fire Chief, as well as the members of the public who commented on the Project. The Planning Board also retained ESG, experts in the review of battery energy storage projects using the lithium phosphorous ion battery storage. ESG also provides safety training for fire companies for fighting fires and life safety in responding to incidents involving such battery storage and will do so at Applicant's expense for the Village of Esperance Volunteer Fire Company as well as those VFCs that provide mutual aid upon request.

After an exhaustive review of the application materials including the documents responding to comments by Prime AE and by ESG, the Planning Board members and the public by the Oak Hill 1 & 2 Solar LLC and their experts, the Planning Board closed the public record at its meeting of November 18, 2021. Subsequent to that meeting, members of the public continued to provide comment letters including a peer review of the sound study undertaken by the Applicants and numerous comments on the Stormwater Pollution Prevention Plan or SWPPP that has been prepared for the Project and extensively reviewed several times. The NYSDEC has participated in the review of the SWPPP along with the Town Planning Board. The NYSDEC has primary jurisdiction over the SWPPP.

To ensure that all comments were addressed even those submitted months after the close of the official comment period, the Town Planning Board asked the Applicants to address these comments, the Planning Board members have also reviewed the comments and the responses to the comments and any information in relation thereto provided by the Planning Board's consultants, AE Prime and ESG. In particular, the battery energy storage, their containers, their monitoring and their operation were reviewed with the advice of ESG and determined to be an acceptable and safe (with respect to fire safety and with the appropriate training of the Volunteer Fire Companies) way to provide battery storage for the Solar Arrays. Many questions were raised concerning the safety of the batteries and the potential for harmful chemicals to leach from the

RECEIVED

solar panels themselves. The Applicant provided test results concerning the alleged toxicity of the solar panels showing that such toxicity did not exist. After a thorough review, the Planning Board has concluded that none of these changes give rise to a significant adverse effect given the design of the proposed solar arrays and the battery storage particularly when taking into account the siting of the Project. The Planning Board also sought guidance from NYSERDA who provided information and staff to attend and to discuss the issues raised with the Planning Board.

After months of meetings, extensive public comment and review, the Town Planning Board has determined that the Proposed Action described continues to be a Type I action under SEQRA and, after evaluating the record has determined that no significant adverse environmental impacts will result from the construction and operation of the proposed facility and has determined that a Draft Environmental Impact Statement will not be prepared. The Planning Board therefore issues this Negative Declaration for the reasons described below.

Name of Action: Oak Hill Solar 1, LLC & Oak Hill Solar 2, LLC solar projects

Location: 13590-13592 Duanesburg Road
Town of Duanesburg, Schenectady County, New York 12053
Tax IDs: 74.00-2-52 and 74300-2-5.1

SEQRA Status: Type I Action

**Conditioned
Negative Declaration:** No

Lead Agency: Town of Duanesburg Planning Board

Description of Proposed Action:

The Applicants have applied to the Town Board for an amended site plan approvals and an amended special use permits under the Town's Local Law no. 1 of 2016 and the Town's Zoning Ordinance in connection with the proposed construction of two 5-megawatt community solar power generation facilities (the "Proposed Action") at 13590 and 13592 Duanesburg Road, in the Town of Duanesburg, Schenectady County, New York (Tax IDs: 74.00-2-5.2 and 74.00-2-5.1) (the "Properties") and associated Battery Energy Storage. The Proposed Action will operate twenty-four hours a day, seven days a week. The Proposed Action will be owned, operated, and maintained by the Applicants who entered into a lease with the owner of the property (the "Owner") for use of the Properties as solar facilities. The Property is located in the Town's Agricultural-Residential zoning district where solar energy facilities are permitted subject to special use permit and site plan approval from the Town Planning Board.

The Proposed Action is a Type I action under SEQRA as greater than 10 acres will be disturbed. The Planning Board has served as lead agency for the review of the Projects and is continuing in that role to review the amended site plan.

RECEIVED

MAR 18 2022



ORIGINAL

The Proposed Action is consistent with the current Agricultural-Residential zoning designation, and the Proposed Action is an allowable use under current zoning.

All of the application documents are on file at the Town of Duanesburg Town Hall and all of the application documents were uploaded to a file sharing site so that all of the documents were available to the Town Planning Board members and to the Public remotely.

Also important to the review of the amended Projects were the Public Comments that were submitted to the Town Planning Board, including the minutes of the Public Hearing which was held on the amended Applications. All of these comments are on file with the Town of Duanesburg at Town Hall.

Lastly, the review letters prepared by both Prime AE and ESRG were of great assistance to the Town Planning Board and a list of those letters, which are also on file with the Town and which were made available to the public. Of particular note are the two final letters by Prime AE and by ESRG noting that the Applicants have made the requested changes in the Projects and the plans for the project so that there are no further open issues. In particular, Prime AE and the Applicant, with the participation of the Planning Board has carefully examined the SWPPP and its various iterations to ensure that the SWPPP meets NYSDEC requirements for such a document and to ensure that any stormwater that falls on the site during construction or operation will not adversely affect any surrounding properties.

The Planning Board, with the advice of its consultants also carefully reviewed the EAF Part 1 and completed the EAF Part 2 and Part 3 after thoroughly reviewing these documents at several meetings. The EAF Part 1, prepared by the Applicant and dated last revised March 7, 2022, and the EAF Parts 2 and 3, prepared by the Planning Board and discussed in open planning board meetings are attached to this document as Exhibit D.

Reasons Supporting this Determination

The Planning Board has carefully considered the criteria for determining significance as set forth in the SEQRA regulations at 6 NYCRR § 617.7 and has thoroughly evaluated the Proposed Action's potential environmental impacts as identified in the full EAF Parts 1, 2 and 3. A majority of the potential project impacts have been identified as having no impact at all on potential resources. The following potential resources were deemed by the Town of Duanesburg Planning Board to be impacted by the Project: Impact on Land, Impact on Surface Water, Impact on Plants and Animals, Impact on Agricultural Resources, Impact on Noise, Odor, and Light, and Consistency with Community Plans, and Consistency with Community Character. However, of those resources, the Project's impact is classified as having either "No, or small impact". The Planning Board does not believe that the identified potential impacts associated with the proposed solar facilities are of such significance that the preparation of an Environmental Impact Statement ("EIS") is required.

This project is also aligned with New York State goals to obtain 70 percent of the State's electricity from renewable sources by 2030, as codified by the Climate Leadership and Community Protection Act. Renewable projects such as the ones proposed here are also aligned with the State

MAR 18 2022

 ORIGINAL

mandate for a 100 percent carbon-free electricity sector by 2040. The goal of the Town's Local Law no. 1 of 2016 was, among others, to encourage the construction and operation of renewable energy facilities in the Town.

Discussion of Potential Environmental Impacts

The Planning Board has carefully considered all potential environmental impacts associated with the Proposed Action. Below is a discussion of those potential impacts, set forth in the order in which they appear in the NYSDEC SEQRA Full EAF Part 2.

The Proposed Action is a SEQRA Type I action. NYSDEC's SEQRA Handbook specifically addresses whether an environmental impact statement ("EIS") is always required for a Type I action. According to NYSDEC, "the lead agency must evaluate information contained in the EAF, and additional applications, filings or materials, against the criteria in [6 NYCRR] 617.7 to make a determination of significance for each Type I action. SEQR responsibilities for Type I actions may be met by a well-documented, well-reasoned negative declaration."

The materials submitted in support of the Project Sponsor's applications were generated by licensed engineers and qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established principles, industry standards, NYSDEC and technical data. The Application materials have been carefully reviewed by the Town Building Inspector and the Town's consultants, Prime AE and ESG. The Planning Board members, several of whom are consultants and engineers, also reviewed the application and the EAF, including the technical reports.

During the course of the Proposed Action's SEQRA review, the Planning Board, the public, and the Project Sponsor's representatives engaged in an active and comprehensive evaluation of the submissions. As stated by the NYSDEC SEQR Handbook, "the lead agency may make a request for any additional information reasonably necessary to make its determination." Questions were asked, clarifications were requested, and responses were provided.

The Planning Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude, and determined the potential impact's importance.

Lastly, the Planning Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the Full EAF, confirms the Planning Board's conclusion that a Negative Declaration of Significance should be issued for the Proposed Action.

Discussion of 6 NYCRR Part 617 Criteria For Determining Significance

The Planning Board has evaluated the Proposed Action using the criteria for determining significance identified in 6 NYCRR part 617.7(c)(1) and in accordance with 6 NYCRR Part 617.7(c)(2) and (3). NYSDEC's SEQR Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored."

RECEIVED

MAR 18 2022

 ORIGINAL

As indicated below in the discussion of each criterion specified in 6 NYCRR Part 617.7(c)(1), the Proposed Action will not have a significant adverse impact on the environment.

6 NYCRR 617.7(c)(1) Criteria

(i) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The Planning Board finds that the Proposed Action, i.e. the construction and operation of two, five megawatt, solar energy projects with battery energy storage is not likely to cause significant adverse changes to existing air quality, ground or surface water quality/quantity, noise levels, level of solid waste production, and potential for erosion, flooding, leaching or drainage problems.

The Project Sponsor has coordinated with the New York State Department of Transportation ("NYSDOT") to obtain a Commercial Access Highway Work Permit Application. Additionally, the access road widths were approved by the Duanesburg Fire Code Official on August 18, 2021 under the § 503.1.1 Exception 2. The width of the access roads were also found acceptable by the Village of Esperance Volunteer Fire Company fire chief, who participated in the review of the Projects.

The Project drainage was previously examined as an element of the 2019 Project approval. The Oak Hill project's impervious surface has increased due to the inclusion of engineered foundations for the centralized battery storage enclosures and central inverters. The Project Sponsor also recognized in its SWPPPs that the total amount of disturbed soils may be substantially higher than previously estimated because driving the construction equipment through the fields may cause compaction or rutting to 69.75 acres. The amount of impervious surfaces to be added, however, is still very low at under one acre of the total Project Site. NYSDEC compliant stormwater measures have been designed to treat stormwater from the Projects. NYSDEC has developed guidance for solar facilities which have limited impervious surfaces compared to many other types of facilities. The expanded access roads will be constructed with a pervious gravel access road material. NYSDEC staff directly reviewed the SWPPP for these Projects as did Prime AE and the Planning Board. The Notice of Intent has been filed with NYSDEC for the SWPPP dated last revised March 7, 2022.

The Project Sponsor coordinated with Environmental Design Partnership, LLP to conduct a Solar Farm Noise Analysis on August 25, 2021. Based on the distance between the neighboring properties, 950 feet and 750 feet from the nearest centralized equipment pad, the sound levels are expected to be 40 dB and 42 dB respectively. A level of 40 dB is commonly associated with that of a library or residential neighborhood. This is also roughly 30 dB less than the 70 dB limit in § 14.6.3.1 of the Duanesburg Zoning Ordinance. Arguments have been made that the noise study was somehow deficient, however, no evidence of this was presented by the project opponent's consultant, who purported to do a peer review of the EDP study but provided no data himself and did not visit the site. As is detailed in the response by EDP, that consultant apparently did not have

RECEIVED

MAR 18 2022

or was not given a copy of the cut sheets providing the detailed sound information on the components of the project. He also misconstrued the standard for noise for such projects in the Town of Duanesburg. In any event the Planning Board specifically finds that the operation of the Projects will not result in a significant adverse environmental impact related to noise.

(ii) The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Due to the existing nature of the Property, the Proposed Action will not have a significant impact on the environment including large quantities of vegetation or fauna, interference with the movement of any resident or migratory fish, significant habitat areas, or other natural resources.

The Proposed Action will not impact the northern long-eared bat indicated by NYSDEC, because all tree clearing of trees greater than 3" dbh will take place between November 1 and March 31, pursuant to NYSDEC's recommendation for the species.

(iii) The impairment of the environmental characteristics of a Critical Environmental Area.

The Proposed Action will not cause impairment to the characteristics of a Critical Environmental Area as designated under 6 NYCRR Part 617.14(g) because the Property is not located in a NYS Critical Environmental Area.

(iv) The creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Proposed Action does not present a conflict with the Town of Duanesburg's Comprehensive Plan or Residential-Agricultural zoning district. The Proposed Action is also in compliance with the Town's Solar Energy Facilities Law passed in 2016.

(v) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The Proposed Action will not impact the character or quality of historical, archeological, architectural, or aesthetic resources. The NYSOPRHP signed off on the project back in 2019.

The site plan shows a proposed fence height which meets the National Electrical Code ("NEC") standards. The Town Planning Board is only approving a fence height of 6 feet as it lacks the authority to approve a fence that is higher, however, the Planning Board finds that a higher fence up to 8 feet as shown on the site plan would not result in any significant adverse impacts given the location of the fence and its agricultural design.

The solar panels, which are higher than originally proposed when fully extended, have a tilt and height that will change throughout the day as the single-axis tracker design follows the sun to

RECEIVED

MAR 18 2022

maximize clean energy production. The modules will be at a 2.754 meter height when angled horizontal to the ground. The height will increase to 4.431 meters or approximately 14.5 feet at the upper edge when positioned at maximum tilt. This height complies with the Solar Energy Facilities Law's § 3(g) requirement that "ground mounted arrays shall not exceed 20 feet in height when oriented at maximum tilt."

Also, in a Supplemental Visual Impact Statement dated September 8, 2021, Environmental Design Partnership, LLP concluded that the existing Biggs and Otis residences will be adequately screened by existing vegetation, distance, and topography such that the proposed solar array will not be visible. The Planning Board agrees with this finding and determines that the Projects will not cause a significant adverse environmental impact on visual resources.

(vi) A major change in the use of either the quantity or type of energy.

The Proposed Action will not create a major change in the quantity of electricity or natural gas to be used in the region and will not affect the community's sources of fuel or energy supply. As renewable energy projects, the Projects are being proposed in compliance with the NYS energy goals to increase the availability of renewable energy and decrease dependence of fossil fuels. The adoption of local law 1 of 2016 by the Town specifically encouraged the development of solar energy resources in the Town.

(vii) The creation of a hazard to human health.

The Proposed Action will not create a hazard to human health.

The Project Sponsor submitted a Energy Storage System Risk Mitigation Strategy in June 2021 that stated that the risk of a fire caused by the battery energy storage system is "very low." The batteries are contained in a National Electrical Manufacturers Association ("NEMA")-rated enclosure, so the possibility of damage to the batteries and catching fire is very low. The product manual from Powin, sets forth the risks related to BES and describes how the risks have been addressed through the design of the systems and the remote 24, 7 monitoring of the systems by Powin.

The Project Sponsor submitted a peer review report from the Energy Safety Response Group (ESRG) on November 16, 2021 that concluded that the project is largely compliant with FCNYS § 1206, with the exception of UL 9540 certification that should be provided to the local fire code official having jurisdiction for approval prior to commissioning of the system. ESRG is also, at the Applicants expense going to ensure adequate training of the Village of Esperance Volunteer Fire Company that provided fire services to this area of the Town, as well as any other VFCs who may provide mutual aid to this area if they chose to participate in the training. ESRG raised one concern regarding the availability of on-site water to fight fires, the VFC has determined that it has sufficient water resources near the property and that an on-site source is not required.

(viii) A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The Proposed Action will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The fields being used for solar are vacant former hayfields. Solar facilities are being built throughout New York State on fields such as this. This is a rural area with houses placed at a substantial distance from the solar facilities. The solar facilities are proposed to be accessed off a NYS Road. Once constructed the solar facilities are periodically mowed and maintained but there is very little human activity at the facilities.

(ix) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The Proposed Action will attract a small amount of people for a limited period of time for the purposes of construction, but this construction will not result in a significant increase of the area population. The Proposed Action will not create a substantial adverse change in traffic volume in the surrounding area either due to the fact that the Projects Site is located off of NYS route 7 and will not use any Town or County roads. Once the construction is complete, the only traffic that will follow appear at the Proposed Action will be for the infrequent instances of mowing, maintenance and repair. Therefore, no substantial adverse impact is expected related to attraction of people to the area.

(x) The creation of a material demand for other actions that would result in one of the above consequences.

The Proposed Action is not expected to create any significant increased demand for other actions (e.g., additional public services) that would result in significant adverse consequences as described by the above criteria. In evaluating the Proposed Action, the Planning Board determined that a development such as the Proposed Action is appropriate for the area in which it is being proposed, and that the uses will not result in a material demand for other actions that might result in adverse environmental impacts.

(xi) Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The Planning Board finds that the Proposed action does not create impacts to two or more elements of the environment that, collectively, would result in substantial adverse impact to the environment. The Planning Board has conducted a full review of all elements and the potential impacts from the Proposed Action, and has been informed by its consulting professional engineers as to the coordination of those elements. The Planning Board has, for example, evaluated the combined effects of: (i) traffic in relation to noise, glare, and community character; (ii) storm water management, lighting, and safety; and (iii) community character in relation to noise, glare, and aesthetics.

This list is by no means an exhaustive of the potential impacts/ changes considered in tandem with other impacts/changes during the Planning Board's consideration of the Proposed

RECEIVED

MAR 18 2022

VAL

the past several months but is only provided as an example of the hard look taken by Board to ensure that the potential effects of the Proposed Action, considered together, would not result in a substantial adverse impact.

2141

more related actions undertaken, funded or approved by an agency, none of which would have a significant impact on the environment, but when considered together would meet one or more of the criteria in this subdivision.

The Proposed Action did not show the potential for cumulative effects based on the Board's comprehensive review of the entirety of the Proposed Action, it should be noted that the Planning Board has always reviewed the two proposed Solar Projects together and their impacts rather than segmenting the actions.

In conclusion, based on a review of all available information, the Planning Board has concluded that the solar projects will not have any significant adverse impacts on the environment and a Declaration is made for the purposes of Article 8 of the Environmental Conservation Law.

of Duanesburg Planning Board
Western Turnpike
Duanesburg, NY 12056

as the
copies
are
sent by

Information:

Person: Jeffery Somitt, Chairman of the Planning Board for the Town of Duanesburg
Address: 5853 Western Turnpike Duanesburg, NY 12056
Phone: 518-895-2040

ite may

ments
her
quired

Notice have been sent to:

Duanesburg Town Board
Saratoga County Planning Board
New York State Department of Environmental Conservation
New York State Department of Transportation
New York State Historic Preservation Office
Army Corps of Engineers

ed
ed
as
itting
140

er(s)

RECEIVED

MAR 18 2022

Page 1 of 3

TOWN OF DUANESBURG
TOWN CLERK

2.2. also mentions "Project Marshaling Yard". I am unable to locate this on either of solar's site plan Revision G Sheets 1 to 30. Can the Applicant put a marshaling yard on the parcels at a later date without board approval? If a marshaling yard is used by the solar or their projects that may be in other towns will this increase construction traffic at the Solar access Road? How would an increase in construction traffic be managed? How many trucks be permitted to idle in marshaling yard? How may this impact noise at the site as regulated by solar law 3.j.?

The driveway sight distance to the left is 820 feet and approximately 450 feet is the driveway sight distance is deficient 370 feet. To protect the passerby's safety on Road I request that the Project site is not used as a marshaling yard.

That the town has little to no oversight for the project. The "Qualified Inspector" work for Oak Hill Solar. There may be little incentive to follow DEC regulations, the ordinance or solar law. Since 2018 the Applicant has not respectfully engaged with land owners. In 2021 the Applicant mailed notification to all abutting landowner, s. The Applicant claimed because of legal action, of which Amp and Greencells were involved in, they did not have to notify the Biggs.

of the May 7, 2018 sketch/site plan to the March 11, 2019 site plan sheets 1 to 10, September 5, 2019 Sheets 1 to 11, and the March 7, 2022 Drawing C2.00 Sheet 8 of 30, s upon acres of deforestation. SEQR began July 2018 and ended July 2019. It Oak Hill Solar may have violated SEQR 617.3(c) prohibiting site disturbance while under review. The Applicant may have violated Solar Law 3.f and 3.i limiting 1 to 20,000 square feet. I request that the state and town enforce the laws that ls from deforestation.

, 2022 site plan Drawing C1.00 Sheet 4 of 30, C2.00 Sheet 8 of 30, C 3.00 Sheet 12 0 Sheet 22 of 30, and C7.00 Sheet 27 of 30 omit the nearest neighboring home on -2-6, Lands of Ganster. Drawing C7.00 sheet 27 of 30 still mislabels Biggs Barn and use. This continued error reflects the incorrect view plane from Biggs' two-story ing C8.00 Sheet 28 of 30 omit all neighboring houses on 74.00-3-18, 21 Lands of Unser, and 74.00-2-6 Lands of Ganster.

confidence that the owner/operator/manager and "Qualified Inspector" will follow law.

that the town board strongly encourage the planning board to place conditions on the permit the town to obtain increased access to the site during construction, operation sioning. Additionally we request that annual inspections include two of the abutting

or your time and consideration.

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

Enc: May 7, 2018 EDP to Board Sketch/Site plan Sheet 1 of 1 annotated in color to show tree-line

March 11, 2019 and resubmitted June 6, 2019 EDP to Board Sheet 1 of 10 annotated in color to show tree-line

September 5, 2019 Sheet 1 of 11 EDP to Board annotated in color to show tree-line. (The site plan does not show resubmit to Board September 5, 2019)

March 7, 2022 Amp / Greencells / Vandanterra to Board Revision G Drawing C.2.00. Sheet 8 of 30 annotated in color to show tree-line

October 5, 2018 Satellite Image from planet.com

June 6, 2019 Satellite Image from planet.com

October 10, 2018 Satellite Image planet.com color photo with Oak Hill Solar parcels outlined in red

June 9, 2019 Satellite Image planet.com color photo with Oak Hill Solar parcels outlined in red

Cc: Jeffery Schmitt

Request that meeting minutes reflect documents as presented to the town, planning board and zoning board. When color documents are provided then the minutes should reflect color documents. Black and white copies deprive taxpayers of full and free representation.

EXHIBIT A
March 10, 2022 Town Board

may.28.2020.town.board.meeting.pdf (page 65 of 72)

may.28.2020.town.board.meeting.pdf (page 66 of 72)

may.28.2020.town.board...

EXHIBIT
F

64



65

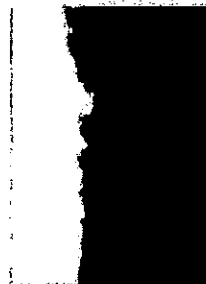
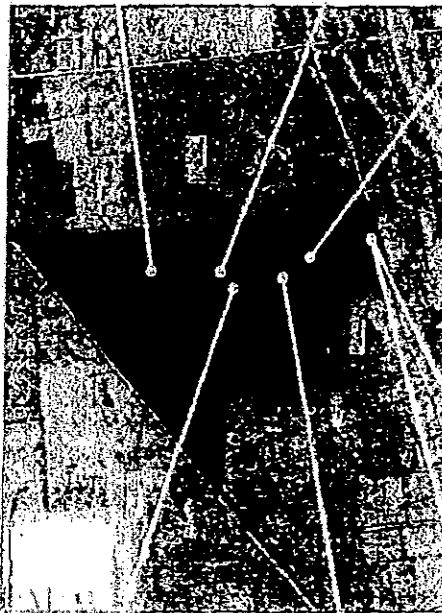
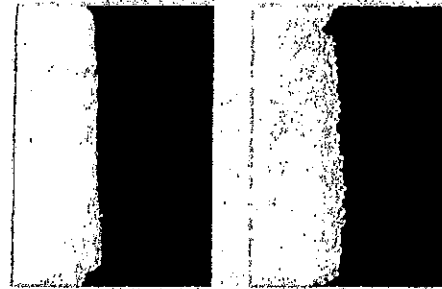
EXHIBIT
G

66



67

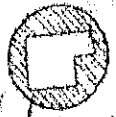
THE SITE IS NATURALLY WELL-SCREENED



May 7, 2018

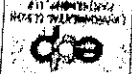


THE STATION
STATION NAME
STATION NUMBER
STATION ADDRESS
STATION CITY
STATION STATE
STATION ZIP
STATION PHONE
STATION FAX
STATION E-MAIL
STATION WEBSITE
STATION COMMENTS



Site

EDEN RENEWABLES



PROPOSED SITE PLAN FOR

OAK HILL SOLAR 1&2

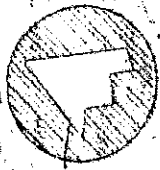
APPLICANT:

OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC

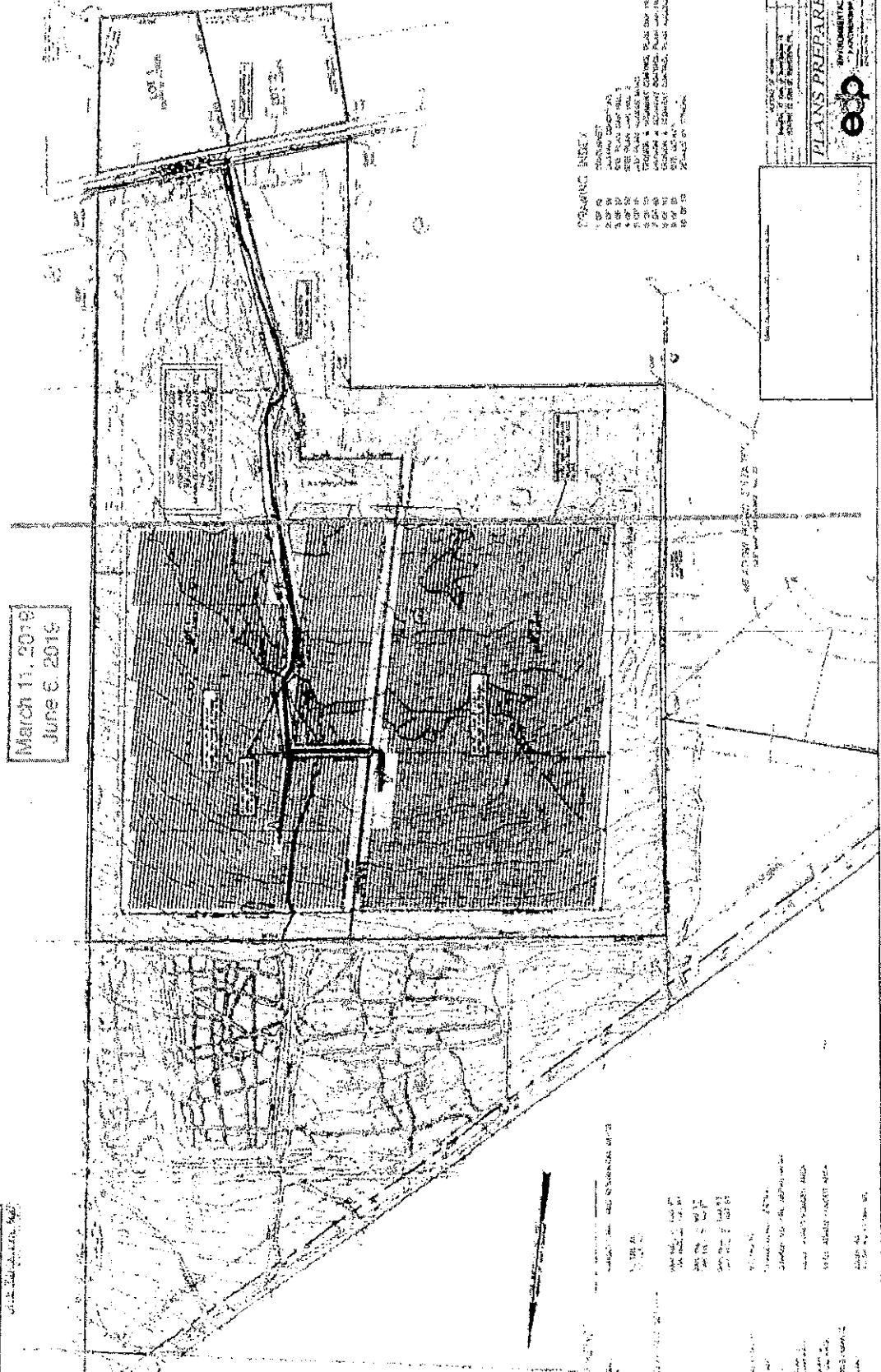
13950 DUANESBURG ROAD

TOWN OF DUANESBURG, SCHENECTADY COUNTY, NEW YORK

March 11, 2018
June 6, 2019



SITE PLAN



LEGEND

- 1. 0.00 AC TOTAL SITE AREA
- 2. 0.00 AC TOTAL SOLAR PANEL AREA
- 3. 0.00 AC TOTAL ACCESS ROAD AREA
- 4. 0.00 AC TOTAL BUFFER AREA
- 5. 0.00 AC TOTAL SETBACK AREA
- 6. 0.00 AC TOTAL UTILITIES AREA
- 7. 0.00 AC TOTAL OTHER AREA
- 8. 0.00 AC TOTAL WETLANDS AREA
- 9. 0.00 AC TOTAL WOODLANDS AREA
- 10. 0.00 AC TOTAL WATERSHED AREA

PLANS PREPARED BY
SYNCHRONIC DESIGN
ARCHITECTS LLP
1000 N. 10TH ST.
SUITE 200
ALBANY, NY 12207
518.263.1234
www.synchrodesign.com



PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
APPLICANT: OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC



PROPOSED SITE PLAN FOR

OAK HILL SOLAR 1&2

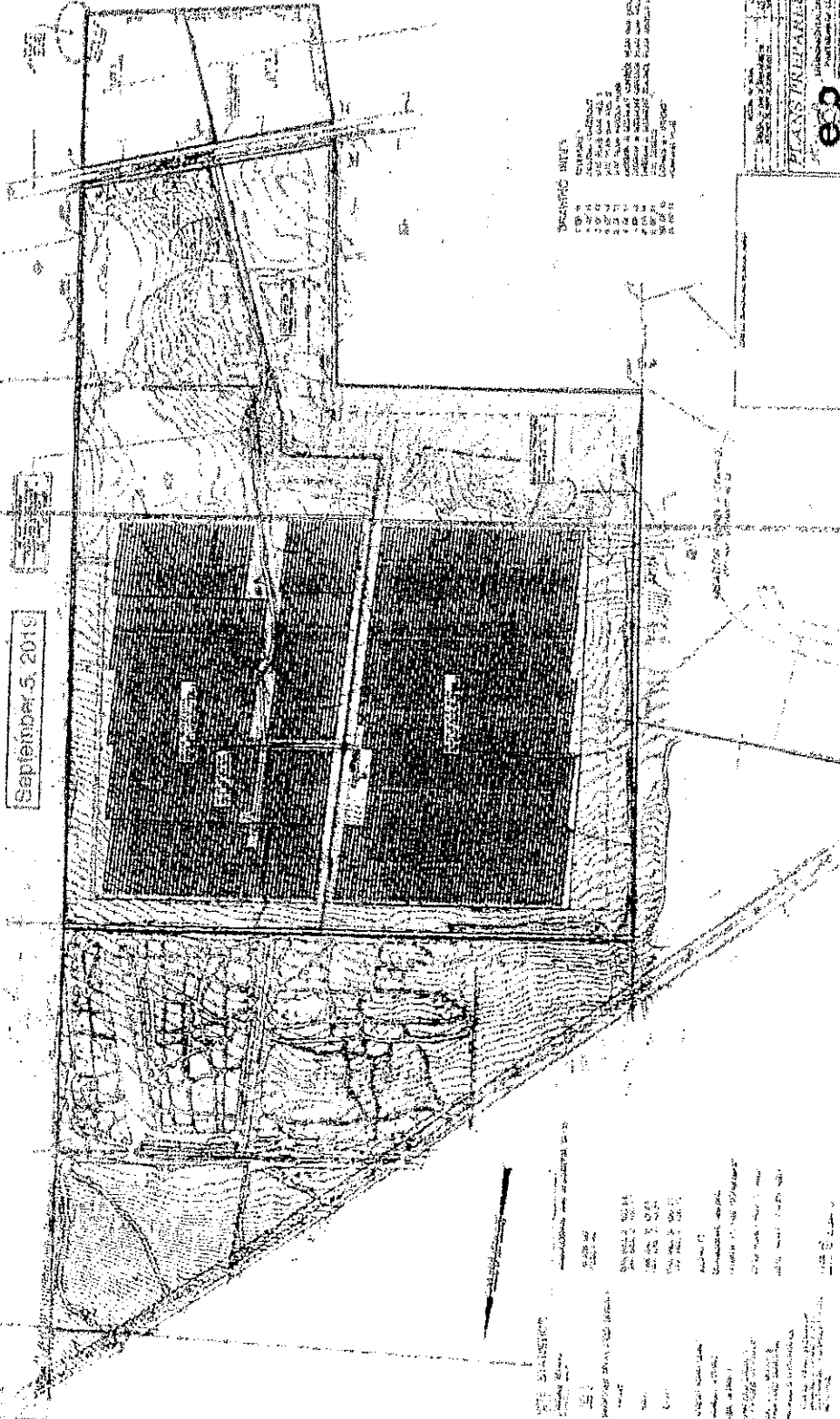
APPLICANT:

OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC

13930 DUANESBURG ROAD

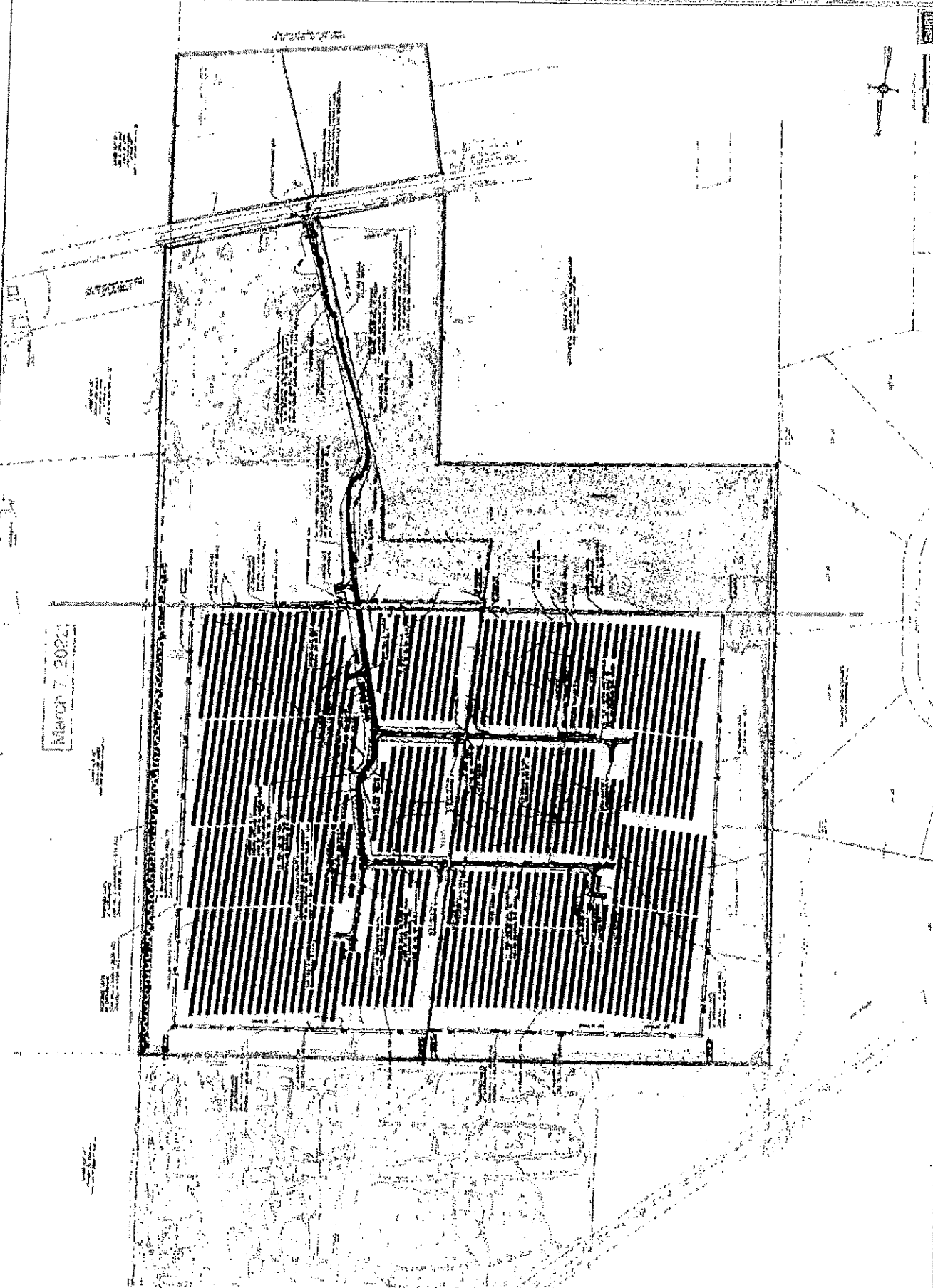
TOWN OF DUANESBURG, SCHOENECTADY COUNTY, NEW YORK

September 5, 2019



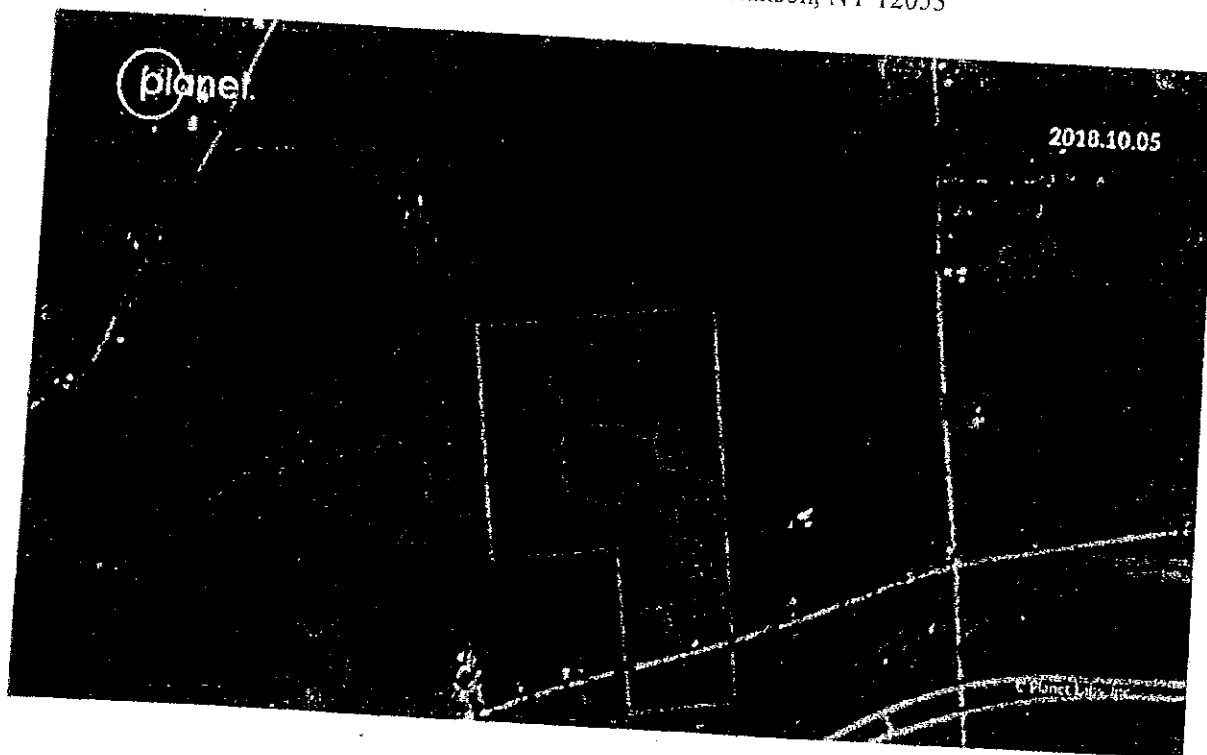
DETAILED DATA
1. 100' x 100' GRID
2. 100' x 100' GRID
3. 100' x 100' GRID
4. 100' x 100' GRID
5. 100' x 100' GRID
6. 100' x 100' GRID
7. 100' x 100' GRID
8. 100' x 100' GRID
9. 100' x 100' GRID
10. 100' x 100' GRID
11. 100' x 100' GRID
12. 100' x 100' GRID
13. 100' x 100' GRID
14. 100' x 100' GRID
15. 100' x 100' GRID
16. 100' x 100' GRID
17. 100' x 100' GRID
18. 100' x 100' GRID
19. 100' x 100' GRID
20. 100' x 100' GRID
21. 100' x 100' GRID
22. 100' x 100' GRID
23. 100' x 100' GRID
24. 100' x 100' GRID
25. 100' x 100' GRID
26. 100' x 100' GRID
27. 100' x 100' GRID
28. 100' x 100' GRID
29. 100' x 100' GRID
30. 100' x 100' GRID
31. 100' x 100' GRID
32. 100' x 100' GRID
33. 100' x 100' GRID
34. 100' x 100' GRID
35. 100' x 100' GRID
36. 100' x 100' GRID
37. 100' x 100' GRID
38. 100' x 100' GRID
39. 100' x 100' GRID
40. 100' x 100' GRID
41. 100' x 100' GRID
42. 100' x 100' GRID
43. 100' x 100' GRID
44. 100' x 100' GRID
45. 100' x 100' GRID
46. 100' x 100' GRID
47. 100' x 100' GRID
48. 100' x 100' GRID
49. 100' x 100' GRID
50. 100' x 100' GRID
51. 100' x 100' GRID
52. 100' x 100' GRID
53. 100' x 100' GRID
54. 100' x 100' GRID
55. 100' x 100' GRID
56. 100' x 100' GRID
57. 100' x 100' GRID
58. 100' x 100' GRID
59. 100' x 100' GRID
60. 100' x 100' GRID
61. 100' x 100' GRID
62. 100' x 100' GRID
63. 100' x 100' GRID
64. 100' x 100' GRID
65. 100' x 100' GRID
66. 100' x 100' GRID
67. 100' x 100' GRID
68. 100' x 100' GRID
69. 100' x 100' GRID
70. 100' x 100' GRID
71. 100' x 100' GRID
72. 100' x 100' GRID
73. 100' x 100' GRID
74. 100' x 100' GRID
75. 100' x 100' GRID
76. 100' x 100' GRID
77. 100' x 100' GRID
78. 100' x 100' GRID
79. 100' x 100' GRID
80. 100' x 100' GRID
81. 100' x 100' GRID
82. 100' x 100' GRID
83. 100' x 100' GRID
84. 100' x 100' GRID
85. 100' x 100' GRID
86. 100' x 100' GRID
87. 100' x 100' GRID
88. 100' x 100' GRID
89. 100' x 100' GRID
90. 100' x 100' GRID
91. 100' x 100' GRID
92. 100' x 100' GRID
93. 100' x 100' GRID
94. 100' x 100' GRID
95. 100' x 100' GRID
96. 100' x 100' GRID
97. 100' x 100' GRID
98. 100' x 100' GRID
99. 100' x 100' GRID
100. 100' x 100' GRID

PLANS PREPARED BY
DATE: 9/5/19
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

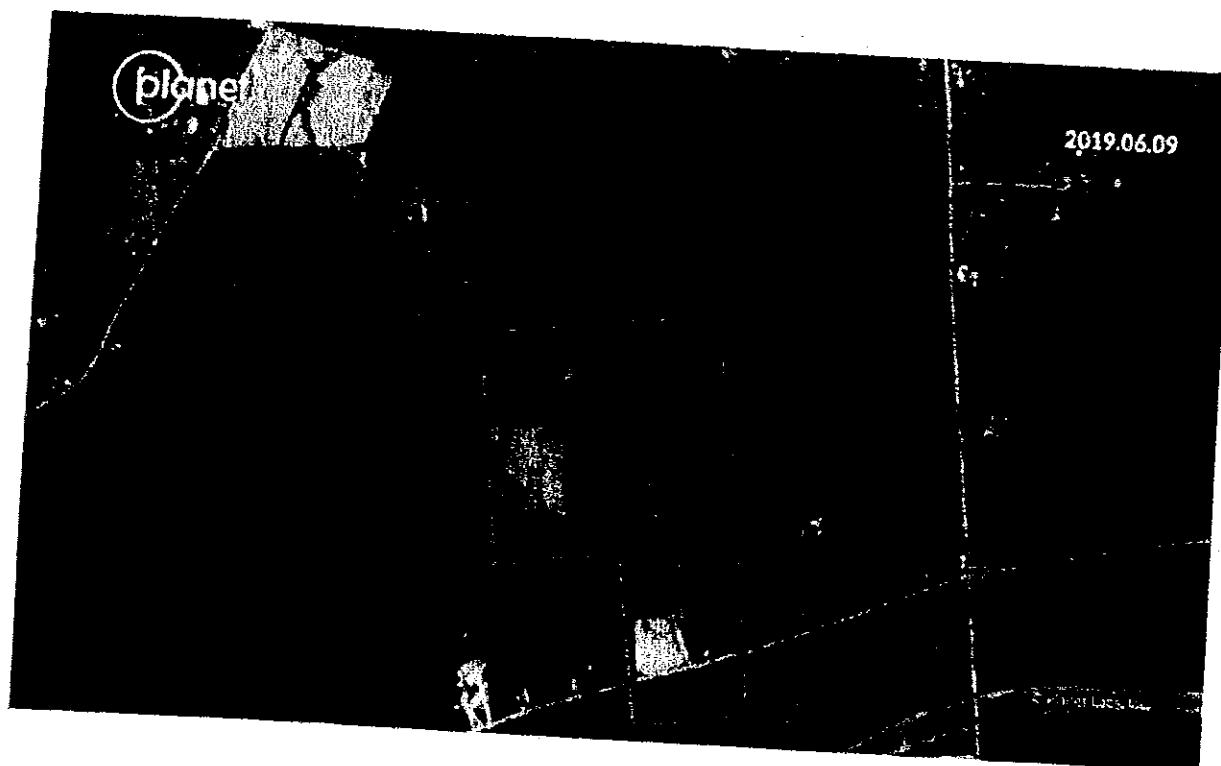


March 7, 2022

October 10, 2018 13590 - 13592 Duanesburg Road Delanson, NY 12053



June 6, 2019 13590 - 13592 Duanesburg Road Delanson, NY 12053





lynne bruning <lynnebruning@gmail.com>

E-Coustic response to EDP Noise Comments

1 message


lynne bruning <lynnebruning@gmail.com>

To: Melissa Deffer <mdeffer@duanesburg.net>, Jennifer Howe <jhowe@duanesburg.net>

Wed, Mar 16, 2022 at 6:41 PM

Dear Town and Planning Clerk,
Please provide the attached four page March 16, 2022 letter from E-Coustics as a response to EDP's comments.
Please distribute to the town board members and planning board members.
Please confirm receipt of this communication to lynnebruning@gmail.com
Thank you for your time and consideration.

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

 22-03-16 ECoustics Response to EDP letter Noise Analysis.pdf
406K

E-Coustic Solutions, LLC

NOISE CONTROL • SOUND MEASUREMENT • CONSULTATION
COMMUNITY • INDUSTRIAL • RESIDENTIAL • OFFICE • CLASSROOM • HIPPA ORAL PRIVACY
P.O Box 1129, OKemos, MI, 48805

RICHARD R. JAMES
PRINCIPAL
TEL: 517-507-5067
RickJames@E-Coustic.com

Response to March 7th, 2022 Statement by EDP To E-CS's Feb. 24, 2022 Review of EDP Noise Impact Statement for Oak Hill Solar I and II

March 16, 2022

By: Richard R. James, Principal, E-Coustic Solutions, LLC (ECS)

INTRODUCTION

This statement addresses EDP's response to ECS's February 24, 2022 review of EDP's Main and Supplemental Noise Analysis Report for Oak Hill I and II Solar Farm of August 25, 2021 and February 7, 2022. It is submitted on behalf of Lynne Bruning and Susan Biggs, 13388 Duanesburg Road, Delanson, NY 12141. ECS's February 24, 2022 report addresses my qualifications with respect to acoustics, community noise, and the impact of noise on people. It also presents my opinions that the project does not meet the legal requirements of the Solar Energy Facilities Law.

This document provides my response to EDP's "Memo" to Mr. Jeffrey Schmitt, Chairman of the Duanesburg Planning Board, addressing their concerns about the opinions I offered in my February 24, 2022 review of their reports. EDP raised its concerns that ECS:

1. Had not visited the proposed location of the solar utility to investigate site conditions.
2. Opinions on the weaknesses found in EDP's data used as input to the computer model were either wrong or not salient to the model's accuracy,
3. Did not consider the mitigation resulting from "dense vegetation screens" to be placed between the project and abutting properties.
4. Did not properly interpret the Solar Law's requirement that there be no discernable change in noise levels at property lines from the new solar project.
5. Summary of weaknesses in the EDP noise model using the dBMap.net web-based application did not result in underpredictions of the sound levels from the project that would be received on adjacent properties.

ECS RESPONSE TO EDP

1. **ECS did not make a site visit.** There was no reason for ECS to make a site visit. This is not a complex situation. I have studied numerous similar rural/residential areas to determine the residual background sound levels over the past 50+ years. At least 10 of those were in the rural regions of western New York and also included the review of numerous studies by other acousticians for gas, wind and solar projects. The measurements of residual background sound levels (L90) in these other areas were conducted according to the proper ANSI standard protocols. All of them fit into the range of 35 dBA or less presented in the tables and discussions of the February 24th, 2022 report. This is a rural area that has no significant sources of residual background noise other than traffic (during periods when traffic is steady on NYS Route 7). EDP states that according to NYSDOT Traffic Data, the Annual Average Daily Traffic rating is for 1410 vehicles with approximately 105 truck trips. EDP opines that this level of traffic will mask the sounds of the solar utility. This is intermittent light traffic. The NYSDOT also provides hourly breakdowns of traffic on Route 7 for weekdays. It is seen in Figure 1 below.

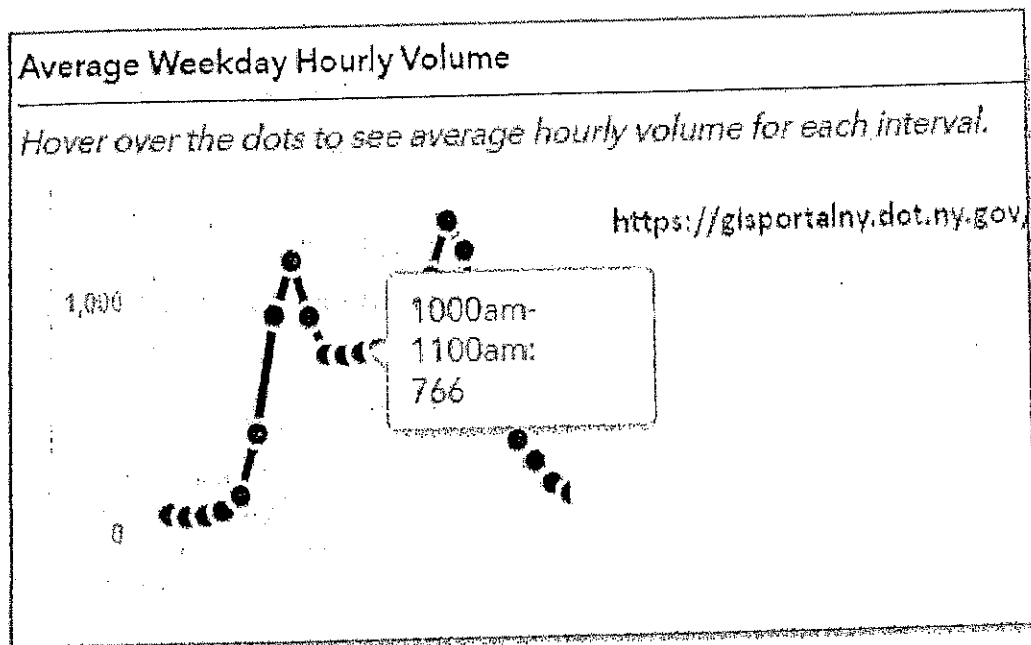


Figure 1- NYSDOT hourly traffic on Route 7 for weekdays

The hourly data shows that during non-rush-hour periods of the daytime the hourly rate drops to about about 1/2 the volume of the rush hour periods. Further, in the early morning and late afternoon/early evening the rate drops to even lower volumes. During the off-peak times of the day the traffic will be intermittent, there will be lulls in the traffic. It is expected that traffic volumes on a weekend, especially on a Sunday will be significantly lower. These will offer periods where the traffic noise does not raise the noise levels on the properties adjacent to the proposed solar utility by any significant amount.

In the table provided in the February 24, 2022 report titled: "**National Estimate of Outdoor Background Noise Based on General Type of Community Area and Nearby Automotive Traffic Activity**" the higher traffic periods (except peak rush hours) would produce residual background sound levels (L90) in the range of 30 to 35 dBA at 1000 feet from the road and, during the lighter traffic periods, especially on low volume weekends, the sound levels would drop by 5 or more dBA. Since the residential properties of interest are more than 1000 feet from NYS Route 7 the noise levels from traffic at the utility property lines, especially along property lines 2000 or more feet to the north of Duaneburg road, would be 3 to 6 dBA lower than they are at 1000 feet from NYS Route 7. Sound levels of less than 30 dBA are quite possible, even during the daytime, for the low volume periods.

During these low volume periods the sounds from the solar utility would be the dominant noise source for the adjacent properties.

2. **Weaknesses in EDP's data.** The opinions presented in the February 24, 2022 review regarding the weaknesses of the sound power levels used in the EDP model remain. The sound power levels in the "assumed" category are specious. Further, the model does not address the tonality of the fans, inverters, motors, HVAC, and other equipment that produces tones. Nor does the model account for the many sources of transient sounds such as the "clanking" that occurs from gearing and locking systems as panels are adjusted for angle to the sun. This was reported to be every 20 minutes or so. A model that represents an average sound level, ignoring tones and transient sounds, does not represent the annoyance potential for this project.

3. **Mitigation from "dense vegetation screens" not considered** There is a very good reason for ECS's decision to not consider any mitigation from "dense vegetation." Dense vegetation does not provide any significant reduction in sound levels even during the leaf-on periods of the year and little or none during fall, winter and early spring when leaves are not present. To achieve even a 3-5 dBA reduction in sound the vegetation would need to be 50 to 100 feet thick and of dense evergreen trees at least 10 feet tall.

The February 24, 2022 report recommended mitigation by means of an acoustical barrier 10 feet tall along all property lines that border residential or other noise sensitive receptors. This recommendation still offers the most reliable means of mitigating the noise and other issues that concern adjacent property owners. Considering the cost of planting and maintaining mature evergreen trees, the barrier wall may also be the most cost effective mitigation.

4. **Interpretation of the Solar Law's requirement that there be no discernable change in noise levels at property lines** EDP apparently fails to understand how easy it is for an experienced acoustician to show that a new noise source, especially one that produces tones or transient sounds, is "discernable."

Existing studies of solar projects have found the tones to be as much as 15 dB higher than the residual background sound levels. Take, for example, Figure 2 which shows the analysis of a measurement at the Hardin Solar Facility in Ohio. This graph shows a measurement taken at the property line of a solar utility about 800 feet away from the invertors and transformers. The analysis shows six distinct peaks (the tones) that rise above the background sound by as much as 15 dB. The point of this graph and example is to show that EDP's claim that the change in noise "levels" caused by Oak Hill Solar I and II would not be discernable when measured is wrong. Figure 2 shows the results of applying the ISO 1996 Part 2 protocol for identifying tones which is a standard method used by acousticians to separate tones from steady sounds. The tones combined to produce a mixed tone sound that could be described as "buzzing bees."

Thus, the equipment used for solar utilities would be easily "discernable" both by measurement and listening tests.

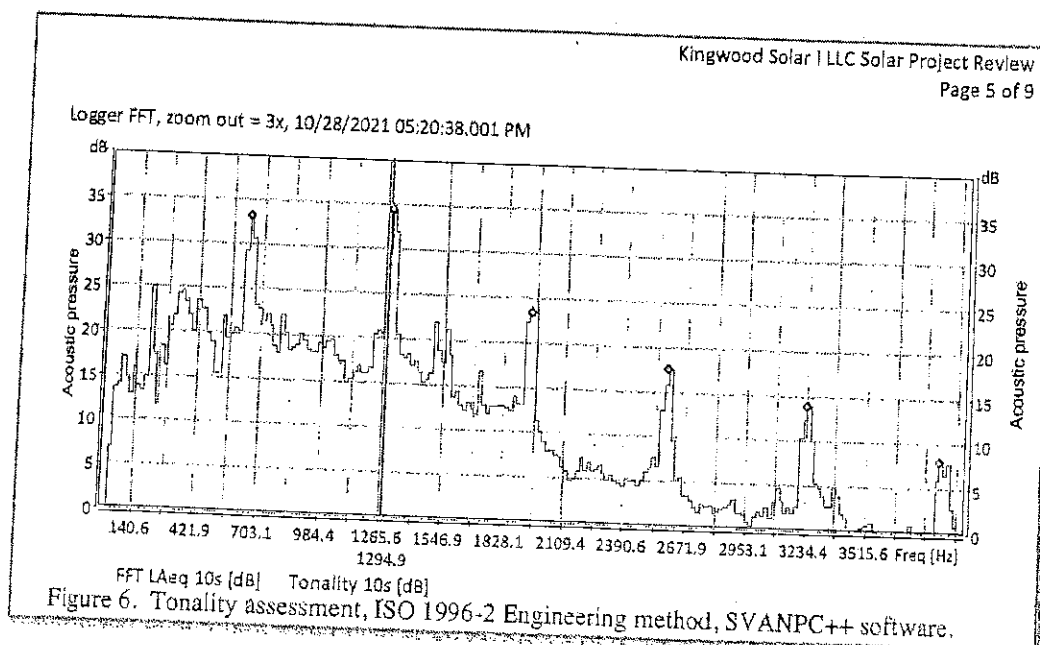


Figure 2-Tones at ML1 Hardin Solar, Ohio

The Hardin Solar noise study also found that sound levels along the utility's property lines (roughly 90 feet to the nearest racking motor assembly) were in the range of 39 dBA or more. Sounds from the racking system activity were measured at the property line at 42-44 dBA with "ticking" or "clanking" discernable by listening and when measured occurred primarily in the 2000, 4000, and 8000 Hz octave bands.

5. **The EDP model is accurate and was used properly** Without a detailed analysis of the dBMap.net modeling software one would need to have trust in the software company's claim that it meets ISO 9613-2 standards for modeling. For the sake of argument, I will accept that it is a reasonable duplication of the ISO protocols.

However, even if it is an accurate reproduction of the standard's methodology, it should be understood that the ISO model does not claim to be highly accurate for any but the simplest of situations. Even then, the accuracy is not better than ± 3 dBA. This tolerance was not considered by EDP. Further, there is no basis for EDP's assumption that the ground between the noise emitters and the adjacent property lines is absorptive. Unless the ground is tilled or otherwise groomed to keep the soil loose, and the equipment is not mounted on gravel or concrete pads the ground will be reflective. My criticism of EDP's use of 0.9 for the ground factor, and the resulting underprediction of the model still stands. They should have used a ground factor of 0.0 to 0.1 if they wished to be "conservative."

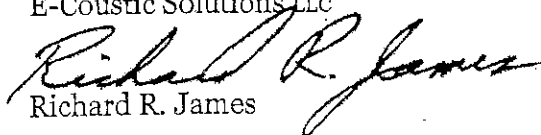
Additional issues are raised by the lack of certainty in the number of HVAC units (could be as many as eight (8)), DC-DC Converters (could be as many as 20), and control systems (could be as many as 4). Further, there is no information for switchgear located at Duanesburg Road. Unless all of the equipment that will be part of the utility are modeled the analysis and conclusions based on that model are flawed. However, if there are more units than modeled, as some information implies, the effect on the property line sound levels will be to increase them above what EDP has already stated. (They stated that property line noise levels could be as high as 50 dBA.)

A solar array utility is not a simple situation. It involves hundreds of noise emitters, some of them small enough to be considered a "point source" and other larger sources would not be "point sources." Some equipment, especially larger equipment in housings with fans and ducting, will emit more noise in one direction than another by as much as 10 dB difference. This level of complexity is something the ISO model and dBMap.net cannot address. The EDP model, even if complete and using the proper input variables, is at best an estimate of the sound levels that will be produced by the operating utility.

CONCLUSION

EDP's response to the ECS February 24, 2022 critique of their work does not change the conclusion that the solar array utility will be easily discernable by both listening tests and measurements at property lines. The project requires an acoustical barrier along the property lines to meet the Solar Energy Utilities Law of "no discernable" change in noise level. The Feb. 24th report provided an example of the type of barrier that should be considered. Without a property line barrier the project cannot meet the requirements set by the Town of Duanesburg, NY.

Sincerely,
E-Cooustic Solutions LLC


Richard R. James



lynne bruning <lynnebruning@gmail.com>

Is the Oak Hill Solar Resolution missing pages? Please provide the board all pages prior to taking any action.

1 message

lynne bruning <lynnebruning@gmail.com>

To: Melissa Deffer <mdeffer@duanesburg.net>, Jeffery Schmitt <jschmitt@duanesburg.net>, mharris@duanesburg.net
Cc: Bill Wenzel <wwenzel@duanesburg.net>, Susan Biggs <azurevista@hotmail.com>, Pamela Rowling <pamelarowling@yahoo.com>

Thu, Mar 17, 2022 at 5:07 PM

Dear Jeffery Schmitt,

It appears that the Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Resolution as provided on the Town website may be missing a page from the FEAF Part 3. Specifically is page 1 of the FEAF Part 3 omitted from the Resolution? Please see attached screenshot the resolution pages 42 and 43 of 55 pages.

The November 2021 and December 2021 Planning Board meeting minutes contained FEAF Part 3. This document erroneously stated that the Oak Hill Solar Project is 800 feet north of Duanesburg Road. The 2019 Special Use Permit approved September 19, 2019 was for a project nearly 1,500 north of Duanesburg Road as stated in EDP's March 11, 2019 letter to the Board.

Moving the Project 800 feet north of Duanesburg Road may change the building footprint and cause the Project to be non-compliant with local law, USACE, and DEC regulations.

All board members and citizens should have full access to the accurate Resolution prior to board action.

Is the Resolution missing pages?

Please resolve this issue before the town vote so that all planning board members are fully aware of the Project's location.

Thank you for your time and consideration.

Respectfully,

Lynne Bruning

720-272-0956

lynnebruning@gmail.com

Page 2 of 2

[illegible]

Title of Responsible Officer: Planning Board Chairperson	
Signature of Responsible Officer in Lead Agency:	
Signature of Preparer (if different from Responsible Officer)	Date:
For Further Information:	
Contact Person: Dale Warner	
Address: 5053 Western Turnpike Oneonta, NY 12855	
Telephone Number: 518-898-2040	
E-mail: dale@oneonta.net	
For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:	
Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)	
Other involved agencies (if any)	
Applicant (if any)	
Environmental Notice Bulletin: http://www.dec.ny.gov/ceb/enb.html	

PRINT FULL FORM

Page 2 of 2

Oak Hill Solar 1 & 2, LLC

Full Environmental Assessment Form

Part 3 — Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

mentioned in Part 1 of the FEAR, there are no other surface water bodies on the site or directly adjacent to the site. Sediment control practices to be employed during and post construction will help mitigate impacts to surface water (No. 3 of Part 2).

Threatened or Endangered Species, primarily the Northern Long eared Bat, have been identified. To avoid and minimize any potential threat to the bats, all tree removal activities must occur between October 31st and March 31st. Additionally, the clearing of wooded or meadowed areas during construction may have a small impact on plants and animals that are "of least concern" but impact will not be substantial (No. 7 of Part 2). The action will not result in any impacts to agricultural resources as the property is not actively farmed with cropland (No. 8 of Part 2).

It has been deemed that the proposed project may create a small impact to aesthetic resources, but this will not be significant. The main object of concern of the SEQRA process regarding aesthetic resources are off-highway designated scenic views or aesthetic resources. The properties are not within view of many "publicly accessible vantage points". A small portion of the property is visible from Dutchess County Route 7. However, visual quality will be small and most noticeable during the winter months when deciduous vegetation lose their leaves (No. 9 of Part 2).



lynne bruning <lynnebruning@gmail.com>

Omission of nearest neighboring house, switchgear,

1 message

lynne bruning <lynnebruning@gmail.com>

Thu, Mar 17, 2022 at 4:26 PM

To: Melissa Deffer <mdeffer@duanesburg.net>, Jeffery Schmitt <jschmitt@duanesburg.net>

Cc: Bill Wenzel <wwenzel@duanesburg.net>

Dear Jeffery Schmitt and the Planning Board,

I just reviewed the site plan Amp uploaded to the Drop Box on March 14, 2022 with file name "20220307 Oak Hill IFC Plans Stamped Signed.pdf". It is unclear why documents may be uploaded but the file names remain the same. Should the file names reflect the new date of upload and any possible changes? Is the town confident of what documents are being voted on?

Drawing C2.00 C3.00, C7.00, and other drawings, still omit the nearest house to the west of the Project site. Matt Ganster's house on tax id 74.00-2-6 is omitted. This may deprive the Ganster family of fair and honest representation over the lifetime of the Project. Attached is a PDF of the March 7, 2022 Revision I Drawing C7.00 Sheet 27 of 30 showing that the house is omitted.

Drawing C7.00 Sheet 27 of 30 shows the incorrect treeline and vegetative cover for the abutting parcels to the east. The Project site has little to no vegetation on its east property line. The Project relies on the abutting neighbors to screen their own view of the 14.5 feet in height tracking panels, 8 feet in height fence, and other energy equipment on their own land. The developer's project limits the abutting landowners use of their own lands for the lifetime of the Project. This is grossly unfair. The developer should screen their entire project with evergreens and maintain the evergreen for the lifetime of the Project. The developer should correct their misrepresentation and stop misleading the board.

The March 7, 2022 Revision I Sheets 1 through 30 site plan omits the label for the two pieces of equipment located at Duaneburg Road interconnection point. Each piece of equipment generates 100 dBA at the source. To protect the neighbors rights and to provide the town with accurate drawings that represent the project the equipment should be labeled prior to planning board vote. Attached is an image showing the dimension of a typical switchgear piece of equipment. The metal enclosed switchgear is approximately 12+ feet in height x 16.5 feet wide and 2.5 feet deep. What are the dimensions of the switchgear at Duaneburg Road? Is there a screening method?

The Resolution does not mention signage on the battery containers. Powin uses signage. This is unwanted in a rural residential neighborhood. Please make a condition of the Project to remove all signage from the containers.

The Projects DOT permit may have expired. The Project USACE permit expires tomorrow March 18, 2022. As of this morning the DEC had not approved the Project.

Please do not let the developer bully the board into approving the Amendment at tonight's meeting. There are too many errors, omissions and misrepresentations in the application that may deprive the taxpayers of protection provided by local law. Please uphold the local laws.

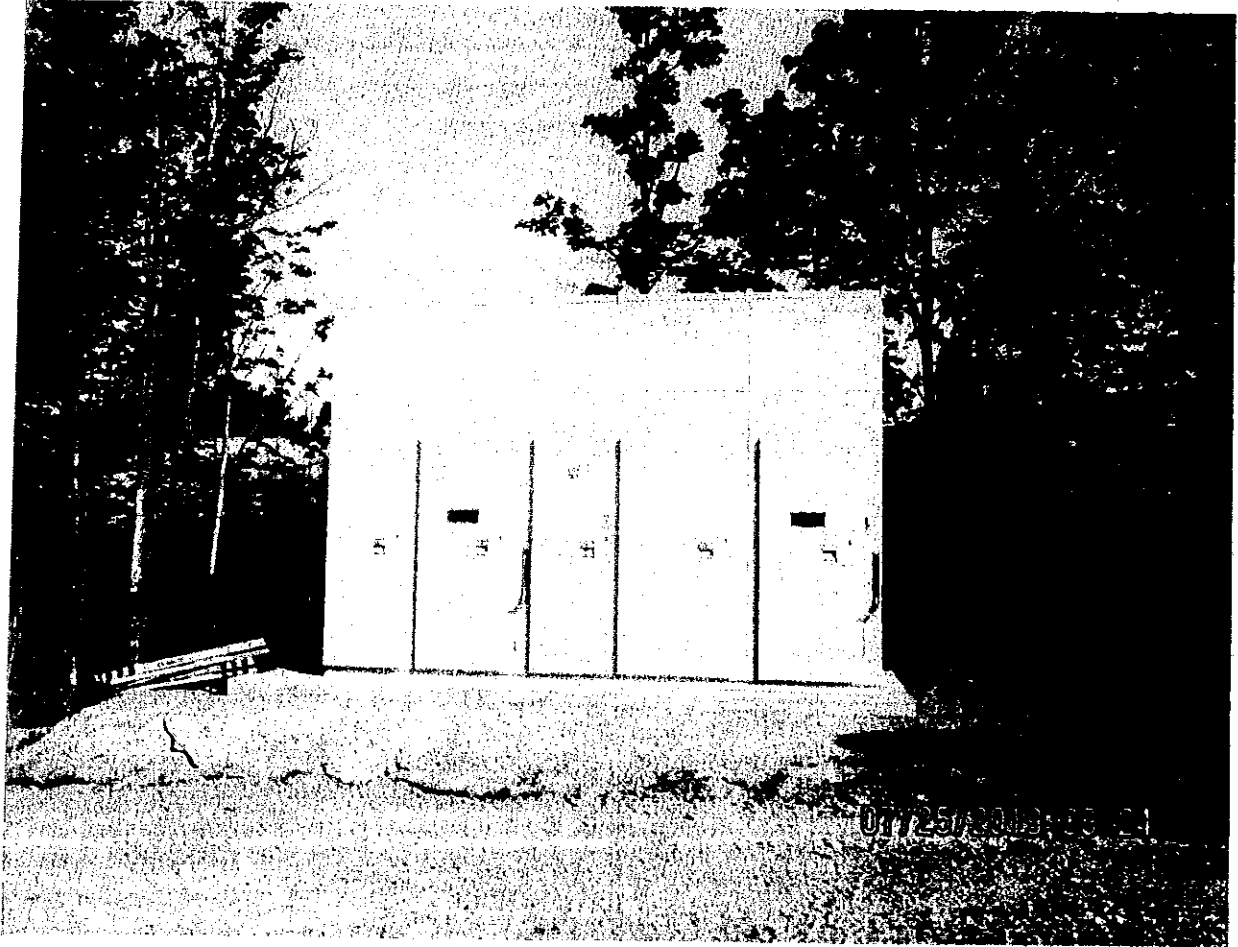
Thank you for your time and consideration.

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

4 attachments

2022 03 07 Sheet 27 Landscape Oak Hill IFC Plans Stamped Signed.pdf
7141K

2022 03 08 Switch Gear 117 Bliss Rd NY_51_Response #4_060320_D.pdf



Metal Enclosed Switchgear - This is approximately 12+ feet tall x 16.5 feet wide and 2.5 feet deep.

1	DESIGN	100% COMPLETE
2	PERMIT	100% COMPLETE
3	CONSTRUCTION	100% COMPLETE
4	FINAL	100% COMPLETE
5	AS-BUILT	100% COMPLETE
6	MAINTENANCE	100% COMPLETE
7	REPAIR	100% COMPLETE
8	REPLACE	100% COMPLETE
9	REMOVE	100% COMPLETE
10	DEMOLITION	100% COMPLETE
11	LANDSCAPE	100% COMPLETE
12	PLANTING	100% COMPLETE
13	IRRIGATION	100% COMPLETE
14	PAVING	100% COMPLETE
15	STRUCTURE	100% COMPLETE
16	MECHANICAL	100% COMPLETE
17	ELECTRICAL	100% COMPLETE
18	PLUMBING	100% COMPLETE
19	HEATING	100% COMPLETE
20	Cooling	100% COMPLETE
21	Lighting	100% COMPLETE
22	Security	100% COMPLETE
23	Acoustic	100% COMPLETE
24	Fire	100% COMPLETE
25	Life	100% COMPLETE
26	Health	100% COMPLETE
27	Other	100% COMPLETE



ISSUED FOR CONSTRUCTION

FOR THE PROJECT OF THE LANDSCAPE ARCHITECTURE FIRM OF RICHARD B. WALKER, P.E., 1505 OAK HILL ROAD, ATLANTA, GA 30326

GREENCELLS

USA INC.

2414 Peachtree Road

Atlanta, GA 30326

LANDSCAPE PLAN

DATE: 10/1/17

PROJECT: 1005 OAK HILL ROAD

CLIENT: GREENCELLS

Richard B. Walker

1505 OAK HILL ROAD

Atlanta, GA 30326

License No. 12086

OAK HILL SOLAR

1005 OAK HILL ROAD

ATLANTA, GA 30326

C7.00

27 of 30

Treeline is incorrect. This drawing misrepresents treeline and may mislead the planning board, town engineer, legal representation and the courts. Request clarification prior to board action.

Neighboring Two Story House Field of View. As drawn is incorrect field of view from a barn.

NEIGHBORING HOUSE is omitted

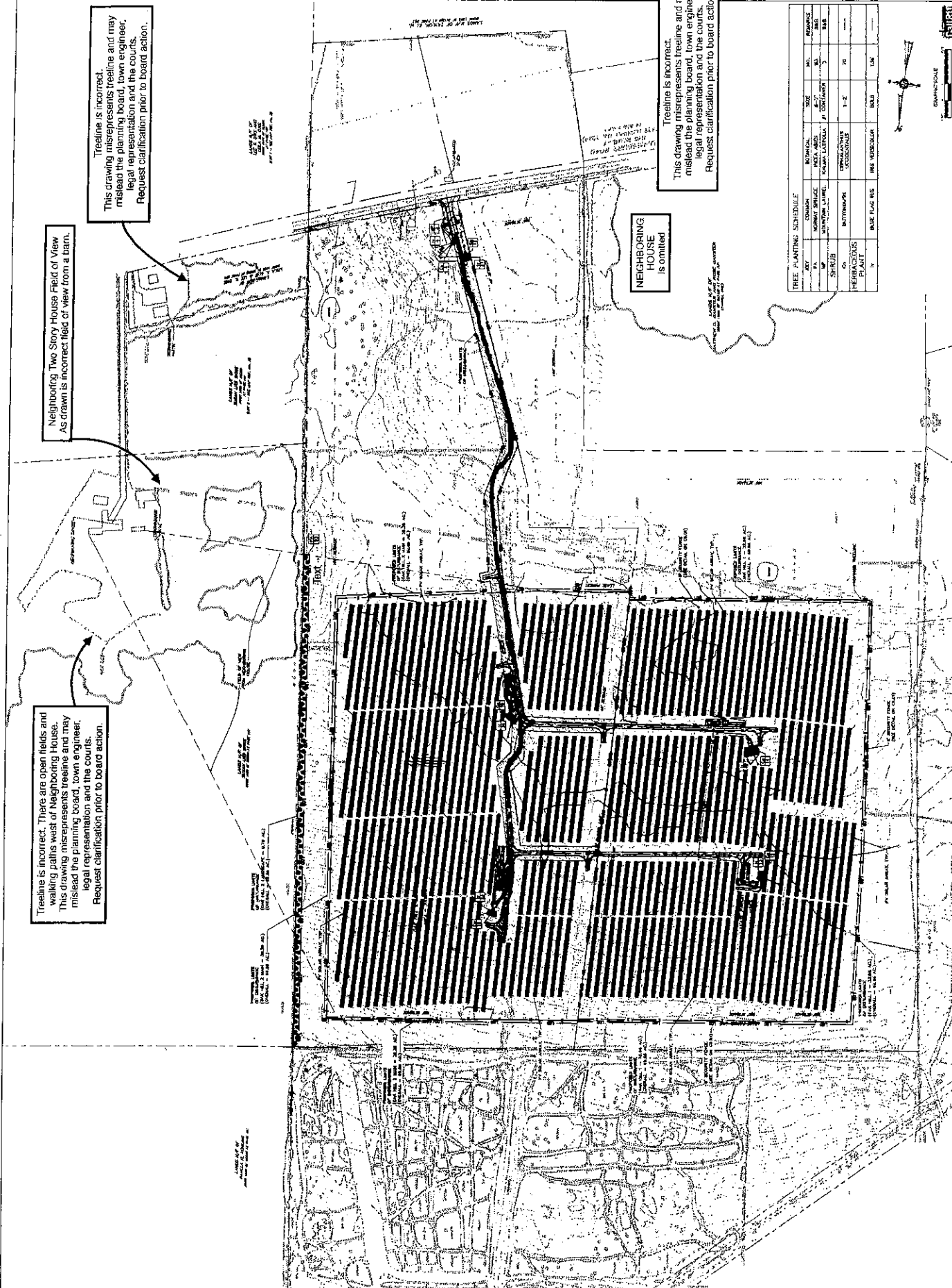
Treeline is incorrect. This drawing misrepresents treeline and may mislead the planning board, town engineer, legal representation and the courts. Request clarification prior to board action.

TREE PLANTING SCHEDULE				
NO.	COMMON	SCIENTIFIC	SIZE	QUANTITY
1	WATERBURY	WATERBURY	12"	5
2	WATERBURY	WATERBURY	12"	5
3	WATERBURY	WATERBURY	12"	5
4	WATERBURY	WATERBURY	12"	5
5	WATERBURY	WATERBURY	12"	5
6	WATERBURY	WATERBURY	12"	5
7	WATERBURY	WATERBURY	12"	5
8	WATERBURY	WATERBURY	12"	5
9	WATERBURY	WATERBURY	12"	5
10	WATERBURY	WATERBURY	12"	5



GRAPHIC SCALE

1" = 10'



SUPERIOR ENCLOSURES

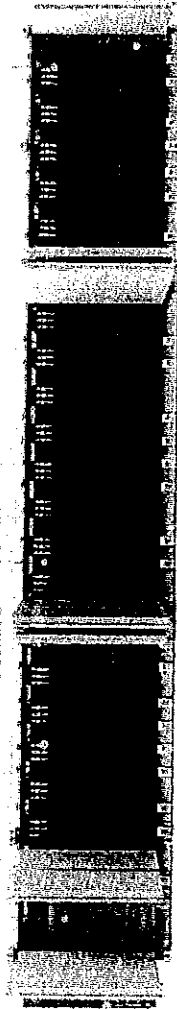
FULLY INTEGRATED ENCLOSURE-BASED SOLUTIONS

Power has deployed over 2 GWh of enclosure-based products world-wide

General Motors
GM's Chevrolet Volt is a fully integrated enclosure-based solution for the automotive industry.

Power Systems Inc.
Chevrolet Volt is a fully integrated enclosure-based solution for the automotive industry.

Power Systems Inc.
Chevrolet Volt is a fully integrated enclosure-based solution for the automotive industry.



Power Systems Inc.
Chevrolet Volt is a fully integrated enclosure-based solution for the automotive industry.

Power Systems Inc.
Chevrolet Volt is a fully integrated enclosure-based solution for the automotive industry.

Power Systems Inc.
Chevrolet Volt is a fully integrated enclosure-based solution for the automotive industry.

COMPANY

PRODUCTS

SOLUTIONS

NEWS

WE'RE BUILDING THE FUTURE OF ENERGY

POWER

RENEWABLE ENERGY
BEST
MANAGEMENT
FOR
OPERATIONS
IN
THE
FUTURE
OF
ENERGY

Amp drop box shows that new files were added on March 14, 2021

Folder

Decom updated March 14, 2022 at 7:06PM

New file

2022-02-07_DECOMMISSIONING PERFOR

(Why has the February 7, 2022 Decom Performance changed on March 14, 2022 but the file name remains from February?)

Added March 14, 2022 at 7:08 PM

PrimeAE Review Specific Documents Mar 14, 2022, 7:46 PM

(Where is the March 14, 2022 document?)

Prime AE Response Letters Mar 14, 2022, 8:14 PM

20210827-Prime AE Oak Hill Comments Feb 21, 2022, 10:51 AM

20211001 Oak Hill Prime AE Commet Dec 8, 2021, 8:40 AM

20211020 Oak Hill Comment Response Dec 8, 2021, 8:40 AM

20220307 Oak Hill Comment Response Mar 7, 2022, 9:03 PM

Site Plan Mar 14, 2022, 8:00 PM

Individual Updated Sheets Sep 13, 2021, 6:12 PM

20210621-OAK HILL IFC PLANS STAMPED Mar 8, 2022

20210827-OAK HILL IFC PLAN SET>pdf Mar 5, 2022, 3:05 PM

20211001-OAK HILL IFC PLAN SET.pdf Jan 10, 2022, 7:24 AM

20211112 OAK HILL IFC PLAN SET.pdf Dec 27, 2021, 6:16AM

20211123 OAK HILL IFC PLAN SET.pdf Jan 5, 2022, 5:25 AM

20220206 OAK HILL IFC PLAN SET.pdf Feb 21, 2022 12:29PM

20220117 OAK HILL IFC PLAN SET.pdf Mar 14, 2022, 8:00PM

(Why has Jan 17 2022 document changed)

20220216 OAK HILL 1&2 IFC PLANS.pdf Mar 7, 2022,9:57 AM

20220307 Oak Hill IFC Plans Stamped Mar 7, 2022, 4:20 PM

SWPPP March 14, 2022 at 8:02 PM

20210611-OAK HILL SWPPP STAMPED Feb 18, 2022, 7:52 AM

20210802-OAK HILL SWPPP.pdf Feb18, 2022, 7:53 AM

20211001-OAK HILL SWPPP.pdf Feb 18, 7:51 AM

20211112 OAK HILL SWPPP.pdf Mar 2, 2022, 11:41 AM

20220117 OAK HILL SWPPP.pdf Mar 14, 2022 8:02 PM

(Why has January 17, 2022 document changed)

20220216 OAK HILL 1 & 2 SWPPP.pdf Mar 7, 202211:06 AM (file name is underlined)

20220307 Oak Hill SWPPP Stamped Sig Mar 14, 2022, 7:55 AM

(Why has the March 7, 2022 document changed on March 14, 2022, but the file name remains the same?)

Soil Report_Oak Hill 1 & 2.pdf Feb 24, 2022, 4:00 AM

PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chair
Planning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Transmitted via email: jhowe@duanesburg.net, mdeffer@duanesburg.net, and
jschmitt@duanesburg.net

Hard copy to follow

March 17, 2022

RE: Existing Conditions 13388 Duanesburg Road, Delanson, NY 12056 Tax Parcels 74.00-3-18
and 74.00-3-16.3

Dear Jeffery Schmitt and the Planning Board,

Please find attached twenty-six (26) color images with annotations depicting the existing conditions for the eastern property line for tax id parcels 74.00-3-18 and 74.00-3-16.3 commonly known as 13388 Duanesburg Road. And two color images with annotations comparing the 2019 Special Use Permit and the 2021 Application for an Amendment.

These images show the views towards Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC with tax id 74.00-2-5.2 and 74.00-2-5.1 respectively.

We oppose the construction of Oak Hill Solar facility and in particular Oak Hill Solar 2, LLC that abuts 2,500 feet of our property line for many reasons some, but not all, are listed here:

- Stormwater runoff appears not to be thoroughly addressed in the SWPPP uploaded to Amp drop box March 7, 2022. Failure to provide adequate stormwater control may promote soil erosion and the inability to provide the meadow-like pollinator friendly plants and evergreen screening as the developer promised and depicted in their application to the board and mailers to the taxpayers.
- The fence has increased by 2,002 linear feet from the 2019 Special Use Permit. The 2019 Decommissioning Plan indicates 7,618 linear feet. The 2021 Mechanical drawings

indicate 9,620 linear feet. The Project footprint appears to have changed by more than 20%.

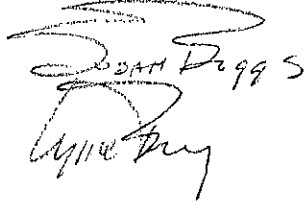
- The FEAF Part 3 as presented in November 2021 and December 2021 planning board minutes indicates that the Project is 800 feet north of Duanesburg Road. The 2019 Special Use Permit is for a Project nearly 1,500 feet north of Duanesburg Road. This is a difference of 700 feet and may bring the Project in direct view of Biggs two story home. The home is the most south west structure on tax parcel 74.00-3-18. It appears that the Project's footprint has changed. The Resolution as posted to the town board website appears to omit page 1 of the FEAF Part 3. This page may reflect the distance of the fence to the north from Duanesburg Road.
- The text of the June 24, 2021 Visual Maintenance Agreement as approved by the town does not match the document filed with the Schenectady County Clerk. What is filed at the Clerk's office is not what the town board approved. This document does not contain a tracking number in the lower left corner making it more difficult to identify and validate.
- The 2019 and 2021 appears to application omits and misrepresents National Wetland Inventory on the Project parcel 74.00-2-5.1 Oak Hill Solar 2, LLC and the abutting parcels. Oak Hill Solar's permit application to US Army Corps of Engineers Section 3 states that there is "no National Wetland Inventory" on the Project site. The NYSDEC Mapper and US Fish and Wildlife Maps show a National Wetland Inventory of: riverine on parcel 74.00-2-5.1, 74.00-3-19 and other parcels downstream; a fresh water pond on 74.00-3-18; and an emerging wetland on 74.00-2-24.1. It appears that the Applicant may have mislead the federal agencies and planning board.
- Neighboring House on parcel 74.00-2-6, Matt and Rose Ganster home is omitted from the 2019 and 2021 site plan. Inaccurate site plans deprive the citizens of fair and honest documents over the lifetime of the Project. This omission diminishes a taxpayer's ability to protect their property values. Inaccurate site plans deprive the citizens of factual evidence and may lead to inaccurate legal documents. Please make the developer respectfully consider the neighbors before project approval and include all neighboring houses.
- SEQR began July 2018 and ended July 2019. Satellite images from planet.com show that at least 10 acres of the Project site was deforested between October 2018 and June 2019. Furthermore the Applicants May 7, 2018 concept plan reflects tree coverage that would prohibit the Project from complying with town solar law 3(f) limiting clearing of trees to 20,000 square feet.

The 2019 Special Use Permit and the 2021 Application for an Amendment are riddled with errors, omissions and misrepresentations that may harm the town, taxpayers and neighbors over the lifetime of the Project. Any developer that omits the nearest neighboring homes, fails to respectfully communicate with the neighbors, and fails inform the federal government of national wetland inventory on the Project site plan is unlikely to construct, operate or decommission their project without substantial problems and violations.

For the betterment of the town we request that the planning board table tonight's vote and gather more information that may protect the town's finances, property owner rights and integrity of the planning board. Citizens rely on the board to fairly and accurately review the projects before them. Please uphold the town laws. Please contact the Town of Glen, the Town of Gloversville, and the Town of Schodack to learn about their experience with Amp's construction projects. Please perform due diligence and protect the town from a half baked plan.

Thank you for your time and consideration.

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

Handwritten signatures of Susan Biggs and Lynne Bruning. The signature for Susan Biggs is at the top, and the signature for Lynne Bruning is below it.

Enc: 28 color images with annotations depicting existing conditions at the property line with Oak Hill Solar.

Cc: William Wenzel, Supervisor

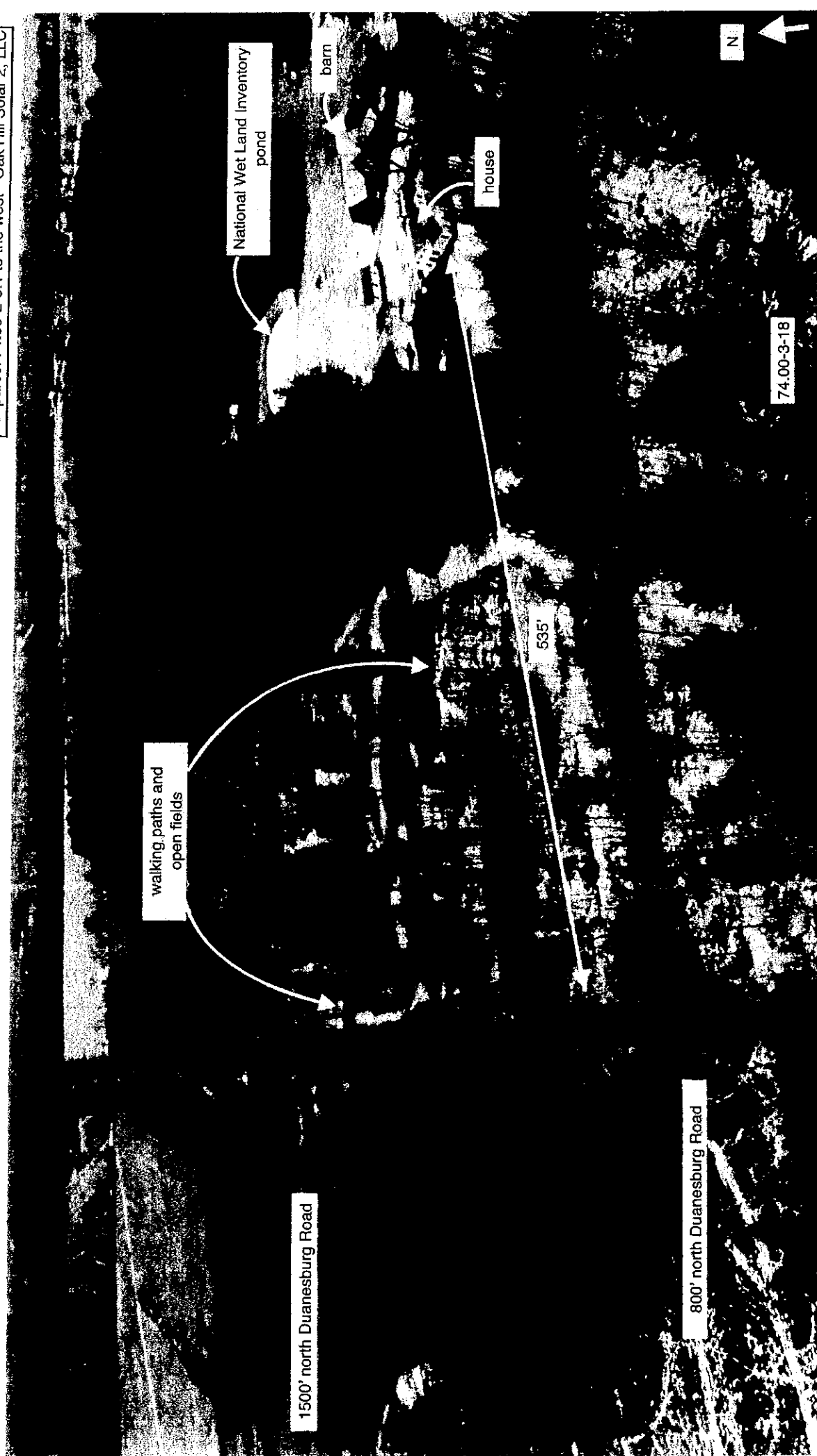
March 11, 2022

View to North

existing conditions

tax parcel 74.00-3-18 to the east, Lands of Biggs

tax parcel 74.00-2-5.1 to the west - Oak Hill Solar 2, LLC



Susan Biggs to Planning Board March 17, 2022

Figure 1

March 11, 2022

View to North

existing conditions

tax parcel 74.00-3-18 to the east, Lands of Biggs

tax parcel 74.00-2-5.1 to the west - Oak Hill Solar 2, LLC



Susan Biggs to Planning Board March 17, 2022
Figure 2

March 11, 2022

View to South

existing conditions

tax parcel 74.00-3-18 to the east, Lands of Biggs

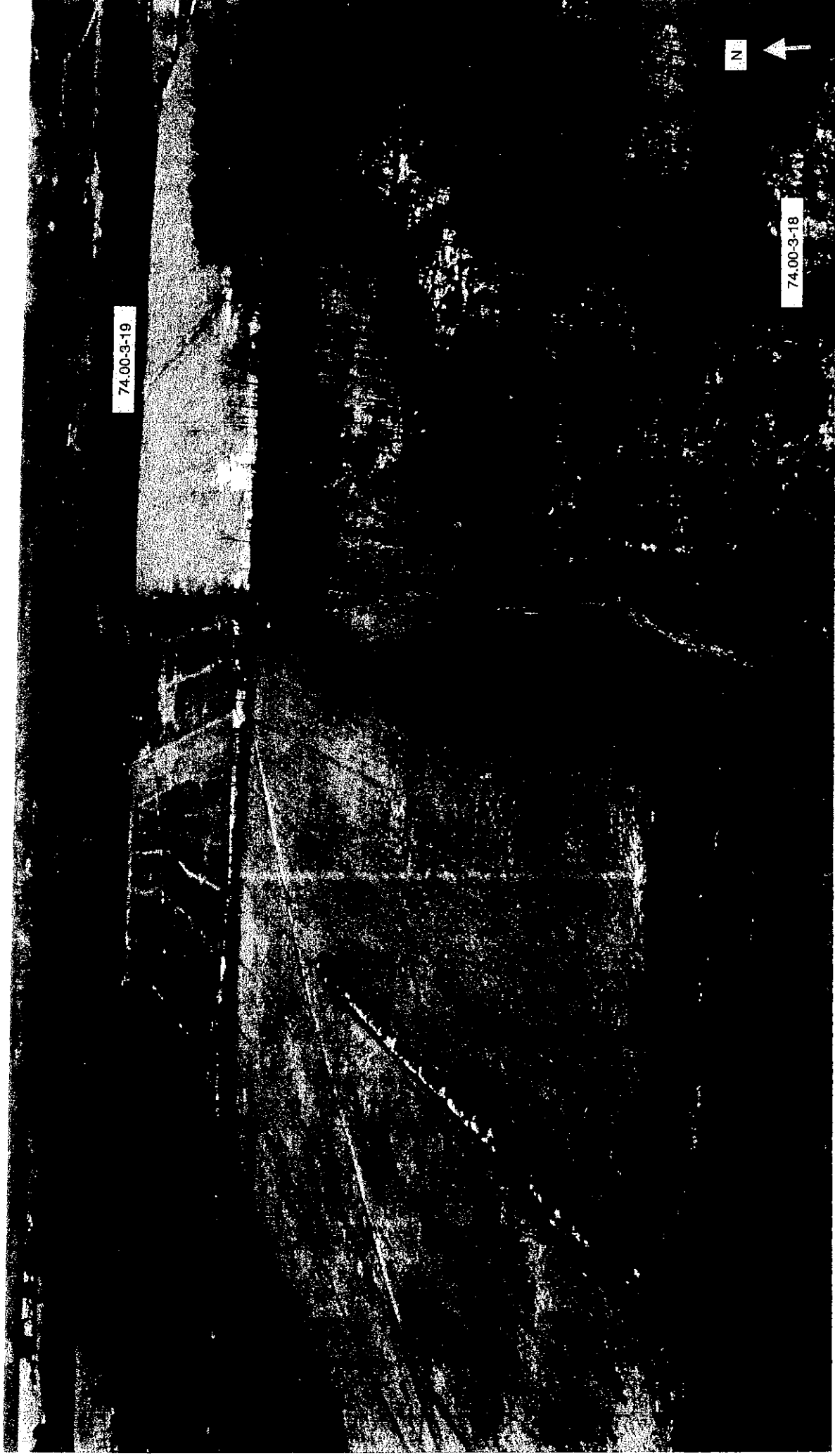
tax parcel 74.00-2-5.1 to the west - Oak Hill Solar 2, LLC



existing mowed walking paths

74.00-3-18

March 11, 2022
View to North
existing conditions
tax parcel 74.00-3-18 to the east, Lands of Biggs
tax parcel 74.00-2-5.1 to the west - Oak Hill Solar 2, LLC



Susan Biggs to Planning Board March 17, 2022
Figure 4

March 11, 2022

View to south
existing conditions

tax parcel 74.00-3-18 and 74.00-3-16.3 and 74.00-3-16.4 to the east,
tax parcel 74.00-2-5.1 to the west - Oak Hill Solar 2, LLC



Susan Biggs to Planning Board March 17, 2022
Figure 5

March 11, 2022

View to south

existing conditions

tax parcel 74.00-3-18, 74.00-3-16.3 to the east, Lands of Biggs

tax parcel 74.00-3-16.4, to the east Lands of Unser and Swain

tax parcel 74.00-2-5.1 to the west - Oak Hill Solar 2, LLC



Susan Biggs to Planning Board March 17, 2022

Figure 6

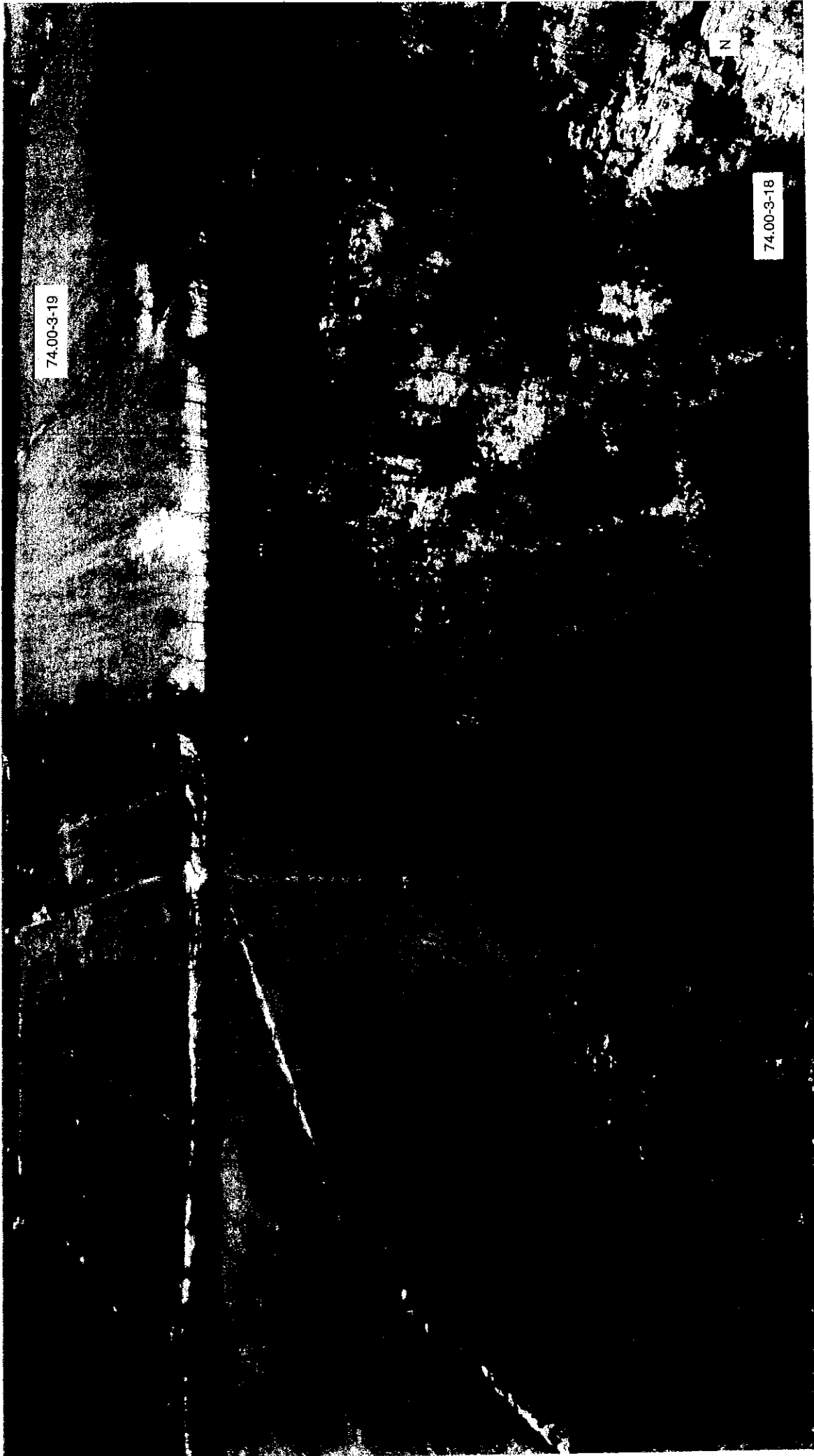
March 11, 2022

View to North

existing conditions

tax parcel 74.00-3-18 to the east, Lands of Biggs

tax parcel 74.00-2-5.1 to the west - Oak Hill Solar 2, LLC



Susan Biggs to Planning Board March 17, 2022
Figure 7

March 11, 2022
View to south -
existing conditions

tax parcel 74.00-3-18 to the east, Lands of Biggs
tax parcel 74.00-2-5.1 to the west - Oak Hill Solar 2, LLC



Susan Biggs to Planning Board March 17, 2022
Figure 8

March 11, 2022
view from tax parcel 74.00-3-18, Biggs
to the west towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
existing conditions
42° 43' 55.608" N 74° 15' 1.02" W

74.00-3-18

Susan Biggs to Planning
Board March 17, 2022
Figure 9



March 11, 2022

view from tax parcel 74.00-3-18, Biggs
to the west towards

tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
existing conditions

42° 43' 51.708" N 74° 15' 0.522" W

standing water year round

74.00-3-18

Susan Biggs to Planning Board March 17, 2022

Figure 10

N

March 11, 2022

view from tax parcel 74.00-3-18, Biggs
to the northwest towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
existing conditions
42° 43' 51.132" N 74° 15' 0.708" W

Susan Biggs to Planning
Board March 17, 2022
Figure 11

stormwater runoff from 74.00-2-5.1

74.00-3-18

N



March 11, 2022

view from tax parcel 74.00-3-18, Biggs
to the west towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
existing conditions
42° 43' 50.43" N 74° 15' 0.468" W

74.00-3-18

Susan Biggs to Planning
Board March 17, 2022
Figure 12

N

March 11, 2022
view from tax parcel 74.00-3-18, Biggs
to the southwest towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
existing conditions
42° 43' 49.998" N 74° 15' 0.27" W

stormwater runoff from 74.00-2-5.1

74.00-3-18

Susan Biggs to Planning
Board March 17, 2022
Figure 13

N

March 11, 2022
view from tax parcel 74.00-3-18, Biggs
to the west towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
and 74.00-2-5.2 Oak Hill Solar 1, LLC
existing conditions
42° 43' 49.848" N 74° 15' 0.378" W

74.00-3-18

Susan Biggs to Planning
Board March 17, 2022
Figure 1



March 11, 2022
view from tax parcel 74.00-3-18, Biggs
to the west towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
and 74.00-2-5.2 Oak Hill Solar 1, LLC
existing conditions
42° 43' 46.14" N 74° 14' 59.922" W

one of the many trees felled March 2019 and
pushed up against the abutters property lines
and on to the abutters parcels

74.00-3-18

Susan Biggs to Planning
Board March 17, 2022
Figure 15

N





March 11, 2022
view from tax parcel 74.00-3-18, Biggs
to the west towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
and 74.00-2-5.2 Oak Hill Solar 1, LLC
existing conditions
42° 43' 45.528" N 74° 14' 59.562" W

rutting from driving on wet soils and standing water



deer trail

74.00-3-18

Susan Biggs to Planning
Board March 17, 2022
Figure 16

N

March 11, 2022

view from tax parcel 74.00-3-18, Biggs
to the west towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
and 74.00-2-5.2 Oak Hill Solar 1, LLC
existing conditions
42° 43' 42.162" N 74° 14' 59.34" W

74.00-3-18

Susan Biggs to Planning
Board March 17, 2022
Figure 17



March 11, 2022
view from tax parcel 74.00-3-18, Biggs
to the west towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
and 74.00-2-5.2 Oak Hill Solar 1, LLC
existing conditions
42° 43' 41.76" N 74° 14' 59.292" W

74.00-3-18

Susan Biggs to Planning
Board March 17, 2022
Figure 18

N

March 14, 2022
view on tax parcel 74.00-3-18, Biggs
to the north towards
existing mowed pathways
42° 43' 40.968" N 74° 14' 58.788" W

typically 6 inches of standing water November through July

existing mowed pathways

N

Susan Biggs to Planning
Board March 17, 2022
Figure 19

March 11, 2022

view from tax parcel 74.00-3-18, Biggs
to the west towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
and 74.00-2-5.2 Oak Hill Solar 1, LLC
existing conditions
42° 43' 38.988" N 74° 14' 58.428" W

ACCESS ROAD

standing water November through July

deer trail

74.00-3-18

Susan Biggs to
Planning Board
March 17, 2022
Figure 20

N

March 11, 2022
view from tax parcel 74.00-3-16.3, Biggs
to the south towards
Duanesburg Road
existing conditions
42° 43' 34.98" N 74° 14' 58.212" W

Susan Biggs to
Planning Board
March 17, 2022
Figure 21

N

74.00-2-5.1

standing water

74.00-3-16.3

March 14, 2022
view from tax parcel 74.00-3-16.3, Biggs
to the west towards
tax parcel 74.00-2-5.1 Oak Hill Solar 2, LLC
and 74.00-2-5.2 Oak Hill Solar 1, LLC
existing conditions
42° 43' 34.842" N 74° 14' 58.128" W

access road

marsh

74.00-3-16

Susan Biggs to Planning
Board March 17, 2022
Figure 22

N

March 14, 2022
view from tax parcel 74.00-3-16.3, Biggs
to the west towards
tax parcel 74.00-2-5.1, Oak Hill Solar 2, LLC
and 74.00-2-5.2, Oak Hill Solar 1, LLC
existing conditions
42° 43' 34.542" N 74° 14' 58.242" W

access road

standing water
October through July

74.00-3-16.3

Susan Biggs to
Planning Board
March 17, 2022
Figure 23

N

March 14, 2022
view from tax parcel 74.00-3-16.3, Biggs
to the west towards
tax parcel 74.00-2-5-1, Oak Hill Solar 2, LLC
and 74.00-2-5-2, Oak Hill Solar 1, LLC
existing conditions
42° 43' 33.372" N 74° 14' 58.05" W

access road

74.00-3-16.3

Susan Biggs to Planning
Board March 17, 2022
Figure 24

N



March 14, 2022
view from tax parcel 74.00-3-18, Biggs
to the south west towards
tax parcel 74.00-5-1, Oak Hill Solar 1, LLC
existing conditions
42° 43' 50.022" N 74° 15' 0.6" W

Susan Biggs to Planning Board
March 17, 2022
Figure 25

74.00-3-18

stormwater runoff from parcel 74.00-3-18

N



SEPTEMBER 2019 SPECIAL USE AMENDMENT

TWO 7.5-MWdc SOLAR WITH A NAMEPLATE CAPACITY OF 5-MW EACH ON ITS OWN 32 ACRE PARCEL COMBINED 45,455 TRACKING SOLAR PANELS ON N-S AXIS THAT AT MAX TILT ARE 7.45 FEET IN HEIGHT AND IN STORED STORM POSITION 5 FEET IN HEIGHT FROM GRADE

THE SITE PLAN SHOWS FOUR TRANSFORMERS, FOUR INVERTERS, AND FOUR SPARE PARTS CONTAINERS. AT THE INTERCONNECTION POINT, DUANESBURG ROAD, THERE ARE EIGHT (8) UTILITY POWER POLES SHOWN ON THE SITE PLAN.

THE DECOM PLAN REFLECTS TWO (2) MAJOR SWITCH GEAR NEITHER IS SHOWN ON THE SITE PLAN. THE DECOM PLAN SHOWS "120 STRING INVERTERS, STORAGE AND DC CONVERTERS". NONE OF THESE ITEMS IS SHOWN ON THE SITE PLAN.

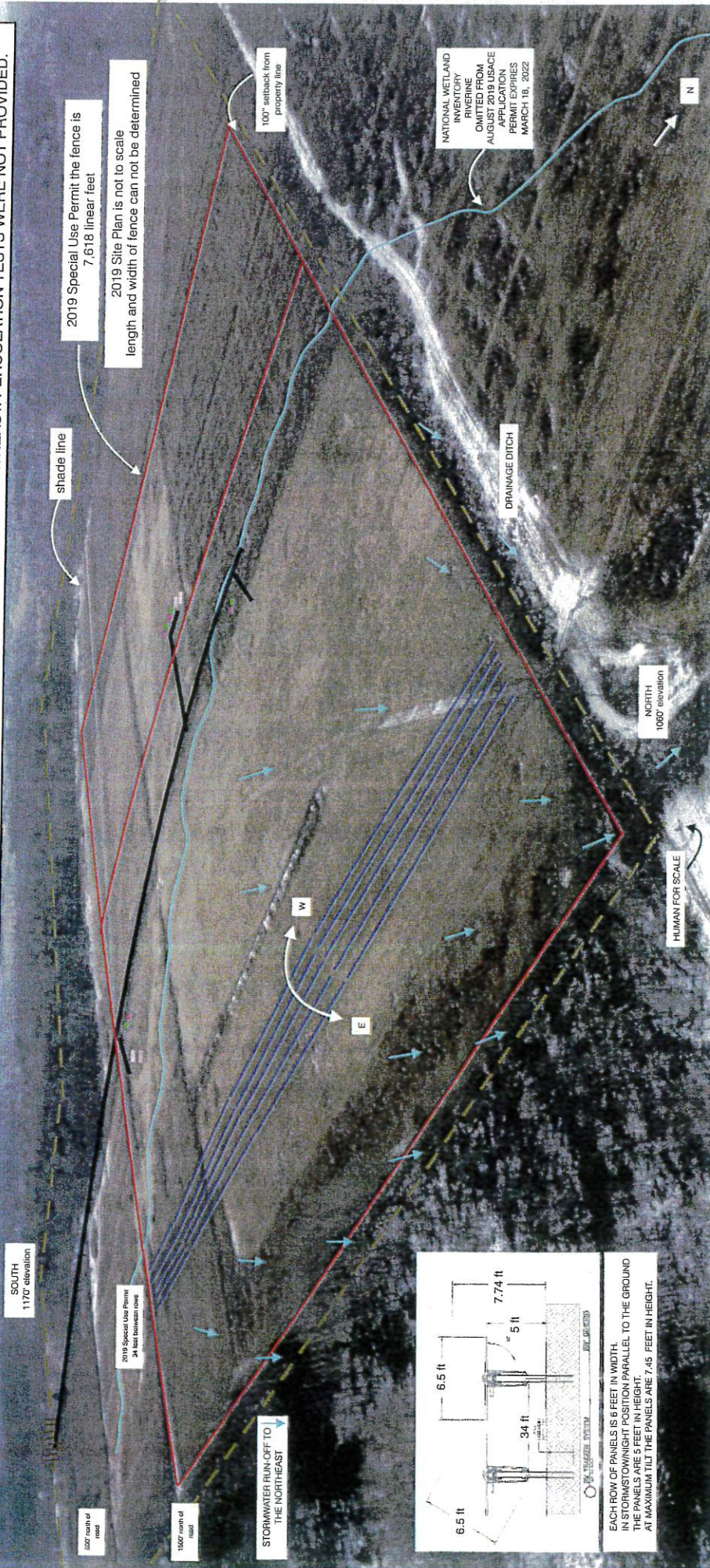
THE SITE PLAN OMITTS THE NEAREST HOMES TO THE EAST AND TO THE WEST, OMITTS NATIONAL WETLAND INVENTORY, AND HAS A COMBINED 7,618 LINEAR FEET OF FENCE. THE FENCE IS NEARLY 1,500 FEET NORTH OF DUANESBURG ROAD. THE FENCE IS 6 FEET IN HEIGHT WITH WOODEN FENCE POSTS AND 4" FIXED KNOT WIRE FENCING SEQR BEGAN 2018 AND ENDED 2019. SATELLITE IMAGES SHOW THAT THE SITE WAS CLEAR CUT MORE THAN 10 ACRES BETWEEN OCTOBER 2018 AND MARCH 2019.

WAS STATE ENVIRONMENTAL QUALITY REVIEW LAW 617.3(a) VIOLATED?

TOWN SOLAR LAW LIMITS CLEAR CUTTING TO 20,000 SQUARE FEET. WAS SOLAR LAW 3.f, and 3.i. VIOLATED?

THE SHADE LINE IS NOT PROVIDED ON THE SITE PLAN. THE DEVELOPER MAY REQUIRE ADDITIONAL TREE CLEARING TO PREVENT SHADE ON PANELS.

FEAF: SOILS ARE 100% POORLY DRAINED, WATER TABLE 2' to 4' DEEP, BEDROCK AT 6', SLOPE IS 0-15% DOWNWARD TO THE NORTHEAST. PERCOLATION TESTS WERE NOT PROVIDED.



At least eight (8) utility power poles at interconnection point at Duaneburg Road

Transformer: Specifications Not Provided. Length not provided x 11.48' height dB Not Provided Total (4)

Spare parts container 20' length x 8' wide x 8.23' height . Total (4)

Inverter: Specifications Not Provided. dB Not Provided. Total (4)

DC-DC Converter: Location Not Provided: Specifications Not Provided: Length not provided x 3.2' width x 6.66' height dB Not Provided. Total (Not Provided)

FEAF August 5, 2019

D.1.g. Total number of structures "N/A"

D.2.b.ii. 550 sq. ft utility trench and 1,035 sq.ft. gravel access road total wetland disturbance 1,585 acres

D.2.m. E.i. impervious surface 1,256 sq ft (0.0288 acres) FEAF

D.2.m. Noise: "Heavy Machinery during construction"

Resolution: Noise during construction.

Solar law 3.j. No discernible difference in noise at the property line. It appears that Solar Law 3.j. was not considered.

FOUR CONTROL GEAR. AT THE INTERCONNECTION POINT, 20 DC-DC CONVERTERS, FOUR TRANSFORMERS, FOUR INVERTERS, AND THE DEVELOPER'S SITE PLAN APPEARS TO OMIT THE NEAREST HOME TO THE WEST, OMITTS NATIONAL WETLAND INVENTORY AND HAS A CONVICTION RECORD FOR THE PROJECT IS 900 FEET OR 1,500 FEET FROM THE PROJECT SITE. IT IS UNCLEAR IF THE PROJECT IS 900 FEET OR 1,500 FEET FROM THE PROJECT SITE.

POSTS. THE FENCE IS 8 FEET IN HEIGHT, WHICH IS 2 FEET IN EXCESS OF LOCAL LAW. A VARIANCE MAY BE REQUIRED BY THE ZONING BOARD. IT APPEARS THAT THE SITE WAS CLEAR CUT MORE THAN 10 ACRES DURING STATE ENVIRONMENTAL IMPACT STUDY.

SHADE LINE NOT PROVIDED ON SITE PLAN. THE DEVELOPER MAY REQUIRE A SHADE STUDY TO DETERMINE IF THE PROPOSED DEVELOPMENT VIOLATES SOLAR LAW 3.f, AND 3.i. VIOLATED?

PERCOLATION TESTS PERFORMED DECEMBER 2021 FAILED.



EACH ROW OF PANELS IS 13.3 FEET IN WIDTH, ROWS ARE 16' APART. IN STORM/STOWNIGHT POSITION PARALLEL TO THE GROUND THE PANELS ARE 9 FEET IN HEIGHT. AT MAXIMUM TILT THE PANELS ARE 14.5 FEET IN HEIGHT.

- | | |
|---|---------------------------------------|
| Major Switchgear at Duanesburg Road | assumed 100dB at source. Total (2) |
| At least five (5) utility power poles at interconnection point at Duanesburg Road | |
| Eaton CA2003EN 2001-2500 kVA Three Phase Transformer | 62 dB @ 3 feet. Total (4) |
| Control Gear | dB not provided. Total (4) |
| Five (5) Dynapower DC-DC Converters | assumed 85 dBA at source. Total (20). |
| HEMK 600 V Inverter | 79 dB @ 3 feet. Total (4) |

53' length x 9.5' height x 8' wide Battery Storage Container assumed 100 dBA at source. Total (4)
Two (2) ICE ECUA150ACD Air Conditioner, one at each end of container 89 dBA at source. Total (8)
Tracking Motors 70 dB @ 3 feet. Total (215)

Spare parts container. Total (2)

The developer's February 2022 Noise Analysis omits four (4) HVAC, sixteen (16) DC-DC Converters, and four (4) control units. The Noise Analysis is incomplete. Developer self-selected a Ground Factor of 0.9. This may be inaccurate. The Project site has some sound absorbing vegetation in the southwest corner. Should the ground factor be 0.1?

March 7, 2022

Privilege of the Floor
Town of Duanesburg
Planning Board Meeting

I would like to submit to the record the August 20, 2019 permit application for Oak Hill Solar. Received by the NYSDEC on August 27, 2019
Section 3.3 states that there is no National Wetland Inventory "within or adjacent to the Project Site."

This is incorrect. DEC Mapper shows National Wetland Inventory riverine on the Project Site. This riverine empties into my property on Schoonmaker Road.

This water source can make it so I cannot drive my tractor on my property. The former owner informed me that he had occasion where the water on the property was waist deep.

Has the board done everything possible to protect the landowners downstream of the Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC projects?

Thank you for your time and consideration .

Kyle Tice



Environmental Design & Research,
Landscape Architecture, Engineering & Environmental Services, D.P.C.
217 Montgomery Street, Suite 1000, Syracuse, New York 13202
P: 315.471.0633 • F: 315.471.1061 • www.edrllpc.com

August 20, 2019

U.S. Army Corps of Engineers
Upstate New York Field Office
ATTN: CENAN-OP-RU, Building 10
3rd Floor North
1 Buffington Street, Watervliet Arsenal
Watervliet, New York 12189-4000

RECEIVED

AUG 27 2019
By NYSDEC Division of Env Permits

Re: Pre-Construction Notice
Nationwide Permits 12, 14 and 51
Oak Hill Solar 1 & 2
13590 Duanesburg Road
Parcel ID: 74.00-2-5
Town Duanesburg, Schenectady County, New York

To whom it may concern:

On behalf of Oak Hill Solar 1, LLC, and Oak Hill Solar 2, LLC Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C (EDR) is pleased to submit this Pre-Construction Notice (PCN) to the U.S. Army Corps of Engineers (USACE) to verify that the proposed construction of the Oak Hill Solar 1 & 2 (Project) meets the requirements of Nationwide Permits (NWP) 12, 14 and/or 51. In accordance with the requirements General Condition 32 and conditions G-E and G-F of the *Final 2017 Nationwide Permit Regional Conditions and Designated Critical Resource Waters in the Buffalo (LRB) and New York (NAN) Districts for New York State* (effective March 19, 2017 and expiring March 18, 2022) the following information is provided for your review:

Name, address and telephone numbers of the prospective permittee

Oak Hill Solar 1, LLC and Oak Hill Solar, 2 LLC

Location of the proposed activity

The Project is located on an approximately 99-acre parcel in the Town Duanesburg, Schenectady County, New York (hereafter referred to as the "Project Site"). The majority of the Project Site consist of active agricultural field and areas of open meadow, forest and shrubland. The Project site is identified as parcel 74.00-2-5 in the Town of Duanesburg tax records

The Project Site is identified as:

Oak Hill Solar 1 & 2
13590 Duanesburg Road
Town Duanesburg, Schenectady County, New York

Latitude: 42.729401 Longitude: -74.252744

Identification of the specific NWP or NWP(s)

Nationwide Permits (NWP) 12, 14 and/or 51 as appropriate. Activities include the construction of a land-based renewable energy facility. Activities requiring the discharge of fill to Waters of the United States (WOUS) include construction of an at-grade, limited, use permeable access road and installation of underground utility lines

Description of the proposed activity

Oak Hill Solar 1, LLC and Oak Hill Solar 2 LLC are proposing to construct two solar farms totaling 10 MW on the Project Site. As depicted on the attached site plans and details, through careful planning the has minimized the discharge of fill, mechanical land clearing and trenching requiring backfill in WOUS. Project implementation will require the disturbance of less than 0.1 acre of WOUS for the construction of an access road and installation of underground utilities. The Project also includes driving of piles for the solar panel racking system in emergent wetlands/wet meadows within the existing hayfields.

Delineation of Wetlands

EDR personnel conducted field delineations of wetlands and streams on the portion of the Project Site proposed for Project development on April 23 2019. The identification of wetland boundaries was based on the methodology described in the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987). Determination of wetland boundaries was also guided by the methodologies presented in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0* (USACE, 2012). Wetland boundaries were defined in the field with sequentially-numbered pink surveyor's flagging, mapped using GPS technology with reported sub-meter accuracy, and subsequently plotted on Project Site plans.

A Wetlands Delineation Report is provided as Attachment A and contains a Vicinity Map with latitude and longitude coordinates (Latitude: 42.729401 Longitude: -74.252744) of the Project and information on aquatic resources using the Cowardin Classification System Mapping conventions

New York State/USACE Joint Application Form

A completed copy of the New York State/USACE Joint Application Form is provided as Attachment B.

Drawings

Legible black and white project drawings on 8.5" by 11" paper depicting the location of WOUS on the Project Site, and the work to be undertaken are provided as Attachment C. Project drawings include a Vicinity Map, Plan View and Cross-Section View.

Color Photographs

Photos sufficient to accurately portray the Project Site, keyed to a location map and not taken when snow cover is present are provided in the attached Wetlands Delineation Report (Attachment A).

Avoidance and Minimization

There a total of 7.71 acres of palustrine emergent (PEM) wetlands within the Project limits. Project implementation requires the permanent loss of less than 1,035 square feet of the wetlands for the construction of a limited use pervious access road and the temporary disturbance of 2,569 square feet of PEM wetlands for the installation of underground collection cables and. All other construction activities requiring the discharge of fill, including transformer stations, converters and parts storage containers have been located outside of WOUS. To further avoid and minimize discharge of fill to WOUS collection lines will be placed in trays rather than buried in trenches. Existing vegetation communities, hydric soils and wetlands hydrology will be retained in the remaining areas of PEM wetlands.

Mitigation

The project will result in the loss of less than 0.1 acre of WOUS and no loss of intermittent or ephemeral streams. Therefore, mitigation is not required for this Project

Nationwide Rivers Inventory

No river segment listed within the National Park Service Nationwide Rivers Inventory (NRI) is located within or adjacent to the proposed Project Site.

Historic or Cultural Resources

The New York State EAF Mapper identified the Sheldon Farmhouse and archeological resources in the vicinity of the Project. However, all of the project activities are located within soils previously disturbed for agriculture and project implementation requires minimal land disturbance. Other than the remnants of stone walls created as part of farming activities on the Project Site there are no above ground structures greater than 50 years old within the limits of the project.

The New York State Historic Preservation Office (SHPO) reviewed the report entitled *Phase I Archaeological Investigation, Oak Hill Solar Farms, NY-7 / Duanesburg Road, Town of Duanesburg, Schenectady County, New York* (May 2019). No archaeological resources were identified during the survey. In letter dated June 4, 2019 the SHPO indicated they have no concerns regarding the project's potential to affect historic architectural resources. A copy of the SHPO letter is provided as Attachment D.

Endangered Species and Essential Fish Habitat

No essential fish habitat exists on the Project Site. The New York State EAF Mapper identified the presence of northern long-eared bat (*Myotis septentrionalis*) in the vicinity of the site. Project implementation does not require the cutting or removal of any trees and the Project does not present a risk of collision mortality to bats. Therefore, no adverse impacts to northern long-eared bat are anticipated as a result of the proposed Project. A copy of the results of an iPAC review of the Project is provided as Attachment E.

100 Year Floodplain

No portion of the project is located within a mapped 100-year floodplain

Submission of Multiple Copies of PCN

US Army Corps of Engineers
August 20, 2019

A total of two copies of this application package are being provided to the USACE.

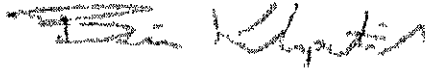
Critical Resource Waters

The Project is not located in Critical Resource Waters as described in Condition G-F of the Final 2017 Nationwide Permit Regional Conditions and Designated Critical Resource Waters in the Buffalo (LRB) and New York (NAN) Districts of the State of New York (Effective March 19, 2017 - Expiring March 18, 2022).

EDR respectfully requests your concurrence that the project meets the conditions of NWP's 12, 14 and/or 51.

If you have any questions please feel free to contact me.

Regards:



Brian Kirkpatrick, CWB
Director of Ecological Services

List of Attachments

Attachment A – Wetland Delineation Report

Attachment B – Joint Application Form

Attachment C – Project Drawings

Attachment D – SHPO Correspondence

Attachment E – Endangered Species Consultation

Attachment A

Wetland and Stream Delineation Report

Oak Hill Solar

Pin 2650.52

Town of Duanesburg, Schenectady County, New York

RECEIVED

AUG 27 2019

By NYSDEC Division of Env Permits

Prepared for:



Eden Renewables LLC
333 Broadway, Suite 460
Troy, New York 12180

Prepared by:



**Environmental Design & Research,
Landscape Architecture, Engineering, & Environmental Services, D.P.C.**
217 Montgomery Street, Suite 1000
Syracuse, New York 13202
www.edrdpc.com

July 2019

TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	PROJECT SITE DESCRIPTION	1
1.2	PURPOSE	1
1.3	RESOURCES	1
1.4	QUALIFICATIONS	2
2.0	REGULATORY AUTHORITIES AND PERMITS	2
2.1	WATERS OF THE UNITED STATES	2
2.2	NEW YORK STATE FRESHWATER WETLANDS AND PROTECTED STREAMS	4
3.0	PHYSICAL CHARACTERISTICS AND RESOURCES	5
3.1	PHYSIOGRAPHY AND SOILS	5
3.2	HYDROLOGY	6
3.3	FEDERAL AND STATE MAPPED WETLANDS AND STREAMS	6
4.0	ON-SITE WETLAND AND STREAM DELINEATION	6
4.1	METHODOLOGY	6
4.2	RESULTS	8
4.2.1	Wetlands	10
4.2.2	Streams	10
5.0	CONCLUSIONS	10
6.0	REFERENCES	12

LIST OF TABLES

Table 1. Project Site Soils	5
Table 2: Delineated Wetlands	9

LIST OF APPENDICES

Appendix A.	Figures
Figure 1.	Regional Project Location
Figure 2.	Topographic Mapping
Figure 3.	Project Site Soils
Figure 4.	Mapped Wetlands and Streams
Figure 5.	Delineated Wetlands and Streams
Appendix B.	Routine Wetland Determination Data Sheets
Appendix C.	Photos of Representative Wetland Communities

1.0 INTRODUCTION

1.1 PROJECT SITE DESCRIPTION

At the request of Eden Renewables, LLC., Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) has conducted a wetland and stream delineation on a 99-acre area (Parcel ID: 74.00-2-5) north of Interstate 86 and between County Road (CR) 153 and State Route (SR) 30, in the Town of Duaneburg, Schenectady County, New York (Figure 1). The 99-acre area (hereafter referred to as the Project Site) is proposed for the construction of a new ground-mounted solar project called Oak Hill Solar.

1.2 PURPOSE

The purpose of this study was to delineate and describe on-site wetlands and streams that occur within the Project Site and could potentially fall under state or federal jurisdiction. Specific tasks performed for this study included 1) review of background resource data/mapping, 2) field delineation and flagging of potential state and federal jurisdictional wetlands and streams, 3) Global Positioning System (GPS) survey of delineated wetland and stream boundaries, 4) quantification of the area of on-site wetlands and streams, 5) description of these potential jurisdictional areas based on hydrology, vegetation, and soils data collected in the field.

This report describes the results of the wetland and stream delineations conducted by EDR. It is intended to provide the information necessary to identify jurisdictional areas and support a permit application to the United States Army Corps of Engineers (USACE) and the New York State Department of Environmental Conservation (NYSDEC), as well as other impact evaluations conducted in support of the project (e.g., State Environmental Quality Review Act).

1.3 RESOURCES

Materials and data supporting this investigation have been derived from a number of sources including United States Geological Survey (USGS) topographic mapping (Schoharie and Gallupville NY 7.5 minute quadrangles), United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) mapping, NYSDEC Freshwater Wetlands mapping, the Natural Resources Conservation Service (NRCS) Web Soil Survey (Soil Survey Staff, 2019), the NRCS List of Hydric Soils of the State of New York (NRCS, 2018), and recent aerial photography.

Vascular plant names follow nomenclature found in the New York Flora Atlas (Weldy et al., 2019), and wetland indicator status for plant species was determined by reference to the National Wetland Plant List (Lichvar et al., 2019).

Jurisdictional areas were characterized according to the wetlands and deepwater habitats classification system used in NWI mapping (Cowardin, 1979).

1.4 QUALIFICATIONS

Wetland and stream delineations were conducted by EDR field ecologists Brian Kirkpatrick, Ben Feinberg, and Krystal White.

Mr. Kirkpatrick is the Director of Ecological Services with more than 30 years of project management and environmental and ecological consulting experience. He received a BS in Wildlife Resources from West Virginia University, and is a Certified Wildlife Biologist through The Wildlife Society. Mr. Kirkpatrick experience includes senior-level expertise in wetland delineations, endangered species habitat assessment and surveys, and vegetation inventories.

Mr. Feinberg is an Environmental Analyst with more than 5 years of experience in the natural resources field. He received a Bachelor of Science degree in Aquatics and Fisheries Science from the State University of New York (SUNY) College of Environmental Science and Forestry. Mr. Feinberg is proficient in biological, ecological, and environmental data collection in a large range of settings and conditions. Mr. Feinberg experience includes wetland and stream delineations, catch oversight for commercial fisheries, monitoring of commercial fish deliveries, and post-construction environmental monitoring at wind farms. At EDR Ben has conducted wetland and stream delineation surveys on energy and transmission line projects.

Ms. White is an Environmental Analyst with two years of experience in the natural resources field. She received a Bachelor of Arts in Environmental Studies from the SUNY at Potsdam and a Master's degree in Environmental Science from SUNY College of Environmental Science and Forestry. Ms. White's experience includes environmental and ecological policy research, wetland and stream delineations, environmental impact analysis, data management, technical report writing, and GIS data analysis.

2.0 REGULATORY AUTHORITIES AND PERMITS

2.1 WATERS OF THE UNITED STATES

In accordance with the Section 404 of the Clean Water Act, the USACE has regulatory jurisdiction over Waters of the United States (WOUS). As defined by the USACE, WOUS includes lakes, ponds, streams (intermittent and perennial), and wetlands. Wetlands are defined as *"those areas that are inundated or saturated by surface or ground water at a*

frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (EPA, 2001). Such areas are indicated by the presence of three conditions: 1) a dominance of hydrophytic vegetation, 2) the presence of hydric soils, and 3) evidence of wetland hydrology during the growing season (Environmental Laboratory, 1987).

On August 28, 2015, the United States Environmental Protection Agency (USEPA) released the *Clean Water Rule* (the "2015 Rule"; 33 CFR Part 328) which provides a clearer and more consistent approach to defining the scope of the CWA and WOUS. In February 2017, an Executive Order was issued directing the USEPA and the USACE to review and rescind or revise the 2015 Rule. However, as of August 29, 2018, the 2015 Rule remains in effect for 22 states, including New York.

Three major elements of the 2015 Rule that define jurisdictional waters are summarized below:

Traditional navigable waters, interstate waters, territorial seas, and impoundments of jurisdictional waters:

- Consistent with the existing regulations.
- The agencies will assert jurisdiction over these waters.

Tributaries:

- Specifically defines tributaries as *"waters that are characterized by the presence of physical indicators of flow – bed and banks and ordinary high water mark – and that contribute flow directly or indirectly to a traditional navigable water"*.
- The agencies will assert jurisdiction over these waters.

Adjacent Waters:

- Defined as *"bordering, contiguous, or neighboring, including waters separated from other "waters of the United States" by constructed dikes or barriers, natural river berms, beach dunes and the like"*.
- The agencies will assert jurisdiction over these waters if any of these settings occur:
 - *"Waters located in whole or in part within 100 feet of the ordinary high water mark of a traditional navigable waters, interstate waters, territorial seas, and impoundments"*;
 - *"Waters located in whole or in part in the 100-year floodplain and that are within 1,500 feet of the ordinary high-water mark of a traditional navigable water, interstate waters, territorial seas, an impoundment, or a tributary"*; and

- o *"Waters located in whole or in a part within 1,500 feet of the tide line of a traditional navigable water or the territorial seas and waters located within 1,500 feet of the ordinary high-water mark of the Great Lakes".*

A Section 404 permit from the USACE is required for activities that result in the placement of dredged or fill materials in WOUS. It is assumed that all delineated wetlands and streams within the Project Site are jurisdictional WOUS.

In addition to Section 404 of the CWA, Section 10 of the Rivers and Harbor Act (33 U.S.C. 401 et seq.) requires a permit from the USACE to construct any structure in or over any navigable water of the United States, as well as any proposed action that would alter or disturb (such as excavation/dredging or deposition of materials in) these waters. There are no navigable waters mapped within or adjacent to the Project Site.

2.2 NEW YORK STATE FRESHWATER WETLANDS AND PROTECTED STREAMS

The Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the ECL) gives the NYSDEC jurisdiction over state-protected wetlands and adjacent areas. The Freshwater Wetlands Act requires the NYSDEC to map all state-protected wetlands to allow landowners and other interested parties a means of determining where state-jurisdictional wetlands exist. To implement the policy established by this Act, regulations were promulgated by the state under 6 NYCRR Parts 663 and 664. Part 664 of the regulations designates wetlands into four class ratings, with Class I being the highest or best quality wetland, and Class IV being the lowest. In general, wetlands regulated by the state are those 12.4 acres in size or larger. Smaller wetlands can also be regulated if they are considered of unusual local importance. The 100-foot adjacent area consists of uplands adjacent to the delineated boundary of any state regulated wetland and are under NYSDEC jurisdiction. An Article 24 permit is required from the NYSDEC for any disturbance to a state-protected wetland or an adjacent area, including removing vegetation.

Under Article 15 of the ECL (Protection of Waters), the NYSDEC has regulatory jurisdiction over any activity that disturbs the bed or banks of protected streams. In addition, small lakes and ponds with a surface area of 10 acres or less, located within the course of a protected stream, are considered to be part of a stream and are subject to regulation under the stream protection category of Article 15. Protected stream means any stream, or particular portion of a stream, that has been assigned by the NYSDEC any of the following classifications or standards: AA, A, B, or C(T) or C(TS) (6 NYCRR Part 701). A classification of AA or A indicates that the best use of the stream is as a source of water supply for drinking, culinary or food processing purposes, primary and secondary contact recreation, and fishing. The best usages of Class B waters are primary and secondary contact recreation and fishing. The best usage of Class C waters is fishing. Streams designated (T) indicate that they support trout, while those designated (TS) support trout

spawning. State water quality classifications of unprotected watercourses include Class C and Class D streams. Waters with a classification of D are suitable for fishing and non-contact recreation. An Article 15 permit is required from the NYSDEC for any disturbance to a stream classified C(T) or higher.

3.0 PHYSICAL CHARACTERISTICS AND RESOURCES

3.1 PHYSIOGRAPHY AND SOILS

The Project Site is located within the Catskill Mountains Physiographic Province of New York State. The geography in this province is characterized by mountainous terrain created by glacial and stream activity which carved deep valleys in flat-lying rocks (NYSDOT, 2013). Topography of the province is controlled by the bedrock with steep valley sides and minor landforms in the valleys consisting of outwash, kames, deltas, alluvial flats, and lacustrine plains. The bedrock in the Project Site is mainly of the Wisconsin age consisting of shale, limestone, and sandstone. Elevations within the Project Site range from 300 feet above mean sea level (USGS) to approximately 320 feet (Figure 3).

A review of the Schenectady County Soil Survey, and the United State Department of Agriculture's (USDA) Web Soil Survey database indicates the occurrence of three soil series within the Project Site (Figure 3 and Table 1) (USDA, 1972; Soil Survey Staff, 2018). The three soil series include Burdett-Scriba channery silt loam (3-8% slopes), Burdett-Scriba channery silt loam (8% to 15% slopes), and Ilion silt loam (0% to 3% slopes). Of these, the Burdett-Scriba channery silt loams are the most dominant, covering 73 acres (74%) of the Project Site, followed by Ilion silt loam comprising 26 acres (26%). Table 1 lists the soil map units within the Project Site and their characteristics. Soil drainage in the Project Site is generally poor, with 26% classified as poorly drained and 74% classified as somewhat poorly drained. Designation of hydric soils is based on information obtained from the USDA Web Soil Survey (Soil Survey Staff, 2019). Although soil series may be generally classified as hydric or potentially hydric in the online databases, this is for general use and does not supersede specific conditions documented in the field.

Table 1. Project Site Soils

Mapping Unit	Series	Slope (%)	Drainage ¹	Hydric ²	Potentially Hydric ³
BvB	Burdett-Scriba channery silt loam	3-8	SPD	No	Yes
BvC	Burdett-Scriba channery silt loam	8-15	SPD	No	Yes
IIA	Ilion silt loam	0-3	PD	Yes	No

¹ Soil drainage is represented by the following abbreviations: "SPD" = somewhat poorly drained, "PD" = poorly drained

² "Yes" indicates this soil is listed as containing 66% or more hydric components within the map unit as listed on the USDA Web Soil Survey.

³ "Yes" indicates this soil is listed as containing 1% to 65% hydric components within the map unit as listed on the USDA Web Soil Survey.

3.2 HYDROLOGY

The entire Project Site is located in the Schoharie watershed (USGS Hydrologic Unit 02020005). Most of the surface hydrology in the Project Site is generated by precipitation and surface water run-off from adjacent land. Total annual precipitation (from 2005 to 2019) averages 41.69 inches at the nearby Delanson, New York weather station (NOAA, 2019).

Based on review of mapped wetlands and streams, aerial imagery, and site-specific field investigations, the Project Site does not contain any named waterways. The closest mapped-waterway, Walker Brook, is located one half-mile north of the Project Site. The nearest major waterway in the vicinity of the Project Site is the Schoharie Creek, located approximately 1.5 miles north. Schoharie Creek flows north for approximately 18 miles before it empties into the Mohawk River Watershed. From this point, water enters the Mohawk River and flows east until it eventually empties into the Hudson River. The Hudson River carries the water south, eventually emptying into Upper Bay and the Atlantic Ocean (NYSDEC, 2019).

3.3 FEDERAL AND STATE MAPPED WETLANDS AND STREAMS

NWI mapping does not indicate any wetland features within or adjacent to the Project Site. (Figure 4). The closest mapped NWI waterbodies are a riverine feature approximately 700 feet west of the project site and a pond approximately 600 feet northwest of the Project Site. The on-site wetland delineation took place early in the growing season (early-April). Precipitation for the month of April, 2019 was high (4.32 inches) compared to the previous month of March (1.35 inches) and the monthly average for April 2000 to 2019 (3.01 inches).

Review of NYSDEC Freshwater Wetlands mapping indicates that no state-mapped wetlands exist or adjacent to in the Project Site. The closest NYSDEC-mapped wetland is Wetland G-104, located approximately 1,500 feet south of the Project Site. Based on available NYSDEC stream classification mapping, there are no NYSDEC-mapped streams within the Project Site. The closest NYSDEC-mapped stream is an unnamed Class C stream located approximately 700 feet west of the Project Site. This stream flows northeast and connects to Walker Brook.

4.0 ON-SITE WETLAND AND STREAM DELINEATION

4.1 METHODOLOGY

EDR personnel conducted field delineation of wetlands and streams on the Project Site on April 9, 2019. The identification of wetland boundaries was based on the methodology described in the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987). Determination of wetland boundaries was also guided by the methodologies presented in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0* (USACE, 2012). Attention was given to the identification of potential hydrologic connections between wetlands and areas that could influence their jurisdictional status.

Wetland boundaries were marked in the field with sequentially-numbered pink surveyor's flagging, and were subsequently mapped using an EOS Positioning Systems Arrow 100 GPS unit with reported sub-meter accuracy. At each delineated wetland, data were collected from sample plots in representative wetland cover types, and recorded on USACE Routine Wetland Determination forms (Appendix B). The data collected at each wetland included dominant vegetation, hydrology indicators, and soils characteristics.

The Regional Supplement lists the following primary indicators of wetland hydrology: (A1) surface water, (A2) high water table, (A3) saturation, (B1) water marks, (B2) sediment deposits, (B3) drift deposits, (B4) algal mat or crust, (B5) iron deposits, (B7) inundation visible on aerial imagery, (B8) sparsely vegetated concave surface, (B9) water-stained leaves, (B13) aquatic fauna, (B15) marl deposits, (C1) hydrogen sulfide odor, (C3) oxidized rhizospheres on living roots, (C4) presence of reduced iron, (C6) recent iron reduction in tilled soils, and (C7) thick muck surface. Per the Regional Supplement, the presence of any one of these "primary" indicators is sufficient evidence that wetland hydrology is present. In addition, the Regional Supplement identifies the following secondary indicators which were also used by EDR personnel to determine wetland hydrology: (B6) surface soil cracks, (B10) drainage patterns, (B16) moss trim lines, (C2) dry-season water table, (C8) crayfish burrows, (C9) saturation visible on aerial imagery, (D1) stunted or stressed plants, (D2) geomorphic position, (D3) shallow aquitard, (D4) microtopographic relief, and (D5) FAC-neutral test. In accordance with the Regional Supplement, in the absence of a primary indicator, the presence of any two of these "secondary" indicators were considered a suitable indication of wetland hydrology.

Assessment of vegetation focused on the identification of dominant plant species in four categories: trees (>3" diameter at breast height), saplings/shrubs (<3.0" diameter at breast height and >3.2' tall), herbs (<3.2' tall), and woody vines. Dominance within each stratum was measured by visually estimating those species having the largest relative basal area (trees), greatest height (saplings/shrubs), greatest number of stems (woody vines), and greatest percentage of aerial coverage (herbaceous) by species. Wetland indicator status for dominant plant species was determined by reference to the National Wetland Plant List (Lichvar et al., 2019). Wetlands are indicated by a dominance of hydrophytic plant species.

Hydric soils are those that are poorly drained and are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil layer. The presence of hydric soils is indicative of the presence of wetlands (Environmental Laboratory, 1987). Hydric soil conditions were determined in the field through observation of composition, odor, color, and morphology. Soil data were collected by using a soil auger and tilling spade. Soil colors were determined using Munsell Soil Charts (Munsell Color, 2009). Information concerning soil series, color, texture, and matrix and mottle color was recorded for each delineated wetland and used to determine whether the soils displayed hydric characteristics.

Streams were identified according to the Cowardin Classification System (1979), and stream boundaries were determined based on the presence of ordinary high water line characteristics, including a "*clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris*" (CFR, 1986). Stream boundaries were defined and mapped in the field using the same method as described above for wetlands. Data regarding stream gradient (gentle, moderate, or steep), stream bank and channel width, water depth, stream bed substrate, in-stream cover, and flow regime (perennial, intermittent, or ephemeral) were collected and recorded on stream inventory forms (Appendix B).

Photographs were taken of each wetland and stream delineated within the Project Site. Representative photographs of the delineated areas are included in Appendix C.

4.2 RESULTS

EDR ecologists identified a total of four wetlands and one stream within the Project Site. Information pertaining to individual wetlands and watercourses is summarized in Table 2. Wetlands and streams were categorized as one or more of the following community types: emergent wetland (PEM), and intermittent stream (R4), in accordance with the Cowardin *et. al.* (1979) classification system. The wetlands and the stream within the Project Site are depicted in Figure 5, and described below.

Table 2: Delineated Wetlands

Delineation ID ¹	Latitude of Centroid	Longitude of Centroid	Wetland Type Acreage Within Wetland Project Site ²				Total Wetland Acreage Within Wetland Project Site	Stream Type ³	Linear Feet of Stream Within Project Site ⁴	Federal Jurisdiction ⁵	State Jurisdiction ⁶
			PFO	PEM	PSS	POW					
A	42.7297	-74.2535	—	5.45	—	—	5.45	R4	640	Yes	No
B	42.7318	-74.2528	—	0.14	—	—	0.14	—	—	Yes	No
D	42.7275	-74.2538	—	1.98	—	—	1.98	—	—	Yes	No
E	42.7288	-74.2543	—	0.14	—	—	0.14	—	—	Yes	No

¹Field ID assigned by EDR.

²Wetland community types are based upon the Cowardin et al. (1979) classification system: PSS = Palustrine Scrub-Shrub, PEM = Palustrine Emergent, POW = Palustrine Open Water, and PFO = Palustrine Forested.

³Stream types are based upon the Cowardin et al. (1979) classification system: R4 = Riverine Intermittent

⁴Based on visual observation of hydrologic connectivity in the field and review of available spatial data. Final jurisdictional determination to be made by the USACE.

⁵Based on existing NYSDEC mapping of freshwater wetlands and streams. Final determination to be made by NYSDEC.

4.2.1 Wetlands

Emergent Wetlands – Four of the wetlands identified within the Project Site are dominated by emergent vegetation. These wetlands are characterized by the dominance of erect rooted herbaceous wetland plants. Emergent wetlands delineated in the Project Site were dominated by herbaceous plants such as creeping jenny (*Lysimachia nummularia*), sedges (*Carex* sp.), and soft rush (*Juncus effuses*) (see representative Photos 1 through 3 in Appendix C). Evidence of wetland hydrology in the emergent wetlands identified within the Project Site included standing surface water, a high water table, saturated soils, and oxidized rhizospheres on living roots. Hydric soil conditions observed within emergent wetlands included low chroma matrix colors ranging from very dark brown to brown (10YR 2/1, 10YR 4/1, 10YR 5/1, 2.5Y 5/1) with redox concentrations (5Y 5/8, 10YR 4/6, 10YR 5/6, 7.5YR 5/8, 7.5YR 6/8) in the matrix. Hydric soil indicators in the wetland included Redox Dark Surface (F6) and Depleted Matrix (F3). The soils sampled within emergent wetlands were a silt clay loam.

Vegetation observed in the uplands adjacent to delineated emergent wetlands included Canada goldenrod (*Solidago canadensis*), gray dogwood (*Cornus racemosa*), timothy grass (*Phleum pratense*), and bentgrass (*Agrostis stolonifera*) (see representative Photos 4 and 5 in Appendix C). The uplands displayed some evidence of wetland hydrology including an elevated water table and soil saturation. The silt clay loam soils ranged from dark reddish brown to brown (2.5Y 5/1, 2.5Y 6/1, 10YR 3/2, 10YR 4/2) with mottles (2.5Y 6/4, 10R 4/6). One soil sample was indicative of hydric conditions (Depleted Below Dark Surface A11), but lacked indicators of hydrophytic vegetation and wetland hydrology.

4.2.2 Streams

As indicated in Table 2, EDR ecologists identified 1 intermittent stream within the Project Site. The stream within the Project Site was generally located within emergent and scrub-shrub areas that had recently been disturbed (see representative Photos 6 through 8 in Appendix C). Substrate within the stream most commonly consisted of cobbles and silt, and its banks were well defined. Observed water depths were between 0 and 10 inches.

5.0 CONCLUSIONS

EDR ecologists identified four emergent wetlands, totaling 7.71 acres, within the Project Site. Wetlands were identified based on the presence of hydrophytic vegetation, wetland hydrology, and hydric soils. EDR ecologists also identified one intermittent stream, totaling 640 linear feet, within the Project Site. All of the wetlands and stream on site appear to have surface water connections to other WOUS, and are therefore expected to be considered jurisdictional by the USACE under Section 404 of the Clean Water Act. The wetlands are not expected to fall under state jurisdiction.

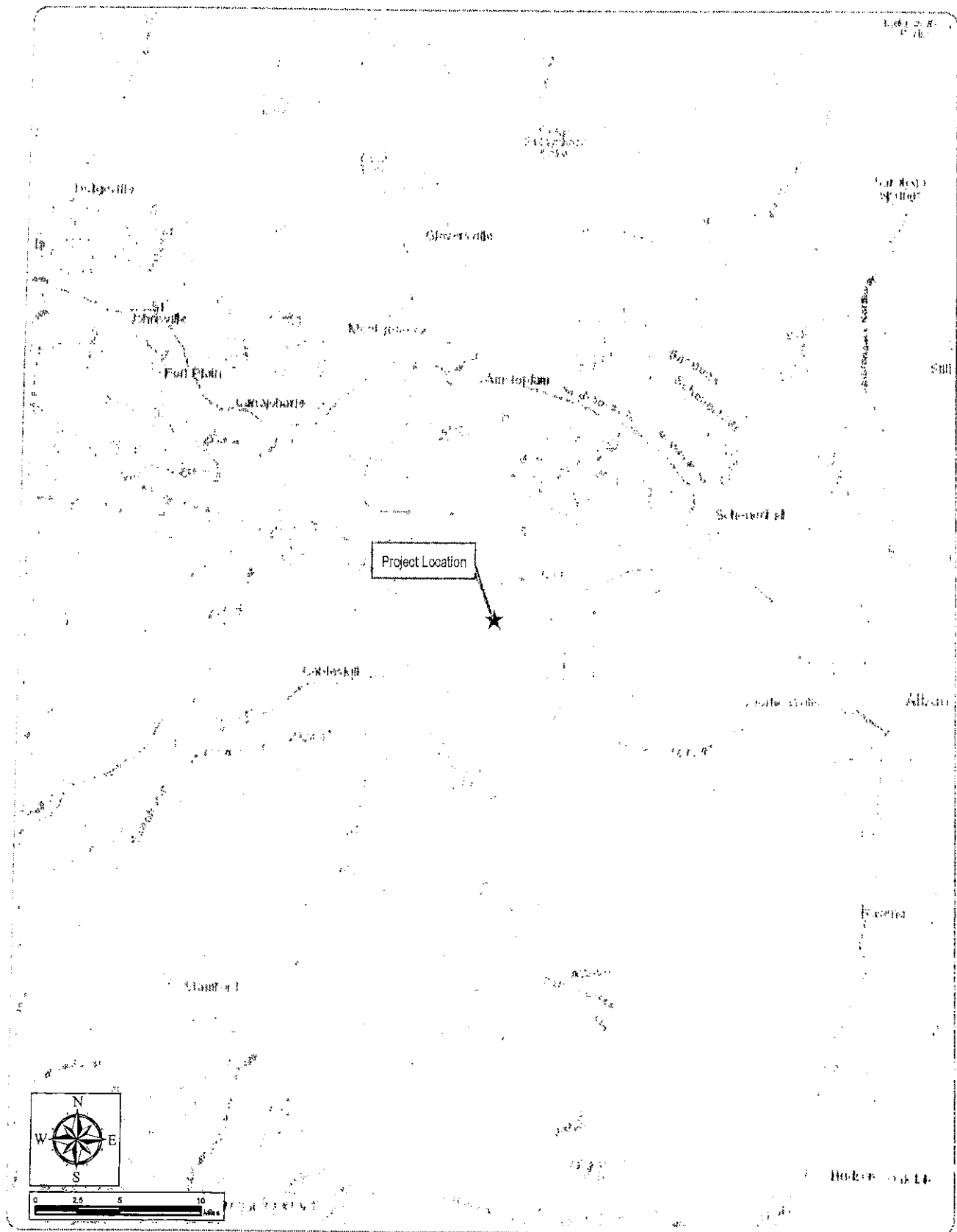
pursuant to Article 24 of the ECL because they do not occur within, or have hydrologic connection to, wetlands included on the NYSDEC Freshwater Wetlands Maps. However, final determination of jurisdictional status of all waters delineated within the Project Site must be made by the USACE and NYSDEC.

6.0 REFERENCES

- Code of Federal Regulations (CFR). 1986. 33 CFR 329.11. Navigation and Navigable Waters: Definition of Navigable Waters of the United States. Available at: <https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=2fcc86a0ae4919652ccaf4d67829679d&rgn=div5&view=text&node=33:3.0.1.1.35&idno=33>
- Cowardin, L.M., V. Carter, F.C. Goblet and E.T. LaRoae. 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service, OBS-79/31, Washington, D.C.
- Environmental Laboratory. 1987. *Corps of Engineers Wetland Delineation Manual*. Technical Report Y-87-1. U.S. Army Corps of Engineers: Waterways Experiment Station; Vicksburg, MS.
- K. I. Corporations. 2009. Munsell soil color charts. Kollmorgen Instruments Corporation, New Windsor, NY.
- Lichvar, R.W., Banks, D.L., and Melvin, N.C. 2019. *The National Wetland Plant List: 2019 Update of Wetland Ratings*. Phytoneuron 2019-30: 1-17. https://wetland_plants.usace.army.mil (Accessed April 2019).
- New York State Department of Environmental Conservation (NYSDEC). 2019. Mohawk River Watershed Available at: <https://www.dec.ny.gov/lands/48041.html> (Accessed April, 2019).
- New York State Department of Transportation (NYSDOT). 2013. Available at: https://www.dot.ny.gov/divisions/engineering/technical-services/geotechnical-engineering-bureau/geotech-eng-repository/GDM_Ch-3_Geology_of_NY.pdf. (Accessed April 2019).
- National Oceanic and Atmospheric Administration (NOAA). 2019. *Temperature and Precipitation Summary for Delanson, NY, 2001-2019*. NOAA Regional Climate Center. Available at: <http://agacis.rcc-acis.org> (Accessed April 2019).
- Natural Resources Conservation Service (NRCS). 2018. New York Portion of the 2017 National Hydric Soil List. Available at: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/use/hydric>. (Accessed April 2019).
- Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available at: <http://websoilsurvey.nrcs.usda.gov/> (Accessed April 2019).
- United States Army Corps of Engineers (USACE). 2012. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region*, Version 2.0. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- United States Department of Agriculture (USDA). 1972. Soil Survey of Montgomery and Schenectady Counties, New York. United States Department of Agriculture, Soil Conservation Service, Washington, D.C.
- United States Environmental Protection Agency (EPA). 2001. Interagency Memorandum from Gary S. Guzy (General Counsel for the U.S. Environmental Protection Agency) and Robert M. Anderson (Chief Counsel for the U.S. Army Corps of Engineers). Memorandum Subject: *Supreme Court Ruling Concerning CWA Jurisdiction over Isolated Waters*.
- Weldy, T., D. Werier, and A. Nelson. 2019. New York Flora Atlas. [S. M. Landry and K. N. Campbell (original application development), USF Water Institute, University of South Florida]. New York Flora Association, Albany, NY. Available at <http://newyork.plantatlas.usf.edu/>. (Accessed April 2019)

APPENDIX A

Figures



Oak Hill Solar

Parcel ID: 74.00-2-5

Town of Duaneburg, Schenectady County, New York

Coordinates for Center of Project Site

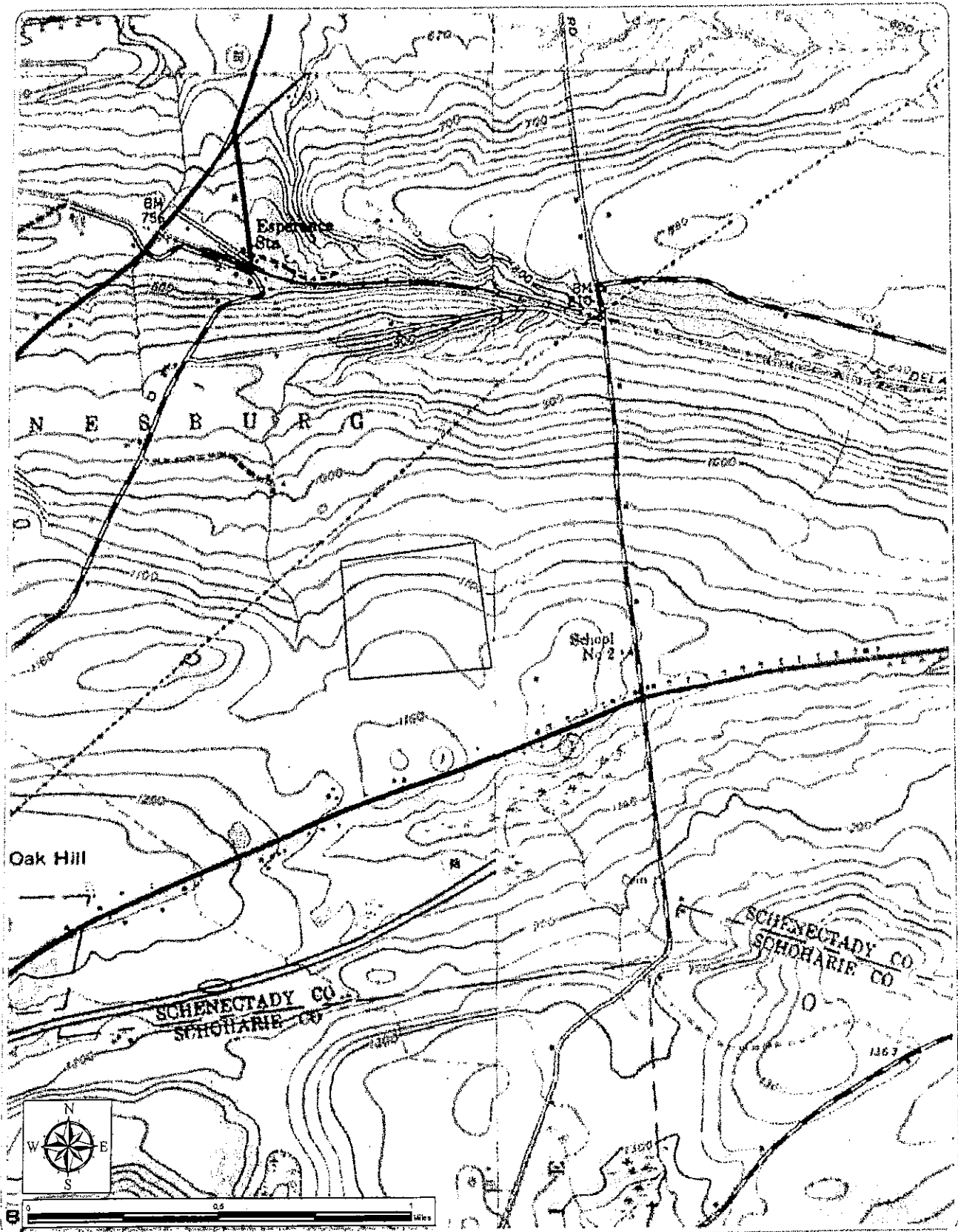
Latitude: 42.729401

Longitude: -74.252744

Figure 1: Regional Project Location

Notes: 1. Basemap: ESRI ArcGIS Online "World Topographic Map" map service. 2. This map was generated in ArcMap on July 19, 2019. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.





Oak Hill Solar
 Parcel ID: 74.00-2-5
 Town of Duanesburg, Schenectady County, New York

Figure 2: Topographic Mapping

Notes: 1. Basemap: ESRI ArcGIS Online "USA Topo Maps" map service. 2. This map was generated in ArcMap on July 19, 2019. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

Legend

 Project Site



edh.com

Project Site Soils

BvB - Burdett-Scriba channery silt loams, 3 to 8 percent slopes
BvC - Burdett-Scriba channery silt loams, 8 to 15 percent slopes
IIA - Iliou silt loam, 0 to 3 percent slopes



Oak Hill Solar




Parcel ID: 74.00-2-6

Town of Duaneburg, Schenectady County, New York

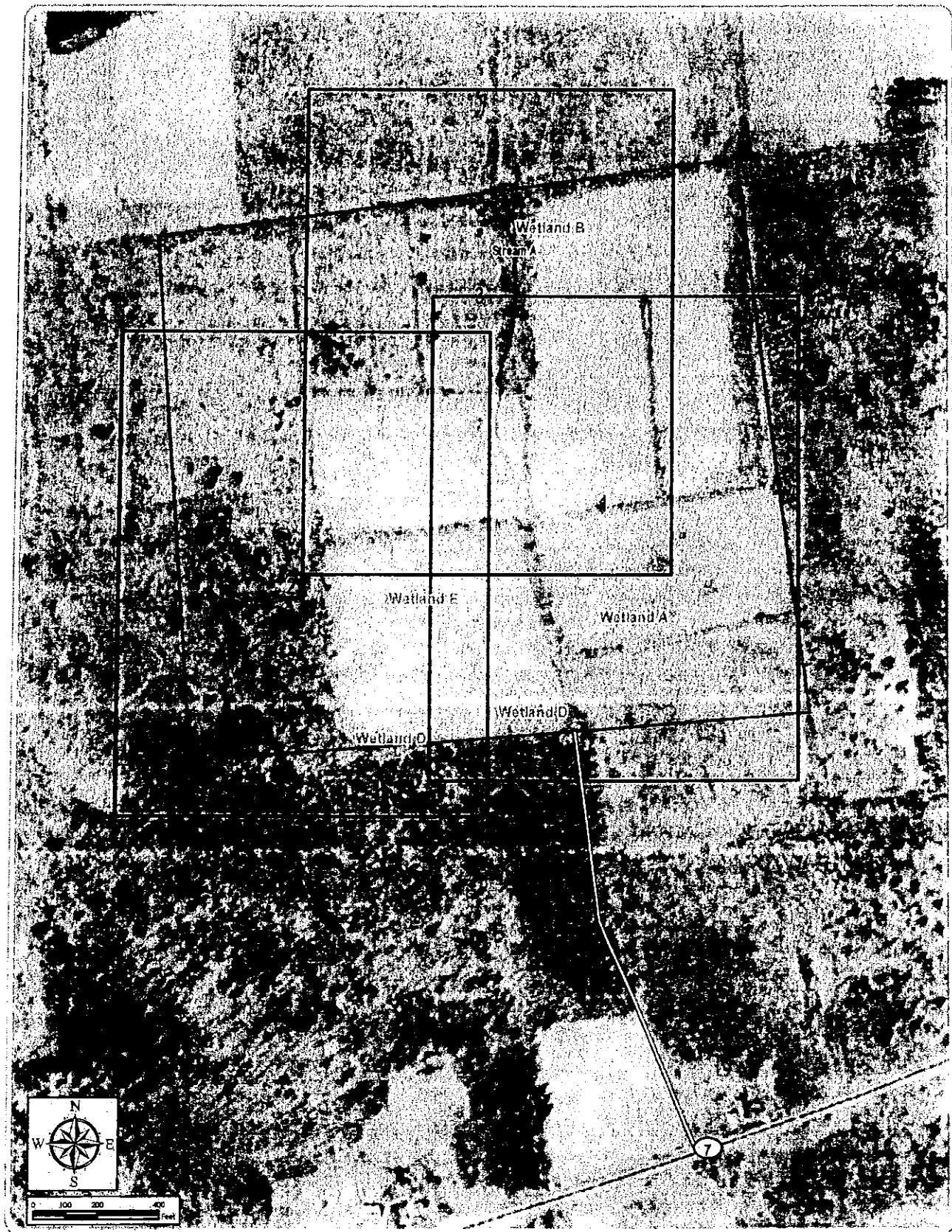
Figure 3: Project Site Soils

Notes: 1. Basemap: NYSDOP "2017" orthoimagery map service. 2. This map was generated in ArcMap on July 19, 2019. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

Legend

-  Hydric Soil
-  Not Hydric Soil
-  Project Site





Oak Hill Solar

Parcel ID: 74.00-2-5

Town of Duaneburg, Schenectady County, New York

Figure 5: Delineated Wetlands and Streams - Index

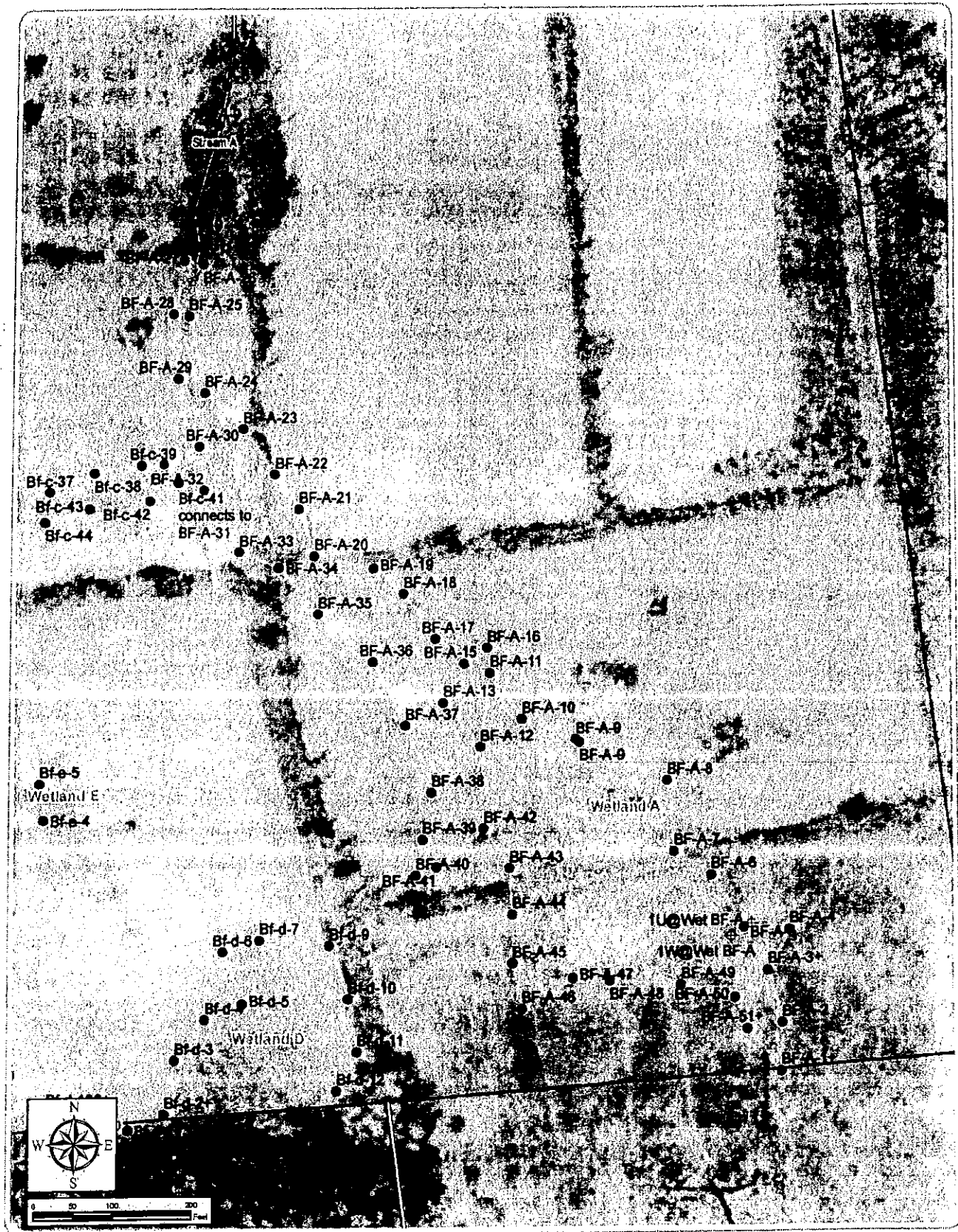
Notes: 1. Basemap: NYSDOP "2017" orthoimagery map service. 2. This map was generated in ArcMap on July 19, 2019. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data. 4. Approximate location of existing farm road assumed to be

Legend

- Farm Road
- Project Site
- Delineated Stream
- Delineated Wetland



www.edr.com



Oak Hill Solar

Parcel ID: 74.00-2-5

Town of Duaneburg, Schenectady County, New York

Figure 5: Delineated Wetlands and Streams - Sheet 1 of 3

Notes: 1. Basemap: NYS DOP "2017" orthoimagery map service. 2. This map was generated in ArcMap on July 19, 2019. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

JUL19058 Eden Renewables Oak Hill Solar

- Stream Flag
- Wetland Flag
- ⊕ Wetland Datapoint
- Farm Road
- Delineated Waterway
- Delineated Wetland
- Project Site



07-19-2019 Pg. 1 of 1



APPENDIX B

Routine Wetland Determination Data Sheets

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Oak Hill Solar City/County: Schenectady County Sampling Date: 04/23/2019
 Applicant/Owner: Eden Renewables State: NY Sampling Point: 1UGWetBFA
 Investigator(s): Krystal White, Ben Feinberg Section, Township, Range: Town of Duanesburg
 Landform (hillside, terrace, etc.): Flat Local relief (concave, convex, none): none Slope %: 0-5
 Subregion (LRR or MLRA): LRR R, MLRA 144A Lat: 42.7282 Long: -74.2508 Datum: WGS84
 Soil Map Unit Name: Illion silt loam, 0 to 3 percent slopes NWI classification: UPL
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u> </u>	Is the Sampled Area within a Wetland? Yes <u> </u> No <u>X</u> If yes, optional Wetland Site ID: <u> </u>
Hydric Soil Present?	Yes <u> </u>	No <u>X</u>	
Wetland Hydrology Present?	Yes <u>X</u>	No <u> </u>	

Remarks: (Explain alternative procedures here or in a separate report.)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

Secondary Indicators (minimum of two required)

<u> </u> Surface Water (A1)	<u> </u> Water-Stained Leaves (B9)	<u> </u> Surface Soil Cracks (B6)
<u>X</u> High Water Table (A2)	<u> </u> Aquatic Fauna (B13)	<u> </u> Drainage Patterns (B10)
<u> </u> Saturation (A3)	<u> </u> Marl Deposits (B15)	<u> </u> Moss Trim Lines (B16)
<u> </u> Water Marks (B1)	<u> </u> Hydrogen Sulfide Odor (C1)	<u> </u> Dry-Season Water Table (C2)
<u> </u> Sediment Deposits (B2)	<u> </u> Oxidized Rhizospheres on Living Roots (C3)	<u> </u> Crayfish Burrows (C8)
<u> </u> Drift Deposits (B3)	<u> </u> Presence of Reduced Iron (C4)	<u> </u> Saturation Visible on Aerial Imagery (C9)
<u> </u> Algal Mat or Crust (B4)	<u> </u> Recent Iron Reduction in Tilled Soils (C6)	<u> </u> Stunted or Stressed Plants (D1)
<u> </u> Iron Deposits (B5)	<u> </u> Thin Muck Surface (C7)	<u> </u> Geomorphic Position (D2)
<u> </u> Inundation Visible on Aerial Imagery (B7)	<u> </u> Other (Explain in Remarks)	<u> </u> Shallow Aquitard (D3)
<u> </u> Sparsely Vegetated Concave Surface (B8)		<u> </u> Microtopographic Relief (D4)
		<u> </u> FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes <u> </u>	No <u>X</u>	Depth (inches): <u> </u>
Water Table Present?	Yes <u>X</u>	No <u> </u>	Depth (inches): <u>1</u>
Saturation Present?	Yes <u>X</u>	No <u> </u>	Depth (inches): <u>4</u>

(Includes capillary fringe)

Wetland Hydrology Present? Yes X No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Sampling Point: 1U@Wet BF-A

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status																			
Tree Stratum (Plot size: <u>30-foot radius</u>)																						
1. _____	_____	_____	_____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>66.7%</u> (A/B)																		
2. _____	_____	_____	_____																			
3. _____	_____	_____	_____																			
4. _____	_____	_____	_____																			
5. _____	_____	_____	_____																			
6. _____	_____	_____	_____																			
7. _____	_____	_____	_____																			
=Total Cover																						
Sapling/Shrub Stratum (Plot size: <u>15-foot radius</u>)																						
1. <u>Cornus racemosa</u>	<u>20</u>	<u>Yes</u>	<u>FAC</u>	Prevalence Index worksheet: <table style="width:100%; border: none;"> <tr> <td style="text-align: right;">Total % Cover of:</td> <td style="text-align: right;">Multiply by:</td> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>5</u></td> <td>x 2 = <u>10</u></td> </tr> <tr> <td>FAC species <u>20</u></td> <td>x 3 = <u>60</u></td> </tr> <tr> <td>FACU species <u>55</u></td> <td>x 4 = <u>220</u></td> </tr> <tr> <td>UPL species <u>5</u></td> <td>x 5 = <u>25</u></td> </tr> <tr> <td>Column Totals: <u>85</u></td> <td>(A) <u>315</u> (B)</td> </tr> <tr> <td colspan="2" style="text-align: right;">Prevalence Index = B/A = <u>3.71</u></td> <td colspan="2"></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>5</u>	x 2 = <u>10</u>	FAC species <u>20</u>	x 3 = <u>60</u>	FACU species <u>55</u>	x 4 = <u>220</u>	UPL species <u>5</u>	x 5 = <u>25</u>	Column Totals: <u>85</u>	(A) <u>315</u> (B)	Prevalence Index = B/A = <u>3.71</u>			
Total % Cover of:	Multiply by:																					
OBL species <u>0</u>	x 1 = <u>0</u>																					
FACW species <u>5</u>	x 2 = <u>10</u>																					
FAC species <u>20</u>	x 3 = <u>60</u>																					
FACU species <u>55</u>	x 4 = <u>220</u>																					
UPL species <u>5</u>	x 5 = <u>25</u>																					
Column Totals: <u>85</u>	(A) <u>315</u> (B)																					
Prevalence Index = B/A = <u>3.71</u>																						
2. <u>Cornus amomum</u>	<u>5</u>	<u>Yes</u>	<u>FACW</u>																			
3. _____	_____	_____	_____																			
4. _____	_____	_____	_____																			
5. _____	_____	_____	_____																			
6. _____	_____	_____	_____																			
7. _____	_____	_____	_____																			
=Total Cover																						
Herb Stratum (Plot size: <u>5-foot radius</u>)																						
1. <u>Solidago canadensis</u>	<u>50</u>	<u>Yes</u>	<u>FACU</u>	Hydrophytic Vegetation Indicators: _____ 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% _____ 3 - Prevalence Index is ≤3.0 ¹ _____ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																		
2. <u>Galium aparine</u>	<u>5</u>	<u>No</u>	<u>FACU</u>																			
3. <u>Fragaria vesca</u>	<u>5</u>	<u>No</u>	<u>UPL</u>																			
4. _____	_____	_____	_____																			
5. _____	_____	_____	_____																			
6. _____	_____	_____	_____																			
7. _____	_____	_____	_____																			
=Total Cover																						
Woody Vine Stratum (Plot size: <u>30-foot radius</u>)																						
1. _____	_____	_____	_____	Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.																		
2. _____	_____	_____	_____																			
3. _____	_____	_____	_____																			
4. _____	_____	_____	_____																			
=Total Cover																						
Remarks: (Include photo numbers here or on a separate sheet.)																						

SOIL

Sampling Point 1U@Wet BF-A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

[illegible]

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) (LRR R, **MLRA 149B**)
- ___ Thin Dark Surface (S9) (LRR R, **MLRA 149B**)
- ___ High Chroma Sands (S11) (LRR K, L)
- ___ Loamy Mucky Mineral (F1) (LRR K, L)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) (LRR K, L)

Indicators for Problematic Hydric Soils³:

- ☐ 2 cm Muck (A10) (LRR K, L, **MLRA 149B**)
☐ Coast Prairie Redox (A16) (LRR K, L, R)
☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
☐ Polyvalue Below Surface (S8) (LRR K, L)
☐ Thin Dark Surface (S9) (LRR K, L)
☐ Iron-Manganese Masses (F12) (LRR K, L, R)
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
☐ Red Parent Material (F21)
☐ Very Shallow Dark Surface (F22)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____ N/A

Depth (inches): _____

Hydric Soil Present? Yes No ☒

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

Sampling Point 1w@Wet BF-A

Northcentral and Northeast Region – Version 2.0

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Oak Hill Solar City/County: Schenectady County Sampling Date: 04/23/2019
 Applicant/Owner: Eden Renewables State: NY Sampling Point: 1wgWetBFA
 Investigator(s): Krystal White, Ben Feinberg Section, Township, Range: Town of Duaneburg
 Landform (hillside, terrace, etc.): Flat Local relief (concave, convex, none): none Slope %: <5
 Subregion (LRR or MLRA): LRR R, MLRA 144A Lat: 42.7282 Long: -74.2509 Datum: WGS84
 Soil Map Unit Name: Illon silt loam, 0 to 3 percent slopes NWI classification: PEM

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u>X</u> No <u> </u>
Hydric Soil Present? Yes <u>X</u> No <u> </u>	If yes, optional Wetland Site ID: <u> </u>
Wetland Hydrology Present? Yes <u>x</u> No <u> </u>	
Remarks: (Explain alternative procedures here or in a separate report.)	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <input checked="" type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
--	--	--

Field Observations: Surface Water Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>1</u> Water Table Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>0</u> Saturation Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No <u> </u>
--	--

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION – Use scientific names of plants.

Sampling Point: 1w@Wet BF-A

Tree Stratum (Plot size: <u>30-foot radius</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. _____	_____	_____	_____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50.0%</u> (A/B)																
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
=Total Cover				Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th style="width: 40%;">Total % Cover of:</th> <th style="width: 60%;">Multiply by:</th> </tr> <tr> <td>OBL species <u>5</u></td> <td>x 1 = <u>5</u></td> </tr> <tr> <td>FACW species <u>30</u></td> <td>x 2 = <u>60</u></td> </tr> <tr> <td>FAC species <u>2</u></td> <td>x 3 = <u>6</u></td> </tr> <tr> <td>FACU species <u>0</u></td> <td>x 4 = <u>0</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>37</u></td> <td>(A) <u>71</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>1.92</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>5</u>	x 1 = <u>5</u>	FACW species <u>30</u>	x 2 = <u>60</u>	FAC species <u>2</u>	x 3 = <u>6</u>	FACU species <u>0</u>	x 4 = <u>0</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>37</u>	(A) <u>71</u> (B)	Prevalence Index = B/A = <u>1.92</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>5</u>	x 1 = <u>5</u>																			
FACW species <u>30</u>	x 2 = <u>60</u>																			
FAC species <u>2</u>	x 3 = <u>6</u>																			
FACU species <u>0</u>	x 4 = <u>0</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>37</u>	(A) <u>71</u> (B)																			
Prevalence Index = B/A = <u>1.92</u>																				
Sapling/Shrub Stratum (Plot size: <u>15-foot radius</u>)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
=Total Cover																				
Herb Stratum (Plot size: <u>5-foot radius</u>)																				
1. <u>Lysimachia nummularia</u>	<u>30</u>	<u>Yes</u>	<u>FACW</u>	Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>2</u> - Dominance Test is >50% <input checked="" type="checkbox"/> <u>3</u> - Prevalence Index is ≤3.0 ¹ <u>4</u> - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <u>Problematic Hydrophytic Vegetation¹ (Explain)</u> ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
2. <u>Carex sp.</u>	<u>10</u>	<u>Yes</u>																		
3. <u>Equisetum arvense</u>	<u>2</u>	<u>No</u>	<u>FAC</u>																	
4. <u>Juncus effusus</u>	<u>5</u>	<u>No</u>	<u>OBL</u>																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
<u>47</u> =Total Cover																				
Woody Vine Stratum (Plot size: <u>30-foot radius</u>)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
=Total Cover																				

Remarks: (Include photo numbers here or on a separate sheet.)

Sampling Point 1U@Wet BF-B

Northcentral and Northeast Region – Version 2.0

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Oak Hill Solar City/County: Schenectady County Sampling Date: 04/23/2019
 Applicant/Owner: Eden Renewables State: NY Sampling Point: 100 Wet SP-B
 Investigator(s): Krystal White, Ben Feinberg Section, Township, Range: Town of Duanesburg
 Landform (hillside, terrace, etc.): Footslope Local relief (concave, convex, none): concave Slope %: 6-11
 Subregion (LRR or MLRA): LRR R, MLRA 144A Lat: 42.7318 Long: -74.2527 Datum: WGS84
 Soil Map Unit Name: Burdett-Scrlba channery silt loams, 3 to 8 percent slopes NWI classification: UPL

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u> </u> No <u>X</u>	Is the Sampled Area within a Wetland? Yes <u> </u> No <u>X</u> If yes, optional Wetland Site ID: <u> </u>
Hydric Soil Present?	Yes <u>X</u> No <u> </u>	
Wetland Hydrology Present?	Yes <u> </u> No <u>X</u>	

Remarks: (Explain alternative procedures here or in a separate report.)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

<u> </u> Surface Water (A1)	<u> </u> Water-Stained Leaves (B9)
<u> </u> High Water Table (A2)	<u> </u> Aquatic Fauna (B13)
<u> </u> Saturation (A3)	<u> </u> Marl Deposits (B15)
<u> </u> Water Marks (B1)	<u> </u> Hydrogen Sulfide Odor (C1)
<u> </u> Sediment Deposits (B2)	<u> </u> Oxidized Rhizospheres on Living Roots (C3)
<u> </u> Drift Deposits (B3)	<u> </u> Presence of Reduced Iron (C4)
<u> </u> Algal Mat or Crust (B4)	<u> </u> Recent Iron Reduction in Tilled Soils (C6)
<u> </u> Iron Deposits (B5)	<u> </u> Thin Muck Surface (C7)
<u> </u> Inundation Visible on Aerial Imagery (B7)	<u> </u> Other (Explain in Remarks)
<u> </u> Sparsely Vegetated Concave Surface (B8)	

Secondary Indicators (minimum of two required)

<u> </u> Surface Soil Cracks (B6)
<u> </u> Drainage Patterns (B10)
<u> </u> Moss Trim Lines (B16)
<u> </u> Dry-Season Water Table (C2)
<u> </u> Crayfish Burrows (C8)
<u> </u> Saturation Visible on Aerial Imagery (C9)
<u> </u> Stunted or Stressed Plants (D1)
<u> </u> Geomorphic Position (D2)
<u> </u> Shallow Aquitard (D3)
<u> </u> Microtopographic Relief (D4)
<u> </u> FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes <u> </u> No <u>X</u>	Depth (inches): <u> </u>
Water Table Present?	Yes <u> </u> No <u>X</u>	Depth (inches): <u> </u>
Saturation Present?	Yes <u> </u> No <u> </u>	Depth (inches): <u> </u>

(includes capillary fringe)

Wetland Hydrology Present? Yes No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION – Use scientific names of plants.

Sampling Point: 1U@Wet BF-B

Tree Stratum (Plot size: <u>30-foot radius</u>)		Absolute % Cover	Dominant Species?	Indicator Status
1.				
2.				
3.				
4.				
5.				
6.				
7.				
		=Total Cover		

Sapling/Shrub Stratum (Plot size: 15-foot radius)

1.				
2.				
3.				
4.				
5.				
6.				
7.				
		=Total Cover		

Herb Stratum (Plot size: 5-foot radius)

1.	<u>Phleum pratense</u>	<u>80</u>	<u>Yes</u>	<u>FACU</u>
2.	<u>Agrostis stolonifera</u>	<u>15</u>	<u>No</u>	<u>FACW</u>
3.	<u>Fragaria vesca</u>	<u>1</u>	<u>No</u>	<u>UPL</u>
4.	<u>Galium aparine</u>	<u>1</u>	<u>No</u>	<u>FACU</u>
5.	<u>Trifolium pratense</u>	<u>1</u>	<u>No</u>	<u>FACU</u>
6.				
7.				
8.				
9.				
10.				
11.				
12.				
		<u>98</u>	=Total Cover	

Woody Vine Stratum (Plot size: 30-foot radius)

1.				
2.				
3.				
4.				
		=Total Cover		

Dominance Test worksheet:

Number of Dominant Species
That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant
Species Across All Strata: 1 (B)

Percent of Dominant Species
That Are OBL, FACW, or FAC: 0.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species <u>0</u>	x 1 =	<u>0</u>
FACW species <u>15</u>	x 2 =	<u>30</u>
FAC species <u>0</u>	x 3 =	<u>0</u>
FACU species <u>82</u>	x 4 =	<u>328</u>
UPL species <u>1</u>	x 5 =	<u>5</u>
Column Totals: <u>98</u> (A)		<u>363</u> (B)
Prevalence Index = B/A = <u>3.70</u>		

Hydrophytic Vegetation Indicators:

- 1 - Rapid Test for Hydrophytic Vegetation
- 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0¹
- 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)
- Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic
Vegetation
Present?

Yes No X

Remarks: (Include photo numbers here or on a separate sheet.)

Sampling Point 1w@Wet BF-B

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Indicators for Problematic Hydric Soils³:

- ³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Type: _____ N/A

Depth (Inches):

Hydric Soil Present? Yes X No

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

WETLAND DETERMINATION DATA FORM -- Northcentral and Northeast Region

Project/Site: Oak Hill Solar City/County: Schenectady County Sampling Date: 04/23/2019
 Applicant/Owner: Eden Renewables State: NY Sampling Point: 1w@WetAF-a
 Investigator(s): Krystal White, Ben Feinberg Section, Township, Range: Town of Duanesburg
 Landform (hillside, terrace, etc.): Footslope Local relief (concave, convex, none): Concave Slope %:
 Subregion (LRR or MLRA): LRR R, MLRA 144A Lat: 42.7318 Long: -74.2528 Datum: WGS84
 Soil Map Unit Name: Burdett-Scriba channery silt loams, 3 to 8 percent slopes NWI classification:
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS -- Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No <u> </u> Hydric Soil Present? Yes <u>X</u> No <u> </u> Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u>X</u> No <u> </u> If yes, optional Wetland Site ID: <u> </u>
Remarks: (Explain alternative procedures here or in a separate report.)	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <input checked="" type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input checked="" type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <u>X</u> No <u> </u> Depth (Inches): <u>1</u> Water Table Present? Yes <u> </u> No <u>X</u> Depth (Inches): <u> </u> Saturation Present? Yes <u> </u> No <u>X</u> Depth (Inches): <u> </u> (Includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), If available:		
Remarks:		

VEGETATION -- Use scientific names of plants.

 Sampling Point: 1w@Wet BF-B

Tree Stratum (Plot size: <u>30-foot radius</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. _____	_____	_____	_____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>66.7%</u> (A/B)																
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
=Total Cover				Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th style="width: 40%;">Total % Cover of:</th> <th style="width: 60%;">Multiply by:</th> </tr> <tr> <td>OBL species <u>20</u></td> <td>x 1 = <u>20</u></td> </tr> <tr> <td>FACW species <u>20</u></td> <td>x 2 = <u>40</u></td> </tr> <tr> <td>FAC species <u>0</u></td> <td>x 3 = <u>0</u></td> </tr> <tr> <td>FACU species <u>0</u></td> <td>x 4 = <u>0</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>40</u></td> <td>(A) <u>60</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>1.50</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>20</u>	x 1 = <u>20</u>	FACW species <u>20</u>	x 2 = <u>40</u>	FAC species <u>0</u>	x 3 = <u>0</u>	FACU species <u>0</u>	x 4 = <u>0</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>40</u>	(A) <u>60</u> (B)	Prevalence Index = B/A = <u>1.50</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>20</u>	x 1 = <u>20</u>																			
FACW species <u>20</u>	x 2 = <u>40</u>																			
FAC species <u>0</u>	x 3 = <u>0</u>																			
FACU species <u>0</u>	x 4 = <u>0</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>40</u>	(A) <u>60</u> (B)																			
Prevalence Index = B/A = <u>1.50</u>																				
Sapling/Shrub Stratum (Plot size: <u>15-foot radius</u>)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
=Total Cover																				
Herb Stratum (Plot size: <u>5-foot radius</u>)																				
1. <u>Juncus effusus</u>	<u>20</u>	<u>Yes</u>	<u>OBL</u>																	
2. <u>Carex sp.</u>	<u>20</u>	<u>Yes</u>																		
3. <u>Agrostis stolonifera</u>	<u>20</u>	<u>Yes</u>	<u>FACW</u>																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
60 =Total Cover																				
Woody Vine Stratum (Plot size: <u>30-foot radius</u>)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
=Total Cover																				

Hydrophytic Vegetation Indicators:
1 - Rapid Test for Hydrophytic Vegetation
☒ 2 - Dominance Test is >50%
☒ 3 - Prevalence Index is ≤3.0¹
4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)
 Problematic Hydrophytic Vegetation¹ (Explain)
¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No

Remarks: (include photo numbers here or on a separate sheet.)

Sampling Point 1U@Wet BF-D

[illegible]

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> High Chroma Sands (S11) (LRR K, L)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input checked="" type="checkbox"/> Depleted Matrix (F3)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)
<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Marl (F10) (LRR K, L)
<input type="checkbox"/> Stripped Matrix (S6)	
<input type="checkbox"/> Dark Surface (S7)	

Indicators for Problematic Hydric Soils³:

☐ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
☐ Coast Prairie Redox (A16) (**LRR K, L, R**)
☐ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
☐ Polyvalue Below Surface (S8) (**LRR K, L**)
☐ Thin Dark Surface (S9) (**LRR K, L**)
☐ Iron-Manganese Masses (F12) (**LRR K, L, R**)
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
☐ Red Parent Material (F21)
☐ Very Shallow Dark Surface (F22)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: N/A

Depth (inches): _____

Hydric Soil Present? Yes X No

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Oak Hill Solar City/County: Schenectady County Sampling Date: 04/23/2019
 Applicant/Owner: Eden Renewables State: NY Sampling Point: 1UGWH-BF-D
 Investigator(s): Krystal White, Ben Feinberg Section, Township, Range: Town of Duaneburg
 Landform (hillside, terrace, etc.): _____ Local relief (concave, convex, none): none Slope %: _____
 Subregion (LRR or MLRA): LRR R, MLRA 144A Lat: 42.728 Long: -74.254 Datum: WGS84
 Soil Map Unit Name: Illon silt loam, 0 to 3 percent slopes NWI classification: UPL

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No _____	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes <u>X</u> No _____	
Remarks: (Explain alternative procedures here or in a separate report.)	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> _____ Surface Water (A1) _____ Water-Stained Leaves (B9) _____ High Water Table (A2) _____ Aquatic Fauna (B13) _____ Saturation (A3) _____ Marl Deposits (B15) _____ Water Marks (B1) _____ Hydrogen Sulfide Odor (C1) _____ Sediment Deposits (B2) <u>X</u> Oxidized Rhizospheres on Living Roots (C3) _____ Drift Deposits (B3) _____ Presence of Reduced Iron (C4) _____ Algal Mat or Crust (B4) _____ Recent Iron Reduction in Tilled Soils (C6) _____ Iron Deposits (B5) _____ Thin Muck Surface (C7) _____ Inundation Visible on Aerial Imagery (B7) _____ Other (Explain in Remarks) _____ Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> _____ Surface Soil Cracks (B6) _____ Drainage Patterns (B10) _____ Moss Trim Lines (B16) _____ Dry-Season Water Table (C2) _____ Crayfish Burrows (C8) _____ Saturation Visible on Aerial Imagery (C9) _____ Stunted or Stressed Plants (D1) _____ Geomorphic Position (D2) _____ Shallow Aquitard (D3) _____ Microtopographic Relief (D4) _____ FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes _____ No <u>X</u> Depth (Inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (Inches): _____ Saturation Present? Yes _____ No <u>X</u> Depth (Inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No _____	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION – Use scientific names of plants.

Sampling Point: 1U@Wet BF-D

Tree Stratum (Plot size: <u>30-foot radius</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. _____	_____	_____	_____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0.0%</u> (A/B)																
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
_____ = Total Cover				Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th style="width: 40%;">Total % Cover of:</th> <th style="width: 60%;">Multiply by:</th> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>0</u></td> <td>x 3 = <u>0</u></td> </tr> <tr> <td>FACU species <u>85</u></td> <td>x 4 = <u>340</u></td> </tr> <tr> <td>UPL species <u>5</u></td> <td>x 5 = <u>25</u></td> </tr> <tr> <td>Column Totals: <u>90</u> (A)</td> <td><u>365</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>4.06</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>0</u>	x 3 = <u>0</u>	FACU species <u>85</u>	x 4 = <u>340</u>	UPL species <u>5</u>	x 5 = <u>25</u>	Column Totals: <u>90</u> (A)	<u>365</u> (B)	Prevalence Index = B/A = <u>4.06</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>0</u>	x 2 = <u>0</u>																			
FAC species <u>0</u>	x 3 = <u>0</u>																			
FACU species <u>85</u>	x 4 = <u>340</u>																			
UPL species <u>5</u>	x 5 = <u>25</u>																			
Column Totals: <u>90</u> (A)	<u>365</u> (B)																			
Prevalence Index = B/A = <u>4.06</u>																				
Sapling/Shrub Stratum (Plot size: <u>15-foot radius</u>)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
_____ = Total Cover																				
Herb Stratum (Plot size: <u>5-foot radius</u>)																				
1. <u>Phleum pratense</u>	<u>80</u>	<u>Yes</u>	<u>FACU</u>	Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>2</u> - Dominance Test is >50% <u>3</u> - Prevalence Index is ≤3.0 ¹ <u>4</u> - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
2. <u>Trifolium pratense</u>	<u>5</u>	<u>No</u>	<u>FACU</u>																	
3. <u>Fragaria vesca</u>	<u>5</u>	<u>No</u>	<u>UPL</u>																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
<u>90</u> = Total Cover																				
Woody Vine Stratum (Plot size: <u>30-foot radius</u>)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
_____ = Total Cover																				
Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.																				
				Hydrophytic Vegetation Present? Yes <u> </u> No <u>X</u>																
Remarks: (Include photo numbers here or on a separate sheet.) 																				

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Oak Hill Solar City/County: Schenectady County Sampling Date: 04/23/2019
 Applicant/Owner: Eden Renewables State: NY Sampling Point: 1Wet-01C
 Investigator(s): Krystal White, Ben Feinberg Section, Township, Range: Town of Duaneburg
 Landform (hillside, terrace, etc.): Flat Local relief (concave, convex, none): Concave Slope %: 0-5
 Subregion (LRR or MLRA): LRR R, MLRA 144A Lat: 42.7284 Long: -74.2549 Datum: WGS84
 Soil Map Unit Name: Illion silt loam, 0 to 3 percent slopes NWI classification: PEM

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u> </u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u>X</u> No <u> </u>
Hydric Soil Present? Yes <u>X</u> No <u> </u>	If yes, optional Wetland Site ID: <u> </u>
Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	
Remarks: (Explain alternative procedures here or in a separate report.)	

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)	
Primary Indicators (minimum of one is required; check all that apply)			
<u>X</u> Surface Water (A1)	<u> </u> Water-Stained Leaves (B9)	<u> </u> Surface Soil Cracks (B6)	
<u> </u> High Water Table (A2)	<u> </u> Aquatic Fauna (B13)	<u> </u> Drainage Patterns (B10)	
<u> </u> Saturation (A3)	<u> </u> Marl Deposits (B15)	<u> </u> Moss Trim Lines (B16)	
<u> </u> Water Marks (B1)	<u> </u> Hydrogen Sulfide Odor (C1)	<u> </u> Dry-Season Water Table (C2)	
<u> </u> Sediment Deposits (B2)	<u> </u> Oxidized Rhizospheres on Living Roots (C3)	<u> </u> Crayfish Burrows (C8)	
<u> </u> Drift Deposits (B3)	<u> </u> Presence of Reduced Iron (C4)	<u> </u> Saturation Visible on Aerial Imagery (C9)	
<u> </u> Algal Mat or Crust (B4)	<u> </u> Recent Iron Reduction in Tilled Soils (C6)	<u> </u> Stunted or Stressed Plants (D1)	
<u> </u> Iron Deposits (B5)	<u> </u> Thin Muck Surface (C7)	<u> </u> Geomorphic Position (D2)	
<u> </u> Inundation Visible on Aerial Imagery (B7)	<u> </u> Other (Explain in Remarks)	<u> </u> Shallow Aquitard (D3)	
<u> </u> Sparsely Vegetated Concave Surface (B8)		<u>X</u> Microtopographic Relief (D4)	
		<u>X</u> FAC-Neutral Test (D5)	

Field Observations:				Wetland Hydrology Present? Yes <u>X</u> No <u> </u>
Surface Water Present?	Yes <u>X</u> No <u> </u>	Depth (inches):	<u>1</u>	
Water Table Present?	Yes <u> </u> No <u>X</u>	Depth (inches):	<u> </u>	
Saturation Present?	Yes <u> </u> No <u>X</u>	Depth (inches):	<u> </u>	
(Includes capillary fringe)				

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION – Use scientific names of plants.

Sampling Point: 1W@Wet-BF-E

Tree Stratum (Plot size: 30-foot radius)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. _____	_____	_____	_____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100.0%</u> (A/B)																
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
=Total Cover				Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th style="width: 50%;">Total % Cover of:</th> <th style="width: 50%;">Multiply by:</th> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>60</u></td> <td>x 2 = <u>120</u></td> </tr> <tr> <td>FAC species <u>0</u></td> <td>x 3 = <u>0</u></td> </tr> <tr> <td>FACU species <u>0</u></td> <td>x 4 = <u>0</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>60</u></td> <td>(A) <u>120</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>2.00</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>60</u>	x 2 = <u>120</u>	FAC species <u>0</u>	x 3 = <u>0</u>	FACU species <u>0</u>	x 4 = <u>0</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>60</u>	(A) <u>120</u> (B)	Prevalence Index = B/A = <u>2.00</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>60</u>	x 2 = <u>120</u>																			
FAC species <u>0</u>	x 3 = <u>0</u>																			
FACU species <u>0</u>	x 4 = <u>0</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>60</u>	(A) <u>120</u> (B)																			
Prevalence Index = B/A = <u>2.00</u>																				
Sapling/Shrub Stratum (Plot size: 15-foot radius)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
=Total Cover																				
Herb Stratum (Plot size: 5-foot radius)																				
1. <i>Juncus sp.</i>	30	Yes	FACW	Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input checked="" type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
2. <i>Carex sp.</i>	30	Yes	FACW																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
60 =Total Cover																				
Woody Vine Stratum (Plot size: 30-foot radius)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
=Total Cover																				
Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.																				
Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>																				
Remarks: (Include photo numbers here or on a separate sheet.) *Herbs assumed FACW or wetter																				

Sampling Point 1W@Wet-BF-D

Northcentral and Northeast Region – Version 2.0

APPENDIX C

Photos of Representative Wetland Communities

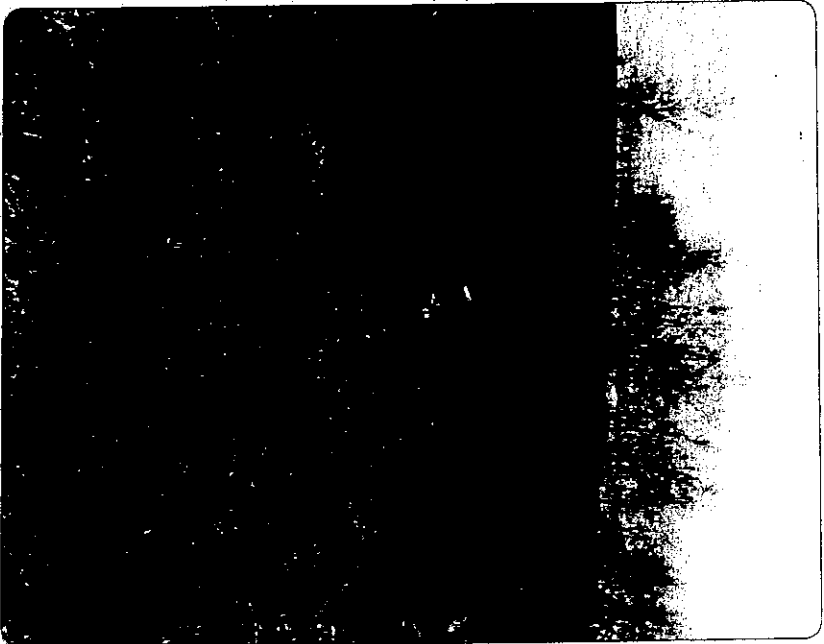


Photo 1

Date: 4/24/2019

Latitude: 42.73182

Longitude: -74.25274

Representative Emergent Wetland

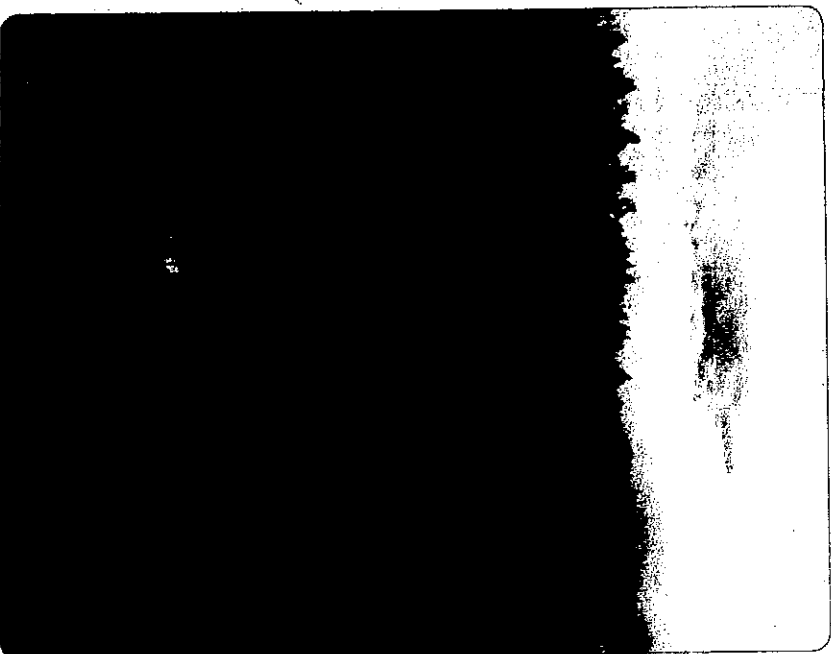


Photo 2

Date: 4/24/2019

Latitude: 42.72843

Longitude: -74.25487

Representative Emergent Wetland

Oak Hill Solar

Town of Duaneburg, Schenectady County, New York

Appendix C: Photos of Representative Wetland Communities

Sheet 1 of 4

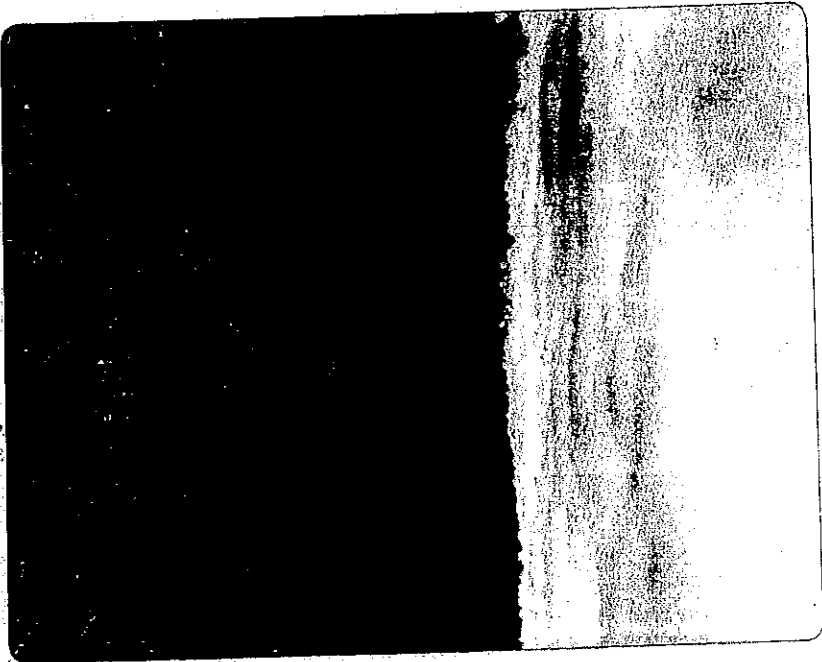


Photo 3

Date: 4/24/2019

Latitude: 42.73189

Longitude: -74.25311

Representative Emergent Wetland

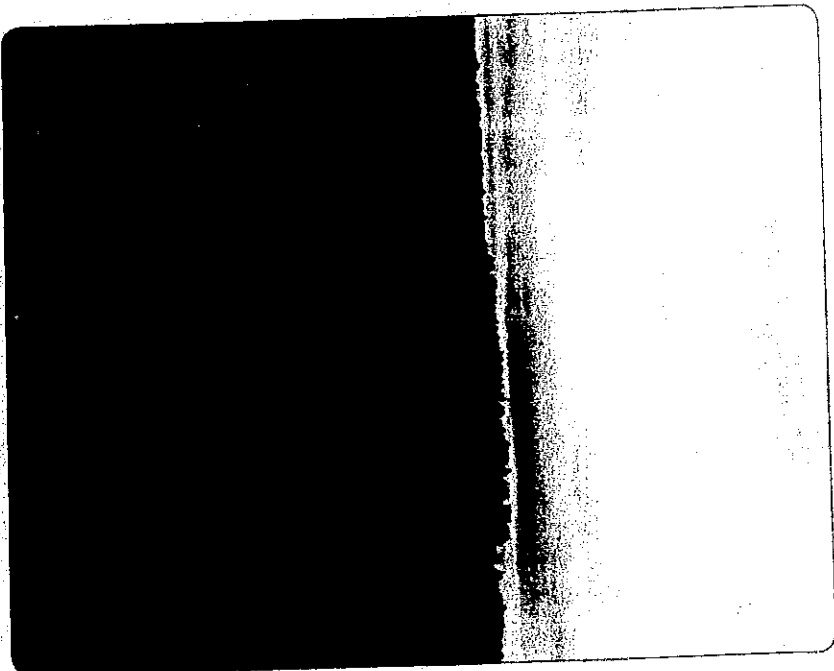


Photo 4

Date: 4/24/2019

Latitude: 42.72845

Longitude: -74.25484

Representative upland mowed area

Oak Hill Solar

Town of Duaneburg, Schenectady County, New York

Appendix C: Photos of Representative Wetland Communities

Sheet 2 of 4

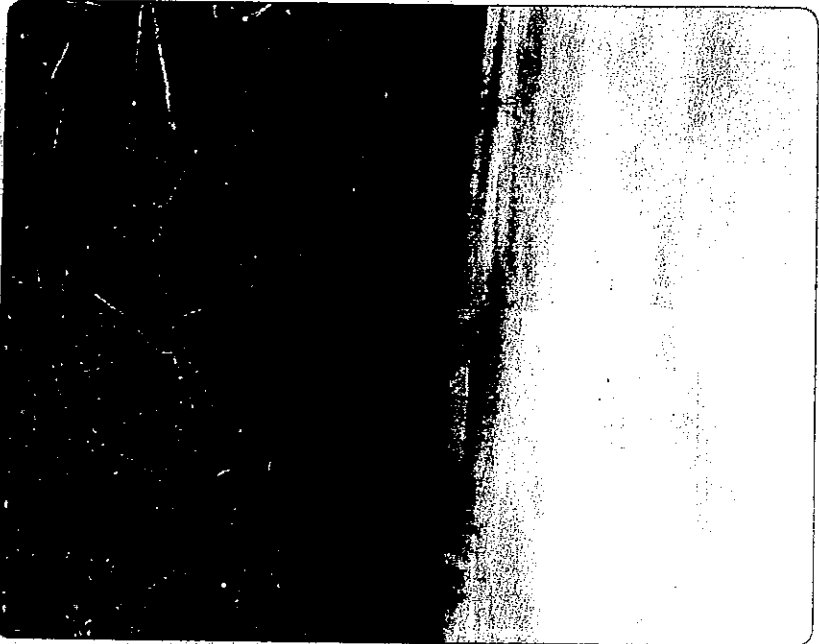


Photo 5

Date: 4/24/2019

Latitude: 42.73137

Longitude: -74.25334

Representative upland shrub area

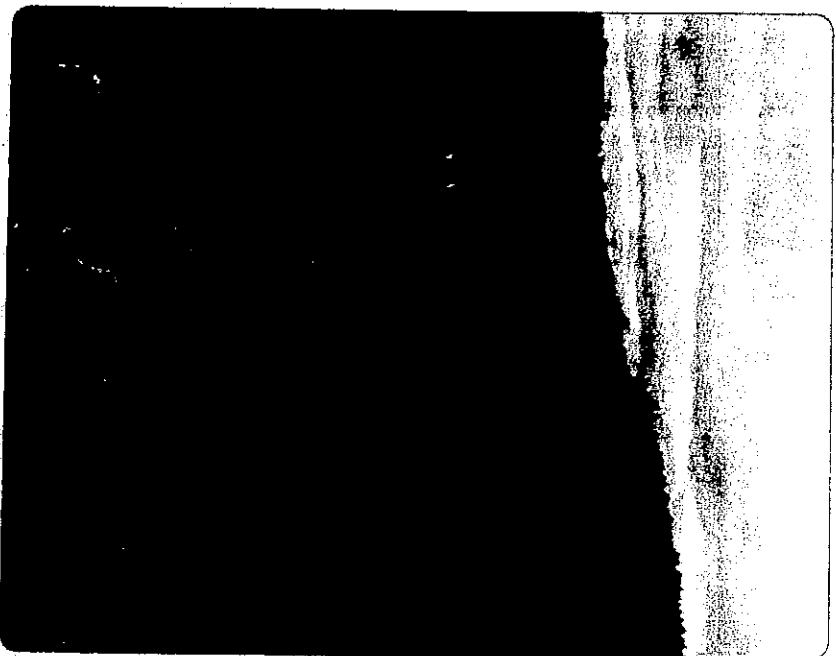


Photo 6

Date: 4/24/2019

Latitude: 42.73046

Longitude: -74.25352

Agricultural ditch forming near emergent wetlands

Oak Hill Solar

Town of Duanesburg, Schenectady County, New York

Appendix C: Photos of Representative Wetland Communities

Sheet 3 of 4



Photo 7

Date: 4/24/2019
 Latitude: 42.73168
 Longitude: -74.2533
 Agricultural ditch forming near emergent wetland BF-A in the middle of the Project Site.



Photo 8

Date: 4/24/2019
 Latitude: 42.73188
 Longitude: -74.25341
 Representative photo of agricultural ditch flowing north out of the Project Site.

Oak Hill Solar

Town of Duaneburg, Schenectady County, New York

Appendix C: Photos of Representative Wetland Communities

Sheet 4 of 4

Attachment B



Department of
Environmental
Conservation

Office of
General Services

Department
of State

RECEIVED

AUG 27 2019

By NYSDEC Division of Env. Permits



US Army Corps
of Engineers

JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:

>NYS Department of Environmental Conservation ☒ Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:

☐ Stream Disturbance

☐ Dams and Impoundment Structures

☐ Tidal Wetlands

☐ Water Withdrawal

☐ Excavation and Fill in Navigable Waters

☒ 401 Water Quality Certification

☐ Wild, Scenic and Recreational Rivers

☐ Long Island Well

☐ Docks, Moorings or Platforms

☐ Freshwater Wetlands

☐ Coastal Erosion Management

☐ Incidental Take of Endangered / Threatened Species

>US Army Corps of Engineers

☒ Check here to confirm you sent this form to USACE.

Check all permits that apply: ☒ Section 404 Clean Water Act

☐ Section 10 Rivers and Harbors Act

Is the project Federally funded? ☐ Yes ☒ No

If yes, name of Federal Agency:

General Permit Type(s), if known: Nationwide Permits 12, 14 and/or 51

Preconstruction Notification: ☒ Yes ☐ No

>NYS Office of General Services

☐ Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:

☐ State Owned Lands Under Water

☐ Utility Easement (pipelines, conduits, cables, etc.)

☐ Docks, Moorings or Platforms

>NYS Department of State

☐ Check here to confirm you sent this form to NYSDOS.

Check if this applies: ☐ Coastal Consistency Concurrence

2. Name of Applicant

Oak Hill Solar 1 LLC, Oak Hill Solar 2 LLC

Taxpayer ID (if applicant is NOT an individual)

82-4792162, 82-4803072

Mailing Address

333 Broadway, Suite 460

Post Office / City

Troy

State

NY

Zip

12180

Telephone 518-326-0259

Email Giovanni.maruca@edenrenewables.com

Applicant Must be (check all that apply): ☐ Owner ☐ Operator ☒ Lessee

3. Name of Property Owner (if different than Applicant)

Mailing Address

Post Office / City

State

Zip

Telephone

Email

For Agency Use Only

Agency Application Number:

4. Name of Contact / Agent			
Brian Kirkpatrick			
Mailing Address		Post Office / City	State Zip
EDR 217 Montgomery Street, Suite 1000		Syracuse	NY 13202
Telephone	315-471-0688 ext 606	Email	Bkirkpatrick@edrdpc.com

5. Project / Facility Name		Property Tax Map Section / Block / Lot Number:	
Oak Hill Solar 1 and 2		74.00-2-5	
Project Street Address, if applicable		Post Office / City	State Zip
13590-13592 Duanesburg Road		Delanson	NY 12053
Provide directions and distances to roads, intersections, bridges and bodies of water			
East side of Route 7/ Duanesburg Road			
<input checked="" type="checkbox"/> Town	<input type="checkbox"/> Village	<input type="checkbox"/> City	County
Duanesburg			Schenectady
		Stream/Waterbody Name	
		Unnamed Tributary Normans Kill	
Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:			
Latitude:	42	43	45.84 N "
Longitude:	74	15	9.88W "

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

The applicant proposes to construct two (2) 5.0 MW photo-voltaic solar arrays. The project purpose is to create 10.0 MW of renewable energy on the site.

b. Description of current site conditions:

The project site consists of a mixture of woodlands, early succession shrublands and actively managed hayfield. The portion of the site where development is proposed is largely developed consisting of hayfields.

c. Proposed site changes:

Construction of access roads, trenching for utility lines, installation of photovoltaic arrays and fencing. Existing soils and vegetation will remain under the arrays.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

Structures in wetlands include at grade roads requiring less than 75 yards of fill below existing grade. Less than 25 cubic yards of bedding material is expected in wetlands for utility lines. Fill will consist of clean stone and other clean aggregates. No fill above existing grades is anticipated.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

Less than 100 cubic yards of material is anticipated to be excavated for access roads and utilities. Material not used for back fill will be placed in uplands or removed from the site.

f. Is tree cutting or clearing proposed? ☐ Yes If Yes, explain below. ☒ No

Timing of the proposed cutting or clearing (month/year):

Number of trees to be cut: Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

Light equipment such as pickup truck, vibratory cable laying equipment, excavators, small bulldozers, skid steers and small dump trucks will be used to construct the access road, racking system for the solar panels and install underground utilities

h. Describe the planned sequence of activities:

1) Install soil erosion and sediment control measures; 2) clear and grub road bed; 3) backfill road bed; 4) excavate trenches; 5) place bedding in trenches where required; 6) back fill trenches; 7) drive posts and install racking systems and panels; 8) revegetate disturbed area. Construction is expected to take approximately 12 months

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

Sediment control measures will be installed to mitigate impacts associated with soil disturbance. Motor vehicles will meet current emissions standards. Renewable energy facility will eliminate greenhouse gas emissions for 10 MW electric generation

j. Erosion and silt control methods that will be used to prevent water quality impacts:

See attached site plans

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

To achieve project avoidance of all wetlands impacts is not practicable. However, the project has been designed to minimize wetlands impacts to the extent practicable. Project implementation requires the permanent loss or temporary disturbance of less than 0.1 acre of wetlands for the construction of a limited use pervious access road. Installation of underground collection cables and underground closed caption television (CCTV) cables. All other construction activities have been designed to avoid discharge of fill in wetlands.

l. Proposed use: ☐ Private ☐ Public ☒ Commercial

m. Proposed Start Date: 9/2019 Estimated Completion Date: 10/2020

n. Has work begun on project? ☐ Yes If Yes, explain below. ☒ No

o. Will project occupy Federal, State, or Municipal Land? ☐ Yes If Yes, explain below. ☒ No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

None

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

☒ Yes If Yes, list below. ☐ No

Special Use Permit, NYSDOT - curb cut, OPRHP, NYSERDA, County Planning Board 239-M referral

7. Signatures.

Applicant and Owner (If different) must sign the application.

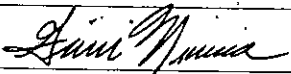
Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant



Date

8/16/2019

Applicant Must be (check all that apply): ☐ Owner ☐ Operator ☒ Lessee

Printed Name

Giovanni Maruca

Title

Chief Development Officer

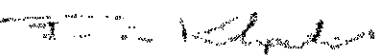
Signature of Owner (If different than Applicant)

Date

Printed Name

Title

Signature of Contact / Agent



Date

08/20/2019

Printed Name

Brian Kirkpatrick

Title

Director, Ecological Services

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed
Name

Title

Signature

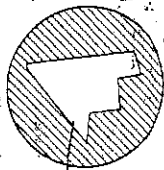
Date

Attachment C

OAK HILL SOLAR 1&2

OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC

13950 DUANESBURG ROAD
TOWN OF DUANESBURG, SCHENECTADY COUNTY, NEW YORK



SITE LOCATION MAP



E. STATISTICS		F. ZONING		G. AGRICULTURAL AND RESIDENTIAL R-2	
TR	AREA	TR	AREA	TR	AREA
1	31.1	1	70,374 AC	1	70,374 AC
2	31.2	2	70,353 AC	2	70,353 AC
3	31.3	3	70,353 AC	3	70,353 AC
4	31.4	4	70,353 AC	4	70,353 AC
5	31.5	5	70,353 AC	5	70,353 AC
6	31.6	6	70,353 AC	6	70,353 AC
7	31.7	7	70,353 AC	7	70,353 AC
8	31.8	8	70,353 AC	8	70,353 AC
9	31.9	9	70,353 AC	9	70,353 AC
10	32.0	10	70,353 AC	10	70,353 AC
11	32.1	11	70,353 AC	11	70,353 AC
12	32.2	12	70,353 AC	12	70,353 AC
13	32.3	13	70,353 AC	13	70,353 AC
14	32.4	14	70,353 AC	14	70,353 AC
15	32.5	15	70,353 AC	15	70,353 AC
16	32.6	16	70,353 AC	16	70,353 AC
17	32.7	17	70,353 AC	17	70,353 AC
18	32.8	18	70,353 AC	18	70,353 AC
19	32.9	19	70,353 AC	19	70,353 AC
20	33.0	20	70,353 AC	20	70,353 AC
21	33.1	21	70,353 AC	21	70,353 AC
22	33.2	22	70,353 AC	22	70,353 AC
23	33.3	23	70,353 AC	23	70,353 AC
24	33.4	24	70,353 AC	24	70,353 AC
25	33.5	25	70,353 AC	25	70,353 AC
26	33.6	26	70,353 AC	26	70,353 AC
27	33.7	27	70,353 AC	27	70,353 AC
28	33.8	28	70,353 AC	28	70,353 AC
29	33.9	29	70,353 AC	29	70,353 AC
30	34.0	30	70,353 AC	30	70,353 AC
31	34.1	31	70,353 AC	31	70,353 AC
32	34.2	32	70,353 AC	32	70,353 AC
33	34.3	33	70,353 AC	33	70,353 AC
34	34.4	34	70,353 AC	34	70,353 AC
35	34.5	35	70,353 AC	35	70,353 AC
36	34.6	36	70,353 AC	36	70,353 AC
37	34.7	37	70,353 AC	37	70,353 AC
38	34.8	38	70,353 AC	38	70,353 AC
39	34.9	39	70,353 AC	39	70,353 AC
40	35.0	40	70,353 AC	40	70,353 AC
41	35.1	41	70,353 AC	41	70,353 AC
42	35.2	42	70,353 AC	42	70,353 AC
43	35.3	43	70,353 AC	43	70,353 AC
44	35.4	44	70,353 AC	44	70,353 AC
45	35.5	45	70,353 AC	45	70,353 AC
46	35.6	46	70,353 AC	46	70,353 AC
47	35.7	47	70,353 AC	47	70,353 AC
48	35.8	48	70,353 AC	48	70,353 AC
49	35.9	49	70,353 AC	49	70,353 AC
50	36.0	50	70,353 AC	50	70,353 AC
51	36.1	51	70,353 AC	51	70,353 AC
52	36.2	52	70,353 AC	52	70,353 AC
53	36.3	53	70,353 AC	53	70,353 AC
54	36.4	54	70,353 AC	54	70,353 AC
55	36.5	55	70,353 AC	55	70,353 AC
56	36.6	56	70,353 AC	56	70,353 AC
57	36.7	57	70,353 AC	57	70,353 AC
58	36.8	58	70,353 AC	58	70,353 AC
59	36.9	59	70,353 AC	59	70,353 AC
60	37.0	60	70,353 AC	60	70,353 AC

THE STATISTICS

AGRICULTURAL AND RESIDENTIAL (R-2)

CEL AREA

7712

POSED SOLAR FIELD SETBACK

2017

DE

32

SUN ROAD LENGTH:

YOU, DISTRICT

DISTRICT

HILL SOLAR 1
2.0-4.0mm 0.04mm 0.04mm 0.04mm

2000-01-01

“USED COVERAGE

***OSQD DISTURBANCE**

ACCESS ROAD, ELECTRICAL,
EACHES SPARE PARTS

ENTHUSIASTS, EQUIPMENT PADS
TO ANDS

1000000

OTC

PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
APPLICANT: OAK HILL SOLAR 1, LLC/OAK HILL SOLAR 2, LLC
13530 KUMATERSBURG ROAD
OAKMONT OR 97146
CLATSOP COUNTY, NEW YORK
7/25/2014

[illegible]

--	--	--

1000
N.T.S.
1000

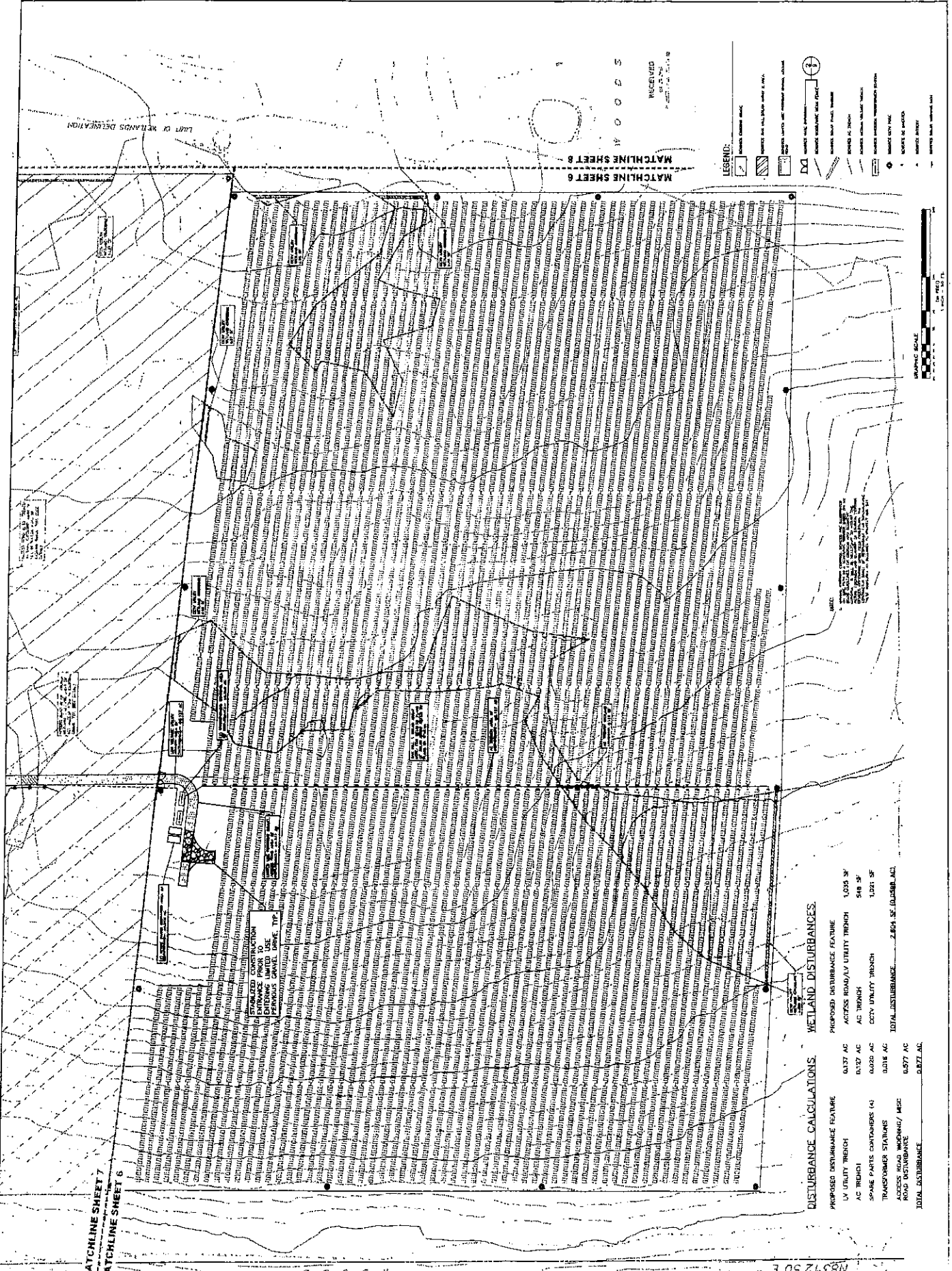
NOT FOR CONSTRUCTION	SHEET TITLE	COVERSHEET	1 of 10
-------------------------	-------------	------------	---------

1 of 10



1560 DUNBAR ROAD
TOWN OF DUNBAR
SHERIDAN COUNTY, NEW YORK
APPLICANT: OAK HILL SOLAR 1, LLC / OAK HILL SOLAR 2, LLC
PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
FEBRUARY 8, 2018
PARTNERSHIP, LLP
ENVIRONMENTAL DESIGN

- LEGEND:
- 1. EXISTING ROAD
 - 2. EXISTING DRIVE
 - 3. EXISTING UTILITY
 - 4. EXISTING UTILITY TRENCH
 - 5. EXISTING UTILITY TRENCH
 - 6. EXISTING UTILITY TRENCH
 - 7. EXISTING UTILITY TRENCH
 - 8. EXISTING UTILITY TRENCH
 - 9. EXISTING UTILITY TRENCH
 - 10. EXISTING UTILITY TRENCH
 - 11. EXISTING UTILITY TRENCH
 - 12. EXISTING UTILITY TRENCH
 - 13. EXISTING UTILITY TRENCH
 - 14. EXISTING UTILITY TRENCH
 - 15. EXISTING UTILITY TRENCH
 - 16. EXISTING UTILITY TRENCH
 - 17. EXISTING UTILITY TRENCH
 - 18. EXISTING UTILITY TRENCH
 - 19. EXISTING UTILITY TRENCH
 - 20. EXISTING UTILITY TRENCH
 - 21. EXISTING UTILITY TRENCH
 - 22. EXISTING UTILITY TRENCH
 - 23. EXISTING UTILITY TRENCH
 - 24. EXISTING UTILITY TRENCH
 - 25. EXISTING UTILITY TRENCH
 - 26. EXISTING UTILITY TRENCH
 - 27. EXISTING UTILITY TRENCH
 - 28. EXISTING UTILITY TRENCH
 - 29. EXISTING UTILITY TRENCH
 - 30. EXISTING UTILITY TRENCH
 - 31. EXISTING UTILITY TRENCH
 - 32. EXISTING UTILITY TRENCH
 - 33. EXISTING UTILITY TRENCH
 - 34. EXISTING UTILITY TRENCH
 - 35. EXISTING UTILITY TRENCH
 - 36. EXISTING UTILITY TRENCH
 - 37. EXISTING UTILITY TRENCH
 - 38. EXISTING UTILITY TRENCH
 - 39. EXISTING UTILITY TRENCH
 - 40. EXISTING UTILITY TRENCH
 - 41. EXISTING UTILITY TRENCH
 - 42. EXISTING UTILITY TRENCH
 - 43. EXISTING UTILITY TRENCH
 - 44. EXISTING UTILITY TRENCH
 - 45. EXISTING UTILITY TRENCH
 - 46. EXISTING UTILITY TRENCH
 - 47. EXISTING UTILITY TRENCH
 - 48. EXISTING UTILITY TRENCH
 - 49. EXISTING UTILITY TRENCH
 - 50. EXISTING UTILITY TRENCH
 - 51. EXISTING UTILITY TRENCH
 - 52. EXISTING UTILITY TRENCH
 - 53. EXISTING UTILITY TRENCH
 - 54. EXISTING UTILITY TRENCH
 - 55. EXISTING UTILITY TRENCH
 - 56. EXISTING UTILITY TRENCH
 - 57. EXISTING UTILITY TRENCH
 - 58. EXISTING UTILITY TRENCH
 - 59. EXISTING UTILITY TRENCH
 - 60. EXISTING UTILITY TRENCH
 - 61. EXISTING UTILITY TRENCH
 - 62. EXISTING UTILITY TRENCH
 - 63. EXISTING UTILITY TRENCH
 - 64. EXISTING UTILITY TRENCH
 - 65. EXISTING UTILITY TRENCH
 - 66. EXISTING UTILITY TRENCH
 - 67. EXISTING UTILITY TRENCH
 - 68. EXISTING UTILITY TRENCH
 - 69. EXISTING UTILITY TRENCH
 - 70. EXISTING UTILITY TRENCH
 - 71. EXISTING UTILITY TRENCH
 - 72. EXISTING UTILITY TRENCH
 - 73. EXISTING UTILITY TRENCH
 - 74. EXISTING UTILITY TRENCH
 - 75. EXISTING UTILITY TRENCH
 - 76. EXISTING UTILITY TRENCH
 - 77. EXISTING UTILITY TRENCH
 - 78. EXISTING UTILITY TRENCH
 - 79. EXISTING UTILITY TRENCH
 - 80. EXISTING UTILITY TRENCH
 - 81. EXISTING UTILITY TRENCH
 - 82. EXISTING UTILITY TRENCH
 - 83. EXISTING UTILITY TRENCH
 - 84. EXISTING UTILITY TRENCH
 - 85. EXISTING UTILITY TRENCH
 - 86. EXISTING UTILITY TRENCH
 - 87. EXISTING UTILITY TRENCH
 - 88. EXISTING UTILITY TRENCH
 - 89. EXISTING UTILITY TRENCH
 - 90. EXISTING UTILITY TRENCH
 - 91. EXISTING UTILITY TRENCH
 - 92. EXISTING UTILITY TRENCH
 - 93. EXISTING UTILITY TRENCH
 - 94. EXISTING UTILITY TRENCH
 - 95. EXISTING UTILITY TRENCH
 - 96. EXISTING UTILITY TRENCH
 - 97. EXISTING UTILITY TRENCH
 - 98. EXISTING UTILITY TRENCH
 - 99. EXISTING UTILITY TRENCH
 - 100. EXISTING UTILITY TRENCH



WETLAND DISTURBANCES

PROPOSED DISTURBANCE FEATURE	PROPOSED DISTURBANCE FEATURE	PROPOSED DISTURBANCE FEATURE
LV UTILITY TRENCH	LV UTILITY TRENCH	LV UTILITY TRENCH
AC TRENCH	AC TRENCH	AC TRENCH
SPARE PARTS CONTAINERS (4)	SPARE PARTS CONTAINERS (4)	SPARE PARTS CONTAINERS (4)
TRANSFORMER STATIONS	TRANSFORMER STATIONS	TRANSFORMER STATIONS
ACCESS ROAD WIDENING / ASCE	ACCESS ROAD WIDENING / ASCE	ACCESS ROAD WIDENING / ASCE
ROAD DISTURBANCE	ROAD DISTURBANCE	ROAD DISTURBANCE
TOTAL DISTURBANCE	TOTAL DISTURBANCE	TOTAL DISTURBANCE

MATCHLINE SHEET 7
MATCHLINE SHEET 6

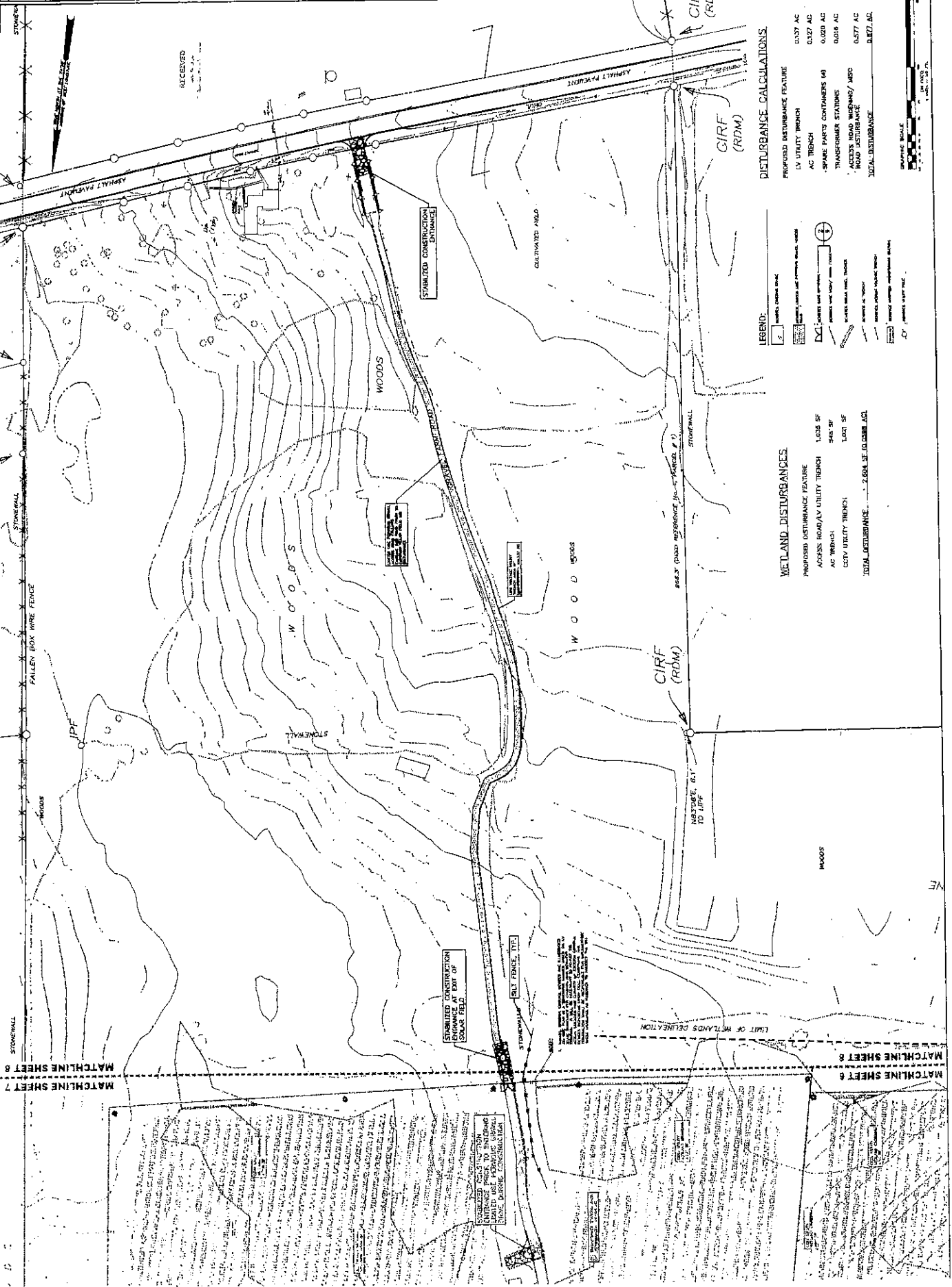
MATCHLINE SHEET 6
MATCHLINE SHEET 8





ENVIRONMENTAL PLANNING, INC.
1000 HARTMAN ROAD
FARMINGDALE, NY 11735
FEBRUARY 8, 2018

PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
APPLICANT: OAK HILL SOLAR 1, LLC / OAK HILL SOLAR 2, LLC
1550 CLARKSON ROAD
TOWN OF CLARKSON, NEW YORK



DISTURBANCE CALCULATIONS

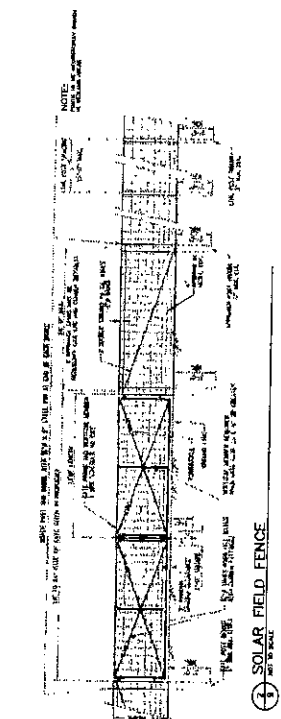
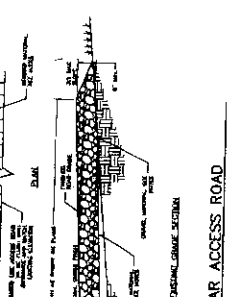
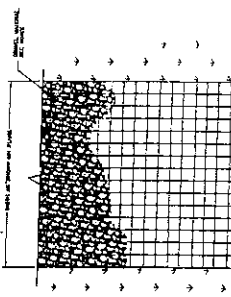
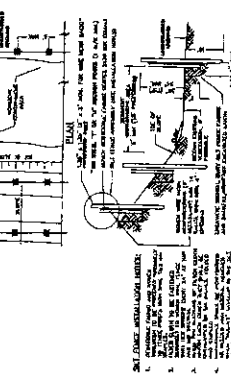
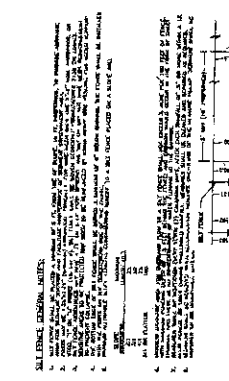
PROPOSED DISTURBANCE FEATURE	AC
LV UTILITY TRENCH	0.037
AC TRENCH	0.020
SPARE PARTS CONTAINERS (4)	0.018
TRANSFORMER STATIONS	0.018
ROADS, WALKWAYS, WDS	0.018
ROAD DISTURBANCE	0.018
TOTAL DISTURBANCE	0.137

LEGEND

- 1. EXISTING DISTURBANCE
- 2. PROPOSED DISTURBANCE
- 3. EXISTING ROADWAY
- 4. PROPOSED ROADWAY
- 5. EXISTING UTILITY
- 6. PROPOSED UTILITY
- 7. EXISTING FENCE
- 8. PROPOSED FENCE
- 9. EXISTING STONEWALL
- 10. PROPOSED STONEWALL
- 11. EXISTING WOODS
- 12. PROPOSED WOODS
- 13. EXISTING CULTIVATED FIELD
- 14. PROPOSED CULTIVATED FIELD
- 15. EXISTING SOYAN FIELD
- 16. PROPOSED SOYAN FIELD
- 17. EXISTING BUT FENCE
- 18. PROPOSED BUT FENCE
- 19. EXISTING LIMIT OF WETLANDS DELINEATION
- 20. PROPOSED LIMIT OF WETLANDS DELINEATION

WETLAND DISTURBANCES


PROPOSED DISTURBANCE FEATURE	AC
ACCESS ROAD/AV UTILITY TRENCH	1.035
AC TRENCH	0.020
CITY UTILITY TRENCH	1.021
TOTAL DISTURBANCE	2.076

[illegible][illegible][illegible]

3. SILT FENCE
NOT TO SCALE

STABILIZED CONSTRUCTION ENTRANCE

9 of 10



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP**
900 Route 146 Clifton Park, New York 12065
(516) 571-3521
edp@edp.com

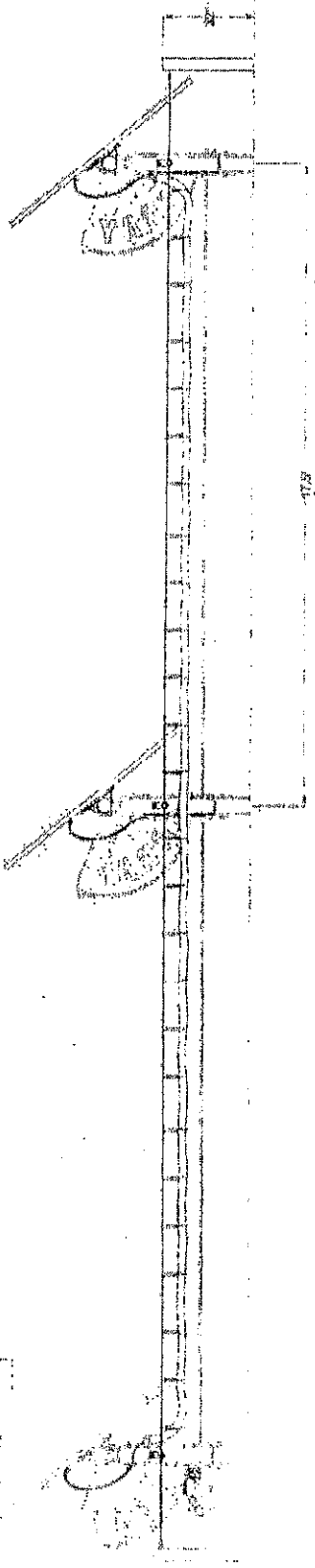
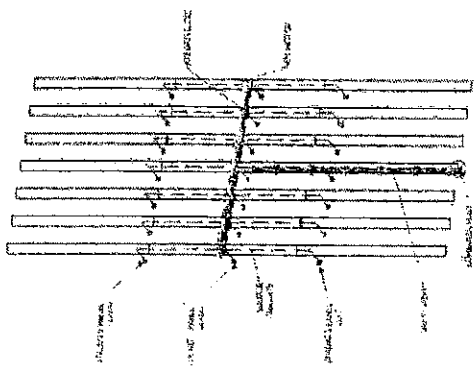
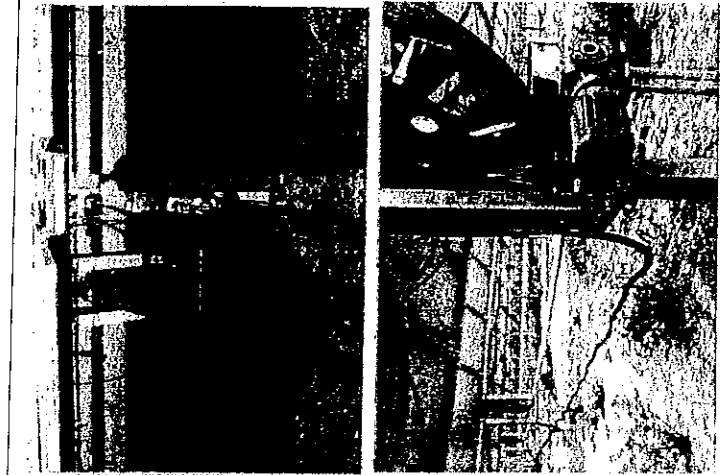
OAK HILL SOLAR
SOLAR FARM DETAILS FOR
13590 DUANESBURG RD
TOWN OF DUANESBURG
SCHENECTADY COUNTY
TAX MAP. NO. 74.00-2-5
AUGUST 8, 2019

REVISION	DATE	BY

SCALE: AS NOTED


SHEET TITLE:
ABOVE GROUND
WIRING DETAILS

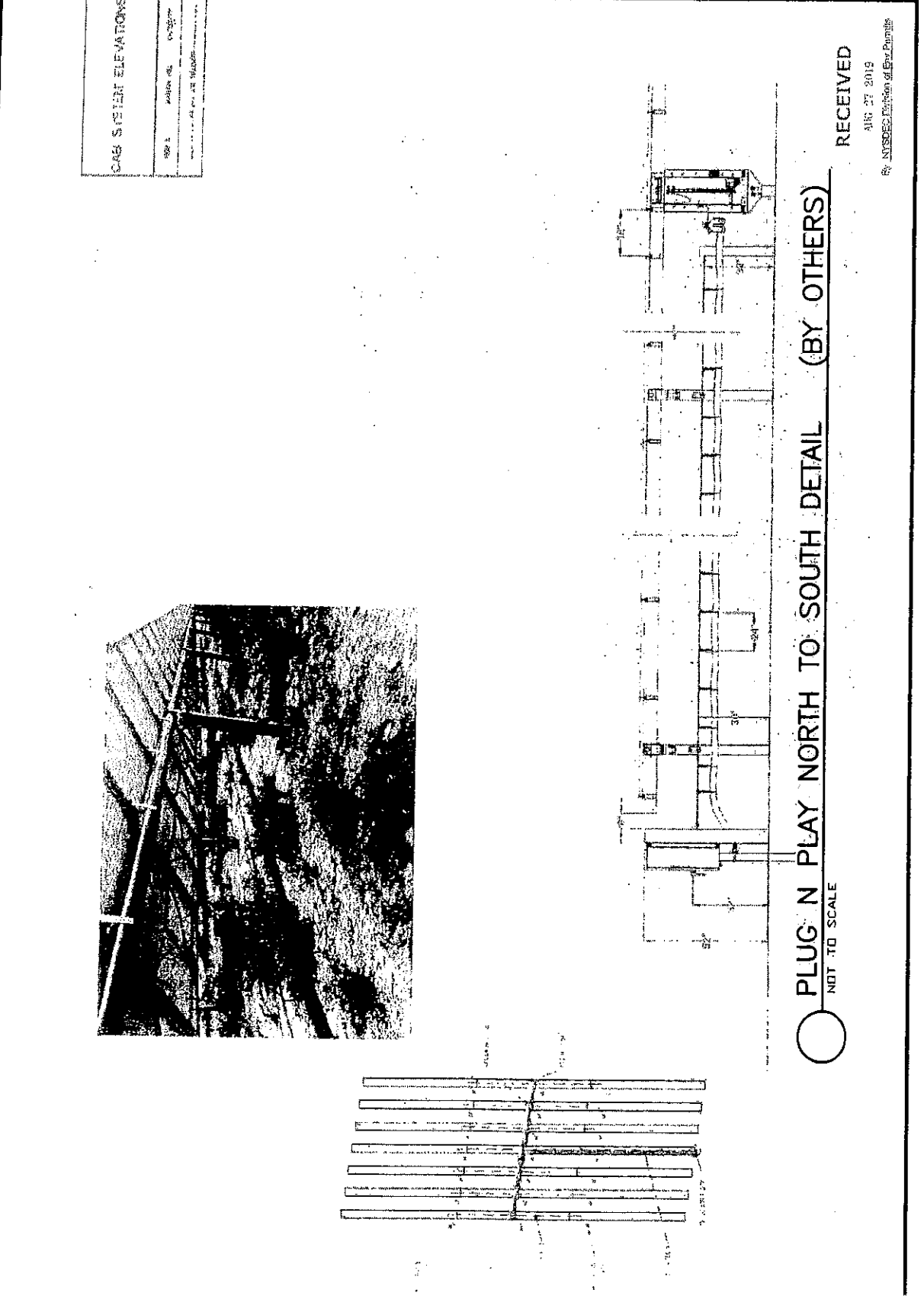
SHEET NO. 1 of 2



RECEIVED
AUG 27 2019
By: JNSOEG, Director of Eng. Practice

PLUG N PLAY EAST TO WEST DETAIL (BY OTHERS)
NOT TO SCALE

		13690 DUANESBURG RD TOWN OF DUANESBURG SCHENECTADY COUNTY TAX MAP, NO. 74.00-2-5 AUGUST 8, 2019	
13690 Duanesburg Road (Route 77) Schenectady County, New York 12065 (518) 371-1521 edp@epd.com		13690 Duanesburg Road (Route 77) Schenectady County, New York 12065 (518) 371-1521 edp@epd.com	



Attachment D



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Acting Commissioner

June 04, 2019

Mr. Paul Olund
R.L.A.
Environmental Design Partnership
900 Route 146
Clifton Park, NY 12065

Re: USACE
Eden Renewables Solar Farm Project
13590 Duanesburg Rd., Duanesburg, NY
18PR02968

Dear Mr. Olund:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York State Environmental Conservation Law Article 8).

We have reviewed the report entitled "Phase I Archaeological Investigation, Oak Hill Solar Farms, NY-7 / Duanesburg Road, Town of Duanesburg, Schenectady County, New York" (May 2019). No archaeological resources were identified during the survey. SHPO has no concerns regarding the project's potential to affect historic architectural resources. Therefore, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please refer to the SHPO Project Review (PR) number noted above. If you have any questions I can be reached at 518-268-2186.

Sincerely,

Tim Lloyd, Ph.D., RPA
Scientist - Archaeology
timothy.lloyd@parks.ny.gov

via e-mail only

cc: G. Maruca, J. Divirgilio, and J. Geraghty

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

Attachment E



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

August 02, 2019

Consultation Code: 05E1NY00-2019-SLI-2864

Event Code: 05E1NY00-2019-E-08942

Project Name: Oak Hill Solar 1 and Oak Hill Solar 2

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>

eagle_guidance.html). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2019-SLI-2864

Event Code: 05E1NY00-2019-E-08942

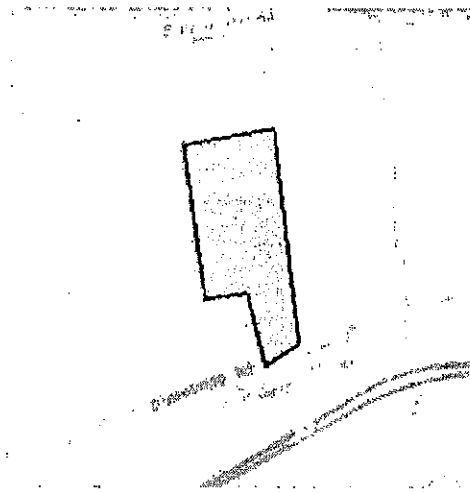
Project Name: Oak Hill Solar 1 and Oak Hill Solar 2

Project Type: POWER GENERATION

Project Description: Installation of a land based renewable energy facility

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.72961306699949N74.25300086498007W>



Counties: Schenectady, NY

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i>	Threatened
No critical habitat has been designated for this species.	
Species profile: https://ecos.fws.gov/ecp/species/9045	

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

17 March 2022

Pamela Rowling

pamelarowling@yahoo.com

Owner Parcel Tax ID 74.00-3-19

71.4 acres property abutting proposed Oak Hill Solar 2, LLC

Jeffery Schmitt, Chair, Planning Board

Town of Duaneburg

5853 Western Turnpike

Duaneburg, NY 12056

Transmitted via email: jhowe@duaneburg.net, mdeffer@duaneburg.net,
jschmitt@duaneburg.net

Hard copy to follow. Please add to official minutes of Planning Board Meeting 17 March 2022.

17 March 2022

RE: Existing Conditions Tax Parcel 74.00-3-19

Dear Jeffery Schmitt and Planning Board Members,

Please find attached three (3) color images with annotations depicting the existing conditions for the Western property line for my parcel Tax ID 74.00-3-19.

These images show the views from my lands towards the Proposed Oak Hill Solar 1 (tax ID 74.00-2-5.2), LLC and Oak Hill Solar 2, LLC (tax ID 74.00-2-5.1).

We continue to oppose the construction of the Oak Hill Solar facility and in particular Oak Hill Solar 2, LLC that abuts our property line. Storm water runoff appears to not be thoroughly addressed in the SWPPP uploaded to Amp drop box 7 March 2022 indicating water goes "off site".

Baseline noise levels recorded on my phone with the NOISH app are 27-32 dBA at my property line facing the proposed Oak Hill Solar. The Applicants Noise Analysis may omit some noise generating equipment. The Applicants Noise Analysis indicates 4 DC-DC converters of a total of

17 March 2022

twenty (20) DC-DC Converters indicated on the approved site plan; four (4) HVAC units are indicated but plans indicate each battery container has two (2) HVAC units for a total of eight (8). There are also 215 Solar panel tracking motors each generating 70 dBA at site. These depictions may be incorrect. This faces my property line. Noise Analysis has been based on computer modeling (DBMT) and has stated that noise levels at property lines will not exceed 50dB which already reflects a considerable increase from my baseline measurements. I request that the Board consider solar law 3.j in relation to noise. Any increase beyond the verified baseline of 27-32 dBA at the property line may be in violation of local law.

Thank you for your attention to these important matters.

Pamela Rowling

Owner 71.4 acres

Tax ID 74.00-3-19

IMAGE 3

March 11, 2022

View from 74.00-2-19, Lands of Rowling
To the southwest towards
74.00-2-5.1, Oak Hill Solar 2, LLC and
74.00-2-5.2, Oak Hill Solar 1, LLC



Rowling to Planning Board
March 11, 2022

IMAGE 2

March 11, 2022
View from 74.00-2-19, Lands of Rowling
To the south west
74.00-2-5.1 Oak Hill Solar 2, LLC
74.00-2-5.2 Oak Hill Solar 1, LLC
Existing conditions of hayfields on parcel 74.00-3-19

74.00-2-5.2
Oak Hill Solar 1, LLC

74.00-2-5.1
Oak Hill Solar 2, LLC

74.00-3-18
Biggs

74.00-2-11.2
Murray

74.00-2-224.1
Barnes

74.00-3-19
Rowling

N

Rowling to Planning Board
March 11, 2022

IMAGE 1

March 11, 2022

View from 74.00-3-19 Lands of Rowling
to the southwest towards

74.00-2-5.1 Oak Hill Solar 2, LLC

74.00-2-5.2 Oak Hill Solar 1, LLC

Existing conditions of hayfields on parcel 74.00-2-19

