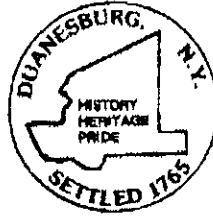


Jeffery Schmitt, Planning Board Chair  
Michael Harris, Vice Chairman  
Dale Warner, Town Planner  
Melissa Deffer, Clerk  
Terresa Bakner, Board Attorney



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

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

Town of Duanesburg  
Planning Board Minutes  
February 17<sup>th</sup>, 2022  
**Draft Copy**

RECEIVED  
MAR 03 2022  
TOWN OF DUANESBURG  
TOWN CLERK

**MEMBERS PRESENT:** Jeffery Schmitt Chairman, Michael Harris Vice Chairman, Elizabeth Novak-VIA zoom, Joshua Houghton, Michael Santulli, Matthew Hoffman, Michael Walpole, Planning Board Attorney Terresa Bakner, Town Planer Dale Warner and Clerk Melissa Deffer.

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

**OPEN FORUM:**

**Schmitt/Novak** made a motion to open the open forum at 7:04 pm.  
Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes, Santulli yes, Harris yes.  
**Approved.**

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

**Schmitt/Santulli** made a motion to close the open forum at 7:09 pm.  
Schmitt yes, Santulli yes, Harris yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes.  
**Approved.**

**PUBLIC HEARINGS:**

**#21-16 Kirker, Richard:** SBL#65.00-1-31.131, (R-2) located at 696 Gage Rd is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Project Manager John Hitchcock, Jr from ABD Engineers, LLP represent Mr. Richard Kirker.  
**Schmitt/Walpole** made a motion to open the public hearing for the **#21-16 Kirker, Richard** application.

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

Mr. Hitchcock gave the presentation to the public.

Raymond Baum located at 10057 Western Turnpike wanted to know if the purpose of this subdivision was to create building lots, and to see where the houses would be located on the parcels. Mr. Baum owns property that abuts the Kirker property.

**Novak/Harris** made a motion to close the public hearing for the **#21-16 Kirker, Richard** application.

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

**Novak/Hoffman** made a motion to reaffirm the preliminary SEQRA findings of a negative impact declaration for the **#21-16 Kirker, Richard** application. **(Please See Attachment)**

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

**Harris/Novak** made a motion to approve the minor subdivision for application of **#21-16 Kirker, Richard** with the condition of filing the easement of the shared driveway.

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

#### **NEW BUSINESS:**

**#22-01 Valley Mobile Home Court, LLC:** SBL#55.00-4-11.6, (C-2) located at 6204 Duanesburg Rd is seeking a Special Use Permit for 11 storage units under section 12.4(33) of the Town of Duanesburg Zoning Ordinance. Chris Longo from Empire Engineering is representing the owner, Eric Dolan, and applicant Valley Mobile Home Court. The property is approximately 100 acres, and the proposal is for 11 self-storage containers. A single-family house is still located on the property next to the barn. The applicant went in front of the ZBA for an interpretation and the ZBA determined that as long as the single-family home was used as part of the business it was in accordance with the Zoning Ordinance. The ZBA did ask for a note to be added to the plan that the single-family house will be a caretaker home. Along with having a public hearing held on the application. There was an offer made on the barn and house as it is for sale so there may be a subdivision to put the barn and house on a separate parcel. All development will be east of the Valero, where an existing driveway is already in place that was previously used as a farm road to the property. The project does require storm water controls and a DEC permit. Chris recently submitted a SWPPP and grading plans to review. No water or sewer is needed for the project. A DOT permit is prepared and submitted for a commercial driveway. A Short EAF was submitted with the application and on the form a couple of the environmental type items came up. One being the archeological, according to Chris a phase 1A/1B survey was completed and submitted to OPRHP. OPRHP has responded and issued a letter of no effect. The DEC environmental mapper show that a threatened and endangered species bat. The Northern Long-Eared Bats may be present on the site. The Planning Board has an issue with the current number of acres that have already been disturbed at the site that is roughly 8-10 acres, and according to Chris the plan is to disturb about 30 acres. Until SEQRA is satisfied no land disturbing activities are to occur on the property. Which is an issue of segmentation along with the fact that a subdivision was proposed and granted for the one lot closer to the dentist office. Now there is indication of another subdivision with respect to the barn and the house. The board would like to look at all the potential impacts of the project up front. The fact that some work has already been done to the site is going to make it extremely difficult for the Board to review because the pre-existing conditions are no longer present.

For the next meeting the board would like to have the following done:

1. A full EAF
2. Full Grading Plan
3. Explanation of why all the gravel is on the site already
4. Quantity of the disturbance that has already been done on site
5. Visual impact
6. Silt fence installed
7. All work to stop on property
8. Temporary stabilization
9. Variance from DEC for clearing and keeping open more than 5 acres
10. Submittal of a copy of SWPPP to DEC
11. Field survey
12. Describe how project follow or will follow the DEC stormwater regulations.
13. A plan for the entire site.
14. Inform the neighboring landowners of the proposed project.

**Santulli/Houghton** made a motion to table the application until the March 17<sup>th</sup>, 2022, Planning Board meeting.

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

**OLD BUSINESS:**

**#21-13 Obour, Jules:** SBL# 74.00-2-9, (R-2) located at 13998 Duanesburg Rd is seeking a Special Use Permit for use of motor vehicle sales under Local Law #6 2017 of the Town of Duanesburg Zoning Ordinance Section 8.4(18). Attorney Gerald Dwyer is representing Mr. Obour. Mr. Dwyer informed the Board that the Town Building Inspector went out and did an inspection of the property. The Town Building Inspector found when he went to the property three vehicles with no plates on them and a box trailer. There was a snowstorm and Mr. Warner couldn't get the gate open to go into the backyard of the property.

**Novak/Santulli** made a motion to reaffirm our preliminary SEQRA finding of a negative impact declaration and remove the reference of requiring a SWPPP and add that no disturbance is anticipated as part of the Special Use permit. **(Please See Attachment)**

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

**Novak/Harris** made a motion that the Town Planning Board hereby grants the special use permit for the offering of sale of no more than two motor vehicles from this property subject to the following conditions:

1. The Applicant Mr. Obour must be licensed by the NYS Department of Motor Vehicles as a dealer/seller of the motor vehicles in New York State;
2. The motor vehicles must be inspected and capable of being licensed to be offered for sale;
3. The motor vehicles are to be stored as shown on the approved sketch plan which has space for three vehicles, dated 9/30/21;
4. The special use permit will be subject to being revoked in the event that the property is not kept in good condition in compliance with local law # 6 of 2017, the conditions of the

- special use permit and the regulations and requirements of the Town of Duanesburg, Schenectady County and New York State;
5. The Applicant shall obtain any highway permits necessary from the NYS Department of Transportation for the project;
  6. No sign has been proposed for the property – if a sign is desired a permit must be obtained from the Town of Duanesburg Building Inspector;
  7. The Applicant has represented to the Planning Board that the cars will be offered for sale over the internet and that no on-site advertising will occur;
  8. No repair of motor vehicles on this property is authorized by this special use permit;
  9. No site disturbance or grading is authorized by this special use permit.
  10. The property is limited to having no more than 2 unlicensed cars at one time; and
  11. The Building Inspector shall inspect the condition of the property on at least an annual basis.

**(Please See Attachment)**

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

**Approved.**

**#21-14 Tazin, Sergei:** SBL# 52.00-1-20.12, (R-2) located at State Route 30 is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. The Board has prepared the SEQRA Neg Dec and is ready to act on the application.

**Novak/Hoffman** make a motion to declare the Town of Duanesburg Planning Board lead agency in the SEQRA review process for this Type 1 action.

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

**Approved.**

**Harris/Novak** made a motion to set a public hearing on March 17<sup>th</sup>, 2022, for the application of **#21-14 Tazin, Sergei.**

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

**Approved.**

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

Bill Pederson a representative from AMP introduced himself and explained that they have resubmitted a revised Noise study analysis for more clarification with a new software. AMP is continuing to work with Prime AE with the new storm water design that will meet all the concerns. A draft of the new design was submitted to Prime AE today.

Board Member Hoffman expressed that they applicant has submitted all the information needed to adequately design the storm water system. Also, the Planning Board is not saying that there may not be drainage issues now or problems with the property, the developer just cannot make any issues worse. Board Member Hoffman would like to point out again all public comment is closed.

**Schmitt/Novak** made a motion to table the amendment of application **#19-12 Murray, Richard/Eden Renewables** until March 17<sup>th</sup>, 2022, meeting. Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes, Santulli yes. **Approved.**

**SKETCH PLAN REVIEW:**

**#02-22 Barrett, James:** SBL# 35.06-1-4.1, (L-1) located at 159 Hilltop is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mr. Barrett would like to purchase a 22ft piece of lake front property to put a couple chairs on and be able to put a dock in to swim off. Town Attorney explained that he would need to go in front of the ZBA for an area variance first before a subdivision could happen. There is no way to Z hook the properties together.

**#03-22 Buehler, John:** SBL# 35.10-1-27, (L-1) located at 401 S. Shore Rd is seeking a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Mr. Buehler explained he would like to purchase 5 acres from his rear neighbor and merge it to his parcel which is currently 1.5 acres. There will no creation of a new lot John is simply just adding the 5 acres to his lot.

**Harris/Santulli** made a motion that the proposed action is a type 2 action under SEQRA, and that Planning board determines that the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels, that only one additional lot will be created as a result of the proposed action. The Planning Board declares the proposed action to be further exempt from any further subdivision review pursuant to this article and refers the application to the Code Enforcement Officer to complete administration of the same.

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

**OTHER:**

Chairman Schmidt recommend that the Town Attorney write a letter to Spiro Kagas and his attorney Donald Zee outlining the Planning Boards concerns with the implementation of the approved plans. Schmitt has witnessed everything that has gone on with the Special Use permit that was issued to Mr. Kagas. What was built is not what was brought to the Planning Board and is not what he has signed off on as the Chairperson. Not only does Chairperson Schmitt have serious concerns but the residents of Duanesburg do as well. Schmitt would like to hear from PE Brett Steenburgh himself as to why the as built drawings are not what was produced by the applicant. Mr. Steenburgh explained that he was not aware that his approved drawings were not used to build the parking lot. Once he was contacted by Mr. Kagas attorney Mr. Zee, he was made aware of the issues and went out to do a site visit. With Mr. Steenburgh's findings he noted that it was a contractor error and Mr. Steenburgh agreed to produce another drawing to fix what was constructed. Attorney Donald Zee apologized for the everything that has happened on behalf of his client. Mr. Zee on behalf of the Applicant, Mr. Kagas, consented to the revocation of the special use permit for the accessory parking lot that his client had previously been granted. The applicant with his civil engineer will submit a new application to the Town Planning Board for the accessory parking lot.

**Harris/Santulli** made a motion to accept the revocation of the Special Use permit of the Accessory Use Parking given by Attorney Donald Zee.  
Harris yes, Santulli yes, Houghton yes, Walpole yes, Hoffman yes, Novak yes, Schmitt yes.  
**Approved.**

**MINUTES APPROVAL:**

**Harris/Novak** made the motion to approve December 16<sup>th</sup> and January 20<sup>th</sup>, 2021, Planning Board minutes with no corrections.  
Harris yes, Novak yes, Schmitt yes, Santulli yes, Houghton yes, Walpole yes, Hoffman yes.  
**Approved.**

**Santulli/Hoffman** made a motion to seek the advice of legal counsel in an executive session and will not be logging back into zoom to adjourn the meeting.  
Santulli yes, Hoffman yes, Novak yes, Schmitt yes, Harris yes, Houghton yes, Walpole yes.  
**Approved.**

**Harris/Santulli** made a motion to come out of an executive session and is not logging back into zoom.  
Harris yes, Santulli yes, Houghton yes, Walpole yes, Hoffman yes, Novak yes, Schmitt yes.  
**Approved.**

**ADJOURNMENT:**

**Schmitt/Hoffman** made the motion to adjourn at 10:02 pm.  
Schmitt yes, Hoffman yes, Walpole yes, Houghton yes, Santulli yes, Harris yes, Novak yes.  
**Approved.**

PO Box 160  
Quaker Street, NY 12141

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

Re: Privilege of the Floor February 17, 2022 Planning Board

February 17, 2021

Dear Jeffery Schmitt and the Planning Board,

Please include my statement in the board meeting minutes as posted on the town website. I'll email the clerk a copy.

Thank you for updating the Planning Board webpage to reflect the current board members. The code inspector and board attorney are no longer listed. The calendar does not include the board meeting dates. Is the planning board representation and actions accurately reflected on the planning board webpage?

Tonight's Agenda includes the December 16, 2021 draft meeting minutes. Susan Biggs and I submitted a three page letter and seven color images to the board but the draft minutes included in the Agenda are shown in black and white. These images are illegible blobs. I request that the official meeting minutes for December 16, 2021 to be approved tonight include the color images as originally submitted. The board's providing black and white images deprives the taxpayers of full representation. If there is legal action against the board the record and official minutes should accurately reflect what the taxpayer's submitted to the town. Freedom of Information responses, draft minutes, and the approved minutes as posted online should accurately reflect what was submitted to the board. Please include color images in the approved December 16, 2021 board minutes.

Tonight's Agenda is separated into five separate PDFs. I request that the board invest in Adobe PDF, Small PDF or another online service that can merge, compress or store the documents as one file. Another solution may be to have separate PDFs for each Agenda item. The agenda as presented online has documents for Oak Hill Solar scattered through all five parts. The February 4, 2022 letter from Biggs Bruning is missing pages. The attachments from this letter are shown in color. Thank you. Scattering paperwork throughout multiple files increases the clerk's workload, leads to confusion, and may open the door to impropriety. Please find a way to provide the Agenda and minutes as one PDF.

I would like to alert the citizens that the New York State Department of Environmental Conservation Environmental Resource Mapper<sup>1</sup> (the “DEC mapper”) National Wetland Inventory, includes wetland resources that may not be shown on the Schenectady County Internet Mapping System<sup>2</sup> (the “SIMS”).

For example the DEC Mapper National Wetland Inventory shows that parcel 74.00-3-18 has a pond. SIMS omits the pond.

The DEC Mapper National Wetland Inventory shows that parcel 74.00-2-5.1 has a riverine which drains to the north into parcel 74.00-2-11.2, 74.00-3-19, 74.00-3-20.1 and empties into the creek by the railroad tracks. SIMS omits the riverine.

The DEC Mapper National Wetland Inventory shows parcel 74.00-2-24.1 has an emerging wetland. SIMS omits this emerging wetland.

Furthermore, both DEC and SIMS fail to include water resources that are currently found on these parcels

I encourage all property owners to review these maps online and verify that water resources on their property are correctly shown on the DEC Mapper and on SIMS. The omissions of National Wetlands from the county map may deprive citizens of full consideration during review of developer’s stormwater pollution prevention plans.

Thank you for your time and consideration.

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

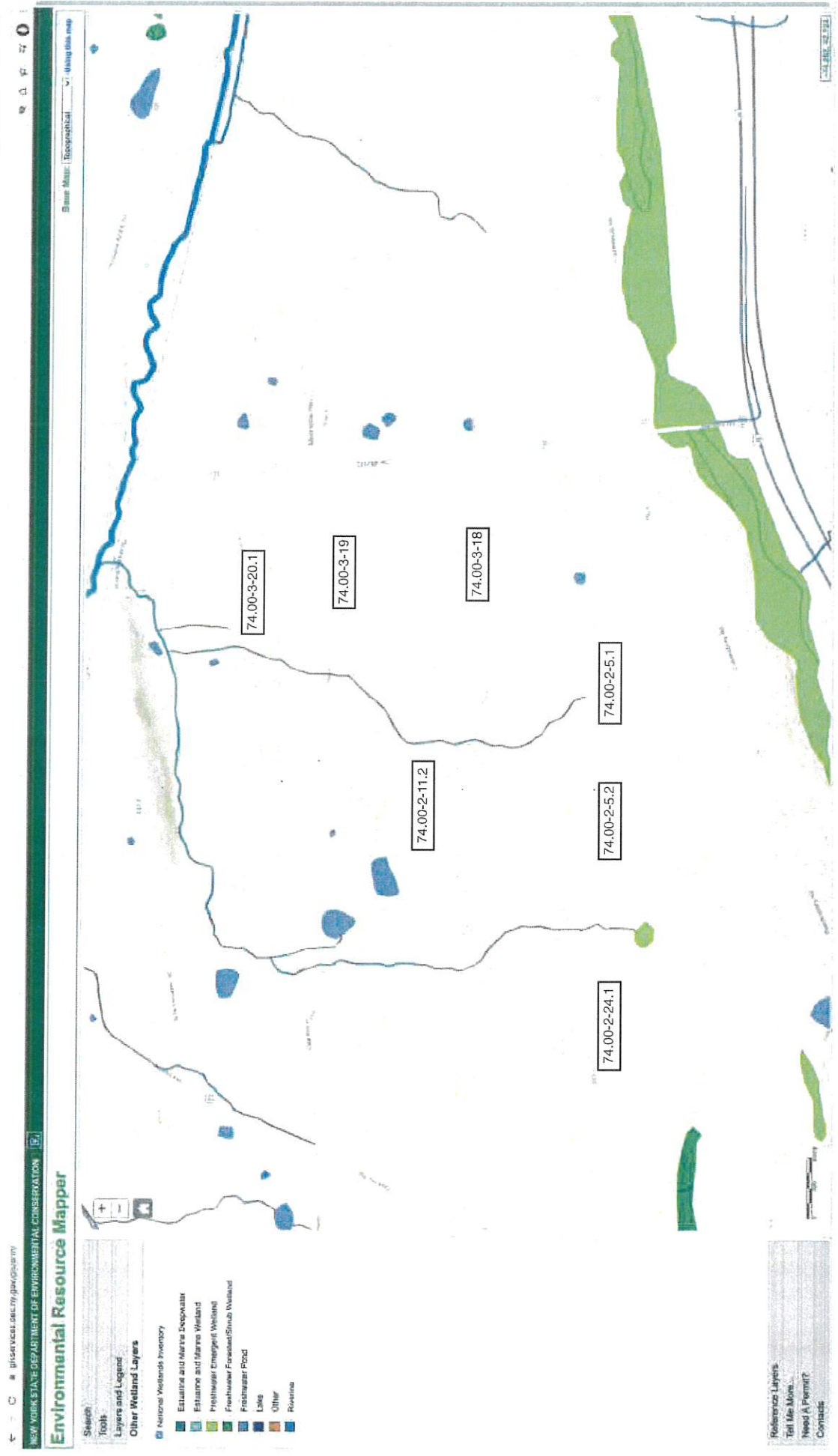
Enc: Attachment 1 DEC Mapper  
Attachment 2 Schenectady County SIMS  
Attachment 3 Annotated DEC mapper identifying national wetland omitted from SIMS

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<sup>1</sup> <https://gisservices.dec.ny.gov/gis/erm/>

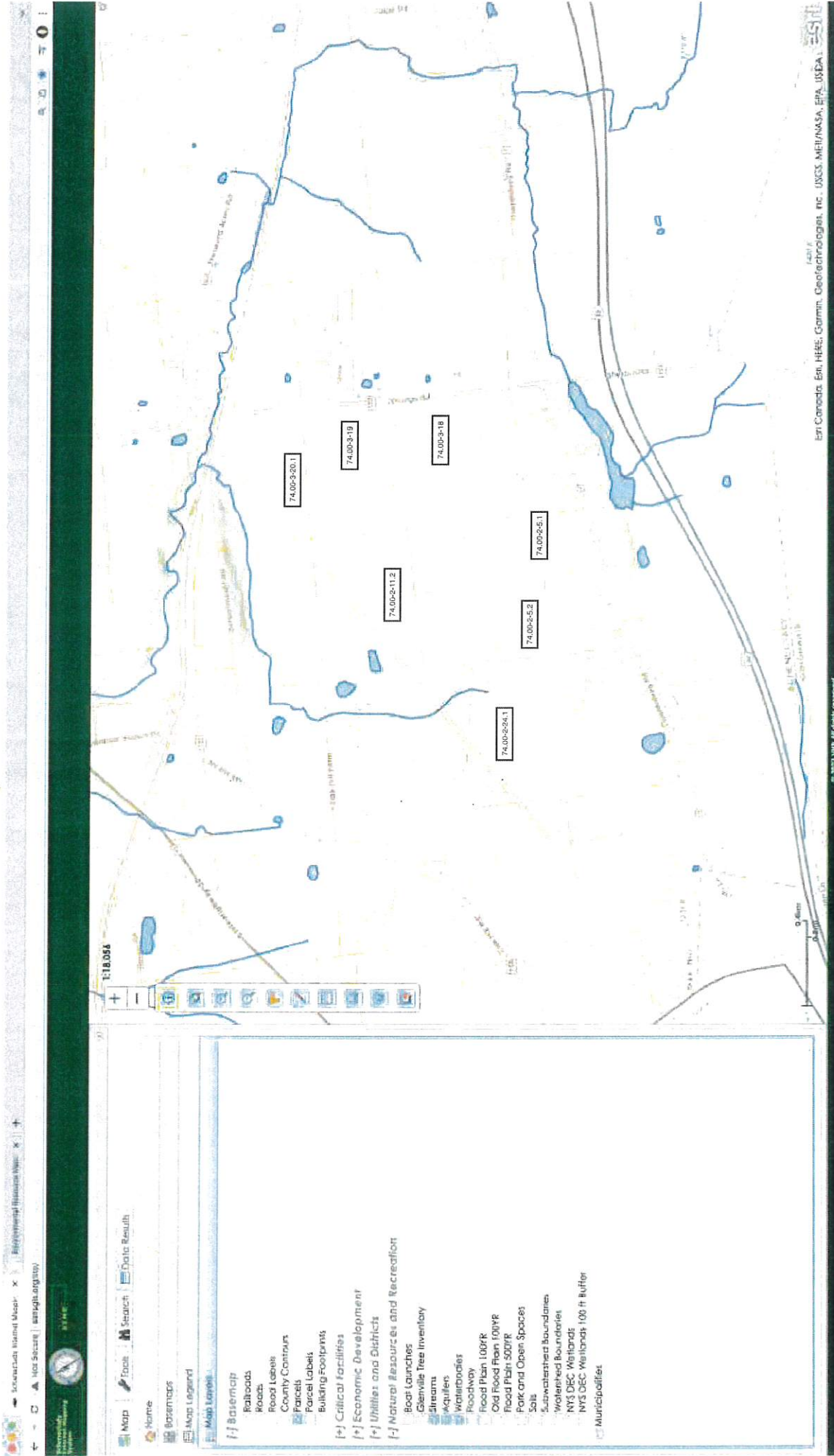
<sup>2</sup> <http://www.simsgis.org/lite/>





New York State Department of Environmental Conservation Environmental Resource Mapper (the "DEC Mapper")  
<https://giservices.dec.ny.gov/gis/erm/>  
 Screen Shot on February 17, 2022

The Base Map is "Topographical" and shows Tax Map Parcels and National Wetlands Inventory



ESRI  
 Esri Canada, Esri HEEL, Comm. Geotechnologies, Inc., UNCS, MET/ANSA, EPA, USDA

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Schenectady County Internet Mapping System (the "SIMS")

<http://www.simgis.org/lite/>

Screen Shot February 17, 2022

The Base Map is topographical and shows Tax Map Parcels, Building Outlines, Streams, Aquifers and Waterbodies

The SIMS map omits some National Wetland Inventory as identified on the DEC Mapper for parcels 74.00-2-24.1, 74.00-2-5.1, 74.00-2-11.2, 74.00-3-19, 74.00-3-20.1 and parcel 74.00-3-18.



DEC National Wetlands Inventory resources that are omitted from Schenectady SIMS are circled in pink.

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

4 February 2022

Dear Chairman Schmitt and Planning Board Members,

Pamela Rowling, owner parcel 74.-3-19 comprised of 71.4 acres on Youngs Road and abutting the proposed Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC proposed solar farm development.

As previously expressed to the both the Town and Planning Boards, I continue to have significant concerns regarding water management during both construction and post construction phases of this proposed project. These concerns have not been addressed to my satisfaction by the most recent updated SWPPP (Stormwater Pollution Prevention Program) dated 6 January 2022.

I am requesting that minimally, the Easternmost proposed project, Oak Hill Solar 2, LLC be denied a Building Permit due to anticipated stormwater damage and exacerbation of current water burden to parcels 74.00-3-18 and 74.00-3-19.

For clarification I am attaching a series of photos, Appendix A, which provides an overall orientation of properties involved. These images depict current condition, proximity to abutting parcels, some general topographic features and overall conditions of vegetative cover including forest, hayfields and hedgerows.

In the SWPPP (6 January 2022) it appears that water management is proposed to be accomplished using wet swales around impervious equipment pads (which will support battery storage and related equipment, if approved by the Board). On the broader expanse of the Solar Array (encompassing approximately 32.68 acres Oak Hill Solar 1, LLC and 32.68 acres Oak Hill Solar 2, LLC), the proposal is to manage

surface water flow, both during construction and post construction, by the extensive use of level spreaders to lessen the velocity of waterflow downhill and then off site to properties at lower elevations, most specifically to my property. Please refer to attached Appendices B and C for illustration and clarification.

As cited in Section 10.1 of SWPPP (6 January 2022) constraints to the site include “poor infiltration rates of less than 0.5 in/hr., seasonable high groundwater table, shallow depth to bedrock and steep site slopes of 15% or greater”. Construction activities likely will result in additional soil compaction worsening an already difficult situation. Solar panels are impervious and may result in concentrations of waterflow at driplines. I think the proposed design for stormwater (and snow melt) is extremely simplistic and will not prevent downslope damage due to erosion, channelization, and increased water load on more level areas to the North and East of the proposed project, including my lands.

To provide clear illustration of my concerns, I am attaching color contour maps indicating the problematic water flow from South to North and East (Appendix B) and then onto my property. I also include maps indicating the position of my property and photographic illustrations, from various directional views, of both standing water and rushing ditches which are frequent occurrences (Appendix B) Increasing the water burden to my property will negatively impact its suitability for current agricultural use and destroy the possibility of any future development for building. This presents a significant financial burden to me that the town should take into consideration prior to proceeding with the issuance of a Building Permit for Oak Hill Solar 2, LLC.

The SWPPP of 6 January 2022 indicates the intention for use of drainage wet swales to level spreaders combination (SWPPP 10.3 Post -Construction Stormwater Control Practices Utilized) to address water quality but lacks clarity regarding adequate management of water **quantity**. Specifically, where the accumulated water is to be deposited indicating only that it goes off site. Oak Hill Solar 2, LLC topographic flow is directly to the North and East of the project and onto my land (Appendix B). I have not located, in the current SWPPP any information about collection of runoffs in ponds or equivalent retention basins. I will not grant any easement to accept increased water runoff water onto my

lands and will seek legal action if proposed construction and ongoing operational activities damage my property.

I require clarification about how this water is to be handled. I feel that inadequate consideration has been given to the difficulty of the soils in this area with high water tables, low permeability and high compaction and erosion characteristics. All those who farm these areas know that one cannot access fields, even those with subsurface drainage (as in my case), until they have dried out. Not only would equipment get mired in the mud, but the soils would become increasingly compacted further exacerbating the problem. A solar field intensifies the force of stormwater runoff due to the impermeable nature of the panels and concentration of flow at the dripline (Appendix C). Solar facilities require monitoring and access during all seasons for general maintenance as well as in the case of emergencies. Building of usable pervious access roads will provide many challenges in consideration of our soil and groundwater characteristics.

I continue to encourage members of the Board to perform an onsite visit to the proposed project site to gain a more thorough understanding of the many issues of concern. I recommend sturdy boots for the visit.

A valuable article should be reviewed by all “Lessons learned: Solar projects present unique stormwater management challenges” by Jason Sharp, Adam O’Connor and Mark Priddle (<https://esemag.com/stormwater/lessons-learned-solar-projects-present-unique-stormwater-management-challenges/>). This article details experiences with stormwater management of similar size to the proposed Oak Hill Solar project over time in Ontario, Canada.

I am glad to have been finally provided in the SWPPP O&M Manual contact information for Greencells USA, Inc. who is apparently the owner of the proposed Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC projects.

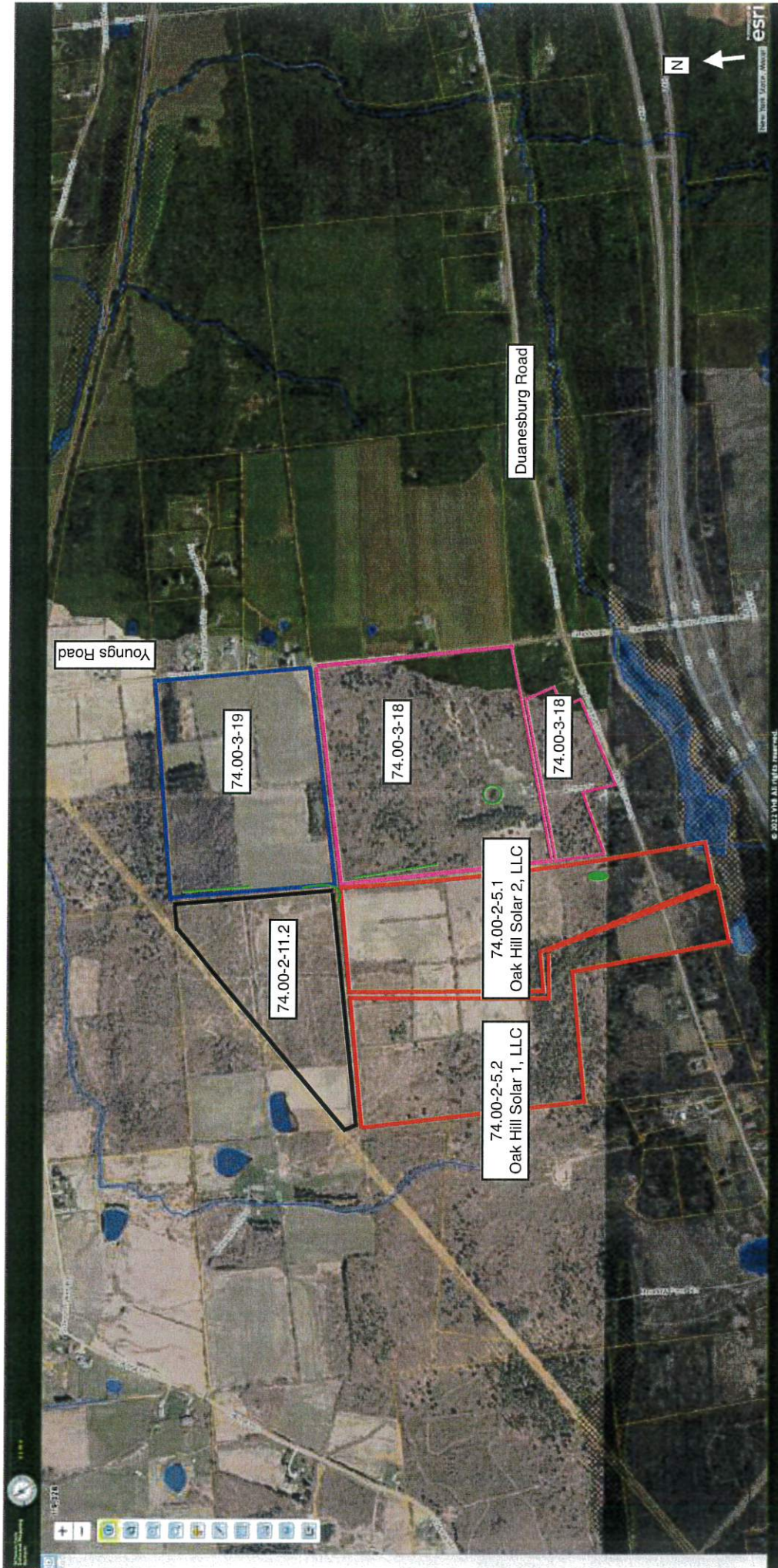
project.

Thank you for your time and consideration in this matter,

Pamela H. Rowling

Owner parcel 74.-3-19 comprised of 71.4 acres abutting proposed project

# Appendix A



Oak Hill Solar 1, LLC, proposed for parcel 74.00-2-5.2, and Oak Hill Solar 2, LLC, proposed for parcel 74.00-2-5.1, are located at 13590 Duaneburg Road, Delanson in the Town of Duaneburg in Schenectady County, New York 12053. The Project site is divided by Duaneburg Road, New York State Route 7. The site's highest elevation is 1170 feet and is found on the site's south fence line. The lowest elevation is 1060 feet which is found at the north east corner of the project. The Project site abuts unrelated parcels 74.00-2-11.2 to the north, 74.00-3-19 to the north east and parcel 74.00-3-18 to the east. The site is steeply sloped 100% poorly drained clay soils. The site drains into parcels 74.00-3-18 and 74.00-3-19. Abutting landowners are strongly opposed to the project due to existing storm water run off and damage to parcel 74.00-3-18 and parcel 74.00-3-19. The abutters are very concerned that the January 6, 2022 Stormwater Pollution Prevention Plan is inadequate and incomplete. The Applicant's proposal for wet swales and level spreaders may slow the stormwater, but due to 100% poorly drained clay soils it is unlikely to prevent stormwater drainage and erosion damage to abutting properties 74.00-3-18 and 74.00-3-19. The increased and excessive stormwater run off may negatively impact the use, enjoyment and development of the abutting parcels. This may decrease the landowners property values.



Tax Id 74.00-3-19  
November 2, 2021 view from most south west corner to the north east  
This property is an agricultural district, has an installed drainage system and is actively hayed producing revenue for the parcel owner.



Youngs Road

74.00-3-19

74.00-2-11.2

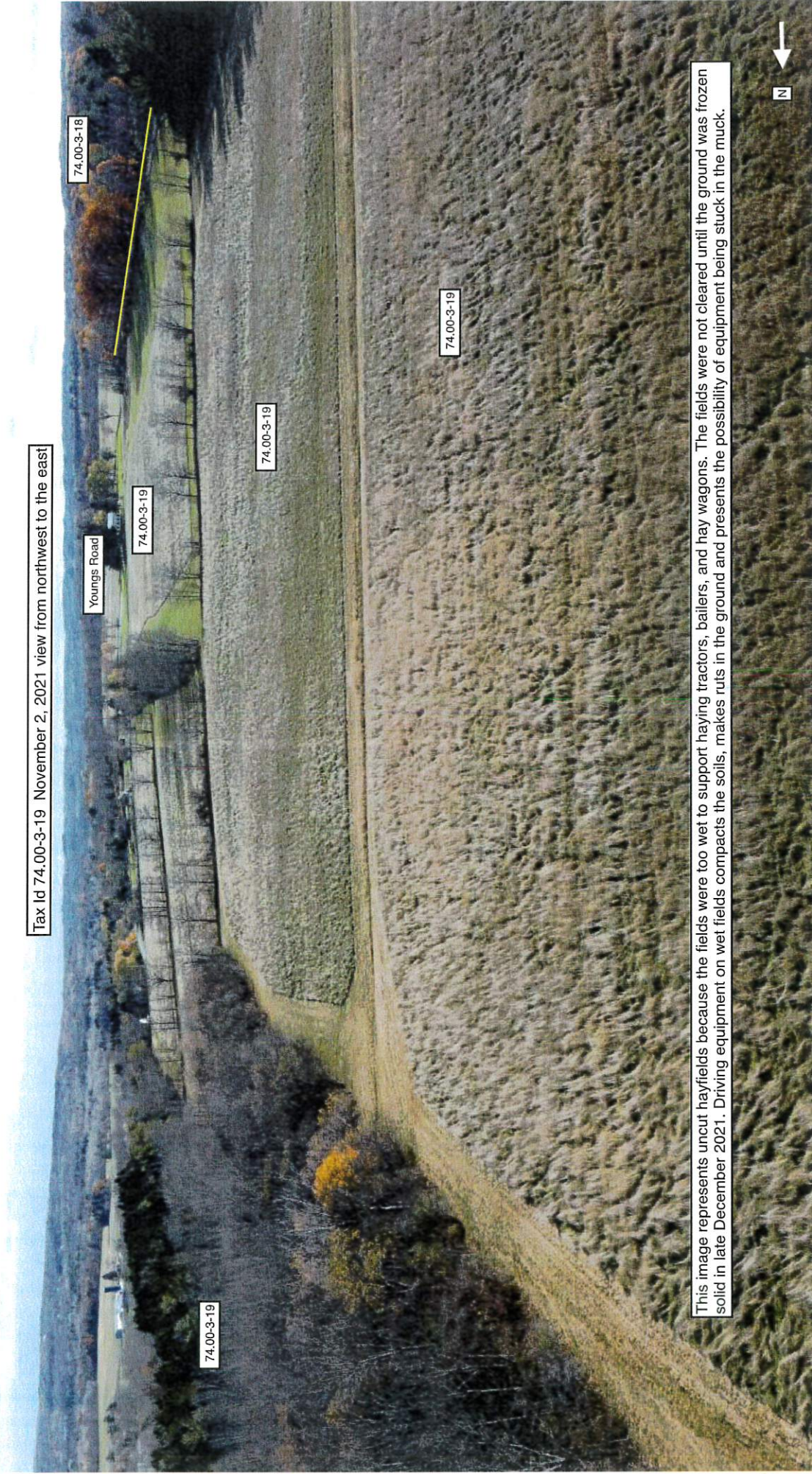
74.00-3-18

74.00-2-5.1

Oak Hill Solar 2, LLC

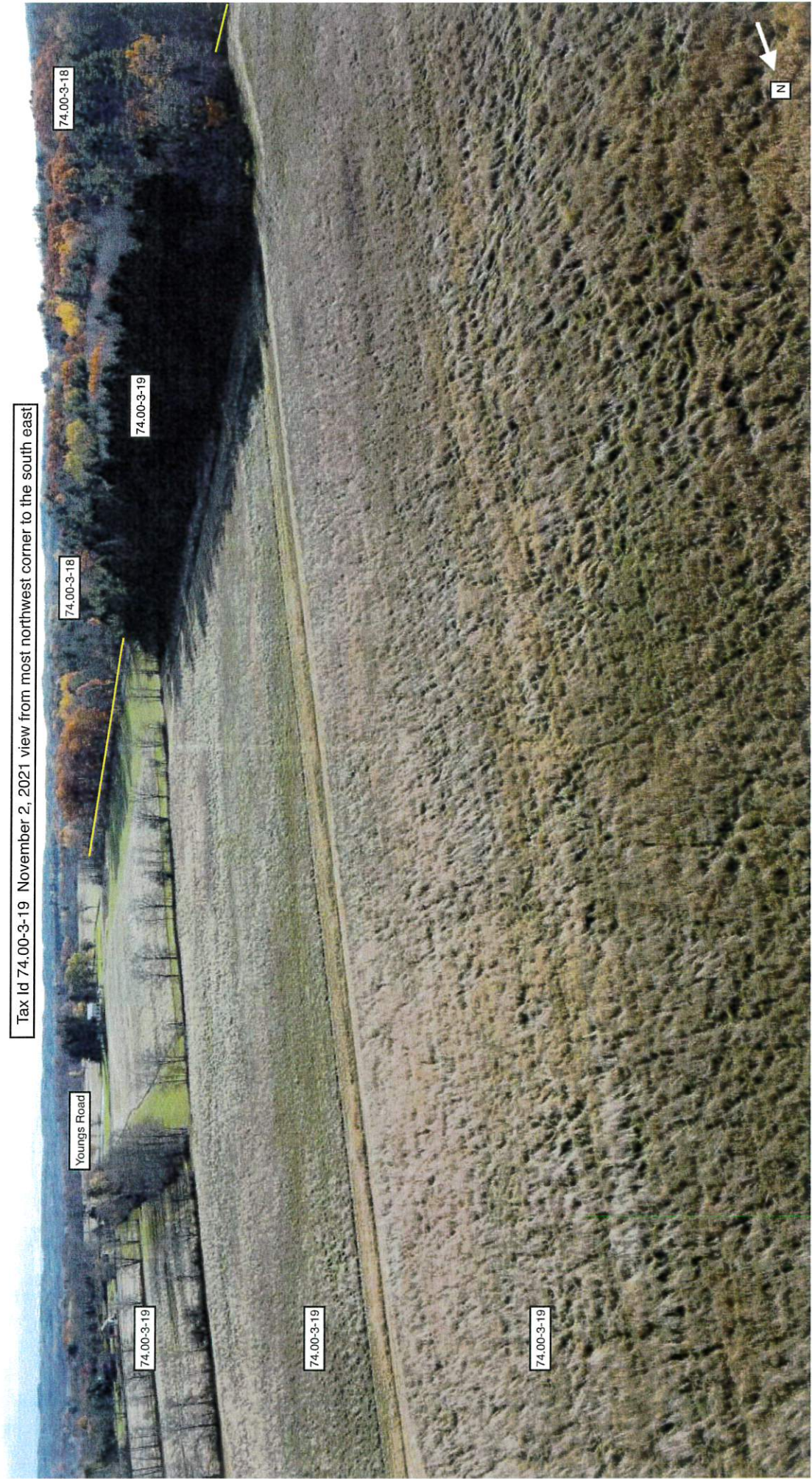
N

Tax Id 74.00-3-19 November 2, 2021 view from northwest to the east



This image represents uncut hayfields because the fields were too wet to support haying tractors, bailers, and hay wagons. The fields were not cleared until the ground was frozen solid in late December 2021. Driving equipment on wet fields compacts the soils, makes ruts in the ground and presents the possibility of equipment being stuck in the muck.

Tax Id 74.00-3-19 November 2, 2021 view from most northwest corner to the south east



74.00-3-18

74.00-3-19

74.00-3-18

Youngs Road

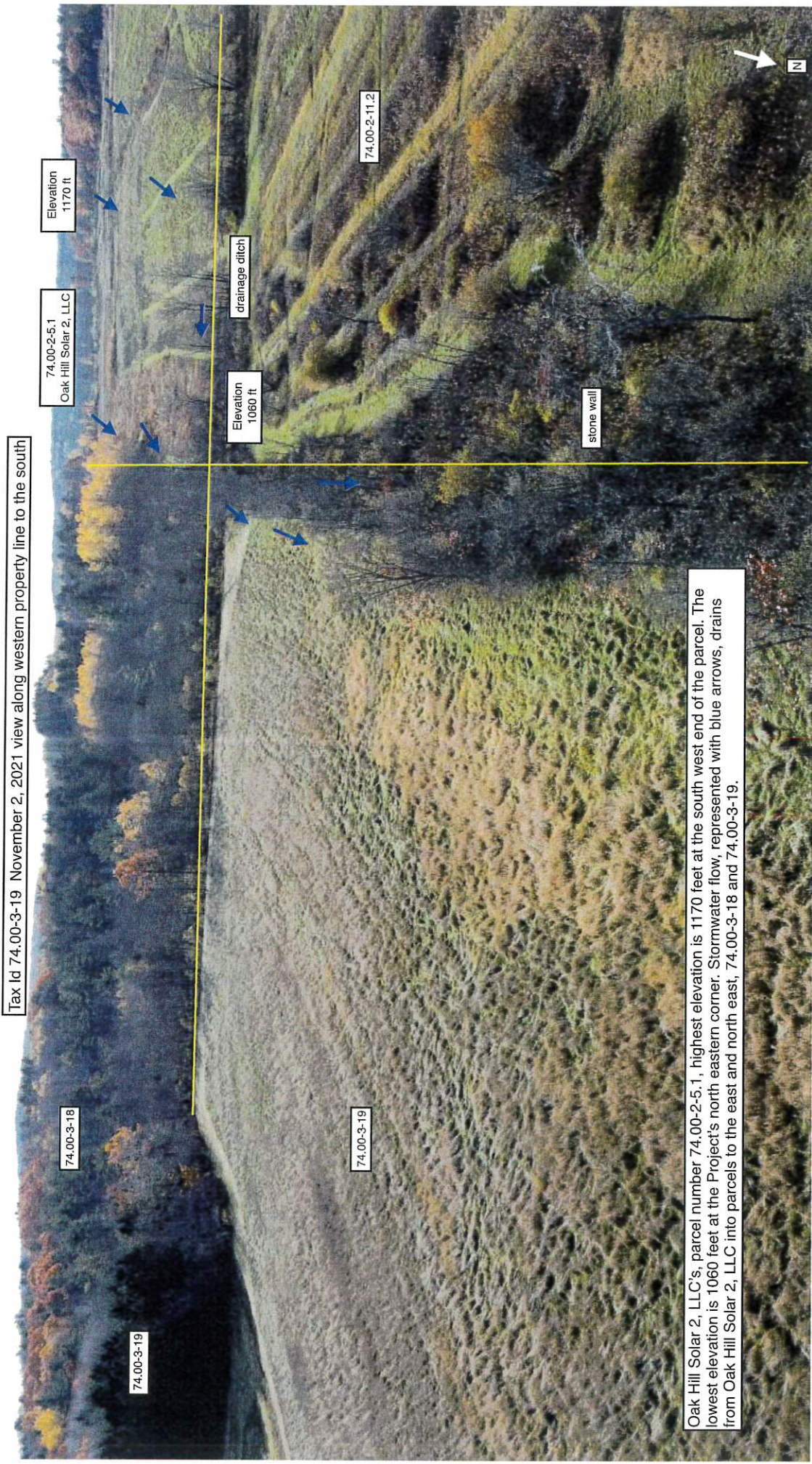
74.00-3-19

74.00-3-19

74.00-3-19

N

Tax Id 74.00-3-19 November 2, 2021 view along western property line to the south



Elevation  
1170 ft

74.00-2-5.1  
Oak Hill Solar 2, LLC

drainage ditch

Elevation  
1060 ft

74.00-2-11.2

stone wall

N

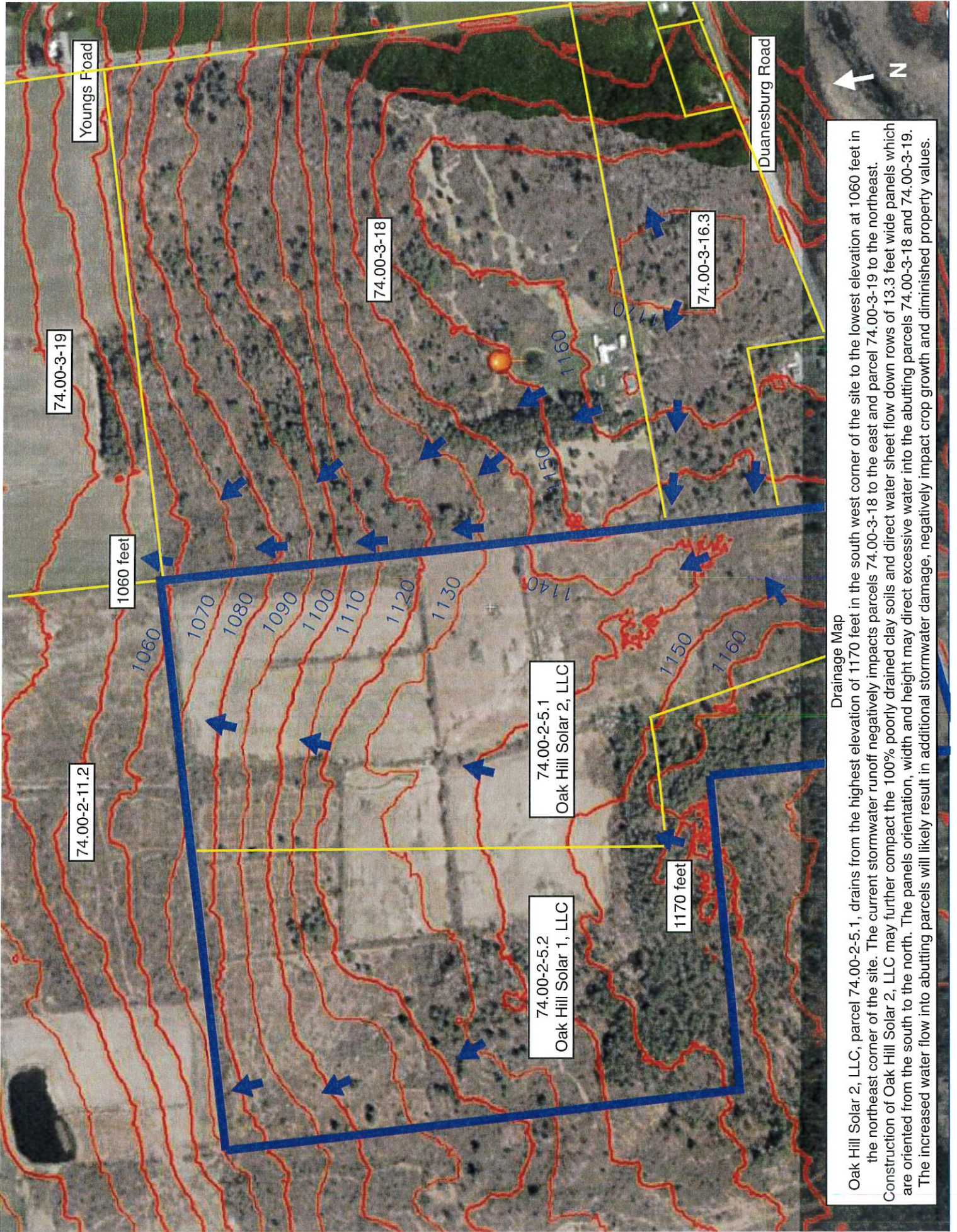
74.00-3-18

74.00-3-19

74.00-3-19

Oak Hill Solar 2, LLC's, parcel number 74.00-2-5.1, highest elevation is 1170 feet at the south west end of the parcel. The lowest elevation is 1060 feet at the Project's north eastern corner. Stormwater flow, represented with blue arrows, drains from Oak Hill Solar 2, LLC into parcels to the east and north east, 74.00-3-18 and 74.00-3-19.

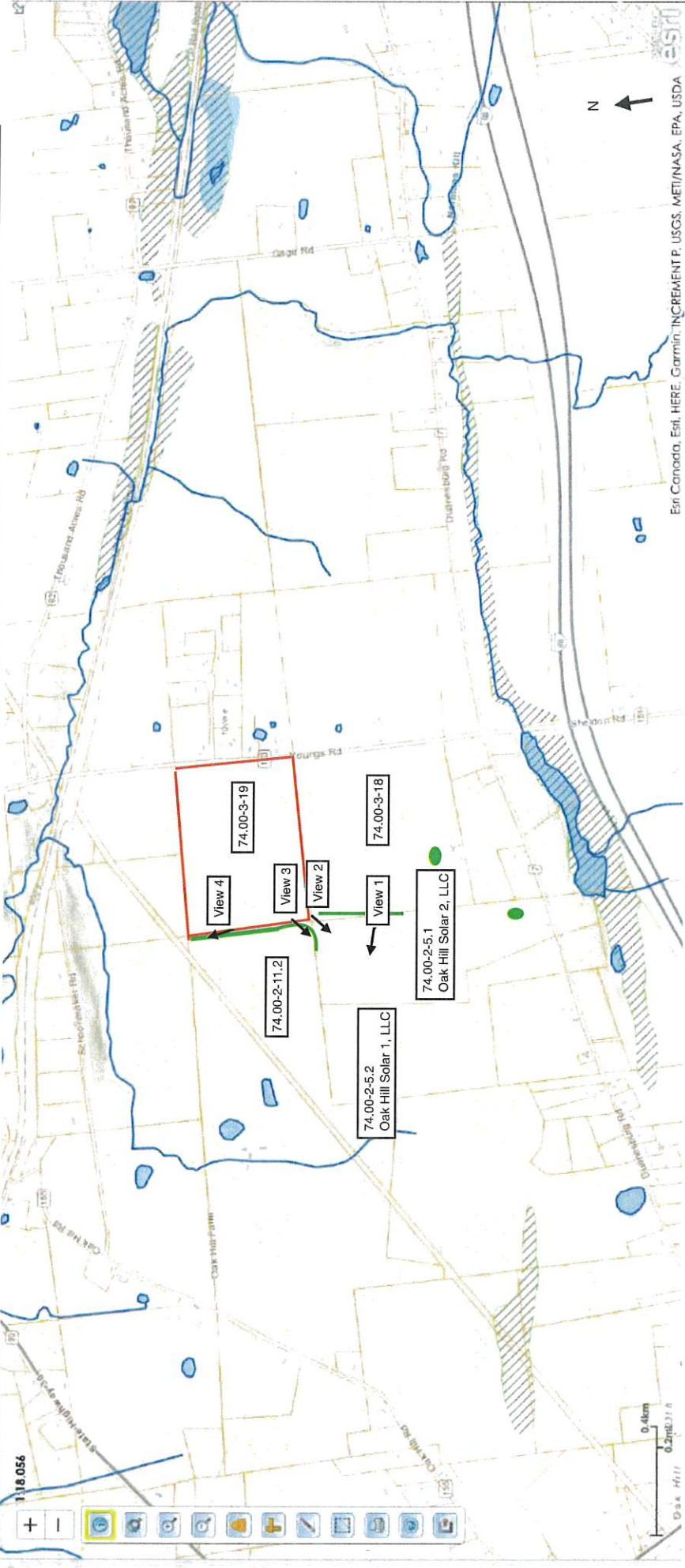
# Appendix B



Drainage Map

Oak Hill Solar 2, LLC, parcel 74.00-2-5.1, drains from the highest elevation of 1170 feet in the south west corner of the site to the lowest elevation at 1060 feet in the northeast corner of the site. The current stormwater runoff negatively impacts parcels 74.00-3-18 to the east and parcel 74.00-3-19 to the northeast. Construction of Oak Hill Solar 2, LLC may further compact the 100% poorly drained clay soils and direct water sheet flow down rows of 13.3 feet wide panels which are oriented from the south to the north. The panels orientation, width and height may direct excessive water into the abutting parcels 74.00-3-18 and 74.00-3-19. The increased water flow into abutting parcels will likely result in additional stormwater damage, negatively impact crop growth and diminished property values.

Schenectady County Internet Mapping System omits a marsh on parcel 74.00-2-5.1, a pond on parcel 74.00-3-18 and drainage ditches and seasonal streams along the eastern property lines for parcels 74.00-3-18 and parcel 74.00-3-19. These features are added to this map in green. The Full Environmental Assessment Form reflects that soils for Oak Hill Solar site are 100% poorly drained clay and the slope is 10%. The Project's elevation at the southeast corner of the site is 1170 feet and at the northeast corner of the site is 1060 feet. Oak Hill Solar 2, LLC drains to the north and east into parcels 74.00-3-18 and parcel 74.00-3-19. The watershed drains into a tributary of the Schoharie Creek and eventually flows into the Mohawk River.



Schenectady County Internet Mapping System  
 January 22, 2022  
 Map includes: parcel lines, streams, bodies of water, DEC wetlands  
 Streams and bodies of water omitted from the map are shown in aqua color

Location Key - View Images Attached  
 1. December 30, 2019 GPS 42°43'48.1"N 74°15'00.2"W view to west for Oak Hill Solar shows standing water at property line  
 2. December 30, 2019 GPS 42°43'58.0"N 74°15'01.0"W view to south west towards Oak Hill Solar projects shows standing water  
 3. October 17, 2021 GPS 42°43'58.0"N 74°15'01.0"W view to north shows flowing stream along property line  
 4. October 17, 2021 GPS 42°44'7.4N 74°15'03.0"W view to north shows rapidly flowing turbulent stream along property line



74.00-2-5.1  
Oak Hill Solar 2, LLC

VIEW IMAGE 1 from parcel 74.00-3-18 property line to the north west to the Full Environmental Assessment Form Part 1.E. indicates that Parcel 74.00-2-5.1, Oak Hill Solar 2, LLC, site is on a 10% to 15% slope and that the clay soils are 100% poorly drained. Stormwater flows off the Project site to the north and to the east. There is existing stormwater damage on parcel 74.00-3-18 and 74.00-3-19 where erosion gully's have formed. Abutting property owners request that the Board perform a site visit to Oak Hill Solar 1, LLC, Oak Hill Solar 2, LLC and the abutting parcels to fully understand the Project's impact on the surrounding lands. Additionally, the Project is an industrial use and may be in violation of the town's Comprehensive Plan to preserve the town's rural character, natural resources and fresh watersheds.

Standing Water

N

74.00-3-18

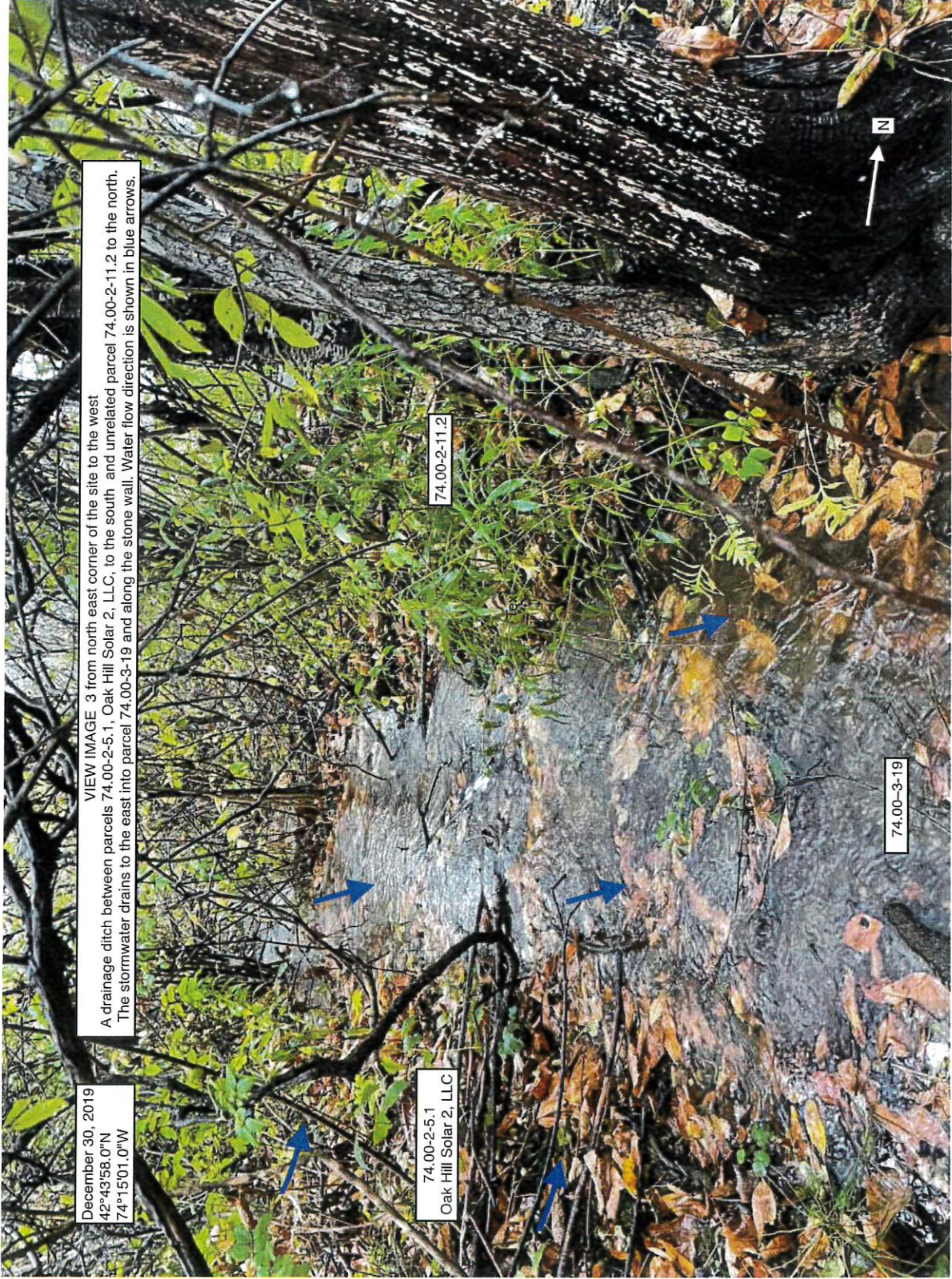
December 30, 2019  
42°43'48.1"N  
74°15'00.2"W





December 30, 2019  
42°43'58.0"N  
74°15'01.0"W

VIEW IMAGE 2 from the site's north east corner to the south west  
The intersection of parcels 74.00-2-5.1, Oak Hill Solar 2, LLC with unrelated parcels 74.00-3-18, 74.00-3-19 and 74.00-2-11.2 is the lowest point of the Project site with an elevation of 1060 feet. The Full Environmental Assessment Form E.2, indicates that the site is on a 10% to 15% slope and has 100% poorly drained clay soils. Abutting neighbors experience existing storm water run off from the site and suffer erosion and gully formations.



December 30, 2019  
42°43'58.0"N  
74°15'01.0"W

74.00-2-5.1  
Oak Hill Solar 2, LLC

74.00-2-11.2

74.00-3-19

VIEW IMAGE 3 from north east corner of the site to the west  
A drainage ditch between parcels 74.00-2-5.1, Oak Hill Solar 2, LLC, to the south and unrelated parcel 74.00-2-11.2 to the north.  
The stormwater drains to the east into parcel 74.00-3-19 and along the stone wall. Water flow direction is shown in blue arrows.

N

October 17, 2021  
42°44' 7.4"N  
74°15' 3.0"W

VIEW IMAGE 4 from parcel 74.00-3-19 eastern property line to the north  
Storm water drains from 74.00-2-5.1, Oak Hill Solar 2, LLC, to the north and east into parcel 74.00-3-19. The excess water results in the  
formation of a gully between parcels 74.00-2-11.2 to the west and parcel 74.00-3-19 to the east.

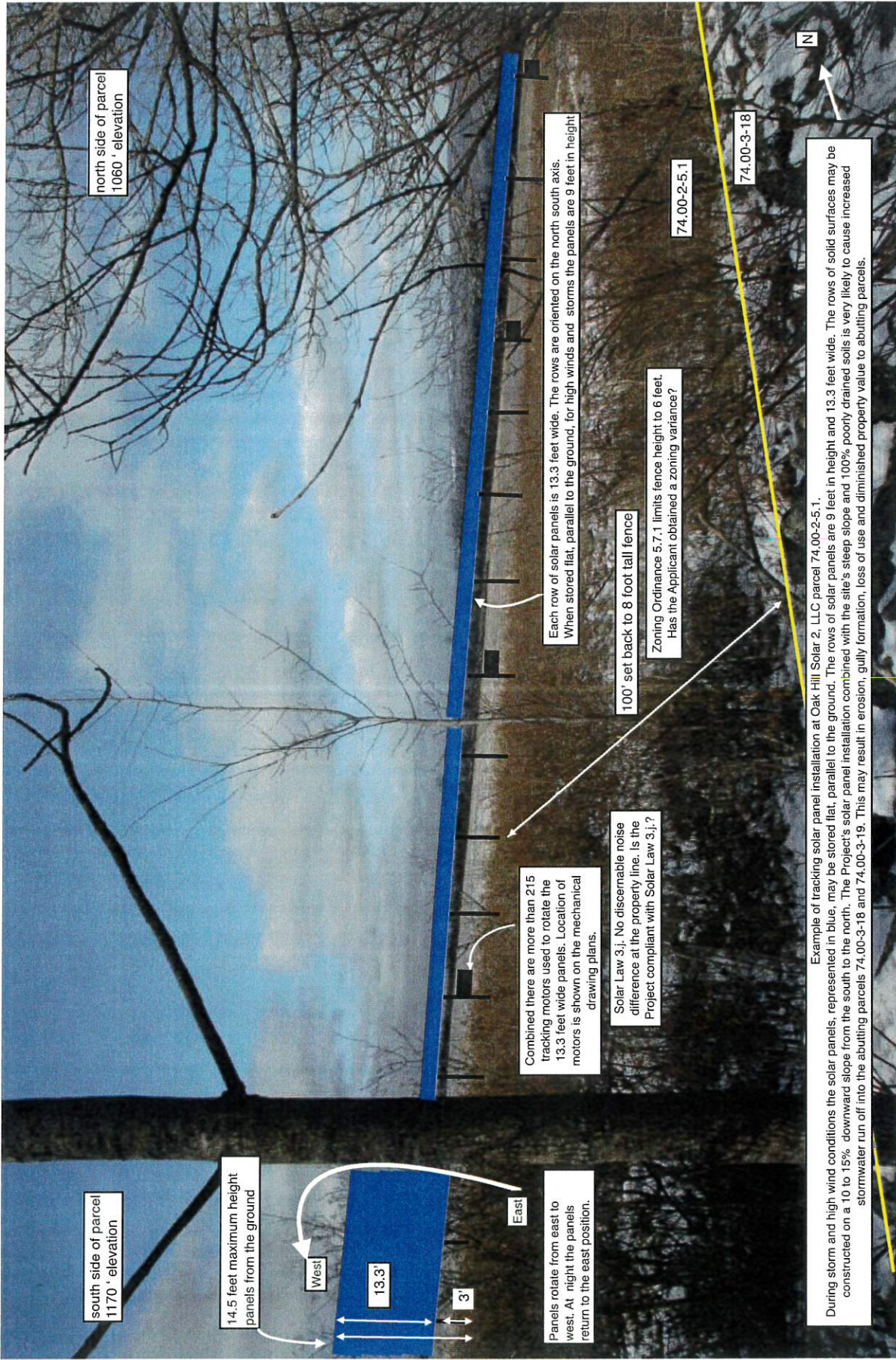


74.00-2-11.2

74.00-3-19



# Appendix C



south side of parcel  
1170' elevation

north side of parcel  
1060' elevation

14.5 feet maximum height  
panels from the ground

West

13.3'

3'

East

Panels rotate from east to west. At night the panels return to the east position.

Combined there are more than 215 tracking motors used to rotate the 13.3 feet wide panels. Location of motors is shown on the mechanical drawing plans.

Solar Law 3.j. No discernable noise difference at the property line. Is the Project compliant with Solar Law 3.j.?

Each row of solar panels is 13.3 feet wide. The rows are oriented on the north south axis. When stored flat, parallel to the ground, for high winds and storms the panels are 9 feet in height

100' set back to 8 foot tall fence

Zoning Ordinance 5.7.1 limits fence height to 6 feet. Has the Applicant obtained a zoning variance?

74.00-2-5.1

74.00-3-18

N

Example of tracking solar panel installation at Oak Hill Solar 2, LLC parcel 74.00-2-5.1. During storm and high wind conditions the solar panels, represented in blue, may be stored flat, parallel to the ground. The rows of solar panels are 9 feet in height and 13.3 feet wide. The rows of solid surfaces may be constructed on a 10 to 15% downward slope from the south to the north. The Project's solar panel installation combined with the site's steep slope and 100% poorly drained soils is very likely to cause increased stormwater run off into the abutting parcels 74.00-3-18 and 74.00-3-19. This may result in erosion, gully formation, loss of use and diminished property value to abutting parcels.

In storm and high wind conditions solar panels may be stored flat, parallel to the ground. A bird's eye view of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC may resemble this image by Pexels.

water flow



Oak Hill Solar 2, LLC  
South  
1170 feet in elevation

Oak Hill Solar 2, LLC  
North  
1060 feet in elevation



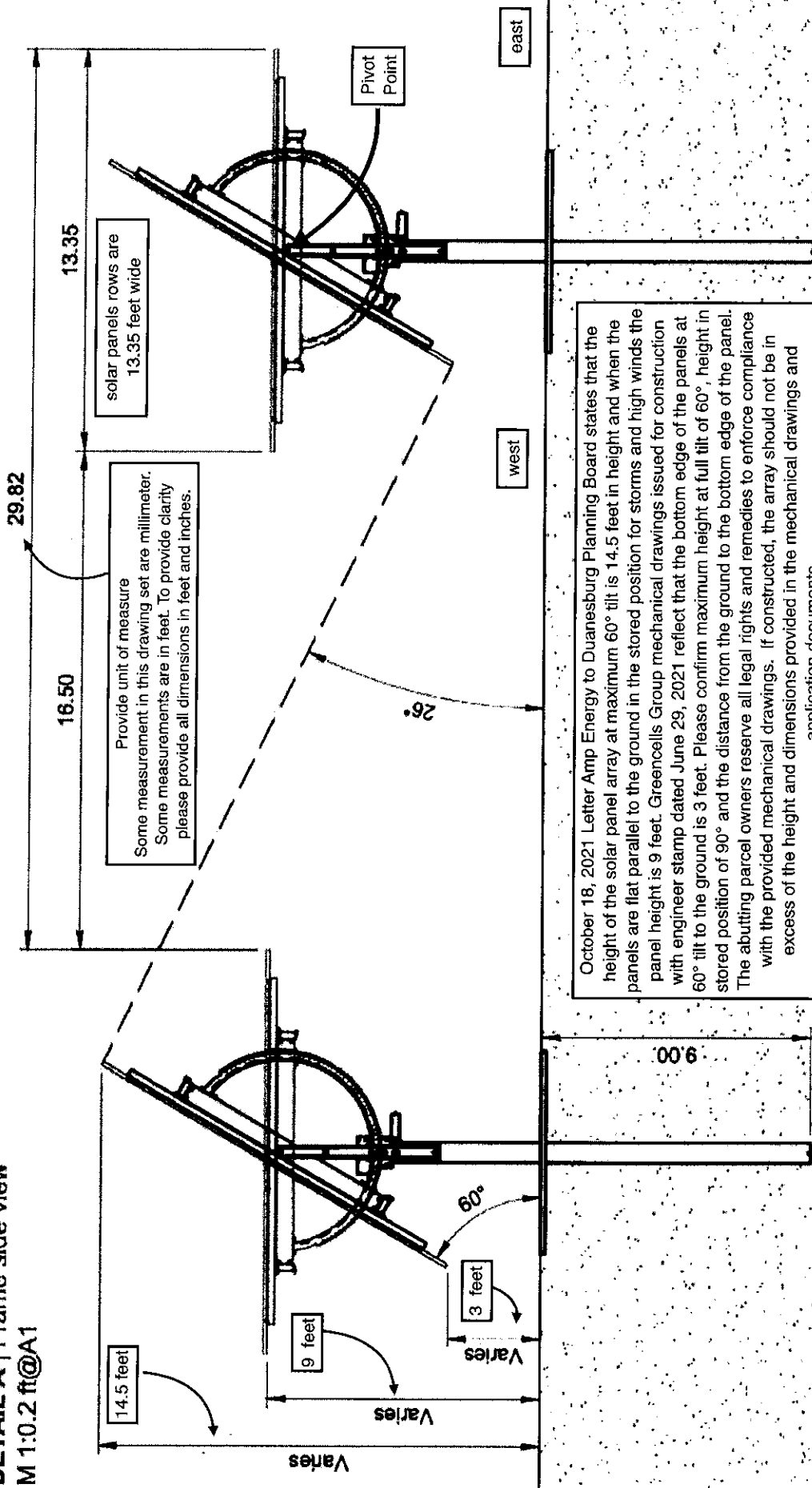
Tracker panels rotate  
east to west

water flow



The Project's lowest point is the north east corner of the two sites. The Full Environmental Assessment Form indicates that the Project site is 100% poor drainage on clay soils and has a steep 10% slope. The Project drains into parcel 74.00-3-18 to the east and parcel 74.00-3-19 to the north east which is an active revenue generating hayfield. A drainage system installed on parcel 74.00-3-19 permits the land to be used for agricultural purposes. Parcel 74.00-3-18 has existing erosion from stormwater drainage forming a gully along the shared property line and drains to the north into parcel 74.00-3-19.

**DETAIL A | Frame side view**  
**M 1:0.2 ft@A1**



Provide unit of measure  
 Some measurement in this drawing set are millimeter.  
 Some measurements are in feet. To provide clarity  
 please provide all dimensions in feet and inches.

October 18, 2021 Letter Amp Energy to Duaneburg Planning Board states that the height of the solar panel array at maximum 60° tilt is 14.5 feet in height and when the panels are flat parallel to the ground in the stored position for storms and high winds the panel height is 9 feet. Greencells Group mechanical drawings issued for construction with engineer stamp dated June 29, 2021 reflect that the bottom edge of the panels at 60° tilt to the ground is 3 feet. Please confirm maximum height at full tilt of 60°, height in stored position of 90° and the distance from the ground to the bottom edge of the panel. The abutting parcel owners reserve all legal rights and remedies to enforce compliance with the provided mechanical drawings. If constructed, the array should not be in excess of the height and dimensions provided in the mechanical drawings and application documents.

**TABLE A | Piles quantity for different pole length range**  
 Please refer to GRC1026-100B Oak Hill 2 Pile Lengths [2021-06-14].xlsx spreadsheet for detailed piles distribution information

PO Box 160  
Quaker Street, NY 12141

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

February 4, 2022

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

Dear Chairman Schmitt and the Planning Board,

Please provide this letter and attached color image in the Planning Board member's binders for review at the next Planning Board meeting. Please include this letter and attachments with the official meeting minutes as posted on the the town website.

We are immensely concerned about Oak Hill Solar's design and storm water pollution prevention plan's impact on the abutting parcels, surrounding neighborhood and the greater Town of Esperance-Schoharie Creek watershed. Our Comprehensive Plan's vision statement was agreed to by the taxpayers and should be a guiding force on the town's development and land use planning. It says:

"The Town of Duanesburg is a proud community of strong heritage and rural character. We encourage the preservation of our attractive and cultural landscape. We provide economically vibrant commercial and retail zones, and a variety of quality housing, cultural and recreational options. We are committed to sustaining our valuable economic and natural resources, particularly agricultural land use, open spaces, natural habitats, and fresh watersheds. We support thoughtful growth and development that enable affordable taxes, enhances the character of commercial and residential zones, improves our schools, and provides local business and employment opportunities."

We urge the Board to protect and preserve our natural resources and rural community character.

Attached are three appendix that detail some of our concerns:

Appendix A provides information for parcels 74.00-3-18 and 74.00-3-19. These lands already experience erosion from rain and snow melt stormwater run off from tax id parcel 74.00-2-5.1, the proposed Oak Hill Solar site. Constructing hundreds of 13.3 feet wide rows of tracking solar panels along a north-south axis may increase sheet flow down the steep 10-15% grade slope. The images clearly document that the highest point of the site is in the south and the lowest point



is in the north east corner. Increased stormwater into the abutting parcels may further erode the lands and diminish agricultural revenue, This may decrease property values.

Appendix B provides more detailed information on the existing stormwater conditions at the property lines of Oak Hill Solar 2, LLC and parcel 74.00-3-18 to the east and parcel 74.00-3-19 to the north east. The photos show stormwater flow, standing water, drain ditches and gully formations. Increased stormwater flow from hundreds of 13.3 feet wide rows of solid surface solar panels oriented on a north to south axis on a 10-15% downward grade constructed on 100% poorly drained and highly erodible clay soils is very likely to increase stormwater impacts on the abutting parcels.

Appendix C provides detailed information on the tracking solar panels. The January 6, 2022 site plan and the June 29, 2021 mechanical drawings reflect hundreds of 13.3 feet wide rows of solar panels constructed on a north - south axis. The highest elevation on the site is at the south fence line, 1170 feet, and the lowest point of the site is the north east corner fence post, 1060 feet. It appears that the Project's orientation, site topography and the necessity to store panels flat during high wind and storm conditions may create hundreds of 13.3 feet wide solid surface flat paneled rows directing water sheet flow down the 10 - 15% grade slope to the north and the east. In 2021 the site failed percolation tests. It is unknown if percolation tests were taken at the northern fence line. There is a drainage ditch at the northern property line. This frequently overflows into parcel 74.00-3-19. It is unlikely that wet swales, infiltration trenches and level spreaders would prevent excess stormwater flow onto abutting parcels.

While we understand New York State's goal to reach net zero emissions, construction of 65 acres of solar panels and proposed battery energy storage on 100% poorly drained clay soils may increase stormwater damage to the abutting properties. The Project's 16.5 feet tall transformers, 9.5 feet tall battery storage containers, inverters, DC-DC converters, and more than 215 tracking motors is an industrial use which is not suitable for in compliance with a rural residential zoned community. Our Comprehensive Plan does not support the industrialization of our rural lands.

We request that the Board deny the Project an Amendment for battery energy storage.

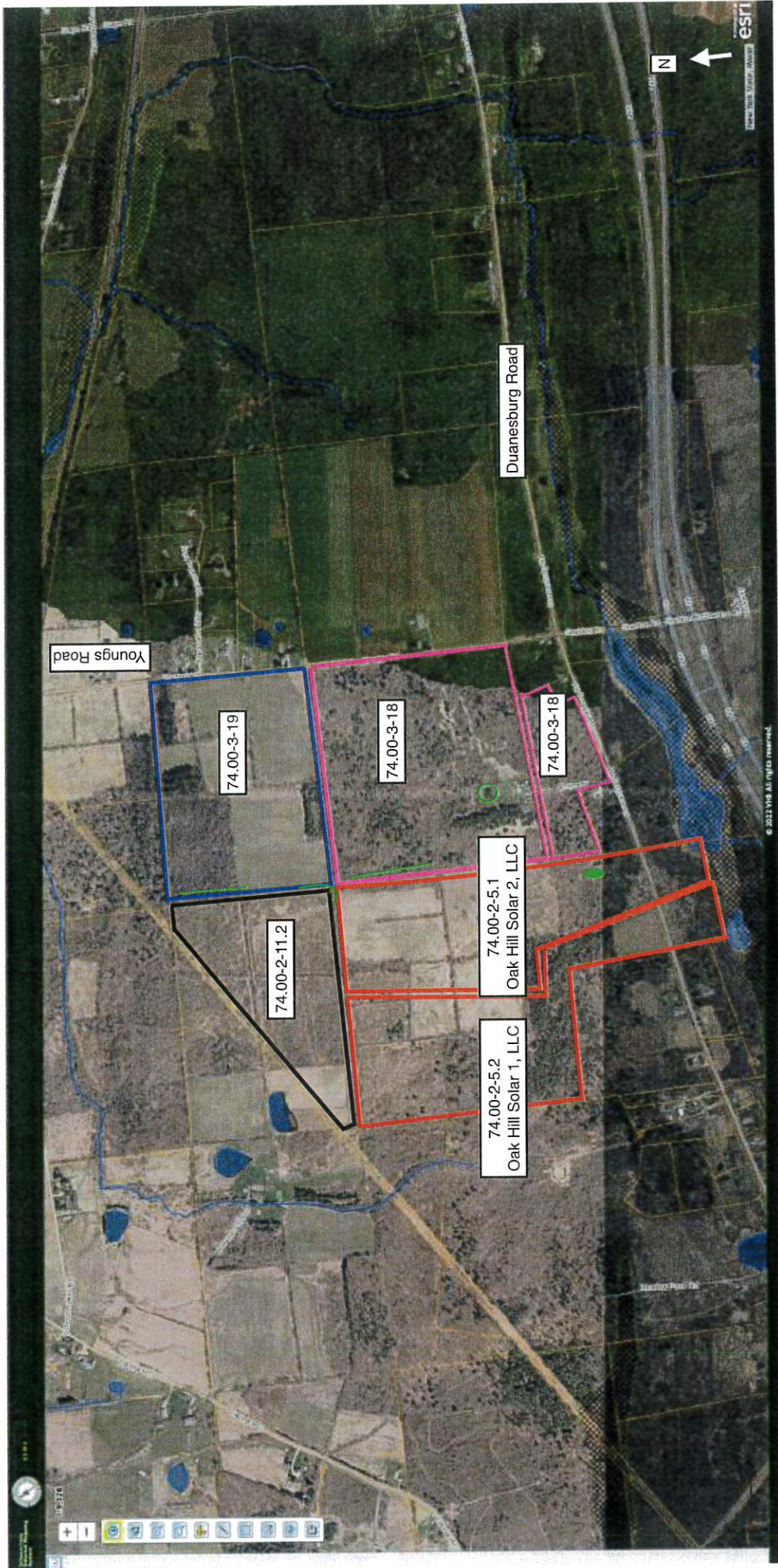
Furthermore, we request that the Board deny Oak Hill Solar 2, LLC in its entirety a building permit because the site failed percolation tests, the Project may not have obtained required permits from US Army Corps of Engineers and the New York State Department of Environmental Conservation, and the January 6, 2022 Stormwater Pollution Prevention Plan fails to protect abutting parcels 74.00-3-18 and parcel 74.00-3-19 from stormwater erosion and damages.

Thank you for your time and consideration.

Respectfully,

Susan Biggs 13388 Duanesburg Road tax id parcel 74.00-3-18  
Lynne Bruning 13388 Duanesburg Road tax id parcel 74.00-3-18  
Pam Rowling tax id parcel 74.00-3-19  
Wallace Johnson tax id parcel 74.00-3-19

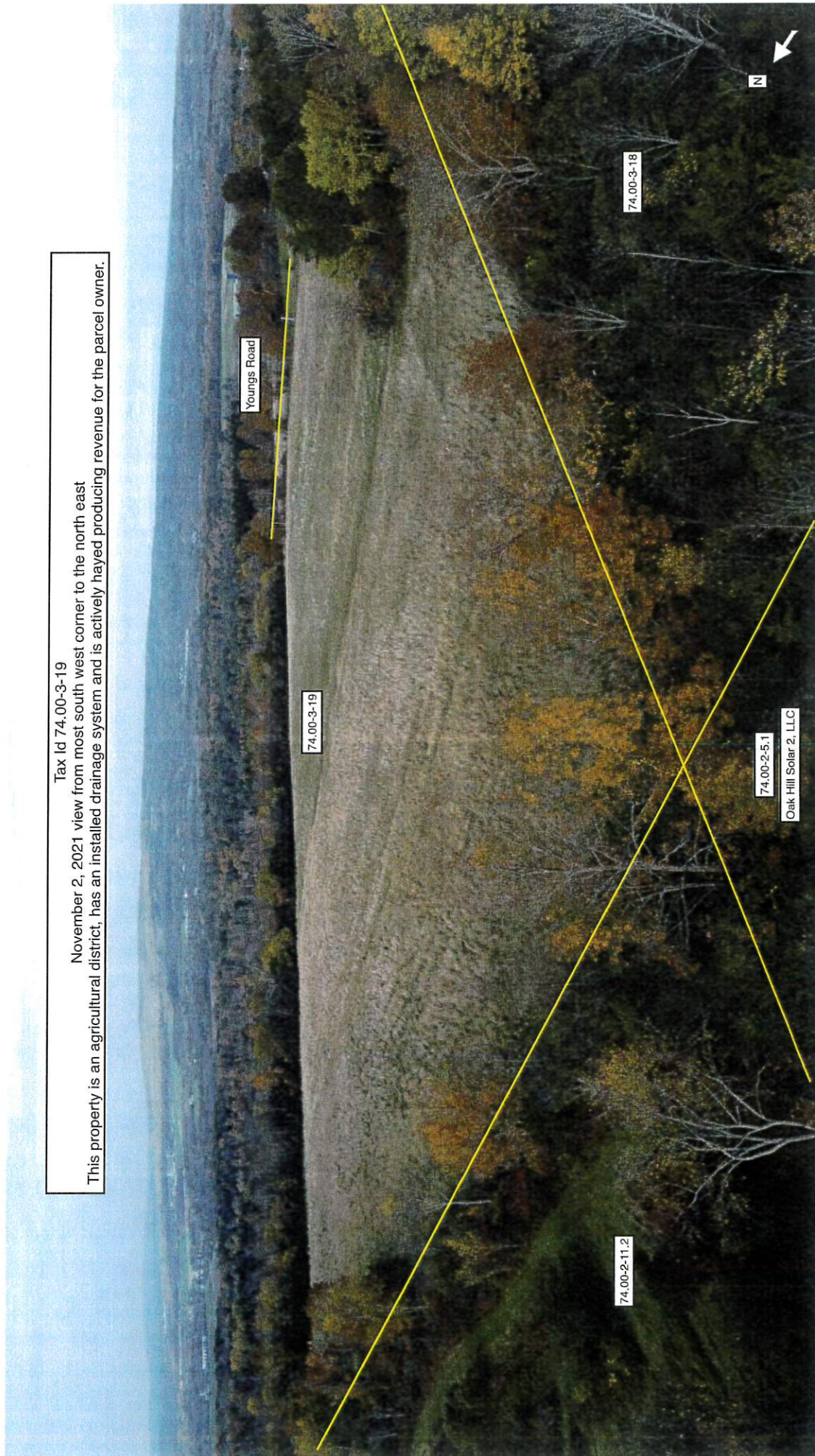
# Appendix A



Oak Hill Solar 1, LLC, proposed for parcel 74.00-2-5.2, and Oak Hill Solar 2, LLC, proposed for parcel 74.00-2-5.1, are located at 13590 Duaneburg Road, Delanson in the Town of Duaneburg in Schenectady County, New York 12053. The Project site is divided by Duaneburg Road, New York State Route 7. The site's highest elevation is 1170 feet and is found on the site's south fence line. The lowest elevation is 1060 feet which is found at the north east corner of the project. The Project site abuts unrelated parcels 74.00-2-11.2 to the north, 74.00-3-19 to the north east and parcel 74.00-3-18 to the east. The site is steeply sloped 100% poorly drained clay soils. The site drains into parcels 74.00-3-18 and 74.00-3-19. Abutting landowners are strongly opposed to the project due to existing storm water run off and damage to parcel 74.00-3-18 and parcel 74.00-3-19. The abutters are very concerned that the January 6, 2022 Stormwater Pollution Prevention Plan is inadequate and incomplete. The Applicant's proposal for wet swales and level spreaders may slow the stormwater, but due to 100% poorly drained clay soils it is unlikely to prevent stormwater drainage and erosion damage to abutting properties 74.00-3-18 and 74.00-3-19. The increased and excessive stormwater run off may negatively impact the use, enjoyment and development of the abutting parcels.

This may decrease the landowners property values.

Tax Id 74.00-3-19  
November 2, 2021 view from most south west corner to the north east  
This property is an agricultural district, has an installed drainage system and is actively hayed producing revenue for the parcel owner.



Youngs Road

74.00-3-19

74.00-2-11.2

74.00-3-18

74.00-2-5.1

Oak Hill Solar 2, LLC

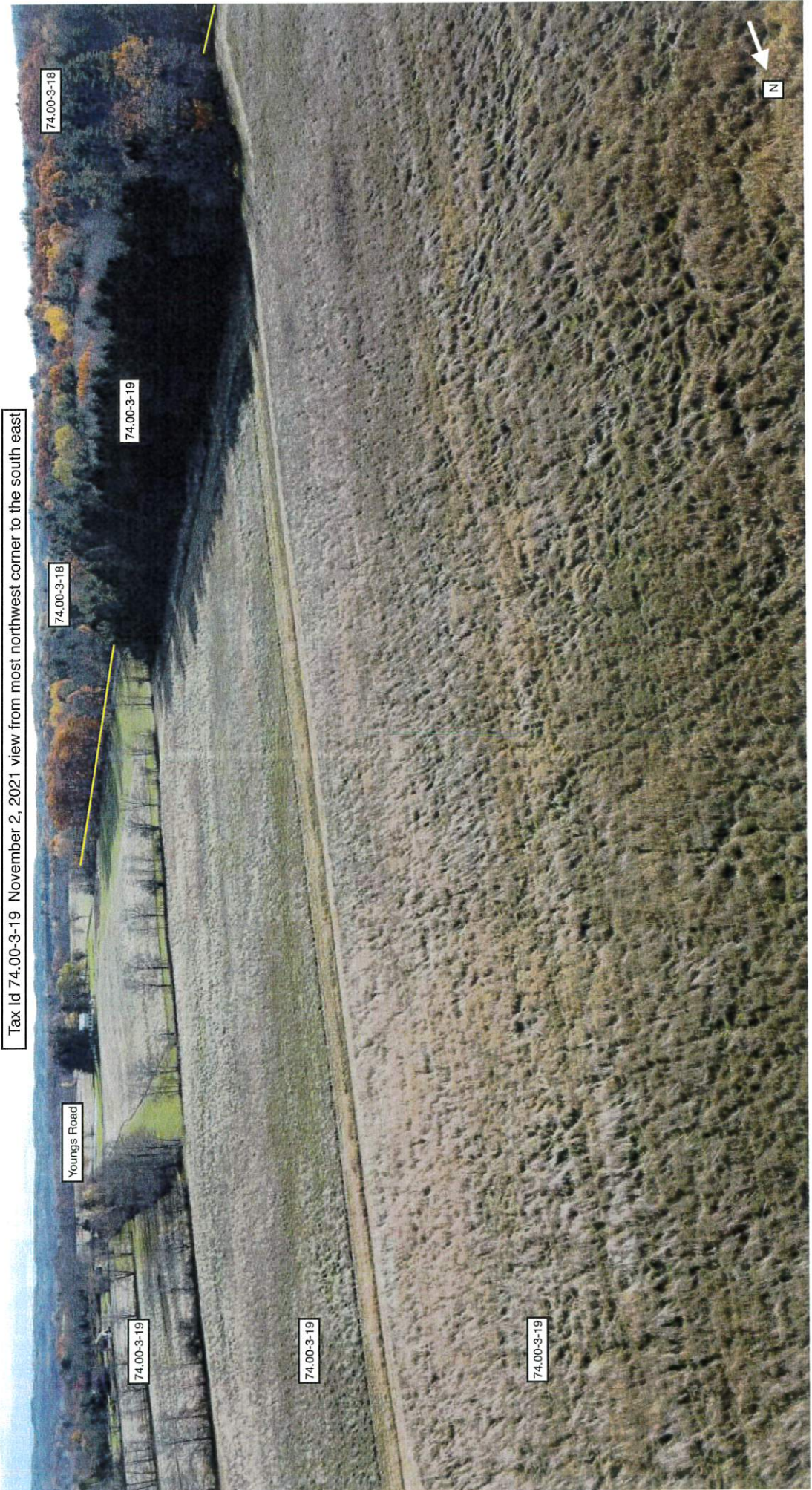
N

Tax Id 74.00-3-19 November 2, 2021 view from northwest to the east



This image represents uncut hayfields because the fields were too wet to support haying tractors, bailers, and hay wagons. The fields were not cleared until the ground was frozen solid in late December 2021. Driving equipment on wet fields compacts the soils, makes ruts in the ground and presents the possibility of equipment being stuck in the muck.

Tax Id 74.00-3-19 November 2, 2021 view from most northwest corner to the south east



74.00-3-18

74.00-3-19

74.00-3-18

Youngs Road

74.00-3-19

74.00-3-19

74.00-3-19

N

Tax Id 74.00-3-19 November 2, 2021 view along western property line to the south



Elevation 1170 ft

74.00-2-5.1  
Oak Hill Solar 2, LLC

drainage ditch

Elevation 1060 ft

stone wall

74.00-2-11.2

74.00-3-18

74.00-3-19

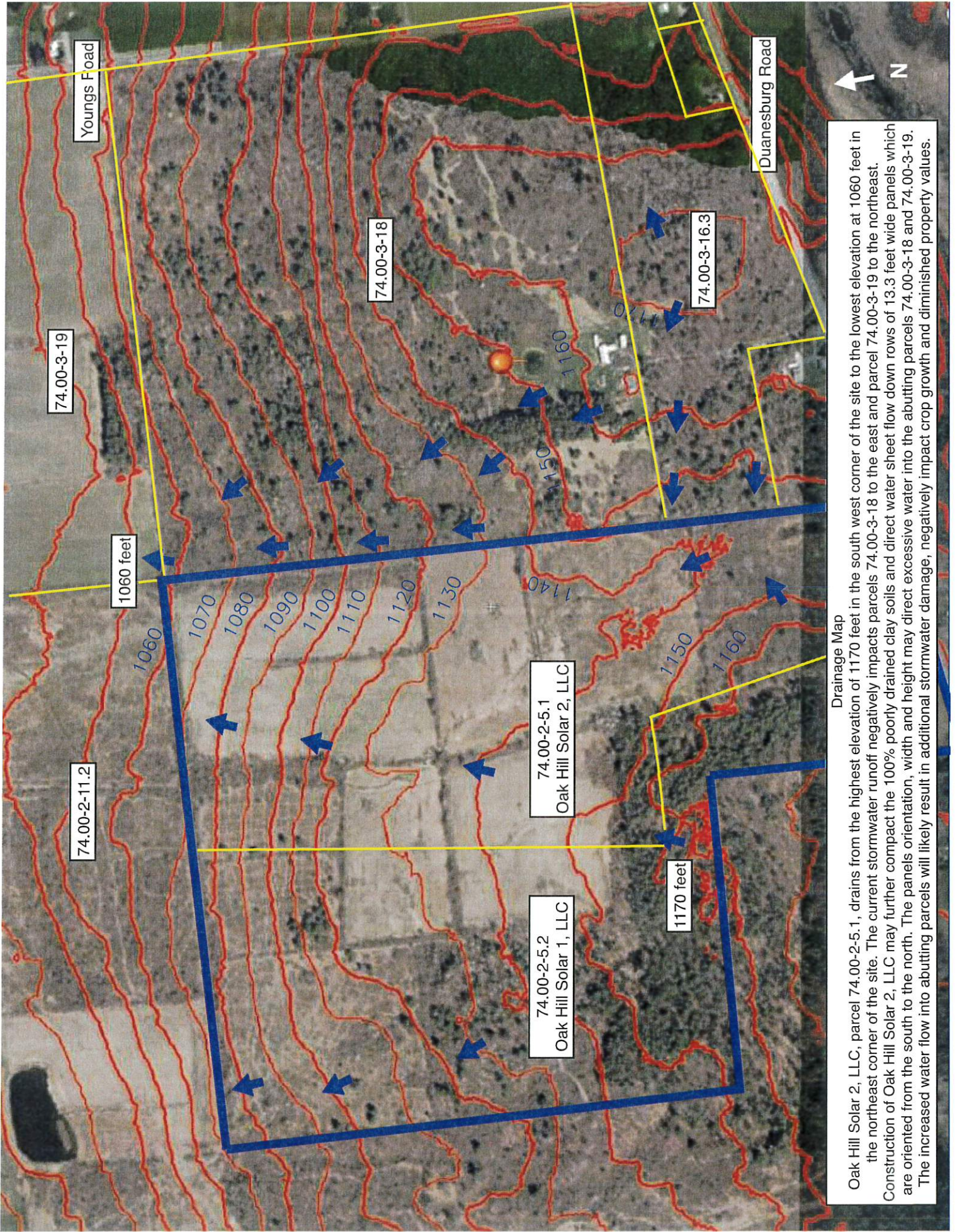
74.00-3-19

N

Oak Hill Solar 2, LLC's parcel number 74.00-2-5.1, highest elevation is 1170 feet at the south west end of the parcel. The lowest elevation is 1060 feet at the Project's north eastern corner. Stormwater flow, represented with blue arrows, drains from Oak Hill Solar 2, LLC into parcels to the east and north east, 74.00-3-18 and 74.00-3-19.

# Appendix B

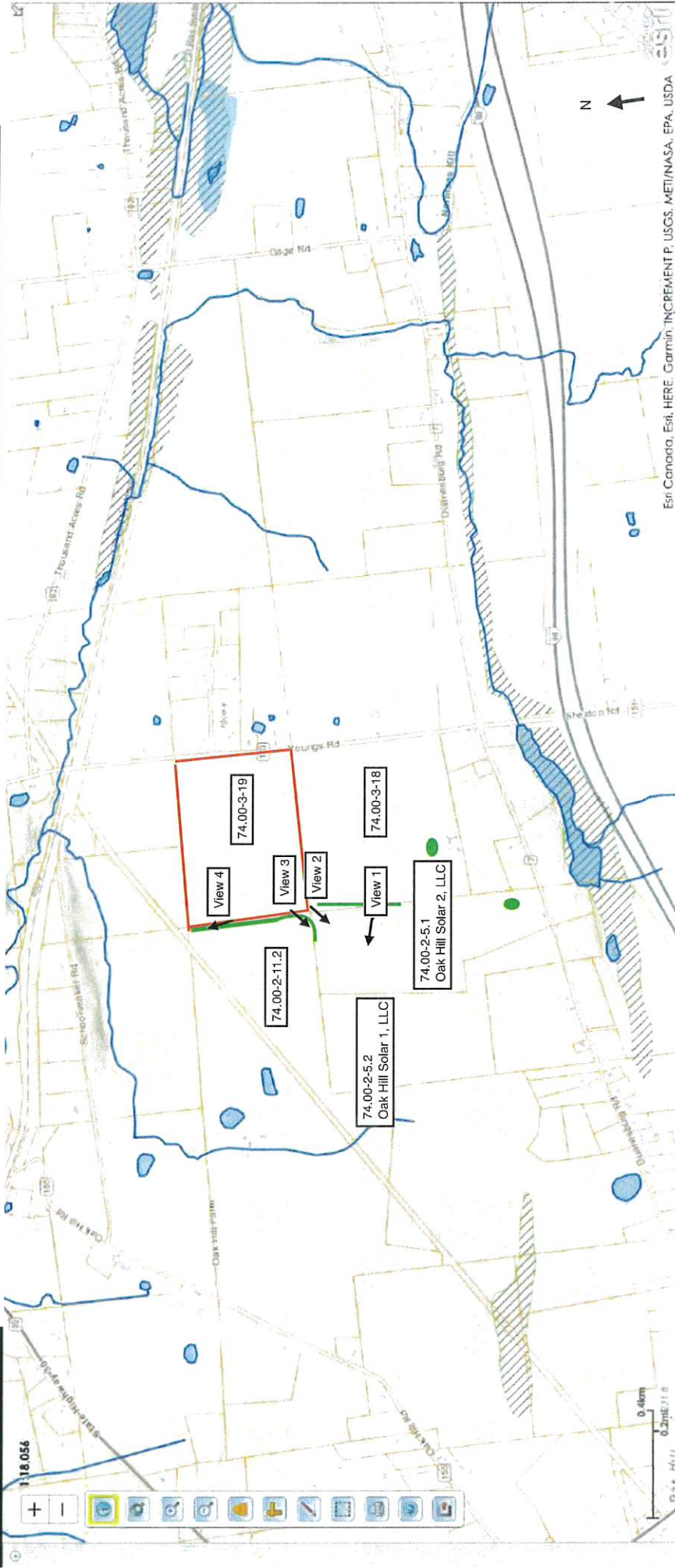




Drainage Map

Oak Hill Solar 2, LLC, parcel 74.00-2-5.1, drains from the highest elevation of 1170 feet in the south west corner of the site to the lowest elevation at 1060 feet in the northeast corner of the site. The current stormwater runoff negatively impacts parcels 74.00-3-18 to the east and parcel 74.00-3-19 to the northeast. Construction of Oak Hill Solar 2, LLC may further compact the 100% poorly drained clay soils and direct water sheet flow down rows of 13.3 feet wide panels which are oriented from the south to the north. The panels orientation, width and height may direct excessive water into the abutting parcels 74.00-3-18 and 74.00-3-19. The increased water flow into abutting parcels will likely result in additional stormwater damage, negatively impact crop growth and diminished property values.

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74.00-2-5.1  
Oak Hill Solar 2, LLC

VIEW IMAGE 1 from parcel 74.00-3-18 property line to the north west  
The Full Environmental Assessment Form Part 1.E. indicates that Parcel 74.00-2-5.1, Oak Hill Solar 2, LLC, site is on a 10% to 15% slope and that the clay soils are 100% poorly drained. Stormwater flows off the Project site to the north and to the east. There is existing stormwater damage on parcel 74.00-3-18 and 74.00-3-19 where erosion gully's have formed. Abutting property owners request that the Board perform a site visit to Oak Hill Solar 1, LLC, Oak Hill Solar 2, LLC and the abutting parcels to fully understand the Project's impact on the surrounding lands. Additionally, the Project is an industrial use and may be in violation of the town's Comprehensive Plan to preserve the town's rural character, natural resources and fresh watersheds.

Standing Water

N

74.00-3-18

December 30, 2019  
42°43'48.1"N  
74°15'00.2"W

December 30, 2019  
42°43'58.0"N  
74°15'01.0"W

VIEW IMAGE 2 from the site's north east corner to the south west  
The intersection of parcels 74.00-2-5.1, Oak Hill Solar 2, LLC with unrelated parcels 74.00-3-18, 74.00-3-19 and 74.00-2-11.2 is the lowest point of the Project site with an elevation of 1060 feet. The Full Environmental Assessment Form E.2 indicates that the site is on a 10% to 15% slope and has 100% poorly drained clay soils. Abutting neighbors experience existing storm water run off from the site and suffer erosion and gully formations.

74.00-2-5.1  
Oak Hill Solar 2, LLC

74.00-3-18

74.00-2-11.2

74.00-3-19

N





December 30, 2019  
42°43'58.0"N  
74°15'01.0"W

VIEW IMAGE 3 from north east corner of the site to the west  
A drainage ditch between parcels 74.00-2-5.1, Oak Hill Solar 2, LLC, to the south and unrelated parcel 74.00-2-11.2 to the north.  
The stormwater drains to the east into parcel 74.00-3-19 and along the stone wall. Water flow direction is shown in blue arrows.

74.00-2-5.1  
Oak Hill Solar 2, LLC

74.00-2-11.2

74.00-3-19



October 17, 2021  
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74°15' 3.0"W

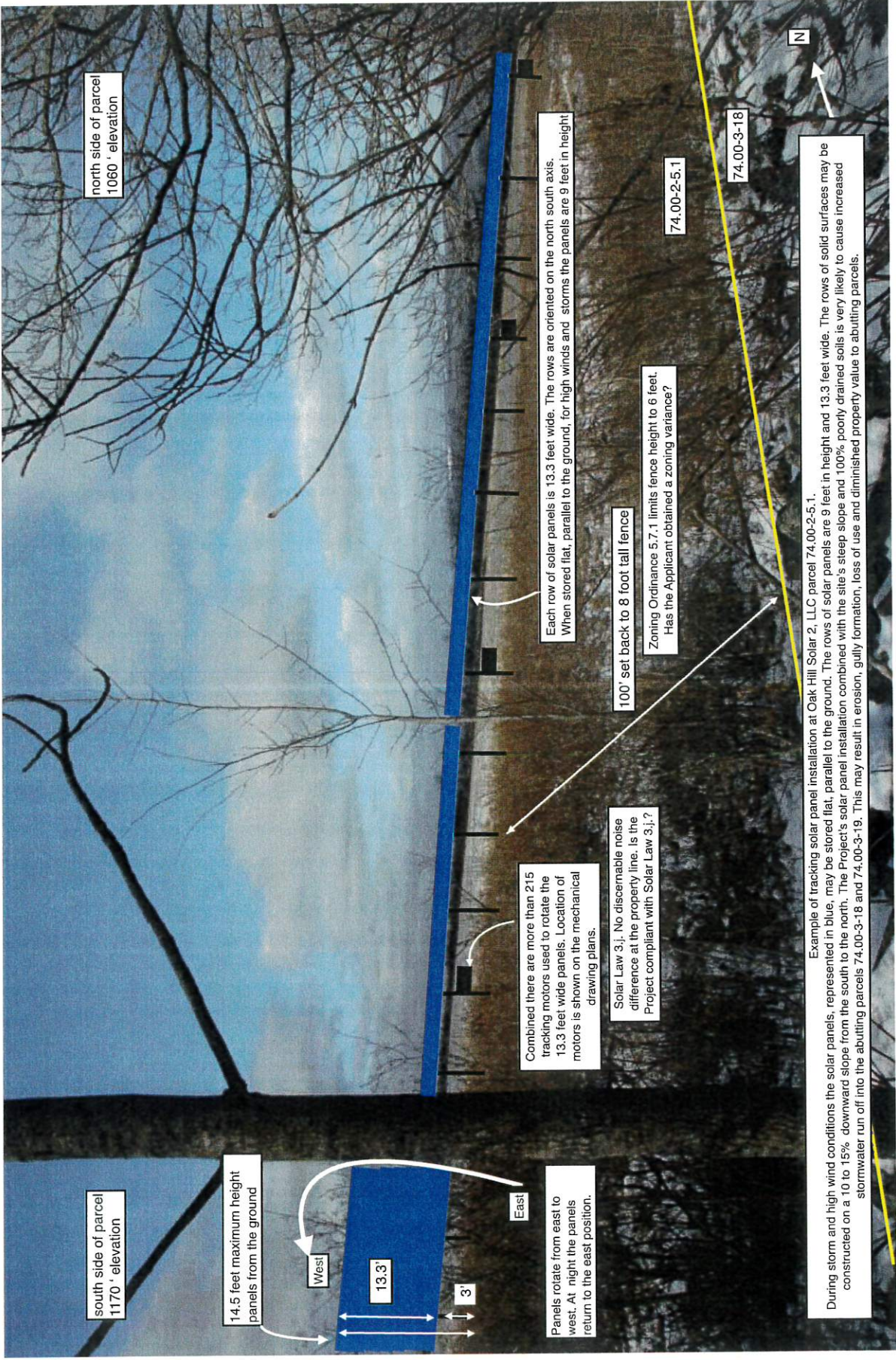
VIEW IMAGE 4 from parcel 74.00-3-19 eastern property line to the north  
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74.00-2-11.2

74.00-3-19



# Appendix C



north side of parcel  
1060' elevation

south side of parcel  
1170' elevation

14.5 feet maximum height  
panels from the ground

West

13.3'

3'

East

Panels rotate from east to west. At night the panels return to the east position.

Combined there are more than 215 tracking motors used to rotate the 13.3 feet wide panels. Location of motors is shown on the mechanical drawing plans.

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74.00-2-5.1

74.00-3-18

N

Example of tracking solar panel installation at Oak Hill Solar 2, LLC parcel 74.00-2-5.1. During storm and high wind conditions the solar panels, represented in blue, may be stored flat, parallel to the ground. The rows of solar panels are 9 feet in height and 13.3 feet wide. The rows of solid surfaces may be constructed on a 10 to 15% downward slope from the south to the north. The Project's solar panel installation combined with the site's steep slope and 100% poorly drained soils is very likely to cause increased stormwater run off into the abutting parcels 74.00-3-18 and 74.00-3-19. This may result in erosion, gully formation, loss of use and diminished property value to abutting parcels.



In storm and high wind conditions solar panels may be stored flat, parallel to the ground. A bird's eye view of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC may resemble this image by Pexels.

water flow



Oak Hill Solar 2, LLC  
South  
1170 feet in elevation

Oak Hill Solar 2, LLC  
North  
1060 feet in elevation

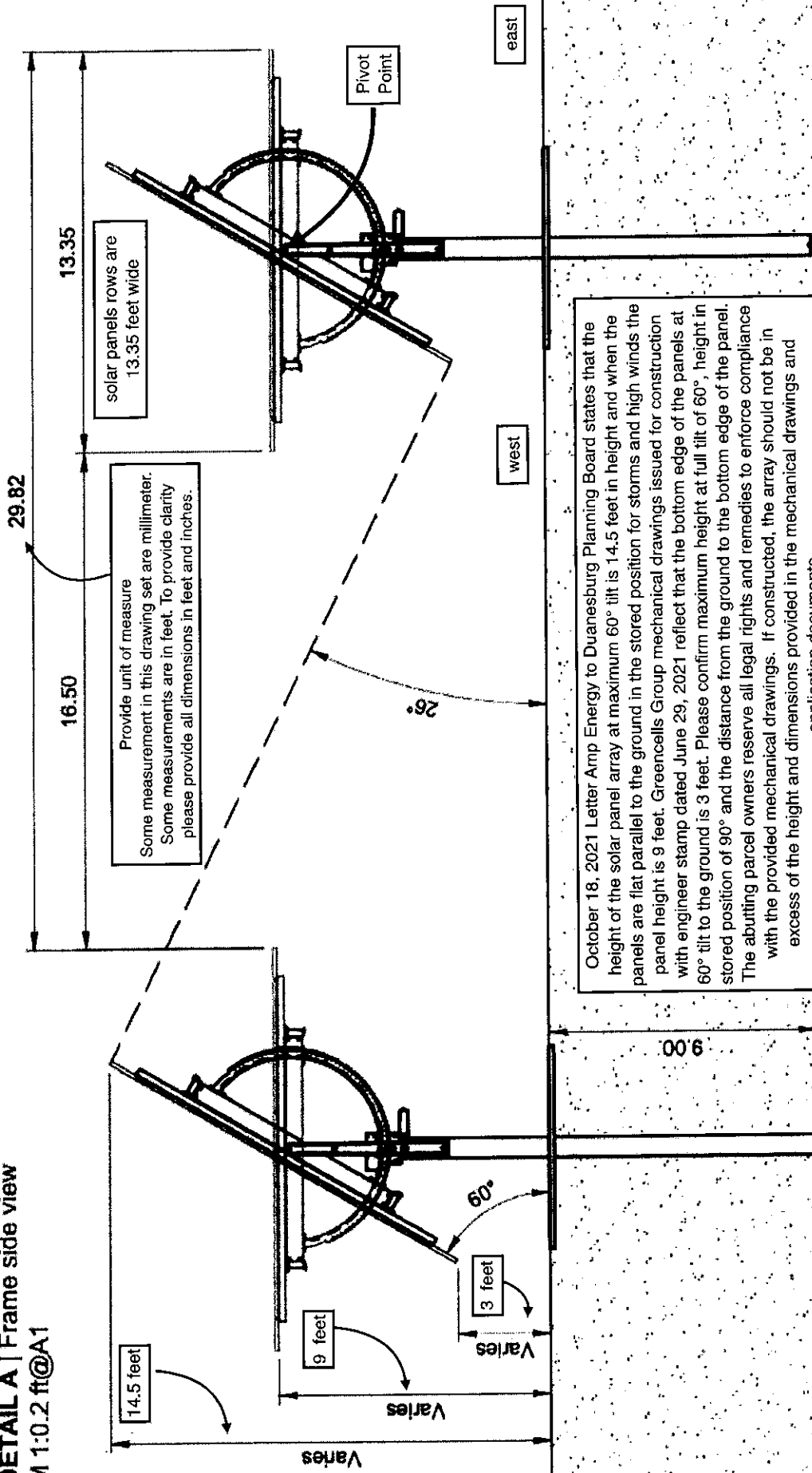
Tracker panels rotate  
east to west

water flow



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**DETAIL A | Frame side view**  
**M 1:0.2 ft@A1**



Provide unit of measure  
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 Some measurements are in feet. To provide clarity  
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October 18, 2021 Letter Amp Energy to Duaneburg Planning Board states that the height of the solar panel array at maximum 60° tilt is 14.5 feet in height and when the panels are flat parallel to the ground in the stored position for storms and high winds the panel height is 9 feet. Greencells Group mechanical drawings issued for construction with engineer stamp dated June 29, 2021 reflect that the bottom edge of the panels at 60° tilt to the ground is 3 feet. Please confirm maximum height at full tilt of 60°, height in stored position of 90° and the distance from the ground to the bottom edge of the panel. The abutting parcel owners reserve all legal rights and remedies to enforce compliance with the provided mechanical drawings. If constructed, the array should not be in excess of the height and dimensions provided in the mechanical drawings and application documents.

**TABLE A | Piles quantity for different pole length range**  
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PO Box 160  
Quaker Street, NY 12141

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

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

February 7, 2022

Dear Chairman Schmitt and the Planning Board,

Please include my letter in the planning board member's binders for review at the February 2022 planning board meeting, or at the next applicable meeting for review of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project").

#### **FENCE**

Amp Energy (the "Applicant") October 18, 2021 letter to the Board page 22 item number 77 states: "The fence height was increased to eight feet to provide additional site security and ensure compliance with all codes." The Applicant's January 6, 2022 Site Plan Revision F Drawing Number C5.01 Sheet 21 of 29 detail for "FIXED KNOT FARM FENCE" reflects that the fence height is eight (8) feet.

The Town of Duanesburg 2015 Zoning Ordinance Section 5.7.1 restricts fence height to six (6) feet.

In August 2018 the Duanesburg Planning Board (the "Board") hired Doug Cole, P.E. of PrimeAE to be the town engineer to review Eden Renewable's Application for the Project. In July 2021 the Board hired Mr. Cole as the town engineer to review the Applicant's June 2021 amendment to the September 19, 2019 "Town of Duanesburg Planning Board Resolution Approving Special Use Permit, Subdivision and Site Plan for Eden Renewables Oak Hill Solar Energy Projects - 1206 Oak Hill Road". The Resolution incorrectly identifies the project site as 1206 Oak Hill Road. The correct address is 13590 Duanesburg Road.

The town engineer's August 14, 2021 letter to the town code enforcement officer, Dale Warner, page 1 section IFC Site Plan Drawings and Summary of Changes Letter number 1 states "Per the local solar law, the site is enclosed by a minimum 6' fence for security."

The town engineer's September 15, 2021 letter to the town code enforcement officer page 1 section IFC Site Plan Drawings number 1 states "An 8' fence has been provided as it will meet the requirements stated in the 2017 National Electric Code (NEC) as followed by New York State. The fence requirement is stated in NEC Article 110.31. A fixed knot fence will be used, we find this to be acceptable."

The town engineer's letters to the town planner dated October 15, 2021 and November 18, 2021 appear not to mention the fence. Amp's drop box as linked to the Duanesburg planning board webpage, <https://www.duanesburg.net/planning-board>, does not contain any correspondence from PrimeAE after November 18, 2021

It appears that the town engineer and the town code enforcement officer failed to notify the planning board that the Project's fence height of eight (8) feet is not in compliance with the Town of Duanesburg 2015 Zoning Ordinance 5.7.1 limiting fences to six (6) feet in height.

It appears that the town engineer and town planner failed to notify the planning board that since at least October 2019 the New York State Energy Research and Development Authority (the "NYSERDA") requires that battery energy storage facilities comply with 2021 International Fire Code (the "IFC") even if it is more restrictive than local municipality requirements.

The May 2018 through February 2022 zoning board meeting minutes reflect that the Project has not appeared before the Duanesburg Zoning Board of Adjustments for a zoning variance for an eight (8) feet in height fence, which is two feet in excess of the 2015 zoning ordinance limiting fence height to six (6) feet.

I request that the town board and planning board require both Oak Hill Solar projects to comply with the town's 2015 zoning ordinance and request the Zoning Board for a variance in fence height prior to any planning board action.

Additionally, the 2021 IFC may require a chain link fence for battery energy storage facilities. A fixed knot fence on wooden posts may not meet IFC 2021 requirements. I request that the planning board and zoning board provide written verification of 2021 IFC requirements for fence height and fence material for battery storage to the public during their review process.

#### **NOISE**

The June 29, 2021 Mechanical Drawings for Oak Hill Solar 2, LLC are stamped by engineer Wolfgang U. Fritz and are found in Amp drop box folder "Prime AE Review Specific Documents". The two sets of mechanical drawings reflect many motors for tracking solar panels that are less than 150 feet from the Project's property lines. Specification sheets for the motors are not readily found in Amp's drop box. The decibel rating for the motors appears not to be provided.

It appears that the town engineer and town code enforcement officer may have failed to consider the tracking motors when reviewing the Applicant's August 25, 2021 Noise Analysis. It appears that the charging and discharging of battery energy storage may not have been considered. Based upon my onsite tours of utility scale solar energy resources using tracking photovoltaic panels I find it very unlikely that the Project will be in compliance with Duanesburg Solar Law 3.j which requires no discernible difference from existing noise levels at the property line.

Curiously, it appears that the town engineer and town compliance officer did not reference Duanesburg Solar Law 3.j. during their 2019 review or in their 2021 review of the Project. I request that the Applicant provide specification sheets for all noise generating equipment that may be used on the Project site. I request that the town engineer and town code enforcement officer give the Applicant's sound analysis report and all equipment specification sheets a long hard look for compliance with Solar Law 3.j.

As of time of writing, my acoustic engineer has not provided their peer review of the Project's August 25, 2021 Noise Analysis Report. As of February 6, 2022 the Applicant's drop box does not contain any further information for a noise analysis report. If the Board received any updated information on the Project's noise analysis I would like the information promptly forward to me at [lynnebruning@gmail.com](mailto:lynnebruning@gmail.com). I hope to provide my acoustic engineer's important peer review to the Board before their scheduled February 17, 2022 meeting and will keep you informed of their progress.

### **CONCLUSION**

Based upon the application document to date as provided through Amp's drop box the Amendment for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC should be denied due to lack of compliance with the town's comprehensive plan, zoning ordinance and solar law. I request that the planning board perform a site visit and gather more data before taking any action on the Project.

Thank you for your time and consideration.

Respectfully,  
Susan Biggs  
Lynne Bruning  
720-272-0956  
[lynnebruning@gmail.com](mailto:lynnebruning@gmail.com)

cc: Supervisor William Wenzel  
Town Board member

## Melissa Deffer

---

**From:** lynne bruning <lynnebruning@gmail.com>  
**Sent:** Monday, February 7, 2022 3:52 PM  
**To:** Melissa Deffer; Jennifer Howe  
**Cc:** ganster.matthewd@gmail.com; Joshua Barnes; Susan Biggs; Pamela Rowling; wallace johnson; Marcelline Fusilier  
**Subject:** Oak Hill Solar October 1, 2021 EAF v SWPPP Area Post Development Figure 2  
**Attachments:** 2022 02 07 Bruning to Pllanning Board -merged compressed pdf.pdf

**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.

Dear Planning Clerk and Town Clerk,  
Attached is a PDF containing a two page letter concerning Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC and five color images concerning possible discrepancies in existing forest acres on the project site.  
Please provide this information to the planning board and town board members.  
Please include this letter and supporting documents in the official planning board meeting minutes as posted on the town website.  
Please confirm receipt of this email to [lynnebruning@gmail.com](mailto:lynnebruning@gmail.com).  
Thank you for your time and consideration.  
Respectfully,  
Lynne Bruning  
720-272-0956  
[lynnebruning@gmail.com](mailto:lynnebruning@gmail.com)

PO Box 160  
Quaker Street, NY 12141

Jeffery Schmitt, Chair  
Planning Board  
Town of Duaneburg  
5853 Western Turnpike  
Duaneburg, New York 12056

Transmitted via email: mdeffer@duaneburg.net and jhowe@duaneburg.net

February 7, 2022

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

Dear Jeffery Schmitt,

On November 23, 2021 Amp Energy submitted a single drawing sheet labeled "EAF v SWPPP Area Post Development Figure 2" which is dated October 1, 2021. It appears that this drawing omits an existing marsh, emerging wetlands and drainage on the south eastern portion of tax id parcel 74.00-2-5.2 abutting tax id parcels 74.00-3-16.3 and 74.00-3-16.121. This marsh drains to the north. The proposed access road may be constructed to the west of the marsh lands. See Figure 1.

The drawing legend found in the lower right corner identifies 24.680 acres of forest on the project site after project completion. This figure matches the November 8, 2021 Full Environmental Assessment Form Part 1.E.1.b. found in the Applicant's online drop box which is linked from the planning board webpage.

Curiously, drone images from December 21, 2021 reflect that the Project site has forested lands in the south west portion Oak Hill Solar 1, LLC tax id parcel 74.00-2-5.2. See Figure 2 and Figure 3 and Figure 4. The rest of the site appears to be clear of mature growth forest.

Schenectady County Internet Mapping System has not updated their base image since 2018. A screen shot captured February 6, 2022 reflects that additional forest in the north west portion of Oak Hill Solar 1, LLC tax id 74.00-2-5.2. This forest may have been clear cut between October 2018 and June 2019. Schenectady County SIM reflects that the existing forest shown in the drone image may be 15.8 acres. See Figure 4. The height of these mature growth trees appear to cast long shadows on the proposed solar arrays to the south.

There appears to be a discrepancy between the Applicants self reported 24.680 acres of forest on the project site and the images taken on December 21, 2021. I request that the town board and planning board perform a site visit to view the current conditions of forested acres and determine if trees have been clear cut. The removal of forest may change the stormwater drainage which may negatively impact the abutting parcels.

Thank you for your time and consideration.

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

Enc: Figure 1 Annotated October 1, 2021 EAF v SWPPP Area Post Development Figure 2  
Figure 2 December 21, 2021 view from 74.00-3-18 to the west to Oak Hill Solar  
Figure 3 November 2, 2021 view from tax id parcel 74.00-3-16.3 to the south west  
Figure 4 November 2, 2021 view from Duanesburg Road west to Oak Hill Solar  
Figure 5 Schenectady County Internet Mapping System forested acres



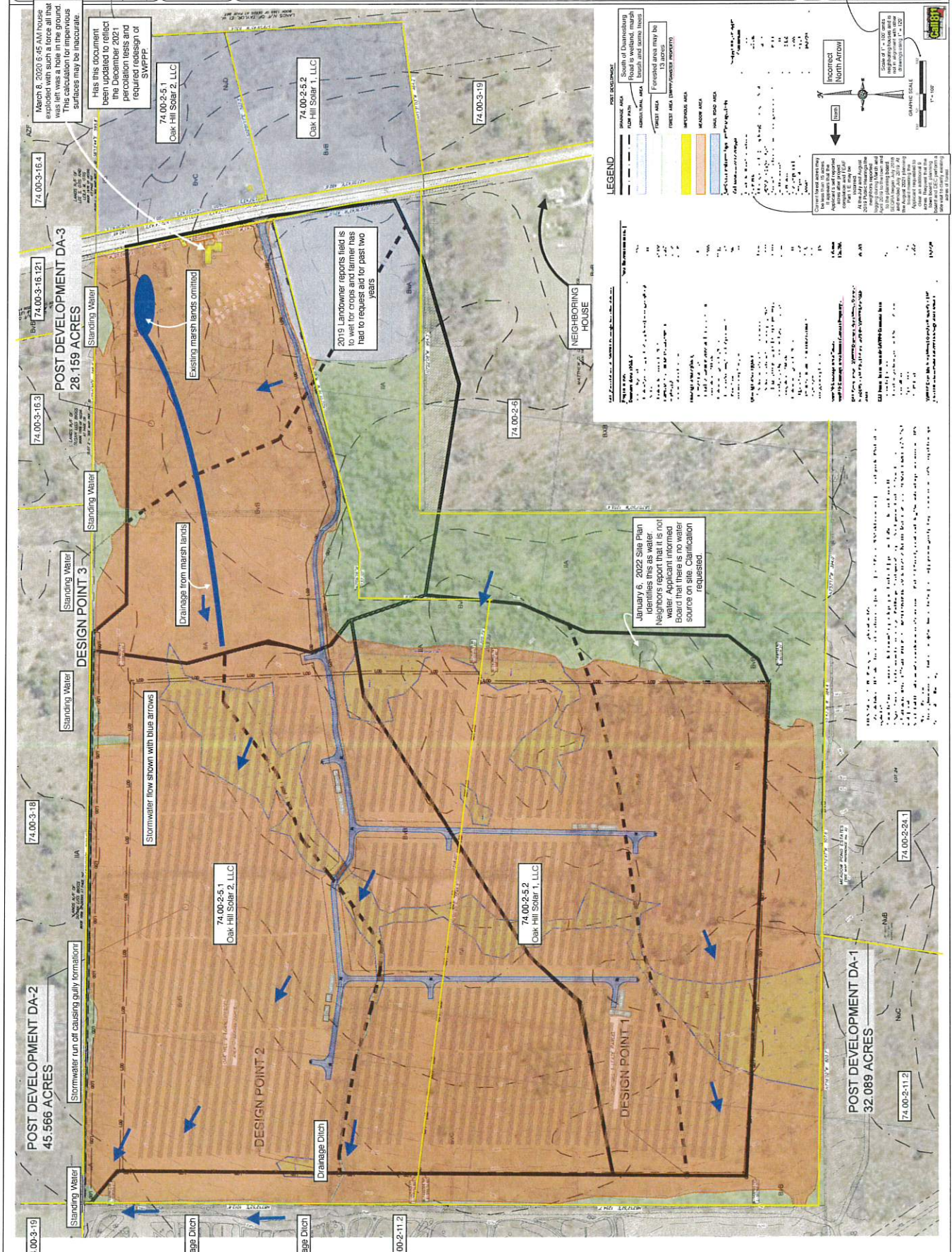




FIGURE 2

This may be less than 15 acres of mature growth forest on the combined Oak Hill Solar project site

74.00-2-24.1

74.00-2-5.2  
Oak Hill Solar 1, LLC

74.00-2-11.2

74.00-2-5.1  
Oak Hill Solar 2, LLC

800 feet north of  
Duaneburg Road

74.00-3-16.3

535 feet

1,500 feet north of  
Duaneburg Road

74.00-3-18

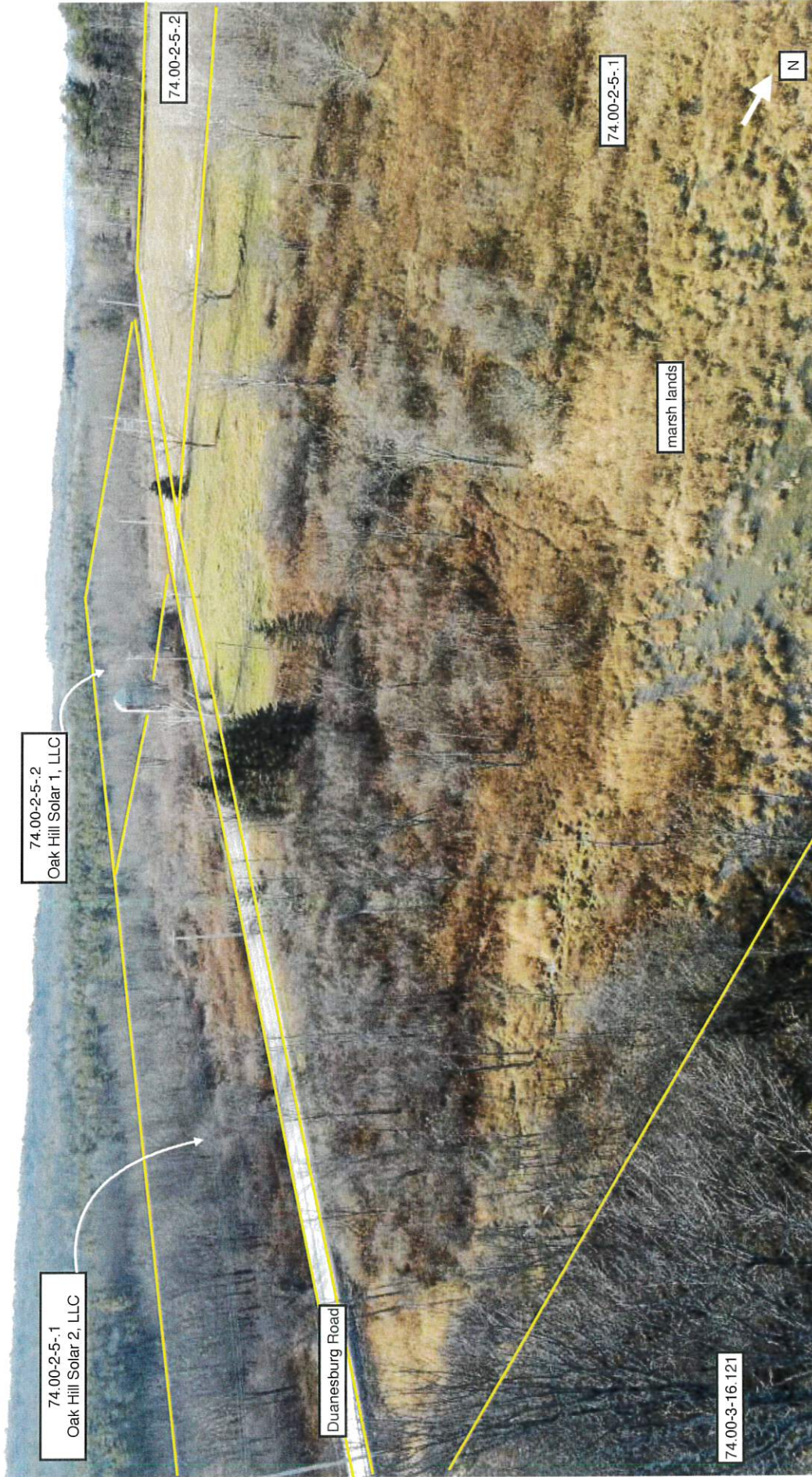
open fields and mowed pathways

Neighboring  
House

December 21, 2022  
View from tax id parcel 74.00-3-18 west to Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC



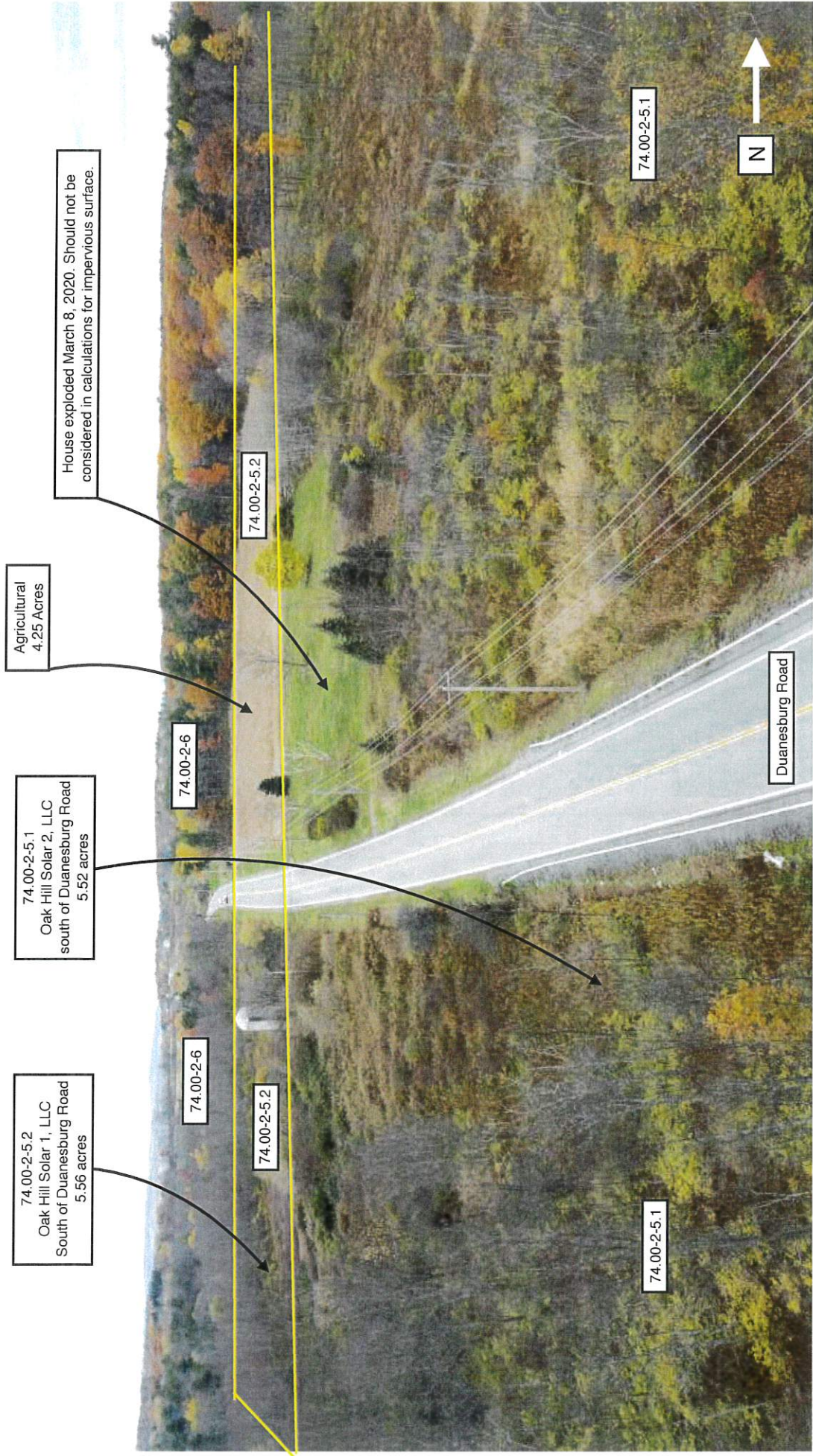
FIGURE 3



November 2, 2021 view from tax id parcel 74.00-3-16.3 to the south west overlooking Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC.

Oak Hill Solar parcels south of Duaneburg Road are wetlands, some trees and brush. There is a dilapidated silo and a shed on the southern parcels. Existing marsh lands on south east portion of Oak Hill Solar 2, LLC tax id parcel 74.00-2-5 and north of Duaneburg Road. This marsh drains to the north and west. On March 8, 2020 the dilapidated house on Oak Hill Solar 2, LLC site north of Duaneburg Road exploded with such a force only a hole was left in the ground. The agricultural lands on the Oak Hill Solar 1, LLC are wet and the farmer is unable to bring in his crops.

FIGURE 4



November 2, 2021 view of Duanesburg Road, NYS Route 7, to the West Oak Hill Solar 1, LLC tax id 74.00-2-5.2 and Oak Hill Solar 2, LLC tax id 74.00-2-5.1 are divided by Duanesburg Road. The lands south of Duanesburg Road are wetlands, brush and some trees.

Figure 4



February 6, 2022 Schenectady County Internet Mapping System uses image from 2018 as a base map. Satellite imagery from Planet.com reflects that the site may have been cleared of forest between October 2018 and June 2019 while SEQRA was in effect. Current conditions reflect mature old growth forest in the south west portion of the Project site. Using the measure tool for acres it appears that only 15.8 acres of forest may remain on the project site. The November 8, 2021 Full Environmental Assessment Form Section E and the May 2021 "EAF VS SWPPP AREA- POST DEVELOPMENT" Drawing FIG-2 Sheet 1 of 1 reflects 24.68 acres of forest after project completion. The Applicant documents may not be in agreement with actual conditions. We request that the town board and planning board perform a site visit to confirm acres of forest. Any additional forest removed may be in violation of the town Solar Laws 3.c. a minimum of twenty-five-foot perimeter buffer, consisting of natural and undisturbed vegetation, shall be provided around all mechanical and solar panel arrays to provide screening to adjacent properties and to minimize glare on adjacent properties and Solar Law 3.f. limiting clear cutting to 20,000 sq.ft. Any removal of forest may increase storm water run off into abutting parcels.

## Melissa Deffer

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**From:** wallace johnson <wallaceij@hotmail.com>  
**Sent:** Monday, February 7, 2022 4:21 PM  
**To:** Melissa Deffer; Jennifer Howe; Bill Wenzel; Jeffery Schmitt  
**Subject:** Oak Hill Solar 1 and 2  
**Attachments:** PLANNING BD FEB 2022.docx

**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.

Please distribute to members of the planning board.

Please confirm receipt of this email and attachments.

This was sent earlier, but failed to transmit, so I am sending again.

Best regards,  
Wallace I. Johnson

February 7, 2022

Jeffrey Schmitt, Chairman

Town of Duanesburg

5853 Western Turnpike

Duanesburg, NY 12056

Dear Chairman Schmitt and Planning Board Members

Wallace I. Johnson has a shared interest with Pamela Rowling, Owner parcel 74.-3-19 comprised of 71.4 acres on Youngs Road, and abutting the proposed Oak Hill Solar 1, LLC, and Oak Hill Solar 2, LLC proposed solar farm development.

We have significant concerns regarding run off water management during the construction and post construction phases of the project.

Over a period of many years, I used said parcel for our hay farming business, and worked closely with the Schenectady County Soil & Water Conservation District, to maximize crop yields while maintaining crops consistent with appropriate soil conservation practices. We were apprised by the agency that the soils in this parcel were classified as "Highly Erodible" with very limited ability to absorb water and help control run off and the sceptor of erosion.

The SWPP (6 January 2022) proposes to manage surface water flow to send the water "off site". Off site happens to be our property, and due to the topography, we will be the target for the drainage from Oak Hill Solar, which will result in property that is too wet for agriculture, and unsuitable for any type of structure construction.

Oak Hill Solar 1 and 2 should not be issued any permits prior this issue is being satisfactorily resolved.

Thank you for your time and consideration in this matter.

Wallace I. Johnson

1204 Youngs Road

Delanson, NY 12053

## Melissa Deffer

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**From:** Marcelline Fusilier <fusilier1986@yahoo.com>  
**Sent:** Monday, February 7, 2022 5:07 PM  
**To:** Melissa Deffer; Jennifer Howe  
**Cc:** Lynne Bruning; Marcelline Fusilier  
**Subject:** Oak Hill 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.

To the Duanesburg Planning Board:

I oppose the Oak Hill Solar project due to incomplete and inaccurate application documents. It appears that the project may not be in compliance with Solar Law 3.j. limiting noise at the property line to no discernible difference. We urge the planning board to not take any action on the project until a full noise analysis including all noise generating equipment is provided to the board.

Thank you

--Marcelline Fusilier  
13910 Duanesburg Road, Delanson, NY 12053



The Town of Duanesburg Planning Board has completed an environment assessment of the proposed minor subdivision consisting of two lots. Lot #1 consisting of 10.7 acres with 43.46' road frontage (variance required) and Lot #2 consisting of 5.61 acres with 60' road frontage. The proposed subdivision is consistent with the Town Comprehensive Plan and compliant with the Zoning Ordinance for the R-2 Agricultural Residential Zoning District. There is anticipated construction of single family dwellings on each lot. The proposed action will have little or no effect on the existing character of the community with no aesthetic impacts anticipated. The proposed action will not have an impact on the environmental characteristics that would cause the establishment of a Critical Environmental Area. The proposed action will have little or no impact or any adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway. The proposed action will have little or no impact on energy usage. Any construction will require a well to be drilled and a permit from Schenectady County Health Department for a Septic System. The Parcels are not listed on the National Register of Historic Places and have no known archaeological sites. The subdivision is not within a 100 year flood plain or remediation site. The proposed action should not increase any potential erosion or flooding, future construction will have limited disturbance, include appropriate stormwater controls. NYSDEC has records of rare, threatened and endangered species, primarily the Northern Long Eared Bats have been identified. Any tree removal activities must occur between October 31st and March 31st. If these dates can not be accommodated, an on-site assessment by the DEC staff will be required. The proposed action should not create a hazard to environmental resources or human health.

Therefore, based on this information, the Planning Board has determined that the proposed Minor Subdivision will not have any significant adverse impacts on the environment and a Negative Declaration is made for the purposes of Article 8 of the Environmental Conservation Law.

Duanesburg Planning Board

Jeffrey Schmitt

Chairman

COPY

Resolution

Town of Duanesburg Town Planning Board

January 20, 2022

Issuing a Special Use Permit for Motor Vehicle Sales under Duanesburg Local Law #6 of 2017 and Duanesburg Zoning Ordinance Section 8.4(18)

Moved by Novak; Seconded by Harris.

**Whereas**, Jules Obour, the owner of SBL #74.00-2-9 located at 13998 Duanesburg Road applied for a special use permit to allow him to sell motor vehicles;

**Whereas**, the application for Minor Motor Vehicle Sales was submitted to the Town of Duanesburg on August 6, 2021, accompanied by among other documents a completed Short EAF;

**Whereas**, the Building Inspector's determination confirmed that a special use permit was required for the project and that a total of two vehicles only could be offered for sale from the Property based on the limitations of Local Law #6 of 2017;

**Whereas**, the application was reviewed by the Town Planning Board at its meetings in August and September and determined to be complete at its October 19, 2021 meeting;

**Whereas**, a duly noticed public hearing was held on the application for a special use permit on November 18, 2021 at which public hearing members of the public commented on the application and the Planning Board heard and considered all public comments both written and oral and closed the public hearing;

**Whereas**, the Town Planning Board reviewed the Short EAF and has completed the attached Parts 2 and 3 of the EAF (attached hereto) on the proposal to offer no more than two vehicles for sale at the property;

**Now, therefore, be it resolved** that the Town Planning Board has reviewed the Short EAF Part 1 and the attached Parts 2 and 3 and determines that this application is an unlisted action pursuant to SEQRA and that an uncoordinated review will be undertaken and that the Town Planning Board will act as lead agency;

**Be it further resolved** that the Town Planning Board as SEQRA lead agency hereby adopts the SEAF Parts 2 and 3 and finds that no significant adverse environmental impact will occur as a result of offering for sale two motor vehicles from this property and determines that no Environmental Impact Statement will be prepared for this application;

Be it further resolved that the Town Planning Board hereby grants the special use permit for the offering of sale of no more than two motor vehicles from this property subject to the following conditions:

1. The Applicant Mr. Obour must be licensed by the NYS Department of Motor Vehicles as a dealer/seller of the motor vehicles in New York State;
2. The motor vehicles must be inspected and capable of being licensed to be offered for sale;
3. The motor vehicles are to be stored as shown on the approved sketch plan which has space for three vehicles, dated 9/30/21;
4. The special use permit will be subject to being revoked in the event that the property is not kept in good condition in compliance with local law # 6 of 2017, the conditions of the special use permit and the regulations and requirements of the Town of Duanesburg, Schenectady County and New York State;
5. The Applicant shall obtain any highway permits necessary from the NYS Department of Transportation for the project;
6. No sign has been proposed for the property – if a sign is desired a permit must be obtained from the Town of Duanesburg Building Inspector;
7. The Applicant has represented to the Planning Board that the cars will be offered for sale over the internet and that no on-site advertising will occur;
8. No repair of motor vehicles on this property is authorized by this special use permit; and
9. No site disturbance or grading is authorized by this special use permit.
10. The property is limited to have no more than 2 unlicensed cars at one time.
11. The Building Inspector shall inspect the condition of the property on at least an annual basis.

By (unanimous/majority) vote of the Planning Board of the Town of Duanesburg at its regular meeting of February 17<sup>th</sup>, 2022.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Jeffrey Schmitt, Planning Board Chair	x		
Elizabeth Novak, Board Member	x		
Michael Harris, Board Member	x		
Joshua Houghton, Board Member	x		
Matt Hoffman, Board Member	x		
Michael Santulli, Board Member	x		
Michael Walpole, Board Member	x		

Planning Board of the Town of Duanesburg

\_\_\_\_\_  
Jeffrey Schmitt, Planning Board Chair

\_\_\_\_\_  
Date