

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member
Christopher Shoemaker, Board Member
Michael Santulli Alternate Board Member

Town of Duanesburg
Planning Board Minutes
November 19th, 2020
Final Copy

RECEIVED
DEC 18 2020
TOWN OF DUANESBURG
TOWN CLERK

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

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting at 7:01. Jeffery welcomed everyone to tonight's Planning Board meeting.

ROLL CALL: Schmitt yes, Rulison yes, Santulli yes, Williams yes, Harris yes, Houghton yes, Novak yes. **Approved.**

OPEN FORUM:

Schmitt/Rulison made a motion to open the open forum.
Schmitt yes, Rulison yes Santulli yes, Williams yes, Harris yes, Houghton yes, Novak yes.
Approved.

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

Susan Biggs located at 13388 Duanesburg Rd (**Please see attachment**)

Schmitt/Rulison made a motion to close the open forum.
Schmitt yes, Rulison yes Santulli yes, Williams yes, Harris yes, Houghton yes, Novak yes.
Approved.

PUBLIC HEARINGS:

#20-21 Kagas, Spiro: SBL#53.00-1-29.22, (C-1) located at 9898 Western Turnpike is seeking a Special Use Permit for a two-family dwelling under section 3.5.60; section 11.4(11) of the Town of Duanesburg Zoning Ordinance.

Town Hall • 5853 Western Turnpike • Duanesburg, NY 12056 • (518) 895-8920

Over➔

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

Schmitt yes, Williams yes, Santulli yes, Rulison yes, Harris yes, Houghton yes, Novak yes.

Approved.

Mr. Kagas gave his presentation to the Public. Spiro explained he would like to turn a existing structure on his property into a one bedroom in-law apartment. It will be located behind the car wash but will have a shared driveway. The Apartment will share a septic, well and electric with the current house on the property.

Maura Balog 10007 Western Turnpike stated she lives across the street from Mr. Kagas car wash business and would like to know is the Plan

Mr. Kagas explained that the structure is already existing, and its towards the back of the property.

Williams/Santulli made a motion to close the public hearing for the #20-21 Kagas, Spiro application.

Williams yes, Santulli yes, Rulison yes, Schmitt yes, Harris yes, Houghton yes, Novak yes.

Approved.

Schmitt/ Rulison made a motion to declare a Type II SEQRA action and to approve the Special Use Permit application for #20-21 Kagas, Spiro.

Schmitt yes, Rulison yes, Santulli yes, Williams yes, Harris yes, Houghton yes, Novak yes.

Approved.

OLD BUSINESS:

#20-18 Iseman Re-Subdivision: SBL#75.12-1-5.12 and 75.12-1-5.11, (H and R-2) located at 2300 Main St and 10284 Duanesburg Rd is seeking a Minor Subdivision under section 3.4 and a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Joseph Bianchine from ABD Engineering is representing the Iseman's and Denny's. Joe explained that they have received the letter from SHPO, and they have no concerns with the subdivision.

Novak/Harris made a motion as lead agency the Town of Duanesburg Planning Board determine it is a Type I action in SEQR review process.

Novak yes, Harris yes, Houghton yes, Schmitt yes, Williams yes, Santulli yes, Rulison yes.

Approved.

Schmitt/Novak made a motion to approve holding a public hearing on December 17th, 2020 for the application of #20-18 Iseman Re-Subdivision.

Schmitt yes, Novak yes, Houghton yes, Harris yes, Rulison yes, Santulli yes, Williams yes.

Approved.

NEW BUSINESS:

#20-22 Dixon, Stephanie: SBL#55.00-4-27.2,(C-1) Located at 6404 Duanesburg Rd is seeking a Special Use Permit under section 11.4(10) of the Town of Duanesburg Zoning ordinance to construct a single-family home in a (C-1) Commercial zoning district. Both Stephanie Dixon and Mark Brown are representation for the application, they explained that Stephanie would like to build a single-family modular home on 2.5 acers that she has recently purchased. Miss Dixon did already apply for a building permit and was told she need to provide a foundation plan as well as a special use permit. The home does meet all the setbacks, will have a gravel driveway, and be hooked up to town sewer. Town Attorney explained to Miss Dixon and Mr. Brown that because Stephanie is building in a C-1 Zoning District there is potential for commercial use buildings to be built next to or near her parcel. Both Stephanie and Mark understand the possibility.

Harris/Houghton made a motion to approve holding a public hearing on December 17th, 2020 for the application of **#20-22 Dixon, Stephanie**.

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

SKETCH PLAN REVIEW:

#20-17 Gemmiti, Paul: SBL#52.00-1-12.221, (R-2) located at 1756 McGuire School Rd is seeking a 3 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance.

No representation for the application was in attendance and a complete application was not submitted. **#20-17 Gemmiti, Paul** application was tabled until December 17, 2020 meeting.

MINUTES APPROVAL:

Schmitt/Williams made the motion to approve the September 17th, 2020 Planning Board minutes with one minor spelling corrections

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

OTHER:

Town Attorney explained the next steps of the Comprehensive Plan. The Town Board has been reviewing the Comprehensive Plan and still are looking at one of the provisions and are not ready for a public hearing yet, but will be most likely ready to set one at next month's meeting (December) for a public hearing in January.

Also, the Eden Renewable Case is still in front of the appeal a division third department. The Judges are reviewing the record and they are going to rule on the article 78 proceeding. The procedure followed by the board in approving the Eden Renewable facility was followed and the approval of the 2 proceeding solar projects. One was built and one was abandoned. The Board hired a independent engineer who is a professional engineer who is licensed by the State of New York he also gave you his professional opinion on the adequacy of the application. The Planning Board does this for every application just like we did for the Stewarts application. Not only did the board have several public hearings on the project they also reviewed the project for at least a

year and a half perhaps 2 years. The Board took a lot of time to ensure the applicant followed the correct procedures, in addition to that there was a site visit done before a decision was made by at the time Chairman Phill Sexton and Vice Chairman Jeffery Schmitt (Now Current Chairman). The Planning Board is not required to do a site visit, but they did one. So every comment and concern that was raised in the public hearings were addressed before the Board made their decision. The battery storage is shown on the approved plans by the Planning Board. Along with the inverters that are shown on the electrical drawings and the engineer drawings for the facility. The Planning Board Clerk has bent over backwards to provide every piece of information and every document on several occasions. For a small rural town, does a wonderful job in getting agendas and minutes posted to the town website, piratically in this unique pandemic time. The Town has made documents available to the public in a timely fashion. All projects that require a public hearing have one. There are notices that go out in a timely manner into the public newspaper as it is a state law. In addition, the Town law provides for notices to go to neighbors to whom it is most likely going to affect to see what is going on. Town Attorney would just like to say that the Board and Clerk have done their job, and a great one at that. The Planning Board is the one that has to apply the law where the Town Board are the ones who make the law. At this point in time it is up to the judges and we will hear what they have to say.

ADJOURNMENT:

Schmitt/Rulison made the motion **to adjourn**.

Schmitt yes, Rulison yes, Santulli yes, Williams yes, Harris yes, Houghton yes, Novak yes.

Approved.

Lynne Bruning
PO Box 160
Quaker Street, NY 12141
720-272-0956
lynnebruning@gmail.com

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

November 19, 2020

Transmitted via email to: mdeffer@duanesburg.net, jschmitt@duanesburg.net,
rtidball@duanesburg.net

Re: Access to planning board application records

Dear Chairman Schmitt,

Please include my statement in the official record of tonight's planning board minutes as found on the town website. For the clerks convenience I have emailed my statement to the Planning Department Clerk.

Supporting documents for the November 19, 2020 Planning Board agenda were not provided on the town website or with the draft agenda. This lack of information prevents the residents from fully understanding the projects under discussion. Failure to provide sketch plans, site plans, and other application documents prohibits residents from submitting informed and timely comments on our community development. This is especially important when the Planning Board is conducting Public Hearings such as tonight's Case 20-21 for a two family dwelling at 9898 Western Turnpike.

This lack of information and community involvement may lead to litigation. It is without questions that a primary cause for the Biggs v Eden Renewables, Richard Murray and Duanesburg Planning Board, Case 531440 currently presiding in State of New York Supreme Court Appellate Division Third Judicial Department, was due to the Planning Board and Planning Departments lack of transparency, accountability and equitable distribution of the Planning Board meeting minutes and Oak Hill Solar 1 & 2 application documents.

I first learned of this proposed solar power plant on July 11, 2019 from a one page xeroxed notice for a public hearing. I visited the planning department to view the application documents and was informed by the clerk that she wasn't sure if I was allowed to view the application folder. I informed her of Freedom of Information and she again denied me access to the

documents. This restriction of public information could have been prevented by posting the application online.

Online documents also provide clarity of the application record. The Town's submission to the Court for the Biggs v Eden official record includes over 100 pages for the March 11, 2019 stormwater pollution prevention plan for the lands of Charles Rhoades on Alexander Road. This SWPPP is unrelated to the Oak Hill Solar application. Additionally, the record curiously contains NYSEDA documents signed by the town planner Dale Warner on October 4, 2019 essentially changing Oak Hill Solar projects scope and scale to include 10MW of battery storage when the Application, Approved Resolution, Site Plan, and Negative Declaration do not mention or locate battery energy storage at the Project site.

Other towns in New York assemble application information in drop box folders allowing concerned citizens to access the organized documents online at any time during the review process. For example:

Town of Schoharie 117 Bliss Road Solar Power Plant submitted by Borrego Solar
<https://borregosolar.app.box.com/s/ljhw7n91z5v3fcfjxqgt7ohoui9w325s>

Town of Clifton Park Hubbs Road Solar Power Plant submitted by Active Solar
https://www.dropbox.com/sh/4s44scidktstmel/AACgo8cuQKtc9f4qIPGJiCR0a/New%20Submittal%20for%20Hubbs%20Road%20Solar?dl=0&subfolder_nav_tracking=1

Please provide Planning Board documents online for all citizen's to review prior to Public Hearings and Planning Board meetings. During these extraordinary times COVID-19 restrictions prevents citizens from reviewing documents at Town Hall. Online files are the best method to allow all residents to be informed of town actions and to be included in the decision making process. If the town and planning boards are transparent, accountable and equitable the likelihood of litigation will be diminished.

Thank you for your time and service to the citizen's of Duanesburg.

Respectfully,

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

Susan Biggs
PO Box 160
Quaker Street, NY 12141
azurevista@hotmail.com

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

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November 19, 2020

TOWN OF DUANESBURG
TOWN CLERK

Transmitted via email to: mdeffer@duanesburg.net, jschmitt@duanesburg.net,
rtidball@duanesburg.net

Re: Planning Boards lack of oversight of Oak Hill Solar 1 & 2 application

Dear Chairman Schmitt,

Please include my statement in the official record of tonight's planning board minutes as found on the town website. For the clerks convenience I have emailed my statement to the Planning Department Clerk.

The Oak Hill Solar 1 & 2 application documents contain numerous errors and omissions including, but not limited to:

1. The September 19, 2019 meeting minutes reflect that town engineer, Doug Cole of Prime AE, said "he reviewed the glare study and it met all requirements of the Local Law." *see* Exhibit A However, the application documents do not contain a glare study. In fact the only reference to glare, beyond numerous letters of concern from residents, is found in the July 9, 2018 letter from Eden to the planning board indicating a submission of documents to the Federal Aviation Administration (FAA) for aeronautical concerns. *see* Exhibit B

Lynne Bruning's October 12, 2019 Freedom of Information request to the FAA provided a "DETERMINATION OF NO HAZARD TO AIR NAVIGATION" for Oak Hill Solar confirming that Eden did not provide a glare study for the abutting parcels and roadways. *see* Exhibit C

2. The town engineer's September 10, 2019 correspondence to the planning board reflects that the decommissioning fund "is reasonable for the proposed system". *see* Exhibit D Additionally, the September 19, 2019 meeting minutes reflect that "Doug also reviewed the decommissioning study and in his professional judgement the decommissioning study satisfies the requirements of the solar law and is reasonable in the amount of money." *see* Exhibit A

September 9, 2019 Eden submitted a Decommissioning Plan to the Town that includes a decommissioning summary chart on page 4. This chart does not include the removal of ground screws and power poles. It does not include trucking for any debris off-site. *see* Exhibit E This is in conflict with NYSEDA guidelines as found on page 5 which includes the removal of all ground screws, power poles and provides trucking of debris off site. The town engineers recommendation and the planning board's approval allows Eden to leave an unspecified number of ground screws, power poles, transmission lines in position and permits ALL debris to be left on site. Will the land owner be responsible for the cost to remove the debris or will the town pass the expense on to the taxpayers?

3. Eden's application omits electrical diagrams for single line, three line, and tracking panel drawings for the solar power plant. Specification sheets for required electrical equipment and photovoltaic panels are not found in the application documents. Safety, noise, layout, and product quality of the the electrical system and photovoltaic panels was not reviewed.

Why didn't the planning board give the application a long hard look? My September 19, 2019 letter to the planning board stated that the court has upheld the rulings that the SEQRA lead agency should not defer analysis of the project's impact to professionals or agencies. *Brondor v Town Board of Warren (2017)*. *see* Exhibit F Without a doubt, the Planning Board is ultimately responsible for the application's accuracy and completeness.

It appears that the town engineer permitted numerous errors and overlooked omissions in Eden Renewables application for the Oak Hill Solar power plant. Residents notified the planning board of their concerns about the applications inadequacies for glare, decommissioning, electrical layout, and stormwater prevention.

Why did the planning board fail to verify the application and protect the town even when residents submitted their multitude of concerns in writing?

How will the town pay for potential damages to town roads and abutting parcels during construction and the lifetime of the project?

Will the town engineer be held accountable for his errors and omissions?

I look forward to your response in writing.

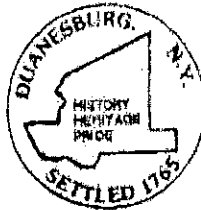
Respectfully,

Susan Biggs
azurevista@hotmail.com

EXHIBIT

A

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

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

Town of Duanesburg
Planning Board Minutes
September 19, 2019
Final Copy

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

INTRODUCTION: Chairman Phillip Sexton opened the meeting at 6:58pm. Phillip welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM: Chairman Sexton opened the forum and no member of the public spoke

Sexton/Schmitt made the motion to close the open forum at 7:00.

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

Sexton/Williams made a motion to alter the agenda by moving the sketch review application of **#19-14 Linda Balfour, Emilie Cashdollar, Jeannette Coppola, Louise Healey, and Claude Hebert** to the beginning of the agenda.

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

SKETCH PLAN REVIEW:

#19-14 Linda Balfour, Emilie Cashdollar, Jeannette Coppola, Louise Healey, and Claude Hebert, SBL#43.00-2-17.31 (R-2) located at 518 Hillman Rd is seeking a Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Emilie Cashdollar who lives on Skyline Drive gave her presentation to the board. Emilie informed

the board that there is 157 Acres that the family would like to subdivide into 4 lots. On the East side of Hillman Rd is approximately 86 acres that they would like to make into 2 parcels. One of the parcels will be 2.3 acres (lot 4) and the other will be 83 acres (lot 1). Lot 1 will have approximately 83 acre and have a pole barn which is already preexisting on the property. Lot 4 consisting of 2.3 acres has a preexisting house which is 518 Hillman Road. The West side of Hillman Rd they have approximately 68 acres that will be split into 2 parcels as well. Lot 3 will be 3.2 acres there are 2 buildings already on the parcel which are *considered 243 and 247 Hillman Road. The residences on the North side of the property* are interested in having approximately 2 acres merged with their adjacent property. Lot 2 will have approximately 53 acres. All 4 of the lots have frontage and meet the acreage requirements. Lot 1 will need an area variance for the pole barn that's behind lot 4. In all they are looking to create 4 lots and have 1 lot line adjustment.

PUBLIC HEARINGS:

None

New Business:

#19-13 Lucks Andrew: SBL#66.00-3-4.1, (H) located at 5456 Western Turnpike is seeking a Special Use Permit for a retail business under the Town of Duaneburg Zoning Ordinance adopted 6/11/15 under section 9.4.(15). Andrew Lucks gave his presentation to the board. Andrew is looking to relocate his business Outlander Survival from 6721 Duaneburg Rd to 5456 Western Turnpike. They will be in the same zone as they are in now. Andrew explained to the board how he will up grade the building with security, fix the parking lot and even reface the building eventually. Andrew is leasing for now from Bruce O'Day who will be going to have the property subdivided. Once the property is subdivided Andrew will be purchasing.

Novak/Schmitt made a motion based on the discussion of the Planning Board the action is a Type II action pursuant to SEQRA and exempt from further review.

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

Approved.

Novak/Sexton made a motion to hold a Public Hearing for the **Lucks Andrew:** SBL#66.00-3-4.1, application for the amendment of his Special Use Permit and to show improvements that will be made to the building on **October 17, 2019.**

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

Approved.

Old Business:

#19-09 Hoelzli Andrew: SBL#53.00-1-19.1 (R-2) located at 9276 Western Turnpike is seeking a Minor subdivision under section 3.4 of the Town of Duaneburg Subdivision Ordinance. Andrew gave his presentation to the board explaining that the campers have been removed and the debris been mostly cleaned up and still in the process.

Sexton/Rulison made a motion to approve the minor subdivision of **#19-09 Hoelzli**.
Andrew: SBL#53.00-1-19.1 (R-2) located at 9276 Western Turnpike conditioned upon the cleanup of the debris that was left from the campground site, along with receiving the mylar.
Sexton yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Harris yes, Houghton yes.
Approved.

#19-06 Miner. Bill: SBL# 68.00-2-25.4(C-2) located 2054 Western Turnpike is seeking a Minor subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance and Amendment to an Existing Special Use Permit to add additional storage Units. Eric has received the permit from Army Corp. DEC is still reviewing the application and has not yet issued a permit.

Williams/Novak made a motion to approve the Special Use Permit for additional storage units **#19-06 Miner. Bill:** SBL# 68.00-2-25.4(C-2) application contingent upon getting the DEC permit and using the existing access through the storage facility.

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

#19-12 Murray. Richard/Eden Renewables: SBL# 74.00-2-5, (R-2) located 1206 Oak Hill Rd is seeking a Special Use Permit under Local Law # 1-2016 of the Town of Duanesburg Zoning Ordinance. Doug Cole from Prime AD Group of New York introduced himself and explained that he has been working on this project for over a year now as the Town Planning Board's designated engineer for this project and he reviewed the glare study and it met all the requirements of the Local Law. Doug also reviewed the decommissioning study and in his professional judgement the decommissioning study satisfies the requirements of the solar law and is reasonable in the amount of money. In addition, Doug reviewed the Stormwater Pollution Prevention Plan to ensure it met all DEC requirements.

Esperance Volunteer Fire Chief Mr. Deffer responded and reconfirmed that the access driveway is okay to use. The Vacant house that Richard Murray owns that is on the property will be taken down, but the barn and silo will be staying that's a crossed the road. Construction working hours will be from 7am to 5 pm. For evergreen visual screening the board would like:

1. Trees will be planted 20 feet on center staggered.
2. A mix of Spruce and Fir.
3. A targeted height of roughly about 6-8 feet.
4. 1600 feet to the end of the property line long.

A maintenance agreement if the trees die, they must replace them.

The Planning board re-reviewed the Negative Declaration with a few additions offered by Elizabeth Novak and a draft copy of the resolution re-affirming and re-approving the negative declaration and the Project was read aloud for the record and was revised by the

Town Planning Board as shown in the attached final resolution which has been filed in the Town Clerk's Office.

The resolution was moved by Sexton and seconded by Harris and Sexton yes, Harris yes, Houghton yes, Williams yes, Novak yes, Schmitt yes, Rulison yes. **APPROVED**

MINUTES APPROVAL:

Harris/Houghton made the motion to approve the August 15th, 2019 Planning Board minutes with one minor correction.

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

Sexton/Harris made a motion to go into **executive session to seek advice of counsel in connection with potential litigation associated with a subdivision approved back in 1999.**

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

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

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

ADJOURNMENT:

Harris/Novak made the motion to adjourn at 9:46pm.

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

EXHIBIT

B



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**

990 Route 148 Clifton Park, NY 12065
(P) 518.371.7621 (F) 518.371.5640 edp@edp.com

July 9, 2018

 ORIGINAL

Mr. Donnis O'Malley
Planning Board Chairman

Town of Duaneburg
Planning and Zoning Office
5853 Western Turnpike
Duaneburg, NY 12058

Regarding: Eden Renewables
Oak Hill Solar Projects
Duaneburg Road

Dear Chairman O'Malley:

During the Planning Board's May 17, 2018 meeting the Applicant, Eden Renewables, presented conceptual Subdivision and Site Plans in support of a solar project located on Duaneburg Road approximately 0.5 miles west of Youngs Road. The project includes two (2) 5 MW photovoltaic solar arrays each situated on their own parcel of land.

The prior conceptual application included a three (3) lot Major Subdivision Application with each solar parcel situated on approximately 50 acres of land and the balance of the property on a third undeveloped parcel. The previous application also included the removal of existing vegetation that exceeded the Town's Solar Energy Facilities Law.

The application has been revised to include a two (2) lot Minor Subdivision and a lot line adjustment with an adjoining parcel that allows the project to proceed minimizing the need for clear cutting existing vegetation. In support of the revised application, enclosed please find the following information, prepared on behalf of Eden Renewables, for a two (2) 5 MW photovoltaic solar array located on Duaneburg Road.

- 2 full size and 10 reductions of the proposed plan sheets including:
 - o Lot Line Adjustment Plan
 - o Minor Subdivision Plan
 - o Site Plan
- 12 copies of a revised subdivision application
- 12 copies of revised Site / Sketch Development Plan Application
- 12 copies of a revised Long Environmental Assessment Form
- 12 copies of a draft decommissioning plan
- 12 copies of conceptual DOT approval of the cut & cut

We would like to thank you and the Planning Board for your time and effort in reviewing this application and for your assistance in the process.

Representatives of Eden Renewables met with Mr. Donnis O'Malley on June 11, 2018 to discuss the application and receive guidance following the May 17, 2018 Planning Board meeting. During the meeting with Mr. O'Malley and Mr. Lopus were discussed and information requested as a condition of flow.

Mr. Dennis O'Malley
July 9, 2018

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
Shaping the physical environment

1. Decommissioning Plan – Eden Renewables has provided the attached decommissioning plan
2. Noise Evaluation – Information from the proposed transformer equipment supplier indicates anticipated peak NEMA TR-1 noise levels of 82 db. Based on conceptual equipment layout for the solar fields we anticipate that the transformers will be situated 200 feet or more from any property line. Given the operational noise level of 82 db and separation distance to the property line, transformer noise levels will be attenuated to approximately 13 db at 300 feet. Typical background noise for "quiet rural areas" is reported as 30 db; the proposed transformers will have no discernable impact on noise levels at the property line.
3. Appropriate 911 signage will be included on the detailed site plans.
4. Construction access will be via an existing agricultural use curb cut. EDP has received conceptual approval for the use of this access point from NYSDOT. NYSDOT approved maintenance and protection of traffic details will be included with the detailed Site Plan set and reviewed by NYSDOT prior to issuance of a Work Permit to the Contractor.
5. NYSDOT provided the attached conceptual approval of the proposed curb cut for site access. As noted above, the NYSDOT will review and approve relevant details of the Site Plan prior to issuance of a Work Permit to the Contractor.
6. The perimeter of the solar fields will be fenced with a 6 ft high chain link fence.
7. With respect to glare from the solar fields, studies have shown that the anticipated reflection from the type of solar panels proposed for use in this project is similar to that of a calm lake. The primary concern with glare comes from aeronautical concerns. We do not anticipate a concern, however, the applicant has provided the Federal Aviation Administration (FAA) with details regarding the project and is awaiting a response which will be provided when available.

On behalf of the applicant we respectfully request that you place this item on the next available Planning Board agenda for a continued initial sketch / subdivision plan review. Please do not hesitate to contact our office if you have any questions or require additional information.

Sincerely,



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

cc: Giovanni Maruca, Applicant (via email)

EXHIBIT

C



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-AEA-3786-OE

Issued Date: 10/17/2018

Stephanie Puliafico
Eden Renewables
333 Broadway
Suite 460
Troy, NY 12180

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Oak Hill Solar I
Location:	Duanesburg, NY
Latitude:	42-43-37.00N NAD 83
Longitude:	74-14-59.00W
Heights:	1135 feet site elevation (SE)
	11 feet above ground level (AGL)
	1146 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 04/17/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

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If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AEA-8786-OE.

Signature Control No: 369136517-387675828

(DNE)

Darin Clipper
Specialist

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2018-AEA-8786-OE

Solar Farm

TOPO Map for ASN 2018-AEA-8786-OE



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-AEA-8791-01

Issued Date: 09/05/2018

Stephanie Puliafico
Eden Renewables
2270 River Road
Castleton-on-Hudson, NY 12033

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Oak Hill Solar 2
Location:	Duanesburg, NY
Latitude:	42-43-39.00N NAD 83
Longitude:	74-15-17.00W
Heights:	1154 feet site elevation (SE)
	11 feet above ground level (AGL)
	1165 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 03/05/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
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Signature Control No: 369137046-384243466

(DNE)

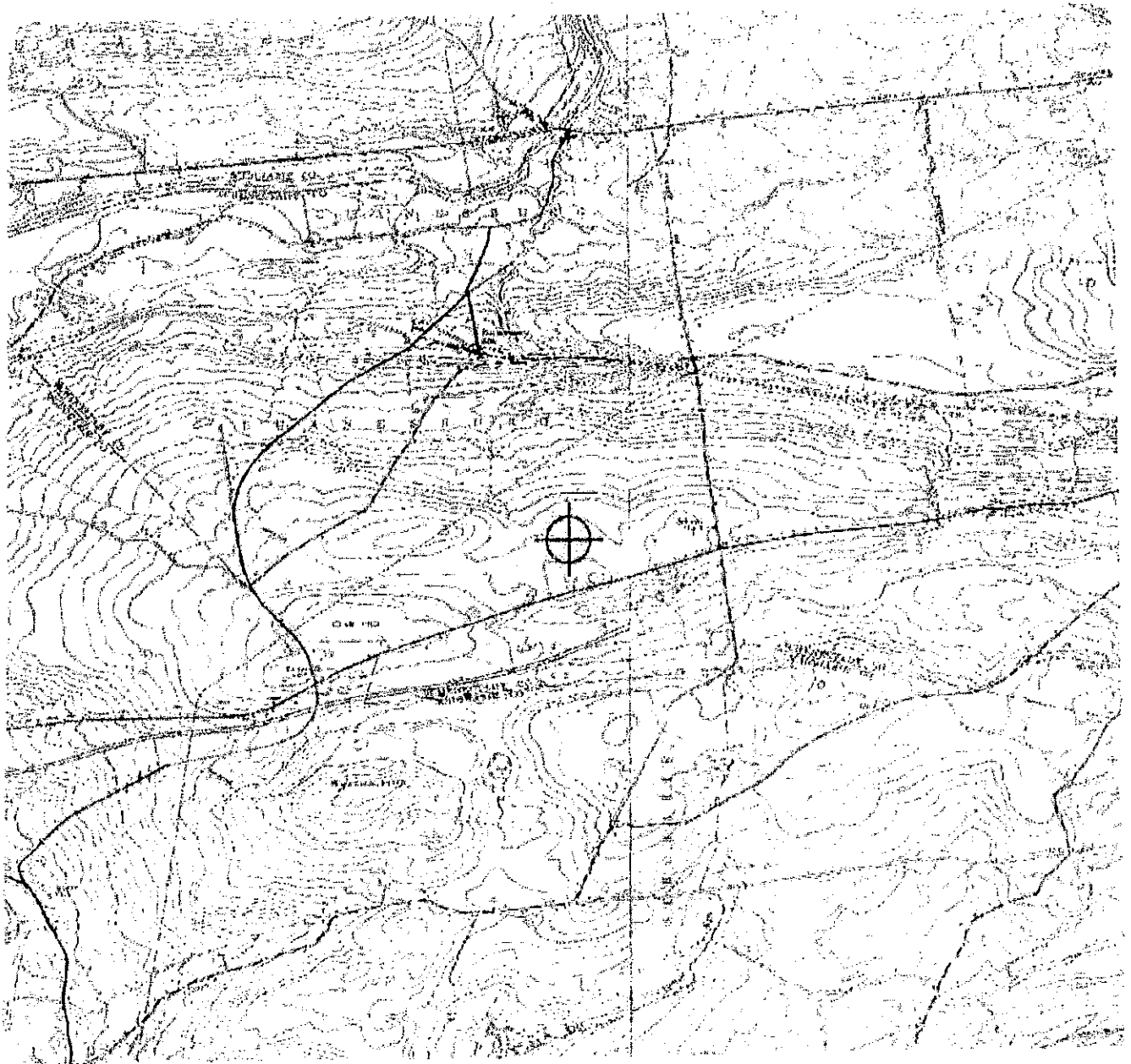
Darin Clipper
Supervisor

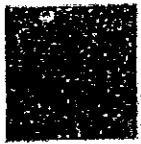
Attachment(s)
Case Description
Map(s)

Case Description for ASN 2018-AEA-8791-OE

Solar farm

TOPO Map for ASN 2018-AEA-8791-0E





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-AEA-8793-OE

Issued Date: 09/05/2018

Stephanie Puliafico
Eden Renewables
2270 River Road
Castleton-on-Hudson, NY 12033

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The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Oak Hill Solar 2
Location:	Duanesburg, NY
Latitude:	42-43-44.00N NAD 83
Longitude:	74-15-13.00W
Heights:	1145 feet site elevation (SE)
	11 feet above ground level (AGL)
	1156 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

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Signature Control No: 369137049-384243467

(DNE)

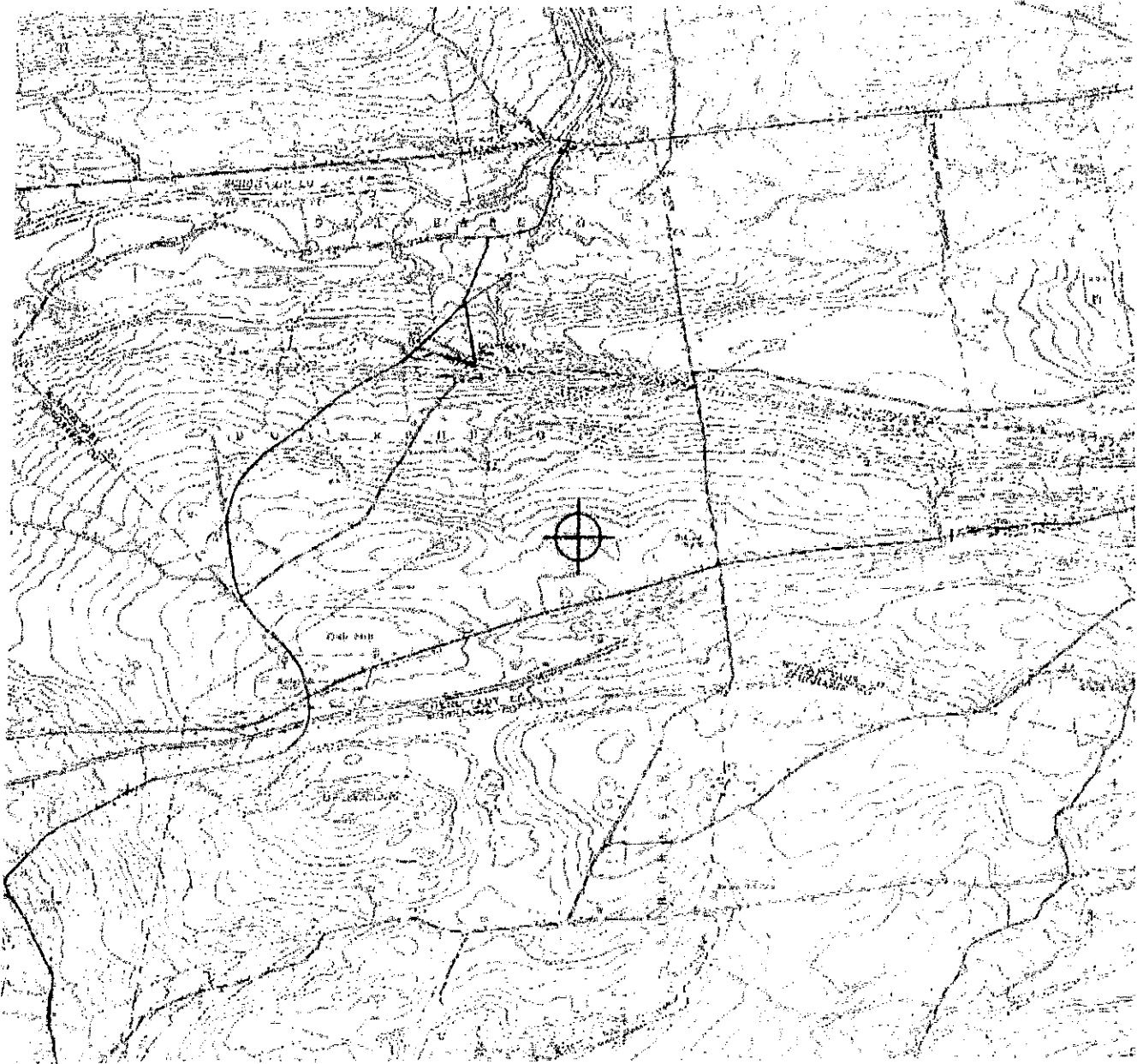
Darin Clipper
Supervisor

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2018-AEA-8793-OE

Solar farm

TOPO Map for ASN 2018-AEA-8793-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-AEA-8792 OF

Issued Date: 09/05/2018

Stephanie Puliafico
Eden Renewables
2270 River Road
Castleton-on-Hudson, NY 12033

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Oak Hill Solar 2
Location:	Duanesburg, NY
Latitude:	42-43-40.00N NAD 83
Longitude:	74-15-11.00W
Heights:	1145 feet site elevation (SE) 11 feet above ground level (AGL) 1156 feet above mean sea level (AMSL)

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Signature Control No: 369137047-384243465

(DNE)

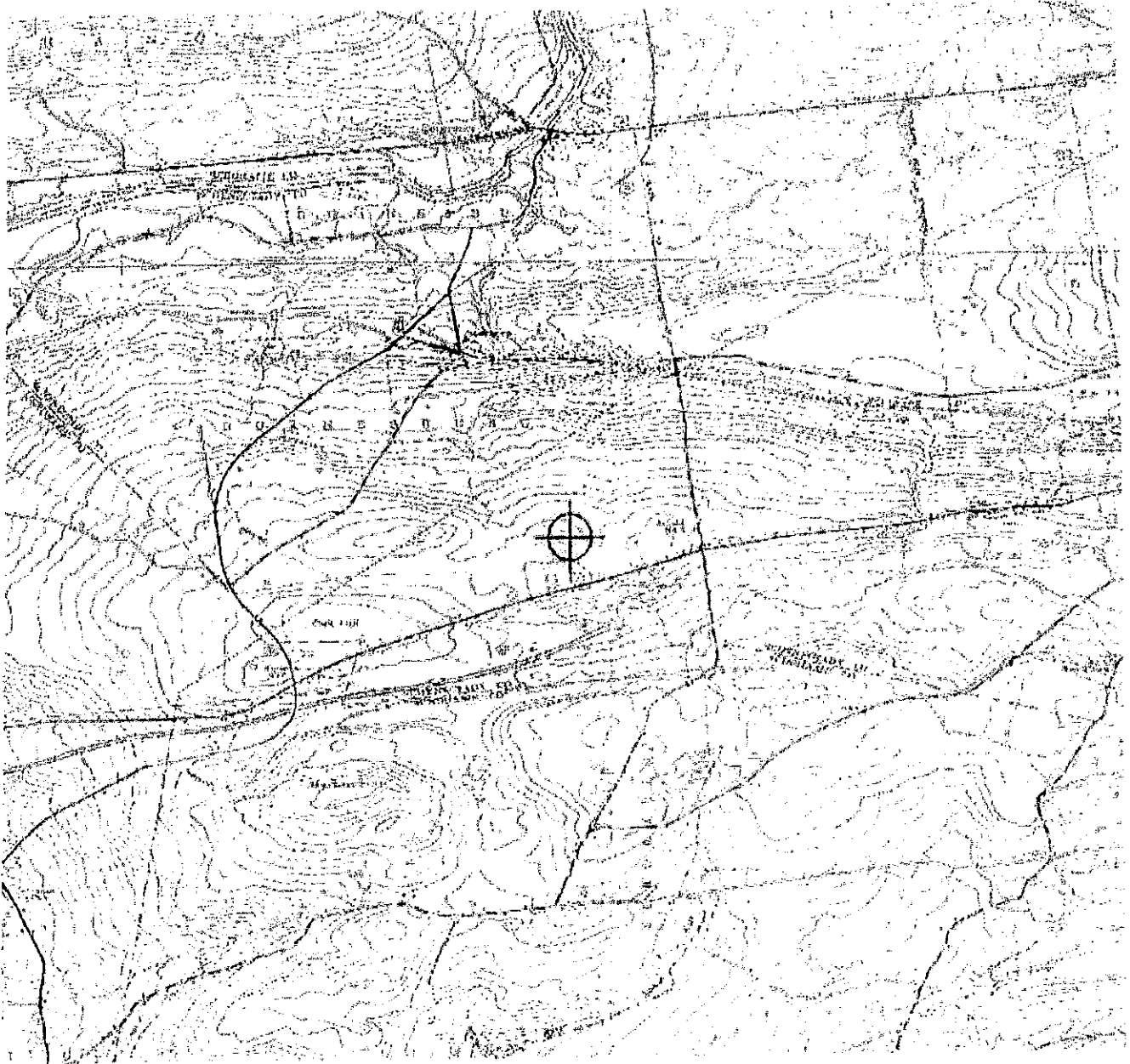
Darin Clipper
Supervisor

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2018-AEA-8792-OE

Solar farm

TOPO Map for ASN 2018-AEA-8792-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-AFA-8791-01

Issued Date: 09/05/2018

Stephanie Puliafico
Eden Renewables
2270 River Road
Castleton-on-Hudson, NY 12033

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Longitude:	74-15-18.00W
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Signature Control No: 369137050-384243468

(DNE)

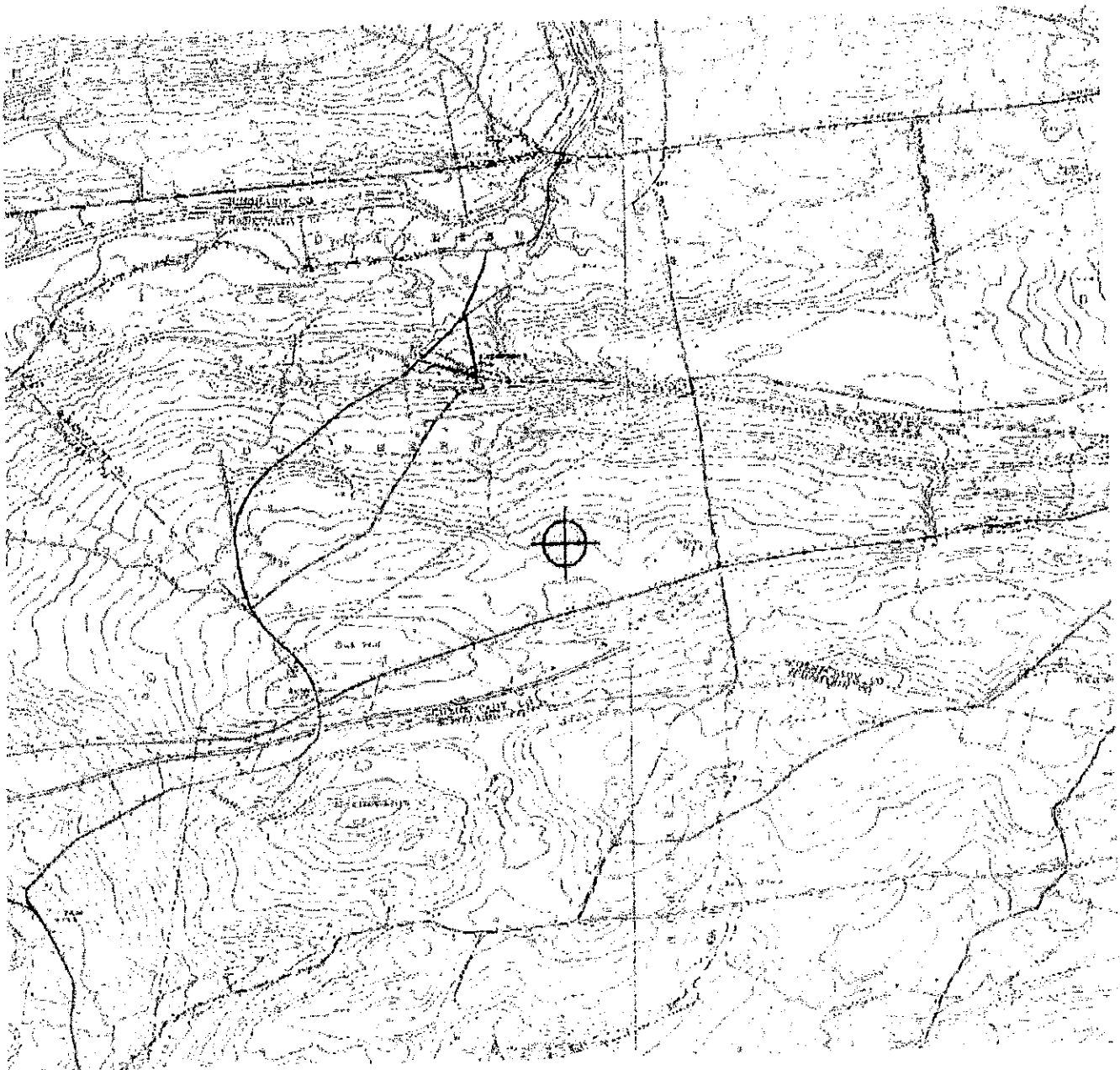
Darin Clipper
Supervisor

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2018-AEA-8794-OE

Solar farm

TOPO Map for ASN 2018-AEA-8794-OE



EXHIBIT

D



Albany Office
100 West Oaks Boulevard | Suite 114 | Albany, New York 12203
P. 518.232.1774

2 ORIGINAL

September 10, 2019

Mr. Dale Warner
Town of Duaneburg
5853 Western Turnpike
Duaneburg, NY 12056

ENTERED on 9/22/2019
BY: MD 8:09

Re: Town of Duaneburg
Eden Renewables Oak Hill Solar 1 & 2 Site Plan Review
Our Project No. 17-1801

Dear Mr. Warner:

We are in receipt of the documents describing revisions to the visual impact assessment, decommissioning plan, CESIR, and site plan provided with the September 5, 2019 letter from EDP to Mr. Sexton. Our comments on the new and revised materials are as follows:

FEAF

1. EDP has advised that the applicant is in the process of obtaining necessary permits with ACOE. It is recommended that the Town make the Site Plan approval conditioned upon receiving all necessary permitting.
2. The August 29, 2019 Supplementary Visual Impact Assessment states that "the existing Biggs and Otis residences will be adequately screened by existing vegetation, distance and topography such that the solar array will not be visible." The illustrations and figures provided appear to support this claim.

Plans

1. Sheet 11 - Planting Plan has been added to the drawing set. It shows evergreen plantings along 1,173 feet of the eastern property line to provide screening for the neighboring residence.

Decommissioning Plan

1. The Decommissioning Plan was updated to include a description of the step by step removal process, additional decommissioning costs and recycling details. The plan allows for an inflation adjustment every five (5) years to increase the amount of the bond or letter of credit. The proposed decommissioning fund amount of \$211,381.00 for each of the two (2) systems (\$422,762.00 total) is reasonable for the proposed system.

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

Sincerely,
KB Group of NY, Inc. dba PRIME AE Group of NY

Very truly yours,
[Signature]

Donald P. C...
Director of Planning and Development

cc: Travis Johnson, ACOE

[Signature]
[Text]

EXHIBIT

E

OAK HILL COMMUNITY SOLAR 1 AND 2
DECOMMISSIONING STATEMENT

9 Sept 2019

Submission

6700 RENEWABLES

13590 Penn State Farm

Perth Amboy, NJ 08861
12055

To: 10/11/19

Yumco Inc.

1. INTRODUCTION

Oak Hill Solar 1 & 2, LLC (the "Applicant"), a New York limited liability company, hereby submits this plan for the eventual decommissioning of the two proposed 5 MWAC/7.5 MWDC community solar electric generation facilities located at 13950 Duaneburg Road, Delanson, NY 12053, in the Town of Duaneburg (the "Town") within Schenectady County in New York State (the "Projects") and the establishment of a decommissioning fund (the "Decommissioning Fund") for review as part of the "Solar Energy Facilities Law" as adopted by the Town of Duaneburg through Resolution NO. 107-2016 (the "Solar Bylaw"), before the planning board of the Town of Duaneburg (the "Board").

A site location plan/s provided at Appendix 1 for reference.

2. DECOMMISSIONING ACTIVITIES

The Projects are anticipated to operate for 25-30 years. At the time the Projects ceases to operate, Applicant will perform decommissioning which shall include removal of all energy facilities, structures and equipment including any subsurface wires and footings from the parcel. Any access roads created for building or maintaining the system shall also be removed and re-planted with vegetation. The solar panels and all other equipment removed from the project site, unless being reused or repurposed for another project, shall be recycled in accordance with all applicable New York State policies and procedures in effect at the time of decommissioning.

Further, decommissioning will include restoring the property to its pre-installed condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties. Specifically, such decommissioning shall include, but is not limited to, physical removal of all ground-mounted solar collectors, structures, equipment, security barriers and transmission lines from the site.

3. COST OF DECOMMISSIONING

The fully inclusive cost to decommission each Project, as defined in Section 2 herein, is estimated at \$211,381 (the "Estimated Decommissioning Cost") as detailed in Appendix 2.

The Estimated Decommissioning Cost shall be adjusted annually to account for inflation, based upon the current Consumer Price Index ("CPI") as maintained by the Bureau of Labor Statistics (the "Revised Estimated Decommissioning Cost").

b. PV Module Removal

The Project's solar photovoltaic panels are manufactured according to the regulatory toxicity requirements based on the Toxicity Characteristic Leaching Procedure (TCLP). Under these regulations, solar panels are not considered hazardous waste. The panels used in the Project will contain:

Glass	75%
Polymers	10%
Aluminum	8%
Silicon	5%
Copper	1%
Silver	1%

All which have recycling or resale value. Modules will be dismantled and packaged per manufacturer, approved recyclers or resellers specifications and shipped to an approved off-site solar panel recycler.

It is important to recognize that solar panels have a minimum 10 year product warranty and a minimum 25 year performance guarantee. Those warranties have a direct impact on the panels' salvage value. The earlier the decommissioning event the higher salvage value.

International Renewable Energy Agency (IRENA) and the International Energy Agency's Photovoltaic Power Systems Programme (IEA-PVPS) published a detailed report titled, "The End-of-Life Management: Solar Photovoltaic Panels" that projects the PV panel waste volumes to 2050 and highlights that recycling or repurposing of solar PV panels at the end of their 30-year lifetime will unlock a large stock of raw materials and valuable components. The report estimates that PV panel waste, comprised could total 78 million tonnes globally by 2050. The value of the recovered material could exceed \$15 billion by 2050. This potential material influx could produce 2 billion new panels or be sold into global commodity markets.

Below is a short list of American companies that already operate in the solar panel recycling or repurposing market.

<http://www.recovery.com/>

<http://www.mcgrawhill.com/index.html>

<http://technosync.com/solar-panel-recycling/>

<http://www.greenv.com/>

<http://www.intercontinental.com/usa-solar-panel-recycling/>

<https://silrec.com/>

<http://www.solarrecycling.com/>

ETM - Return to 7/27/2019

Appendix 1
Site Location Plan

Appendix 2 Breakdown of Decommissioning Costs

Applicant submits this breakdown of the Estimated Decommissioning Cost to support the proposed decommissioning fund of \$211,381 for each project based on 2019 cost of work estimates following the NYSERDA guidance which is based on the estimating practices followed by the State of Massachusetts and New York Southeast scrap value prices

It should be further noted that while the Decommissioning Fund is established in the amount equal to the gross decommissioning costs of \$211,381.00, there will likely be significant salvage value that would make the net system decommissioning cost lower than the proposed Decommissioning Fund amount.

To better explain the potential salvage value for this project we have completed a more detailed analysis of the current value of the main project components: solar panels, racking system aluminum/steel content and the electric cabling copper/aluminum content. The current published values for these materials can have a fairly large spread. For each item we choose the use the most conservative pricing available to assume current worst case scenario. As you can see from the summary analysis the current salvage value is 3 times higher than the proposed decommission cost.

Estimated Decommissioning Cost				
	Type	Quantity	Cost Per Item	Total
Fence Removal with Gate and CCTV	15'	1,815	\$4.50	\$8,267.50
Remove Transformers & Concrete Pads	Each	3	\$5,000.00	\$15,000.00
Remove Major Switch Gear & Concrete Pad	Each	1	\$5,000.00	\$5,000.00
Remove Modules and Racking	1.7Mw	5	\$9,000.00	\$45,000.00
Removal of Poles	Each	1,775	\$20.00	\$35,500.00
Remove & Dispose String Inverters, Storage and DC Converters	Each	60	\$100.00	\$6,000.00
Removal of Underground Wiring and Backfill	ft	1,500	\$10.00	\$15,000.00
Site Restoration, Grada and Seed	Acres	10	\$900.00	\$9,000.00
Removal of Gravel Access Road	Cu yds. 2100	521	\$15.00	\$7,815.00
Current Total				\$111,182.50
Total after 11 yrs of inflation (2.5% inflation rate)				\$148,131.14
Estimated Salvage Value				
Module Salvage	47,455	\$4.50		\$213,547.50
Racking (Aluminum)	1,128,120.00	\$0.00		\$154,405.00
Aluminum Mounting (24)	1,760,000.00	\$4.15		\$730,400.00
Copper Cabling (lb)	75,911.00	\$0.75		\$56,933.25
Total Salvage Value				\$975,385.75
Proposed Decommissioning Fund				\$211,381.00

9/20/2021
John R. ...

FACT SHEET

DECOMMISSIONING SOLAR PANEL SYSTEMS



NY-Sun

This fact sheet provides information to local governments and landowners on decommissioning of large-scale solar panel systems.

As local governments develop solar regulations and landowners negotiate land leases, it is important to understand the options for decommissioning solar panel systems and restoring project sites to their original status. From a land use perspective, solar panel systems are generally considered large-scale when they constitute the primary use of the land, and can range from less than one acre in urban areas to 10 or more acres in rural areas. Depending on where they are sited, large-scale solar projects can have habitat, farmland, and aesthetic impacts. As a result, large-scale systems must often adhere to specific development standards.

Abandonment and decommissioning defined

Abandonment occurs when a solar array is inactive for a certain period of time.

- Abandonment requires that solar panel systems be removed after a specified period of time if they are no longer in use. Local governments establish timeframes for the removal of abandoned systems based on aesthetics, system size and complexity, and location. For example, the Town of Geneva, NY, defines a solar panel system as abandoned if construction has not started within 18 months of site plan approval, or if the completed system has been non-operational for more than one year.¹
- Once a local government determines a solar panel system is abandoned, and has provided thirty (30) days prior written notice to the owner, it can take enforcement actions, including imposing civil penalties/fines, and removing the system and imposing a lien on the property to recover associated costs.

Decommissioning is the process for removing an abandoned solar panel system and restoring the land.

- When describing requirements for decommissioning sites, it is possible to specifically require the removal of infrastructure, disposal of any components, and the remediation and revegetation of the site.

What is a decommissioning plan?

Local governments may require to have a plan in place to remove solar panel systems at the end of their lifecycle, which is typically 20-40 years. A decommissioning plan outlines required steps to remove the system, dispose of or recycle its components, and restore the land to its original state. Plans may also include an estimated cost schedule and a form of decommissioning security (see Table 1).

What is the estimated cost of decommissioning?

Given the potential costs of decommissioning and land reclamation, it is reasonable for landowners and local governments to proactively consider system removal guarantees. A licensed professional engineer, preferably with solar development experience, can estimate decommissioning costs, which vary across the United States. Decommissioning costs will vary depending upon project size, location, and complexity. Table 1 provides an estimate of potential decommissioning costs for a ground-mounted 2-MW solar panel system. Figures are based on estimates from the Massachusetts solar market. Decommissioning costs for a New York solar installation may differ. Some materials from solar installations may be recycled, reused, or even sold resulting in no costs or compensation. Consider allowing a periodic reevaluation of decommissioning costs during the project's lifetime by a licensed professional engineer, as costs could decrease and the required payment should be reduced accordingly.

Table 1: Sample list of decommissioning tasks and estimated costs

Tasks	Estimated Cost (\$)
Remove Rack Wiring	\$2,400
Remove Panels	\$2,400
Dismantle Racks	\$12,300
Remove Electrical Equipment	\$1,850
Breakup and Remove Concrete Pads or Ballasts	\$1,500
Remove Racks	\$7,800
Remove Cable	\$0,500
Remove Ground Screws and Power Poles	\$13,850
Remove Fence	\$4,350
Grading	\$4,000
Seed Disturbed Area	\$200
Install Erosion Control	\$1,200
Remediation	\$80,000
Revegetation	\$4,000

¹ Town of Geneva, NY (2009). <http://www.townofgeneva.org/DocumentCenter/View/100>



NYSERDA

630 WILKINSON
5 9 2017 2019

by Applicant to Beneficiary as a result of such Event of Default. A copy of the unpaid PILOT Payment invoice is attached to the sight draft."

Or

"The Letter of Credit Number _____ is set to expire on _____, 20__ (the "Expiration Date"). Beneficiary has received notice from Issuing Bank that this Letter of Credit will not be extended by Issuing Bank. Applicant is required to maintain a letter of credit securing Applicant's obligation to make PILOT Payments (as defined in the Agreement) under Section 3(o) of the Agreement ("Payment Security") and has failed to provide Beneficiary with alternative Payment Security at least thirty (30) calendar days prior to the Expiration Date, and as of the date of this drawing, has not provided Beneficiary with such Payment Security. As a result of the foregoing, Beneficiary is entitled to draw the Maximum Stated Amount of the Letter of Credit."

Issuing Bank hereby undertakes to honor Beneficiary's sight drafts drawn on Issuing Bank in accordance with this Letter of Credit by the date and time specified below, indicating the Letter of Credit number [Insert Letter of Credit number], if presented to Issuing Bank on a Business Day occurring on or before the applicable expiration date for an aggregate amount not to exceed the Maximum Stated Amount.

Any drawings under this Letter of Credit shall be presented to Issuing Bank at its counters by personal presentation, courier or messenger service. In addition, drawings may also be presented by fax transmission to [Insert Issuing Bank fax number] or such other fax number identified by Issuing Bank in a written notice to Beneficiary. To the extent a drawing is presented by fax transmission, Beneficiary must (i) provide telephone notification to Issuing Bank at [Insert Issuing Bank telephone number] prior to or simultaneously with the sending of such fax transmission and (ii) send the original of such drawing to Issuing Bank by overnight courier at [Insert Issuing Bank address], however such original drawing documents will not be examined by us nor form part of the drawing. If a drawing is presented in compliance with the terms of this Letter of Credit to Issuing Bank at such address or fax number by 11:00 a.m., New York City Time, on any Business Day, payment will be made not later than the close of business, New York City Time, on the next Business Day and if such drawing is so presented to Issuing Bank after 11:00 a.m., New York City Time, on any Business Day, payment will be made on the second Business Day no later than the close of business, New York City Time.

If a demand for payment made hereunder does not conform to the terms and conditions of this Letter of Credit, Issuing Bank shall give Beneficiary notice in writing (or by telephone confirmed in writing) that Beneficiary's demand for payment was not effected in accordance with the terms and conditions of this Letter of Credit, stating the reasons for such refusal, and may have, and may exercise, the right to suspend or refuse payment of any further drawings until such time as the demand for payment conforms with the Letter of Credit. Beneficiary may correct any such non-conformances within 10 days of the date the

EDEN POMA P. 18/10/17

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ANNEX A

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER _____

Date _____

Sight Draft

Pay to the order of the County of Chautauqua Industrial Development Agency the amount of \$ _____ drawn under [Name of Issuing bank] Irrevocable Standby Letter of Credit Number _____ dated _____, 20____. A copy of the unpaid PILOT Payment invoice is attached hereto [For a payment default].

[INSERT BENEFICIARY PAYMENT INSTRUCTIONS]

Town of Duaneburg

By:

Name:

Title:

cc:

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Pilot Town of Duaneburg 9/27/2011

EXHIBIT

F

Chairman Sexton and the Planning Board,

I am bewildered, appalled, ashamed and angry.

It is the responsibility of the Planning Board to uphold our town's laws. While aspects of character may not be addressed by the law they should be considered when entering into a contract.

While reviewing Eden Renewables application I ask that the Planning Board contemplate the following definitions from American Oxford Dictionary:

<u>fraudulent</u>	involving deception, tended to result in financial or personal gain
<u>honest</u>	free of deceit, morally correct,
<u>deceit</u>	concealing, misrepresenting truth, deception
<u>trustworthy</u>	able to be relied upon as honest, factual

Would any of you enter into a construction contract for a new home if the builder had a history of or demonstrated misrepresentations and disregard for local law?

I have lived here for 80 years and I do not want to see this happen to the Town I love.

If the Special Permit is approved how will it set precedents for our future development?
How will these precedents impact properties long after you have left the Board?

I believe Duanesburg deserves better.
Better than the bare minimum of the law.
Better than this proposal.

The courts have upheld rulings that the SEQRA lead agency should not defer analysis of the projects impact to professionals or agencies. (Bronder v Town Board of Town of Warren 2017).

You are ultimately responsible for the application's accuracy and completeness.

Are you confident that you have reviewed all information submitted by Eden Renewables? Do you believe that it is factual? Will you rest easy tonight knowing that your decision will protect the Town during decommissioning in 30 years?

I thank my daughter for inviting the board members to walk the property line on September 16, 2019. I understand that this was the first time any board member had visited the site since the application was filed May of 2018. I hope this visit was helpful to visualize the storm water erosion on my property, vista to Esperance, and the need for screening. I

invite all of you for a site visit, just as the Planning Board did for Onyx's project on Alexander Road.

I have reviewed documents and watched my daughter, Lynne ,meticulously research Eden Renewables, best solar practices, and reach out to community and state leaders. What I know has lead me to the conclude that the developer lacks the financial stability and knowledge to lead this project to successful construction, operation and decommissioning in 30 years.

I ask you to deny this Special Permit Application.

Additionally, our community deserves an immediate moratorium on all commercial solar development. This legislative pause will allow us to review our solar laws, meet with other communities facing similar challenges, and research current solar development trends.

Please assist us in protecting our lands, upholding our town laws, with a forward look to the future by establishing laws that will protect our citizens in times of change.

Thank you,

Susan Biggs
13388 Duanesburg Road, Delanson, NY 12053
19 September 2019