

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member

**Town of Duanesburg
Zoning Board of Appeals
June 21st, 2022**

Town of Duanesburg is inviting you to a scheduled Zoom meeting.

Topic: Town of Duanesburg's ZBA Meeting

Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

<https://us02web.zoom.us/j/86499746075>

Meeting ID: 864 9974 6075

Passcode: 130214

Dial in by Phone: 1-646-558-8656

Meeting ID: 864 9974 6075

Passcode: 130214

INTRODUCTION BY CHAIRPERSON NELSON GAGE:

OPEN FORUM

PUBLIC HEARINGS:

#22-05 Dunnsville Rod and Gun Club: SBL#68.00-1-14, (C-1) located at 3081 Western Turnpike is seeking an Area Variance for a front yard reduction to meet the requirements for a flag lot under section 3.5.93(B); section 14.5.2(B) of the Town of Duanesburg Zoning Ordinance.

Approved: Yes _____ No: _____

Comments: _____

#22-02 Urbano/Caschera, SBL#35.06-3-5.2, (L-1) Located at 2610 Weast Rd is seeking a side yard setback and an Area Variance under section 7.1.6(2); 7.1.5(1) of the Town of Duanesburg Zoning Ordinance.

Approved: Yes _____ No: _____

Comments: _____

OLD BUSINESS:

#22-03 Oakhill Solar 1 LLC, SBL#74.00-2-5.2 Located at 13592 Duanesburg Rd is seeking a Area Variance for a height of fence under section 5.7.(1) of the Town of Duanesburg Zoning Ordinance.

Comments: _____

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
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Jonathan Lack, Vice Chair Member
Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member

#22-04 Oakhill Solar 2 LLC, SBL#74.00-2-5.1 Located at 13590 Duanesburg Rd is seeking a Area Variance for a height of fence under section 5.7.(1) of the Town of Duanesburg Zoning Ordinance.

Comments: _____

NEW BUSINESS:

#22-06 Callahan, Paul: SBL#67.00-2-11.41, (R-2) located at 646 W Duane Lake Rd is seeking an Area Variance to sell an existing undersize lot as a building lot in a R-2 Zoning District under section 8.5(1) of the Town of Duanesburg Zoning Ordinance.

Comments: _____

Other:

None

ZONING BOARD MEETING MINUTES:

May 17th, 2022

Approved: Yes _____ No: _____

Comments: _____

ADJOURNMENT

AGENDA ITEMS MAY BE ADDED, DELETED, OR ORDER CHANGED WITHOUT NOTICE

**TOWN OF DUANESBURG ZONING BOARD OF APPEALS
RESOLUTION ISSUING INTERPRETATION OR IN THE ALTERNATIVE
APPROVING AN AREA VARIANCE TO ALLOW EIGHT FEET TALL FENCES
AT THE OAK HILL SOLAR PROJECTS**

JUNE 21, 2022

MOVED BY _____; SECONDED BY _____

WHEREAS, Oak Hill Solar 1 and 2 LLC received special use permits and site plan approvals for two 5 MW Solar Projects from the Town of Duanesburg Planning Board, after the Planning Board, as SEQRA lead agency issued a negative declaration of environmental significance for the Type 1 projects; and

WHEREAS, the Planning Board determined as follows in its resolution of March 17, 2022, “The Planning Board is approving a fence that is six feet in height only and the Applicant is free to apply to the Zoning Board of Appeals if the Applicant is required to construct higher fences due to State or National Electrical Codes requirements;” and

WHEREAS, the Town Building Inspector issued a determination on April 7, 2022 that an area variance would be required for the height of the fences that Oak Hill Solar 1 and 2 LLC are requesting to construct to add two (2) feet to the height of the fence, i.e. eight foot high fences.

WHEREAS, the Town of Duanesburg Zoning Ordinance defines a “fence” in section 3.5.69 as “[a]ny structure or device, regardless of composition, which encloses or divides a parcel of land or serves as a barrier, other than a building or growing plants or trees.” Section 5.7(c) of the Town of Duanesburg Zoning Ordinance provides that “Privacy fences shall not exceed six (6) feet in height and be of a material compatible with the general surroundings with the finished side out. ; and

WHEREAS, the Town of Duanesburg Local Law no. 1 of 2016, “the Solar Energy Facilities Law” provides in section 3a that “[a]ll electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a six-foot fence;” and

WHEREAS, Oak Hill Solar 1 and 2 LLC applied for an area variance to the ZBA for an 8 feet high fence as shown on the approved site plans and fencing details for the two projects and subsequently submitted a letter dated May 6, 2022 to the Town Building Inspector also seeking an interpretation of the Solar Law (Town of Duanesburg Local Law no 1 of 2016, section 3(a), which provides that solar equipment shall be enclosed by a six foot fence, seeking to clarify that the Solar Law when taken in conjunction with other provisions of Town and Building Codes, should read as “at least six feet high”; and

WHEREAS, the Town of Duanesburg is subject to the NYS Building Code requirements, which include the National Requirements for Electrical Installations including section 110.31, "Enclosures for Electrical Installations" which provide, among other requirements, that "A fence shall not be less than 2.1 m (7 feet) in height or a combination of 1.8m or more of fence fabric and a 300 mm (1 foot) or more of extension using three or more strands of barbed wire or equivalent". This was confirmed by Schenectady County Planning staff in correspondence to the Town dated May 10, 2022 as confirmed by NYSERDA staff in an email dated June 14, 2019 to Schenectady County Planning Staff; and

WHEREAS, an interpretation issued by a Zoning Board of Appeals is a Type 2 or exempt action under SEQRA and an area variance is subject to the SEQRA negative declaration issued on the Projects by the Planning Board acting as SEQRA lead agency (the ZBA is an involved agency only); and

WHEREAS, the request for interpretation/area variance was referred to the Schenectady County Planning Department pursuant to the NYS General Municipal Law and the Schenectady County Planning Department determined that it would defer to local consideration (no significant county-wide or inter-community impact) on May 11, 2022;

WHEREAS, the ZBA held a duly noticed public hearing at its meeting of May 16, 2022 where any persons who wanted to speak or submit written comments were allowed to do so and the ZBA has carefully considered all of the comments;

NOW THEREFORE BE IT RESOLVED, that the ZBA makes the following findings with respect to both Oak Hill Solar 1 and 2 LLC projects:

1. The ZBA finds that the requested interpretations issued by the ZBA are type II actions pursuant to SEQRA;
2. The ZBA finds that in the event the ZBA issues an area variance for the two additional feet of fence height, the requirements of SEQRA have already been met by the Town Planning Board, which, acting as SEQRA lead agency, issued a negative declaration of environmental significance on the projects;
3. The ZBA has examined the Town of Duanesburg Zoning Ordinance, which contains a limit on the height of privacy fences of not more than six feet and the ZBA determines that this provision does not apply to the eight-foot-high fences proposed by Oak Hill Solar 1 and 2 LLC for their solar projects, as the purpose of the fences is not to obscure views, i.e. provide privacy. Instead, the purpose of the fences, which have been designed to appear as agricultural fences, is to protect public safety by preventing access to the solar projects, which have high voltage electrical connections and other such electrical equipment located thorough out the projects as shown on the approved site plans.
4. The ZBA has examined Town of Duanesburg Local Law No. 1 of 2016, section 3(a) and finds that the language of the local law merely provides that fencing associated with a solar project be six feet in height but that there is no indication that the Town of Duanesburg

Town Board intended to supersede the State and National requirements pertaining to such fences that they be at least 7 feet tall or 6 feet with three strands of barbed wire at the top of the fence. In light of this, the ZBA finds and determines that the Local Law should be more appropriately interpreted as requiring that such fences be at least 6 feet tall as interpreting it in any other way would be in derogation of State and National requirements that apply to such projects in the Town and such interpretation is consistent with the language and purposes of Town of Duanesburg Local Law No. 1 of 2016.

5. Moreover, the ZBA also finds that the request for eight-foot-high fences for the Projects meet the requirements for an area variance. The ZBA is required to apply a balancing test to balance the benefit to the applicant with the detriment to health, safety & welfare of the community by examining whether the benefit, i.e. the additional security provided by two additional feet of fencing can be achieved by other means feasible to the applicant; whether the additional two feet of fencing will cause an undesirable change in neighborhood character or detriment to nearby properties; whether the request for an additional two feet of fencing is substantial; whether the request for an additional two feet of fencing will have adverse physical or environmental effects; and whether the request for an additional two feet of fencing is self-created (which is relevant, but not determinative).
6. In applying the balancing test for the additional two feet in height of fencing the ZBA finds as follows:
 - a. that an eight-foot-high fence, rather than a shorter fence with three strands of barbed wire at the top, has less of a visual impact on the community and provides for security that meets the requirements of the State and National Codes applicable to such electrical installations;
 - b. that the fences have been designed to be very similar in appearance to agricultural fences typically used in Duanesburg rather than those typically used for electrical installations at substations, for example;
 - c. that the additional security provided by the higher fences cannot be met by some other means feasible to the applicant as the applicant has indicated that shorter fences are not currently available in the marketplace due to supply chain difficulties and that such shorter fences would not meet its security needs in any case;
 - d. that the difference between a six-foot-high fence with three strands of barbed wire and an eight-foot-high fence with a solely agricultural appearance (as shown on the typical detail on the approved site plans) will not cause an undesirable change in neighborhood character or detriment to nearby properties which nearby properties as well as other agricultural properties in Town typically have agricultural fencing;
 - e. that the request is not substantial based on the visual information included in the record before the Planning Board and here and based on the required setbacks and distances between the property boundaries and the fencing as shown on the approved site plans;
 - f. that the request for an additional two feet of fencing will not have adverse physical and environmental effects—the approved site plans which were evaluated pursuant to SEQRA showed the additional two feet of fencing and the ZBA finds that the additional two feet of fencing will not cause any significant adverse environmental impact and will likely result in very little visual difference between a six feet high

and an eight feet high agricultural fence with the setbacks shown on the site plans from adjacent properties and from NYS Route 7;

- g. that the request is self-created; however, the State and federal requirements demonstrate that at least a seven-foot-high fence would be required regardless and the ZBA acknowledges that both the supply chain limitations identified by the applicants and the greater security provided to the public by the higher, eight-foot-high-fences justifies the grant of the variances.

- 7. Now therefore the ZBA interprets the applicable Town laws to authorize the proposed eight-foot-high for these electrical installations and, in the alternative, grants the requested area variances for the eight-foot-high fences as shown on the approved site plans.

By (unanimous/majority) vote of the Zoning Board of Appeals of the Town of Duanesburg at its regular meeting on June 21, 2022.

Nelson Gage, ZBA Chair

Date

Present:

Absent:

Zoning Board of Appeals Board Members:

Nelson Gage	Yea	Nay	Abstain
Matthew Ganster	Yea	Nay	Abstain
Link Pettit	Yea	Nay	Abstain
Jonathan Lack	Yea	Nay	Abstain
Daniel Boggs	Yea	Nay	Abstain

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
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PUBLIC HEARING
LEGAL NOTICE
FOR THE
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

Please Take Notice, that the Zoning Board of Appeals for the Town of Duanesburg, will meet in the Town board room located downstairs of the Town Hall at 5853 Western Turnpike Duanesburg NY, on June 21st, 2022, at 7:00 pm for the purpose of hearing all persons interested in the application of:

#22-05 Dunnsville Rod and Gun Club: SBL#68.00-1-14, (C-1) located at 3081 Western Turnpike is seeking an Area Variance for a front yard reduction to meet the requirements for a flag lot under section 3.5.93(B); section 14.5.2(B) of the Town of Duanesburg Zoning Ordinance.

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS. PLEASE CONTACT:

Melissa Deffer Building, Planning and Zoning Clerk
P# 518-895-2040
EMAIL: Mdeffer@duanesburg.net

BY ORDER OF THE
TOWN OF
DUANESBURG ZONING BOARD OF APPEALS
CHAIRPERSON

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

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 5-5-2022 Zoning District R-2

Type of Variance

Use Variance Area Variance

SBL# 68.00-1-14

Phone #: _____

Applicant's Name: Dunnsville Rod & Gun Club

Applicant's Address: 3081 Western Turnpike
Duanesburg NY 12086

Property Owner Name(if different): _____

Property Address (if different): _____

Property Owner's Signature (officer) Richard Petersen
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)

Front yard reduction for flag lot

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Twelve (15) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

- Copy of the property deed
- Location map showing the location of the property with
 - A) Name of applicant and SBL#
 - B) North arrow; Street and if applicable the lake shore
 - C) Adjoining property owners names with location of wells and septic systems within 100ft of the adjoining property boundaries
- Property map to scale
 - A) Name of applicant and SBL#
 - B) North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
 - C) Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
 - D) Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

I certify that all the information submitted is true and accurate to the best of my knowledge.

Richard Petersen
Applicant

5-6-22
Date

Rebekah D'Amico

State of New York, county of Schenectady sworn this 6th day of May 2022. Notary Public

REBEKAH LYN DINGI
Notary Public - State of New York
No. 01D16294781
Qualified in Schoharie County
My Commission Expires December 2023

***** (For Office use only) *****

Reviewed by _____ Date _____

Fee _____ Date _____ Check# _____ Rec'd By _____

Hearing Date _____ Approved: YES NO Approval Date _____

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the Zoning Ordinance must be followed or the approval becomes null and void.

Other Conditions include: _____

Authorized Signature _____ Date _____
(ZBA Chairperson)

Agricultural Data Statement

Date: 5-5-2022

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: <u>Duanesville Rod & Gun Club</u> Address: <u>3081 Western Turnpike</u> <u>Duanesburg, NY 12056</u>	Name: _____ _____ _____

- Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance Subdivision Approval (circle one or more)
- Description of proposed project:

- Location of project: Address: 3081 Western Turnpike Duanesburg
Tax Map Number (TMP) 68.00-1-14
- Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
- If YES, Agricultural District Number _____
- Is this parcel actively farmed? YES NO
- List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

<u>\$349</u> NAME: <u>Lawrence</u> ADDRESS: _____ Is this parcel actively farmed? YES NO	<u>\$350</u> NAME: <u>Lawrence</u> ADDRESS: _____ Is this parcel actively farmed? YES NO
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO

Richard Peterson
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: Dale R. Warner
Dale R. Warner

5/4/22
Date

Revised 4/4/17

FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

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 FORME
 BY: C.I
 DATED

GREAT WESTERN TURNPIKE (U.S. ROUTE 2)

S 72°08'50" E
 30.00'

S 3°52'40" W 282.21'

N 81°32'40" W
 48.96'

S 2°28'40" E 98.76'

N 31°13'30" E 135.00'

GRAVEL DRIVEWAY

N 3°13'30" E 160.00'

N 3°56'20" W 122.46'

N 70°58'40" W 40.00'

357.68'

REMAINING LANDS OF
 RONALD N. & ALICE S. DIGMAN
 (L. 1023/P. 672)
 S.B.L. 68-1-13

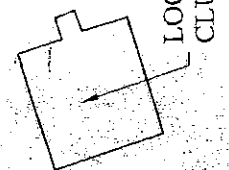
LANDS OF
 ROBERT V. VAN WORMER
 (L. 1724/P. 80)
 S.B.L. 68-1-12

407.02'

230.00'

LANDS OF
 JANET B. CHRISTMAN
 (L. 1190/P. 125)
 S.B.L. 68-1-18.1

LANDS OF
 DUNNSVILLE ROD & GUN
 CLUB, INC.
 (L. 880/P. 371)
 S.B.L. 68-1-14



RVEY
 SEAL
 PIES.

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
Link Pettit, Board Member
Daniel Boggs, Board Member
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**PUBLIC HEARING
LEGAL NOTICE
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ZONING BOARD OF APPEALS**

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#22-02 Urbano/Caschera, SBL#35.06-3-5.2, (L-1) Located at 2610 Weast Rd is seeking a side yard setback and an Area Variance under section 7.1.6(2); 7.1.5(1) of the Town of Duaneburg Zoning Ordinance.

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS. PLEASE CONTACT:

Melissa Deffer Building, Planning and Zoning Clerk
P# 518-895-2040
EMAIL: Mdeffer@duaneburg.net

BY ORDER OF THE
TOWN OF
DUANESBURG ZONING BOARD OF APPEALS
CHAIRPERSON

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Melissa Deffer

From: Lou Ann <pigpenlou@aol.com>
Sent: Monday, May 9, 2022 3:47 PM
To: Melissa Deffer
Subject: Upcoming Public Hearing - Questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I'm wondering if you are able to provide additional details about the Public Hearing scheduled for May 17th? I received a notice about an agenda item for 2610 Weast Road, requesting 5ft east and west setbacks.

40x60 seems a bit large for this property, especially since the lot has no lake rights/access.

Any additional details you can provide would be greatly appreciated. If this information can not be shared in email, can you please tell me how to go about obtaining?

Thanks in advance.

Lou Ann

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
Link Pettit, Board Member
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#22-02 Urbano/Caschera, SBL#35.06-3-5.2, (L-1) Located at 2610 Weast Rd seeking a 5ft east side yard setback of and a 5ft west side yard setback under section ~~12.6(2); 12.6(4)~~, 14.5.2(B) of the Town of Duaneburg Zoning Ordinance for the construction of a 40X60 single family home.

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS. PLEASE CONTACT:

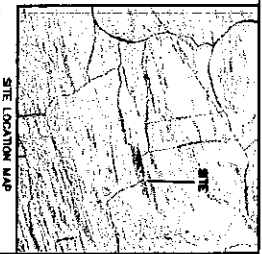
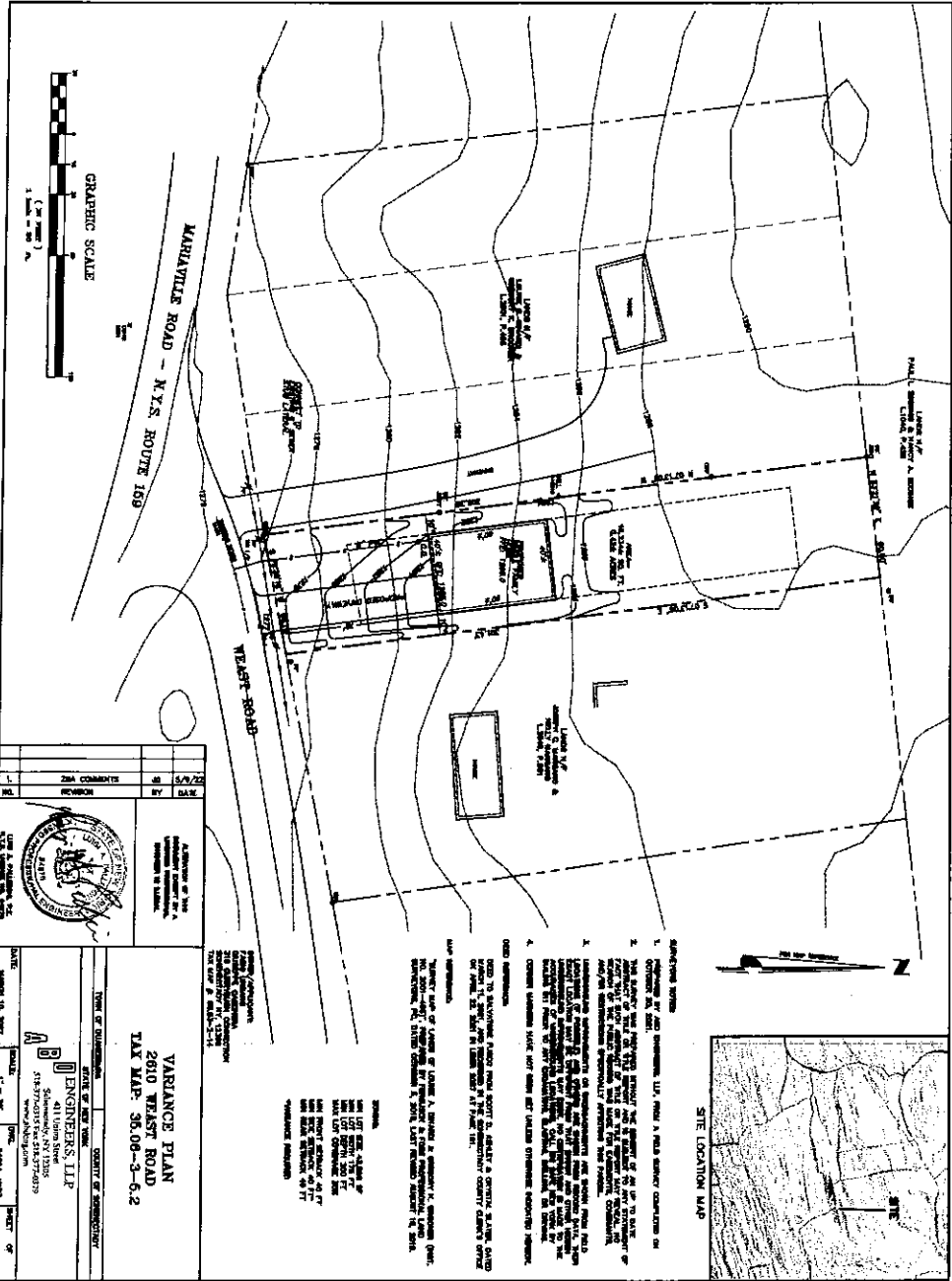
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P# 518-895-2040
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Meeting ID: 864 9974 6075
Passcode: 130214



- Special Notes:**
1. THE APPLICANT HAS OBTAINED THE NECESSARY UTILITIES RECORDS FOR THE PROPERTY AND HAS PROVIDED THE SAME TO THE ENGINEER FOR HIS REVIEW AND COMMENT.
 2. THE APPLICANT HAS PROVIDED THE ENGINEER WITH ALL NECESSARY RECORDS AND INFORMATION TO ALLOW THE ENGINEER TO PREPARE THE VARIANCE APPLICATION AND TO CONDUCT THE NECESSARY FIELD SURVEY.
 3. THE APPLICANT HAS PROVIDED THE ENGINEER WITH ALL NECESSARY RECORDS AND INFORMATION TO ALLOW THE ENGINEER TO PREPARE THE VARIANCE APPLICATION AND TO CONDUCT THE NECESSARY FIELD SURVEY.
 4. THE APPLICANT HAS PROVIDED THE ENGINEER WITH ALL NECESSARY RECORDS AND INFORMATION TO ALLOW THE ENGINEER TO PREPARE THE VARIANCE APPLICATION AND TO CONDUCT THE NECESSARY FIELD SURVEY.

NOTES:

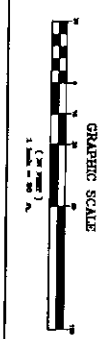
- 1. SEE SHEET 2 FOR THE VARIANCE APPLICATION.
- 2. SEE SHEET 3 FOR THE VARIANCE APPLICATION.
- 3. SEE SHEET 4 FOR THE VARIANCE APPLICATION.
- 4. SEE SHEET 5 FOR THE VARIANCE APPLICATION.

NO.	DATE	REVISION	BY
1	5/9/22	2ND COMMENTS	JA



VARIANCE PLAN
 2010 WEST ROAD
 TAX MAP: 36-09-3-6.2

ENGINEERS, LLP
 540 YORK AVENUE
 SUITE 200
 WESTCHESTER, NY 10598
 PHONE: 914-391-1000



VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: February 25, 2022 Zoning District L-1 Type of Variance
 Use Variance Area Variance
SBL# 35.06-3-5.2 Phone #: 518-461-9757

Applicant's Name: Fabio Urbano, Giuseppe Caschera

Applicant's Address: 310 Currybush Connection
Schenectady, NY 12306

5/17

5th floor
5th w
needs
CH vnr

Property Owner Name (if different): _____

Property Address (if different): _____

5/20

Property Owner's Signature _____
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)
To build a residential home with sufficient living space, meeting NYS Building Code. The width of proposed home will need to encroach side setbacks and, therefore, an area variance is being requested.

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Twelve (15) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

- Copy of the property deed
- Location map showing the location of the property with
 - A) Name of applicant and SBL#
 - B) North arrow; Street and if applicable the lake shore
 - C) Adjoining property owners names with location of wells and septic systems within 100ft of the adjoining property boundaries
- Property map to scale
 - A) Name of applicant and SBL#
 - B) North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
 - C) Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
 - D) Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

to 400 House

I certify that all the information submitted is true and accurate to the best of my knowledge.

G. Casch 3/9/22
Applicant Date

State of New York, county of Schenectady sworn this 9th day of March 2022. Notary Public



***** (For Office use only) *****
Reviewed by _____ Date _____
Fee _____ Date _____ Check# _____ Rec'd By _____
Hearing Date _____ Approved: YES NO Approval Date _____

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the zoning Ordinance must be followed or the approval becomes null and void.

Other Conditions include: _____

Authorized Signature _____ Date _____
(ZBA Chairperson)

Attachment to Variance Application
2610 Weast Road

The provision sets forth five factors for the board to consider granting the area variance.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.

Lot is pre-existing, nonconforming with frontage similar to other frontages on the street. The area variance requested for side setback will not create an undesirable change in the character of the neighborhood as other houses on the lot are closer to the property line than the required 40 foot side setback.

2. Whether the benefit sought by the applicant can be achieved by some other feasible method other than the variance.

No, applicant does not have additional land to increase lot width. House could be smaller to increase side setback, but not feasible for adequate living space. Plus, no matter what sized house is proposed, an area variance will be required.

3. Whether the requested variance is substantial.

Yes, however, no matter what sized house is proposed, an area variance will be required. The required 40-foot side setback makes the development of the site so there is no alternative but to request a variance.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

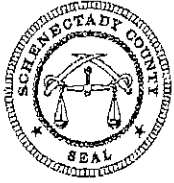
No, the lot is large enough to accommodate a decent size house while meeting minimum NYS codes to property line. Additionally, the lot has access to the public sewer.

5. Whether the alleged difficulty was self-created, (that it was will not necessarily preclude the granting of the area variance.)

No, this is a pre-existing lot that already does not meet side setbacks. When the Town installed the sewer main down Weast Road, a lateral was provided for this lot, intending for someone to build a house.

5.2

OFFICE OF THE SCHENECTADY COUNTY CLERK



620 STATE STREET
SCHENECTADY, NY 12305-2114
PHONE (518) 388-4220
FAX (518) 388-4224

Maryellen Brehm

Alicia Godlewski

Jeffrey Morrette

Carla Saglimbeni
Deputy County Clerks

Cara M. Ackerley
County Clerk

Instrument Number - 202118183
Recorded On 4/22/2021 At 2:28:50 PM

* Instrument Type - DEED

* Book/Page - DEED/2057/181

* Total Pages - 5

Invoice Number - 1080285 User ID: TMH

* Document Number - 2021-1921

* Grantor - ASHLEY SCOTT D
SLATER CRYSTAL

* Grantee - FUSCO SALVATORE

*RETURN DOCUMENT TO:
MERIDIAN RESEARCH GROUP, LLC
12 CORNELL RD.
LATHAM, NY 12110

* FEES

NY REALTY TRANSFER TAX	\$100.00
NY LAND SUR	\$4.75
NY E & A FEES	\$241.00
NY LAND COMP SUR	\$14.25
CO GENERAL REVENUE	\$50.50
CO LAND SUR	\$0.25
CO E & A FEES	\$9.00
CO LAND COMP SUR	\$0.75
CONVEYANCE NOTIFICATION	\$10.00
TOTAL PAID	\$430.50

TRANSFER TAX

Real Estate Transfer Tax Num - 3661
Transfer Tax Amount - \$ 100.00

I hereby CONFIRM that this document is
Recorded in the Schenectady County Clerk's Office
in Schenectady, New York

Cara M. Ackerley
Schenectady County Clerk

THIS IS AN ENDORSEMENT PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 202118183



Meridian Research Group LLC
12 Cornell Rd.
Latham, NY 12110

21-5910

THIS INDENTURE made March 11, 2021

Between

SCOTT D. ASHLEY AND CRYSTAL SLATER, as husband and wife, residing at 14
Mayflower Drive, Schenectady, NY 12306,

party of the first part,

SALVATORE FUSCO, residing at 3006 Westside Ave, Rotterdam, NY 12306,

party of the second part,

WITNESSETH that the party of the first part, in consideration of TEN DOLLARS (\$10.00) lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain lot, piece or parcel of land, situate in the Town of Duanesburgh, County of Schenectady and State of New York, with the buildings thereon, lying and being on the Northerly side of Lakeside Avenue, known and distinguished on a map entitled "Lakeside Tract, Mariaville, N.Y.", as surveyed by Frank W. Smith, 1912, and filed in the Office of the Clerk of the County of Schenectady, July 26, 1912, as Lot No. eight (8) and bounded as follows:

(See Schedule A Attached)

BEING the same premises conveyed by Margaret Coker to Scott D. Ashley and Crystal Slater by deed dated January 16, 2015 and recorded February 13, 2015 in the Office of the Clerk, Schenectady County, New York, in Book 1909 at Page 509.

SUBJECT to all easements, restrictions, covenants and conditions of record affecting the premises.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants as follows:

FIRST, That the party of the second part shall quietly enjoy the said premises;

SECOND, That the party of the first part will forever **WARRANT** the title to said premises.

THIRD, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that

the party of the first will receive the consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In Presence of

Scott D. Ashley L.S.
SCOTT D. ASHLEY

Crystal Slater L.S.
CRYSTAL SLATER

STATE OF NEW YORK
COUNTY OF

On the 11 day of March, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **SCOTT D. ASHLEY AND CRYSTAL SLATER** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signatures on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

Kevin J. Engel
Notary Public

KEVIN J. ENGEL
Notary Public, State of New York
Qualified in Rensselaer County
Reg. No. 4343574
Commission Expires Oct. 31, 2021

SCHEDULE A DESCRIPTION

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situated in the Town of Duaneburg, County of Schenectady and State of New York, with the buildings thereon, lying and being on the Northernly side of Lakeside Avenue, known and distinguished on a map entitled "Lakeside Tract, Marietta, N.Y.", as surveyed by Frank W. Smith, 1912, and filed in the Office of the Clerk of the County of Schenectady, July 26, 1912, as Lot No. eight (8) and bounded as follows:

SOUTHERLY and in front by Lakeside Avenue, as designated on said map, about sixty feet along the same; Westerly by Lot No. seven (7) as designated on said map, three hundred and twenty-four feet along the same; Northernly by Hillside Avenue, as designated on said map, sixty feet along the same and Easterly by Lot No. nine as designated on said map, three hundred eleven feet along the same.

EXCEPTING AND RESERVING an agreement from Kathleen Hewitt to Town of Duaneburg in agreement d. February 21, 2003 and recorded April 10, 2003 in Book 1648 at Page 600 described as follows:

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND, situated in the Town of Duaneburg, County of Schenectady and State of New York being a permanent construction easement, situated on land as shown on Town of Duaneburg tax map 035.06 prepared by Schenectady County Real Property Tax Service Agency, Aera Service dated November 7, 1975 and being more particularly bounded and described as follows:

BEGINNING AT A POINT on the southwest corner of parcel 035.06-3-5.2, said point also being on the northernly bounds of the NYS Route 159 R.O.W. in the Town of Duaneburg, County of Schenectady, State of New York;

PROCEEDING THENCE (in a clockwise direction around the proposed bounds) in a northernly direction along the westerly bounds of parcel 035.06-3-5.2 a distance of approximately 20' to a point;

THENCE, in a westerly direction through parcel 035.06-3-5.2, a distance of approximately 80' to a point on the easterly bounds of parcel 035.06-3-5.2;

THENCE, in a southernly direction along the easterly bounds of parcel 035.06-3-5.2 to the southeast corner of parcel 035.06-3-5.2, a distance of approximately 20' to a point;

THENCE, in a westerly direction along the southerly bounds of parcel 035.05-2-2.2, a distance of approximately 60' to the southwest corner of parcel 035.05-2-5.2, said corner also being the point and place of beginning.

TO HAVE AND TO HOLD the aforesaid permanent easement and right-of-way herein granted unto the party of the second part.

This permanent easement and right-of-way shall be exclusively for the following use and/or uses and purposes:

1. To construct and lay a pipe with the right of ingress and egress for any and all purposes connected with the digging of a trench, laying of pipe, the maintenance, use, operation, repair, inspection and reconstruction of said pipe and its appurtenances in and over all aforesaid permanent easement.
2. In addition, if it becomes reasonably necessary in the course of construction of the proposed pipe, the party of the second part may go upon the lands of the grantors immediately adjacent to the right-of-way and temporarily lay excavated dirt material thereon with his machines and tools thereon, which will be restored to the same line and grade that existed, prior to excavation, reseeded, and restored as necessary.
3. The parties agree that this permanent easement does not give the party of the second part the right to go upon any other lands of the party of the first part for the purposes so stated in the agreement.
4. The party of the second part agrees to restore the land within the permanent easement, to line and grade that existed prior to the commencement of the project, including reseeded and restoration as necessary. The party of the second part also agrees to make an obvious effort not to destroy trees during the construction phase.

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member

**PUBLIC HEARING
LEGAL NOTICE
FOR THE
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS**

NOTICE OF PUBLIC HEARING

Please Take Notice, that the Zoning Board of Appeals for the Town of Duanesburg, will meet in the Town board room located downstairs of the Town Hall at 5853 Western Turnpike Duanesburg NY, on May 17TH, 2022, at 7:00 pm for the purpose of hearing all persons interested in the application of:

#22-03 Oakhill Solar 1 LLC SBL#74.00-2-5.2 Located at 13592 Duanesburg Rd and
#22-04 Oakhill Solar 2 LLC SBL#74.00-2-5.1 Located at 13590 Duanesburg Rd for a consideration and or area variance for the height of an 8 Ft fence under section 5.7.(1) of the Town of Duanesburg Zoning Ordinance.

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS. PLEASE CONTACT:

Melissa Deffer Building, Planning and Zoning Clerk
P# 518-895-2040
EMAIL: Mdeffer@duanesburg.net

BY ORDER OF THE
TOWN OF
DUANESBURG ZONING BOARD OF APPEALS
CHAIRPERSON

Town of Duanesburg is also providing the meeting via zoom if you are unable to attend in person:

Join Zoom Meeting

<https://us02web.zoom.us/j/86499746075>

Meeting ID: 864 9974 6075

Passcode: 130214

Dial in by Phone: 1-646-558-8656

Meeting ID: 864 9974 6075

Passcode: 130214

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

Received 5-10-22
Case No. D-2-22
Returned _____

FROM: Legislative Body
 Zoning Board of Appeals
 Planning Board

Municipality:
Town of Duanesburg

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) ~~382-5589~~
Schenectady County

ACTION: Zoning Code/Law Amendment
 Zoning Map Amendment
 Subdivision Review
 Site Plan Review

Special Permit
 Use Variance
 Area Variance
 Other (specify) _____

MAY 10 2022

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: May 17th, 2022

SUBJECT: #22-03 Oakhill Solar 1 LLC SBL#74.00-2-5.2 Located at 13592 Duanesburg Rd and #22-04 Oakhill Solar 2 LLC SBL#74.00-2-5.1 Located at 13590 Duanesburg Rd for a consideration and or area variance for the height of an 8 Ft fence under section 5.7.(1) of the Town of Duanesburg Zoning Ordinance.

REQUIRED ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - the boundary of any city, village or town;
 - the boundary of any existing or proposed County or State park or other recreation area;
 - the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Melissa Deffer

Title: Planning/Zoning Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: mdeffer@duanesburg.net

Phone: (518) 895-2040

Date: _____

Signature



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-02-22

Applicant Oakhill Solar

Referring Officer Melissa Defer

Municipality Duanesburg

Considerations: Area variance to allow construction of an 8' high security fence which exceeds the maximum permitted 6' fence height. Located on the north side of SR 7 approximately 1 mile east of the County line.

RECOMMENDATION

Receipt of zoning referral is acknowledged on May 10, 2022. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- *Approve of the proposal.
- Defer to local consideration (No significant county-wide or inter-community impact)
- Modify/Conditionally Approve. Conditions:

Advisory Note:

The town may wish to consider amending the zoning code with respect to fences for solar energy systems to be consistent with the electrical code which requires a 7 foot high security fence.

Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

5/11/22

Date

Ray Gillen / SPC
Ray Gillen, Commissioner
Economic Development and Planning

be dedicated to the electrical installation. No piping or other equipment foreign to the electrical installation shall be located in this zone.

(F) Locked Electrical Equipment Rooms or Enclosures. Electrical equipment rooms or enclosures housing electrical apparatus that are controlled by a lock(s) shall be considered accessible to qualified persons.

110.27 Guarding of Live Parts.

(A) Live Parts Guarded Against Accidental Contact. Except as elsewhere required or permitted by this Code, live parts of electrical equipment operating at 50 volts or more shall be guarded against accidental contact by approved enclosures or by any of the following means:

- (1) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.
- (2) By suitable permanent, substantial partitions or screens arranged so that only qualified persons have access to the space within reach of the live parts. Any openings in such partitions or screens shall be sized and located so that persons are not likely to come into accidental contact with the live parts or to bring conducting objects into contact with them.
- (3) By location on a suitable balcony, gallery, or platform elevated and arranged so as to exclude unqualified persons.
- (4) By elevation above the floor or other working surface as shown in 110.27(A)(4)(a) or (b) below:
 - a. A minimum of 2.5 m (8 ft) for 50 to 300 volts
 - b. A minimum of 2.6 m (8½ ft) for 301 to 600 volts

(B) Prevent Physical Damage. In locations where electrical equipment is likely to be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(C) Warning Signs. Entrances to rooms and other guarded locations that contain exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter. The marking shall meet the requirements in 110.21(B).

Informational Note: For motors, see 430.232 and 430.233.
For over 600 volts, see 110.34.

110.28 Enclosure Types. Enclosures (other than surrounding fences or walls) of switchboards, switchgear, panelboards, industrial control panels, motor control centers, meter sockets, enclosed switches, transfer switches, power outlets, circuit breakers, adjustable-speed drive systems, pullout switches, portable power distribution equipment, termination boxes, general-purpose transformers, fire pump controllers, fire pump motors, and motor controllers, rated not over 600 volts nominal and intended for such locations,

shall be marked with an enclosure-type number as shown in Table 110.28.

Table 110.28 shall be used for selecting these enclosures for use in specific locations other than hazardous (classified) locations. The enclosures are not intended to protect against conditions such as condensation, icing, corrosion, or contamination that may occur within the enclosure or enter via the conduit or unsealed openings.

III. Over 600 Volts, Nominal

110.30 General. Conductors and equipment used on circuits over 600 volts, nominal, shall comply with Part I of this article and with 110.30 through 110.40, which supplement or modify Part I. In no case shall the provisions of this part apply to equipment on the supply side of the service point.

110.31 Enclosure for Electrical Installations. Electrical installations in a vault, room, or closet or in an area surrounded by a wall, screen, or fence, access to which is controlled by a lock(s) or other approved means, shall be considered to be accessible to qualified persons only. The type of enclosure used in a given case shall be designed and constructed according to the nature and degree of the hazard(s) associated with the installation.

For installations other than equipment as described in 110.31(D), a wall, screen, or fence shall be used to enclose an outdoor electrical installation to deter access by persons who are not qualified. A fence shall not be less than 2.1 m (7 ft) in height or a combination of 1.8 m (6 ft) or more of fence fabric and a 300 mm (1 ft) or more extension utilizing three or more strands of barbed wire or equivalent. The distance from the fence to live parts shall be not less than given in Table 110.31.

Informational Note: See Article 450 for construction requirements for transformer vaults.

(A) Electrical Vaults. Where an electrical vault is required or specified for conductors and equipment operating at over 600 volts, nominal, the following shall apply.

(1) Walls and Roof. The walls and roof shall be constructed of materials that have adequate structural strength for the conditions, with a minimum fire rating of 3 hours. For the purpose of this section, studs and wallboard construction shall not be permitted.

(2) Floors. The floors of vaults in contact with the earth shall be of concrete that is not less than 102 mm (4 in.) thick, but where the vault is constructed with a vacant space or other stories below it, the floor shall have adequate structural strength for the load imposed on it and a minimum fire resistance of 3 hours.



amp.energy

518 17th Street, Suite 950
Denver, CO 80202
United States

T +1 303.653.9805

May 6, 2022

RECEIVED
MAY 09 2022

SENT VIA EMAIL to Dale@duanesburg.net, tbakner@woh.com, and MDeffer@duanesburg.net

ORIGINAL

Mr. Dale Warner
5853 Western Turnpike,
Duanesburg, New York 12056

Re: Solar Fence Height Interpretation Request
Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC

Mr. Warner:

On March 17, 2022, the Town of Duanesburg Planning Board passed a resolution Approving Amended Special Use Permit and Amended Site Plan for Two 5 MW Solar Projects by Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC. The approval resolution contained a recital stating: "WHEREAS, the Planning Board is limited by the Solar Law to approving only a Six Foot high fence and the Applicant may, if it is otherwise required by the National Energy Code to construct a higher fence, need to obtain an area variance from the Zoning Board of Appeals." (page 10)

Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC are requesting an interpretation of the Town of Duanesburg Local Law No 1-2016, section 3(a) – "Such equipment shall be enclosed by a six foot fence" to clarify that the code, when taken in conjunction with other provisions of Town and Building Codes, should read as **at least** six feet high.

Thank you for your time and consideration. Please feel free to contact Bill Pedersen with any questions regarding this request.

Sincerely,

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

Nicole LeBlanc
Authorized Signatory
Director, US Transactions

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 04/06/2022 Zoning District R-2 Type of Variance
 Use Variance Area Variance
SBL# 74,00 2 5,1 and 74,00 2 5,2 Phone #: 303-653-8806
or 781-234-8743

Applicant's Name: Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC

Applicant's Address: 518 17th Street, Suite 950
Denver, CO 80202

Property Owner Name(if different): Estate of Richard Bruce Murray

Property Address (if different): 13590-13592 Duaneburg Road, Delanson

Property Owner's Signature _____
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)

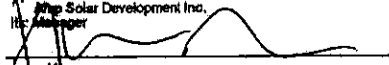
See attached brief description

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Twelve (15) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

- Copy of the property deed
- Location map showing the location of the property with
 - Name of applicant and SBL#
 - North arrow; Street and if applicable the lake shore
 - Adjoining property owners names with location of wells and septic systems within 100ft of the adjoining property boundaries
- Property map to scale
 - Name of applicant and SBL#
 - North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
 - Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
 - Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

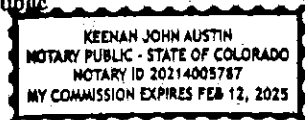
I certify that all the information submitted is true and accurate to the best of my knowledge.

By: Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC
Ship Solar Development Inc.
Its: Manager


4/6/22
Date

Applicant
Nicole LeBlanc
Authorized Signatory

State of New York, county of Schenectady sworn this 6TH day of APRIL 2022 Notary Public
COLORADO DENVER



***** (For Office use only) *****

Reviewed by _____ Date _____
Fee _____ Date _____ Check# _____ Rec'd By _____
Hearing Date _____ Approved: YES NO Approval Date _____

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the Zoning Ordinance must be followed or the approval becomes null and void.

Other Conditions include: _____

Authorized Signature _____ Date _____
(ZBA Chairperson)

VARIANCE APPLICATION
TOWN OF DUANESEBURG
ZONING BOARD OF APPEALS

REVISION 03-01-13

Date: 04/08/2022 Zoning District R-2 Type of Variance
 Use Variance Area Variance
SBL# 74.00 2 51 and 74.00 2 52 Phone #: 303-553-9905
or 781-234-8743

Applicant's Name: Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC

Applicant's Address: 518 17th Street, Suite 950
Denver, CO 80202

Property Owner Name (if different): Estate of Richard Bruce Murray

Property Address (if different): 13590-13592 Duaneburg Road, Delanson

Property Owner's Signature: Richard B. Murray, administrator
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)

See attached brief description

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Twelve (12) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

- Copy of the property deed
- Location map showing the location of the property with
 - A) Name of applicant and SBL#
 - B) North arrow, Street and if applicable the lake shore
 - C) Adjoining property owners names with location of walls and septic system within 100ft of the adjoining property boundaries
- Property map in scale
 - A) Name of applicant and SBL#
 - B) North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
 - C) Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
 - D) Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

I certify that all the information submitted is true and accurate to the best of my knowledge.

Notary Public for the State of New York

Applicant: _____ Date: _____
Notary Public for the State of New York, county of Schenectady sworn this _____ day of _____, 20____.

***** (For Office use only) *****



amp.energy

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

T +1 303.653.9805

April 5, 2022

SENT VIA Email

Mr. Dale Warner
Town Planner
5853 Western Turnpike
Duanesburg, NY 12056

RE: Oak Hill ZBA Variance Description

Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC

Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC (the "Applicants") are requesting an area variance for fence height. The Town of Duanesburg Zoning, as amended by Local Law No. 1 of 2016 states that equipment of a solar energy system shall be enclosed with a six foot fence. Section 3(a). However, this requirement is in conflict with the NEC which requires solar energy systems to be enclosed with a seven foot fence. The Applicants are, therefore, requesting an area variance of two-feet to construct an eight foot agricultural fence, the shortest available for compliance with the NEC.

Please feel free to call Bill Pedersen at 781-234-8743 with any questions.

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: <u>Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC</u>	Name: <u>Estate of Richard Bruce Murray</u>
Address: <u>518 17th Street, Suite 950</u>	<u>157 Barrett Street</u>
<u>Denver, CO 80202</u>	<u>Schenectady NY 12305</u>

1. Type of Application: Special Use Permit; Site Plan Approval; Use Variance; ~~Use Variance~~ Subdivision Approval (circle one or more)

2. Description of proposed project:
Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC (the "Applicants") are requesting an area variance for fence height. The Town of Duaneburg Zoning, as amended by Local Law No. 1 of 2016 states that equipment of a solar energy system shall be enclosed with a six-foot fence. Section 3(a). However, this requirement is in conflict with the NEC, which requires solar energy systems to be enclosed with an eight foot fence. The Applicants are, therefore, requesting an area variance of two feet to construct an eight foot agricultural fence as required for compliance with the NEC.

3. Location of project: Address: 13590-13592 Duaneburg Road, Delanson

Tax Map Number (TMP) 74.00-2-5.1 and 74.00-2-5.2

4. Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)


5. If YES, Agricultural District Number _____

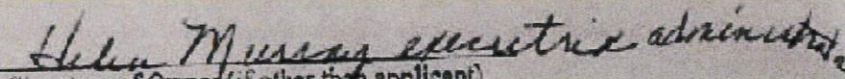
6. Is this parcel actively farmed? YES NO

7. List all farm operations within 500 foot of your parcel. Attach additional sheet if necessary.

NAME: <u>Pamela Rowing</u>	74.00-3-19	NAME: _____
ADDRESS: <u>Youngs Road</u>		ADDRESS: _____
Is this parcel actively farmed? <input checked="" type="checkbox"/> YES NO		Is this parcel actively farmed? YES NO
NAME: _____		NAME: _____
ADDRESS: _____		ADDRESS: _____
Is this parcel actively farmed? YES NO		Is this parcel actively farmed? YES NO

By Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC
App Solar Development Inc.


Signature of Applicant
Nicole LeBlanc
Authorized Signatory


Signature of Owner (if other than applicant)

Reviewed by: Dale R. Warner

Date: _____

Revised 4/4/17

FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

OFFICE OF THE SCHENECTADY COUNTY CLERK



620 STATE STREET
SCHENECTADY, NY 12305-2114
PHONE (518) 388-4220
FAX (518) 388-4224

Maryellen Brehm

Alicia Godlewski

Jeffrey Morrette

Carla Saglinbeni
Deputy County Clerks

Cara M. Ackerley
County Clerk

Instrument Number - 201956996
Recorded On 12/26/2019 At 1:17:11 PM
* Instrument Type - DEED
* Book/Page - DEED/2027/142
* Total Pages - 6
Invoice Number - 1035032 User ID: LPD
* Document Number - 2019-5557
* Grantor - MURRAY RICHARD B

* Grantee - MURRAY RICHARD B

*RETURN DOCUMENT TO:
YOUNG/SOMMER LLC
5 PALISADES DR STE 300
ALBANY, NY 12205-6433

* FEES

NY LAND SUR	\$4.75
NY E & A FEES	\$241.00
NY LAND COMP SUR	\$14.25
CO GENERAL REVENUE	\$55.00
CO LAND SUR	\$0.25
CO E & A FEES	\$9.00
CO LAND COMP SUR	\$0.75
TOTAL PAID	\$325.00

TRANSFER TAX

Real Estate Transfer Tax Num - 2024
Transfer Tax Amount - \$ 0.00

I hereby CONFIRM that this document is
Recorded in the Schenectady County Clerk's Office
in Schenectady, New York

Cara M. Ackerley
Schenectady County Clerk

THIS IS AN ENDORSEMENT PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

WARRANTY DEED

THIS INDENTURE made the 19 day of December, 2019, by and between:

RICHARD B. MURRAY, an individual residing at 1206 Oak Hill Road, Esperance, New York 12066,

Party of the First Part, and

RICHARD B. MURRAY, an individual residing at 1206 Oak Hill Road, Esperance, New York 12066,

Party of the Second Part.

WITNESSETH that the Party of the First Part, in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Party of the Second Part, do hereby grant and release unto the Party of the Second Part, its heirs and assigns forever,

ALL that certain piece or parcel of land situate, lying and being in the Town of Duanesburg, County of Schenectady, State of New York, bounded and described as follows:

SEE SCHEDULE A ATTACHED HERETO

SUBJECT to all enforceable covenants, easements and restrictions of record.

BEING a portion of the same premises conveyed from Mario P. Cincotta to the Party of the First Part by Warranty Deed, dated October 18, 1999, and recorded in the Schenectady County Clerk's Office on October 28, 1999 in Deed Book 1566 at Page 299.

TOGETHER with the appurtenances and all the estate and rights of the Party of the First Part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the Party of the Second Part, the heirs or successors and assigns of the Party of the Second Part forever.

AND the Party of the First Part, in compliance with Section 13 of the Lien Law, covenants that the Party of the First Part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied First for the purpose of paying the costs of the improvement and will apply the same First to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

AND the Party of the First Part covenants as follows:

FIRST. That the Party of the Second Part shall quietly enjoy the said premises;

SECOND. That said Party of the First Part will forever warrant the title to said premises.

The word "Party" shall be construed as if it read "Parties" whenever the sense of this indenture so requires.

Record and Return:

IN WITNESS WHEREOF, the Party of the First Part has duly executed this deed the day and year first above written.

Richard B Murray
RICHARD B. MURRAY

STATE OF NEW YORK }
COUNTY OF Schenectady } ss.:

On the 19th day of December, in the year 2019, before me, the undersigned, personally appeared **RICHARD B. MURRAY**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Paula L. O'Shea
Notary Public

S:\DATA\Client24 19101-19500\19365\Bden\Transfer Docs\01A - Deed for Oak Hill 1 aka Lot 2.docx

PAULA L. O'SHEA
Notary Public in the State of New York
No. 6066653
Qualified in Schenectady County
My Commission Expires November 19, 2021

SCHEDULE A

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Duanesburg, County of Schenectady, State of New York lying along the northerly and southerly lines of Duanesburg Road, NYS Route 7 (State Highway No. 1029) and identified as **Lot 2** as shown on a map entitled "Survey and Minor Subdivision of Lands of Richard B. Murray", dated July 29, 2019 as prepared by The Environmental Design Partnership, LLP and filed in the Schenectady County Clerk's Office on October 8, 2019 in Cabinet "P" as Map No. 39, and being further bounded and described as follows:

Lot 2 – North side of Duanesburg Road, NYS Route 7 (State Highway No. 1029):

Beginning at a point marked with a capped iron rod found at the point of intersection of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of lands now or formerly of Matthew D. Ganster and Rose Ganster as conveyed in Book 1886 of Deeds at Page 331 (Parcel One) to the west and Lot 2 to the east as shown on said map;

Thence from said *Point of Beginning* and along said common division line the following two (2) courses and distances:

- 1) North 07 deg. 22 min. 10 sec. West, 954.30 feet to a point marked with a capped iron rod found;
- 2) South 83 deg. 07 min. 50 sec. West, 1,255.38 feet to a capped iron rod found at the point of intersection of said common division line with the easterly line of Lot 25 (Filed Map Cabinet "H" as Map No. 355 & 356);

Thence along the common division line of said Lot 25 and Lot Nos. 24 and 23 (Filed Map Cabinet "H" as Map No. 355 & 356) to the west and said Lot 2 to the east the following three (3) courses and distances:

- 1) North 03 deg. 53 min. 15 sec. West, 394.00 feet to a point;
- 2) North 05 deg. 43 min. 30 sec. West, 384.42 feet to a point;
- 3) North 07 deg. 10 min. 45 sec. West, 507.63 feet to a point marked with a capped iron rod found at the point of intersection of said common division line with the southerly line of lands now or formerly of Richard B. Murray and Helen E. Murray as conveyed in Book 1063 of Deeds at Page 374;

Thence along the common division line of said lands of Murray to the west and north and said Lot 2 to the east and south the following two (2) courses and distances:

- 1) North 07 deg. 16 min. 00 sec. West, 820.68 feet to a point;
- 2) North 83 deg. 12 min. 50 sec. East, 1,254.66 feet to the point of intersection of said common division line with the westerly line of said Lot 1 as shown on said map;

Thence along the common division line of said Lot 1 to the east and north and said Lot 2 to the west and south the following four (4) courses and distances:

- 1) South 00 deg. 00 min. 00 sec. West, 1,844.49 feet to a point;
- 2) North 83 deg. 07 min. 50 sec. East, 399.88 feet to a point;
- 3) South 07 deg. 06 min. 20 sec. East, 137.50 feet to a point;

4) South 22 deg. 01 min. 20 sec. East, 1,048.32 feet to a point in the northerly line of said Duanesburg Road;

Thence along said northerly line of Duanesburg Road, South 73 deg. 36 min. 40 sec. West, 471.00 feet to the point or place of beginning and containing 64.554± acres of land;

Lot 2 – South side of Duanesburg Road, NYS Route 7 (State Highway No. 1029):

Beginning at a capped iron rod found at the point of intersection of the southerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of lands now or formerly of Matthew D. Ganster and Rose Ganster as conveyed in Book 1886 of Deeds at Page 331 (Parcel Two) to the west and Lot 2 to the east, said point located, South 09 deg. 01 min. 10 sec. East, 66.47 feet from the Point of Beginning of the above described parcel of land lying along the northerly line of Duanesburg Road;

Thence from said *Point of Beginning* along said southerly line of Duanesburg Road, North 73 deg. 36 min. 40 sec. East, 482.77 feet to the point of intersection of said southerly line with the common division line of Lot 1 to the east and said Lot 2 to the west as shown on said map;

Thence along said common division line, South 22 deg. 01 min. 20 sec. East, 527.34 feet to the point of intersection of said common division line with the northerly line of lands now or formerly of Taylor, Et al. as conveyed in Book 1365 of Deeds at Page 267;

Thence along the common division line of said lands of Taylor, Et al. to the south and said Lot 2 to the north, South 79 deg. 59 min. 50 sec. West, 544.97 feet to a point being the southwesterly corner of said Lot 2;

Thence along the common division line of said lands of Taylor, Et al. and the aforesaid lands of Ganster to the west and said Lot 2 to the east, North 15 deg. 31 min. 00 sec. West, 464.25 feet to the point or place of beginning and containing 5.799± acres of land.

The above described *parcels* containing a total area of 70.353± acres of land.

TOGETHER WITH THAT CERTAIN 50-FOOT WIDE UTILITY & MAINTENANCE, INGRESS/ EGRESS AND REGRESS, EASEMENT THROUGH THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Duanesburg, County of Schenectady, State of New York lying along the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) and being within Lot 1, said lot as shown on a map entitled "Survey and Minor Subdivision of Lands of Richard B. Murray", dated July 29, 2019 as prepared by The Environmental Design Partnership, LLP and filed in the Schenectady County Clerk's Office on October 8, 2019 in Cabinet "P" as Map No. 39, and being further bounded and described as follows:

Beginning at the point of intersection of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of Lot 2 to the west and Lot 1 to the east as shown on said map;

Thence from said *Point of Beginning* and along said common division line, North 22 deg. 01 min. 20 sec. West, 893.68 feet to a point;

Thence through said Lot 1 the following seven (7) courses and distances:

- 1) North 14 deg. 45 min. 20 sec. East, 195.87 feet to a point;
- 2) North 10 deg. 43 min. 40 sec. West, 251.17 feet to a point;
- 3) North 16 deg. 30 min. 10 sec. West, 554.76 feet to a point;
- 4) North 04 deg. 08 min. 40 sec. West, 125.00 feet to a point;
- 5) North 39 deg. 45 min. 00 sec. East, 65.00 feet to a point;
- 6) North 15 deg. 04 min. 40 sec. West, 237.63 feet to a point;
- 7) South 83 deg. 20 min. 00 sec. West, 290.23 feet to a point in said common division line of Lot 2 to the west and Lot 1 to the east

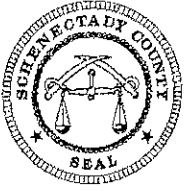
Thence along said common division line, North 00 deg. 00 min. 00 sec. East, 50.34 feet to a point;

Thence through said Lot 1 the following eight (8) courses and distances:

- 1) North 83 deg. 20 min. 00 sec. East, 327.54 feet to a point;
- 2) South 15 deg. 04 min. 40 sec. East, 306.71 feet to a point;
- 3) South 39 deg. 45 min. 00 sec. West, 70.78 feet to a point;
- 4) South 04 deg. 08 min. 40 sec. East, 99.44 feet to a point;
- 5) South 16 deg. 30 min. 10 sec. East, 551.87 feet to a point;
- 6) South 10 deg. 43 min. 40 sec. East, 265.00 feet to a point;
- 7) South 14 deg. 45 min. 20 sec. West, 190.56 feet to a point;
- 8) South 22 deg. 01 min. 20 sec. East, 881.42 feet to a point in said northerly line of Duanesburg Road;

Thence along said northerly line of said Duanesburg Road, South 72 deg. 57 min. 40 sec. West, 50.19 feet to the point or place of beginning of said *easement* and containing 3.046± acres of land.

OFFICE OF THE SCHENECTADY COUNTY CLERK



620 STATE STREET
SCHENECTADY, NY 12305-2114
PHONE (518) 388-4220
FAX (518) 388-4224

Maryellen Brehm

Alicia Godlewski

Jeffrey Morrette

Carla Saglimbeni
Deputy County Clerks

Cara M. Ackerley
County Clerk

Instrument Number - 201956997
Recorded On 12/26/2019 At 1:17:12 PM
* Instrument Type - DEED
* Book/Page - DEED/2027/148
* Total Pages - 6
Invoice Number - 1035032 User ID: LPD
* Document Number - 2019-5558
* Grantor - MURRAY RICHARD B

* Grantee - MURRAY RICHARD B

*RETURN DOCUMENT TO:
YOUNG/SOMMER LLC
5 PALISADES DR STE 300
ALBANY, NY 12205-6433

* FEES

NY LAND SUR	\$4.75
NY E & A FEES	\$241.00
NY LAND COMP SUR	\$14.25
CO GENERAL REVENUE	\$55.00
CO LAND SUR	\$0.25
CO E & A FEES	\$9.00
CO LAND COMP SUR	\$0.75
TOTAL PAID	\$325.00

TRANSFER TAX

Real Estate Transfer Tax Num - 2025
Transfer Tax Amount - \$ 0.00

I hereby CONFIRM that this document is
Recorded in the Schenectady County Clerk's Office
in Schenectady, New York

Cara M. Ackerley
Schenectady County Clerk

THIS IS AN ENDORSEMENT PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

WARRANTY DEED

THIS INDENTURE made the 19 day of December, 2019, by and between:

RICHARD B. MURRAY, an individual residing at 1206 Oak Hill Road, Esperance, New York 12066,

Party of the First Part, and

RICHARD B. MURRAY, an individual residing at 1206 Oak Hill Road, Esperance, New York 12066,

Party of the Second Part.

WITNESSETH that the Party of the First Part, in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Party of the Second Part, do hereby grant and release unto the Party of the Second Part, its heirs and assigns forever,

ALL that certain piece or parcel of land situate, lying and being in the Town of Duanesburg, County of Schenectady, State of New York, bounded and described as follows:

SEE SCHEDULE A ATTACHED HERETO

SUBJECT to all enforceable covenants, easements and restrictions of record.

BEING a portion of the same premises conveyed from Mario P. Cincotta to the Party of the First Part by Warranty Deed, dated October 18, 1999, and recorded in the Schenectady County Clerk's Office on October 28, 1999 in Deed Book 1566 at Page 299.

TOGETHER with the appurtenances and all the estate and rights of the Party of the First Part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the Party of the Second Part, the heirs or successors and assigns of the Party of the Second Part forever.

AND the Party of the First Part, in compliance with Section 13 of the Lien Law, covenants that the Party of the First Part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied First for the purpose of paying the costs of the improvement and will apply the same First to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

AND the Party of the First Part covenants as follows:

FIRST. That the Party of the Second Part shall quietly enjoy the said premises;

SECOND. That said Party of the First Part will forever warrant the title to said premises.

The word "Party" shall be construed as if it read "Parties" whenever the sense of this indenture so requires.

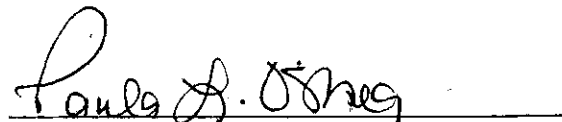
Record and Return:

IN WITNESS WHEREOF, the Party of the First Part has duly executed this deed the day and year first above written.


RICHARD B. MURRAY

STATE OF NEW YORK }
 } ss.:
COUNTY OF Schenectady }

On the 19th day of December, in the year 2019, before me, the undersigned, personally appeared **RICHARD B. MURRAY**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

PAULA L. O'SHEA
Notary Public in the State of New York
No. 6086653
Qualified in Schenectady County
My Commission Expires November 19, 2029

SCHEDULE A

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Duanesburg, County of Schenectady, State of New York lying along the northerly and southerly lines of Duanesburg Road, NYS Route 7 (State Highway No. 1029) and identified as Lot 1 as shown on a map entitled "Survey and Minor Subdivision of Lands of Richard B. Murray", dated July 29, 2019 as prepared by The Environmental Design Partnership, LLP and filed in the Schenectady County Clerk's Office on October 8, 2019 in Cabinet "P" as Map No. 39, and being further bounded and described as follows:

Lot 1 – North side of Duanesburg Road, NYS Route 7 (State Highway No. 1029):

Beginning at a point marked with a capped iron rod found at the point of intersection of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of lands now or formerly of Leila A. Otis and Lee S. Otis as conveyed in Book 1733 of Deeds at Page 274 to the east and Lot 1 to the west as shown on said map;

Thence from said *Point of Beginning* along said northerly line of Duanesburg Road the following five (5) courses and distances:

- 1) South 70 deg. 40 min. 40 sec. West, 154.53 feet to a point;
- 2) South 70 deg. 54 min. 40 sec. West, 100.00 feet to a point;
- 3) South 71 deg. 29 min. 40 sec. West, 100.00 feet to a point;
- 4) South 72 deg. 27 min. 40 sec. West, 100.00 feet to a point;
- 5) South 72 deg. 57 min. 40 sec. West, 100.00 feet to the point of intersection of said northerly line of Duanesburg Road with the common division line of Lot 2 to the west and said Lot 1 to the east as shown on said map;

Thence along said common division line the following four (4) courses and distances:

- 1) North 22 deg. 01 min. 20 sec. West, 1,048.32 feet to a point;
- 2) North 07 deg. 06 min. 20 sec. West, 137.50 feet to a point;
- 3) South 83 deg. 07 min. 50 sec. West, 399.88 feet to a point;
- 4) North 00 deg. 00 min. 00 sec. East, 1,844.49 feet to the point of intersection of said common division line with the southerly line of lands now or formerly of Richard B. Murray and Helen E. Murray as conveyed in Book 1063 of Deeds at Page 374;

Thence along the common division line of said lands of Murray to the north and said Lot 1 to the south, North 83 deg. 12 min. 50 sec. East, 1,012.75 feet to the point of intersection of said common division line with the westerly line of lands now or formerly of Susan Liss Biggs as conveyed in Book 1959 of Deeds at Page 147;

Thence along the common division line of said lands of Biggs, lands now or formerly of Susan Liss Biggs as conveyed in Book 1959 of Deeds at Page 151 and said lands of Otis to the east and said Lot 1 to the west as shown on said map the following two (2) courses and distances:

- 1) South 06 deg. 20 min. 20 sec. East, 2,120.22 feet to a point;
- 2) South 07 deg. 10 min. 30 sec. East, 748.17 feet to the point or place of beginning and containing 64.511± acres of land.

Lot 1 – South side of Duanesburg Road, NYS Route 7 (State Highway No. 1029):

Beginning at the point of intersection of the southerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of lands now or formerly of Lee S. Otis and Leila M. Otis as conveyed in Book 1976 of Deeds at Page 107 to the east and Lot 1 to the west, said point located, South 07 deg. 10 min. 30 sec. East, 67.50 feet from the Point of Beginning of the above described parcel of land lying along the northerly line of Duanesburg Road;

Thence from said *Point of Beginning* along said common division line, South 06 deg. 13 min. 40 sec. East, 595.79 feet to the point of intersection of said common division line with the northerly line of lands now or formerly of Taylor, Et al. as conveyed in Book 1365 of Deeds at Page 267;

Thence along the common division line of said lands of Taylor, Et al. to the south and said Lot 1 to the north, South 79 deg. 59 min. 50 sec. West, 385.63 feet to the point of intersection of said common division line with the easterly line of Lot 2 as shown on said map;

Thence along the common division line of said Lot 2 to the west and said Lot 1 to the east, North 22 deg. 01 min. 20 sec. West, 527.34 feet to the point of intersection of said common division line with the southerly line of said Duanesburg Road;

Thence along said southerly line of Duanesburg Road the following five (5) courses and distances:
1) North 72 deg. 57 min. 40 sec. East, 100.00 feet to a point;
2) North 72 deg. 27 min. 40 sec. East, 100.00 feet to a point;
3) North 71 deg. 29 min. 40 sec. East, 100.00 feet to a point;
4) North 70 deg. 54 min. 40 sec. East, 100.00 feet to a point;
5) North 70 deg. 39 min. 40 sec. East, 140.48 feet to the point or place of beginning and containing 5.867± acres of land;

The above described *parcels* containing a total area of 70.378± acres of land.

SUBJECT TO THAT CERTAIN THAT CERTAIN 50-FOOT WIDE UTILITY & MAINTENANCE, INGRESS/ EGRESS AND REGRESS, EASEMENT THROUGH THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Duanesburg, County of Schenectady, State of New York lying along the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) and being within Lot 1, said lot as shown on a map entitled "Survey and Minor Subdivision of Lands of Richard B. Murray", dated July 29, 2019 as prepared by The Environmental Design Partnership, LLP and filed in the Schenectady County Clerk's Office on October 8, 2019 in Cabinet "P" as Map No. 39, and being further bounded and described as follows:

Beginning at the point of intersection of the northerly line of Duanesburg Road, NYS Route 7 (State Highway No. 1029) with the common division line of Lot 2 to the west and Lot 1 to the east as shown on said map;

Thence from said *Point of Beginning* and along said common division line, North 22 deg. 01 min. 20 sec. West, 893.68 feet to a point;

Thence through said Lot 1 the following seven (7) courses and distances:

- 1) North 14 deg. 45 min. 20 sec. East, 195.87 feet to a point;
- 2) North 10 deg. 43 min. 40 sec. West, 251.17 feet to a point;
- 3) North 16 deg. 30 min. 10 sec. West, 554.76 feet to a point;
- 4) North 04 deg. 08 min. 40 sec. West, 125.00 feet to a point;
- 5) North 39 deg. 45 min. 00 sec. East, 65.00 feet to a point;
- 6) North 15 deg. 04 min. 40 sec. West, 237.63 feet to a point;
- 7) South 83 deg. 20 min. 00 sec. West, 290.23 feet to a point in said common division line of Lot 2 to the west and Lot 1 to the east

Thence along said common division line, North 00 deg. 00 min. 00 sec. East, 50.34 feet to a point;

Thence through said Lot 1 the following eight (8) courses and distances:

- 1) North 83 deg. 20 min. 00 sec. East, 327.54 feet to a point;
- 2) South 15 deg. 04 min. 40 sec. East, 306.71 feet to a point;
- 3) South 39 deg. 45 min. 00 sec. West, 70.78 feet to a point;
- 4) South 04 deg. 08 min. 40 sec. East, 99.44 feet to a point;
- 5) South 16 deg. 30 min. 10 sec. East, 551.87 feet to a point;
- 6) South 10 deg. 43 min. 40 sec. East, 265.00 feet to a point;
- 7) South 14 deg. 45 min. 20 sec. West, 190.56 feet to a point;
- 8) South 22 deg. 01 min. 20 sec. East, 881.42 feet to a point in said northerly line of Duanesburg Road;

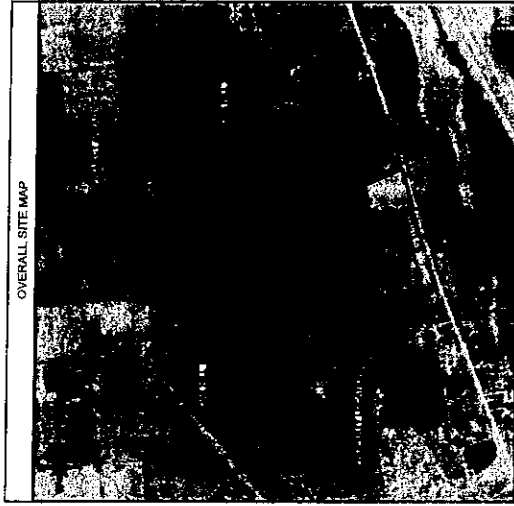
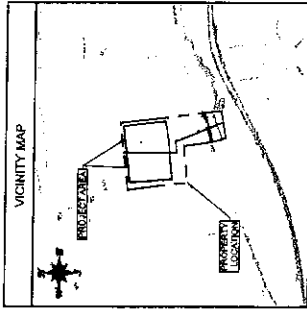
Thence along said northerly line of said Duanesburg Road, South 72 deg. 57 min. 40 sec. West, 50.19 feet to the point or place of beginning of said *easement* and containing 3.046± acres of land.

OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC OAK HILL SOLAR 1 & 2 - ISSUED FOR CONSTRUCTION PLANS -

13590 DUANESBURG ROAD
DUANESBURG, NEW YORK 12053

MAY 2021

LAST REVISED: MARCH 28, 2022



DRAWING NO.	TITLE
01.00	COVER SHEET
02.00	GENERAL NOTES
03.00	GENERAL EXISTING CONDITIONS PLAN
04.00	GENERAL PROPOSED CONDITIONS PLAN
05.00	GENERAL EXISTING & PROPOSED UTILITIES PLAN
06.00	GENERAL EXISTING & PROPOSED CONSTRUCTION PLAN
07.00	GENERAL EXISTING & PROPOSED EROSION CONTROL PLAN
08.00	GENERAL EXISTING & PROPOSED FLOOD CONTROL PLAN
09.00	GENERAL EXISTING & PROPOSED WETLANDS PLAN
10.00	GENERAL EXISTING & PROPOSED TREE PROTECTION PLAN
11.00	GENERAL EXISTING & PROPOSED ACCESS PLAN
12.00	GENERAL EXISTING & PROPOSED PHOTOMOUNT PLAN
13.00	GENERAL EXISTING & PROPOSED SITE PLAN
14.00	GENERAL EXISTING & PROPOSED SITE PLAN
15.00	GENERAL EXISTING & PROPOSED SITE PLAN
16.00	GENERAL EXISTING & PROPOSED SITE PLAN
17.00	GENERAL EXISTING & PROPOSED SITE PLAN
18.00	GENERAL EXISTING & PROPOSED SITE PLAN
19.00	GENERAL EXISTING & PROPOSED SITE PLAN
20.00	GENERAL EXISTING & PROPOSED SITE PLAN
21.00	GENERAL EXISTING & PROPOSED SITE PLAN
22.00	GENERAL EXISTING & PROPOSED SITE PLAN
23.00	GENERAL EXISTING & PROPOSED SITE PLAN
24.00	GENERAL EXISTING & PROPOSED SITE PLAN
25.00	GENERAL EXISTING & PROPOSED SITE PLAN
26.00	GENERAL EXISTING & PROPOSED SITE PLAN
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97.00	GENERAL EXISTING & PROPOSED SITE PLAN
98.00	GENERAL EXISTING & PROPOSED SITE PLAN
99.00	GENERAL EXISTING & PROPOSED SITE PLAN
100.00	GENERAL EXISTING & PROPOSED SITE PLAN

DEVELOPER
GREENCELLS USA, INC.
3414 PEACHTREE ROAD
SUITE 1500
ATLANTA, GA 30326
ph: 916.420.5899

ENGINEER
VERDANTERRA, LLC
601 TECHNOLOGY DRIVE, STE. 200
CANONSBURG, PA 15317
ph: 724.916.4541
NY CIVIL ENGINEER: CHRISTOPHER W. CONNELLY
NY LICENSE NO. 086049-1

SCALE: 1" = 100'

ISSUED FOR CONSTRUCTION

VERDANTERRA
601 TECHNOLOGY DRIVE, STE. 200
CANONSBURG, PA 15317
WWW.VERDANTERRA.COM

GREENCELLS
USA, INC.
3414 PEACHTREE ROAD
SUITE 1500
ATLANTA, GA 30326

VERDANTERRA
601 TECHNOLOGY DRIVE, STE. 200
CANONSBURG, PA 15317
WWW.VERDANTERRA.COM

GREENCELLS
USA, INC.
3414 PEACHTREE ROAD
SUITE 1500
ATLANTA, GA 30326

OAK HILL SOLAR
13590 DUANESBURG ROAD
DUANESBURG, NY 12053

SCALE: 1" = 100'

1	GENERAL NOTES
2	CONSTRUCTION METHODS
3	CONSTRUCTION METHODS
4	CONSTRUCTION METHODS
5	CONSTRUCTION METHODS
6	CONSTRUCTION METHODS
7	CONSTRUCTION METHODS
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29	CONSTRUCTION METHODS
30	CONSTRUCTION METHODS



ISSUED FOR CONSTRUCTION

STATE OF NEW YORK

DEPARTMENT OF TRANSPORTATION

NEW YORK STATE TROOPERS

ENDANTERRA

101 PERSHING DRIVE, STE 200

ROSELAND, NJ 07068

PHONE: (201) 991-1111

FAX: (201) 991-1112

WWW.ENDANTERRA.COM

INGRENCCELLS

USA INC.

3412 Parkview Road

Atlanta, GA 30328

INGRENCCELLS

3412 Parkview Road

Atlanta, GA 30328

INGRENCCELLS

3412 Parkview Road

Atlanta, GA 30328

C5.01

21 of 30

DANGER
High Voltage
Within Keep
Out

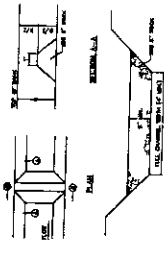
DANGER
No
Trespassing

NOTE:
DO NOT REMOVE ANY OF THE SIGNS FROM THIS PROJECT. ANY REMOVAL OF SIGNS SHALL BE AT YOUR OWNERS RISK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SIGNS.

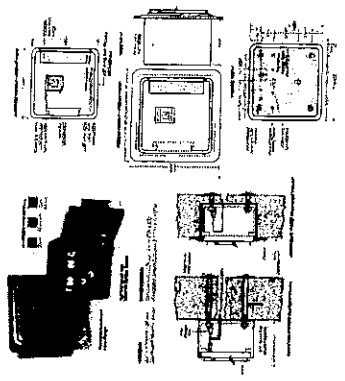
FENCE WARNING SIGNS

NOTE:
DO NOT REMOVE ANY OF THE SIGNS FROM THIS PROJECT. ANY REMOVAL OF SIGNS SHALL BE AT YOUR OWNERS RISK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SIGNS.

TYPICAL CONTACT PLATE

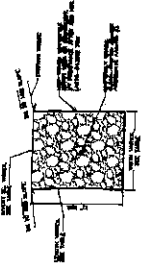


NOTE:
DO NOT REMOVE ANY OF THE SIGNS FROM THIS PROJECT. ANY REMOVAL OF SIGNS SHALL BE AT YOUR OWNERS RISK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SIGNS.

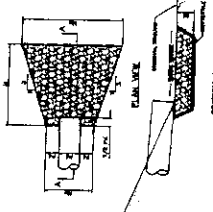


NOTE:
DO NOT REMOVE ANY OF THE SIGNS FROM THIS PROJECT. ANY REMOVAL OF SIGNS SHALL BE AT YOUR OWNERS RISK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SIGNS.

NO.	DESCRIPTION	QTY	UNIT
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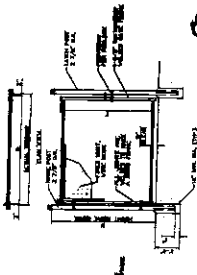


TYPICAL LEVEL SPREADER DETAIL



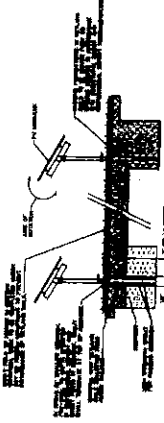
NO.	DESCRIPTION	QTY	UNIT
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TYPICAL CONTACT PLATE

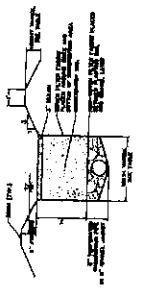


NOTE:
DO NOT REMOVE ANY OF THE SIGNS FROM THIS PROJECT. ANY REMOVAL OF SIGNS SHALL BE AT YOUR OWNERS RISK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SIGNS.

FIXED POST FARM FENCE - PROFESSIONAL GATE



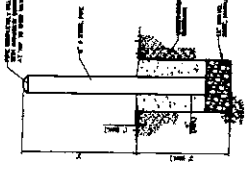
ARRAY RACK ANCHORING IN WETLAND AREAS



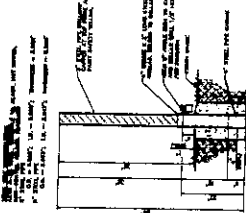
ROCK RETENTION FILTER DETAIL

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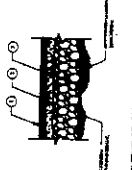
NOTE:
DO NOT REMOVE ANY OF THE SIGNS FROM THIS PROJECT. ANY REMOVAL OF SIGNS SHALL BE AT YOUR OWNERS RISK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SIGNS.



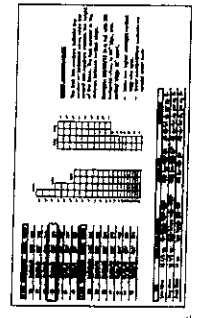
STEEL BOLLARD



REMOVABLE BOLLARD



ROADWAY PAVEMENT SECTION

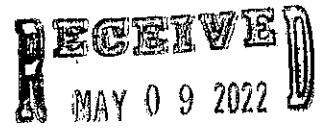


FIXED POST FARM FENCE - DOUBLE GATE

NOTE:
DO NOT REMOVE ANY OF THE SIGNS FROM THIS PROJECT. ANY REMOVAL OF SIGNS SHALL BE AT YOUR OWNERS RISK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SIGNS.

PO Box 160
Quaker Street, NY 12141

Nelson Gage, Chair
Zoning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056



May 9, 2022

RE: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Fence Variance

Dear Nelson Gage and the Zoning Board,

To comply with the Town of Duanesburg Zoning Ordinance

14.5.2.B.1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and

14.5.2.B.3. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

we request that the zoning board require the Applicant to confirm the fence location with standard day, minute, second GPS coordinates, distance from Duanesburg Road and the number of acres inside the fence. This information should be provided in writing and added to the Project record. This document should be included with the zoning boards decision and legally bind the Applicant to the Project's footprint.

Failure to obtain this information on the record may permit Oak Hill Solar to be more than 20% larger than presented to the planning board and community during Project review in 2019 and 2022. This increase will be a detriment to the nearby properties and the community development for generations.

At the April 19, 2022 Zoning Board meeting Bill Pedersen, Amp Energy's representative for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project"), informed the board that 45 acres per project would be inside the fence. Combined this would be a total of 90 acres inside the fence. This may require that the fence in the southeast portion of Oak Hill Solar 2, LLC be located 800 feet north of Duanesburg Road.

The Project's record including but not limited to the March 7, 2022 Full Environmental Assessment Form Part 1, the March 7, 2022 Site Plan Revision I, and the March 17, 2022 Resolution to Amend the September 19, 2019 Special Use Permit indicate that:

Oak Hill Solar 1, LLC is on Lot 2 is 70.353 acres and has 32.2 acres inside the fence with a "preliminary solar area" of 28.70 acres.

Oak Hill Solar 2, LLC is on Lot 1 is 70.378 acres and has 33.0 acres inside the fence with a "preliminary solar area" of 28.16 acres

The Project's documents on record with the planning board and the Applicant's presentations to the community consistently show that the two solar facilities will be sited on a combined 140 acres with 65 acres inside the fence that is located at the rear, the north, of the two lots. The Applicant's March 11, 2019 letter to the board states that the Project is nearly 1,500 north of Duanesburg Road.

According to the Applicant's April 19, 2022 presentation to the zoning board the Project's footprint has curiously increased to 90 acres. This is an increase of 25 acres from what the Applicant promised the planning board and the abutters. A more than 20% increase in acres inside the fence is a significant change in the Project's scope, scale and impact on the community.

Some reasons, but not all, that an increase from 65 acres inside the fence to 90 acre is a detriment to the abutting parcels, community character and the environment are the it may:

- Require clear cutting additional mature growth forest in the southwest section of Oak Hill Solar 1, LLC abutting the lands of Barnes and Ganster. This may be in violation of Solar Law 3.f. limits that clear cutting to 20,000 square feet and Solar Law 3.i. that "Forested sites shall not be deforested to construct solar energy facilities."
- Be in violation of Solar Law 3.h. limiting lot coverage to 60%. Sixty percent of 140 acres would be 84 acres of lot coverage. If the board considers only the contiguous lands north of Duanesburg Road, as shown on the minor subdivision plan filed with the Schenectady County Clerk on October 8, 2019, then combined there are 129 acres and lot coverage may be limited to 77 acres.
- Extend beyond the limits of disturbance shown on the 2019 and 2021 site plans.
- Move the Project onto federal and state wetlands that were not considered during 2019 or 2021 Town of Duanesburg Planning Board SEQR review and are not shown on the site plans.
- Move the Project onto federal and state wetlands that were not considered during the New York State Department of Environmental Conservation and the Army Corps of Engineers permitting process.
- Permit the solar panels and equipment pads to change location within the 90 acres inside the fence. Curiously, the planning board does not require site plans to be signed. Can the Project layout change without legal recourse? How may such changes impact community character and the abutter's use, enjoyment and future development?

- Move the unsightly noise producing industrial project from more than 750 feet to the north west as the crow flies to 535 feet directly east of Biggs residence.
- Move the project within view of Biggs existing mowed pathways that are adjacent to the shared property line. The Project's site plans omit Biggs pathways and fields between the house and the Project and misrepresent the treeline between the house and the Project.
- Move the noisy eyesore closer to Ganster and Swain parcels and homes.
- Block wildlife corridors on fenced 90 acres forcing animals closer to Duanesburg Road, NYS Rt 7.
- Will cause the June 24, 2021 Visual Maintenance Agreement for 1,600 feet of evergreen screening from the rear of lot to be inadequate by at least 500 feet.
- May increase the noise, glare and visual impact on abutting parcel owners particularly Biggs home on parcel 74.00-3-18 and parcel 74.00-3-16.

To determine if the Project fence is compliant with zoning ordinance and that it does not create a detriment to the surrounding homes, community and environment I request that the board clarify in writing the Project acres inside the fence and the location of the fence. The Applicant should provide the GPS coordinates in day, minute second format of the corner fence posts in writing to be added to the record prior to the board taking action.

For your convenience please see attached color images that may provide further clarity to the critical importance of determining acres inside the fence and its location prior to the board taking action.

Figure 1 - Drone image from Biggs two parcels view to the west. The Property line for Biggs parcels 74.00-3-16.3 and Biggs parcel 74.00-3-18 is 850' north of Duanesburg Road. The red lines mark the approximate location of the fences line as presented to the planning board and abutters in 2019 and 2022.

Figure 2 - Screen shot of the DEC Environmental Resource Mapper shows Oak Hill Solar 2, LLC with 33 acres inside a blue boundary line. In 2019 the Applicant informed the board that the combined 65 acre boundary may be nearly 1,500 feet north of Duanesburg Road. The approved 2019 site plan was not to scale. In 2019 and 2022 the Applicant informed the planning board and abutters that the Project would be a combined 65 acres in the rear of the two lots. Oak Hill Solar 2, LLC would abut at least 1,500 feet Biggs parcel 74.00-3-18 western property line. It may be 700 feet to the northwest of Biggs' home as the crow flies.

Figure 3 shows the same base map as Figure 2 only with 44.5 acres inside the blue boundary line. It appears that the 45 acre boundary would be approximately 800 feet north of Duanesburg Road. The project would abut the entire 2,000 feet western property line of Biggs parcel 74.00-3-18 and some of parcel 74.00-3-16.3. It would locate the fence directly west of the Biggs two story home. Currently, the Project site does not provide any vegetative cover on its eastern property line abutting the two Biggs parcels. Any screening of this eyesore is found on Biggs lands. This may limit the landowners use, enjoyment and future development opportunities.

Figure 4 - Screen shots of the DEC Environmental Resource Mapper shows Oak Hill Solar 1, LLC with 33 acres inside the fence. Currently, the Project site does not provide vegetative cover on its western property line abutting the Barnes parcels. Any screening of this eyesore is found on Barnes lands. This may limit Barnes, and any future owners, use, enjoyment and development opportunities.

Figure 5 shows the same base map as Figure 4 only with 45.5 acres inside the blue boundary line. The Project may abut all of Barnes eastern property line and the majority of Ganster northern property line.

It may be impossible to determine if the Projects request for a variance in fence height will be in compliance with zoning ordinance unless the acres inside the fence and location of the fence is clarified.

Please do not hesitate to contact me at 720-272-0956 or lynnebruning@gmail.com with any questions or concerns. I invite members of the zoning board for a site visit to the Biggs parcels to fully understand the character and environmental conditions of the neighborhood.

Thank you for your time and consideration.

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

Cc: Supervisor Wenzel
Planning Chair Schmitt



Figure 1
 Bruning to Zoning Board May 9, 2022
 Photo taken May 7, 2022

Drone image from Biggs parcels looking west to Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC



Figure 2
 Brunting to Zoning Board May 9, 2022
 NYS DEC Mapper Screenshot May 5, 2022
 Base Map NYS Aerial from April 2021 with National Wetland Inventory Shown
 at Oak Hill Solar 2, LLC parcel id 74.00-2-5.1
 Tools Measure: 33 acres shown inside blue boundary

Search

Tools

Measurement Tool

44.5 Acres | Acres

Measurement Result

44.5 Acres

Clear Result

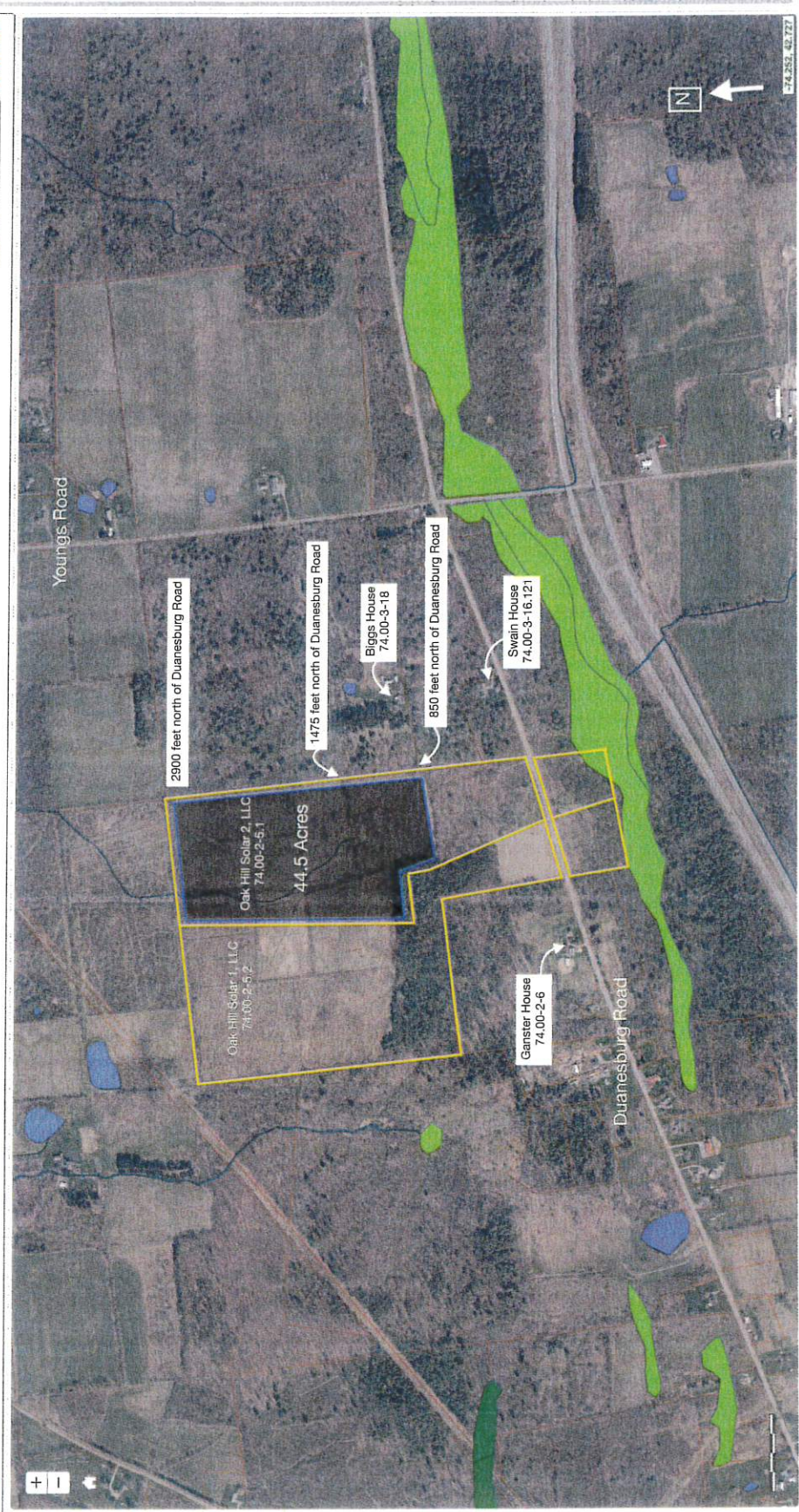
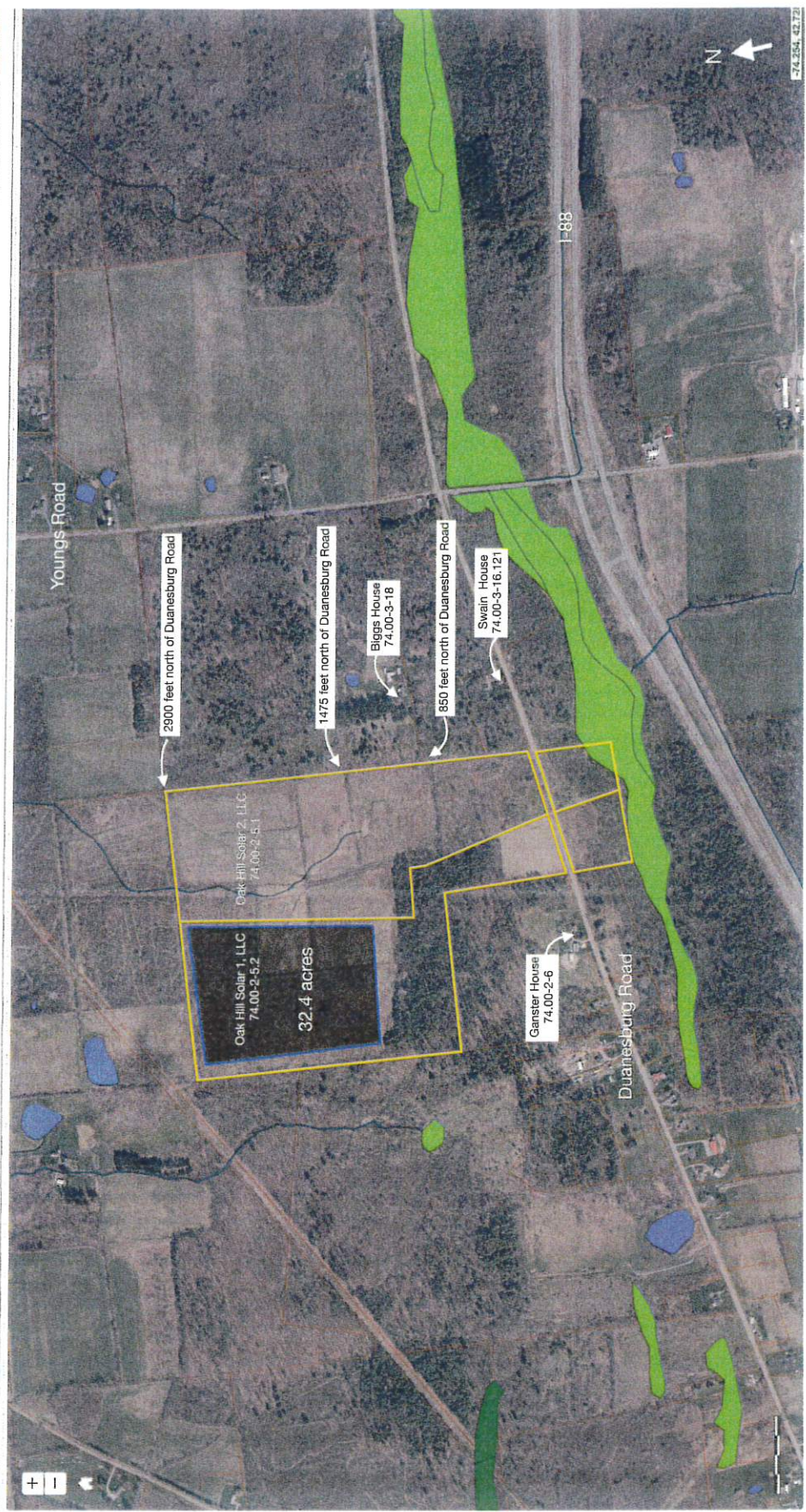


Figure 3
 Bruning to Zoning Board May 9, 2022
 NYS DEC Mapper Screenshot May 5, 2022
 Base Map NYS Aerial from April 2021 with National Wetland Inventory Shown
 at Oak Hill Solar 2, LLC tax parcel 74.00-2-5.1
 Tools Measure: 44.5 acres shown inside blue boundary



Measurement Tool
 | Acres
 Measurement Result
 Clear Result

2.4 Acres

Layers and Legend
 Other Wetland Layers
 Reference Layers
 All Me More...
 Need A Permit?
 Contacts

Figure 4
 Bruning to Zoning Board May 9, 2022
 NYS DEC Mapper Screenshot May 5, 2022
 Base Map NYS Aerial from April 2021 with National Wetland Inventory Shown
 Oak Hill Solar 1, LLC tax parcel 74.00-2-5.2
 Tools Measure: 32.4 acres shown inside blue boundary

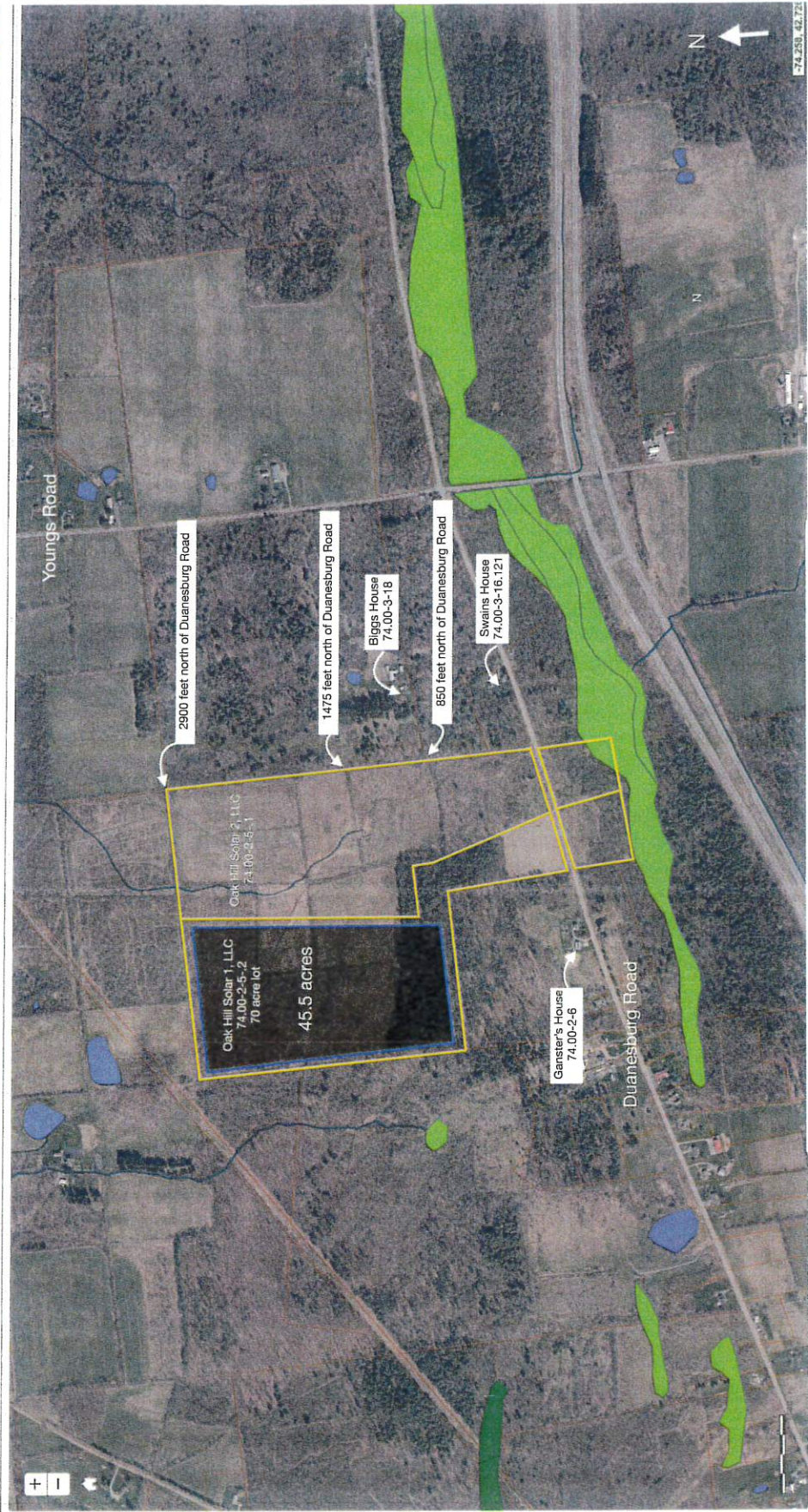


Figure 5
 Bruning to Zoning Board May 9, 2022
 NYS DEC Mapper Screenshot May 5, 2022
 Base Map NYS Aerial from April 2021 with National Wetland Inventory Shown
 Oak Hill Solar 1, LLC parcel id 74.00-2-5-2
 Tools Measure: 45.5 acres shown inside blue boundary

Search Tools

Layers and Legend
 Other Wetland Layers
 Reference Layers
 All Me More...
 Need A Permit?
 Analytics

Measurement Tool

Measurement Result

45.5 Acres

Clear Result



lynne bruning <lynnebruning@gmail.com>

Oak Hill Solar work hours occurring until 7:45 PM

1 message

lynne bruning <lynnebruning@gmail.com>

Fri, May 6, 2022 at 12:29 PM

To: Bill Wenzel <wwenzel@duanesburg.net>, Jeffery Schmitt <jschmitt@duanesburg.net>
Cc: wallace johnson <wallaceij@hotmail.com>, Pamela Rowling <pamelarowling@yahoo.com>, Susan Biggs <azurevista@hotmail.com>, Joshua Barnes <arrowrolloffs@gmail.com>, alucks@duanesburg.net, dgrant@duanesburg.net, John Ganther <jganther@duanesburg.net>, Ricky Potter <RPotter@duanesburg.net>, Marcelline Fusilier <fusilier1986@yahoo.com>

Dear Supervisor Wenzel, the Town Board and Jeffery Schmitt,

During the 2019 and 2022 review of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project") the public was informed that work hours were from Monday through Friday 7AM to 5PM.

On May 4, 2022 and May 6, 2022 work occurred until 7:45 PM.
Work may also occur after 5:00 PM on other days.

At the April 21, 2022 planning board meeting the code enforcement officer, Dale Warner, informed the board that a building permit had been issued for the Project. Construction for the access road is in progress. Some survey markers are in place and some stormwater mitigation is in place. Please see attached three PDF annotated images from the Biggs property line taken on May 4, 2022. Eight pieces of heavy machinery are seen across the Project site, piles of topsoil, standing water, piles of felled trees, and the new roadways are visible.

The construction site does not have a building permit posted at the access road and Duanesburg Road that may provide construction information including work hours.

I reviewed the March 17, 2022 Resolution to Amend the Special Use Permit to confirm work hours as shown in the Full Environmental Assessment Form Part I D.1.1. For clarification the resolution does not provide a resolution number, document tracking number or total number of pages. It is found in the approved March 17, 2022 meeting minutes.

It appears that the FEAF Part I is not included in the Resolution.

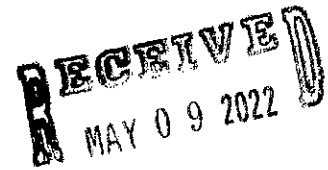
What are the work hours permitted at the Project site?

How should after-hours complaints be submitted?

I look forward to your response.

Thank you for your time and consideration.

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



3 attachments

2022 05 06 Bruning to Town of Duanesburg 3 DJI_0475.JPG.pdf.pdf
4350K

2022 05 06 Bruning to Town of Duanesburg 2 DJI_0442.JPG.pdf.pdf
4367K

2022 05 06 Bruning to Town of Duanesburg 1 Oak Hill Solar DJI_0441.JPG.pdf.pdf
4777K



Oak Hill Solar 1, LLC
74.00-2-6-2

Oak Hill Solar 2, LLC
74.00-2-5-1



piles of trees from April 2019

piles of top soil

new access road
10 feet wide
2 feet shoulders
6 inch deep excavation
Geotextile fabric

standing water

standing water

standing water

standing water

Image from May 4, 2022

1500' length of Duaneburg Road

Submitted by Bruning to Town Supervisor May 6, 2022

RECEIVED
MAY 09 2022



Duaneburg Road

Oak Hill Solar 1, LLC
74.00-2-5-.2

7 pieces of equipment
on project site

new access road

access road to be 10 feet wide

piles of trees from
April 2019

standing water

800 feet north of
Duaneburg Road

Oak Hill Solar 2, LLC
74.00-2-5-.1

standing water

1500 feet north of
Duaneburg Road

Image from May 4, 2022
Submitted by Bruning to Town Supervisor May 6, 2022

RECEIVED
MAY 09 2022



Duaneburg Road

Oak Hill 1, LLC
74.00-2-5.2

Biggs
74.00-3-16.3

Biggs
74.00-3-18

Oak Hill 2, LLC
74.00-2-5.1

marsh

800 feet north of
Duaneburg Road

Piles of trees since
April 2019

new access road to be 10 feet wide
with 2 feet cleared shoulders and
8" excavation and geotextile fabric

mowed walking
paths

standing water

N

Image from May 4, 2022.
Submitted by Bruning to Town Supervisor May 6, 2022

RECEIVED
MAY 09 2022

TOWN OF DUANESBURG

APPLICATION FOR SITE/ SKETCH DEVELOPMENT PLAN APPROVAL

Preliminary Date: _____ Final Date: _____
(Check appropriate box)

Name of proposed development _____

Applicant:

Name PAUL M CALLAHAN
Address 2045 SKYLINE DRIVE
SCHENECTADY NY 12306
Telephone 518 366 3339

Plans Prepared by:

Name SAME
Address _____
Telephone _____

Owner (if different):

(if more than one owner, provide information for each)

Name _____
Address _____
Telephone _____

Ownership intentions, i.e., purchase options

SELL LOT AS BUILDING SITE

Location of site

PRIVATE ROAD OFF WEST OVANE LAKE ROAD

Section 67 Block 2 Lot 11.41

Current zoning classification L2^{DW} R-2

State and federal permits needed (list type and appropriate department)

NONE

Proposed use(s) of site

RESIDENCE / BUILDING LOT

Total site area (square feet or acres) 57,000 S.F. 1.308 ACRES

Anticipated construction time N/A

Will development be phased? NO

Over →

NOTICE OF DETERMINATION
of the Town of Duaneburg

Date of Determination June 8, 2022

Application of Paul Callahan under section
8.5 (1) of the (Village of Delanson/ Town of Duaneburg)
Zoning Ordinance.

Applicant Paul Callahan
Address 2045 Skyline Dr.
Schenectady NY 12306

Phone 518-366-3339 Zoning District R-2 SBL# 67.00-2-11.41

Description of
Project: 1.3 Acre
sell an existing under size lot of a
Building lot in the R-2 Zoning District

Determination:
Area Variance for lot size 2.3 Acres required

Reason supporting determination:

Town of Duaneburg Zoning Ordinance adopted 6/11/15
section 8.5 (1) requiring 100,000 sq. ft. current
lot equals 57,000 sq. ft.

Action: Refer to ZBA for the purpose of Area Variance for 43,000 sq. ft.

Code Enforcement Officer:

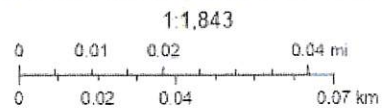
DeWann

67.00-2-11.41



May 23, 2022

-  Override 1
-  Parcels
-  NYS DEC Wetlands 100 ft Buffer



New York State, Maxar, Microsoft

No Author
This map and information is provided as is. We make no warranties or guarantees, expressed or implied.

LANDS OF PUTNAM
(b. 1248, p. 95)
(b. 1252, p. 315)
R.P.T.S.A. 67,000-2-611

33' wide private road

LANDS OF REUTTER
(b. 1253, p. 27 & 29)
(b. 1389, p. 342)
R.P.T.S.A. 67,000-2-10 & 11,222

LANDS OF SANTORO
(b. 1347, p. 321)
R.P.T.S.A. 67,000-2-9

AREA - 57,000 sq. ft.
1,308 acres

LANDS OF CALLAHAN
(b. 1080, p. 52)
R.P.T.S.A. 67,000-2-11,4

LANDS OF BRATT
(b. 1175, p. 202)
R.P.T.S.A. 67,000-2-8

S 89° 45' 48" E 210.0'

N 81° 42' 20" E 202.24'

N 00° 14' 12" E 300.0'

S 00° 14' 12" W 270.0'

S 89° 45' 48" E 100.0'

ROAD

S 36° 51' 20" W 45.83'

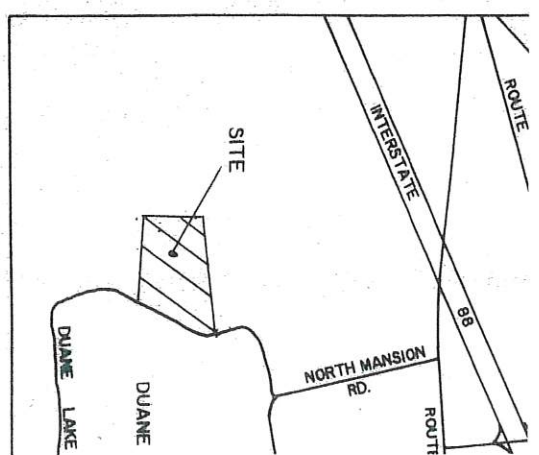
S 19° 13' 30" W 46.63'

S 05° 15' 40" W 50.0'

S 13° 45' 05" E 58.99'

LAKE

LAKE



SITE LOCATION MAP

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Terresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jonathan Lack, Vice Chairperson
Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member

RECEIVED
MAY 18 2022
TOWN OF DUANESBURG
TOWN CLERK

Town of Duanesburg
Zoning Board Minutes
May 17th, 2022
Draft Copy

MEMBERS PRESENT: Nelson Gage Chairman, Daniel Boggs, Matthew Ganster, Link Pettit. Also attending Town Attorney-Terresa Bakner, Town Planer-Dale Warner, and Clerk -Melissa Deffer.

INTRODUCTION:

Nelson Gage opened the meeting at 7:00 pm. Gage welcomed everyone to tonight's meeting.

OPEN FORUM:

Nelson Gage opened the open forum.

Lynne Bruning located at 13388 Duanesburg Rd would like everyone to know that the Solar Law committee is meeting, and the videos are posted on the Towns website. The videos are very informative. Lynne would also like to thank those on the ZBA who are serving on it. The reasoning behind why Lynne films the meetings is because she does not have broadband, so to review the meeting videos online is extremely difficult.

Nelson Gage closed the open forum.

PUBLIC HEARINGS:

#22-02 Urbano/Caschera, SBL#35.06-3-5.2, (L-1) Located at 2610 Weast Rd is seeking a side yard setback and an Area Variance under section 7.1.6(2); 7.1.5(1) of the Town of Duanesburg Zoning Ordinance. No representation from John Hitchcock, Jr from ABD Engineers, LLP who represents Mr. Caschera who was also not in attendance.

Gage/Pettit made a motion to open the public hearing for the **#22-02 Urbano/Caschera** application.

Gage aye, Pettit aye, Ganster aye, Boggs aye. **Approved.**

Nancy Eddings located at 250 Hillside Rd is very concerned with how close the house will be to property line and would like to confirm what part of the Zoning Code they are seeking a variance from.

Chairperson Gage explained that Section 13.1.2 of the Town of Duanesburg Zoning Ordinance (**Please See Attachment**) allows for a side yard reduction to 14ft for a

preexisting undersized lot. Many of the lots in that area were developed prior to the change in the current Zoning law. A lateral for sewer hookup is also present for that lot, so there is an expectation that a dwelling of some kind would be built.

Chairperson Gage also referred to LouAnn DiNardi located at 2636 Weast Rd who had submitted a written concern. **(Please See Attachment)** Louann was also present at the meeting and stated that if the purposed Variance is granted the position of the house will completely block any view of the Mariaville Lake along with all the other neighbors to the west of the variance request. The height of the house is also a question.

Joseph Mangano located at 2598 Weast Rd the property to the east is where Joseph and Kelly have a single-family home. Joseph would like to know what the exact number of feet the foundation will be away from the property line.

Nancy Eddings located at 250 Hillside Rd would like the Board to take into consideration the height of the house if it will be built on top of a garage. Mrs. Eddings was under the impression that you could not build on a 60ft lot.

Gage/Pettit made a motion to continue the public hearing and table the **#22-02 Urbano/Caschera** application until the June 21st, 2022, meeting when representation can answer all question comments and concerns of the residences and Board.

Gage aye, Pettit aye, Ganster aye, Boggs aye. **Approved.**

#22-03 Oakhill Solar 1 LLC, SBL#74.00-2-5.2 Located at 13592 Duanesburg Rd is seeking a Area Variance for a height of fence under section 5.7.(1) of the Town of Duanesburg Zoning Ordinance, and application **#22-04 Oakhill Solar 2 LLC**, SBL#74.00-2-5.1 Located at 13590 Duanesburg Rd is seeking a Area Variance for a height of fence under section 5.7.(1) of the Town of Duanesburg Zoning Ordinance. Bill Pederson a representative from AMP. Chairman Gage explained that this application is strictly for a fence height variance and the applicant has already gone in front of the Town of Duanesburg's Planning Board and received a special use permit. The notice of determination referred to 5.7.1 that limits the height of a fence, that section of the Zoning Ordinance does not apply to this application with this type of fence. The Planning Board was guided by the Ordinance in the solar law that referenced a fence around electrical equipment mentioned 6 ft but did not specify a limit to the height of the fence. As a result, the ZBA is opting to provide an interpretation.

Gage/Boggs made a motion to open the public hearing for both applications **#22-03 Oakhill Solar 1 LLC** and **#22-04 Oakhill Solar 2 LLC**.

Gage aye, Boggs aye, Pettit aye, Ganster aye. **Approved.**

Board Member Ganster recused himself from both applications #22-03 Oakhill Solar 1 LLC and #22-04 Oakhill Solar 2 LLC due to his property abutting one of the parcels.

Lynne Bruning located at 13388 Duanesburg Rd **(Please See Attachment)** Lynne also provided the Board with pictures and descriptions for each. **(Please See Attachment)**

Town Attorney explained that the one and only question before the ZBA is whether the fence should be 6ft or 8ft in height. The ZBA is deciding on is 2 ft of fence. The Site Plan that has been approved the Planning Board and signed by the Chairperson (Jeffery Schmitt) has the area of within the fence line and nothing has been changed. **(The approved site plan that was signed by the chairperson was available for the public at the meeting for viewing and referencing.)**

Chairperson Gage explained that the ZBA has been asked to provide an interpretation. Also, a signed County Referral was obtained and was deferred to local consideration, with an advisory note that the Town may wish to consider amending the zoning code with respect to fences for solar energy systems to be consistent with the electrical code which requires a 7-foot-high security fence.

Lynne Bruning stated she reached out to Mark Storti from Schenectady County and informed her that Oakhill Solar 113592, SBL#74.00-2-5.2 does not have a 911 street address but has been referred to as 13592 Duaneburg Rd in all documents.

Town Attorney explained that the applicant can request a 911 address for the lot, but all the agreements that the town has signed off and approvals that were given recited the SBL numbers. So, there is no confusion.

Susan Biggs located at 13388 Duaneburg Rd stated that there seems to be from the very beginning and has had errors, misrepresentations and actions that appear to be circumvent the law. Susan does not object to solar, the only request to the Board is that the ZBA obey and uphold the law in whatever decision that is made and set a precedence.

Amps attorney wants to point out one inaccuracy, that the National Electrical Code does require the entire facility to be covered inside the security fence, not just high voltage, transformers, or battery areas.

Marcellin Fusiler located at 13910 (**Please See Attachment**) Also, Marcy wanted to inform the Board that the construction has been starting at 6:55am, and the dust and the noise that comes from the site is very obnoxious.

Town Attorney stated that if the construction is not following the Resolution that is filed with the Town. Please call the Town Building Department and put a formal complaint in with the Code Enforcement officer. Doug Cole was also hired by the Town to over see the construction of the project and between the two actions can be taken in a timely manner. Also, to answer one of Lynns questions in one of her letters to the ZBA, is that the Part 1 of the EAF was not out into the resolution because the Planning Board did not prepare the part 1 the applicant did. Because the Planning Board did prepare the part 2 and 3, it was put in the record. The EAF Part 1 is available in the drop box on the Town website and also in the official record.

Boggs/Gage made a motion to close public hearing as well as table the applications of **#22-03 Oakhill Solar 1 LLC** SBL#74.00-2-5.2 and **#22-04 Oakhill Solar 2 LLC** SBL#74.00-2-5.1 for a consideration and or a variance for a fence height of 8 feet until the June 21st, 2022, meeting.

Boggs aye, Gage aye, Pettit aye, Ganster aye. **Approved.**

OLD BUSINESS:

None

New Business:

#22-05 Dunnsville Rod and Gun Club: SBL#68.00-1-14, (C-1) located at 3081 Western Turnpike is seeking an Area Variance for a front yard reduction to meet the requirements for a flag lot under section 3.5.93(B); section 14.5.2(B) of the Town of Duaneburg Zoning Ordinance. Rick Peterson president of the club is representing the application. Mr. Peterson

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

explained that he referred by the Planning Board to go to the ZBA to get a 30 ft road frontage variance for a flag lot creation. Right now, the gun club has an easement to use the land to enter their parcel. Power would like to be added to the parcel as well and was told by the power company that the lot is not wide enough, so they are looking to obtain the section land from their neighbor so that there will be no more need for an easement. There is no other access to the property other than the easement off Western Turnpike. Rick is asking to turn a nonconforming lot into a more conforming lot by buying road frontage property.

Gage/Ganster made a motion that the **#22-05 Dunnsville Rod and Gun Club** application is and exempt Type II action pursuant to Title 6 NYCRR Section 671.5(c)(12) or (13).

No further action pursuant to SEQRA is required.

Gage aye, Ganster aye, Pettit aye, Boggs aye. **Approved.**

Ganster/Gage made a motion to set a public hearing for June 21st, 2022, at 7pm, or there about for the application of **#22-05 Dunnsville Rod and Gun Club**; SBL#68.00-1-14, (C-1) located at 3081 Western Turnpike is seeking a 30ft road frontage reduction to meet the requirements for a flag lot under section 3.5.93(B) of the Town of Duanesburg Zoning Ordinance.

Ganster aye, Gage aye, Pettit aye, Boggs aye. **Approved.**

OTHER:

Chairperson Gage explained that the Solar Committee has been formed to rewrite the solar law and they meet the second Tuesday of each month. Next meeting will be June 14th 2022 starting between 7:00pm. Meetings are offered to the public in person or zoom and are posted on the Town website for viewing if you can not attend.

MINUTES APPROVAL:

Pettit/Boggs made a motion to approve the April 19th, 2022, Zoning Board minutes with 3 minor spelling corrections.

Pettit aye, Boggs aye, Gage aye, Ganster aye. **Approved.**

ADJOURNMENT:

Lack/Gage made a motion to adjourn at 8:23 pm.

Lack aye, Gage aye, Boggs aye, Ganster aye. **Approved**

SECTION 13

SUPPLEMENTAL REGULATIONS

13.1 SPACE REGULATIONS

13.1.1 **Uses Prohibited.** Certain uses may be prohibited by the Planning Board or Zoning Board of Appeals where use is or is likely to be noxious or offensive by reason of the emission of odor, smoke, toxic or noisome fumes, radiation, gas, noise, vibration or excessive light or injurious to public health, safety or the general welfare.

13.1.2 **Existing Small Lots.** Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Zoning Board of Appeals may grant an Area Variance for the erection of a Single Family Dwelling on any separately owned Lot or any Lot under contract of sale and containing, at the time of the passage of this Ordinance, dimensions smaller than required in that District. For such purposes, the minimum side yard requirements will be reduced in proportion to the reduction of Lot Width over the specified minimum Lot Width for the District. Where two or more adjacent Lots are owned by the same applicant, combination of said Lots shall be required, unless such adjacent lot is improved with a Dwelling at the time of such application for an Area Variance.

13.1.3 **Reduced Lot Area.** No lot with an existing Dwelling shall be so reduced in area as to cause it to be smaller than prescribed in the regulations for the District.

13.1.4 **Reduced Front Yard Depth.** Each Dwelling hereafter erected may have a front yard equal in depth to the average front yard depth of the Dwellings within one hundred (100) feet thereof on each side.

13.1.5 **Reduced Rear Yards.** When a Lot is less than one hundred (100) feet deep at the time of the passage of this Ordinance, such rear yard may be decreased by one-quarter of the distance that the Lot Depth is less than the one hundred (100) feet; provided, however, that no rear yard shall be less than fifteen (15) feet in depth, and that any accessory building may be as close as six (6) feet from the rear property line.

13.1.6 **Corner Lot Transition.** On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard depth.

13.2 OFF-STREET PARKING

The purpose of this section is to provide guidance as to the appropriate parking facilities that shall be required in conjunction with new development or a change in use.

13.2.1 Minimum spaces required for off-street parking:

1) The required minimum number of parking spaces are as follows:

Dwelling

Two (2) per unit.

Melissa Deffer

From: Lou Ann <pigpenlou@aol.com>
Sent: Monday, May 9, 2022 3:47 PM
To: Melissa Deffer
Subject: Upcoming Public Hearing - Questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I'm wondering if you are able to provide additional details about the Public Hearing scheduled for May 17th? I received a notice about an agenda item for 2610 Weast Road, requesting 5ft east and west setbacks.

40x60 seems a bit large for this property, especially since the lot has no lake rights/access.

Any additional details you can provide would be greatly appreciated. If this information can not be shared in email, can you please tell me how to go about obtaining?

Thanks in advance.

Lou Ann

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received: 5-10-22
Case No. D-2-22
Returned: _____

FROM: Legislative Body
 Zoning Board of Appeals
 Planning Board

Municipality:
Town of Duanesburg

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) ~~382-5539~~
Schenectady County

ACTION: Zoning Code/Law Amendment
 Zoning Map Amendment
 Subdivision Review
 Site Plan Review

Special Permit
 Use Variance
 Area Variance
 Other (specify) Interpertaion

MAY 10 2022

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: May 17th, 2022

SUBJECT: #22-03 Oakhill Solar 1 LLC SBL#74.00-2-5.2 Located at 13592 Duanesburg Rd and #22-04 Oakhill Solar 2 LLC SBL#74.00-2-5.1 Located at 13590 Duanesburg Rd for a consideration and or area variance for the height of an 8 Ft fence under section 5.7.(1) of the Town of Duanesburg Zoning Ordinance.

REQUIRED ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - the boundary of any city, village or town;
 - the boundary of any existing or proposed County or State park or other recreation area;
 - the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Melissa Deffer Title: Planning/Zoning Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: mdeffer@duanesburg.net Phone: (518) 895-2040

Signature: _____ Date: _____



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-02-22

Applicant Oakhill Solar

Referring Officer Melissa Defer

Municipality Duanesburg

Considerations: Area variance to allow construction of an 8' high security fence which exceeds the maximum permitted 6' fence height. Located on the north side of SR 7 approximately 1 mile east of the County line.

RECOMMENDATION

Receipt of zoning referral is acknowledged on May 10, 2022. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- *Approve of the proposal.
- Defer to local consideration (No significant county-wide or inter-community impact)
- Modify/Conditionally Approve. Conditions:

Advisory Note:
 The town may wish to consider amending the zoning code with respect to fences for solar energy systems to be consistent with the electrical code which requires a 7 foot high security fence.

Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

5/11/22
Date

Ray Giffen / SPC
Ray Giffen, Commissioner
Economic Development and Planning

PO Box 160
Quaker Stret, NY 12141

Nelson Gage, Chair
Zoning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

May 17, 2022RE: Public Hearing Oak Hill Solar Fence Variance

Dear Nelson Gage and the Zoning Board,

Susan Biggs 13388 Duanesburg Road,, Delanson, NY 12053

Thank you for holding a public hearing for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC variance request.

I am the fourth generation of my family owning:

Tax parcel 74.00-3-18, which is 91 acres and shares approximately 2,000 feet in length property line to Oak Hill Solar 2, LLC.

Tax parcel 74.00-3-16.3, which is 22 acres and shares approximately 500 feet in length property line to Oak Hill Solar 2, LLC

The Town of Duanesburg zoning ordinance, adopted June 11, 2015, limits fence height to 6 feet.

The original application for a Special Use permit, Site Plan Approval and Minor Subdivision was submitted to the planning board in May 2018. At this time the National Electric Code required a seven feet in height fence or higher around high voltage equipment. It appears that solar panels are not required to be inside the fence.

Was the Applicant's failure to obtain a zoning variance before the planning board review a violation of town protocol and procedures for reviewing development projects? The planning board and zoning board minutes consistently reflect that taxpayers must come to the zoning board for a variance prior to planning board review and public hearing.

More importantly, a solar developer should know the NEC code and follow the law when their projects are initially submitted to the town.

Some might say that the Applicant's variance request four years AFTER the initial application is a ploy to get what they want - a facility that profits their investors while depriving the taxpayers from their full use, enjoyment and development opportunities of their lands.

Only after money and time had been spent by both the Applicant and the town did the Applicant request the required variance. It appears that the Applicant was allowed to put the cart before the horse and placed the zoning board in a very difficult position.

The Applicant should comply with the same laws that the taxpayers must follow. Cronyism should not be tolerated.

Zoning Ordinance

14.5.3.3 Variances granted must be the minimum variance required that will accomplish the purpose for which sought.

Request that the minimum fence dimension to comply with NEC code is utilized.

Request that the zoning board grant an 8 feet in height fence around the high voltage equipment pads to comply with NEC requirements.

14.5.3.8 Zoning Board shall comply with the provisions of the State Environmental Quality Review Act. The March 17, 2022 Planning Board Resolution to Amend the September 19, 2019 Special Use Permit and Site Plan does not include the Full Environmental Assessment Form Part 1. The town may be deprived of information and protections afforded by the FEAF Part 1.

Request that the zoning board comply with SEQRA and that the Applicant provide a FEAF Part 1 and that this document is provided in the zoning board resolution.

14.5.3.12 The zoning board may impose performance standards

The Applicant has removed existing vegetative screening from the majority of the two project's sites. There is no method to screen the unsightly eight feet in height fence, the noisy 14.5 feet in height tracking solar arrays and the 53 feet in length battery energy storage containers and associated electrical infrastructure.

If the board chooses to permit the Applicant to provide a fence that has 33 acres or less inside the fence as shown on the 2019 site plans and reaffirmed in the March 17, 2022 Resolution, I request that the Applicant provide and maintain evergreen screening around the entire circumference of the fence for both projects. This is the only way to protect community character, uphold the town's Comprehensive Plan supporting a rural community character, protect view sheds, and protect the abutters full use, enjoyment and development of their parcels for the anticipated 40+ year lifetime of the solar facilities.

Thank you for your time and consideration.

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

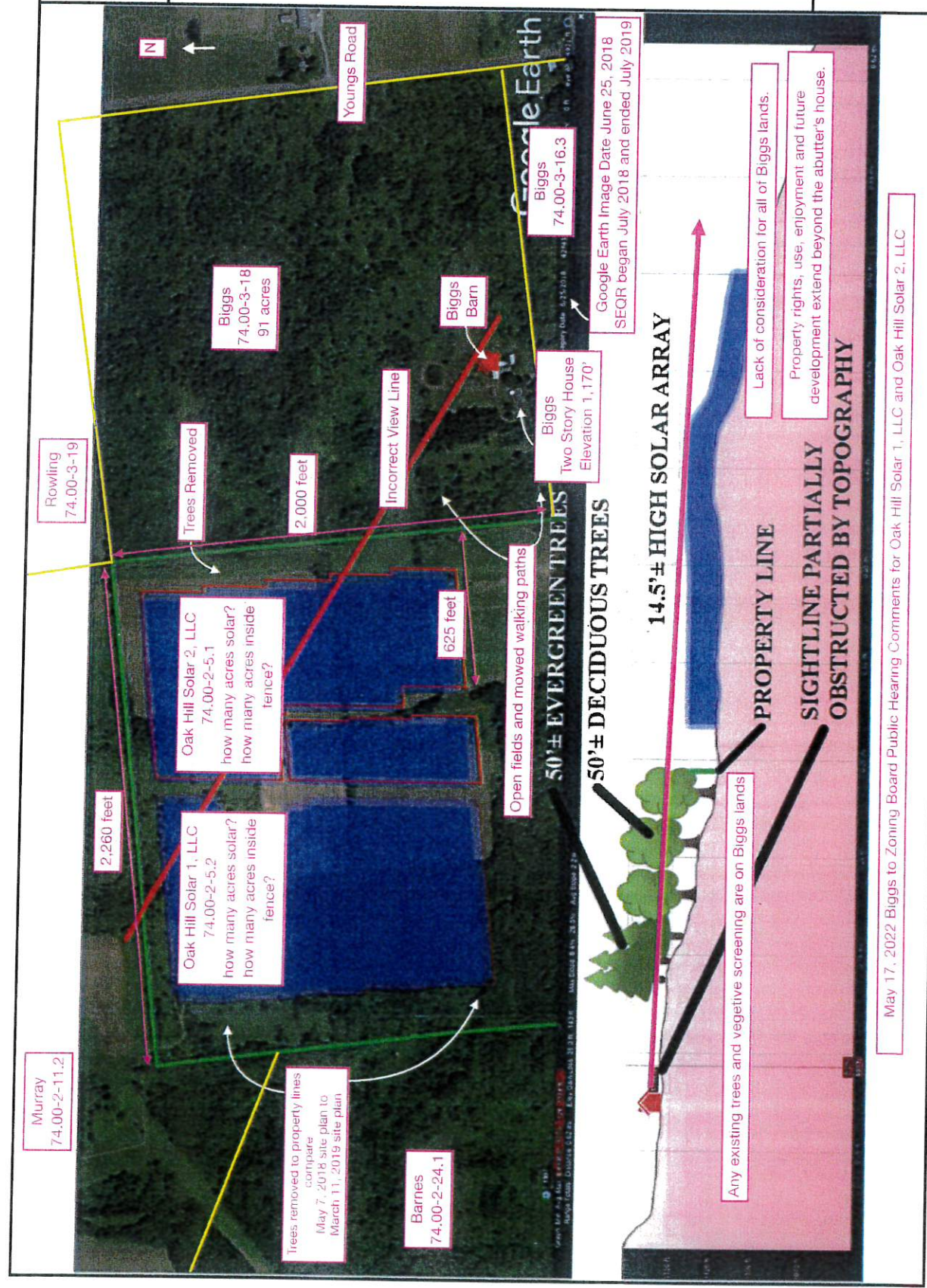
Enc: Applicant Visual Assessment Figures 1 through 6 in color with annotations and questions
Color Image of Fence at Van Epps and Mohawk Solar designed by Eden Renewables
Color Image of Fence Gate at Van Epps and Mohawk Solar
Color Image of Lay down Yard at Van Epps and Mohawk Solar
Color Image of view from Biggs house to the west when no trees are screen the view



Oak Hill Solar Project
 Visual Impact Assessment
 Town of Duanesburg
 Source: Google Earth 2019

Schenectady County, NY
 September 7, 2021

The Environmental Design Partnership, LLP
 © 2019
 Figure: 1



May 17, 2022 Biggs to Zoning Board Public Hearing Comments for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC



Oak Hill Solar Project

Visual Impact Assessment

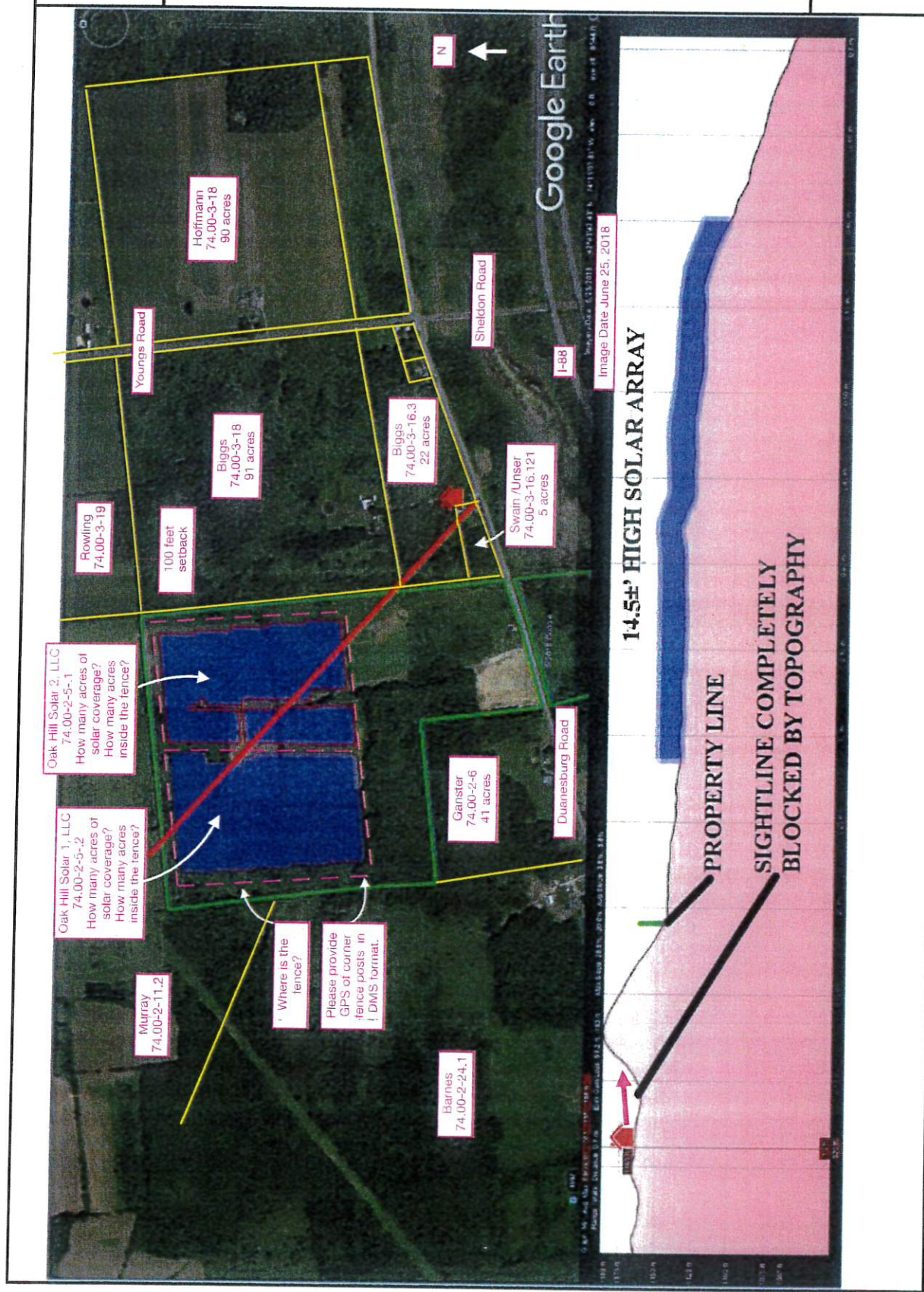
Town of Duaneburg

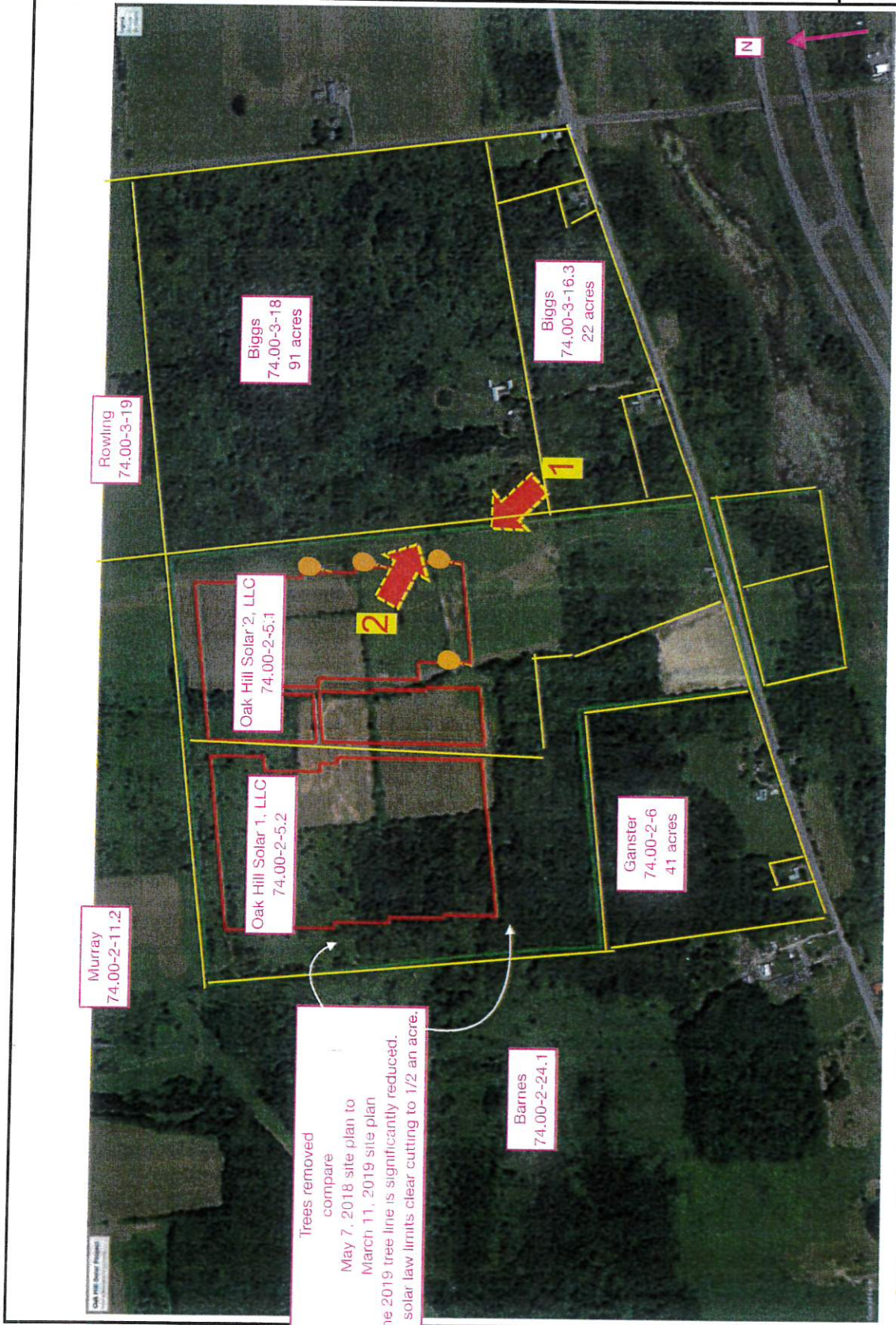
Source: Google Earth 2019

Schenectady County, NY
September 7, 2021

Figure: 2

The Environmental Design Partnership, LLP
© 2019





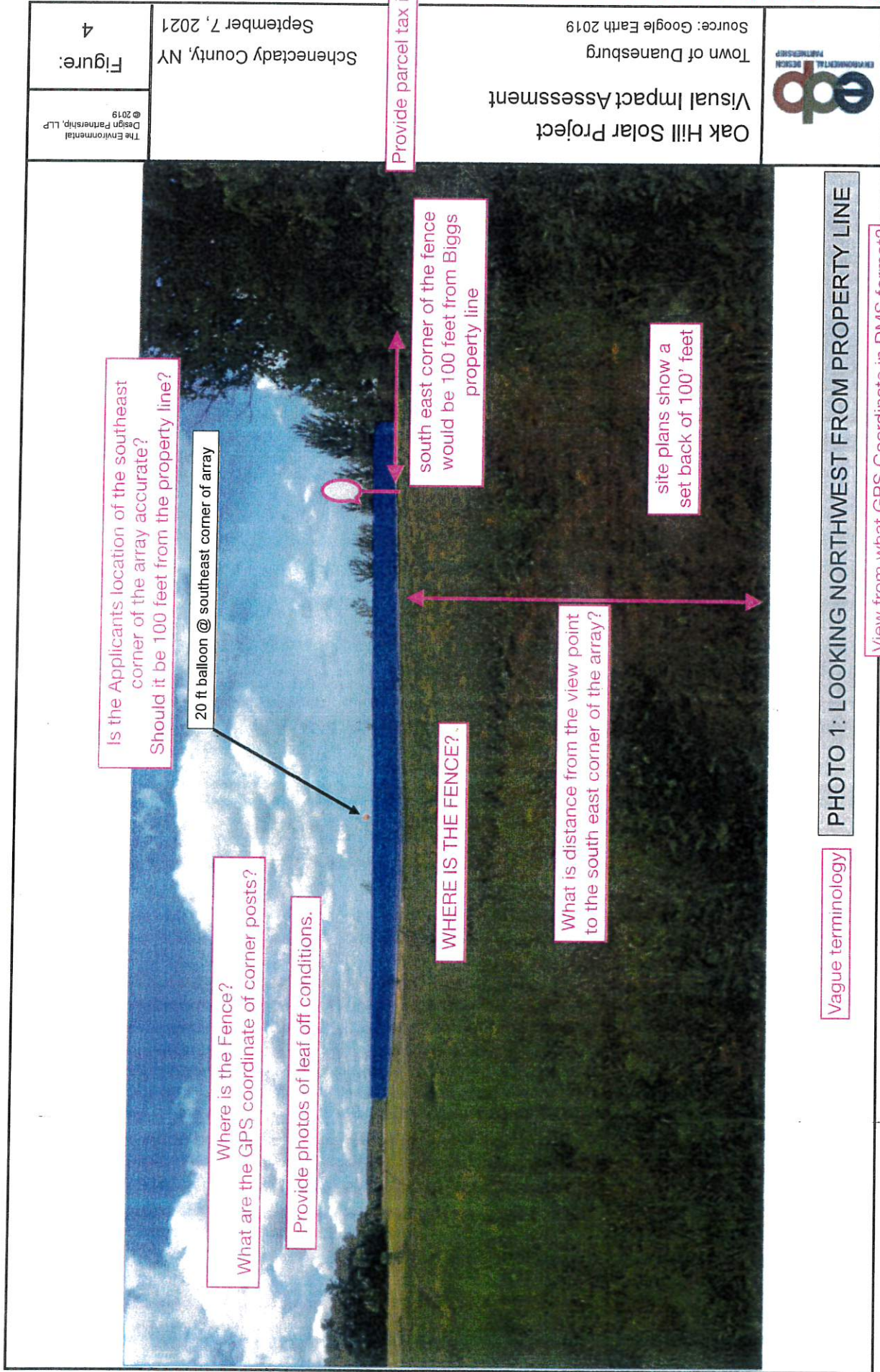
VIEWSHED MAP

BALLOON LOCATIONS

Trees removed compare May 7, 2018 site plan to March 11, 2019 site plan. The 2019 tree line is significantly reduced. Town solar law limits clear cutting to 1/2 an acre.

Bringing to Zoning Board May 17, 2022

The Applicant considered one view point from the property line towards the array. It does not consider my two story home. It does not consider the abutters entire property line. The Project site does not provide any existing vegetative screening. Abutters were not consulted or informed about the "balloon test". The images are computer simulations. I invite the zoning board to walk my property line to gain a better understanding of the Project site and its impact on the community character, visual impact on abutters and potential of noise pollution.



Is the Applicants location of the southeast corner of the array accurate? Should it be 100 feet from the property line?

20 ft balloon @ southeast corner of array

Where is the Fence?
What are the GPS coordinate of corner posts?

Provide photos of leaf off conditions.

WHERE IS THE FENCE?

What is distance from the view point to the south east corner of the array?

south east corner of the fence would be 100 feet from Biggs property line

site plans show a set back of 100' feet

PHOTO 1: LOOKING NORTHWEST FROM PROPERTY LINE

Vague terminology

Request the Applicant provide an in person meeting with abutters and zoning board to conduct the balloon test.

View from what GPS Coordinate in DMS format?
To what GPS coordinate in DMS format?

Bruning to zoning board May 17, 2022

Oak Hill Solar Project
Visual Impact Assessment
Town of Duanesburg
Source: Google Earth 2019



The Environmental Design Partnership, LLP © 2019
Figure: 4

Schenectady County, NY
September 7, 2021

Provide parcel tax id

Source Google Earth and Computer simulation.

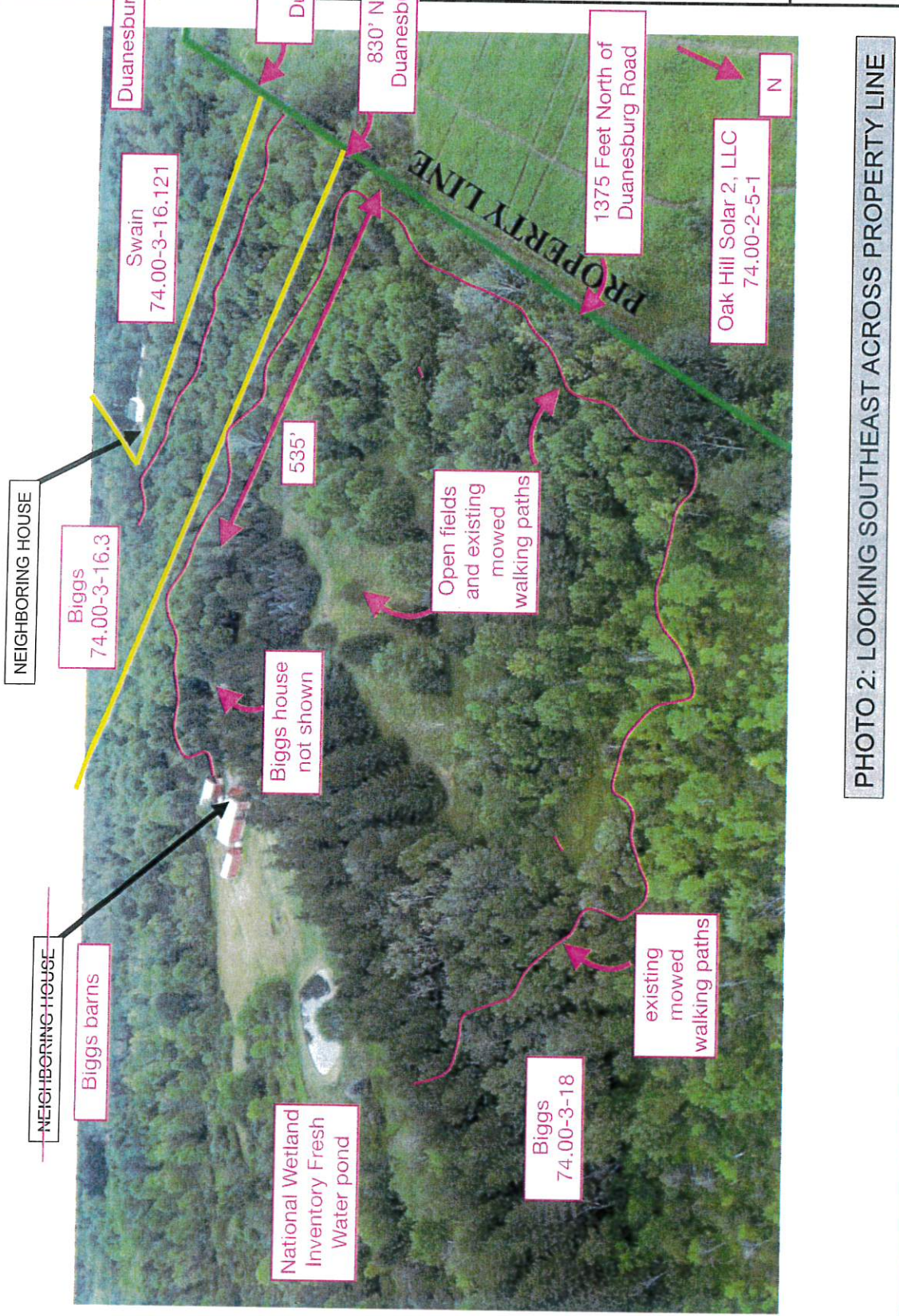


PHOTO 2: LOOKING SOUTHEAST ACROSS PROPERTY LINE

The Applicant misrepresents the Biggs house, parcels, existing open fields and mowed walking paths. The Applicant does not consider existing use of the entire parcel. It appears that the Applicant has misrepresented the abutting parcel to the zoning board. I request that the zoning board visit the Biggs properties for a full and accurate understanding of the Project fence, location, and acres on the abutters.



Oak Hill Solar Project
Visual Impact Assessment
Town of Duaneburg
Source: Google Earth 2019

Schenectady County, NY
September 7, 2021

Figure:
6

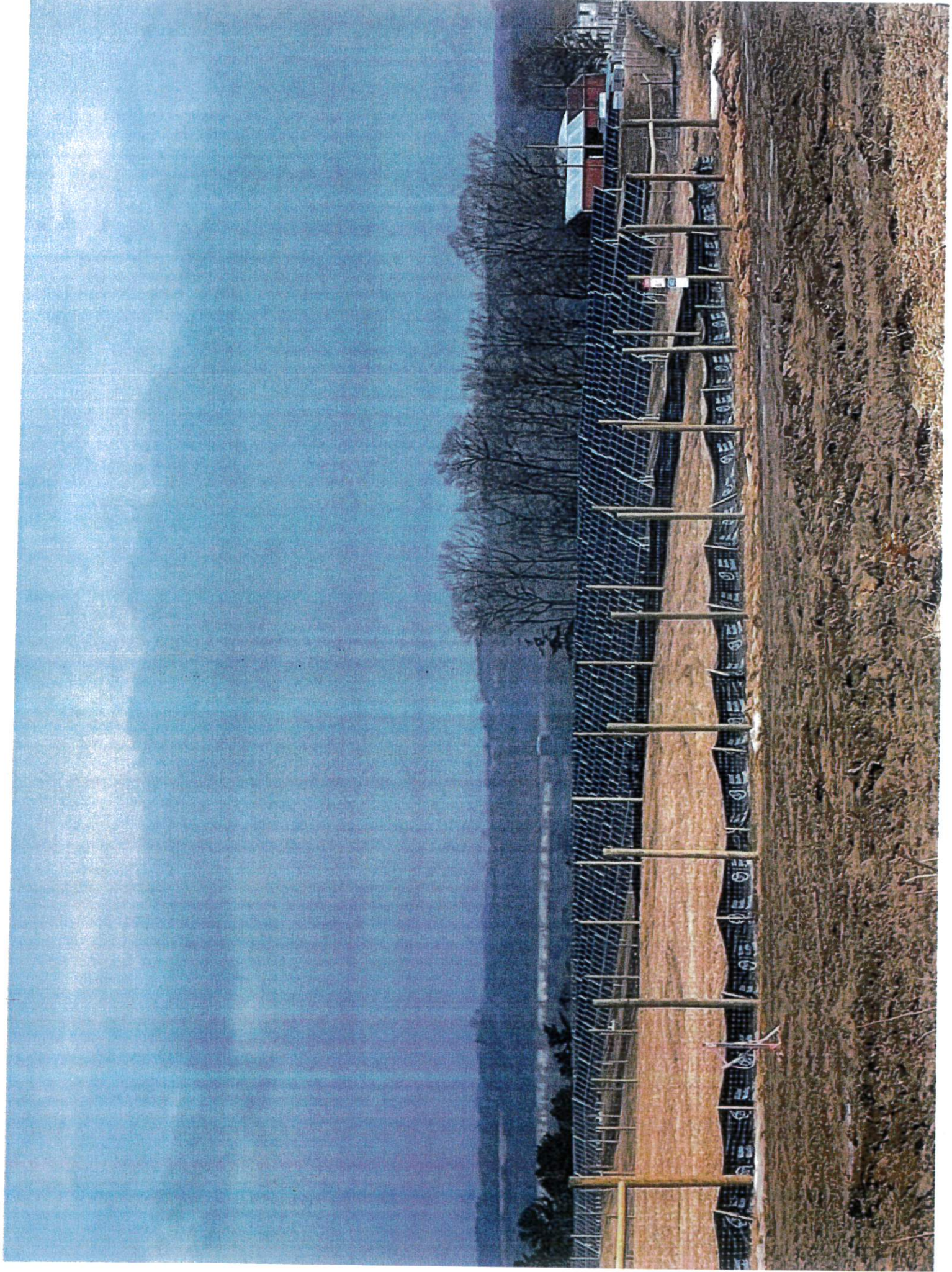
The Environmental
Design Partnership, LLP
© 2019

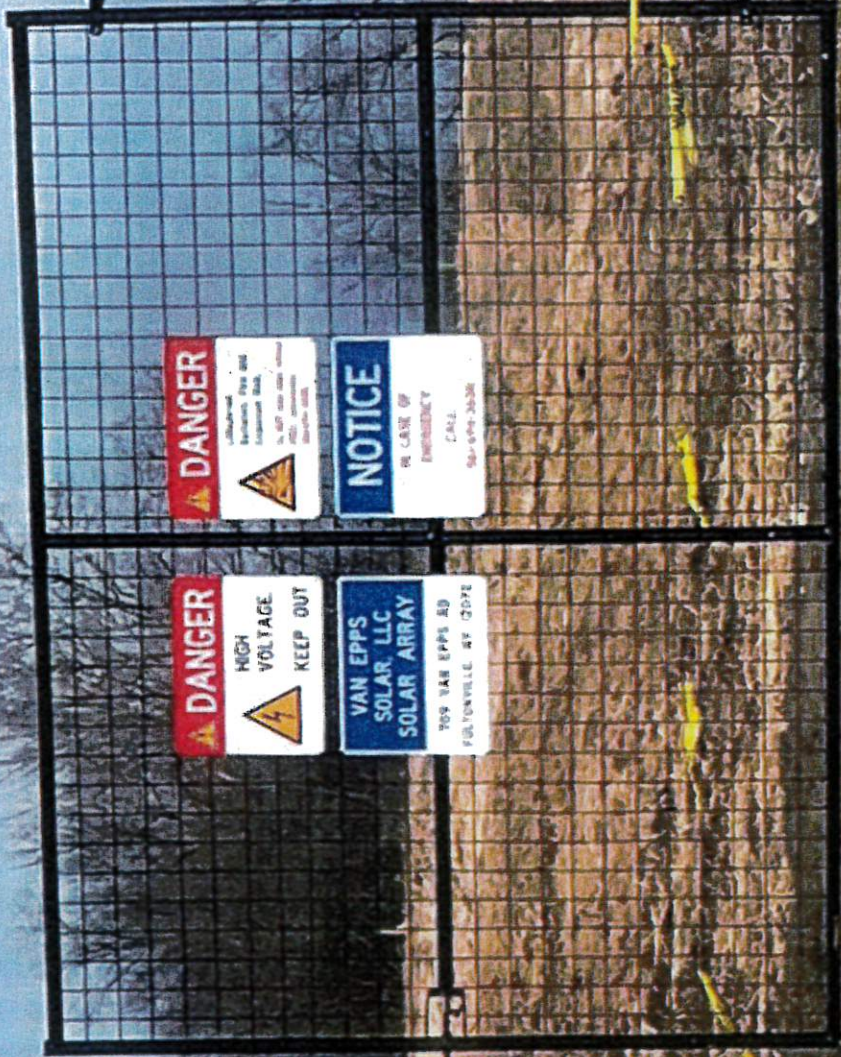


Applicant did not request access to Biggs lands to consider view to the solar facility and fence.
Leaf off conditions are six months out of the year. Please provide images of leaf off conditions.
Location of photos is not provided. Please provide GPS coordinates.
Figure 6 is random, vague and does not show the view from the abutters property to the solar facility and fence.



PHOTOGRAPHS FROM SOLAR FARM PROPERTY LOOKING EAST TOWARD BIGGS RESIDENCE



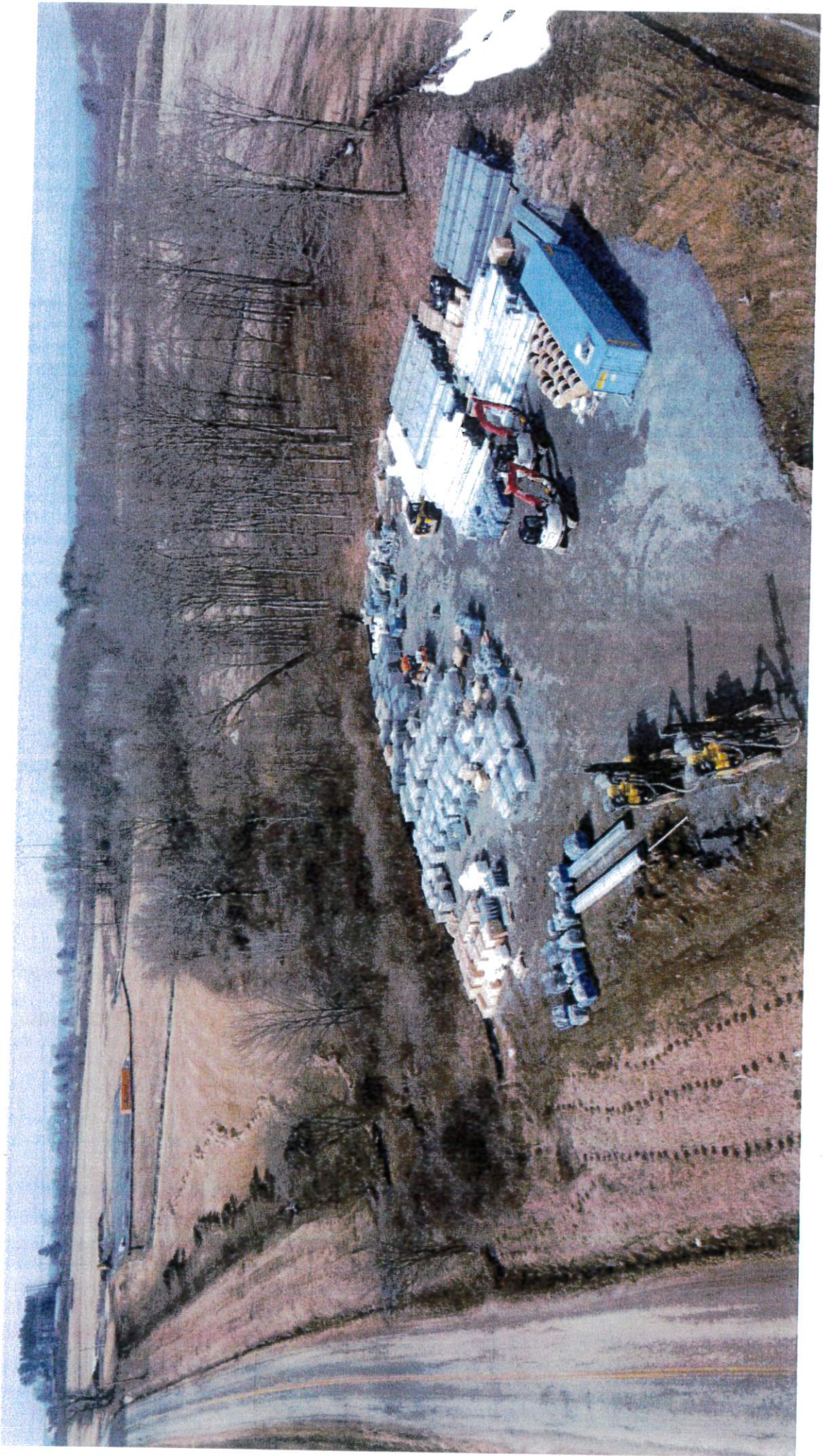


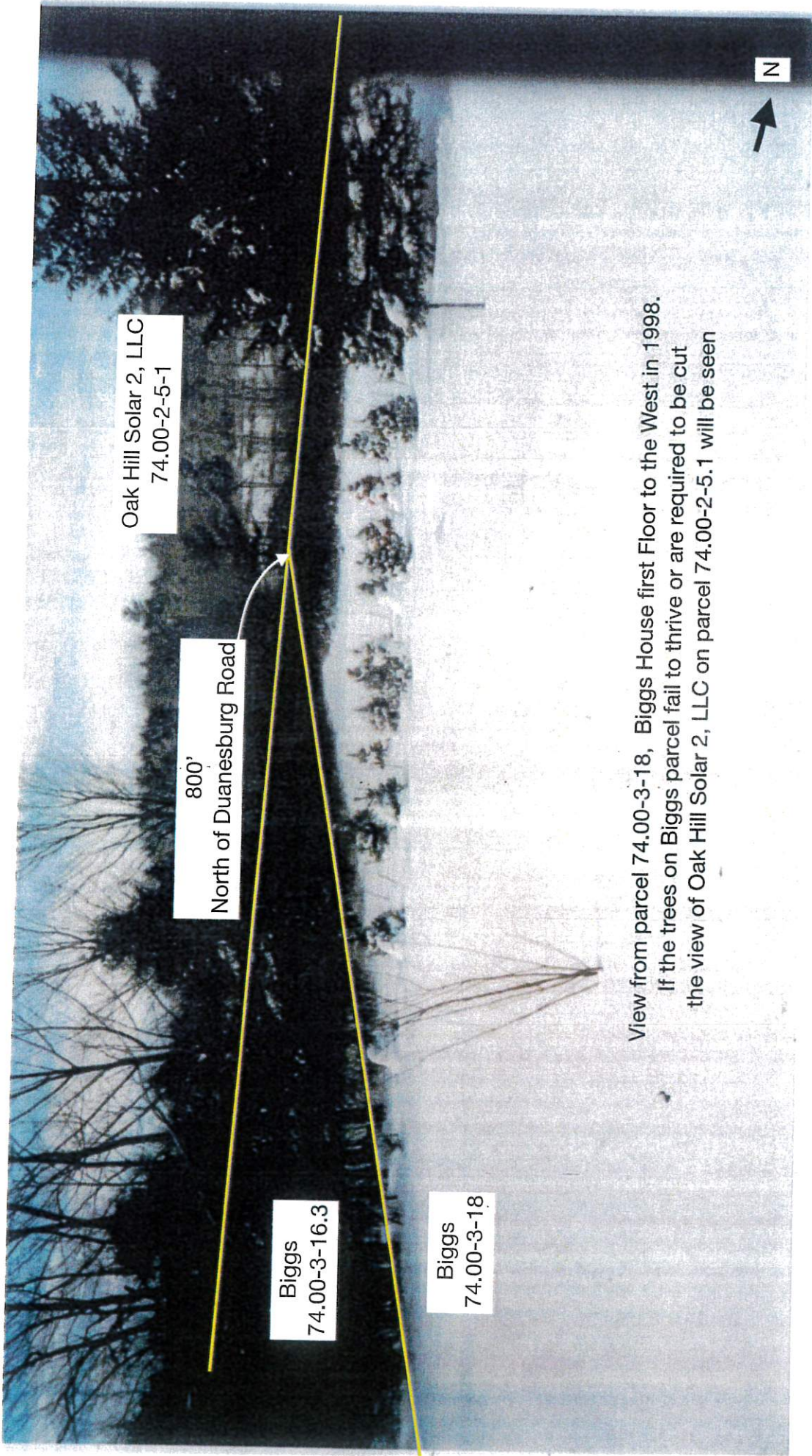
DANGER
Unauthorized
Entrance Prohibited
Penalties Apply
Call 911 for
Emergency
Van Epps Solar, LLC
709 Bar Epps Rd
Fultonville, NY 12072

NOTICE
IN CASE OF
EMERGENCY
CALL
911-694-2638

DANGER
HIGH
VOLTAGE
KEEP OUT

**VAN EPPS
SOLAR, LLC
SOLAR ARRAY**
709 BAR EPPS RD
FULTONVILLE, NY 12072





Oak Hill Solar 2, LLC
74.00-2-5-1

800'
North of Duaneburg Road

Biggs
74.00-3-16.3

Biggs
74.00-3-18

View from parcel 74.00-3-18, Biggs House first Floor to the West in 1998.
If the trees on Biggs parcel fail to thrive or are required to be cut
the view of Oak Hill Solar 2, LLC on parcel 74.00-2-5.1 will be seen



Melissa Deffer

From: Marcelline Fusilier <fusilier1986@yahoo.com>
Sent: Tuesday, May 17, 2022 7:44 AM
To: Nelson Gage; Melissa Deffer
Cc: Lynne Bruning; Marcelline Fusilier
Subject: Oakhill Solar

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

May 17, 2022

RE: Public Hearing Oak Hill Solar Fence

Dear Nelson Gage and the Zoning Board,

Thank you for considering the application of Oakhill Solar 1 and 2. The site plan shows two pieces of equipment located at the intersection of Duaneburg Road and the Project's Access Road. See attached Drawing C2.03. According to the Applicant's documents it appears that the two pieces of equipment are the major switchgear for each facility. The Applicant's February 7, 2022 Noise Analysis Chart indicates that the major switchgear is 100 dB at the source. See attached chart.

1. Security

What is the purpose of the equipment?

What are the dimensions length x width x height of the equipment?

Is the equipment high voltage?

National Electric Code specifies that fences enclosing high voltage equipment need to be 7 feet in height, or a six feet in height + 1 feet of barbed wire.

Is this equipment required by NEC code to be enclosed in a compliant fence?

2. Noise

I live 1,000 feet west of the Project property line and 1,480 feet west of the access road. Will the noise from the equipment be in violation of Solar Law 3.j. for no discernible difference from existing noise levels at the property line?

The planning board reviewed the Applicant's March 7, 2022 FEAF. It is not included in the March 7, 2022 Resolution to the Amend the September 19, 2021 Special Use Permit. Section D.2.m. states "very low dBA at property lines". Very low is not a measurement. It is a subjective opinion and may not be compliant with local law. The Applicant did not provide baseline measurements of noise levels at the property line. The abutters may not be protected under Solar Law 3.j.

Has the zoning board performed a State Environmental Quality Review on the two solar + storage facilities?

If the two projects are not in compliance with Solar Law 3.j. will a solid fence be constructed?

How may two solid fence areas impact passersby safety and vehicle access from the access road to Duanesburg Road?

How may two solid wall fence areas impact the community character and zoning ordinance 14.5.2.B.2.

I oppose the project for creating an undesirable change in the character of the neighborhood and for not providing substantial benefit to the town.

Please uphold our town's comprehensive plan, zoning ordinances, and local laws to protect the neighborhood character and the abutters' use, enjoyment and future development of their lands.

Thank you.

Marcy Fusilier
13910 Duanesburg Road, Delanson, NY 12053

PROPOSED ENTRANCE FROM
DUANESBURG ROAD/ STATE HIGHWAY NY-7.
REFER TO APPROVED NYSOT PERMIT PLANS
FOR CONSTRUCTION DETAILS AND SPECIFICATIONS.

PAVED DRIVEWAY ACCESS
PER NYSOT REGULATIONS

SILO

DILAPIDATED
SHED

ASPHALT ROAD

BROKEN
CONCRETE
WALK

DILAPIDATED
DWELLING

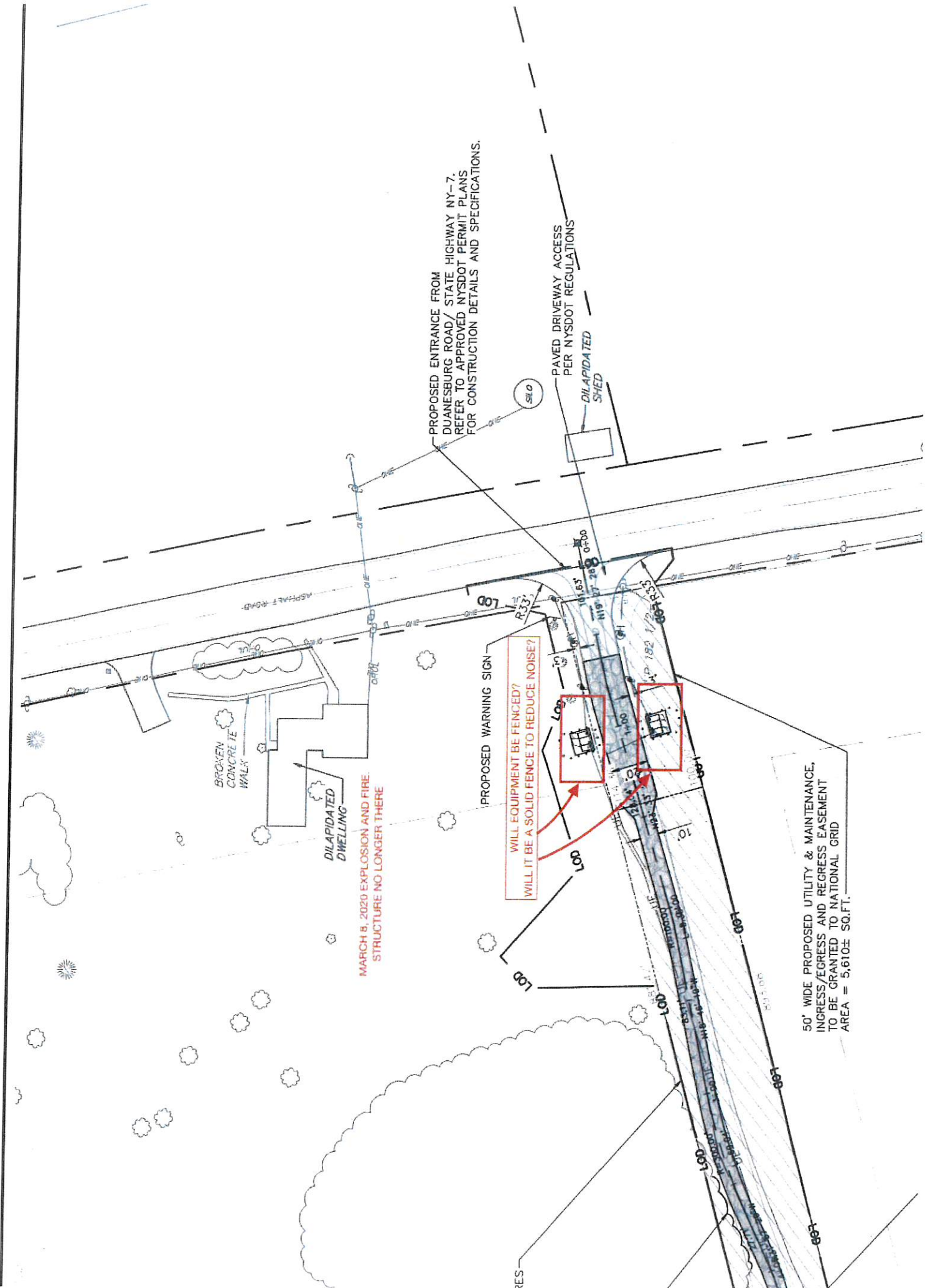
MARCH 8, 2020 EXPLOSION AND FIRE
STRUCTURE NO LONGER THERE

PROPOSED WARNING SIGN

WILL EQUIPMENT BE FENCED?
WILL IT BE A SOLID FENCE TO REDUCE NOISE?

50' WIDE PROPOSED UTILITY & MAINTENANCE,
INGRESS/EGRESS AND REGRESS EASEMENT
TO BE GRANTED TO NATIONAL GRID
AREA = 5,610± SQ.FT.

RES



The major switchgears are anticipated to create no noise, however, to be overly conservative, two point sources were modelled with a 100 dB source rating each. For comparison, a medium sized truck driving on a road at approximately 55 MPH will generate a noise of approximately 82 dB 50 feet away from the source (DBMT modelling indicates the truck would equate to a point source of approximately 117± dB at a point source).

The previously modelled ICE ECUA150ACD Air Conditioners generate more noise than the heaters utilized for warming the battery container as the heat function of the unit uses resistive heating. Therefore, only the air conditioners were modelled as this will demonstrate the most conservative scenario.

For the DC-DC converters a conservative value of 85 dB at the equipment source was utilized. A point source of 77 dB was used to model the Eaton Three Phase Transformer, as this generates a noise of approximately 65 dB at 3 feet away. The manufacturer provided a noise estimate of 62 dB at 3 ft away from the source of the transformer. The 77 dB point source value was used to account for the ±3 dB potential variability within the model.

DBMT Model Background, Methodology, and Set-Up

The CAD layout for the proposed Oakhill 1 & 2 solar farms was used with the DBMT model to appropriately place the aforementioned equipment and solar tracker motors. The DBMT model allows users to input a "point source" where the sound spreads radially from that source in a spherical manner.

The DBMT model also allows users to account for the following parameters:

- Potential barriers (buildings, walls, etc.,) which may block sound
- Ground height topography (hills, etc., have the potential to block sound waves)
- Ground factor (impervious versus pervious surfaces)
- Continuous or intermittent levels of sound emission

The following model parameters and corresponding site-specific data were input within the DBMT software for this analysis:

Parameter	Height	Value	Notes
PV System Axis Tracking	5 FT	Point Source, 85 dB	225 Trackers; Model analysis shows 85 dB point source acts as ±73 dB at 3 FT
DC – DC Converters	3 FT	Point Source, 85 dB	4 Units
Major Switchgears	3 FT	Point Source, 100 dB	2 Units
Battery Energy Storage System	3 FT	Point Source, 100 dB	4 Units
Eaton Transformer	3 FT	Modeled as 77 dB @ Point Source	4 Units; Model analysis shows 77 dB point source acts as ±65 dB at 3 FT
HEMK 600 V Inverter	3 FT	Modeled as 100 dB @ Point Source	4 Units; Model analysis shows 100 dB point source acts as ±89 dB at 3 FT
Air Conditioner	3 FT	Modeled as 94 dB @ Point Source	4 Units; Model analysis shows 94 dB point source acts as ±82 dB at 3 FT
Sound Emission	N/A	Continuous	
Ground Height Topography	N/A	Ground contour data not taken into account for this analysis	
Barriers	N/A	No Barriers were taken into account for this model	
Ground Factor	N/A	A ground factor of 0.9 was used for the purpose of the model calculations	

In an effort to demonstrate the most conservative scenario, continuous sound emissions were