

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  
September 16<sup>th</sup>, 2021  
**Final Copy**

RECEIVED

OCT 22 2021

TOWN OF DUANESBURG  
TOWN CLERK

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

**INTRODUCTION:** Chairman Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Schmitt asked for the board to introduce themselves to the public: Jeff Schmitt- Chairman, Elizabeth Novak- Planning Board Member, Teresa Bakner- Legal Counsel for the Planning Board, Mike Walpole- Planning Board Member, Matt Hoffman- Planning Board Member, Josh Houghton- Planning Board Member, Mike Santulli- Planning Board Member, Mike Harris- good evening, everyone Vice Chairperson, Dale Warner- Town Planner, Melissa Deffer- Planning Board Clerk.

**OPEN FORUM:**

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

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

**Approved.**

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

**Schmitt/Walpole** made a motion to close the open forum at 7:05 pm.

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

**Approved.**

**PUBLIC HEARINGS:**

**#21-12 Sexton, Phill:** SBL 64.00-1-32.2, (R-2) Located at 389 Old Highway 30 is seeking a Special Use Permit under section 3.5.60 Dwelling, Two-Family; Section 8.4.8; section 14.6.2 of the Town of Duanesburg Zoning Ordinance. Representing Phill is his wife Jen Sexton. Jen Gave her presentation to the public.

**No Public Comment Was Made.**

Schmitt/Santulli made a motion to close the public hearing for the **#21-12 Sexton, Phill** application.

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

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

Santulli/Novak made a motion to approve the Special Use application for **#21-12 Sexton, Phill** application.

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

### **OLD BUSINESS:**

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. The Applicant also sought an additional one year extension of the special use and site plan approvals for the existing Oak Hill projects in correspondence dated September 1, 2021 submitted to the Planning Board. The Planning Board had previously granted a one year extension of these approvals on July 20, 2020. Chairman Schmitt explained that Paul Rogers will be assisting the Town in reviewing and providing a peer review on the battery energy storage included in the amended application.

Schmitt/Harris made a motion to grant a one-year extension of the existing special use and site plan approvals from September 19, 2019, previously extended on July 20, 2020, for the Oak Hill Solar 1 and 2 LLC, Projects ( **#19-12 Murray, Richard/Eden Renewables**) with a termination date of September 20<sup>th</sup>2022, which is a Type 2 action under SEQRA.

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

Jacquelynn Smith a design engineer for Prime AE gave a summary of the remaining issues that Oak Hill needs to address based on Prime AE's most recent technical review letters. (**Please See Attachment**)

Bill Pederson a representative from AMP introduced himself and gave a brief overview of the project. (**Please see Attachment**)

Mr. Pederson stated that he will have answers to all the public comments by the end of the following week and will also put them in the drop box that is located on the Town's website. Chairperson Schmitt asked that if anyone has comments to please submit them to the Clerk no later than October 12<sup>th</sup>, 2021, at 3:00pm so AMP has an opportunity to review all comments before the next meeting.

The Board would like an invitation to go out to all the local Fire Chiefs to come to the next meeting as well to be able to express their comments, questions, and concerns on the amended project as well.

Schmitt/Walpole made a motion to table the amendment of application **#19-12 Murray, Richard/Eden Renewables** until October 21<sup>st</sup>, 2021, meeting.

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

### **NEW BUSINESS:**

**#21-03 Sisson, Joe and Debbie:** SBL#52.00-1-41, (R-2) located at Braman Corners Rd is seeking a 3 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Mr. Sisson explained that he would like to split his 16-acre lot into 3 separate parcels. Joe plans on keeping a lot for himself and building a new single-family home on it. His will be a flag lot that will have its own driveway and a turn arounds/pull offs will be put in place. The other two parcels will be given to his sons to build on in the future. The property is located on the National Registry of historic places because of the Liddle farm. NYSDOT already came out for the site distances of the purposed driveways. Joe will get a signoff to submit for the record.

**Novak/Schmitt** made a motion to declare the Town of Duanesburg Planning Board's intent to be lead agency in the **SEQRA Type I action** and to send out a coordinated review to DEC, DOT, SHPO, and County Planning.

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

**Approved.**

**#21-13 Obour, Jules:** SBL# 74.00-2-9, (R-2) located at 13998 Duanesburg Rd is seeking a Special Use Permit for use of motor vehicle sales under Local Law #6 2017 of the Town of Duanesburg Zoning Ordinance Section 8.4(18). Attorney Gerald Dwyer is representing Mr. Obour. Mr. Dwyer explained that Jules buys wrecked cars that are at auctions and turns around and fixes them up to sell them over the internet. He does one car at a time. There are no employees just Jules himself. Mr. Obour has just purchased this piece of property recently and has already started to fix it up. For the next meeting the board would like more information

1. A new survey with all existing conditions
2. Easement search going back 20 years
3. Locate the well and septic
4. Is he also seeking approvals for a repair facility?
5. How many vehicles does he plan to sell at a time.

**Schmitt/Hoffman** made a motion to table the amendment of application **#21-13 Obour, Jules** until October 21<sup>st</sup>, 2021, meeting.

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

**Approved.**

### **SKETCH PLAN REVIEW:**

**#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. Mr. Tazin explained that he would like to subdivide the land because the neighbor John Orlop would like to buy the land surrounding his property. The Board explained to Sergei that there may be an historic district and he would need to meet with the Town Planner for the subdivision application.

**#21-15 Valley Mobile Home Court:** SBL# 55.00-4-11.6, (C-2) located at 6204 Duanesburg Rd is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Chris Longo an engineer from Empire Engineering is representing Mr. Dolan. He

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

Over➡

explained that Eric would like to split the Pine Grove Dairy Parcel into 2 lots. Eric would like to take off 2.5 acres on the west side of the parcel which is closest to the Dentist Office. Mr. Dolan has demolished a chicken coop and a couple of sheds that were collapsing. A permit was obtained from the Building Inspector. The whole lot is for sale right now. Mr. Dolan does plan on getting a Demo permit for the farmhouse out front that is falling in. As of right now the house is not livable and he plans to demolish it.

**Harris/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 only one 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.

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

**OTHER:**

None

**MINUTES APPROVAL:**

**Santulli/Houghton** made the motion to approve August 19<sup>th</sup>, 2021, Planning Board minutes with one minor correction.

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

**ADJOURNMENT:**

**Houghton/Novak** made the motion to adjourn.

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

PO Box 160  
Quaker Street, NY 12141

Supervisor Tidball and the The Town Board  
Planning Board Chair Jeffery Schmitt and the Planning Board  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12053

September 16, 2021

Transmitted via email to [jhowe@duanesburg.net](mailto:jhowe@duanesburg.net), [rtidball@duanesburg.net](mailto:rtidball@duanesburg.net) and [jschmitt@duanesburg.net](mailto:jschmitt@duanesburg.net)

RE: Amp Solars request for an extension of Oak Hill Solar 1 and 2, LLC of Special Use Permit and Site Plan approvals

Dear Supervisor Tidball, Planning Board Chair Jeffery Schmitt and the Planning Board,

At the August 19, 2021 Planning Board meeting Amp Solar indicated that they would request an extension for the Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project") Special Use Permit issued to Eden Renewables on September 19, 2019. As of the time of writing September 16, 2021 at 1:30 PM the September 16, 2021 Planning Board Agenda does not include an action item or a resolution to extend the Project's Special Use Permit.

Through Freedom of Information I received a copy of Amp's September 1, 2021 letter to the The Town of Duanesburg Planning Board (Board) requesting an extension of the Project's Special Use Permit and Site Plan approval for an undetermined length of time. This letter erroneously states that the Project is located at "1206 Oak Hill Road" and that the Project "included a solar installation and an energy storage system". The Project is located at 13590 Duanesburg Road, Delanson NY and battery energy storage is not reflected in the site plan, resolution or State Environmental Quality Review documents. The letter is signed by "AMP Solar Development Inc., Its Manager" leaving it unclear as to who owns the Project. Exhibit A.

I request that the Planning Board deny an extension because;

- It appears that Eden Renewables, the applicant in 2018, may be a real estate company not a solar developer;

- In 2019 Eden submitted an unapproved site plan sheets 1 through 10 to NYSERDA for review of future awards of incentive money in excess of \$7,700,000;
- The September 2019 Board minutes do not reflect a vote or approval of the site plan and subdivision plan;
- In July 2020 ownership of the Project was misrepresented to the Board when Eden requested an extension of the Special Use Permit even though the Project had been transferred to Amp; and
- In July 2021 Amp Solar submitted a building permit application which significantly changes the scope and scale of the Project and changes the impact on the abutting parcels and community.

### **Eden Renewables may have misrepresented their expertise to the Planning Board**

During the Project's application process beginning May 2018 Eden Renewables presented themselves to the planning board, town board, residents and New York State as a developer of solar energy facilities. The July 31, 2019 "Oak Hill Solar Farms Q&A" answer to number 5 states "Harry and Giovanni developed 30 solar farms throughout the UK, totaling 275 MW, between 2011 and 2017." The May 16, 2019 letter from Environmental Design Partnership to New York State Office of Parks, Recreation and Historic Preservation states "Eden Renewables, developer of community and utility solar projects, has retained the Environmental Design Partnership, LLP (EDP) to obtain the necessary permits and approvals for a proposed solar farm in the Town of Duanesburg, Schenectady County, New York." Exhibit "B"

However, on February 2, 2019 Eden DevCo LP filed a Form D with the United States Securities and Exchange Commission. Section 3 Identifies Related Persons as Harry Lopes and Giovanni Maurca, managers of general partner of issuer, Eden Renewables, LLC. Section 4 reflects that EdenDevCo's industry group is real estate not energy.<sup>1</sup> Exhibit "C"

The June 2019 New York State Interconnection Review (NYSIR) queue<sup>2</sup> reflects that "Eden DevCo LP" applications with CESIR ID #165990 and #166610 were filed on November 21, 2017 and December 6, 2017. Both applications are for 5,000 kWAC capacity and connect to the Delanson 269 substation. NYSERDA documents confirm that these application numbers are for the Project. Exhibit "D"

It is unclear if Eden is an expert in the construction, operation and maintenance of solar energy facilities as they presented to the Board or if they are just a real estate developer. Eden's lack of clarity concerning their level of expertise may be why the Project is riddled with errors and omissions that may negatively impact our community for generations.

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<sup>1</sup>[https://www.sec.gov/Archives/edgar/data/1766885/000114420419005823/xslFormDX01/primary\\_doc.xml](https://www.sec.gov/Archives/edgar/data/1766885/000114420419005823/xslFormDX01/primary_doc.xml)

<sup>2</sup> <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/286D2C179E9A5A8385257FBBF003F1F7E>

### **Eden Misrepresented the Project to NYSERDA**

Eden submitted an unsigned and undated site plan to New York State Energy Research and Development Authority (NYSERDA). Based upon the application documents it appears that NYSEDA awarded Eden \$7,713,458 of incentive monies for the Project.

January 2020 NYSEDA responded to my Freedom of Information request for all documents for the Project. The documents were provided as digital PDF files. The site plan provided included sheets 1 through 10 of 10. The "RECORD OF WORK" log is found in the bottom right corner of Sheet 1 of 10. It indicates that the site plan was prepared by Environmental Design Partnership (EDP) and submitted to the Town of Duanesburg PB on 3/11/2019 and resubmitted on 6/6/2019. Exhibit "E".

Also at the bottom right of Sheet 1 of 10 is a box labeled "TOWN OF DUANESBURG PLANNING BOARD". The box is empty. The site plan does not reflect a signature and date of approval by the Town of Duanesburg planning board.

Curiously the site plan also has multiple areas where the project detail notes are obscured by another layer of overlaying text. In the lower left corner of Sheet 1 of 10 is labeled Site statistics. The details, including project acreage, are illegible. Eden submitted the Resolution approved by the Board on September 19, 2019 to NYSEDA. Resolution Section 3.b. erroneously records the Project acreage as "97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 and 45.63 acres." Exhibit "F".

The October 2019 Board minutes amended the September 19, 2019 Resolution with "Bullet 3B will now show that Lot 1 contains 70.378 acres with 32.8 acres of coverage which is 46 percent and that Lot 2 contains 70.353 acres with 33.0 acres of coverage which is 47 percent." Exhibit "G".

Additionally the bottom of Sheet 6 of 10 includes a note that is obscured by an additional overlay of text. This note may be for erosion control. The details are illegible.

Eden misrepresented the Project to NYSEDA by submitting an unapproved site plan, inaccurate Resolution and omitted the October 2019 Board minutes that Amend the September 19, 2019 Resolution.

### **The Planning Board did not approve the Site Plan**

On September 5, 2019 the Board received the Project site plan sheets 1 thru 11 of 11. Exhibit H. The Record of Work is found in the bottom right corner of Sheet 1 of 11. It indicates that EDP submitted the site plan to the town on 3/11/2019 and resubmitted it on 6/6/2019. Sheet 11 is the planting plan reflecting 1,300 feet of evergreen screening on the Project's eastern boundary abutting parcel 74.00- 3-18 owned by Susan Biggs. Sheet 11 Revision notes as found on the left side of the page reflect "Resubmitted to Town PB 6/6/2019".

On September 19, 2019 the Board approved the Project based upon site plan sheets 1 through 11. The Resolution indicates that an additional 300 feet of screening would be provided for a total of 1,600 feet, a maintenance and replacement agreement for an unspecified time limit is required, and a new planting plan would be submitted.

In August 2021 I submitted a Freedom of Information request to the town for the full sized approved site plan. On August 10, 2021 I visited town hall to view the approved site plan. I was provided a site plan containing sheets 1 through 11 of 11. The bottom right corner of Sheet 1 of 11 contains a box labeled "TOWN OF DUANESBURG PLANNING BOARD". This box contains a red and black rubber stamp "ORIGINAL ENTERED 9/5/19 3:35 by DW". The site plan sheets 1 through 11 do not reflect a signature and date from the planning board indicating approval. See Exhibit "I"

The September 19, 2019 meeting minutes reflect that the Resolution and Negative Declaration were voted on and approved by the Planning Board. The minutes do not reflect that the site plan was approved. Lack of accurate documentation for Project approval may open the door to impropriety and future litigation.

#### **The Planning Board did not approve the minor subdivision**

The minor subdivision plan dated July 29, 2019 and prepared by EDP contains a box in the lower right corner labeled "TOWN APPROVAL". The September 19, 2019 meeting minutes do not reflect a vote approving the subdivision. Curiously, the Town Approval box contains the signature and date of the Planning Board chair. Exhibit "J"

#### **Eden and Amp misrepresented their ownership of the Project to the Board**

Freedom of Information documents from New York State Energy Research and Development Authority (NYSERDA) indicate that two contracts for Oak Hill Solar 1, LLC and two contracts for Oak Hill Solar 2, LLC were transferred to Amp Solar Group on or about November 23, 2019.

June 11, 2020 Young/Sommer, LLC submitted a letter to the Board "Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (hereinafter collectively referred to as "Eden Renewables" or the "Applicant") hereby requests an extension to the Special Use Permit and Site Plan approvals for the 5 MW Oak Hill Solar Energy Projects 1 and 2 (collectively referred to as the "Project") pursuant to Section 14.6.2.5 of the Town of Duanesburg Zoning Ordinance ("Zoning Law"). The request was made to "provide time for the Applicant to make the final commitments to prepare for the commencement of construction and resolve the pending litigation." Litigation was resolved four months later on November 25, 2020.

The July 16, 2020 minutes reflect Eden's attorney was present and that the Board approved the Resolution to extend the Special Use Permit for one year. The Resolution is not attached to the July 16, 2020 agenda, which is a three page PDF, or the approved minutes, which is a 29 page PDF, as found on the town website. Although the town website affords date and time stamp for



uploaded documents the minutes do not record when this document was uploaded to the town website.<sup>3</sup>

It appears that in July 2020 Eden was not the owner of the Project. The validity of the extension for the Special Use Permit and Site Plan should be clarified. Project ownership should be determined.

#### **The July 2021 Building Permit Application includes significant changes**

At the July 2021 Board meeting GreenCells Group requested an Amendment to the Project's 2019 site plan to add four 53 foot containers of battery energy storage, to increase the road by more than 500 feet and to increase the site disturbance more than 65 times the 2019 value of 0.88 acres. The Amendment omitted additional changes found in the Building Permit Application such as, but not limited to, increase the solar panel height from 8.5 feet to 14.5 feet, a glare study which was not provided in 2019 and a planting plan C 7.00 for the evergreen screening on the eastern portion of the Project site.

Amp Solar Group's significant changes to the scope and scale of the project industrialize this parcel in a rural residential zoning district. These changes will likely impact the use, enjoyment and development of the abutting parcels and future development of the neighborhood for generations. The addition of battery energy storage exposes the community to the risk of explosion, fire and toxic gases and appears to be in violation of zoning ordinance 14.6.3.1.

#### **Conclusions**

It appears that Eden misrepresented their expertise to all parties. Eden's submission of unapproved and inaccurate documents to NYSERDA could have mislead the State when determining incentive awards in excess of \$7,700,000.

It appears that in July 2020 Eden and Amp misrepresented the Project ownership to the Board. The Board's 2020 extension for the Special Use Permit and Site Plan approval may have been in error. Their actions may be in violation of Contractor Code of Conduct and Ethics Policies for the New York State Energy and Research Development Authority, the Department of Public Service, National Grid and the Town of Duaneburg.

Any Project's impact on our town and community is rooted in the details and documents as found in the town record. These documents protect the town and neighbors for the lifetime of the Project. It appears that the town and neighbors may not be fully protected by the Project record.

I respectfully ask that the Planning Board deny Amp's request for an extension to Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Special Use Permit. The Project was first presented by Eden who claimed to be a well established solar developer but is registered with the United States SEC

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<sup>3</sup><https://www.duanesburg.net/node/35/minutes/2020>

as a real estate developer. The Project documentation includes a site plan that was not voted on and is unsigned by the planning board. The subdivision plan was not voted on but is signed as approved. Both Eden and Amp misrepresented their ownership of the Project to the Board in July 2020. And the Project has been significantly changed to include battery energy storage systems, additional roads, more than 65 times the original site disturbance, and solar panels almost doubled in height.

The Project paperwork is riddled with errors and omissions that could open the door to impropriety and potential lawsuits over the lifetime of the Project. The documents may not protect the town and the residents. We can not afford to make a mistake.

I respectfully request that the Board deny this extension. This will allow the Project owner to submit accurate and complete documents to the Board for approval.

Thank you for your time and consideration.

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

Susan Biggs  
azurevista@hotmail.com

# **EXHIBIT**

**A**



amp.energy

1550 Wewatta St, 4th Fl  
Denver, CO 80202  
United States

T +1 303.653.8888

ORIGINAL

September 1, 2021

SENT VIA EMAIL to [jschmitt@duanesburg.net](mailto:jschmitt@duanesburg.net), [MDeffer@duanesburg.net](mailto:MDeffer@duanesburg.net),  
[tbakker@woh.com](mailto:tbakker@woh.com), and [Dale@duanesburg.net](mailto:Dale@duanesburg.net).

SEP 01 2021

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

RE: Oak Hill Approval Extension Request  
Oak Hill 1 and Oak Hill 2 Solar and Energy Storage Projects

On September 19, 2019, the Town of Duaneburg Planning Board issued a Resolution Approving Special Use Permit, Subdivision and Site Plan for the Eden Renewables Oak Hill Solar Energy Projects - 1206 Oak Hill Road, for Oak Hill Solar 1 LLC ("Oak Hill 1") and Oak Hill Solar 2 LLC ("Oak Hill 2" together the "Project"), which Project included a solar installation and an energy storage system. This resolution affirmed that the Project applications were determined to be complete under the Town of Duaneburg Solar Law, the Duaneburg Zoning Law, and the Town of Duaneburg Subdivision Regulation, and that the applications met all applicable requirements of the aforementioned zoning requirements. The Special Use Permit Approval was extended by one year at the July 20, 2020 Planning Board Meeting.

AMP Solar Development Inc. ("Amp"), as manager of Project, is writing to formally request an additional extension to the 2019 approval for additional time to obtain building permits. Additional time is required due to factors beyond Amp's control, including the pandemic and project-related litigation. Furthermore, the application amendment process has extended the project development timeline beyond Amp's original expectations.

Thank you for your time and consideration.

Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC  
By: AMP Solar Development Inc., its Manager

*Nicole LeBlanc*

Nicole LeBlanc  
Authorized Signatory  
Director, US Transactions

# **EXHIBIT**

**B**



**ENVIRONMENTAL DESIGN  
PARTNERSHIP, LLP.**  
Shaping the physical environment

900 New York 146 Clifton Park, NY 12065  
(P) 518.371.7621 (F) 518.371.9540 [edpllp.com](http://edpllp.com)

May 16, 2018

New York State Office of Parks, Recreation and Historic Preservation  
Division for Historic Preservation  
Peebles Island Resource Center  
PO Box 189  
Waterford, NY 12188-0189

Attn: Mr. Daniel Mackay, Deputy Commissioner

Re: Request for Information  
Eden Renewables  
Solar Farm Project  
Town of Duanesburg, Schenectady County, NY  
SBL# 74.00-2-5

Dear Mr. Mackay:

Eden Renewables, developer of community and utility solar projects, has retained the Environmental Design Partnership, LLP (EDP) to obtain the necessary permits and approvals for a proposed solar farm in the Town of Duanesburg, Schenectady County, New York. The proposed project site is located on the north side of Duanesburg Road (NYS Rte. 7) approximately 0.4 miles west of the intersection of Duanesburg Road and Youngs Road. (42° 43' 27.24" N, 74° 15' 01.55" W).

There are two solar projects that will be located adjacent to one another, but are separate. Each project has an array of panels encompassing approximately 45 acres. The panels will be post or rack mounted and elevated off the ground surface. The land is primarily undeveloped, consisting of woodlands and fields and currently is used for hunting. The sites are in close proximity to a 69 kV transmission line and a three-phase 13.2 kV distribution line to the northwest.

The following documents are enclosed for your review:

- Project Review Cover Form
- Archaeological Sensitive Area & Location Map
- Concept plan of proposed project and APE

Please review the enclosed materials and provide us with any comments regarding the project's potential to impact or effect historic and/or prehistoric cultural resources. Should you have any questions, please do not hesitate to call me at (518) 371-7621. Thank you for your assistance with this project and I look forward to your response.

Very Truly Yours,

Paul Olund, R.L.A.  
Environmental Design Partnership  
[polund@edpllp.com](mailto:polund@edpllp.com)

Enclosures



ANDREW M. CUOMO  
Governor

**Parks, Recreation,  
and Historic Preservation**

ROSE HARVEY  
Commissioner

**Division for Historic Preservation**

Peebles Island Resource Center, PO Box 189, Waterford, NY 12188-0189 (Mail)  
Delaware Avenue, Cohoes 12047 (Delivery) (518) 268-2213

**PROJECT REVIEW COVER FORM**

*Please complete this form and attach it to the top of any and all information submitted to this office for review.  
Accurate and complete forms will assist this office in the timely processing and response to your request.*

This information relates to a previously submitted project.

PROJECT NUMBER      PR       
COUNTY                     

☐

If you have checked this box and noted the previous Project Review (PR) number assigned by this office you do not need to continue unless any of the required information below has changed.

2. This is a new project.

☒

If you have checked this box you will need to complete ALL of the following information.

Project Name Eden Renewables Solar Farm Project

Location 13590 Duanesburg Road  
You MUST include street number, street name and/or County, State or Interstate route number if applicable

City/Town/Village Town of Duanesburg  
List the correct municipality in which your project is being undertaken. If in a hamlet you must also provide the name of the town.

County Schenectady  
If your undertaking\* covers multiple communities/counties please attach a list defining all municipalities/counties included.

**TYPE OF REVIEW REQUIRED/REQUESTED** (Please answer both questions)

A. Does this action involve a permit approval or funding, now or ultimately from any other governmental agency?

☐

No

☒

Yes

If Yes, list agency name(s) and permit(s)/approval(s)

Agency involved	Type of permit/approval	State	Federal
NYSDEC	SPDES Construction permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

**CONTACT PERSON FOR PROJECT**

Name Paul Olund Title R.L.A.

Firm/Agency Environmental Design Partnership

Address 900 Route 146 City Clifton Park STATE NY Zip 12065

Phone ( 518 ) 371-7621 Fax ( 518 ) 371-9540 E-Mail polund@edpllp.com

## The Historic Preservation Review Process in New York State

In order to insure that historic preservation is carefully considered in publicly-funded or permitted undertakings\*, there are laws at each level of government that require projects to be reviewed for their potential impact/effect on historic properties. At the federal level, Section 106 of the National Historic Preservation Act of 1966 (NHPA) directs the review of federally funded, licensed or permitted projects. At the state level, Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law of 1980 performs a comparable function. Local environmental review for municipalities is carried out under the State Environmental Quality Review Act (SEQRA) of 1978.

Project review is conducted in two stages. First, the Commission assesses affected properties to determine whether or not they are listed or eligible for listing in the New York State or National Registers of Historic Places. If so, it is deemed "historic" and worthy of protection and the second stage of review is undertaken. The project is reviewed to evaluate its impact on the properties significant materials and character. Where adverse effects are identified, alternatives are explored to avoid, or reduce project impacts; where this is unsuccessful, mitigation measures are developed and formal agreement documents are prepared stipulating these measures.

### ALL PROJECTS SUBMITTED FOR REVIEW SHOULD INCLUDE THE FOLLOWING MATERIAL(S).



#### Project Description

Attach a full description of the nature and extent of the work to be undertaken as part of this project. Relevant portions of the project applications or environmental statements may be submitted.



#### Maps Locating Project

Include a map locating the project in the community. The map must clearly show street and road names surrounding the project area as well as the location of all portions of the project. Appropriate maps include tax maps, Sanborn Insurance maps, and/or USGS quadrangle maps.



#### Photographs

Check the appropriate box(es) to indicate what type of project you are submitting.

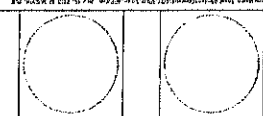
*-If the project involves rehabilitation, include photographs of the building(s) involved. Label each exterior view to a site map and label all interior views.*

*-If the project involves new construction, include photographs of the surrounding area looking out from the project site. Include photographs of any buildings (more than 50 years old) that are located on the project property or on adjoining property.*

\***Undertaking** is defined as an agency's purchase, lease or sale of a property, assistance through grants, loans or guarantees, issuing of licenses, permits or approvals, and work performed pursuant to delegation or mandate.



NOT FOR CONSTRUCTION  
PER THE  
ARCHAEOLOGICAL  
SUSCEPTIBLE  
AREAS



# EDEN RENEWABLES

APPLICANT: NEW POWERCO, INC./ EDEN RENEWABLES  
1553 DUNDAS ROAD  
DUNDAS, ONT. L9H 4R7  
508-878-1234 FAX 508-878-1235

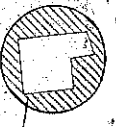
ENVIRONMENTAL DESIGN  
PARKINSON, L.L.P.  
1000 SHEPPARD AVENUE EAST  
SUITE 1000  
SCARBOROUGH, ONT. M1S 1T5  
TEL 416-754-2200

**CELS LEGEND**

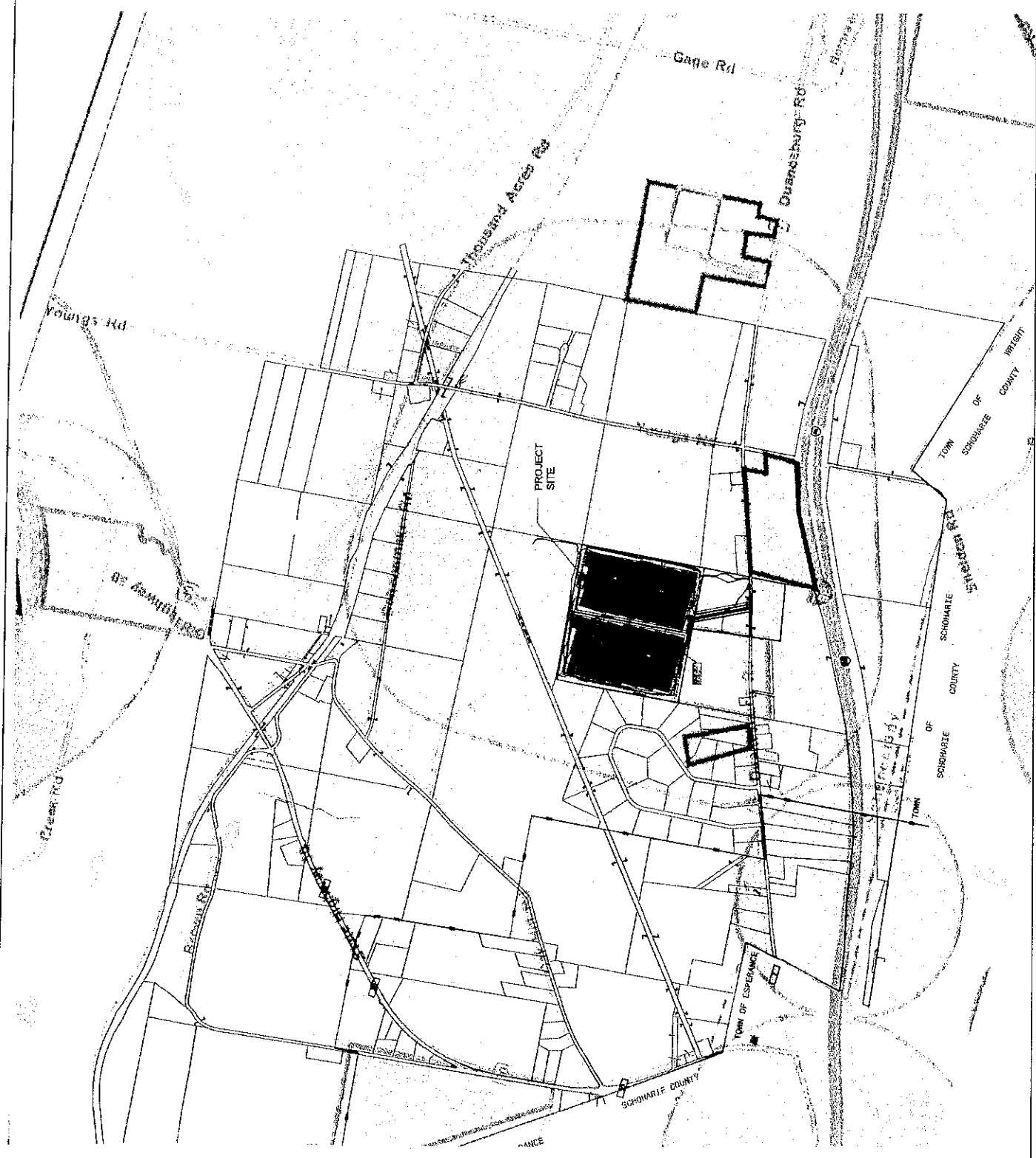
<input checked="" type="checkbox"/> 100' boundaries
<input checked="" type="checkbox"/> 500' boundaries
<input checked="" type="checkbox"/> 1000' boundaries
<input checked="" type="checkbox"/> 100' boundary (dashed)
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<input checked="" type="checkbox"/> 1000' boundary (dashed)
<input checked="" type="checkbox"/> 100' boundary (dotted)
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<input checked="" type="checkbox"/> 100' boundary (dash-dot)
<input checked="" type="checkbox"/> 500' boundary (dash-dot)
<input checked="" type="checkbox"/> 1000' boundary (dash-dot)

GRAPHIC SCALE

SITE LOCATION MAP  
SCALE: 1" = 200'




SITE

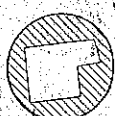
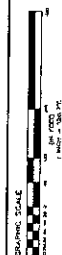


# EDEN RENEWABLES

# EDEN RENEWABLES

[illegible]

1" = 120'	NOT FOR CONSTRUCTION	AREA OF POTENTIAL EFFECT (APE)
-----------	-------------------------	--------------------------------------

SITE LOCATION MAP  
SCALE: 1" = 2,000'

## SITE STATISTICS

EXISTING ZONING	FRONT YARD	160 FT
AGRICULTURAL AND RESIDENTIAL (R-2)	SIDE YARD	160 FT
142.1% ACRES	REAR YARD	80 FT
PROPOSED SQUARE FOOT SETBACKS	SCHOOL DISTRICT	
EXISTING PARCEL AREA	QUARTER ST. FIRE DEPARTMENT	
57,592 SQUARE FEET		
PROPOSED LOT #1		
PROPOSED LOT #2		
PROPOSED LOT #3		
PROPOSED LOT #4		
PROPOSED LOT #5		
PROPOSED LOT #6		
PROPOSED LOT #7		
PROPOSED LOT #8		
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PROPOSED LOT #11		
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PROPOSED LOT #94		
PROPOSED LOT #95		
PROPOSED LOT #96		
PROPOSED LOT #97		
PROPOSED LOT #98		
PROPOSED LOT #99		
PROPOSED LOT #100		



BOUNDARY OF AREA OF  
POTENTIAL EFFECT  
(APE)



# **EXHIBIT**

**C**

The Securities and Exchange Commission has not necessarily reviewed the information in this filing and has not determined if it is accurate and complete.  
The reader should not assume that the information is accurate and complete.

# UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

## FORM D

### Notice of Exempt Offering of Securities

#### OMB APPROVAL

OMB Number: 3235-0076  
Estimated average burden  
hours per response: 4.00

#### 1. Issuer's Identity

CIK (Filer ID Number)

0001766885

Previous  
Names☐ None

EDEN DEVCO LLP

Entity Type

- ☐ Corporation  
☒ Limited Partnership  
☐ Limited Liability Company  
☐ General Partnership  
☐ Business Trust  
☐ Other (Specify)

Name of Issuer

EDEN DEVCO LP

Jurisdiction of Incorporation/Organization

DELAWARE

Year of Incorporation/Organization

☐ Over Five Years Ago☒ Within Last Five Years (Specify Year) 2018☐ Yet to Be Formed

#### 2. Principal Place of Business and Contact Information

Name of Issuer

EDEN DEVCO LP

Street Address 1

333 BROADWAY

Street Address 2

QUACKENBUSH BLDG SUITE 460

City

TROY

State/Province/Country

NEW YORK

ZIP/PostalCode

12180

Phone Number of Issuer

518 326-0259

#### 3. Related Persons

Last Name

HARRY

First Name

LOPES

Middle Name

Street Address 1

333 BROADWAY

Street Address 2

QUACKENBUSH BLDG SUITE 460

City

TROY

State/Province/Country

NEW YORK

ZIP/PostalCode

12180

Relationship: ☒ Executive Officer ☐ Director ☐ Promoter

Clarification of Response (If Necessary):

MANAGER OF GENERAL PARTNER OF ISSUER, EDEN RENEWABLES LLC

Last Name

MARUCA

First Name

GIOVANNI

Middle Name

Street Address 1

Street Address 2

333 BROADWAY

QUACKENBUSH BLDG SUITE 460

City

State/Province/Country

ZIP/Postal Code

TROY

NEW YORK

12180

Relationship: ☒ Executive Officer ☐ Director ☐ Promoter

Clarification of Response (if Necessary):

MANAGER OF GENERAL PARTNER OF ISSUER, EDEN RENEWABLES LLC

**4. Industry Group**☐ Agriculture

Banking &amp; Financial Services

☐ Commercial Banking☐ Insurance☐ Investing☐ Investment Banking☐ Pooled Investment FundIs the issuer registered as  
an investment company under  
the Investment Company  
Act of 1940?☐ Yes☐ No☐ Other Banking & Financial Services☐ Business Services

Energy

☐ Coal Mining☐ Electric Utilities☐ Energy Conservation☐ Environmental Services☐ Oil & Gas☐ Other Energy

Health Care

☐ Biotechnology☐ Health Insurance☐ Hospitals & Physicians☐ Pharmaceuticals☐ Other Health Care☐ Manufacturing

Real Estate

☐ Commercial☐ Construction☐ REITS & Finance☐ Residential☒ Other Real Estate☐ Retailing☐ Restaurants

Technology

☐ Computers☐ Telecommunications☐ Other Technology

Travel

☐ Airlines & Airports☐ Lodging & Conventions☐ Tourism & Travel Services☐ Other Travel☐ Other**5. Issuer Size**

Revenue Range

OR

Aggregate Net Asset Value Range

☐ No Revenues☐ No Aggregate Net Asset Value☐ \$1 - \$1,000,000☐ \$1 - \$5,000,000☐ \$1,000,001 -  
\$5,000,000☐ \$5,000,001 - \$25,000,000☐ \$5,000,001 -  
\$25,000,000☐ \$25,000,001 - \$50,000,000☐ \$25,000,001 -  
\$100,000,000☐ \$50,000,001 - \$100,000,000☐ Over \$100,000,000☐ Over \$100,000,000☒ Decline to Disclose☐ Decline to Disclose

☐ Not Applicable☐ Not Applicable**6. Federal Exemption(s) and Exclusion(s) Claimed (select all that apply)**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Rule 504(b)(1) (not (i), (ii) or (iii)) | <input type="checkbox"/> Investment Company Act Section 3(c) |   |
| <input type="checkbox"/> Rule 504 (b)(1)(i)                      | <input type="checkbox"/> Section 3(c)(1)                     | <input type="checkbox"/> Section 3(c)(9)  |
| <input type="checkbox"/> Rule 504 (b)(1)(ii)                     | <input type="checkbox"/> Section 3(c)(2)                     | <input type="checkbox"/> Section 3(c)(10) |
| <input type="checkbox"/> Rule 504 (b)(1)(iii)                    | <input type="checkbox"/> Section 3(c)(3)                     | <input type="checkbox"/> Section 3(c)(11) |
| <input checked="" type="checkbox"/> Rule 506(b)                  | <input type="checkbox"/> Section 3(c)(4)                     | <input type="checkbox"/> Section 3(c)(12) |
| <input type="checkbox"/> Rule 506(c)                             | <input type="checkbox"/> Section 3(c)(5)                     | <input type="checkbox"/> Section 3(c)(13) |
| <input type="checkbox"/> Securities Act Section 4(a)(5)          | <input type="checkbox"/> Section 3(c)(6)                     | <input type="checkbox"/> Section 3(c)(14) |
|  | <input type="checkbox"/> Section 3(c)(7)                     |   |

**7. Type of Filing**

- ☒ New Notice Date of First Sale 2019-01-24 ☐ First Sale Yet to Occur
- ☐ Amendment

**8. Duration of Offering**

Does the Issuer intend this offering to last more than one year? ☐ Yes ☒ No

**9. Type(s) of Securities Offered (select all that apply)**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Equity   | <input type="checkbox"/> Pooled Investment Fund Interests |
| <input type="checkbox"/> Debt  | <input type="checkbox"/> Tenant-in-Common Securities      |
| <input type="checkbox"/> Option, Warrant or Other Right to Acquire Another Security                                  | <input type="checkbox"/> Mineral Property Securities      |
| <input type="checkbox"/> Security to be Acquired Upon Exercise of Option, Warrant or Other Right to Acquire Security | <input type="checkbox"/> Other (describe)                 |

**10. Business Combination Transaction**

Is this offering being made in connection with a business combination transaction, such as a merger, acquisition or exchange offer? ☐ Yes ☒ No

Clarification of Response (if Necessary):

**11. Minimum Investment**

Minimum investment accepted from any outside investor \$1 USD

**12. Sales Compensation**

Recipient	Recipient CRD Number <input checked="" type="checkbox"/> None	
(Associated) Broker or Dealer <input checked="" type="checkbox"/> None	(Associated) Broker or Dealer CRD Number	<input checked="" type="checkbox"/> None
Street Address 1	Street Address 2	
City	State/Province/Country	ZIP/Postal Code

State(s) of Solicitation (select all that apply)  
Check "All States" or check individual States

☒ All States

☐ Foreign/non-US

### 13. Offering and Sales Amounts

Total Offering Amount \$1,600,000 USD or ☐ Indefinite

Total Amount Sold \$1,600,000 USD

Total Remaining to be Sold \$0 USD or ☐ Indefinite

Clarification of Response (if Necessary):

### 14. Investors

☐ Select if securities in the offering have been or may be sold to persons who do not qualify as accredited investors, and enter the number of such non-accredited investors who already have invested in the offering.

Regardless of whether securities in the offering have been or may be sold to persons who do not qualify as accredited investors, enter the total number of investors who already have invested in the offering:

2

### 15. Sales Commissions & Finder's Fees Expenses

Provide separately the amounts of sales commissions and finders fees expenses, if any. If the amount of an expenditure is not known, provide an estimate and check the box next to the amount.

Sales Commissions \$0 USD ☐ Estimate

Finders' Fees \$0 USD ☐ Estimate

Clarification of Response (if Necessary):

### 16. Use of Proceeds

Provide the amount of the gross proceeds of the offering that has been or is proposed to be used for payments to any of the persons required to be named as executive officers, directors or promoters in response to Item 3 above. If the amount is unknown, provide an estimate and check the box next to the amount.

\$200,000 USD ☒ Estimate

Clarification of Response (if Necessary):

### Signature and Submission

Please verify the information you have entered and review the Terms of Submission below before signing and clicking SUBMIT below to file this notice.

#### Terms of Submission

In submitting this notice, each issuer named above is:

- Notifying the SEC and/or each State in which this notice is filed of the offering of securities described and undertaking to furnish them, upon written request, in the accordance with applicable law, the information furnished to offerees.\*
- Irrevocably appointing each of the Secretary of the SEC and, the Securities Administrator or other legally designated officer of the State in which the issuer maintains its principal place of business and any State in which this notice is filed, as its agents for service of process, and agreeing that these persons may accept service on its behalf, of any notice, process or pleading, and further agreeing that such service may be made by registered or certified mail, in any Federal or state action, administrative proceeding, or arbitration brought against the issuer in any place subject to the jurisdiction of the United States, if the action, proceeding or arbitration (a) arises out of any activity in connection with

the offering of securities that is the subject of this notice, and (b) is founded, directly or indirectly, upon the provisions of: (i) the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940, or any rule or regulation under any of these statutes, or (ii) the laws of the State in which the issuer maintains its principal place of business or any State in which this notice is filed.

- Certifying that, if the issuer is claiming a Regulation D exemption for the offering, the issuer is not disqualified from relying on Rule 504 or Rule 506 for one of the reasons stated in Rule 504(b)(3) or Rule 506(d).

Each Issuer identified above has read this notice, knows the contents to be true, and has duly caused this notice to be signed on its behalf by the undersigned duly authorized person.

For signature, type in the signer's name or other letters or characters adopted or authorized as the signer's signature.

Issuer	Signature	Name of Signer	Title	Date
EDEN DEVCO LP	/s/ HARRY LOPES	HARRY LOPES	MANAGER OF EDEN RENEWABLES LLC, ISSUER'S GENERAL PARTNER	2019-02-08

*Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.*

\* This undertaking does not affect any limits Section 102(a) of the National Securities Markets Improvement Act of 1996 ("NSMIA") [Pub. L. No. 104-290, 110 Stat. 3418 (Oct. 11, 1996)] imposes on the ability of States to require information. As a result, if the securities that are the subject of this Form D are "covered securities" for purposes of NSMIA, whether in all instances or due to the nature of the offering that is the subject of this Form D, States cannot routinely require offering materials under this undertaking or otherwise and can require offering materials only to the extent NSMIA permits them to do so under NSMIA's preservation of their anti-fraud authority.



# **EXHIBIT**

**D**

[illegible]

# **EXHIBIT**

**E**

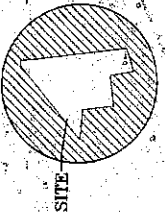
PROPOSED SITE PLAN FOR

# OAK HILL SOLAR 1&2

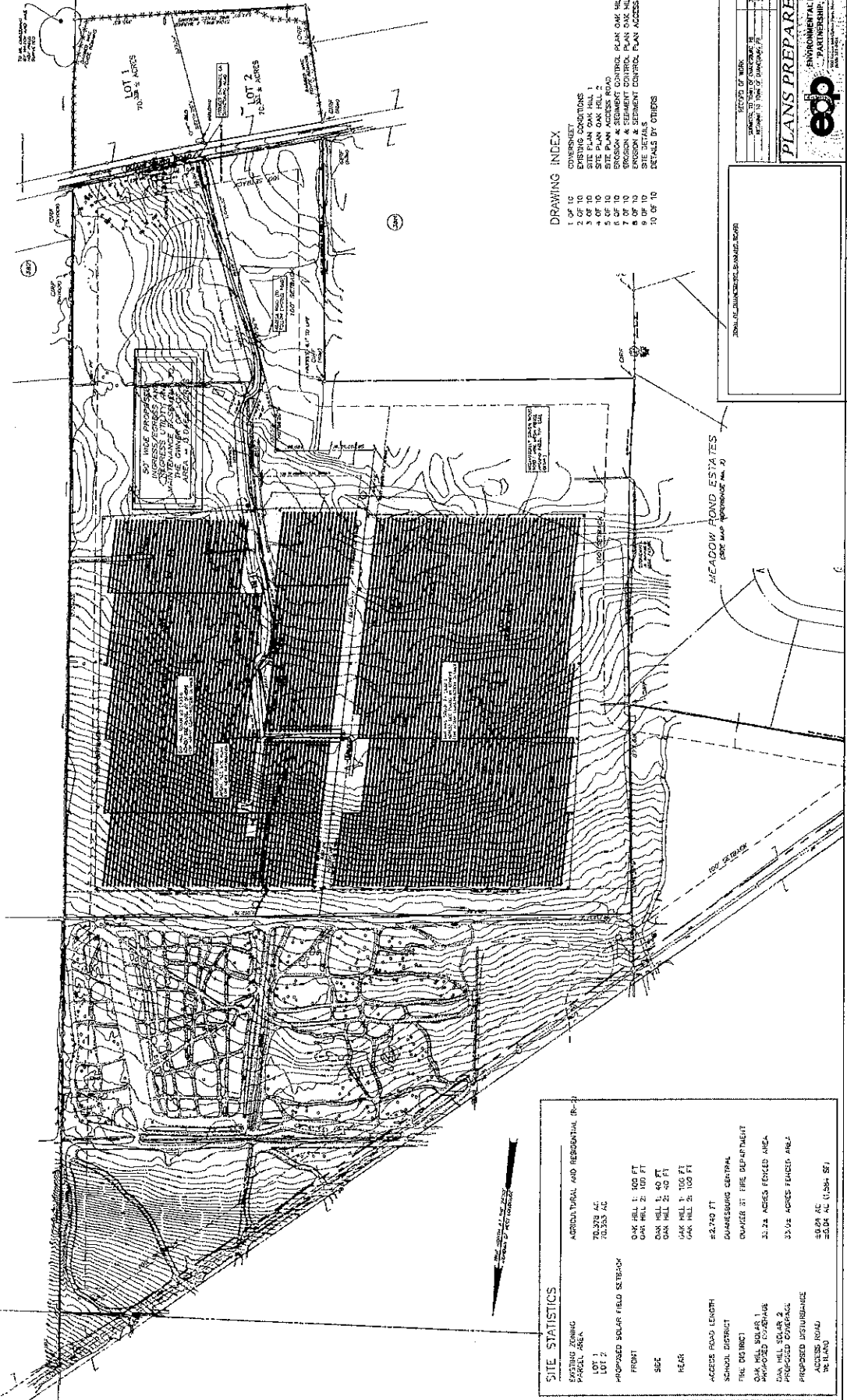
APPLICANT:

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

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



SITE LOCATION MAP  
SCALE: 1" = 2000'



## SITE STATISTICS

EXISTING ZONING	AGRICULTURAL AND RESIDENTIAL (R-2)
FRONT	78,320 AC
SIZE	78,320 AC
REAR	100 FT
ACCESS ROAD LENGTH	100 FT
SCHOOL DISTRICT	DUANESBURG CENTRAL
FIRE DEPARTMENT	DUANESBURG FIRE DEPARTMENT
APPROVED CORRIDOR	33.24 ACRES FENCED AREA
PROPOSED DISTURBANCE	33.04 ACRES FENCED AREA
ACCESS ROAD	33.04 AC (1.04% SE)

## DRAWING INDEX

- 1 OF 10 EXISTING CONDITIONS
- 2 OF 10 SITE PLAN OAK HILL 1
- 3 OF 10 SITE PLAN OAK HILL 2
- 4 OF 10 EROSION & SEDIMENT CONTROL PLAN OAK HILL 1
- 5 OF 10 EROSION & SEDIMENT CONTROL PLAN OAK HILL 2
- 6 OF 10 EROSION & SEDIMENT CONTROL PLAN OAK HILL 1
- 7 OF 10 EROSION & SEDIMENT CONTROL PLAN OAK HILL 2
- 8 OF 10 EROSION & SEDIMENT CONTROL PLAN OAK HILL 1
- 9 OF 10 EROSION & SEDIMENT CONTROL PLAN OAK HILL 2
- 10 OF 10 DETAILS BY OTHERS

13950 DUANESBURG ROAD, NEW YORK

DATE: 10/20/2010 BY: [Signature]

PLANS PREPARED BY: ENVIRONMENTAL DESIGN PARTNERSHIP, LLP

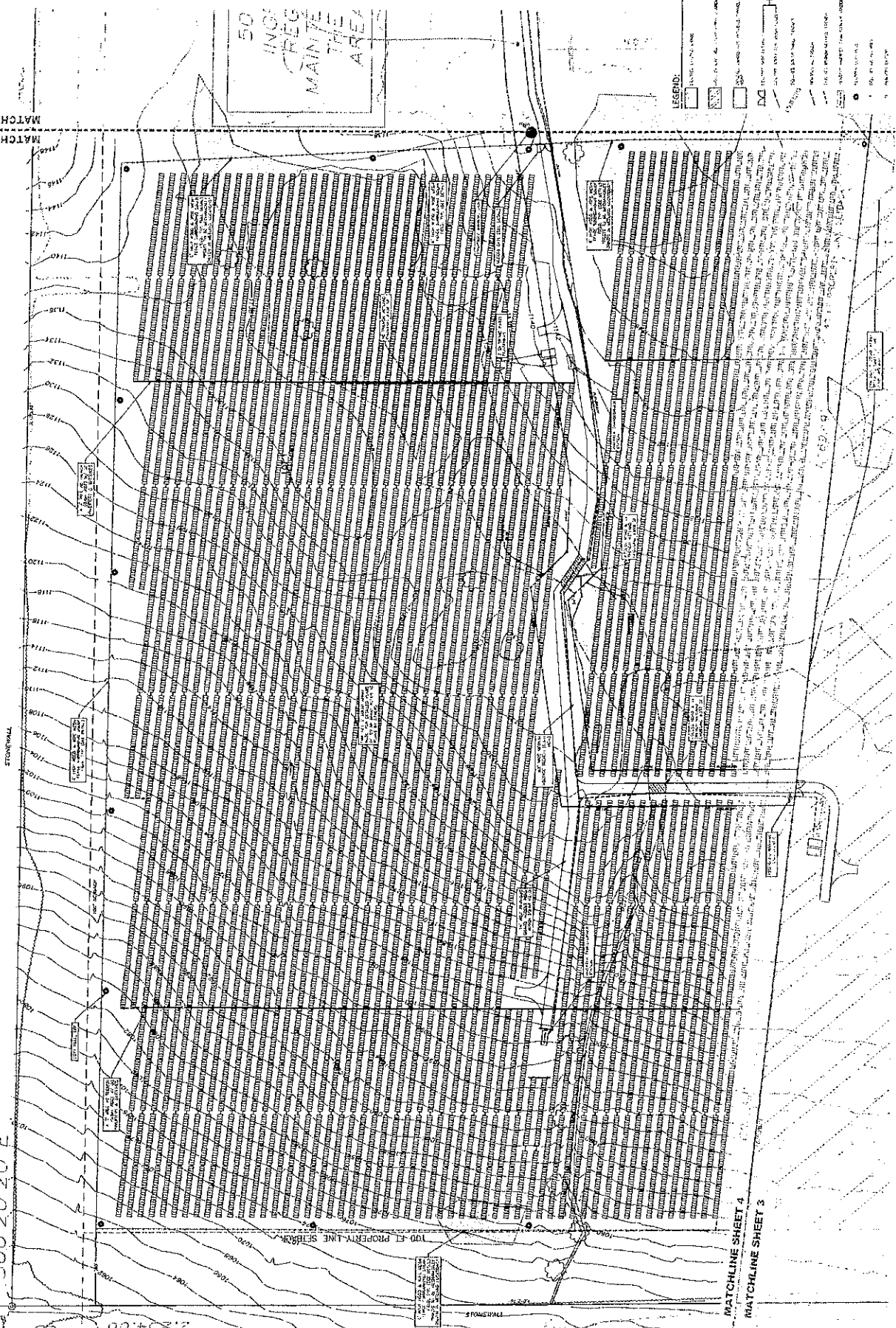






MATCHLINE SHEET 3  
 MATCHLINE SHEET 4

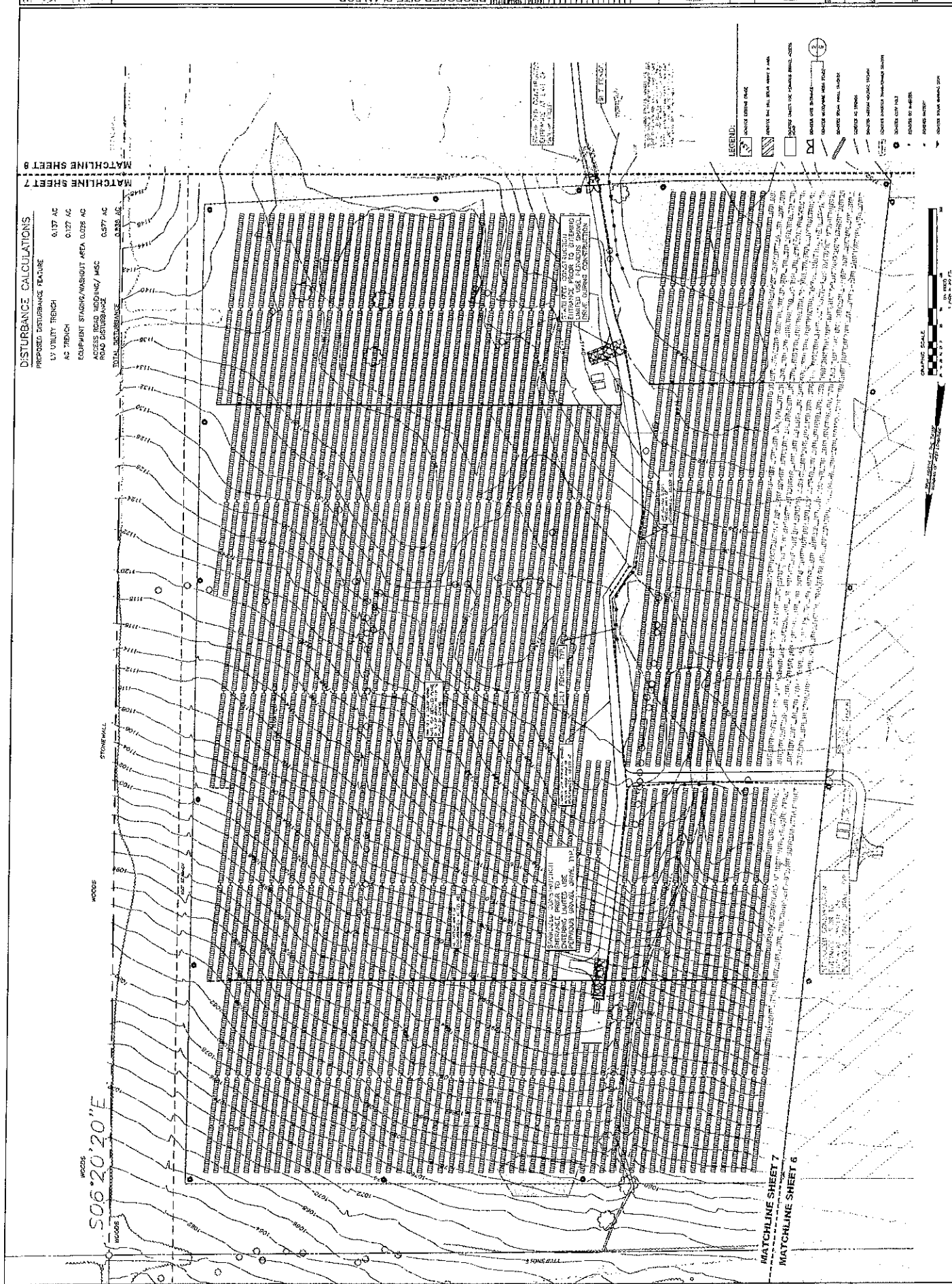
506°20'20"E













THE UNIVERSITY OF CHICAGO

- [illegible]

STEFAN AUERBACH, *Editor, Educational Measurement*

- [illegible]

**RESEARCH AND EVALUATION**

- [illegible]

2000

- [illegible]

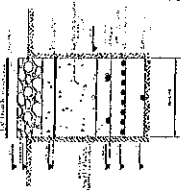
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- [illegible]

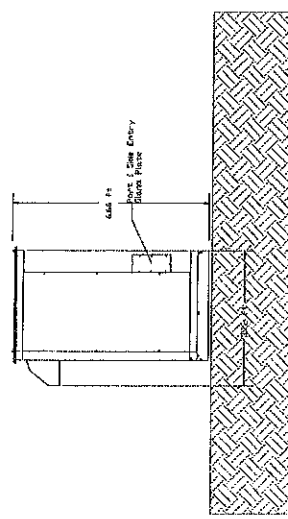
- 

139 18 4242

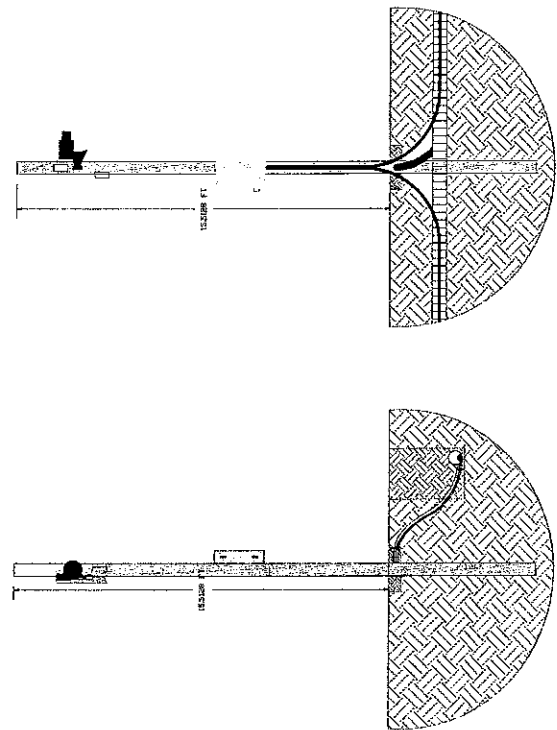
#### 4) STABILIZED CONSTRUCTION ENTRANCE



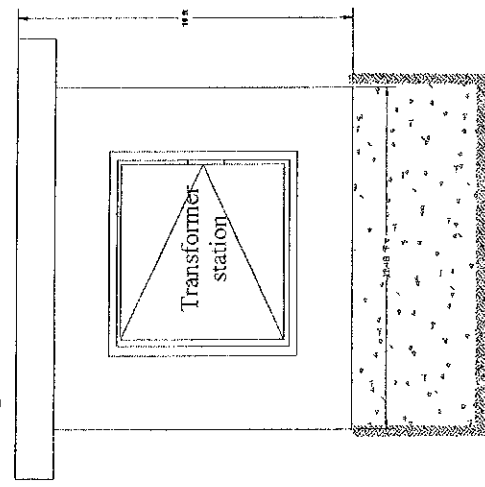
○ TRENCH CROSS SECTION (BY OTHERS)  
 NOT TO SCALE



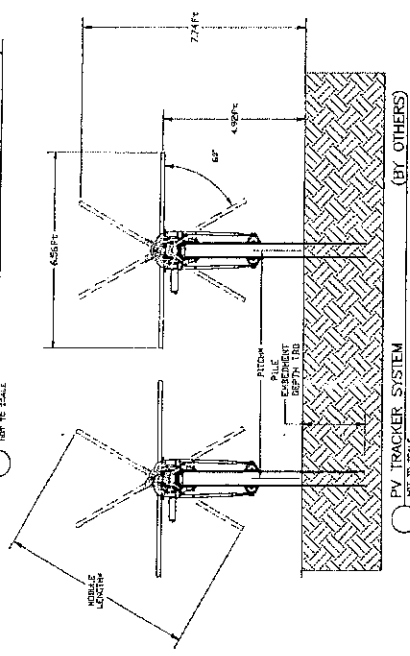
○ DC TO DC CONVERTER (BY OTHERS)  
 NOT TO SCALE



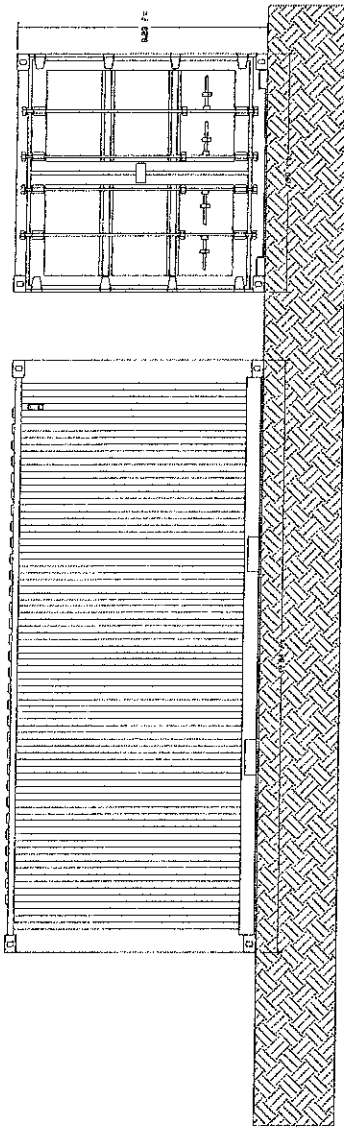
○ CCTV POLE DETAIL (BY OTHERS)  
 NOT TO SCALE



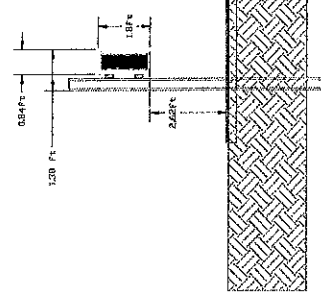
○ TRANSFORMER STATION (BY OTHERS)  
 NOT TO SCALE



○ PV TRACKER SYSTEM (BY OTHERS)  
 NOT TO SCALE



○ SPARE PART CONTAINER (BY OTHERS)  
 NOT TO SCALE



○ INVERTER ON POLES (BY OTHERS)  
 NOT TO SCALE

# **EXHIBIT**

**F**

**TOWN OF DUANESBURG PLANNING BOARD  
RESOLUTION APPROVING SPECIAL USE PERMIT, SUBDIVISION AND SITE PLAN  
FOR THE EDEN RENEWABLES OAK HILL SOLAR ENERGY PROJECTS – 1206 OAK HILL ROAD**

Date: September 19, 2019

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 the 5-MW Oak Hill Solar Energy Projects 1 and 2 (collectively, the "Project") to be located at 1206 Oak Hill Road in the Town of Duanesburg, Schenectady County, New York on the lands owned by Richard Murray (SBL# 74.00-2-5) ("Property"); 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 assumed the role of SEQRA Lead Agency, declared the proposed action as a Type 1 action and conducted a coordinated review;

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 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, 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;

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;

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;

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 has 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 and the comments, both oral and written, by the members of the public;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board as follows:

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 determines that the Project will not have a significant adverse impact on the environment (as duly noted in the Full EAF) and, therefore, hereby confirms and issues 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 requires 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;
  - 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 demonstrate the proposed construction of the Project, a Solar Energy System (Major), at the Property satisfies the requirements of the Town of Duaneburg 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%;
  - 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 Duaneburg 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 SEQRA have been complied with and the Planning Board specifically finds 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 demonstrate that the Project:
  - i. Provides through its siting and through the implementation of an evergreen landscaping plan to be approved by the Town of Duaneburg, a project design that minimize 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 is approved and the Planning Board requires 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 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
- 6. 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 agencies and that it be filed as required by SEQRA.

Roll Call Vote:

Yes

No

Abstain/Absent

Phillip Sexton  
 Jeffrey Schmitt  
 Elizabeth Novak  
 Martin Williams  
 Thomas Rulison

✓  
 ✓  
 ✓  
 ✓  
 ✓

Michael Harris  
Joshua Houghton

✓  
✓

# **EXHIBIT**

## **G**

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



TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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

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Town of Duanesburg  
Planning Board Minutes  
October 17<sup>th</sup>, 2019  
**Final Copy**

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

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

**PLEDGE OF ALLEGIANCE:**

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

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

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

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

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

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

**SKETCH PLAN REVIEW:**

**PUBLIC HEARINGS:**

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

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

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

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

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

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

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

#### **New Business:**

**#19-14 Perog, Steven and Cheryl:** SBL#43.00-2-28, (R-2) located at 21 Lea Drive is seeking a Special Use Permit for a two family dwelling adding a single apartment over an existing garage under the Town of Duanesburg Zoning Ordinance adopted 6/11/15 under section 15.4(1); section 8.4(8); section 13.2.1; section 3.5.60. Steven gave some of his presentation to the board. Due to not enough information the board decided to table it until the November 21<sup>st</sup> meeting.

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

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

#### **Old Business:**

None

#### **Sketch Plan Review:**

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

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

**OTHER:**

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

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

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

**MINUTES APPROVAL:**

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

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

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

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

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

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

**ADJOURNMENT:**

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

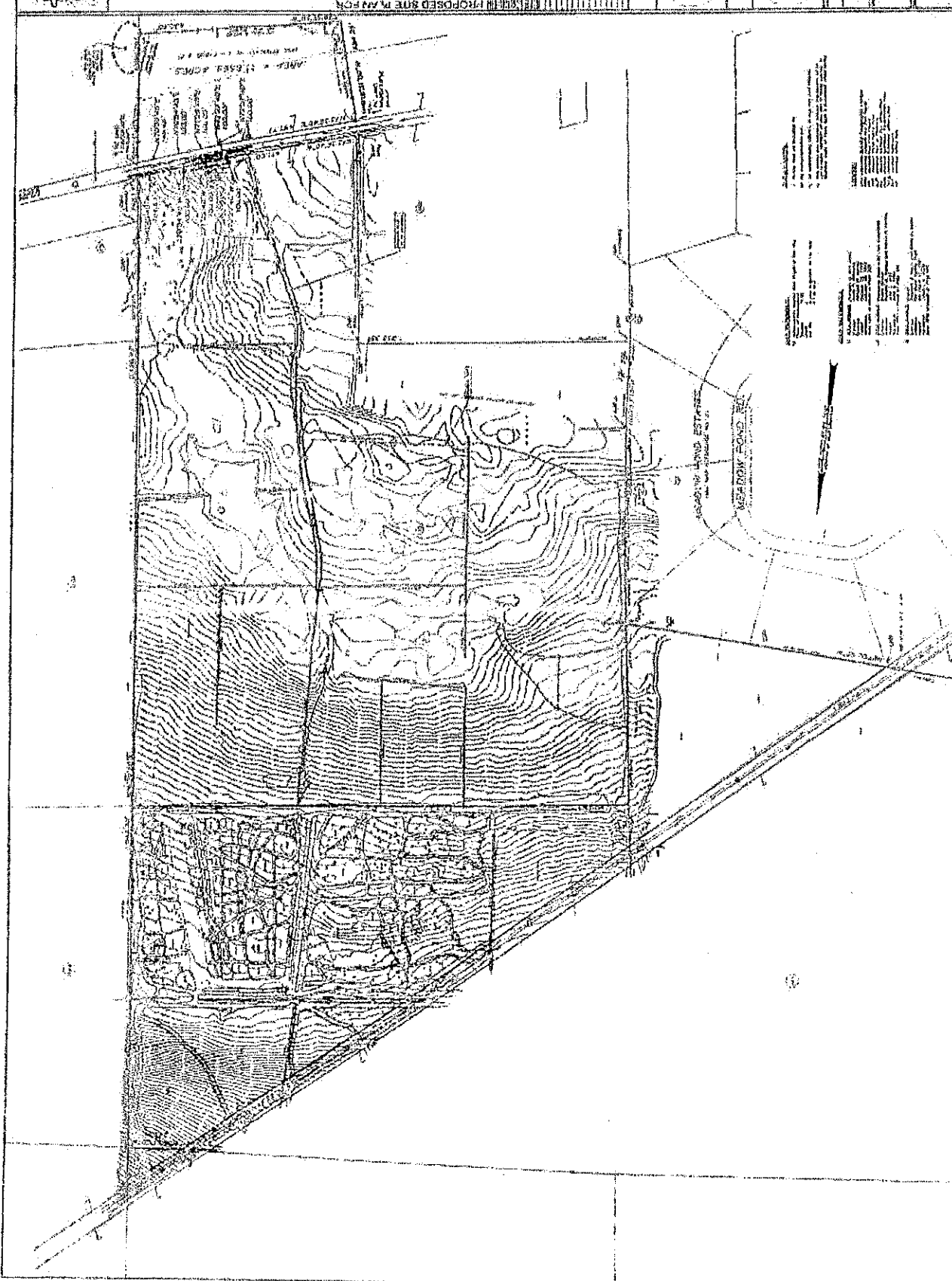
Harris yes, Novak yes, Schmitt yes, Sexton yes, Rulison yes, Houghton yes, Williams yes. **APPROVED.**

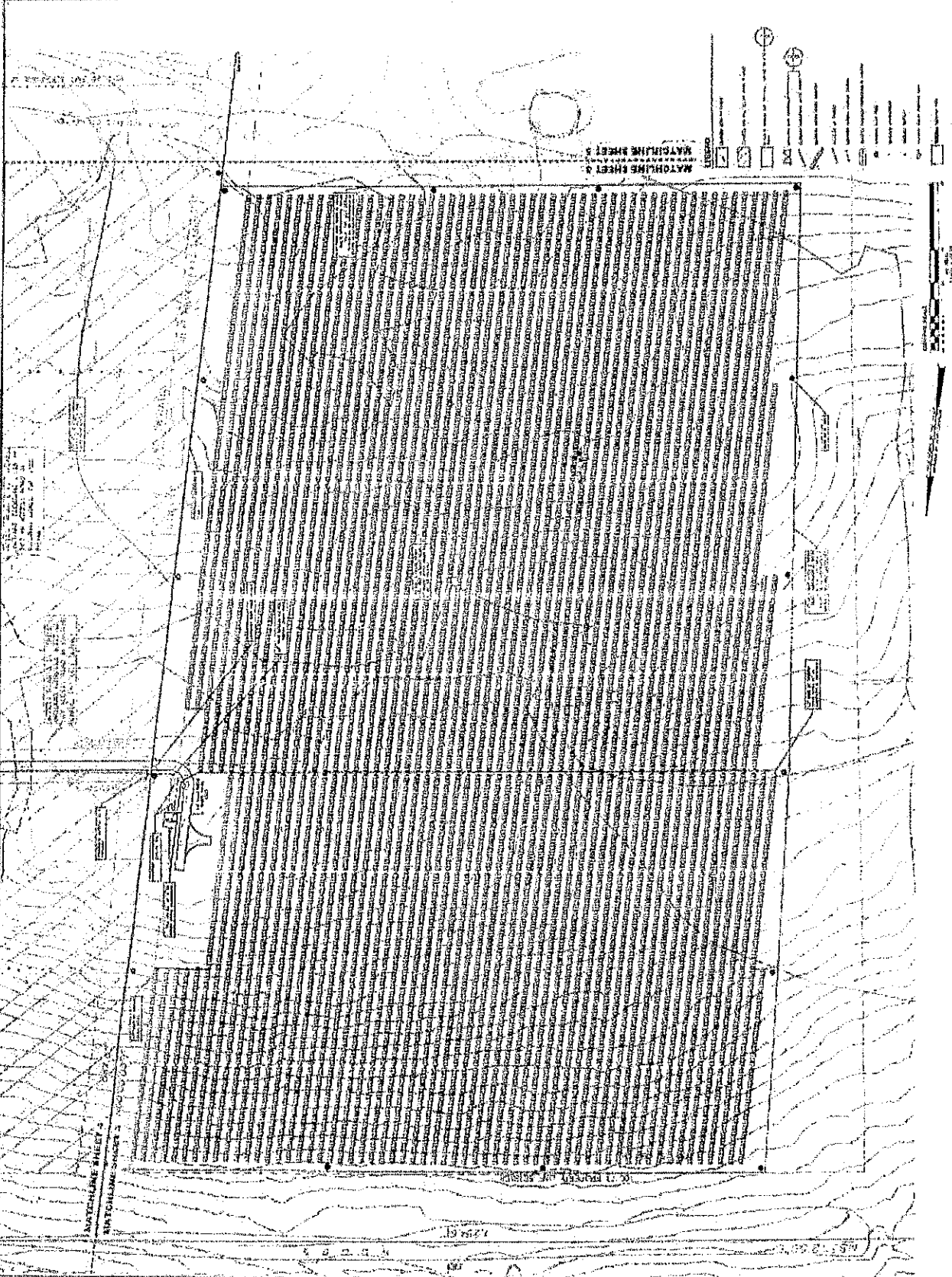
# **EXHIBIT**

## **H**







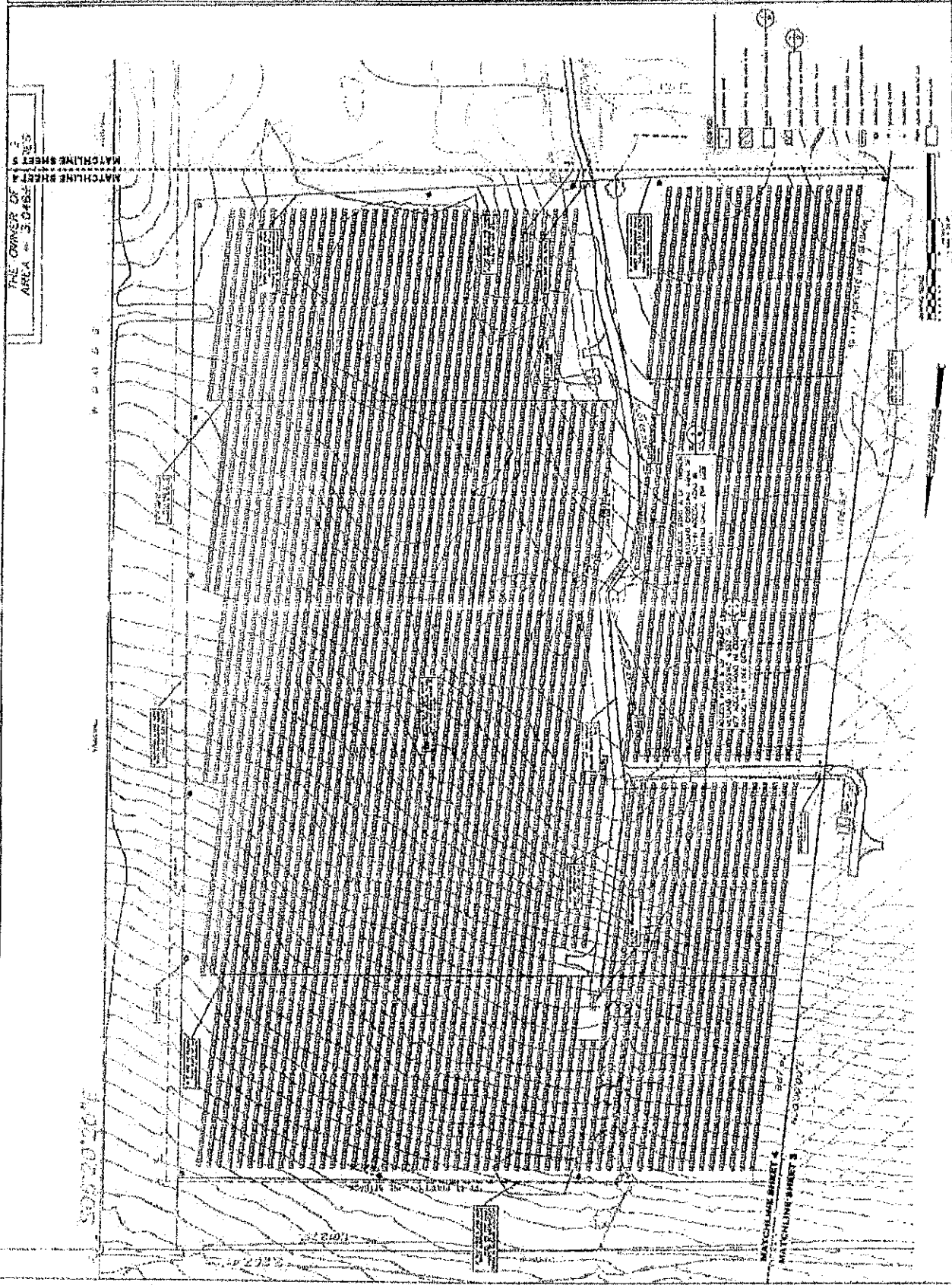


THE OWNER OF  
AREA 30485

MATCHLINE SHEET 5  
MATCHLINE SHEET 4

**OAK HILL SOLAR 182**  
APPLICANT: OAK HILL SOLAR 182, LLC  
PROJECT: OAK HILL SOLAR 182, LLC  
SHEET: 30485 OF 30485  
DATE: 11/11/2014  
DRAWN BY: J. B. BROWN  
CHECKED BY: J. B. BROWN  
APPROVED BY: J. B. BROWN

4 of 11

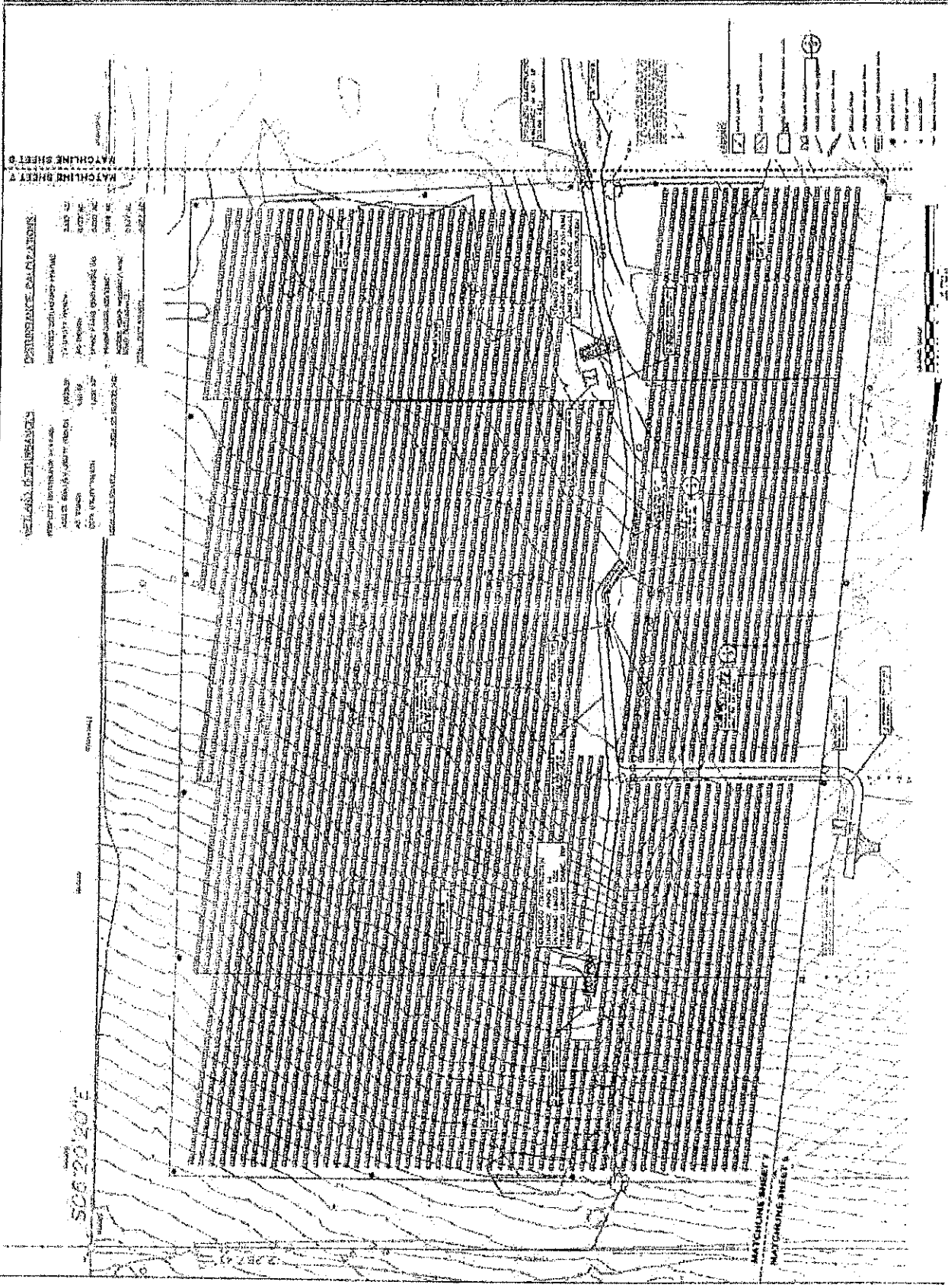


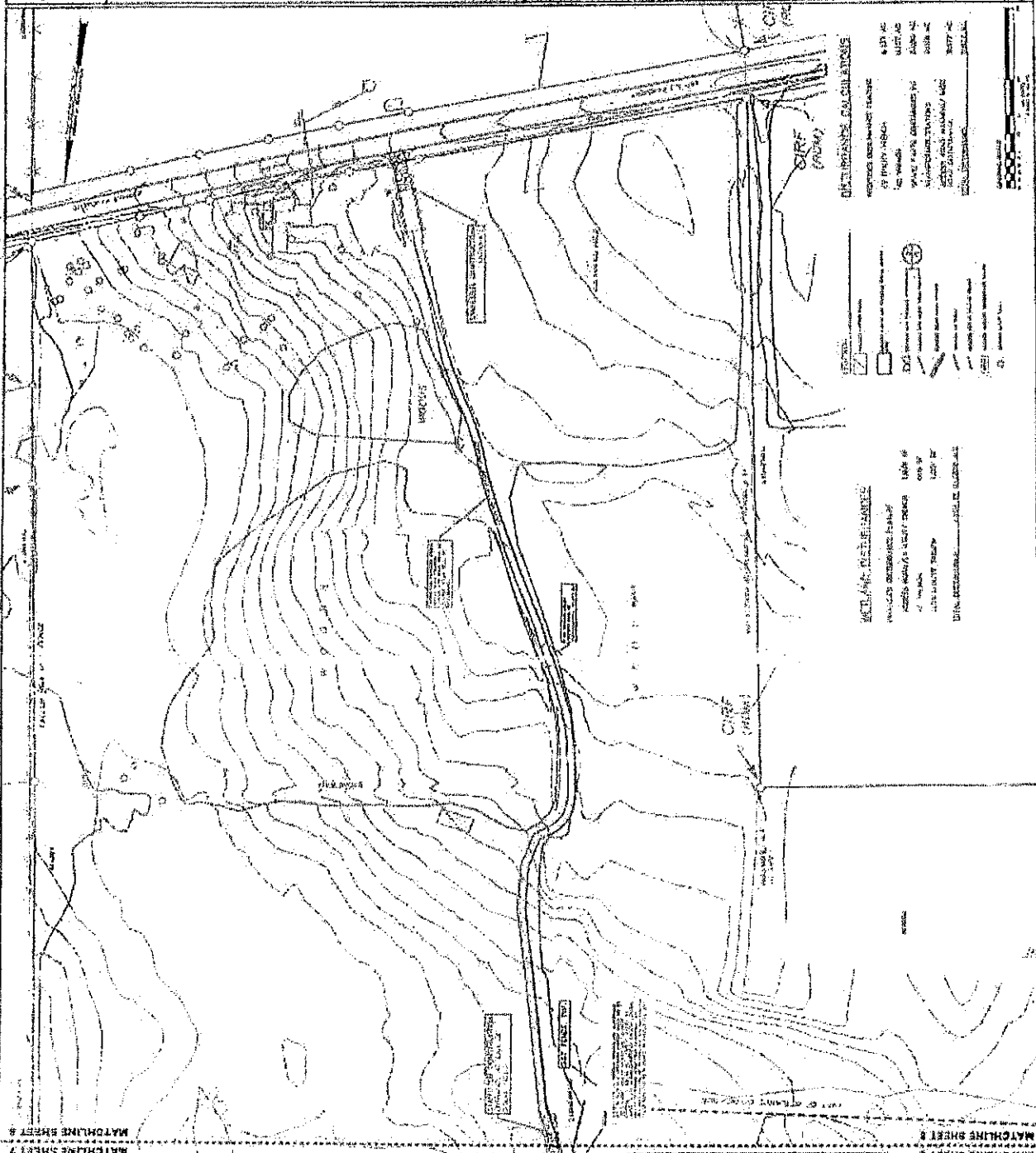
30485 OF 30485  
MOUNTAIN VIEW SOLAR 182, LLC  
OAK HILL SOLAR 182, LLC  
MOUNTAIN VIEW SOLAR 182, LLC









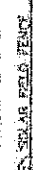


MATCHLINE SHEET 7		MATCHLINE SHEET 8	
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91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



1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. *Journal of the American Medical Association*, 1997; 277: 1001-1005.







# **EXHIBIT**

## **I**



# **EXHIBIT**

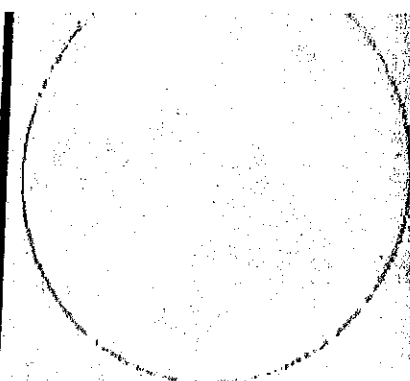
**J**

AL FIRM NO.

DATED

BUILDING

SCALE: 1"



**TIMOTHY J.  
McALONEN**  
PLS 50,471  
[timcalonen@edolp.com](mailto:timcalonen@edolp.com)



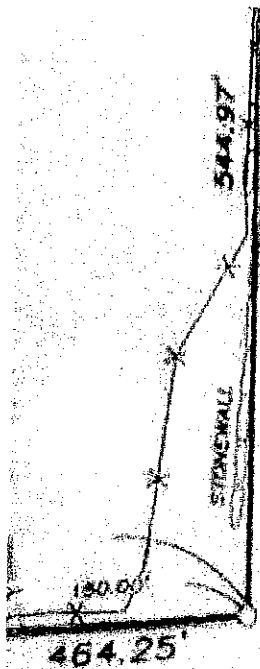
SCALE:

1" = 120'

SHEET TITLE:

**MINC  
SUBD**

10000 Road US-deg Survey\Sheets\11740-2019 SH-deg



LANDS

500

# SURVEY AND MINOR SUBDIVISION OF

## RICHARD B. MURRAY

13590 DUANESBURG ROAD (NYS ROUTE 7)  
TOWN OF DUANESBURG  
SCHEMECTADY COUNTY, NEW YORK

Total  
Receipt Not  
Doc No:  
Last Date:  
CO GENERAL REV  
TWP LOT FEE  
TOTAL PAID  
SHV: 1025756

DRAWN BY	
CHECKED BY	JMB
SDP PROJECT NUMBER	11740
<small>THE ALLEGATIONS OF THIS SURVEYOR OR ANY OTHER PERSONS CONCERNING THE CORRECT SUBDIVISION OF A PROPERTY LANDSCAPE ARCHITECT FOR A LANDSCAPE ARCHITECTURE FIRM FOR A SURVEYOR IN A SURVEYOR'S OFFICE AND IS A CLASS "A" SURVEYOR.</small>	
REVISION	DATE
FINAL REVIEW AND CHECK	09/26/20





Albany Office  
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203  
P: 518.382.1774

September 15, 2021

Dale Warner, Town Planner  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12056

**Re: Oak Hill 1 and 2 Solar Project Review  
Our Project No. 18510-01**

Dear Mr. Warner:

On August 27<sup>th</sup>, 2021, PRIME AE received from Verdanterra a Comment Response Letter, Agricultural Data Statement, DOT Permit, Revised Decommissioning Plan, Glare Analysis Version 2, Noise Analysis, Revised IFC Plan Set, Revised EAF Part 1, Revised SWPPP, and UL 9540a Test Report. On September 1<sup>st</sup>, 2021, PRIME AE received a DEC Acknowledgment of NOI dated August 31<sup>st</sup>, 2021. Based on a review of the documents we provide the following comments:

IFC Site Plan Drawings

1. An 8' fence has been provided as it will meet the requirements stated in the 2017 National Electrical Code (NEC) as followed by New York State. The fence requirement is stated in NEC Article 110.31. A fixed knot fence will be used, we find this to be acceptable.
2. No further comments.
3. Additional screening (tree buffer) along the western border of the parcel/projects was not contemplated because the projects are already screened effectively by existing forest on the host parcel, whereas the eastern border required additional uninterrupted screening on the host parcel.
4. No further comments.
5. Survey as performed by Environmental Design Partnership, LLP. (EDP), and as shown on sheet C1.01, indicates a maximum tree clearing of 0.27 acres, or 11,814 sf which is in conformance with local solar code. However, HydroCAD calculations as provided in the SWPPP indicate a 21.5-acre removal of "woods" in sub-catchment areas. How is this explained?
6. No further comments.
7. The noise analysis as prepared by EDP has been reviewed and found to be acceptable regarding equipment noises in respect to surrounding land-owner property lines. Noise analysis shows the sound produced by inverters will be just above 40 decibels at a distance of 750' from the proposed equipment, which is shortest distance from a piece of proposed equipment to a neighboring property line. Duanesburg Zoning Ordinance says properties shall not emit noise in excess of 70 decibels, measured at individual property lines. The provided noise analysis shows compliance with this regulation.
8. No further comments.
9. On Sheet C2.00, the sum of limits of disturbance for Oak Hill 1 (36.28 ac), Oak Hill 2 main (36.28 ac), and Oak Hill 2 Landscape (0.79 ac) do not total to 69.75 ac as shown. This drawing should be revised to accurately summarize the proposed disturbances.



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[www.primeeng.com](http://www.primeeng.com)

10. Proposed pad details have been provided. Further structural pad details are stated to be developed after construction permit submission, however, these should be provided at the time of construction permit submission for review and approval.
11. On Sheet C2.00, the sum of limits of disturbance for Oak Hill 1 (36.28 ac), Oak Hill 2 main (36.28 ac), and Oak Hill 2 Landscape (0.79 ac) do not total to 69.75 ac as shown. This drawing should be revised to accurately summarize the proposed disturbances.
12. No further comments.
13. It is acknowledged that Dale Warner has given his approval upon the conditions that a 2' wide shoulder be provided along each side of the proposed 10' access route and that the slope of the access route does not exceed 10%. Stationing points including, but not necessarily limited to, 3+50, 8+00, 9+50, 10+50, and 13+50 seem to be areas where 2' shoulder on each side seems difficult to obtain. Applicant should verify the practicability of providing 2' of shoulder on either side of the 10' wide access road at all locations, considering slope and vegetation.
14. Noted.
15. Sheets C2.00, C2.01, and C2.02 still do not properly identify the suited dimensions of wetland disturbances. Leaders should be revised. The access road and LV trench crossing area scales to approximately 944 square feet. Leader currently shows 905 square feet. Total of disturbances would equate to approximately 1322 square feet.

#### Site Plan C2

1. No further comments.

#### Grading Plan C3

1. No further comments.

#### IFC Landscape & Planting Plan

1. No further comments.
2. Noted.
3. Noted.

#### IFC Mechanical Drawings 1 & 2

1. Mechanical Drawings were not provided for our review. Our previous comments still stand:
  - a. A key should be added to the drawings as well as the height of the solar panels identifying the height at maximum tilt.
  - b. Units should be included for each dimension. English units would be preferred. Units should be consistent throughout set.
  - c. Equipment parts should be labeled.

#### IFC Electrical Drawings 1&2

1. No further comments.



### SWPPP

1. Section 3 has been revised to include mention of stormwater management in post-construction. We find this to be acceptable.
2. Section 3 has been revised to include mention of stormwater management in post-construction. We find this to be acceptable.
3. Section 4 has been revised to include documentation for final construction conditions.
4. Section 4 was revised to state that revisions to the SWPPP shall be submitted to the NYSDEC as well as the Town of Duaneburg.
5. Section 5 was revised to include mention of the various wetlands on the project site
6. Section 5.1 has been revised to include a breakdown of soil groups present on the site by percentages.
7. Section 8 now mentions the phasing to take place in the project.
8. Will all steps listed on page 9 of the SWPPP be completed for the whole site all at once or will they all occur sequentially for each phase? Will Stages 1 and 2 on page 8 of the SWPPP occur at each phased site in sequential order or are these steps for the whole site? It is still unclear how phasing will be incorporated. The additional information provided at the end of section 8 should really be incorporated into the existing "stages" as previously described in the section for a more complete and whole picture of events. This section of the SWPPP should state this 12-month time frame.
9. SWPPP should be revised to describe minimum erosion and sediment control practices directly associated with each construction activity in accordance with Part III B.e. in the General SPDES permit. A schedule should be provided of when each method will be installed, how long it will remain, and the conditions that allow for removal. If this cannot be provided in detail due to unforeseen conditions, an estimated schedule should be provided. This can be amended during construction.
10. Applicant needs to show on the drawings the minimum required erosion and sediment control measures to be employed at each location of the site – as it is not the responsibility of the contractor to determine the necessary measures to be taken.
11. We find this explanation of description measures for temporary stockpiling and timber matting to be sufficient.
12. Table 3 has been revised to include sodding.
13. The SWPPP has been revised to include the use of level spreaders.
14. The hydroCAD calculations submitted in the appendix appear to show the area to be affected by construction and that will require water quality mitigation is 0.11 acres. This differs from the 0.0918 acres as described in the response August 28<sup>th</sup> letter and the revised SWPPP. Applicant should clarify this discrepancy.
15. As the total area being disturbed by this construction and post-construction alterations to the project site are contained within the three newly defined sub-catchments, we find the contributing area of the site as defined by the SWPPP satisfactory.
16. If the applicant can verify that the land outside of the three sub-catchments, but within the host parcels, will not experience any of the stormwater run-off as produced by alterations to the site, we can accept the newly defined sub-catchments. However, it can be seen that the landscaping improvements were not considered in the defined sub-catchments. Applicant should revise accordingly.
17. Upon reviewing HydroCAD results more thoroughly, runoff results and changes for sub-catchment 3 regarding the pervious access road are understood and accepted as submitted.



18. Qp, Qf, and Cpv calculations have been summarized in the body of the SWPPP.
19. Total area of disturbance and total area of new impervious cover should be stated in SWPPP. It is unclear where in Appendix J these are stated.
20. We find this answer to be satisfactory.
21. Response provided for our original comment does not seem to be applicable. The statement: "These trenches will not be used to treat stormwater quantity." was included in the SWPPP. It does not appear that infiltration basins are proposed to be used in accordance with the NYS stormwater management design manual. The calculations and explanations shown in the Stormwater Management Report show that these infiltration trenches are proposed only for runoff reduction purposes. This is not an approved method for runoff reduction as shown in table 3.2 in the NYS stormwater management design manual. It is an approved method for Stormwater Quality as shown in Table 3.3 of the manual.
22. The SWPPP has been revised include the most recent version of the Fish and Wildlife Service letter dated August 2, 2019.
23. It is understood that the incomplete contractor certification form is included for subcontractor certification if/when subcontractors will be on site.
24. Template under Appendix L has been revised to include sections that the SWPPP inspector can describe the maintenance performed on site during or since last inspection.
25. It can be seen that section 12.2 of the SWPPP includes the frequency of inspections to be performed.
26. Appendix K still does not seem to have a table including the date an amendment would be made, the name of the qualified amender, their signature and a description of the amendment made.
27. HydroCAD calculations indicate a 21.5 acre removal of "woods" in sub-catchment areas. This does not appear to correlate with the plans and if it is in more than 20,000 sf increments, this is not in accordance with local solar law.
28. Level spreaders are shown throughout the SWPPP and IFC plans, however these are not included in stormwater quality calculations, nor reduced runoff volume calcs in the Stormwater Management Report. This method should be incorporated into the calculations provided.
29. Were perc tests performed at the site? The utilization of infiltration basins and level spreaders would only be feasible if the soils pass perc tests. Given the poor drainage of the soil as described in the Full EAF, this doesn't seem like the best stormwater management practice for the site.

SPDES General Permit Owner Operator Certification, Contractor Certification, and SWPPP Preparer Certification

1. If the SWPPP is revised, each certification shall be re-signed.

NOI for Coverage under Stormwater General Permit for Construction Activity

1. We find the answer "no" to question 5 to be acceptable, as it appears that no more than 5 acres of soil will be disturbed at a time.
2. The answer to 7 is "no" but according to the phasing plan included in the plans, 15 phases to stay under the 5 acres of disturbance limit are shown. Applicant has indicated that disturbances will not occur at one time, ie: phasing, but then contradicts their answer by stating that construction will occur at one time. Applicant should clarify.



3. Number 8 has been revised to a start date in the future.
4. Number 9 discusses off-site wetlands, however there are wetlands on the site that should be identified and discussed.
5. Topsoiling has been added to Section 26 of the NOI, however, Protecting Vegetation During Construction is a practice listed in table 3 of the SWPPP but is not listed in Section 26 of NOI. This should be revised.
6. Question 22 of the NOI was answered as “yes”, therefore an answer for question 27 should be provided.
7. Section 28 – the WQv is correct, given the values from the SWPPP.
8. Section 30 – current RRV listed here does not match what is in the SWPPP. The SWPPP, in section 10.2.2 shows RRV as 70 cu. ft. The Calculations in the stormwater management report show RRV as 348 cu. ft. on the infiltration trench worksheet, total RRV listed in NOI section 30 states 0.032-acre-feet. This equates to nearly 1,400 cubic feet of RRV. It is unclear where this value is coming from.
9. Section 31 – Current NOI shows that required reduction in runoff is smaller than the proposed required runoff, therefore we find this answer acceptable.

#### USACE Permit Package

1. USACE shall make a determination on the modified project plans before construction may commence. This determination shall be forwarded to the Town for review prior to construction.
2. Sheets C2.00, C2.01, and C2.02 still do not properly identify the proposed dimensions of wetland disturbances. Leaders should be revised. The access road and LV trench crossing area scales to approximately 944 square feet. Leader currently shows 905 square feet.
3. No further comments.
4. No further comments.

#### NYSDOT Application and Minor Commercial Driveway Plans

1. Applicant shall comply with all requirements of the received permit from NYSDOT.

#### Agricultural Data Statement

1. Agricultural Data Statement has been provided. No comments at this time.

#### Full EAF Part 1 & Summary of Changes Letter

1. FEAF indicates the possible disturbance that will be encountered during construction.
2. Applicant indicates in question D.1.e that the project will be completed in a 12-month period, revised NOI agrees with that timeline.
3. Question D.1.g the applicant stated there would be new non-residential construction. Applicant has revised answers to the subsequent questions D.1.g.i,ii,iii. Applicant has indicated the number of structures, and dimensions in feet of the largest proposed structures including height, width and length, and if any space is to be heated or cooled.
4. Revised EAF summarizes the wetland disturbances as according to the leaders in the current IFC drawings. The access road and LV trench crossing area scales to approximately 944 square feet. Leader



currently shows 905 square feet. Total of disturbances would equate to approximately 1322 square feet. EAF should reflect this value.

5. In the original EAF dated 7/19/2018 the “current acreage” listed under Forested was 38.90 acres, 51.05 acres under Meadows, grasslands or brushlands, and 44.83 acres under Agricultural. These differ from the current acreage listed under these categories in the revised EAF dated 7/28/2021. The revised EAF dated 7/28/2021 states the “current acreage” under forested as 24.98 acres, meadows, grasslands or brushlands as 71.98 acres, and 35.82 acres under Agricultural. We ask the applicant to identify the conditions that caused the change in “current acreage” under those identified land use/cover type categories. The original EAF dated 7/19/2018 indicated a response of “no,” stating that no agricultural lands consisting of highly productive soils are present. In the revised EAF dated 7/28/2021 the applicant indicated a “yes” stating that 133 +/- acres were present. It is noted that the applicant also states that although listed as highly productive soil by the USDA Soil survey, the landowners experience is that the land is too wet to be productive. Furthermore, this does not correlate with HydroCAD pre and post conditions of the site.
6. Noted that question D.2.e. has been updated to reflect increase in impervious surface from 0.088 acres to 0.092.
7. Question D.2.m.i has been revised to clarify noise details post-construction, however, it does not describe potential noise expected to occur during construction. This should be revised.
8. We find response in regard to Current Acreage under question E.1.b to be acceptable.
9. We find response in regard to question E.3.b to be acceptable.

#### Full EAF Part 2

1. No further comments.

#### Full EAF Part 3

1. No further comments.

#### Decommissioning Plan Summary of Changes Letter

1. No further comments.

#### Decommissioning Agreement Executed

1. No further comments.

#### Revised Decommissioning Statement

1. Decommissioning plan Appendix 2 now states the total decommissioning fund for the total of the (2) Oak Hill Solar projects, this total is in the amount of \$427,033.
2. Underground conduit has been included in the Item Removal of Underground Wires and Conduits and Backfill.
3. CCTV removal is no longer included in the summary analysis which corresponds with revised plans.
4. It is understood that labor, transport, and machinery required for each item is included in all costs.



5. The 8,300 lf of fence associated with the two projects has been divided equally between the two projects. We find this to be satisfactory.
6. The 4,800 lf of underground wiring associated with the two projects has been divided equally between the two projects. We find this to be satisfactory.
7. Separate cost break-downs for each of the 2 projects have been provided. We find this to be satisfactory.
8. If looking at NYSEDA's Decommissioning Solar Panel Systems Guidebook, it can be seen that they show the future cost estimate in a 20-year time frame. If you use this same, future-cost, analysis for 2 years at 2.5% for \$213,626.5 and \$213,406.50, the future cost increase is \$10,814.84 and \$10,803.70 respectively. This may not seem like a substantial amount to the project team. However, approximately \$20,000 to the Town of Duanesburg, in the instance the applicant fails to decommission the project themselves, is a substantial amount. We would like the applicant to consider again, increasing the unit costs for all decommissioning items in terms of inflation.
9. It is understood that the BESS containers will be transported to their manufacturing facility where they will be recycled. The Battery Energy Storage System-Specific Decommissioning Plan Section 5.1 is sufficient.
10. No further comments.

#### Glare Analysis and Module Specifications

1. No further comments.
2. The revised Glare Analysis shows that no glare is predicted along Route 7. We find this conclusion satisfactory.

#### Battery Storage Specification and Photos

1. No further comments on this item. However, Paul Rodgers will be contracted to review this material when passed via resolution by the Town Board.

#### Pervious Access Road Questions Received by the Town from Concerned Citizen

Pervious access road questions received by the town from concerned citizen on 7/27/2021 and provided for our review. Answers provided by AMP on 8/6/2021

- 1.q. Do solar access roads have a weight limit requirement?
  - 1.a. It has been our experience that they do not have a weight limit requirement, but they have been designed and developed with materials for heavy truck traffic at low volume (fire truck, tanker truck, etc.)
1. While the information provided in this response is appreciated, we still would like to know the load rating of the access road.
- 2.q. Are the access roads required to withstand a 40-ton tanker truck?
  - 2.a. The access roads use materials that can withstand a 40-ton tanker truck. The Mirafi BXG110 geogrid specified in the design can be used for construction equipment / heavy equipment travel. See attached for Mirafi BXG110 geogrid specification.
2. See comment 1. in this section.
3. No further comments regarding winter plowing at this time.



- 4.q. Is there a width limitation to this detail? NYSDERDA requires battery energy storage to follow the 2021 International Fire Code even if it is more restrictive than local law. Approved site plans may require amendments expanding the width of the road to meet 2021 IFC. How wide can this detail go?
- 4.a. The pervious haul roads have been designed with a width of 14'. This width in combination with the truck turnarounds has been approved by the fire chief (email correspondence attached) during the original application. We also provided the fire chief with the updated road layout in an email communication on July 28, 2021 and did not receive any comments. It is our strong preference to keep the road width at 14' to limit the disturbance on site. Please let us know if you require further discussion on this point.
4. It is acknowledged that Dale Warner has given his approval upon the conditions that a 2' wide shoulder be provided along each side of the proposed 10' access route and that the slope of the access route does not exceed 10%. Stationing points including, but not necessarily limited to, 3+50, 8+00, 9+50, 10+50, and 13+50 seem to be areas where 2' shoulder on each side seems difficult to obtain. Applicant should verify the practicability of providing 2' of shoulder on either side of the 10' wide access road at all locations, considering slope and vegetation.

#### 52'x8' Enclosure Drawings

1. No further comments at this time.

#### Powin Fire Alarm SOP

1. Revised Powin fire alarm SOP does not seem to be included for review.
2. It has been acknowledged that this Safety Guide has been provided to the local fire department.

#### Permit VS IFC Comparison Plan

1. On Sheet C2.00, the sum of limits of disturbance for Oak Hill 1 (36.28 ac), Oak Hill 2 main (36.28 ac), and Oak Hill 2 Landscape (0.79 ac) do not total to 69.75 ac as shown. This drawing should be revised to accurately summarize the proposed disturbances.
2. No further comments at this time.
3. No further comments at this time.

#### Powin 53' Enclosure Stack Drawings

1. No further comments at this time.

#### UL 9540A Test Date Letter

1. The UL 9540A test results were received. These results will be reviewed separately by Paul Rodgers when passed via resolution by the Planning Board.

#### Amp Storage System Risk Mitigation Strategy

1. No further comments at this time.





2. It is noted that (2) separate hydrogen sensors are placed at strategic locations throughout the enclosure and can detect hydrogen at levels significantly below the lower explosive limit (LEL). However this does not answer the question whether the off gassing is in compliance with DEC and DOH codes and/or recommendations. It was presented by Mitch Boeh at the Public Planning Board Workshop on 9/9/2021 that there are currently no known DEC or DOH codes applicable to these sorts of applications. Furthermore, the vent designs are NFP 69 Compliant as stated by Mitch.
3. It has been clarified that the lowest melting point of any of the materials used for construction will be polypropylene at 315 degrees Fahrenheit. It still was not clarified what the temperature inside the battery storage unit is anticipated to be during the summer months.

Fire and Off-Gas Emergency Procedure

1. It is noted that (2) separate hydrogen sensors are placed at strategic locations throughout the enclosure and can detect hydrogen at levels significantly below the lower explosive limit (LEL). However, this does not answer the question whether the off gassing is in compliance with DEC and DOH codes and/or recommendations. It was presented by Mitch Boeh, the POWIN representative, at the Public Planning Board Workshop on 9/9/2021 that there are currently no known DEC or DOH codes applicable to these sorts of applications. Furthermore, the vent designs are NFP 69 Compliant as stated by Mitch as the same workshop. We look forward to Paul Rodger's comments on this material.

Powin's Approach to Safety Product Guide, Powin Stack230P Product Manual, Fire Suppression Cut Sheet, & Powin Stack Technical Specifications

1. No further comments at this time.

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

*Douglas P Cole*

Douglas P. Cole, PE  
Senior Director of Engineering

cc: Roger Tidball, Supervisor





# **Amendment to existing Special Permit and Site Plan Approval (September 2019)**

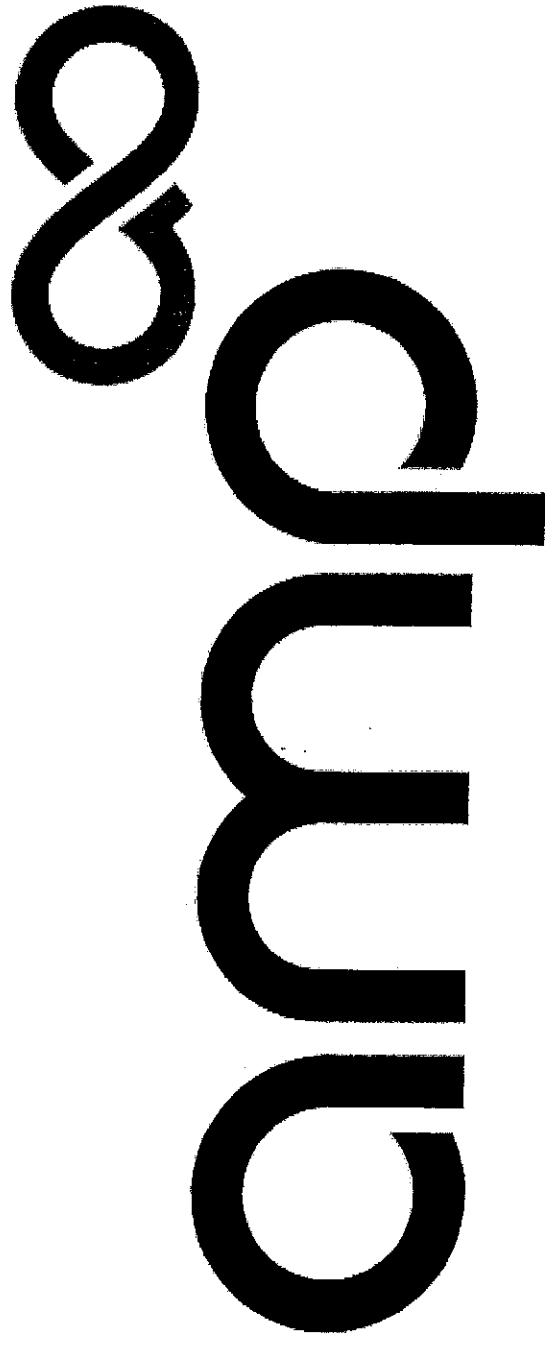
Town of Duaneburg – Planning Board Meeting

amp<sup>∞</sup> | September 16, 2021

# Updates

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- Reviewed Prime AE Letter dated August 14, 2021
- Submitted a response letter on August 28, 2021
  - ☐ Site Plan
  - ☐ SWPPP
  - ☐ EAF
  - ☐ Decommissioning
- BESS Special Meeting & Workshop September 9, 2021
- Provided a link to project documents
- Received Prime AE response letter dated Sept. 15, 2021



## Contacts

### **Kevin Foster**

Director, US Projects  
kfoster@amp.energy

### **Bill Pedersen**

Senior Manager, Execution  
bpedersen@amp.energy

### **Nicole LeBlanc**

Director, US Transactions  
nleblanc@amp.energy

### **Pallav Shah**

Construction Project Manager  
pshah@amp.energy

### **Terry Rasmussen**

Director of Development  
trasmussen@amp.energy