Town of Duanesburg
Planning Board Agenda
September 16th, 2021

Town of Duanesburg is inviting you to a scheduled Zoom meeting.
Topic: Town of Duanesburg's Planning Board Zoom Meeting
Time: This is a recurring meeting Meet anytime
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INTRODUCTION BY CHAIRPERSON JEFFERY SCHMITT:

OPEN FORUM: One presentation per individual MAXIMUM 4 minutes on items not on the agenda.

PUBLIC HEARINGS:
#21-12 Sexton, Phill: SBL 64.00-1-32.2, (R-2) Located at 389 Old Highway 30 is seeking a Special Use Permit under section 3.5.60 Dwelling, Two-Family; Section 8.4.8; section 14.6.2 of the Town of Duanesburg Zoning Ordinance.
Approved: Yes_____ No: _____
Comments: _____
_____

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

NEW BUSINESS:
#21-03 Sisson, Joe and Debbie: SBL#52.00-1-41, (R-2) located at Braman Corners Rd is seeking a 3 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance.

Comments: _____

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#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 2017of the Town of Duanesburg Zoning Ordinance Section 8.4(18).

Comments: _____

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SKETCH PLAN REVIEW:

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

Comments: _____

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#21-15 Valley Mobile Home Court: SBL# 55.00-4-11.6, (C-2) located at 6204 Duanesburg Rd is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Comments: _____

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Other:

None

Minute Approval:

August 19th, 2021, PLANNING BOARD MEETING MINUTES:

Approved: Yes_____ No: _____

Comments: _____

_____

ADJOURNMENT

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

TOWN OF DUANESBURG
SCHENECTADY COUNTY

PUBLIC HEARING
LEGAL NOTICE
FOR THE
TOWN OF DUANESBURG
PLANNING BOARD

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, THAT THE PLANNING BOARD OF THE TOWN OF DUANESBURG, NEW YORK, WILL MEET AT THE TOWN HALL IN THE TOWN OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **SEPTEMBER 16th, 2021,** AT **7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE APPLICATION OF:

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

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS. PLEASE CONTACT:

Melissa Deffer Building, Planning and Zoning Clerk
5853 Western Turnpike
Duanesburg, NY 12056
P# 518-895-2040

BY ORDER OF THE TOWN OF DUANESBURG
PLANNING BOARD
CHAIRPERSON

VERDANTERRA

Verdanterra
37 Bailey Avenue
Latham, NY 12110
(518) 857-7169

August 27, 2021

Dale Warner
Town Planner / Building Inspector / Code Enforcement Officer
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12053

Re: Oak Hill Solar
13590 Duanesburg Road, Duanesburg, NY 12053
Issued for Construction (IFC) Plans
Town Engineer Comment Response Letter

Dear Mr. Warner:

Greencells USA, Inc. plans to install a solar generation facility at 13590 Duanesburg Road, Duanesburg, NY. We are in receipt of the comment letter dated August 14, 2021, prepared by Douglas P. Cole, PE from PRIME AE Group of NY. The comments are listed below and addressed in bold.

IFC Site Plan Drawings and Summary of Changes Letter

1. Per the local solar law, the site is enclosed by a minimum 6' fence for security.
   Response: An 8' fence has been provided as it will meet the requirements stated in the 2017 National Electrical Code (NEC) as followed by New York State. The fence requirement is stated in NEC Article 110.31. We do not plan to use a barbed wire fence. A fixed knot fence will be used as it will be more aesthetically pleasing for the site.

2. The fence signs and plaques appear to be in compliance with the local solar law standards.
   Response: Comment noted.

3. The 25' undisturbed buffer required for screening as described in the local solar law is being complied with as all proposed construction and clearing is shown to take place 100' from the adjacent lots on the plans. There could be cause for concern that there is not sufficient screening on the west side of the site, however, there is currently no developed land on the adjacent property where this would be a potential issue.
   Response: Additional screening (tree buffer) along the western border of the parcel/projects was not contemplated because the projects are already screened effectively by existing forest on the host parcel, whereas the eastern border required additional uninterrupted screening on the host parcel.

4. Evergreen tree plantings are proposed on the east side of the property to provide screening along the Susan Liss Briggs property line, which was agreed to for the prior site plan approval.
   Response: Comment noted.

5. It appears the largest portion of the property that will have clear-cutting of trees is the south-western most part of the facility as per a review of Google-maps. This section appears to require approximately 9 acres of clear-cutting which is not in accordance with Town Solar code which only permits 20,000 sf of clear cutting in one location. Therefore, a variance may be required.

Response: The area for tree clearing is within the lease area and limits of disturbance. A check of Google Earth shows their latest aerial as June 2018. The current existing tree lines within this area have been surveyed by Environmental Design Partnership, LLP (EDP) dated November 8, 2018 and are represented on the IFC plan set. The area shown to be cleared within the southwestern portion of the facility is approximately 0.27 acres (less than the 20,000 sf of clear cutting allowed in one location). See IFC plan sheet C1.01.

6. Lot coverage does not appear to exceed 60% of the total lot, therefore it meets the requirement of the local solar law.
Response: Comment noted.

7. The closest inverter to a parcel boundary is the most north-eastern inverter at about 600' from the adjacent property, also owned by Richard Murray. The next closest inverter to property not-owned by Mr. Murray is approx. 750' from lands owned by Joshua Barnes. The applicant should provide information regarding noise levels produced by proposed inverters.
Response: At full power, the inverters generate <79 dBA measured next to the inverter. A setback of 750' to the nearest property is a very reasonable setback distance to mitigate adverse effects as a result of inverter operation. The Solar Farm Noise Analysis Report prepared by EDP on August 25, 2021 shows how the noise levels will be significantly reduced at a setback distance of 750 feet and is provided as part of this submission.

8. All proposed development, save for the evergreen plantings, are within the requirements of a 100' setback as required by local solar law.
Response: Comment noted.

9. Total area of construction disturbance should be identified on the plans. Applicant should provide a breakdown of types of disturbances anticipated and the quantity of each.
Response: The plans have been revised to show the limits of disturbance and a breakdown of the types of soil disturbance anticipated (temporary and permanent) with the quantity of each. See Sheet C0.01.

10. Applicant should include a detail of proposed pads and a schedule of dimensions and quantities of each in the plans.
Response: The plans have been revised to include typical structural pad details. See Sheet S1.01. Additional structural pad details will be developed after construction permit submission.

11. It appears that infiltration trenches are to surround all proposed equipment and pads. Applicant should verify and provide calculations that the bearing capacity of soils, with no dispersion of moment (given that the trenches do not allow for such), can support the concrete pads and the equipment they intend to support.
Response: Typical structural pad details have been developed and the infiltration trench locations have been revised so there is no dispersion of moment. Soil bearing capacity calculations are not provided.

12. The proposed facility falls within the R-2 zoning district and may be permitted for construction by the issuance of a special use permit in this district.
Response: Comment noted.

13. Access roads for maintenance and emergency services are shown, utilizing existing pathways to the greatest extent practicable as in accordance with local solar law. There are turnarounds at each location of inverters and storage containers for ease of navigation as required by local law. NYSFC 2020 specifies and requires fire apparatus access roads to have an unobstructed width of 20' in

section 503.2.1. There is an exception to this requirement described in section 503.1.1 where an approved fire code official may exempt a fire apparatus road from this requirement. We received correspondence from the Esperance Fire Chief, written 9/18/2019, that he found the access road acceptable on the prior plans. It should be noted that the State Fire Code has been revised since the issuance of this correspondence. Therefore, an updated approval from the local fire department should be obtained by the applicant. Furthermore, we have no record that the Esperance Fire Chief is considered an approved fire code official as defined by the NYS Fire Code. The applicant must obtain approval by an approved fire code official as defined by the NYS Fire Code for this pervious access road as shown and specified.
Response: Dale Warner, the Town of Duanesburg Fire Code Official, has reviewed the submitted plans and discussed with the fire chief of the Esperance Fire Department. Under Section 503.1.1 Exception 2, the Fire Apparatus Road may be modified to 10 foot (10') in width as approved in the previous site plan, provided a two foot (2') shoulder on each site to prevent overgrowth and a maximum of 9 percent grade are included as part of the modification. 14 foot (14') roadways are designed within the project area and were approved per the previous site plan.

14. Note that maximum grade on the access road appears to be 12%. NYSDOT recommends commercial driveways to not exceed 10%. The applicant should consider revising the maximum slope.
Response: The plans have been revised to show the access road maximum slope is 9% slope as stated by Dale Warner. See response to IFC Plan Site Plan Drawings and Summary of Changes Letter Question 13.

15. For wetland disturbances, the most-eastern access-road-crossing appears to be about 100' long and at least 14' wide. This would equate to 1,400 sf. If additional trenching were to take place adjacent to the road for the medium voltage trench, that would be approximately another 200 sf. Making this disturbance alone equate to approx. 0.04 acres of disturbance. The second wetland, access-road-crossing appears to be identified properly in square footage. The total disturbance of wetlands from this work would equate to 0.043 acres. Please reconsider the total disturbances for this item – USACE and NYSDEC permit applications may need to be revised accordingly.
Response: The plans have been revised and wetland disturbance numbers have been updated based on access road and underground conduit locations. USACE will be notified of the changes and an updated USACE permit will be forthcoming.

Site Plan C2

1. Site plan was submitted for review, comments can be seen in the IFC plans section.
Response: Comment noted.

Grading Plan C3

1. Site plan was submitted for review, comments can be seen in the IFC plans section.
Response: Comment noted.

IFC Landscape & Planting Plan

1. Landscape and Planting Plan are the same. One of the drawings should be removed for clarity.
Response: The additional landscape plan was provided for clarity as requested by the Town of Duanesburg Planning Board. Tree labels and callouts were cleaned up for the Town's use. Only one landscape plan is provided for the IFC plan set.

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2. The plan specifies mountain laurels but states that the scientific name is Morella Pensilvanica. The scientific name for mountain laurels is Kalmia Latifolia. The scientific name specified is for Northern Bayberry. The scientific name and common name should agree for the intended species.
Response: The plans have been revised to denote the correct scientific name for mountain laurels.

3. The applicant should clarify why plantings are proposed on the easterly side of the lot and not the westerly side as the westerly side also borders a residential property.
Response: Additional screening (tree buffer) along the western border of the parcel/projects was not contemplated because the projects are already screened effectively by existing forest on the host parcel, whereas the eastern border required additional uninterrupted screening on the host parcel.

IFC Mechanical Drawings 1 & 2

1. A key should be added to the drawings as well as the height of the solar panels identifying the height at maximum tilt.
Response: The height at maximum tilt has been added to the drawings.

2. Units should be included for each dimension. English units would be preferred. Units should be consistent throughout set.
Response: The racking system has been designed using the metric system. We have confirmed with the mechanical designer that metric units have been used consistently throughout the IFC Mechanical Drawing set.

3. Equipment parts should be labeled.
Response: The racking installation manual will be provided which includes labels for all the equipment parts, which are listed on page 31.

IFC Electrical Drawings 1&2

1. We have received the IFC Electrical Plans 1 & 2, however, they have not been reviewed. It is our understanding that the building code officer shall review and approve these plans prior to issuance of a building permit.
Response: Comment noted.

SWPPP

1. Section 3, the first sentence only describes the SWPPP as applying to stormwater management during construction and not post-construction which is required, given that this is a project classified in Table 2 "Construction Activities that Require the Preparation of a SWPPP that Includes Post-Construction Stormwater Management Practices" of Appendix B "Required SWPPP Components by Project Type". This should be revised.
Response: The SWPPP has been revised to include stormwater management in post-construction.

2. Section 3, paragraph 2 says inspection will only occur during construction until final stabilization has been achieved. As this is a project classified in Table 2 of Appendix B, post construction stormwater management inspections will be required. This section should be revised.
Response: The SWPPP has been revised to include stormwater management in post-construction.

3. Section 4 should be revised to state that the SWPPP should be modified to document final construction conditions as well.

Response: The SWPPP has been revised to include documentation for final construction conditions.

4. Section 4 should be revised to state that revisions to the SWPPP shall be submitted to the NYSDEC as well as the Town of Duanesburg.
   Response: The SWPPP has been revised to include NYSDEC in SWPPP revision submittals.

5. Section 5 should be revised to include mention of the various wetlands on the project site.
   Response: The SWPPP has been revised to include descriptions of the various wetlands on the project site.

6. Section 5.1 should be revised to include a breakdown of soil groups present on the site by percentages.
   Response: The SWPPP has been revised to include a breakdown of the soil group percentages.

7. Drawing C8 shows phasing of the project. This phasing should be identified and discussed how it is incorporated to the sequencing of the project in Section 8.
   Response: The SWPPP has been revised to include how the phasing has been incorporated into the sequencing of the project. See end of Section 8.

8. Section 8 should include a detailed proposed schedule of construction and preparation of the site, as the overall schedule identified in the NOI indicates the project construction may take approximately 2 years and the submitted FEAF indicates a duration of 12 months.
   Response: The EAF and NOI have been modified to show a construction schedule of 12 months. A detailed proposed construction schedule is unavailable and based on several conditions such as phasing, site conditions, weather conditions, soil stabilization, etc.

9. SWPPP should be revised to describe minimum erosion and sediment control practices directly associated with each construction activity in accordance with Part III B.e. in the General SPDES permit. A schedule should be provided of when each method will be installed, how long it will remain and the conditions that allow for removal.
   Response: Scheduling soil erosion control measures to be used and to be removed is based on several conditions such as construction schedule, phasing, site conditions, weather conditions, soil stabilization, etc. Therefore, a schedule cannot be provided.

10. The details provided in the drawing set show many proposed E&SC measures included as included in Table 3 and even more NYS Standards and Specifications for Erosion and Sediment Control were included in the Appendix, however there are details and specifications of practices not described in the SWPPP in this Appendix which makes it discursive and unnecessary. The methods not referenced in the SWPPP or planned to be employed at this site should be removed from the Appendix. Descriptions and details need to be descriptive yet concise.
    Response: See Appendix G for New York State Standards and Specifications for Soil Erosion Controls and SWPPP Section 9.3 for additional soil erosion controls not described in Appendix G. The full New York State Standards and Specifications for Erosion and Sediment Control are included in Appendix G to cover measures to be used and possible additional measures that may be used for construction.

11. The level of description given for timber matting and temp. stockpiling should be used as an example for how all other erosion control methods listed in table 3 should be described in the SWPPP. Please revise as such.

Response: Descriptions of the timber matting and temporary soil stockpiling are not included within the New York State Standards and Specifications for Soil Erosion Controls. Therefore, these practices are described here. See Appendix G for descriptions of additional erosion control methods used for this project. See SWPPP Section 9.3. The full New York State Standards and Specifications for Erosion and Sediment Control are included in Appendix G to cover measures to be used and possible additional measures that may be used for construction.

12. Sodding is listed in Section 26 of NOI but is not listed in table 3 of the SWPPP. This should be revised.
Response: The SWPPP has been revised to include Sodding in Table 3.

13. Level spreader is not included in the SWPPP despite reference to this practice in the plans -- SWPPP should be revised accordingly.
Response: The SWPPP has been revised and the use of level spreaders has been included.

14. In Section 10.2, it is unclear where 0.0878 (units?) is being sourced from and why the total value is being multiplied by 43,560. The A value is supposed to be the contributing area in acres for the Water Quality Volume calculation. The site itself is approximately 141 acres and the area of disturbance is 69.72 acres according to the FEAF submitted. It should be clarified where these values originate. Furthermore, A and Ac are not equivalent, so wherever 0.0878 and 43,560 originate for the Water Quality Volume, they cannot be used in the same place for the Runoff Reduction Volume. Finally, Section 10.3 describes the total contributing area of the site to be 91.93 acres – if this can be confirmed as accurate, this is the value that should be used as A in the water quality volume assessment.
Response: The water quality calculations were developed from the drainage areas for the actual BMP's. Water quality is designed for impervious areas. The site has a total of 0.0918 acres of impervious cover (updated from the previous number of 0.0878 acres). This was designed with localized BMP's to control water quality and RRv. The water quality calculations provided are allowed based on April 16th, 2018 memorandum from the New York State Department of Conservation (NYSDEC) included in Appendix D of the SWPPP.

15. The site was identified to be approximately 141 acres in Section 5, however Section 10.3 describes the total contributing area of the site to be 91.93 acres. If anything, the contributing flow area of the site should be at least 141 acres.
Response: The project is located on two properties containing approximately 141 acres. However, the drainage area affecting the project area is 101.87 acres. A substantial portion of the actual property is not being disturbed nor drains into the project. The drainage area was modified per the additional comments.

16. Upon review, we disagree with the sub-catchment boundaries shown in Appendix J, The Stormwater Management Report. For example, the western boundary along the access road would indicate a high spot or ridge where the area outside of the boundary would drain to a separate location. The contour map shows that this is not the case.
Response: The western side of the project all drains to the west and offsite. Drainage area three has been modified to include additional drainage area. This additional area will be untouched in the post-development condition.

17. Sub-catchment 3 currently shows that in all design storms, the flows are unchanged. However, as a majority of the pervious access road is proposed in this currently-defined sub-catchment, it can be presumed that the flows would decrease in this area if the existing impervious access road is being

reconstructed. Additionally, contributing flow areas beyond the parcel boundaries should be shown if they are projected to affect the site.
Response: The drainage area has been modified in drainage area three as requested. Due to the small amount of added haul road in comparison to the overall drainage area there is no calculated increase in runoff in the HydroCAD calculations.

18. Qp, Qf, and Qf calculations should be summarized in the body of the SWPPP.
Response: The SWPPP has been revised to include the calculation summary in Section 10.4.

19. Total area of disturbance and total area of new impervious cover should be stated in SWPPP.
Response: See Stormwater Management Report Appendix J Section 1.0 for total area of disturbance and new impervious cover numbers.

20. Post-construction stormwater control practices employed are supposed to treat the increase in stormwater flows created by the site development per the NYS Stormwater Design Manual. Calculations should be provided to show how infiltration trenches were sized to show sufficient volume for treatment. It is seen that calculations are included in an appendix; however, these calculations should be summarized in the body of the SWPPP. This summarization should include dimensions of infiltration trenches.
Response: The infiltration trenches have been designed to address the water quality and recharge volume. The sizing was completed by calculating the volume of stone within each trench and the assuming a void ratio of 40% to calculate the volume of each trench. This is summarized in the Stormwater Management Report Appendix J Table 1. The dimensions are provided on IFC Plan Sheet C5.01.

21. Please elaborate as to what is meant by the following statement which is included in the description of Infiltration Trenches: "These trenches will not be used to treat stormwater quantity". As complete storm water quantity for the site should be treated by post-construction storm water management practices, if this is accurate, additional post-construction storm water management practices must be considered.
Response: The level spreaders were designed for the plan in order to address the April 16th, 2018 memorandum from the New York State Department of Environmental Conservation (NYSDEC) included in the Appendix D of the SWPPP. This memorandum provides guidance on stormwater control for solar projects. The level spreaders were designed to promote sheet flow in areas where ground slope is greater than 5%.

22. The most recent version of the letter from the Fish and Wildlife Service as submitted to USACE should replace the 2018 letter currently in the SWPPP as an exhibit.
Response: The SWPPP has been revised to include the most recent version of the Fish and Wildlife Service letter dated August 2, 2019.

23. There are (2) copies of the contractor certification form in the SWPPP, one signed and one incomplete. The incomplete version should be removed.
Response: The incomplete contractor certification form is included for subcontractor certification if/when subcontractors will be on site.

24. SWPPP Inspection Reports should include sections that ask the inspector if improvements are required to the stormwater management practice. There should be an area that describes maintenance preformed on the site during inspection or since the last inspection.

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Response: The Maintenance and Inspection Form under Appendix I and the SWPPP Inspection Form Template under Appendix L have been revised to include sections that the SWPPP inspector can describe the maintenance performed on site during or since last inspection.

25. SWPPP should describe the frequency of inspections to take place.
Response: See SWPPP Section 12.2 for frequency of inspections to take place.

26. Appendix K should have a table to include the date an amendment was made, the name of the qualified amender, their signature and a description of the amendment made.
Response: The SWPPP has been revised to include a table with the information requested.

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

1. If the SWPPP is revised, each certification shall be re-signed.
Response: Comment noted.

NOI for Coverage under Stormwater General Permit for Construction Activity

1. The answer to 5 is "no" but according to the phasing plan included in the plans, that does not seem to be accurate. Please clarify and revise appropriately.
Response: The phasing plan is broken down into areas up to 5 acres of disturbance. See IFC plan sheet C8.00. Therefore, we will not be disturbing more than 5 acres at one time unless a waiver is requested.

2. The answer to 7 is "no" but according to the phasing plan included in the plans, that does not seem to be accurate. Please clarify and revise appropriately.
Response: eNOI phasing as asked by Question 7 is specific to if a project will have different components that requires it to start and stop. This project will be constructed at one time. The phasing described in this project is construction phasing which has been developed in order to meet construction disturbance limits of 5 acres at one time.

3. Number 8 has a start date in the past without a building permit obtained yet, this date should be revised accordingly.
Response: The start date has been modified in the NOI.

4. Number 9 – there are wetlands on the site that should be identified and discussed.
Response: Number 9 has been addressed on the NOI. Schoharie Creek is the nearest waterbody where construction site runoff will discharge to. Other waterbodies are noted as USACE wetlands off site (Number 9a).

5. Topsoiling and Protecting Vegetation During Construction are practices listed in table 3 of the SWPPP but are not listed in Section 26 of NOI. This should be revised.
Response: Topsoiling has been added to the vegetative measures in number 26 of the NOI.

6. Section 27 – answer should be provided or clarity as to why this has no answer.
Response: The site planning practices listed under Question 27 do not apply to this project.

7. Section 28 – If WQv is revised in SWPPP, this will subsequently need to be revised.
Response: The Water Quality Volume while changed slightly remains correct in the NOI.

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8. Section 30 – current RRV listed here does not match what is in the SWPPP (.002 af vs .02 af). If RRV is revised in SWPPP, this will subsequently need to be revised.
   Response: The RRv has been corrected in the NOI.

9. Section 31 – according to the SWPPP, RRV is written as .002 af which is less than .008. Clarity should be provided on this. If RRv is truly .002 and RRv is truly .008, Section 31 will need to be revised and 32-36 will need to be revised.
   Response: The site has very minimal localized proposed impervious cover. Therefore, the RRv is very small. NOI Questions have been modified to address minor plan changes.

USACE Permit Package

1. Original USACE letter states that construction may commence as long as construction complies with Nation Wide Permits 12 & 14 in Section B. This letter was issued on September 26, 2019. USACE shall make a determination on the modified project plans before construction may commence. This determination shall be forwarded to the Town for review prior to construction.
   Response: Comment noted.

2. For wetland disturbances, the most-eastern access-road-crossing appears to be about 100' long and at least 14' wide. This would equate to 1,400 sf. If additional trenching were to take place adjacent to the road for the voltage trench, that would be approximately another 200 sf. Making this disturbance alone equate to approx. 0.04 acres of disturbance. The second wetland, access-road-crossing appears to be identified properly in square footage. The total disturbance of wetlands from this work would equate to 0.043 acres. Please reconsider this item – USACE and NYSDEC permit applications may need to be revised accordingly.
   Response: The plans have been revised and wetland disturbance numbers have been updated based on access road and underground conduit locations. USACE has been notified of the changes and an updated USACE permit will be forthcoming.

3. Note: SHPO no impact letter dated 6/4/2019 was included in this submission.
   Response: Comment noted.

4. Note: NYS Fish and Wildlife letter dated 8/2/2019 was included in this submission which mentions the possible presence of Northern Long-eared bats in the vicinity. Tree removal as a part of this project should occur within DEC recommended timelines for this species.
   Response: Comment noted.

NYSDOT Application and Minor Commercial Driveway Plans

1. We have received a copy of the NYSDOT submitted plans for the driveway and the application for construction permit. NYSDOT shall review and approve these plans and application prior to issuance of a Town building permit. Approved permit shall be provided to the Town for record.
   Response: NYSDOT has approved the driveway permit for this project. A copy of the permit is included in this submission and will be provided to the Town for record.

Agricultural Data Statement

1. It does not appear that this item was delivered for our review.
   Response: Comment noted.

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Full EAF Part 1 & Summary of Changes Letter

1. Changes to the acreage to be physically disturbed increased from 0.89 acres to 69.72. The original acreage only accounted for the access road, utility line trenching and equipment pads. The new stated acreage reflects the site's limit of disturbance. This is the possible disturbance that will be encountered during construction.
   Response: Comment noted.

2. Applicant indicates in question D.1.e that the project will be completed in a 12-month period, however the submitted NOI states that the project may take approximately 2 years. Applicant should clarify the construction time frame.
   Response: The NOI has been updated to show a 1-year construction time frame from 10/1/21 to 10/1/22.

3. Question D.1.g the applicant stated there would be new non-residential construction but did not answer the subsequent questions D.1.g.i,ii,iii. Applicant should indicate the number of structures, dimensions in fee of the largest proposed structures including height, width and length, and if any space is to be heated or cooled.
   Response: The EAF has been revised to denote the BESS structure as the largest proposed structure on site and space that shall be heated or cooled.

4. Original EAF stated 550 sf of utility trench and 2,143 sf of limited use pervious gravel for the access road. This differs from the statement in the Summary of Changes that states it was reduced from 1,585 sf to 990 sf. The revised EAF correctly reflects the reduced wetland disturbance of 990 sf.
   Response: The EAF has been modified to show the revised wetland disturbance based on the updated IFC Plan set.

5. Question D.2.e. states an increase in impervious acreage due to the increase in equipment pad size. Applicant has also updated the new point sources to include energy storage system pads and DC-DC converter pads.
   Response: Comment noted.

6. Question D.2.m.i was left unanswered. Applicant should provide the details of the noise level including sources, time of day and duration.
   Response: The EAF has been modified to provide noise level details. At full power, the inverters generate <79 dBA measured next to the inverter. A setback of 750' to the nearest property is a very reasonable setback distance to mitigate adverse effects as a result of inverter operation.

7. The Applicant has listed changes to question E.1.b under the Acreage After Project Completion and Change columns, however the Current Acreage column differs from the original EAF. Applicant should clarify the difference in current acreage listed for forested, meadows, grasslands, or brushlands, and agricultural land use/cover type.
   Response: There are no changes under the Current Acreage column between the original EAF Part 1 dated/signed 7/19/18 approved under Negative Declaration and the revised EAF Part 1 dated 7/28/21.

8. The Applicant has changed their response to question E.3.b from the original EAF and was not noted in the Summary of EAF Part 1 Changes. The Applicant has indicated that the project location has highly productive soils present and subsequently provide the acreage and soil rating details.
   Response: There are no changes under question E.3.b between the original EAF Part 1 dated/signed 7/19/18 approved under Negative Declaration and the revised EAF Part 1 dated 7/28/21.

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Full EAF Part 2

1. Applicant has indicated in their answer to question 9, Impact on Aesthetic Resources, that the project would have no impact on aesthetic resources. A Visual Impact Assessment was done in 2019 with findings that concluded there would be no impact.
   Response: Comment noted.

Full EAF Part 3

1. Although it was stated there would be no visual impact, the Applicant has included additional screening to provide evergreen plantings along on the back side of the property within the field of view of the neighboring property.
   Response: Comment noted.

Decommissioning Plan Summary of Changes Letter

1. Changes Include:
   a. Appendix 1: Site Location Plan – The site plan has been updated to include the latest overall site plan from the Issued for Construction drawings.
   b. Appendix 2: Breakdown of decommissioning costs – an updated decommissioning cost estimate is included in the Revised Oak Hill Community Solar 1 And 2 Decommissioning Statement. The overall cost estimate increased from $211,381.00 (2019 estimate) to $221,379.50 (2021 estimate) per project. Below is a summary of the changes.
   c. Reductions to the cost of Fence Removal with Gate and CCTV, and Removal of Posts due to the decreased array footprint and related design changes.
   d. Reduction to the cost of Remove & Dispose of Central Inverters due to the move from distributed to centralized inverters.
   e. Increase to the cost of Removal of Gravel Access Road due to the expansion of the access road network.
   f. Increase to the cost of storage disposal due to the updated energy storage design.
   g. Appendix 4: The Irrevocable Standby Letter of Credit has been replaced with the Decommissioning Performance Bond form agreed to in June 2021.
   h. Appendix 5: Form of Bond Email Correspondence – new appendix containing an email record of the form of bond correspondence.
   i. Appendix 6: Energy Storage Decommissioning Narrative – new appendix containing a narrative explaining the energy storage decommissioning process and providing a breakdown of the storage decommissioning cost estimate.
   Response: Comment noted.

Decommissioning Agreement Executed

1. Decommissioning Agreement was for the 2019 project and is no longer applicable.
   Response: Comment noted.

Revised Decommissioning Statement

1. Decommissioning plan should state clearly what the total of the combined projects are for clarity, as it is not mentioned throughout the decommissioning plan what total cost for the 2 projects together will be.

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Response: The aggregate proposed decommissioning fund total for the combined projects has been added to the Revised Appendix 2 – 8/26/2021, which is added to this submission.

2. Underground conduit is not discussed for removal in the plan. Plan, subsequently, should be revised to include this.
   Response: The removal of underground conduit was included in the Removal of Underground Wires and Backfill item in the Estimated Decommissioning Cost. The line item has been renamed Removal of Underground Wires and Conduits and Backfill to minimize confusion.

3. Submitted IFC plans do not seem to include CCTV but CCTV removal is included in the summary analysis. Please revise or clarify.
   Response: The CCTV inclusion in the Estimated Decommissioning Cost was a clerical error. CCTV has been removed from the Revised Appendix 2 – 8/26/2021.

4. Removal costs should be revised to clarify whether labor, transport and machinery required is included in each item. If each item does not include these costs, they should be revised.
   Response: Labor, transport, and machinery costs are included in each line item. Clarification verbiage has been added to Revised Appendix 2 – 8/26/2021.

5. Based on plans at a scale of 1"=120', length of fence in its entirety appears to be approximately 8,300 lf. If dividing the cost and quantity of decommissioning evenly amongst the two projects, the length of fence for one project would be 4,150 lf. Please verify length of fence and update plans or decommissioning costs accordingly.
   Response: Verifying the approximately 4,150 lf of fence length per project. Revised Appendix 2 – 8/26/2021 has been updated to reflect this value.

6. Wiring length based on profile and station appears to be at least 4,800 lf. If dividing the cost and quantity of decommissioning evenly amongst the two projects, the length of wiring for one project would be approx. 2,400 lf. Please verify length of wiring and update plans or decommissioning costs accordingly.
   Response: Verifying the approximately 2,400 lf of medium voltage wire length. Revised Appendix 2 – 8/26/2021 has been updated to reflect this value.

7. If the intention is not to split the decommissioning between the two projects individually, there should be a separate cost break down for each of the 2 projects.
   Response: The Revised Appendix 2 – 8/26/2021 includes separate breakdowns for each project. The aggregate project costs across both projects and individual project costs are both included in the Revised Appendix 2 – 8/26/2021.

8. The original cost estimate from 2019 reflects the same unit cost/item. It is likely that costs from labor and decommissioning equipment would have increased in this time frame. The unit cost/item should be reevaluated.
   Response: The project team does not believe that there has been a meaningful unit cost increase. The NYSERDA Fact Sheet: Decommissioning Solar Panel Projects document, which informed the project team's 2019 decommissioning estimates was likely published by NYSERDA in 2018 or 2019. The project team is not positive regarding the publication date. NYSERDA's Decommissioning Solar Panel Systems: Information for local governments and landowners on the decommissioning of large scale solar panel systems, which was published in August 2020 and lists 2021-05-06 as its "update time" on the NYSERA website, contains the same costs. Decommissioning Solar Panel Systems: Information for local governments and landowners on the decommissioning of large scale solar panel systems is attached to this submission.

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9. The storage facilities are listed as N/A for the costs. Please update the quantities and costs per unit. Or provide elaboration as to why this is stated as such.
Response: The BESS containers will be transported to their manufacturing facility where they will be recycled. This is common practice as to how these containers are handled. Therefore, there is no salvage value for the BESS containers under the decommissioning cost. See the Battery Energy Storage System-Specific Decommissioning Plan Section 5.1.

10. It appears the Town Attorney's office has been consulted on the preparation of the Decommissioning Bond.
Response: Comment noted.

Glare Analysis and Module Specifications

1. According to local solar code, solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. The Glare Analysis was performed at two neighboring homes. The analysis used software that evaluates the likelihood of glare at a given position, minute by minute for an entire year and found that no glare is predicted for each location. We find this conclusion satisfactory.
Response: Comment noted.

2. We believe an observation should be taken from Route 7 to prove compliance with local solar code.
Response: A glare study / visual assessment of Route 7 performed by Environmental Design Partnership, LLP (EDP) is complete and has been included in this submission.

Battery Storage Specification and Photos

1. Battery images were provided and reviewed. No comments.
Response: Comment noted.

Pervious Access Road Questions Received by the Town from Concerned Citizen

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

1.q. Do solar access roads have a weight limit requirement?
1.a. It has been our experience that they do not have a weight limit requirement, but they have been designed and developed with materials for heavy truck traffic at low volume (fire truck, tanker truck, etc.)

1. We believe the applicant should provide bearing calculations for the proposed access road to handle the largest fire truck from the local fire company.
Response: The pervious haul road detail included in the plan is a NYSDE pre-approved direct substitute for the impervious road detail. Similar to the impervious road detail, there are no load restrictions for the pervious haul road detail. Both details are applicable for heavy duty construction equipment travel, similar to heavy fire trucks, under low volume. Potential localized subgrade failures resulting in rutting will be evident during construction and repaired accordingly. Materials used for the pervious haul road are approved by NYSDEC and NYSDOT. The pervious haul road has been installed in areas within the region and has not seen any issue with heavy truck traffic at low volume. See 3.a. below for sites within the region where the pervious haul road has been installed. See the previously submitted Mirafi BXG110 geogid specifications.

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2.q. Are the access roads required to withstand a 40-ton tanker truck?
2.a. The access roads use materials that can withstand a 40-ton tanker truck. The Mirafi BXG110 geogrid specified in the design can be used for construction equipment / heavy equipment travel. See attached for Mirafi BXG110 geogrid specification.

2. We believe the applicant should provide bearing calculations for the proposed access road to handle the largest fire truck from the local fire company.
Response: The pervious haul road detail included in the plan is a NYSDE pre-approved direct substitute for the impervious road detail. Similar to the impervious road detail, there are no load restrictions for the pervious haul road detail. Both details are applicable for heavy duty construction equipment travel, similar to heavy fire trucks, under low volume. Potential localized subgrade failures resulting in rutting will be evident during construction and repaired accordingly. Materials used for the pervious haul road are approved by NYSDEC and NYSDOT. The pervious haul road has been installed in areas within the region and has not seen any issue with heavy truck traffic at low volume. See 3.a. below for sites within the region where the pervious haul road has been installed. See the previously submitted Mirafi BXG110 geogid specifications.

3.q. Will the access roads withstand winter plowing? Battery storage fires can happen at any time. It makes sense that emergency access roads are required to be kept clear throughout the winter.
3.a. The pervious haul access roads can withstand winter plowing. There are sites within the capital region that use the pervious haul road design and have not had issues with plowing. Some of these sites are CCR - Ellsworth 1 & 2 in Halfmoon, NY, Forefront – Bethlehem-LaGrange in Bethlehem, NY, and Forefront – Guilderland in Guilderland, NY.

3. If these sites are designed with the same specifications, we find this answer satisfactory.
Response: Comment noted.

4.q. Is there a width limitation to this detail? NYSERDA requires battery energy storage to follow the 2021 International Fire Code even if it is more restrictive than local law. Approved site plans may require amendments expanding the width of the road to meet 2021 IFC. How wide can this detail go?
4.a. The pervious haul roads have been designed with a width of 14'. This width in combination with the truck turnarounds has been approved by the fire chief (email correspondence attached) during the original application. We also provided the fire chief with the updated road layout in an email communication on July 28, 2021 and did not receive any comments. It is our strong preference to keep the road width at 14' to limit the disturbance on site. Please let us know if you require further discussion on this point.

4. NYS Fire Code does specify and require fire apparatus access roads to have an unobstructed width of 20' in section 503.2.1. There is an exception to this requirement described in section 503.1.1 where an approved fire code official may exempt a fire apparatus road from this requirement. We received correspondence from the Esperance Fire Chief, written 9/18/2019, that he found this access road acceptable. It should be noted that the State Fire Code has been revised since the issuance of this correspondence. Therefore, an updated approval from the local fire department should be obtained by the applicant. Furthermore, we have no record that the Esperance Fire Chief is considered an approved fire code official as defined by the NYS Fire Code. The applicant must get approval by an approved fire code official as defined by the NYS Fire Code for this pervious access road as shown and specified.
Response: Dale Warner, the Town of Duanesburg Fire Code Official, has reviewed the submitted plans and discussed with the fire chief of the Esperance Fire Department. Under

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Section 503.1.1 Exception 2, the Fire Apparatus Road may be modified to 10 foot (10') in width as approved in the previous site plan, provided a two foot (2') shoulder on each site to prevent overgrowth and a maximum of 9 percent grade are included as part of the modification. 14 foot (14') roadways are designed within the project area and were approved per the previous site plan.

52'x8' Enclosure Drawings

1. We acknowledge that we have received these details.
   Response: Comment noted.

2. These plans should be reviewed by the Building Code Enforcer, as it is under their jurisdiction.
   Response: Comment noted.

Powin Fire Alarm SOP

1. Emergency contact information in the Purpose section is incomplete.
   Response: The emergency contact information in the Purpose section is updated and included in this submission.

2. This Safety Guide should be presented to the local fire department response team, so they have on file and are aware of the specific requirements of the site before it is required during an emergency.
   Response: The Safety Guide has been shared with the local fire department.

Permit VS IFC Comparison Plan

1. Limits of disturbance are identified on the plan but the corresponding breakdown of area of disturbances are missing.
   Response: The plans have been revised to show the limits of disturbance and a breakdown of the types of soil disturbance anticipated (temporary and permanent) with the quantity of each.

2. The original permit approved easement was 50' wide for ingress and egress and utilities.
   Response: Comment noted.

3. The original permit was approved for a 14' wide pervious gravel access road.
   Response: Comment noted.

We are in receipt of the comment letter Addendum #1 dated August 19, 2021, prepared by Jeffrey D. Trzeciak, PE from PRIME AE Group of NY. The comments are listed below and addressed in bold.

Powin 53' Enclosure Stack Drawings

1. We have received the Powin 53' Enclosure Stack Plans, however, they have not been reviewed. It is our understanding that the building code officer shall review and approve these plans prior to issuance of a building permit.
   Response: Comment noted.

UL 9540A Test Date Letter

1. The letter stated that the Stack 230 Module was tested per UL 9540A but the Test Report was not attached stating the results. We request the results of the test be provided for review.

VERDANTERRA

Response: The UL 9540A test report is provided as part of this submission.

Amp Storage System Risk Mitigation Strategy

1. It is noted that batteries will comply with National Fire Code (NFPA 1), International Fire Code (ICC IFC-2018), National Electrical Code (NFPA 70) and Standard for the Installation of Stationary Energy Storage Systems (NFPA 855) as stated.
   Response: Comment noted.

2. The gases that may be vented are listed in the Fire and Off-Gas Emergency Procedure. Applicant should verify if these gases can be vented safely and in accordance with DEC and DOH codes and/or recommendations.
   Response: The Powin enclosures are fitted with alarms for smoke, high temperature, and hydrogen. The high temperature alarm is adjustable and typically set to 40°C (104°F). Two separate hydrogen sensors are placed at strategic locations throughout the enclosure and can detect hydrogen at levels significantly below the lower explosive limit (LEL). Alarms will trigger the HVAC system to change damper positions and start evacuating the air from the enclosure.

3. Multiple items are said to have "very high melting points" – applicant should describe these melting points and state the expected internal temperature of the enclosures in months of June, July and August.
   Response: The enclosures and stacks are mostly steel (enclosure, cable trays, and stack frames), with the cells themselves being predominately Lithium iron phosphate and graphite. Individual cells are wrapped in polypropylene (CAS Number 9003-07-0) which has the lowest melt point of any of the construction materials at 157°C (315°F).

Fire and Off-Gas Emergency Procedure

1. Applicant should verify that the gases that may be vented can be vented safely and in accordance with DEC and DOH codes and/or recommendations.
   Response: The Powin enclosures are fitted with alarms for smoke, high temperature, and hydrogen. The high temperature alarm is adjustable and typically set to 40°C (104°F). Two separate hydrogen sensors are placed at strategic locations throughout the enclosure and can detect hydrogen at levels significantly below the lower explosive limit (LEL). Alarms will trigger the HVAC system to change damper positions and start evacuating the air from the enclosure.

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

1. We acknowledge we have received these items, no comments at this time.
   Response: Comment noted.

VERDANTERRA

If you have any questions regarding the enclosed information, please contact me at (518) 857-7169 or cconnelly@verdanterra.com.

Sincerely,
Verdanterra, LLC

Christopher W. Connelly, PE
Civil Engineer

cc: Douglas P. Cole, PRIME AE Group of NY
Jeffrey D. Trzeciak, PRIME AE Group of NY
Terresa Bakner, Town of Duanesburg Attorney
Kevin Foster, AMP Energy
Nicole LeBlanc, AMP Energy
Bill Pedersen, AMP Energy
Taras Bezchlbnyk, AMP Energy
Pallav Shah, AMP Energy
Dirk Vollbrecht, Greencells USA, Inc.
Brandon Smith, Greencells USA, Inc.
File

permit, a Notice of Termination (NOT) form should be completed and submitted to the Department.

- MS4 SWPPP Acceptance Form (PDF) dated January, 2015
  This form is used by a regulated, traditional land use control Municipal Separate Storm Sewer System (MS4) (e.g. town, city or village) to indicate acceptance of a SWPPP it has reviewed.
- SWPPP Preparer Certification (PDF)
  This form is to be used as part of the "Required SWPPP Components" section when preparing & submitting the eNOI.
- Owner/Operator Certification (PDF)
  This form is to be used as part of the "Owner/Operator Certification" section when preparing & submitting the eNOI.

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

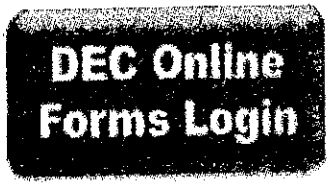
***** Please be reminded that beginning December 21, 2020 you must use the eNOI when seeking coverage under the Construction General Permit (GP-0-20-001). See Part II.B.2. of GP-0-20-001. See instructions for completing the eNOI below. The instructions are also located on the following webpage:**
https://www.dec.ny.gov/chemical/43133.html

Also, please make sure you are using the SWPPP Preparer Certification form and Owner/Operator Certification form for GP-0-20-001. They are located on the webpage identified above and can be downloaded using the links on the eNOI.

Information on Completing the eNOI and other Forms Required the GP-0-20-001:

The Notice of Intent for Construction Activity must now be completed online through the DEC nForm Portal (leaves DEC website). **Users must be registered with NY.gov in order to use this system.** User guides and help on registering for the portal are available below and on the portal information webpage.

The following forms are needed to comply with the requirements of the General Permit for Stormwater Discharges from Construction Activity - GP-0-20-001:



Click for the eBusiness Portal

- The Notice of Intent is a request for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities.
  - Online eNOI - click the "Online Forms Login" button on the right of the page.
    - eNOI Questions & Answers (PDF) - Q&A for many common questions on the electronic Notice of Intent
    - eNOI PowerPoint presentation (PDF) - Slides, with notes, on how to fill out the eNOI.
- Notice of Termination (PDF) for Construction Activities dated January, 2015
  When a construction project is complete and has met the requirements of the construction

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505
P: (518) 402-8111 F: (518) 402-9029
www.dec.ny.gov

8/31/2021

Oak Hill Solar 1, LLC & Oak Hill Solar 2, LLC
Brandon Smith
3414 Peachtree Road Suite 1500
Atlanta, Georgia 30326

RE: ACKNOWLEDGMENT of NOTICE OF INTENT for Coverage Under SPDES General Permit for Storm Water Discharges from CONSTRUCTION ACTIVITY – General Permit No. GP-0-20-001

Dear Prospective Permittee:

This is to acknowledge that the New York State Department of Environmental Conservation (Department) has received a complete Notice of Intent (NOI) for coverage under General Permit No. GP-0-20-001 for the construction activities located at:

Oak Hill Solar 1 & 2
13590 Duanesburg Road
Duanesburg, NY 12056

County: **SCHENECTADY**

Pursuant to Environmental Conservation Law (ECL) Article 17, Titles 7 and 8, and ECL Article 70, discharges in accordance with GP-0-20-001 from the above construction site will be authorized **5** business days from **8/25/2021,** which is the date we received your final NOI, unless notified differently by the Department.

The permit identification number for this site is: **NYR11I676**. Be sure to include this permit identification number on any forms or correspondence you send us. When coverage under the permit is no longer needed, you must submit a Notice of Termination to the Department.

This authorization is conditioned upon the following:

1. The information submitted in the NOI received by the Department on **8/25/2021** is accurate and complete.

2. You have developed a Stormwater Pollution Prevention Plan (SWPPP) that complies with GP-0-20-001 which must be implemented as the first element of construction at the above-noted construction site.

3. Activities related to the above construction site comply with all other requirements of GP-0-20-001.

4. Payment of the annual $110 regulatory fee, which is billed separately by the Department in the late fall. The regulatory fee covers a period of one calendar year. In addition, since September 1, 2004, construction stormwater permittees have been assessed an initial authorization fee which is now $110 per acre of land disturbed and $675 per acre of future impervious area. The initial authorization fee covers the duration of the authorized disturbance.

5. When applicable, project review pursuant to the State Environmental Quality Review Act (SEQRA) has been satisfied.

6. You have obtained all necessary Department permits subject to the Uniform Procedures Act (UPA). You should check with your Regional Permit Administrator for further information.

***Note: Construction activities cannot commence until project review pursuant to SEQRA has been satisfied, when SEQRA is applicable; and, where required, all necessary Department permits subject to the UPA have been obtained.**

Please be advised that the Department may request a copy of your SWPPP for review.

Should you have any questions regarding any aspect of the requirements specified in GP-0-20-001, please contact Dave Gasper at (518) 402-8114.

Sincerely,

David Gasper

David Gasper
Environmental Engineer

cc: RWE - **4**
SWPPP Preparer
Christopher Connelly
Connelly Christopher
601 Technology Drive
Canonsburg, Pennsylvania 15317

APPLICATION FOR THE PLANNING BOARD
TOWN OF DUANESBURG
Revised 06/02/2020 –MD

*************FOR OFFICE USE ONLY**************

CHECKLIST OF REQUIRED INFORMATION:

- ☒ Title of drawing.
- ☒ Tax Map ID #
- ☒ Zoning district
- ☒ Current Original Deed
- ☒ NYS Survey (L.S. & P.E.)
- ☒ North Arrow, scale (1"=100').
- ☒ Boundaries of the property plotted and labeled to scale.
- ☒ School District/Fire District
- ☒ Green area/ landscaping
- ☒ Existing watercourses, wetlands, etc.
- ☒ Contour Lines (increments of 10ft.)
- ☒ Easements & Right of ways
- ☒ Abutting Properties Wells/ Sewer Systems within 100ft.
- ☒ Well/ Water system
- ☒ Septic system: Soil investigation completed?
- ☒ Sewer System: Which district?
- ☐ Basic SWPPP (1≥)
- ☐ Full Storm Water Control Plan (More than an acre)
- ☒ Other (Building Set Backs)
- ☒ Storm Water Control Plan
- ☒ Short or long EAF www.dec.ny.gov/eafmapper/"
- ☐ Street pattern: Traffic study needed?
- ☐ All property Mergers **REQUIRE** both owners Signatures on the Application

Additional Requirements for Special Use Application:

- ☒ New or existing building proposed building set setbacks
- ☒ **Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, & lighting plan**

80' F
40' S
80' R

Date ____________

Application type: ☒ Major Subdv ☐ Minor Subdv ☐ Special Use Permit ☐ Site/ Sketch Plan Review ☐ LotLine Adjust

Proposal: ____________________

____________ Section ____________ of ____________ Ordinance.

Present Owner: Joseph Dibbon And Debra J. Sawyer (AS APPEARS ON DEED!!)
Address: 978 Sister Church Rd. Pattersonville NY Zip code : 12137
Phone # (required) (518) 724-9878

\#21-03

Applicants Name (if different): ____________
Location of Property (if different from owners) ____________ Phone# (required) ____________
Tax Map # 52.00-1-41 Zoning District R.2

____________ ____________
Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)
LANDS CONVEYED TO (REQUIRED FOR MERGERS) ____________
Signature of receiving Property Owner ____________ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant herby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

[signature]
Signature of Owner(S) and/or Applicant(S) Date 9-3-21

ALL APPLICATION FEES ARE NON-REFUNDABLE!

****

Application fee paid: ________ Check# ________ (For office use only)
Reviewed By ________ Date ________

Approved Disapproved ☐ Refer to Code Enforcement Section ________ of ________ Ordinance

Planning Commission Comments: ____________________

____________ ____________ ____________ ____________
Planning Chairperson Date Code Enforcement Date

TOWN OF DUANESBURG

Application#__________

Agricultural Data Statement

Date: __________

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: Joseph Sisson Jr. Address: 978 Mariaville Schenectady Rd. Pattersonville NY 12137	Name:

1. Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; (Subdivision Approval) (circle one or more)
2. Description of proposed project: Subdivide into 3 lots for new homes
3. Location of project: Address: RT 30 Delanson NY
   Tax Map Number (TMP) 52-1-41
4. Is this parcel within an Agricultural District? YES (NO) (Check with your local
5. If YES, Agricultural District Number ______ assessor if you do not know.)
6. Is this parcel actively farmed? YES (NO)
7. List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: #28 Lizza 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	NAME: ADDRESS: Is this parcel actively farmed? YES NO

[signature]
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: [signature]
Dale R. Warner

4/22/24
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.

NOTICE OF DETERMINATION
of the Town of Duanesburg

Date of Determination Sept 3, 2021

Application of Joseph Sisson under section 3.5 of the (Village of Delanson/ Town of Duanesburg) Subdivision Ordinance.

Applicant Joseph D. Sisson Jr.
Address 978 Marinville Scotch Church RD.

Phone _____ Zoning District R-2 SBL# 52.00-1-41

Description of Project: 3 Lot Subdivision

Determination:
Major

Reason supporting determination:
Town of Duanesburg subdivision ordinance adopted 3/2/15 Article II #32 #14. Town of Duanesburg Zoning Ordinance Section 9; Section 3.5.93 (B)

Action: Refer to Planning Board for the purpose of Major Subdivision

Code Enforcement Officer: Dale Warren

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Subdivision		
Project Location (describe, and attach a general location map): RT 30 Delanson NY		
Brief Description of Proposed Action (include purpose or need): Subdivide into 3 lots for new homes		
Name of Applicant/Sponsor: Joseph & Debra Sisson	Telephone: (518) 729-9878	
Address: 978 Mariaville Stolle Church Rd	E-Mail: jdsissonjr@gmail.com	
City/PO: Patterson ville	State: New York	Zip Code: 12137
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
Address:	E-Mail:	
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
Address:	E-Mail:	
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes☐No		
b. City, Town or Village Planning Board or Commission ☒Yes☐No		
c. City, Town or Village Zoning Board of Appeals ☐Yes☐No		
d. Other local agencies ☐Yes☐No		
e. County agencies ☐Yes☐No		
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☒No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes☑No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☒No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes☐No

If Yes, identify the plan(s):

NYS Heritage Areas:Mohawk Valley Heritage Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☒No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
R-2

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Duansburg

b. What police or other public protection forces serve the project site?
State police County Sheriff

c. Which fire protection and emergency medical services serve the project site?
Esperance FD Duanesburg Amb.

d. What parks serve the project site?
Shaker

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
Residential

b. a. Total acreage of the site of the proposed action? 15.6 acres
b. Total acreage to be physically disturbed? 1 < acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 15.6 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential
ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No
iii. Number of lots proposed? 3
iv. Minimum and maximum proposed lot sizes? Minimum 1.5 Maximum 5.95

e. Will the proposed action be constructed in multiple phases? ☒ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: Family members

f. Does the project include new residential uses? ☒ Yes ☐ No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	✓			
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____
iii. If other than water, identify the type of impounded/contained liquids and their source. _____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☒ No
If Yes:
i. What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☒ No
If yes, describe. _____
v. What is the total area to be dredged or excavated? _____ acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐ Yes ☒ No
ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No
If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No
If Yes:

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☒Yes ☐No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No
If Yes:

- Name of district or service area:
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No
If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒Yes ☐No
If Yes:

i. Total anticipated liquid waste generation per day: 330 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☒No
If Yes:

- Name of wastewater treatment plant to be used:
- Name of district:
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes☒No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?
_____ Square feet or _____ acres (impervious surface)
_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes☒No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes☒No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☒No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

)Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☒No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☒No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend

☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☒No

)Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No

Describe:

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: Single Family dwellings

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No

If Yes:

i. Product(s) to be stored

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☒ Rural (non-farm)
☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	15.6		
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities:
_____
_____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:
_____
_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
_____
_____

iii. Describe any development constraints due to the prior solid waste activities: _____
_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
_____
_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____
_____
_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☑ No
If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
_____
_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☒ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☑ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (If regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:
i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation):

ii. Source(s) of description or evaluation:

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

If Yes:

i. Species and listing (endangered or threatened):

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

i. Species and listing:

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☒ Yes ☐ No

If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☑ Yes ☐ No

If Yes, provide county plus district name/number: SCHE001

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No

i. If Yes: acreage(s) on project site?

ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name:

ii. Basis for designation:

iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: Liddle, Thomas, Farm Complex

iii. Brief description of attributes on which listing is based:

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes:

i. Describe possible resource(s):

ii. Basis for identification:

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☒ No

If Yes:

i. Identify resource:

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.):

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation:

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

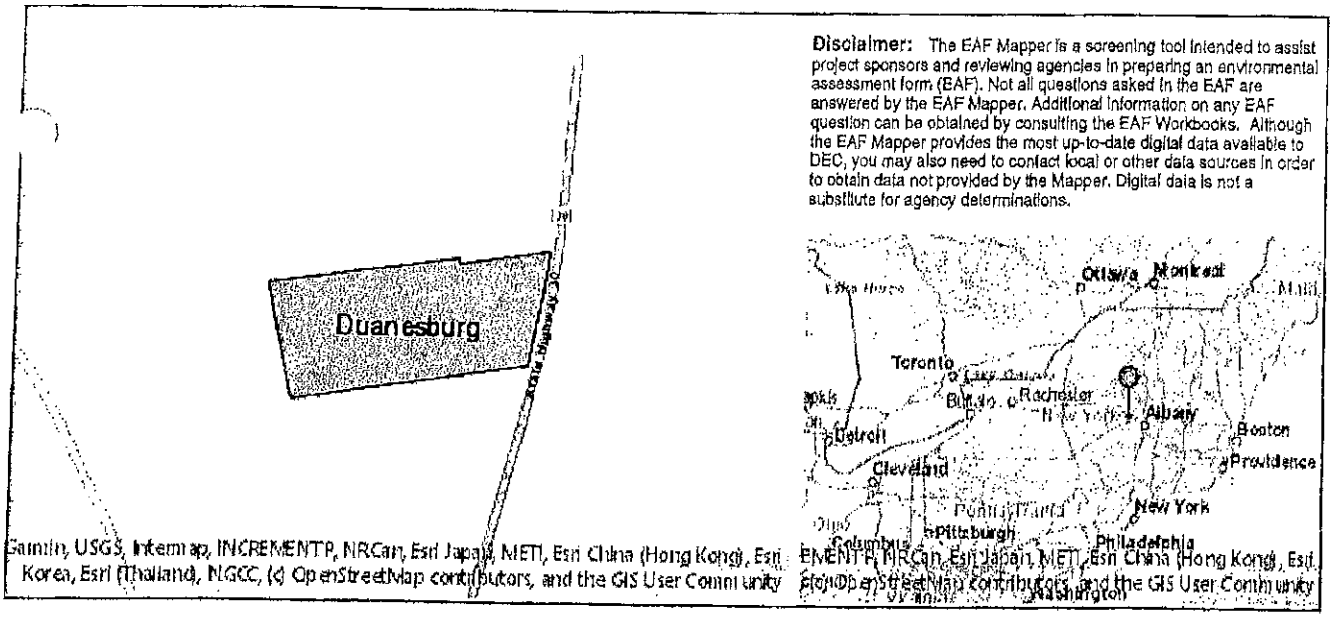
Applicant/Sponsor Name Joseph D. Sisson Sr. Date 9-7-21

Signature _____ Title 9-7-21

PRINT FORM

EAF Mapper Summary Report

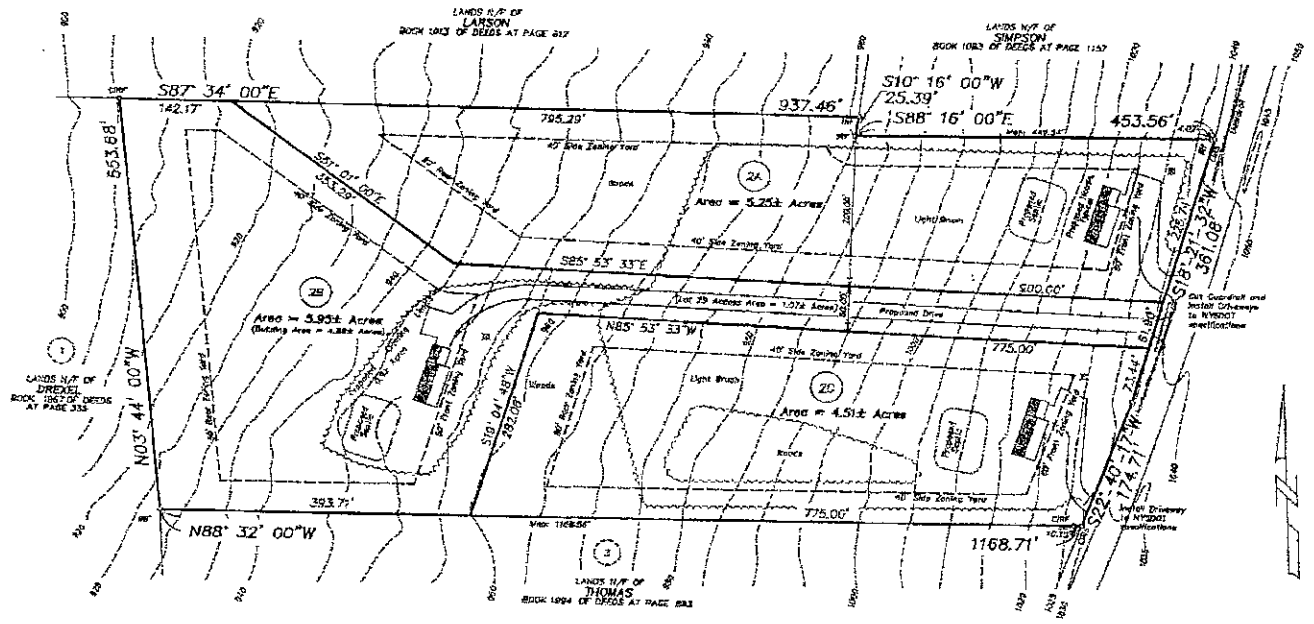
Friday, September 3, 2021 11:26 AM

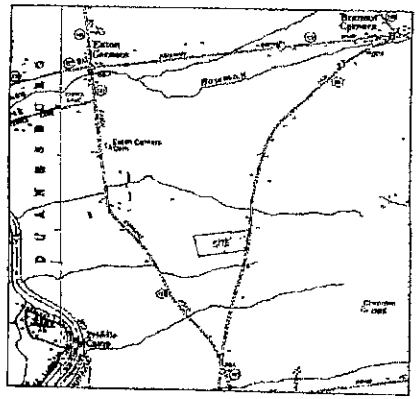


Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	SCHE001
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Liddle, Thomas, Farm Complex
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No





SITE LOCATION MAP
Scale: 1" = 2000'

ZONING NOTES:
1. PROPOSED LIMITS OF CLEARING FOR HOUSE, SEPTIC, DRIVEWAY AND WELL FOR LOTS 2A, 2B AND 2C TOTAL LESS THEN 1.0 ACRE AND REQUIRE A STORM WATER CONTROL PLAN. PROJECT DISTURBANCE OF 1.0 ACRE OR MORE REQUIRE STORM WATER POLLUTION PREVENTION PLAN COMPLIANCE WITH NYSDEC REGULATIONS.

2. TOWN OF DUANESBURG SEPTIC DISCLOSURE NOTE:

ISSUANCE OF A BUILDING PERMIT FOR EACH LOT AS SHOWN WILL BE CONTINGENT UPON APPROVAL BY THE BUILDING INSPECTOR OF SANITARY DISPOSAL SYSTEMS AND WATER SUPPLY WELLS FOR LOCATION, QUALITY AND QUANTITY OF SUPPLY.

BASED UPON SOIL SURVEY DATA OBTAINED BY THE UNITED STATES DEPT. OF AGRICULTURE CONSERVATION SERVICE AND SITE SPECIFIC EVALUATION, IT IS EXPECTED THAT SOME, IF NOT ALL, LOTS WILL REQUIRE ALTERNATIVE SEPTIC SYSTEMS, AS DESIGNED BY A LICENSED ENGINEER OR ARCHITECT AND REVIEWED AND APPROVED BY THE SCHENECTADY COUNTY DEPT. OF HEALTH. ON LOTS REQUIRING ALTERNATIVE SEPTIC SYSTEMS, SCHENECTADY COUNTY HEALTH DEPT. APPROVAL SHALL BE OBTAINED PRIOR TO ISSUANCE OF A BUILDING PERMIT BY THE BUILDING INSPECTOR.

CONVENTIONAL SEPTIC SYSTEMS WILL BE ALLOWED ONLY WHEN AND WHERE PERCOLATION TEST RESULTS AND SOILS EVALUATION ARE IN CONFORMANCE IN EVERY RESPECT WITH THE STANDARDS SET FORTH IN THE CURRENT NEW YORK STATE DEPT. OF HEALTH PUBLICATION, "WASTE TREATMENT STANDARDS - INDIVIDUAL HOUSEHOLD SYSTEMS" AND ARE APPROVED BY THE SCHENECTADY COUNTY DEPARTMENT OF HEALTH. FOR CONVENTIONAL SYSTEMS THE COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH MUST WITNESS THE SOILS INVESTIGATION AND PERCOLATION TEST.

3. THIS SUBDIVISION SITE IS WITHIN A ZONE DESIGNATED AS "AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT" (R-2).

4. THIS PROPERTY IS ADJACENT TO LANDS IN THE AGRICULTURAL DISTRICT AND FARMING ACTIVITIES MAY INCLUDE, BUT NOT LIMITED TO, ACTIVITIES THAT CAUSE NOISE, DUST, AND ODORS.

DEED REFERENCE:
CONVEYED TO JOSEPH D. SISSON BY DEED DATED OCTOBER 16, 2020 AND RECORDED IN BOOK 3044 OF DEEDS AT PAGE 424.

MAP REFERENCES:
1. "EATON CORNERS RD. SUBDIVISION", PREPARED BY WILLIAM J. GINGLEN, JR., DATED JUNE 2, 1998 AND FILED AS MAP 14-2002.

2. ROUTE 20 RIGHT OF WAY ESTABLISHED FROM NYSDOT SHEET 34 MAP 14, DATED APRIL 13, 1932.

NOTES:
1. TOPOGRAPHY IS FROM NYS LIDAR DATA CONTOURED AT 5 FEET.

2. PROPERTY IS VACANT. ALL IMPROVEMENTS SHOWN ARE PROPOSED.

3. TAX ID: 52.-1-40

4. ZONING DISTRICT: R2
MIN. LOT WIDTH AT BUILDING LINE: 200 FEET
MIN. FRONT AND REAR YARDS: 80 FEET
MIN. SIDE YARDS: 40 FEET

5. TOPOGRAPHY IS FROM NYS LIDAR DATA, CONTOURED AT 5 FEET

6. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO WHATEVER FACTS AN ABSTRACT MAY SHOW.

LEGEND:
IRF IRON ROD FOUND
CIRF CAPPED IRON ROD FOUND
CIPF CAPPED IRON PIPE SET
PW PROPOSED WELL

Unauthorized alterations or additions to this survey map is a violation of Section 7209 of the New York State Education law. Copies of this survey map not bearing the land surveyors embossed seal shall not be considered valid copies.
This Survey was prepared for the parties and purposes indicated hereon. Any extension of this use beyond the purpose exceeds the scope of the engagement.

JAMES J. WHITE, L.S. NO. 50,026

SUBDIVISION OF LANDS OF

SISSON

TOWN OF DUANESBURG, SCHENECTADY COUNTY, NY

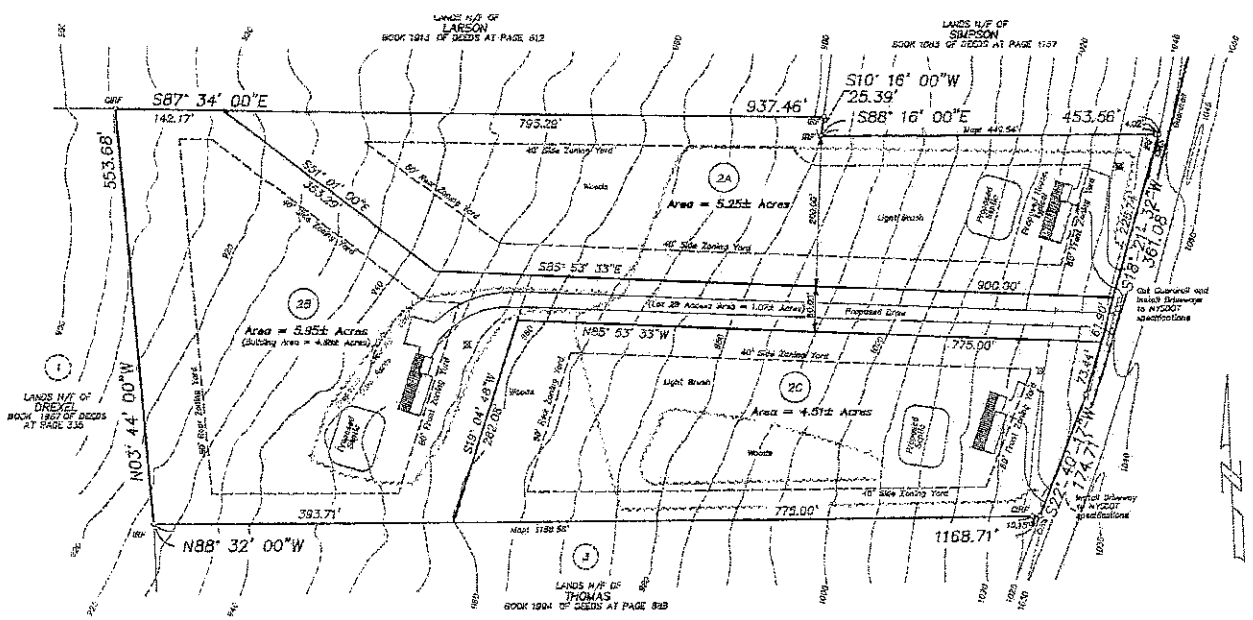
SUBDIVISION PLAT

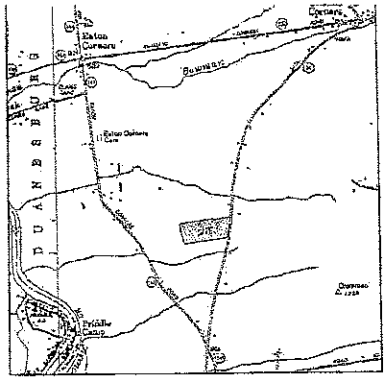
AZIMUTH SURVEYING & CARTOGRAPHY
Box 126 Grant Hill, NY 12027
Phone: (518) 399-7901

Scale: 1" = 100' Date: 8/20/2021

Prepared For:
Joe Sisson
978 Morlaville Scotch Church Road
Pattersonville, NY 12137

Date	Revisions
9/3/21	General Revisions





SITE LOCATION MAP
Scale: 1" = 2000'

TOWN NOTES:
1. PROPOSED LIMITS OF CLEARING FOR HOUSE, SEPTIC, DRIVEWAY AND WELL FOR LOTS 2A, 2B AND 2C TOTAL LESS THAN 1.0 ACRE AND REQUIRE A STORM WATER CONTROL PLAN. PROJECT DISTURBANCE OF 1.0 ACRE OR MORE REQUIRE STORM WATER POLLUTION PREVENTION PLAN COMPLIANCE WITH NYSDEC REGULATIONS.

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3. THIS SUBDIVISION SITE IS WITHIN A ZONE DESIGNATED AS "AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT" (R-3)

4. THIS PROPERTY IS ADJACENT TO LANDS IN THE AGRICULTURAL DISTRICT AND FARMING ACTIVITIES MAY INCLUDE, BUT NOT LIMITED TO, ACTIVITIES THAT CAUSE NOISE, DUST, AND ODORS.

DEED REFERENCE:
CONVEYED TO JOSEPH D. SISSON BY DEED DATED OCTOBER 15, 2020 AND RECORDED IN BOOK 2044 OF DEEDS AT PAGE 424.

MAP REFERENCES:
1. "SISSON OWNERS REL SUBDIVISION", PREPARED BY WILLIAM J. SYMOLON, JR., DATED JUNE 2, 2016 AND FILED AS MAP N-302.

2. ROUTE 30 RIGHT OF WAY ESTABLISHED FROM NYSDOT SN1434 MAP 14, DATED APRIL 12, 1932.

NOTES:
1. TOPOGRAPHY IS FROM NYS LIDAR DATA CONTOURED AT 5 FEET.

2. PROPERTY IS VACANT. ALL IMPROVEMENTS SHOWN ARE PROPOSED.

3. TAX ID: 52.-4-43

4. ZONING DISTRICT: R3
MIN. LOT WIDTH AT BUILDING LINE: 200 FEET
MIN. FRONT AND REAR YARDS: 80 FEET
MIN. SIDE YARD: 40 FEET

5. TOPOGRAPHY IS FROM NYS LIDAR DATA, CONTOURED AT 5 FEET.

6. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO WHATEVER FACTS AN ABSTRACT MAY SHOW.

LEGEND:
IRF IRON ROD FOUND
CIRF CAPPED IRON ROD FOUND
CIRS CAPPED IRON ROD SET
PW PROPOSED WELL

This Survey was prepared for the parties and purposes indicated hereon. Any extension of the use beyond the purposes exceeds the scope of the engagement.

JAMES J. WHITE, L.S. NO. 50,026

SUBDIVISION OF LANDS OF

SISSON

TOWN OF DUANESBURG, SCHENECTADY COUNTY, NY

SUBDIVISION PLAT

AZIMUTH SURVEYING & CARTOGRAPHY
Box 186, Burnt Hills, NY 12027
Phone (518) 399-7901

Scale: 1" = 100' Date: 6/20/2021

Prepared For:
Joe Sisson
978 Mariaville Scotch Church Road
Pattersonville, NY 12137

Date	Revisions
9/3/21	General Revisions

Gerald A. Dwyer, Esq.

650 Creek Road
Esperance, N.Y. 12066
(518) 875-6119
geraldadwyer@gmail.com

COPY

August 6, 2021

Mr. Dale Warner
Code Enforcement Officer
Town of Duanesburg
5853 State Highway 20
Duanesburg, N.Y. 12056

Re: Jules Obour, d/b/a VJ 10 Motors
Special Use Permit Application for Minor Motor Vehicle Sales
13998 Duanesburg Road, Delanson, N.Y. 12053

Dear Mr. Warner:

Please be advised that I represent Mr. Jules Obour in his application to the Town of Duanesburg Planning Board for a Special Use Permit for Minor Motor Vehicle Sales at his property located at the above address in the Town of Duanesburg. Accordingly, please find the following documents, submitted herewith as a part of that application:

1) Application for Special Use Permit, signed by the applicant;
2) Completed Short form EAF;
3) Copy of survey from his purchase in 2017, which shows his neighbors;
4) Sketch plan showing the gravel (crusher run) driveway and parking areas; the septic and well locations at the residence; the solid board fence around the area where cars are to be located; the setbacks (80' front and rear and 40' side) and the structures on the property as well as the woods on the side and rear of the property;
5) My firm check for $100.00 for the permit application fee.

It is Mr. Obour's intention to sell used motor vehicles one at a time, through the internet only. At no time will there be more than six vehicles for sale on the property. There will be no signs, other than one small, unlighted sign less than two square feet at the road (Rte 7). There are no walk-in customers and no regular hours of business. Customers make appointments to come view a vehicle with Mr. Obour. Mr Obour has no employees for the business.

The portion of the property containing the vehicles for sale and being prepared for sale has a solid fence on three sides; the rear is woods and unoccupied. The property is bounded on the west by vacant land consisting of woods and brush, on the south by Route 7, on the east by an unlicensed junk yard, and on the north by vacant, wooded land.

Please place this matter on the Planning Board agenda for their August 19, 2021 meeting dated. I will attend and provide any additional information the Board may need.

Thank you for your assistance in this matter.

Very truly your,

Gerald A. Dwyer, Esq.

cc: Jules Obour

APPLICATION FOR THE PLANNING BOARD Revised 06/02/2020 –MD
TOWN OF DUANESBURG
********** **FOR OFFICE USE ONLY**********

CHECKLIST OF REQUIRED INFORMATION:

- ☒ Title of drawing.
- ☒ Tax Map ID #
- ☒ Zoning district
- ☒ Current Original Deed
- ☒ NYS Survey (L.S. & P.E.)
- ☒ North Arrow, scale (1"=100'),
- ☒ Boundaries of the property plotted and labeled to scale.
- ☒ School District/Fire District
- ☒ Green area/ landscaping
- ☒ Existing watercourses, wetlands, etc.
- ☒ Contour Lines (increments of 10ft.)
- ☒ Easements & Right of ways
- ☒ Abutting Properties Wells/ Sewer Systems within 100ft.
- ☒ Well/ Water system
- ☒ Septic system: Soil investigation completed?
- ☒ Sewer System: Which district?
- ☐ Basic SWPPP (1≥)
- ☐ Full Storm Water Control Plan (More than an acre)
- ☒ Other (Building Set Backs) 80'(F)/40'(S) 80'(R)
- ☐ Storm Water Control Plan
- ☒ Short or long EAF *www.dec.ny.gov/eafmapper/*
- ☐ Street pattern: Traffic study needed?
- ☐ All property Mergers **REQUIRE** both owners Signatures on the Application

Additional Requirements for Special Use Application:

- ☒ New or existing building
- ☒ **Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, & lighting plan**

Date August 6, 2021

Application type: ☐ Major Subdv ☐ Minor Subdv ☒ Special Use Permit ☐ Site/ Sketch Plan Review ☐ LotLine Adjust

Proposal: Application for Minor Motor Vehicle Sales

Section 8.4 of Zoning Ordinance.

Present Owner: Jules Obour **(AS APPEARS ON DEED!!)**

Address: 13898 Duanesburg Rd. Zip code: 12053

Phone # (required) 917 697 6613

Applicants Name (If different): Gerald A Dwyer Phone# (required) 518 875 6119

Location of Property (if different from owners)

Tax Map # 24.00-2-9 Zoning District R-2

[redacted]

Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS)

Signature of receiving Property Owner **(AS APPEARS ON DEED!!)**

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant herby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

[redacted]

Signature of Owner(S) and/or Applicant(S) Date August 6, 2021

ALL APPLICATION FEES ARE NON-REFUNDABLE!

(For office use only)

Application fee paid: _____ Check# _____ Reviewed By_____ Date_____

Approved Disapproved ☐ Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

Planning Chairperson Date Code Enforcement Date

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. **The applicant or project sponsor is responsible for the completion of Part 1.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Jules Obour d/b/a VJ 10 Motors

Name of Action or Project:
Special Use Permit Application for Minor Motor Vehicle Sales

Project Location (describe, and attach a location map):
13998 Duanesburg Road, Town of Duanesburg, County of Schenectady, State of New York

Brief Description of Proposed Action:
Sale of up to 6 motor vehicles

Name of Applicant or Sponsor:	Telephone: 518 875 6119
Jules Obour	E-Mail: geraldadwyer@gmail.com

Address:
c/o Gerald A. Dwyer, Esq., 650 Creek Road

City/PO:	State:	Zip Code:
Esperance	New York	12066

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Duanesburg Town Planning Board	☐	☑

3. a. Total acreage of the site of the proposed action? 4.756 acres
   b. Total acreage to be physically disturbed? 2.0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.756 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:
   ☐ Urban ☑ Rural (non-agriculture) ☑ Industrial ☑ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☑	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____	☑	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☐	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☑ Suburban

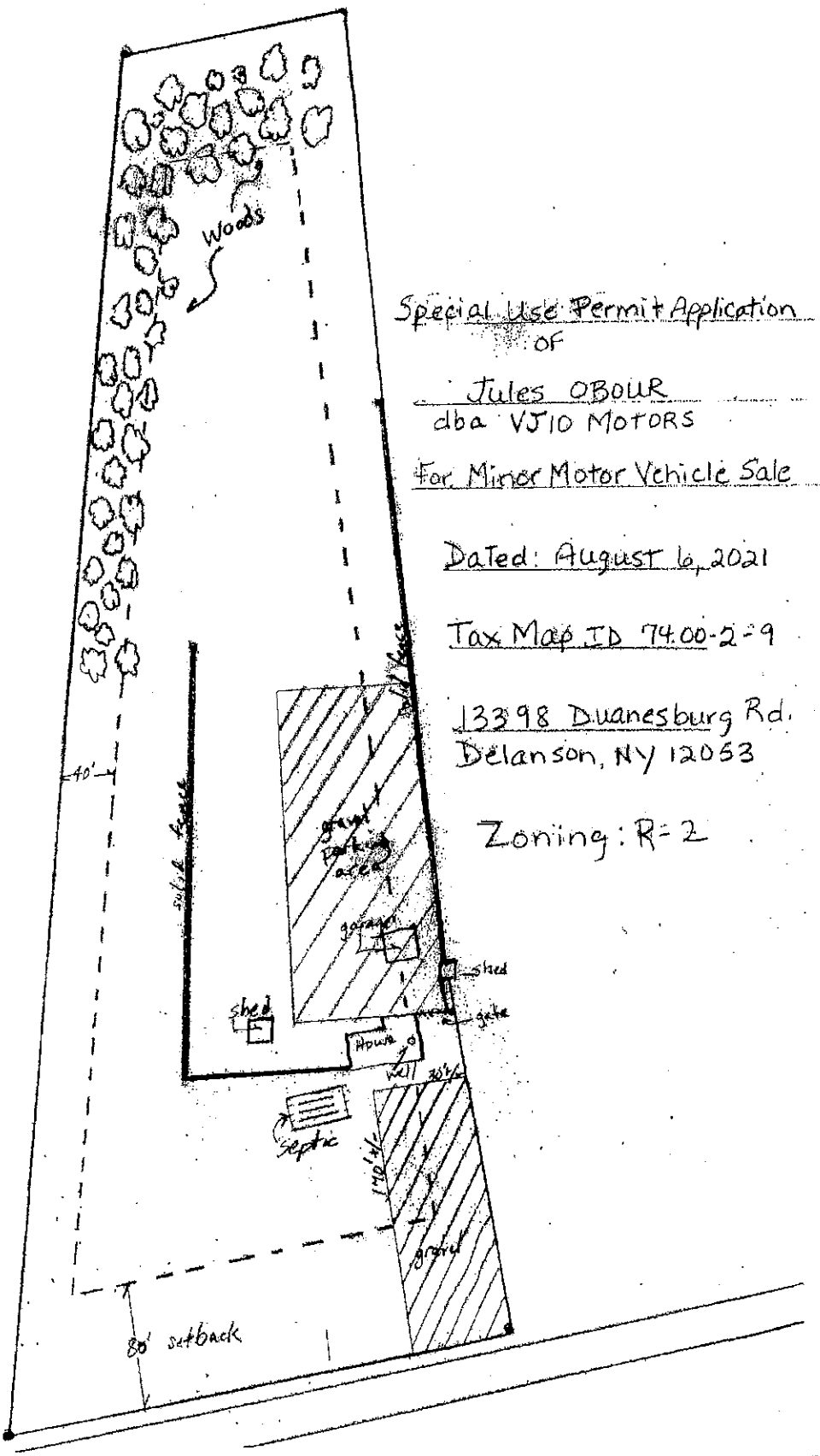
	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	☑	☐
a. Will storm water discharges flow to adjacent properties?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☑	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: JULES OBOUR Date: AUGUST 6 2021

Signature: [signature] Title: Owner

PRINT FORM



Special Use Permit Application
of

Jules OBOUR
dba VJ10 MOTORS

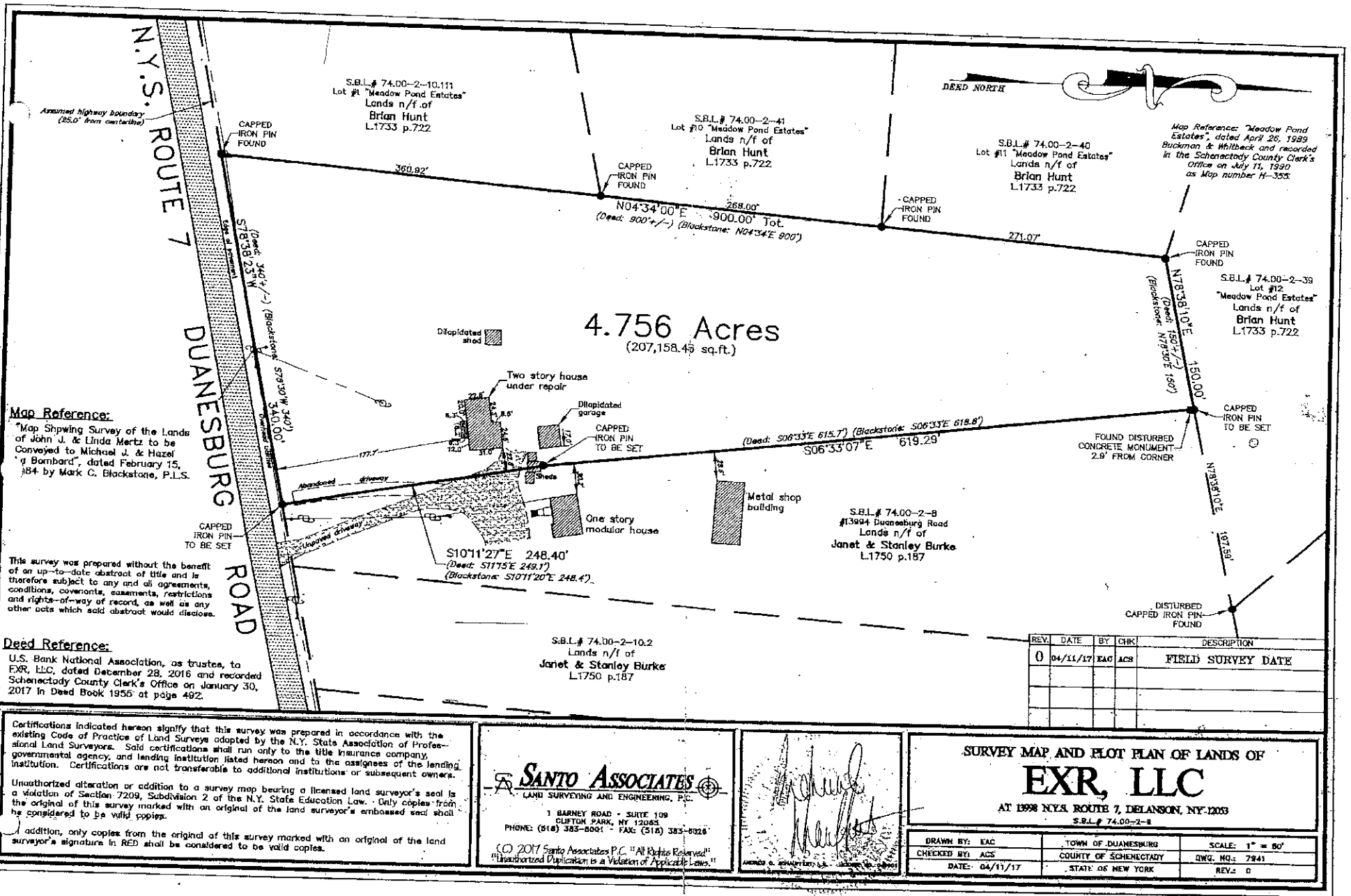
For Minor Motor Vehicle Sale

Dated: August 6, 2021

Tax Map ID 74.00-2-9

13398 Duanesburg Rd.
Delanson, NY 12053

Zoning: R-2



Map Reference:

"Map Showing Survey of the Lands of John J. & Linda Mertz to be Conveyed to Michael J. & Hazel [illegible] Bombard", dated February 15, 1984 by Mark C. Blackstone, P.L.S.

This survey was prepared without the benefit of an up-to-date abstract of title and is therefore subject to any and all agreements, conditions, covenants, easements, restrictions and rights-of-way of record, as well as any other facts which said abstract would disclose.

Deed Reference:

U.S. Bank National Association, as trustee, to EXR, LLC, dated December 28, 2016 and recorded Schenectady County Clerk's Office on January 30, 2017 in Deed Book 1955 at page 492.

REV.	DATE	BY	CHK	DESCRIPTION
0	04/11/17	EAC	ACS	FIELD SURVEY DATE

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice of Land Surveys adopted by the N.Y. State Association of Professional Land Surveyors. Said certifications shall run only to the title insurance company, governmental agency, and lending institution listed hereon and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Subdivision 2 of the N.Y. State Education Law. Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid copies.

In addition, only copies from the original of this survey marked with an original of the land surveyor's signature in RED shall be considered to be valid copies.

SANTO ASSOCIATES
LAND SURVEYING AND ENGINEERING, P.C.
1 BARNEY ROAD - SUITE 109
CLIFTON PARK, NY 12065
PHONE: (518) 383-8091 - FAX: (518) 383-8926

SURVEY MAP AND PLOT PLAN OF LANDS OF
EXR, LLC

AT 13998 N.Y.S. ROUTE 7, DELANSON, NY 12053
S.B.L.# 74.00-2-8

DRAWN BY: EAC	TOWN OF DUANESBURG	SCALE: 1" = 80'
CHECKED BY: ACS	COUNTY OF SCHENECTADY	DWG. NO.: 7941
DATE: 04/11/17	STATE OF NEW YORK	REV.: 0

AUG 2 7 2021

ORIGINAL

TOWN OF DUANESBURG

APPLICATION FOR SITE/ SKETCH DEVEOPMENT PLAN APPROVAL

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

Name of proposed development Subdivision of remaing "Lands of Sergei Tazin" 53±33 Acres

Applicant:
Name Irina Tazin (Sergei's wife)
Address 750 Rickard Hill Rd
Schoharie, NY 12157
Telephone 845-520-0417

Plans Prepared by:
Name Jason / Raymond Koch
Address 133 Mohawk Ave
Scotia, NY 12302
Telephone 518-393-0989

Owner (if different): (if more than one owner, provide information for each)
Name Sergei Tazin
Address 750 Rickard Hill Road
Schoharie, NY 12157
Telephone 845-520-0417

Ownership intentions, i.e., purchase options Minor subdivision with lot adjustment is necessary so neighbor John H. Oslop may purchase 11.10± Acres land surrounding his house/3 Acre lot.

Location of site
Northern side of NYS Rte 30 with remaing 53.33± Acres

Section 52 Block 00-1 Lot 20, 12

Current zoning classification R 2

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

Proposed use(s) of site

Total site area (square feet or acres) _____

Anticipated construction time N/A

Will development be phased? N/A

Current land use of site (agricultural, commercial, underdeveloped, etc.)
Agricultural

Current condition of site (buildings, brush, etc.) fields, woods and brush

Character of surrounding lands (suburban, agricultural, wetlands, etc.) Agricultural.

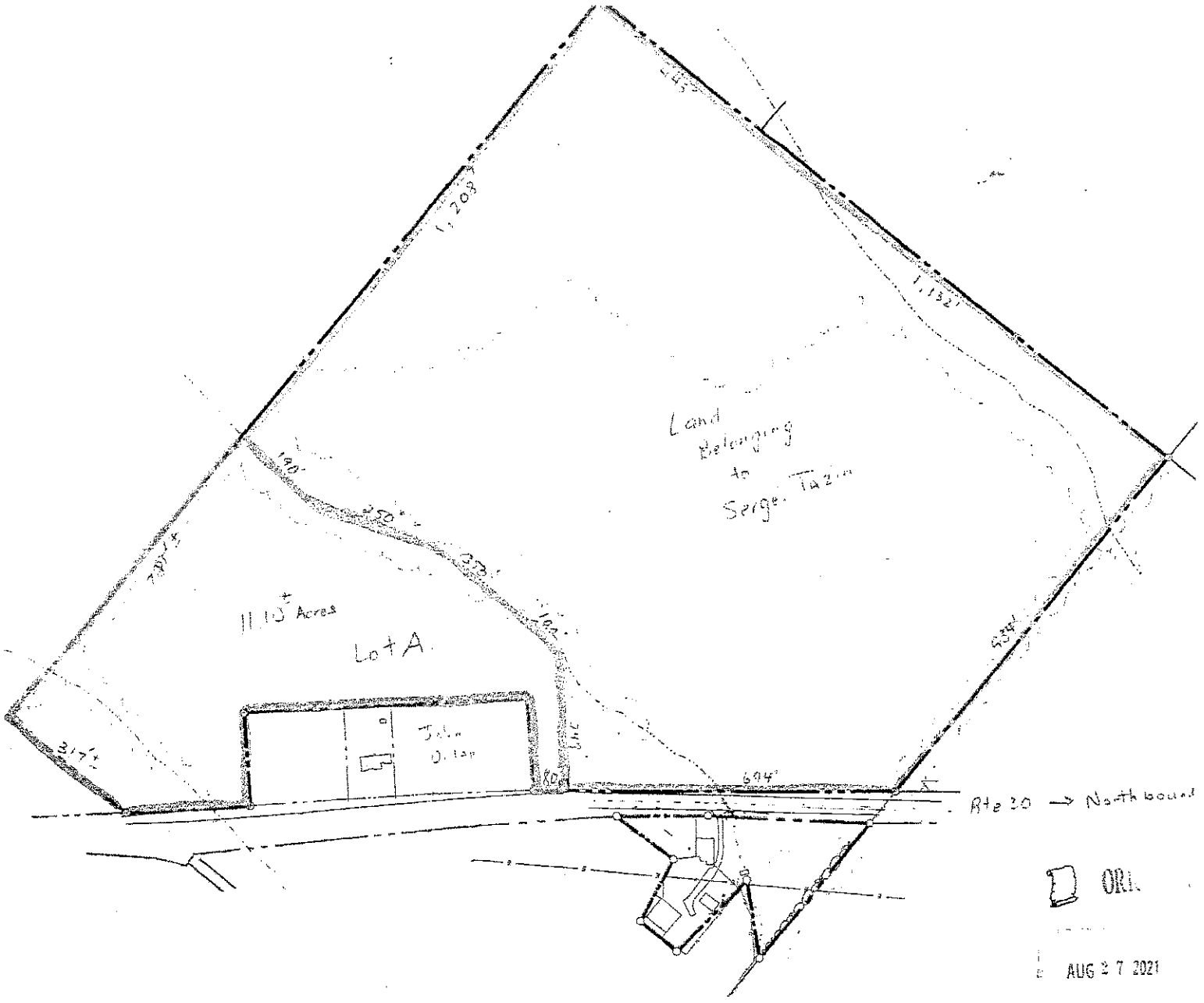
Estimated cost of proposed improvement $ N/A

Anticipated increase in number of residents, shoppers, employees, etc. (as applicable)
N/A

Describe proposed use, including primary and secondary uses; ground floor area; height; and number of stories for each building:

- for residential buildings include number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three or more bedrooms) and number of parking spaces to be provided.
- For non-residential buildings, include total floor area sales area; number of automobile and truck parking spaces,
- Other proposed structures.

(Use separate sheet if needed)
N/A.



ORIG

AUG 2 7 2021

APPLICATION FOR THE PLANNING BOARD Revised 06/02/2020 -MD
TOWN OF DUANESBURG
**********FOR OFFICE USE ONLY**********

CHECKLIST OF REQUIRED INFORMATION:

- ☒ Title of drawing.
- ☒ Tax Map ID #
- ☒ Zoning district
- ☒ Current Original Deed
- ☒ NYS Survey (L.S. & P.E.)
- ☒ North Arrow, scale (1"=100'),
- ☒ Boundaries of the property plotted and labeled to scale.
- ☒ School District/Fire District
- ☒ Green area/ landscaping
- ☒ Existing watercourses, wetlands, etc.
- ☒ Contour Lines (increments of 10ft.)
- ☒ Easements & Right of ways
- ☒ Abutting Properties Wells/ Sewer Systems within 100ft.
- ☒ Well/ Water system
- ☒ Septic system: Soil investigation completed?
- ☒ Sewer System: Which district?
- ☐ Basic SWPPP (1≥)
- ☐ Full Storm Water Control Plan (More than an acre)
- ☒ Other (Building Set Backs)
- ☐ Storm Water Control Plan
- ☒ Short or long EAF www.dec.ny.gov/eafmapper/
- ☐ Street pattern: Traffic study needed?
- ☐ All property Mergers REQUIRE both owners Signatures on the Application

Additional Requirements for Special Use Application:

- ☒ New or existing building
- ☒ Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage
- Parking, Handicap Spaces, & lighting plan

Date 8/31/21

Application type: ☐ Major Subdv ☒ Minor Subdv ☐ Special Use Permit ☐ Site/ Sketch Plan Review ☐ LotLine Adjust
Proposal: 2-Lot minor subdivision

_____ Section _____ of _____ Ordinance.

Present Owner: Valley Mobile Home Court, LLC (AS APPEARS ON DEED!!)
Address: 2711 State Route 7 Cobleskill, NY Zip code: 12043
Phone # (required) 518-234-8614

Applicants Name (if different): Same as Above Phone# (required) Same as above
Location of Property (if different from owners) 6204 Duanesburg Road
Tax Map # 55.-4-11.6 Zoning District C-2

_____ _____
Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)
LANDS CONVEYED TO (REQUIRED FOR MERGERS) N/A
Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT: The Applicant herby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

_____ Date 9-1-2021
Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

(For office use only)
Application fee paid: _____ Check# _____ Reviewed By _____ Date _____

Approved Disapproved ☐ Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

_____ _____ _____ _____
Planning Chairperson Date Code Enforcement Date

TOWN OF DUANESBURG

Application#_____

Agricultural Data Statement

Date: 8/31/21

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: Valley Mobile Home Court, LLC Address: 2711 State Route 7 Cobleskill, NY 12034	Name:

1. Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
2. Description of proposed project:
   2-Lot Minor Subdivision
3. Location of project: Address: 6204 Duanesburg Road
   Tax Map Number (TMP) 55.-4-11.6
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 feet of your parcel. Attach additional sheet if necessary.

NAME: Daniel Sells ADDRESS: 5709 Duanesburg Road Duanesburg, NY 12056 Is this parcel actively farmed? YES (NO)	NAME: Edward Putnam ADDRESS: 242 Duane Lake Road Duanesburg, NY 12056 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

Signature of Applicant

Signature of Owner (if other than applicant)

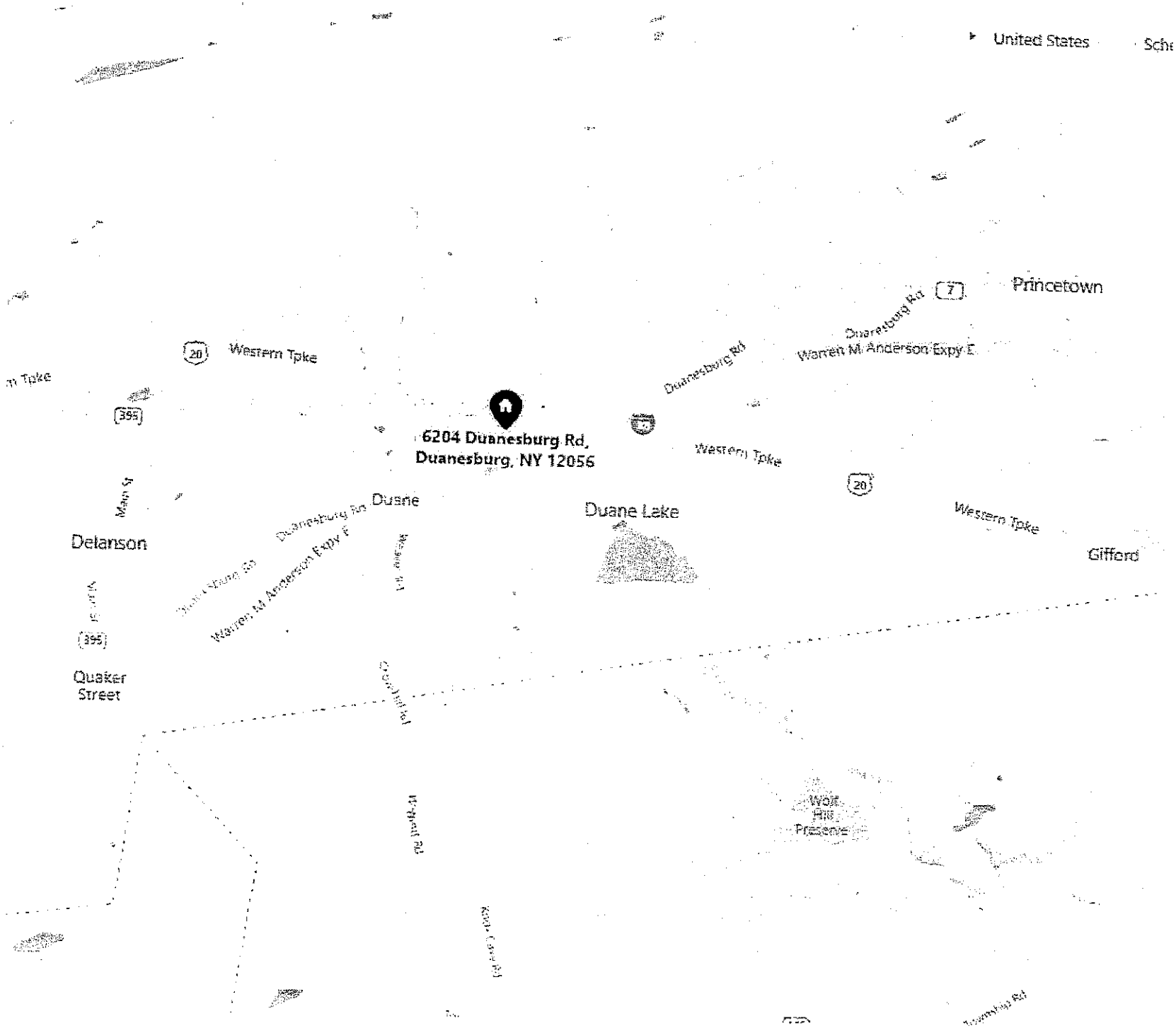
Reviewed by: _____ _____
Dale R. Warner Date

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.


United States
Princetown
Duaneburg Rd
7
Warren M Anderson Expy E
Western Tpke
20
Duanesburg Rd
6204 Duanesburg Rd,
Duanesburg, NY 12056
Western Tpke
20
Western Tpke
Gifford
Duane Lake
Duane
Delanson
Main St
Duanesburg Rd
Warren M Anderson Expy E
395
Quaker
Street
Wolf
Hill
Preserve

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:
Pine Grove Dairy 2-Lot Minor Subdivision

Project Location (describe, and attach a location map):
6204 Duanesburg Rd.

Brief Description of Proposed Action:
The proposed action is the 2-Lot Minor Subdivision of a 106.22 Ac. parcel in the C-2 District, Town of Duanesburg.

Name of Applicant or Sponsor:	Telephone: 518-376-1291
Eric Dolen	E-Mail: superiorhousing@gmail.com

Address:
2711 State Rte. 7

City/PO:	State:	Zip Code:
Cobleskill	NY	12043

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Duanesburg Planning Board - Minor Subdivision Approval	☐	☑

3. a. Total acreage of the site of the proposed action? 106.22 acres
   b. Total acreage to be physically disturbed? 0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 106.22 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:
   ☐ Urban ☑ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
   ☑ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☑	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies:	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: No connection or usage proposed	☑	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment:	☑	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☑ Forest ☑ Agricultural/grasslands ☑ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☑
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☑	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☐	☑
If Yes, explain the purpose and size of the impoundment: Stormwater management ponds and filters for treatment and storage.		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☑	☐
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☑	☐
If Yes, describe:		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Empire Engineering, PLLC for Applicant Date: 9/2/21

Signature: _____ Title: Engineer

PRINT FORM

COPY

Warranty Deed

This Indenture, made this 6th day of May, 2021 between

DAVID C. VINCENT and **ANN M. VINCENT**, with address at P.O. Box 129, Duanesburg, New York 12056, parties of the first part and

VALLEY MOBILE HOME COURT, L.L.C. with address at P.O. Box 130, Howes Cavern, New York 12092 party of the second part,

WITNESSETH that the parties of the first part, in consideration of One and No/100 Dollars ($1.00) 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 successors and assigns of the party of the second part forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Duanesburg, County of Schenectady and State of New York, being Lot 1 on a map entitled "Lands of David C. and Ann M. Vincent" prepared by Joanne Darcy Crum, L.S. dated August 13, 2012, revised October 17, 2012 and filed in the Schenectady County Clerk's Office on November 7, 2012 as Map No. N-19.

BEING a portion of the lands conveyed to the parties of the first part by deed dated December 29, 1988, and recorded in the Schenectady County Clerk's Office on December 30, 1988, in Book 1210 of Deeds at Page 275, and being subject to any and all enforceable covenants, conditions, easements or restrictions contained in said deed or of record in the chain of title.

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, successors and assigns forever.

AND said parties of the first part covenant as follows:

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

SECOND, That the parties of the first part will forever Warrant the title to said premises.

THIRD, the parties of the first part, in compliance with Section 13 of the Lien Law, covenant that the parties 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 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 parties of the first part have duly executed this deed the day and year first above written.

DAVID C. VINCENT

ANN M. VINCENT

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

On the 6th day of May, in the year 2021 before me, the undersigned, personally appeared **DAVID C. VINCENT**, 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

THOMAS B. HAYNER
Notary Public, State of New York
Qualified in Schenectady County
No. 1723025
Commission Expires 4/30/2023

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

On the 6th day of May, in the year 2021 before me, the undersigned, personally appeared **ANN M. VINCENT**, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

THOMAS B. HAYNER
Notary Public, State of New York
Qualified in Schenectady County
No. 1723025
Commission Expires 4/30/2023

RECORD AND RETURN TO:

TOWN OF DUANESBURG
SCHENECTADY COUNTY

Town of Duanesburg
Planning Board Minutes
August 19th, 2021
Draft Copy

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

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

OPEN FORUM:
Schmitt/Novak made a motion to open the open forum at 7:00pm.
Schmitt yes, Novak yes, Hoffman yes, Houghton yes, Santulli yes, Harris yes. **Approved.**

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

Schmitt/Novak made a motion to close the open forum at 7:02pm.
Schmitt yes, Novak yes, Hoffman yes, Houghton yes, Santulli yes, Harris yes. **Approved.**

PUBLIC HEARINGS:
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.
Before the start of the public hearing Chairmen Schmitt read into the record a brief background on the project approval process and the next steps to be taken by the Planning Board to informed everyone on the project. (**Please see attachment**)
Jacquelynn Smith a design engineer for Prime AE and Jeffery Trzeciak, senior project manager of Prime AE, read into the record the differences that they have found on the plans from 2019 compared to the 2021 plans and their comments on the revised project.

Bill Pederson a representative from AMP introduced himself along with Brandon Smith -EDP Contractor, Gallow Shah -AMP construction manager, Christopher Connelly -Engineer from Verdanterra, Gillian from -Eden Renewables, and Alita Guida -AMP's attorney.
Bill apologized to the board for not having a bigger presence at the last Planning Board meeting but put a presentation together to help people understand a little more about AMP and the Oak Hill Project. **(Please see attachment)**
Mitch from Powin Energy was not able to make the meeting but dialed in to explain about the battery storage. Mitch explained LFP is a more thermal and chemically stable battery than other lithium batteries. The risk of battery cell thermal runaway is less likely in this battery. When Mitch says runaway, he means that when the cell gets hot it will not catch on fire. It will slowly release gas but does not catch on fire. This battery management system tracks data on individual cells in real time, all the time. The data that is generated by the battery management system is streamed to a staffed 24/7 operating center of engineers and operators who are monitoring all Powin systems. There are a couple of different detectors in each enclosure. Smoke, heat and gas detectors report back to the fire panel that is tied into the overall control system. There are certain protocols for each type of issue. There are two primary was of responding to an event that will happen in an enclosure. If gas is recognized Powin will go into circulation protocol. The HVAC that are built into the enclosure has the ability to exhaust the gas that may be in that enclosure. This is incompliance with NFPA 69 protocol for emergency gas ventilation. If there was fire it would set off the arousal-based fire suppression system. It is designed to eliminate the presence of fire. The safety system is several layers that will work. A lot has changed since 2019 and the enclosures are the newest technology and safer as well.
Schmitt/Novak made a motion to open the public hearing for the amendment of application **#19-12 Murray, Richard/Eden Renewables:**
Schmitt yes, Novak yes, Hoffman yes, Houghton yes, Santulli yes, Harris recused. **Approved.**

Pamela Rowling located at 82 Maple St in CT wrote a letter. **(Please see attachment)**
Matthew Ganster located at 13818 Duanesburg Rd **(Please see attachment)**
Susan Biggs located at 13388 Duanesburg Rd **(Please see attachment)**
Julie from Schoharie explained that her concern is with the local fire departments being volunteers and not having the manpower around while everyone is at work.
Lynn Bruning 13388 Duanesburg Rd brought up to the clerk to put on the record the NYSERDA Battery Energy Storage System Model Law along with a letter from NYSERDA to Eden Renewables, the Schenectady County fire report, above ground wiring details.
Town Supervisor Tidball expressed his concerns regaurding the battery storage and was never once told about the battery storage. Supervisor Tidball asked the Planning Board to make sure that they really look at the battery storage because new technology turns into old technology. Mr. Tidball loves this town and to get a Hazmat team up here from Schenectady will be about 45 minutes. When he spoke to the local Esperance fire department one of the best in the area was told during the day you are not going to get a whole crew, maybe 2-3 members from each department. The Town Board also has a local gentleman who they would like to come out and give a presentation to the members. On the original plans the battery storage was little boxes. What are the exact dimensions of the enclosures?
Bill explained that in terms of physical structures shown on the EDP plans there was not actual dimensions of the inverters at the end of each row.

Council Member Ganther asked the question--what is the difference of having a smaller container of batteries at the end of each row compared to a larger container with many batteries? If there was a fire in the small containers, would it affect all the other batteries? Is there more of a risk with having a bigger container full of batteries?
Bill explained that each separate cell is monitored, and each stack made up of multiple cells are monitored so you have multiple areas that you are looking at within the one enclosure.
Mitch explained that there is minimal risk of thermal runaway.
Council Member Ganther expressed that you can have a thermal runaway if the individual batteries are in different rows, you will only have a thermal runaway if they were together in a unit.
Council Member Wenzel also added that there is a concern with being in a bigger container you don't have the heat dissipation that you would have with it not in a container.
Mitch explained that each enclosure is equipped with HVAC units that will continue to operate in the event that the battery cells are going into thermal runaway, they will extract heat, continue to remove the gasses from the enclosure and also have a control group that is there to indicate red.
Supervisor Tidball would like to know how the containers will be getting their power.
Mitch explained that it is separate from the main power flow, but it does have its own backup generator that will last up to 24 hours and would go into safety standby and turn power off.
Council Member Ganther would like to know if the fire suppression works for well for flame but not for the heat? And we don't have access to municipal water. Is it true that water brings down the heat not the suppression system?
Mitch explained to Council Member Ganther that there are different opinions and Powin supports both. If the fire department wants to use water, they can use water.
Bill Fairchild from Schenectady would like to know if the system uses internet. And if so, how do we know it will not get a cyber-attack? Like the pipeline was?
Mitch explained that there is a risk that needs to be managed. They have a team that specializes in cyber security experts and complies with the industry standards.
Lynne Bruning located at 13388 Duanesburg Rd stated that there is no internet at that end of town. Lynne has been asking for broadband for 15 years now.
Board Member Santulli asked Mitch where the central monitoring is out of and Mitch stated it is in Portland Oregon Powin's the main headquarters.
Chairperson Schmitt asked how many modules does the company have in circulation at this point for solar facilities?
Mitch explained that the first one was installed in 2016 in California. Powin has a few systems already installed in NYS and Massachusetts and are continuing to expand.
Board Member Hoffman would like to know if there are automatic disconnects between the solar arrays and the battery energy storage systems where if you have a surcharge a thermal runaway excessive heat could be transferred through the conductors from one spot to another?
Mitch stated that the battery pack has multiple disconnects from the battery cell to the point of interconnection.
Bill Fairchild from Schenectady asked what did the Planning Board investigate about the anti-glare coating?
Lynne Bruning Located at 13388 Duanesburg Rd stated that Eden Renewables submitted FAA navigational reports for their glare study. The glare study that was discussed by Prime AE the

first glare study is the first glare study that has come in front of the board. A spec sheet was not put in front of the board for 2019.

Josh Barnes located at 14314 stated that the original Oak Hill solar project did not include battery storage such as this, some of the town members can see the writing on the wall and I request that battery energy storage moratorium will fall on deaf ears. In a meeting very similar to this the Town Supervisor assured us that "they are not like the big storage units that I think you think that they are, which I think that this town would be against." Well only half of that statement is true tonight. We are against them. I ask all of you tonight to do what is right for this town and to deny the Green Cell request to include battery storage. If these fire systems work so well, we wouldn't need the fireman and the training necessary for these battery systems. They require 24-hour monitoring. The safety concerns here outweigh the benefits to this Town. Thank You.

Lynne Bruning Located at 13388 Duanesburg Rd stated she would provide a statement with attachments and as of September 1st the Clerk has not yet received it.

Schmitt/Hoffman made a motion to close the public hearing for the amendment of application **#19-12 Murray, Richard/Eden Renewables.**

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

Schmitt/Novak made a motion to set a public workshop for the amendment of application **#19-12 Murray, Richard/Eden Renewables** on September 9th at 5:00pm until 7:00 pm.

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

Schmitt/Novak made a motion to table the amendment of application **#19-12 Murray, Richard/Eden Renewables** until September 21st, 2021, meeting.

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

OLD BUSINESS:

None

NEW BUSINESS:

#21-12 Sexton, Phill: SBL 64.00-1-32.2, (R-2) Located at 389 Old Highway 30 is seeking a Special Use Permit under section 3.5.60 Dwelling, Two-Family; Section 8.4.8; section 14.6.2 of the Town of Duanesburg Zoning Ordinance. Representing Phill is his wife Jen Sexton. Jen explained to the board that they would like to build a 1-bedroom addition on the southwest side of their house. Jen's mother would like to have her own kitchen as well. Chris Longo is working on the drawings. The septic system is 52 years old, so they are in the process with the county now for a septic permit.

Schmitt/ Novak made a motion to set a public hearing for the **#21-12 Sexton, Phill** application September 16th, 2021, at 7:00pm.

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

Novak/Santulli made a motion that this is a this is a SEQRA Type II action no further action is required.

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

SKETCH PLAN REVIEW:

#21-10 James, John: SBL# 76.00-1-12.11, (R-2) located at Schoharie Tpke is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

John explained to the board that he is proposing to build a house on the lot but that the lot is currently too large and he needs to subdivide to make the lot smaller to get a loan from the bank. John would like to take off 7.2 acres off. A house was previously on the property but was torn down a couple years ago.
Harris/Santulli made a motion that the Planning board determines that the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels, that no additional lots will be created as a result of the lot line adjustment. The Planning Board declares the proposed action to be further exempt from any further subdivision review pursuant to this article and refers the application to the Code Enforcement Officer to complete administration of the same.
Harris yes, Santulli yes, Houghton yes, Hoffman yes, Novak yes, Schmitt yes. **Approved.**

#21-11 Breitenstein, Carl: SBL# 66.00-4-2.31, (R-1) located on the south side of Route 7 just west of the Duanesburg Fire Department and is seeking a major subdivision under section 13.5.2 of the Town of Duanesburg Subdivision Ordinance. Lance Manus is representing Carl for this application. Carl owns 27 acres between Route 7 and I88. He is looking to develop the land. It is now permitted being and R-1 district to have smaller more compact lots. The Town does have sewer hook ups in this location and Carl's dad Jim did have the Town put in two laterals one on each side of route 7. There will be 11 lots that meet the zoning requirements. There is a stream on the property that is not a DEC wetland. The site distances are adequate per DOT. The access roads to the lots will be built to the Town Highway standards. The lot sizes will be 1 acre each. There is capacity for the sewer plant for the additional lots. The Board would like to see a wetland delineation report, Full SWPPP, the drainage of I 88, and for Lance to touch base with DOT.

OTHER:
None

MINUTES APPROVAL:
Schmitt/Hoffman made the motion to approve July15th, 2021, Planning Board minutes with one minor correction.
Schmitt yes, Hoffman yes, Novak yes, Houghton yes, Santulli yes, Harris yes. **Approved.**

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

August 19, 2021

Privilege of the Floor

Planning Board
5853 Western Turnpike
Duanesburg, NY 12056

Dear Planning Board,

Lynne Bruning 13388 Duanesburg Road, Delanson NY 12053

Please include this letter in the official record of tonights meeting minutes.

Beginning May 2020 The Town, Planning and Zoning Boards provided their meetings to the taxpayers via zoom and phone calls. The town purchased additional microphones and possibly computer equipment and subscriptions to streaming services to accommodate COVID regulations while providing open meetings to the public.

Tonight's Planning Board meeting is the first meeting that has not been made available on zoom since May 2020. To my recollection this change was not announced at any meeting.

Tonight is a controversial Public Hearing. I believe that the meeting should be made available on zoom. This would afford the Board and Town transparency, accountability and equal access for all taxpayers. This would remove opportunities for impropriety and include those that are most impacted by the Boards decisions. Residents have expressed concerned about the Boards ethics and integrity. Affording public meetings online and by phone would help dispel some concerns.

I request that the Board reinstitute zoom board meetings.
I request that the Board provide full transcripts of the board meetings.
I request that the Board provide online access to application documents. Requiring residents to visit Town Hall to access files, many of which are already available in a digital format, outs extra strain on the clerks time, creates unnecessary expense of the taxpayers, and allows residents to remain safely at home while still participating in their local government.

Thank you for your time and concern.

Respectfully,

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

Tonight we are having a public hearing on the Oak Hill Solar 1 and 2 Projects to be located off of NYS Route 7. This is a public hearing on two previously approved solar projects due to changes to the projects.

Back in September of 2019 the Planning Board issued a determination that the projects would not result in any significant adverse environmental impacts, and then issued special use permits and site plan approvals. The projects were reviewed under the Town Zoning Law and the 2016 Solar Facilities Law. Neither of these laws have changed.

After the projects were approved, one neighbor, Ms. Biggs sued the Planning Board arguing that the approvals were insufficient. The Court disagreed and upheld the Planning Board's decision.

The Building Inspector Mr. Warner received an application for building permits from Oak Hill Solar 1 and 2 LLC at the end of June of this year. Upon comparing the plans he found that there were sufficient differences between the approved plans and the building permit plans to warrant the plans being referred back to the Planning Board for review. His official determination is in the handouts at the back of the room, as are the other approval documents, Planning Board minutes and the court decision.

This public hearing is not about whether these solar projects will be approved; it is about whether the changes to the approved projects as those changes are shown on the building permit plans and documents will be approved or not.

Before I open the floor to the public for comments the Planning Board will hear from their engineers at Prime as to any comments that they have on the changes to the project. Next the Planning Board members are going to go over the plans and discuss any questions that they have regarding the plans.

Once this has been finished, I will open the public hearing for public comment.

I do not expect that the Planning Board will make a decision tonight. It is possible that the Planning Board may determine to have a work shop before the next Planning Board meeting on September 16, 2021, that will be up to the Planning Board. It will, of course, be a public meeting.

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

August 14, 2021

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

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

Dear Mr. Warner:

On July 17, 2021, PRIME AE was provided with new and revised documents pertaining to the Oak Hill 1 and 2 Solar Projects located at 13950 Duanesburg Road in the Town of Duanesburg. The project had received approval in 2019 to construct two (2) 5 MW photovoltaic solar arrays on approximately 80 acres of land fronting on NYS Route 7. The project had previously obtained Subdivision approval, Site Plan approval, and a Special Use Permit from the Town with plans prepared by Environmental Design Partnership, LLP. Since then, the project designs were updated by Verdanterra and Greencells USA Inc. to include new access roads and four (4) 53 foot-long battery storage enclosures. Below is a table of documents provided to PRIME AE for these new projects:

No Change Documents		
Document	*Date*	*Date Received*
Supplementary Visual Impact Assessment	8/19/2019	
Received New and Revised Documents		
Document	*Date*	*Date Received*
Issued for Construction (IFC) Site Design Drawings	5/18/2021	7/15/2021
Stormwater Pollution Prevention Plan (SWPPP)	May-21	7/15/2021
Stormwater Pollution Prevention Plan (SWPPP) Preparer Certification Form Signed	5/14/2021	7/16/2021
(SPDES) General Permit for Stormwater Owner Operator Signed	5/14/2021	7/16/2021
(SPDES) General Permit for Stormwater Contractor Certification	6/2/2021	7/16/2021
New York State Department of Transportation (NYSDOT) Commercial Driveway Plans	6/14/2021	7/16/2021
Commercial Access Highway Work Permit Application and Checklist	6/14/2021	7/16/2021
United States Army Corps of Engineers (USACE) Permit Package	6/11/2021	7/16/2021
Issued for Construction (IFC) Electrical Drawings 1 and 2	6/22/2021	7/16/2021
Issued for Construction (IFC) Landscape Plan	5/28/2021	7/16/2021
Powin Fire Alarm SOP	2/2/2020	7/16/2021
Issued for Construction (IFC) Grading Plan	5/28/2021	7/16/2021
NOI for Coverage under Stormwater General Permit for Construction Activity	5/20/2021	7/16/2021
Decommissioning Agreement Executed	3/11/2021	7/16/2021

Pervious Access Road Questions Received by the Town from Concerned Citizen	7/27/2021	7/27/2021
Issued for Construction (IFC) Mechanical Drawings 1 and 2	5/5/2021	7/28/2021
Permit VS Issued for Construction (IFC) Comparison Plan	3/31/2021	7/28/2021
Issued for Construction (IFC) Plans Summary of Changes Letter	7/28/2021	7/28/2021
Glare Analysis	7/23/2021	7/28/2021
CSG Solar Glass Specifications	-	7/28/2021
Vikram Solar Somera Solar Cell Cut Sheet	-	7/28/2021
Astronergy Stave Solar Cell Cut Sheet	-	7/28/2021
Anti-Glare ARC Solar Glass and Application in Module pdf prepared by Dongguan CSG Solar Glass Col., LTD	-	7/28/2021
New York State Department of Environmental Conservation (DEC) 4-hour Erosion and Sediment Control Training Certification	6/8/2021	7/28/2021
Revised Full Environmental Assessment Form (EAF) Part 1	7/28/2021	7/28/2021
Summary of Environmental Assessment Form (EAF) Part 1 Changes	7/28/2021	7/28/2021
Enclosure Cut Sheet	-	7/29/2021
Battery Images	-	7/29/2021
Revised Oak Hill 1 and 2 Decommissioning Statement	5/28/2021	7/31/2021
Special Use Permit Amendment Cover Letter	7/30/2021	7/31/2021
Decommissioning Summary of Changes Letter	7/30/2021	7/31/2021
Esperance Fire Department Road Width Approval Email	9/18/2019	8/5/2021
TenCate Mirafi Geogrids Cut Sheets	-	8/5/2021
Overall Site Plan C2	5/28/2021	8/9/2021
Site Plan C2	5/28/2021	8/9/2021
Grading Plan C3	5/28/2021	8/9/2021
Full Environmental Assessment Form (EAF) Part 2	8/12/2021	8/12/2021
Full Environmental Assessment Form (EAF) Part 3	8/12/2021	8/12/2021

Based on a review of the documents we provide the following comments:

IFC Site Plan Drawings and Summary of Changes Letter

1. Per the local solar law, the site is enclosed by a minimum 6' fence for security.
2. The fence signs and plaques appear to be in compliance with the local solar law standards.
3. The 25' undisturbed buffer required for screening as described in the local solar law is being complied with as all proposed construction and clearing is shown to take place 100' from the adjacent lots on the plans. There could be cause for concern that there is not sufficient screening on the west side of the site, however, there is currently no developed land on the adjacent property where this would be a potential issue.
4. Evergreen tree plantings are proposed on the east side of the property to provide screening along the Susan Liss Briggs property line, which was agreed to for the prior site plan approval.

5. It appears the largest portion of the property that will have clear-cutting of trees is the south-western most part of the facility as per a review of Google-maps. This section appears to require approximately 9 acres of clear-cutting which is not in accordance with Town Solar code which only permits 20,000 sf of clear cutting in one location. Therefore, a variance may be required.
6. Lot coverage does not appear to exceed 60% of the total lot, therefore it meets the requirement of the local solar law.
7. The closest inverter to a parcel boundary is the most north-eastern inverter at about 600' from the adjacent property, also owned by Richard Murray. The next closest inverter to property not-owned by Mr. Murray is approx. 750' from lands owned by Joshua Barnes. The applicant should provide information regarding noise levels produced by proposed inverters. .
8. All proposed development, save for the evergreen plantings, are within the requirements of a 100' setback as required by local solar law.
9. Total area of construction disturbance should be identified on the plans. Applicant should provide a breakdown of types of disturbances anticipated and the quantity of each.
10. Applicant should include a detail of proposed pads and a schedule of dimensions and quantities of each in the plans.
11. It appears that infiltration trenches are to surround all proposed equipment and pads. Applicant should verify and provide calculations that the bearing capacity of soils, with no dispersion of moment (given that the trenches do not allow for such), can support the concrete pads and the equipment they intend to support.
12. The proposed facility falls within the R-2 zoning district and may be permitted-for construction by the issuance of a special use permit in this district.
13. Access roads for maintenance and emergency services are shown, utilizing existing pathways to the greatest extent practicable as in accordance with local solar law. There are turnarounds at each location of inverters and storage containers for ease of navigation as required by local law. NYSFC 2020 specifies and requires fire apparatus access roads to have an unobstructed width of 20' in section 503.2.1. There is an exception to this requirement described in section 503.1.1 where an approved fire code official may exempt a fire apparatus road from this requirement. We received correspondence from the Esperance Fire Chief, written 9/18/2019, that he found the access road acceptable on the prior plans. It should be noted that the State Fire Code has been revised since the issuance of this correspondence. Therefore, an updated approval from the local fire department should be obtained by the applicant. Furthermore, we have no record that the Esperance Fire Chief is considered an approved fire code official as defined by the NYS Fire Code. The applicant must obtain approval by an approved fire code official as defined by the NYS Fire Code for this pervious access road as shown and specified.
14. Note that maximum grade on the access road appears to be 12%. NYSDOT recommends commercial driveways to not exceed 10%. The applicant should consider revising the maximum slope.
15. For wetland disturbances, the most-eastern access-road-crossing appears to be about 100' long and at least 14' wide. This would equate to 1,400 sf. If additional trenching were to take place adjacent to the road for the medium voltage trench, that would be approximately another 200 sf. Making this disturbance alone equate to approx. 0.04 acres of disturbance. The second wetland, access-road-crossing appears to be identified properly in square footage. The total disturbance of wetlands from this work would equate to 0.043 acres. Please reconsider the total disturbances for this item – USACE and NYSDEC permit applications may need to be revised accordingly.

Site Plan C2

1. Site plan was submitted for review, comments can be seen in the IFC plans section.

Grading Plan C3

1. Site plan was submitted for review, comments can be seen in the IFC plans section.

IFC Landscape & Planting Plan

1. Landscape and Planting Plan are the same. One of the drawings should be removed for clarity.
2. The plan specifies mountain laurels but states that the scientific name is Morella Penstlvanica. The scientific name for mountain laurels is Kalmia Latifolia. The scientific name specified is for Northern Bayberry. The scientific name and common name should agree for the intended species.
3. The applicant should clarify why plantings are proposed on the easterly side of the lot and not the westerly side as the westerly side also borders a residential property.

IFC Mechanical Drawings 1 &2

1. A key should be added to the drawings as well as the height of the solar panels identifying the height at maximum tilt.
2. Units should be included for each dimension. English units would be preferred. Units should be consistent throughout set.
3. Equipment parts should be labeled.

IFC Electrical Drawings 1&2

1. We have received the IFC Electrical Plans 1 & 2, however, they have not been reviewed. It is our understanding that the building code officer shall review and approve these plans prior to issuance of a building permit.

SWPPP

1. Section 3, the first sentence only describes the SWPPP as applying to stormwater management during construction and not post-construction which is required, given that this is a project classified in Table 2 "Construction Activities that Require the Preparation of a SWPPP that Includes Post-Construction Stormwater Management Practices" of Appendix B "Required SWPPP Components by Project Type". This should be revised.
2. Section 3, paragraph 2 says inspection will only occur during construction until final stabilization has been achieved. As this is a project classified in Table 2 of Appendix B, post construction stormwater management inspections will be required. This section should be revised.
3. Section 4 should be revised to state that the SWPPP should be modified to document final construction conditions as well.
4. Section 4 should be revised to state that revisions to the SWPPP shall be submitted to the NYSDEC as well as the Town of Duanesburg.
5. Section 5 should be revised to include mention of the various wetlands on the project site.
6. Section 5.1 should be revised to include a breakdown of soil groups present on the site by percentages.
7. Drawing C8 shows phasing of the project. This phasing should be identified and discussed how it is incorporated to the sequencing of the project in Section 8.

8. Section 8 should include a detailed proposed schedule of construction and preparation of the site, as the overall schedule identified in the NOI indicates the project construction may take approximately 2 years and the submitted FEAF indicates a duration of 12 months.
9. SWPPP should be revised to describe minimum erosion and sediment control practices directly associated with each construction activity in accordance with Part III B.e. in the General SPDES permit. A schedule should be provided of when each method will be installed, how long it will remain and the conditions that allow for removal.
10. The details provided in the drawing set show many proposed E&SC measures included as included in Table 3 and even more NYS Standards and Specifications for Erosion and Sediment Control were included in the Appendix, however there are details and specifications of practices not described in the SWPPP in this Appendix which makes it discursive and unnecessary. The methods not referenced in the SWPPP or planned to be employed at this site should be removed from the Appendix. Descriptions and details need to be descriptive yet concise.
11. The level of description given for timber matting and temp. stockpiling should be used as an example for how all other erosion control methods listed in table 3 should be described in the SWPPP. Please revise as such.
12. Sodding is listed in Section 26 of NOI but is not listed in table 3 of the SWPPP. This should be revised.
13. Level spreader is not included in the SWPPP despite reference to this practice in the plans – SWPPP should be revised accordingly.
14. In Section 10.2, it is unclear where 0.0878 (units?) is being sourced from and why the total value is being multiplied by 43,560. The A value is supposed to be the contributing area in acres for the Water Quality Volume calculation. The site itself is approximately 141 acres and the area of disturbance is 69.72 acres according to the FEAF submitted. It should be clarified where these values originate. Furthermore, A and Aic are not equivalent, so wherever 0.0878 and 43,560 originate for the Water Quality Volume, they cannot be used in the same place for the Runoff Reduction Volume. Finally, Section 10.3 describes the total contributing area of the site to be 91.93 acres – if this can be confirmed as accurate, this is the value that should be used as A in the water quality volume assessment.
15. The site was identified to be approximately 141 acres in Section 5, however Section 10.3 describes the total contributing area of the site to be 91.93 acres. If anything, the contributing flow area of the site should be at least 141 acres.
16. Upon review, we disagree with the sub-catchment boundaries shown in Appendix J, The Stormwater Management Report. For example, the western boundary along the access road would indicate a high spot or ridge where the area outside of the boundary would drain to a separate location. The contour map shows that this is not the case.
17. Sub-catchment 3 currently shows that in all design storms, the flows are unchanged. However, as a majority of the pervious access road is proposed in this currently-defined sub-catchment, it can be presumed that the flows would decrease in this area if the existing impervious access road is being reconstructed. Additionally, contributing flow areas beyond the parcel boundaries should be shown if they are projected to affect the site.
18. Qp, Qf, and Qf calculations should be summarized in the body of the SWPPP.
19. Total area of disturbance and total area of new impervious cover should be stated in SWPPP.
20. Post-construction stormwater control practices employed are supposed to treat the increase in stormwater flows created by the site development per the NYS Stormwater Design Manual. Calculations should be provided to show how infiltration trenches were sized to show sufficient

volume for treatment. It is seen that calculations are included in an appendix; however, these calculations should be summarized in the body of the SWPPP. This summarization should include dimensions of infiltration trenches.

21. Please elaborate as to what is meant by the following statement which is included in the description of Infiltration Trenches: "These trenches will not be used to treat stormwater quantity". As complete storm water quantity for the site should be treated by post-construction storm water management practices, if this is accurate, additional post-construction storm water management practices must be considered.
22. The most recent version of the letter from the Fish and Wildlife Service as submitted to USACE should replace the 2018 letter currently in the SWPPP as an exhibit.
23. There are (2) copies of the contractor certification form in the SWPPP, one signed and one incomplete. The incomplete version should be removed.
24. SWPPP Inspection Reports should include sections that ask the inspector if improvements are required to the stormwater management practice. There should be an area that describes maintenance preformed on the site during inspection or since the last inspection.
25. SWPPP should describe the frequency of inspections to take place.
26. Appendix K should have a table to include the date an amendment was made, the name of the qualified amender, their signature and a description of the amendment made.

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

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

NOI for Coverage under Stormwater General Permit for Construction Activity

1. The answer to 5 is "no" but according to the phasing plan included in the plans, that does not seem to be accurate. Please clarify and revise appropriately.
2. The answer to 7 is "no" but according to the phasing plan included in the plans, that does not seem to be accurate. Please clarify and revise appropriately.
3. Number 8 has a start date in the past without a building permit obtained yet, this date should be revised accordingly.
4. Number 9 – there are wetlands on the site that should be identified and discussed.
5. Topsoiling and Protecting Vegetation During Construction are practices listed in table 3 of the SWPPP but are not listed in Section 26 of NOI. This should be revised.
6. Section 27 – answer should be provided or clarity as to why this has no answer.
7. Section 28 – If WQv is revised in SWPPP, this will subsequently need to be revised.
8. Section 30 – current RRV listed here does not match what is in the SWPPP (.002 af vs .02 af). If RRV is revised in SWPPP, this will subsequently need to be revised.
9. Section 31 – according to the SWPPP, RRV is written as .002 af which is less than .008. Clarity should be provided on this. If RRv is truly .002 and RRv is truly .008, Section 31 will need to be revised and 32-36 will need to be revised.

USACE Permit Package

1. Original USACE letter states that construction may commence as long as construction complies with Nation Wide Permits 12 & 14 in Section B. This letter was issued on September 26, 2019. USACE shall make a determination on the modified project plans before construction may commence. This determination shall be forwarded to the Town for review prior to construction.
2. For wetland disturbances, the most-eastern access-road-crossing appears to be about 100' long and at least 14' wide. This would equate to 1,400 sf. If additional trenching were to take place adjacent to the road for the voltage trench, that would be approximately another 200 sf. Making this disturbance alone equate to approx. 0.04 acres of disturbance. The second wetland, access-road-crossing appears to be identified properly in square footage. The total disturbance of wetlands from this work would equate to 0.043 acres. Please reconsider this item – USACE and NYSDEC permit applications may need to be revised accordingly.
3. Note: SHPO no impact letter dated 6/4/2019 was included in this submission.
4. Note: NYS Fish and Wildlife letter dated 8/2/2019 was included in this submission which mentions the possible presence of Northern Long-eared bats in the vicinity. Tree removal as a part of this project should occur within DEC recommended timelines for this species.

NYSDOT Application and Minor Commercial Driveway Plans

1. We have received a copy of the NYSDOT submitted plans for the driveway and the application for construction permit. NYSDOT shall review and approve these plans and application prior to issuance of a Town building permit. Approved permit shall be provided to the Town for record.

Agricultural Data Statement

1. It does not appear that this item was delivered for our review.

Full EAF Part 1 & Summary of Changes Letter

1. Changes to the acreage to be physically disturbed increased from 0.89 acres to 69.72. The original acreage only accounted for the access road, utility line trenching and equipment pads. The new stated acreage reflects the site's limit of disturbance. This is the possible disturbance that will be encountered during construction.
2. Applicant indicates in question D.1.e that the project will be completed in a 12-month period, however the submitted NOI states that the project may take approximately 2 years. Applicant should clarify the construction time frame.
3. Question D.1.g the applicant stated there would be new non-residential construction but did not answer the subsequent questions D.1.g.i,ii,iii. Applicant should indicate the number of structures, dimensions in fee of the largest proposed structures including height, width and length, and if any space is to be heated or cooled.
4. Original EAF stated 550 sf of utility trench and 2,143 sf of limited use pervious gravel for the access road. This differs from the statement in the Summary of Changes that states it was reduced from 1,585 sf to 990 sf. The revised EAF correctly reflects the reduced wetland disturbance of 990 sf.

5. Question D.2.e. states an increase in impervious acreage due to the increase in equipment pad size. Applicant has also updated the new point sources to include energy storage system pads and DC-DC converter pads.
6. Question D.2.m.i was left unanswered. Applicant should provide the details of the noise level including sources, time of day and duration.
7. The Applicant has listed changes to question E.1.b under the Acreage After Project Completion and Change columns, however the Current Acreage column differs from the original EAF. Applicant should clarify the difference in current acreage listed for forested, meadows, grasslands, or brushlands, and agricultural land use/cover type.
8. The Applicant has changed their response to question E.3.b from the original EAF and was not noted in the Summary of EAF Part 1 Changes. The Applicant has indicated that the project location has highly productive soils present and subsequently provide the acreage and soil rating details.

Full EAF Part 2

1. Applicant has indicated in their answer to question 9, Impact on Aesthetic Resources, that the project would have no impact on aesthetic resources. A Visual Impact Assessment was done in 2019 with findings that concluded there would be no impact.

Full EAF Part 3

1. Although it was stated there would be no visual impact, the Applicant has included additional screening to provide evergreen plantings along on the back side of the property within the field of view of the neighboring property.

Decommissioning Plan Summary of Changes Letter

1. Changes include:
    a. Appendix 1: Site Location Plan – The site plan has been updated to include the latest overall site plan from the Issued for Construction drawings.
    b. Appendix 2: Breakdown of decommissioning costs – an updated decommissioning cost estimate is included in the Revised Oak Hill Community Solar 1 And 2 Decommissioning Statement. The overall cost estimate increased from $211,381.00 (2019 estimate) to $221,379.50 (2021 estimate) per project. Below is a summary of the changes.
    c. Reductions to the cost of Fence Removal with Gate and CCTV, and Removal of Posts due to the decreased array footprint and related design changes.
    d. Reduction to the cost of Remove & Dispose of Central Inverters due to the move from distributed to centralized inverters.
    e. Increase to the cost of Removal of Gravel Access Road due to the expansion of the access road network.
    f. Increase to the cost of storage disposal due to the updated energy storage design.
    g. Appendix 4: The Irrevocable Standby Letter of Credit has been replaced with the Decommissioning Performance Bond form agreed to in June 2021.
    h. Appendix 5: Form of Bond Email Correspondence – new appendix containing an email record of the form of bond correspondence.

l. Appendix 6: Energy Storage Decommissioning Narrative – new appendix containing a narrative explaining the energy storage decommissioning process and providing a breakdown of the storage decommissioning cost estimate.

Decommissioning Agreement Executed

1. Decommissioning Agreement was for the 2019 project and is no longer applicable.

Revised Decommissioning Statement

1. Decommissioning plan should state clearly what the total of the combined projects are for clarity, as it is not mentioned throughout the decommissioning plan what total cost for the 2 projects together will be.
2. Underground conduit is not discussed for removal in the plan. Plan, subsequently, should be revised to include this.
3. Submitted IFC plans do not seem to include CCTV but CCTV removal is included in the summary analysis. Please revise or clarify.
4. Removal costs should be revised to clarify whether labor, transport and machinery required is included in each item. If each item does not include these costs, they should be revised.
5. Based on plans at a scale of 1"=120', length of fence in its entirety appears to be approximately 8,300 lf. If dividing the cost and quantity of decommissioning evenly amongst the two projects, the length of fence for one project would be 4,150 lf. Please verify length of fence and update plans or decommissioning costs accordingly.
6. Wiring length based on profile and station appears to be at least 4,800 lf. If dividing the cost and quantity of decommissioning evenly amongst the two projects, the length of wiring for one project would be approx. 2,400 lf. Please verify length of wiring and update plans or decommissioning costs accordingly.
7. If the intention is not to split the decommissioning between the two projects individually, there should be a separate cost break down for each of the 2 projects.
8. The original cost estimate from 2019 reflects the same unit cost/item. It is likely that costs from labor and decommissioning equipment would have increased in this time frame. The unit cost/item should be reevaluated.
9. The storage facilities are listed as N/A for the costs. Please update the quantities and costs per unit. Or provide elaboration as to why this is stated as such.
10. It appears the Town Attorney's office has been consulted on the preparation of the Decommissioning Bond.

Glare Analysis and Module Specifications

1. According to local solar code, solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. The Glare Analysis was performed at two neighboring homes. The analysis used software that evaluates the likelihood of glare at a given position, minute by minute for an entire year and found that no glare is predicted for each location. We find this conclusion satisfactory.
2. We believe an observation should be taken from Route 7 to prove compliance with local solar code.

Battery Storage Specification and Photos

1. Battery images were provided and reviewed. No comments.

Pervious Access Road Questions Received by the Town from Concerned Citizen

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

1.q. Do solar access roads have a weight limit requirement?

1.a. It has been our experience that they do not have a weight limit requirement, but they have been designed and developed with materials for heavy truck traffic at low volume (fire truck, tanker truck, etc.)

1. We believe the applicant should provide bearing calculations for the proposed access road to handle the largest fire truck from the local fire company.

2.q. Are the access roads required to withstand a 40-ton tanker truck?

2.a. The access roads use materials that can withstand a 40-ton tanker truck. The Mirafi BXG110 geogrid specified in the design can be used for construction equipment / heavy equipment travel. See attached for Mirafi BXG110 geogrid specification.

2. We believe the applicant should provide bearing calculations for the proposed access road to handle the largest fire truck from the local fire company.

3.q. Will the access roads withstand winter plowing? Battery storage fires can happen at any time. It makes sense that emergency access roads are required to be kept clear throughout the winter.

3.a. The pervious haul access roads can withstand winter plowing. There are sites within the capital region that use the pervious haul road design and have not had issues with plowing. Some of these sites are CCR - Ellsworth 1 & 2 in Halfmoon, NY, Forefront – Bethlehem-LaGrange in Bethlehem, NY, and Forefront – Guilderland in Guilderland, NY.

3. If these sites are designed with the same specifications, we find this answer satisfactory.

4.q. Is there a width limitation to this detail? NYSERDA requires battery energy storage to follow the 2021 International Fire Code even if it is more restrictive than local law. Approved site plans may require amendments expanding the width of the road to meet 2021 IFC. How wide can this detail go?

4.a. The pervious haul roads have been designed with a width of 14'. This width in combination with the truck turnarounds has been approved by the fire chief (email correspondence attached) during the original application. We also provided the fire chief with the updated road layout in an email communication on July 28, 2021 and did not receive any comments. It is our strong preference to keep the road width at 14' to limit the disturbance on site. Please let us know if you require further discussion on this point.

4. NYS Fire Code does specify and require fire apparatus access roads to have an unobstructed width of 20' in section 503.2.1. There is an exception to this requirement described in section 503.1.1 where an approved fire code official may exempt a fire apparatus road from this requirement. We received correspondence from the Esperance Fire Chief, written 9/18/2019, that he found this access road acceptable. It should be noted that the State Fire Code has been revised since the issuance of this correspondence. Therefore, an updated approval from the local fire department should be obtained by the applicant. Furthermore, we have no record that the Esperance Fire Chief is considered an approved fire code official as defined by the NYS Fire Code. The applicant must get approval by an

approved fire code official as defined by the NYS Fire Code for this pervious access road as shown and specified.

52'x8' Enclosure Drawings

1. We acknowledge that we have received these details.
2. These plans should be reviewed by the Building Code Enforcer, as it is under their jurisdiction.

Powin Fire Alarm SOP

1. Emergency contact information in the Purpose section is incomplete.
2. This Safety Guide should be presented to the local fire department response team, so they have on file and are aware of the specific requirements of the site before it is required during an emergency.

Permit VS IFC Comparison Plan

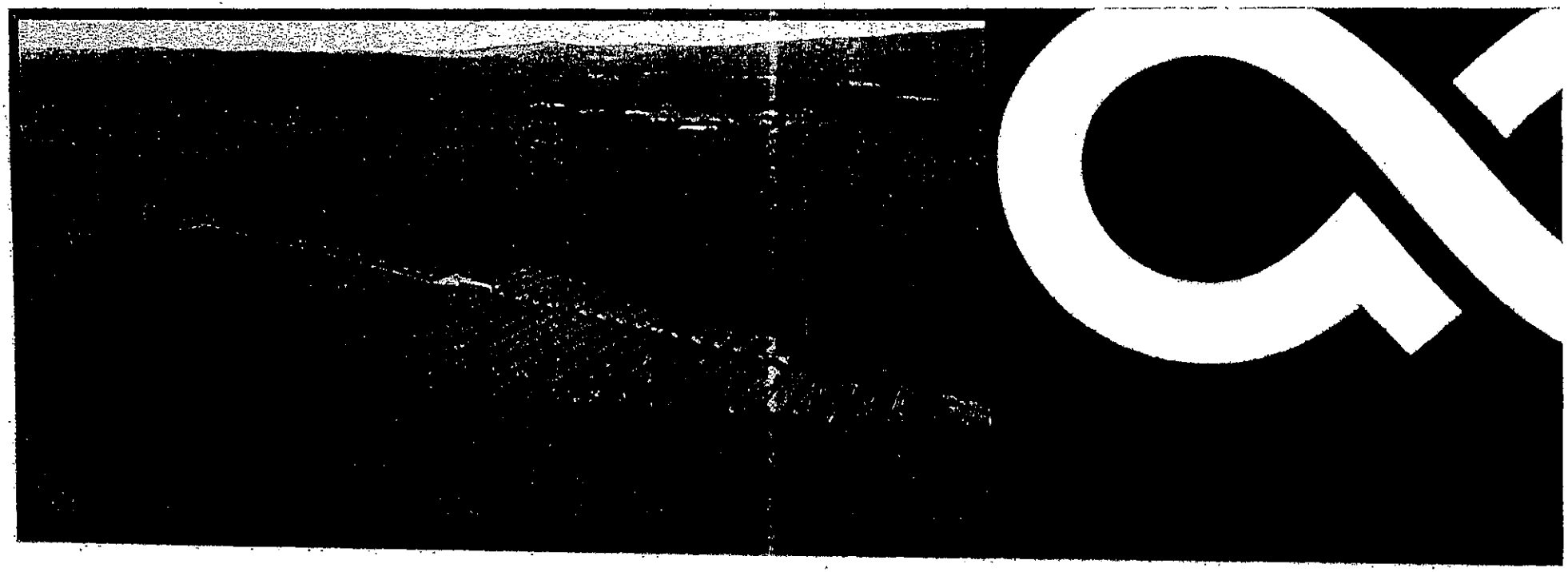
1. Limits of disturbance are identified on the plan but the corresponding breakdown of area of disturbances are missing.
2. The original permit approved easement was 50' wide for ingress and egress and utilities.
3. The original permit was approved for a 14' wide pervious gravel access road.

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

Douglas P. Cole

Douglas P. Cole, PE
Senior Director of Engineering

cc: Roger Tidball, Supervisor



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

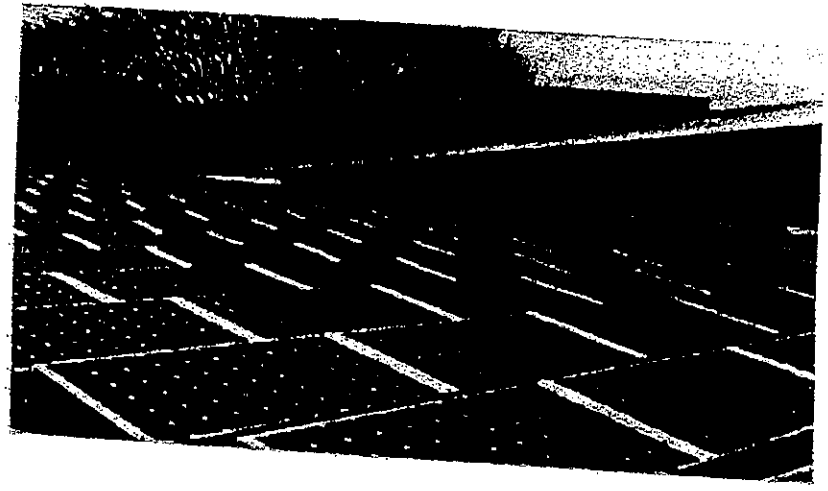
Public Hearing for the Town of Duanesburg, NY

August 19, 2021

amp

Who is Amp?

- Amp bought the Oak Hill projects from Eden Renewables
- Toronto-based renewable energy company - founded in 2010
  - Entered US market in 2015
- Amp is the long-term owner and operator of 21 solar projects across the US, including 3 with batteries
  - In-house operations team



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PV + BESS Project Benefits

- Power well over 3,000 NY homes
- Climate benefits – equivalent to removing 4,000+ cars
- Support New York's clean energy and grid resiliency goals
- Biodiversity and ecosystem services
- Community scholarship and education programs
- Economic: PILOT Payments, construction jobs

amp

Modifications to the Approved Design

Enhance project safety and performance

1) Slightly reduced array footprint and additional visual buffer and landscaping

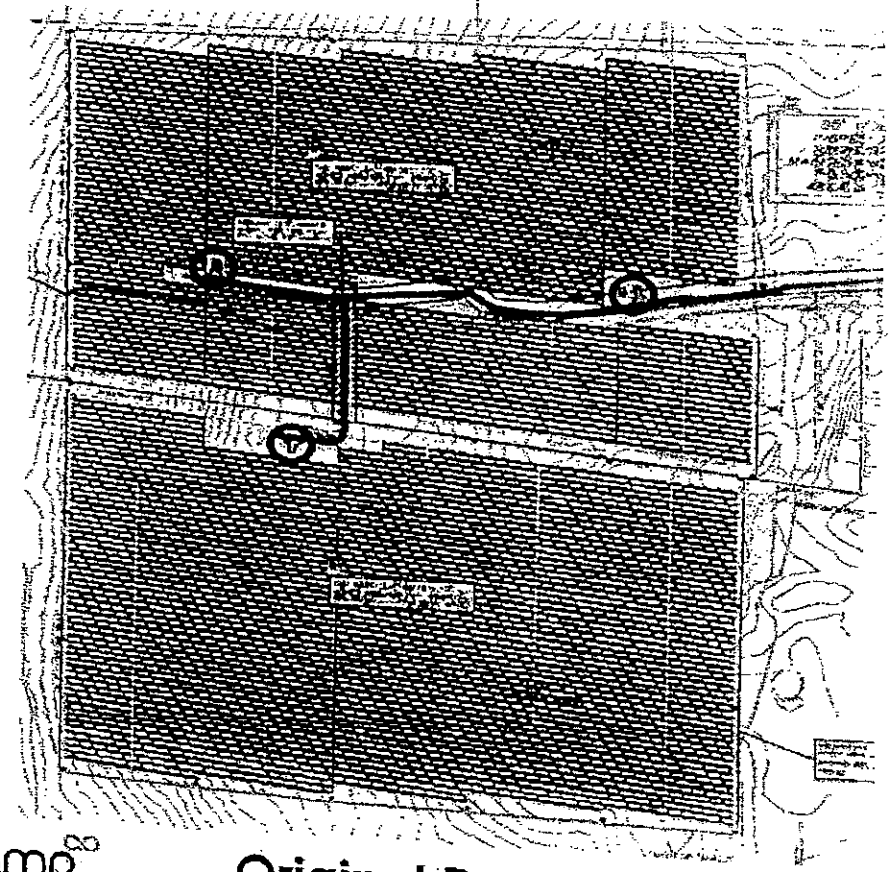
2) Access roads expansion

3) Updated energy storage design

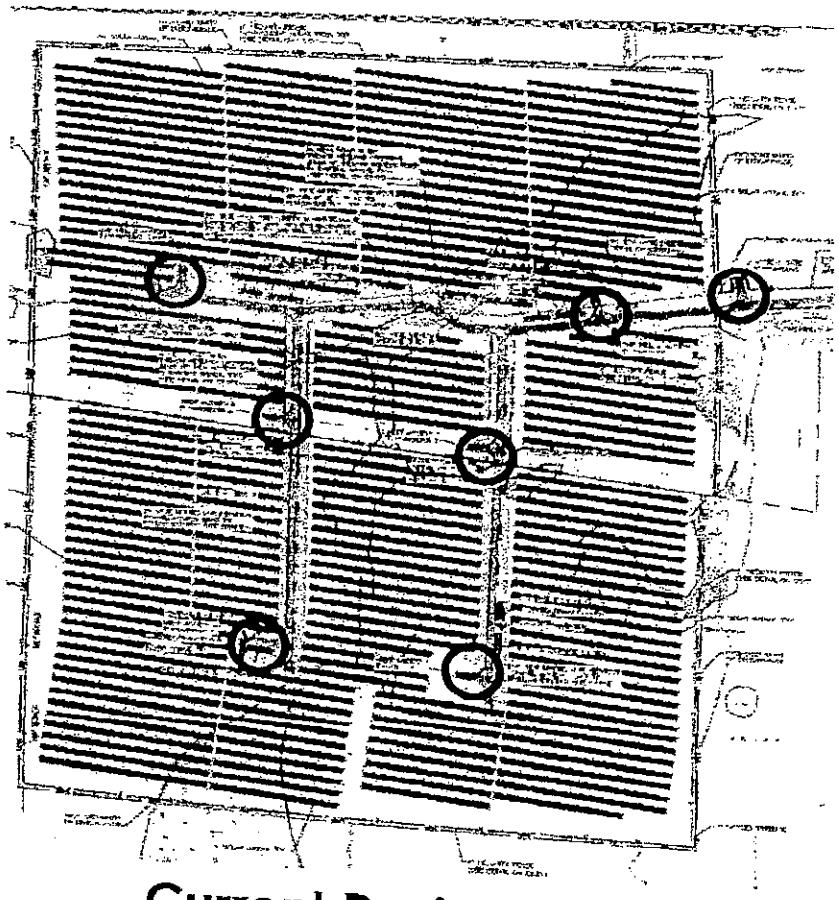
amp∞

Access Roads Expansion

Redesigned pervious access roads

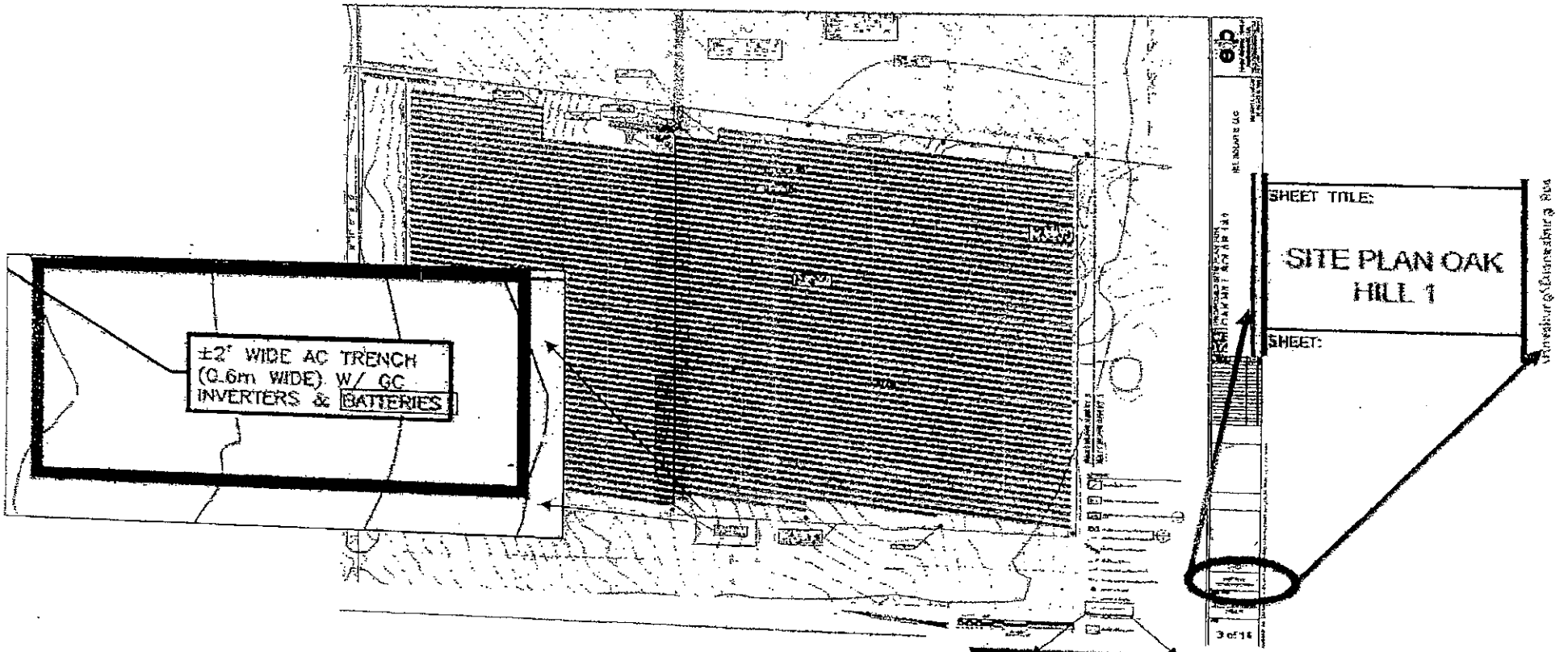


Original Design - 2019



Current Design - 2021

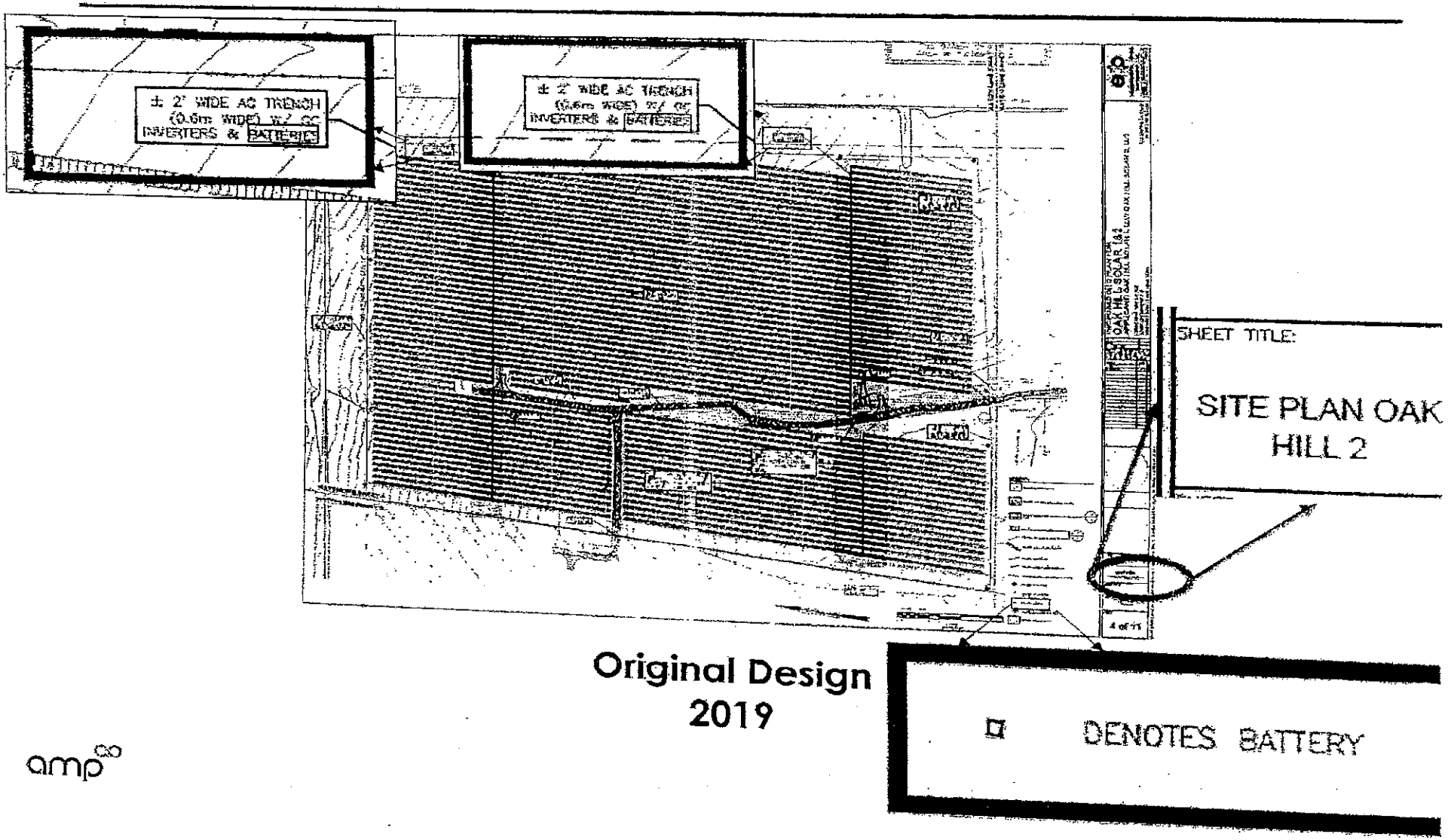
Sept 2019 Approved Site Plan - Oak Hill 1



Original Design
2019

amp

Sept 2019 Approved Site Plan - Oak Hill 2

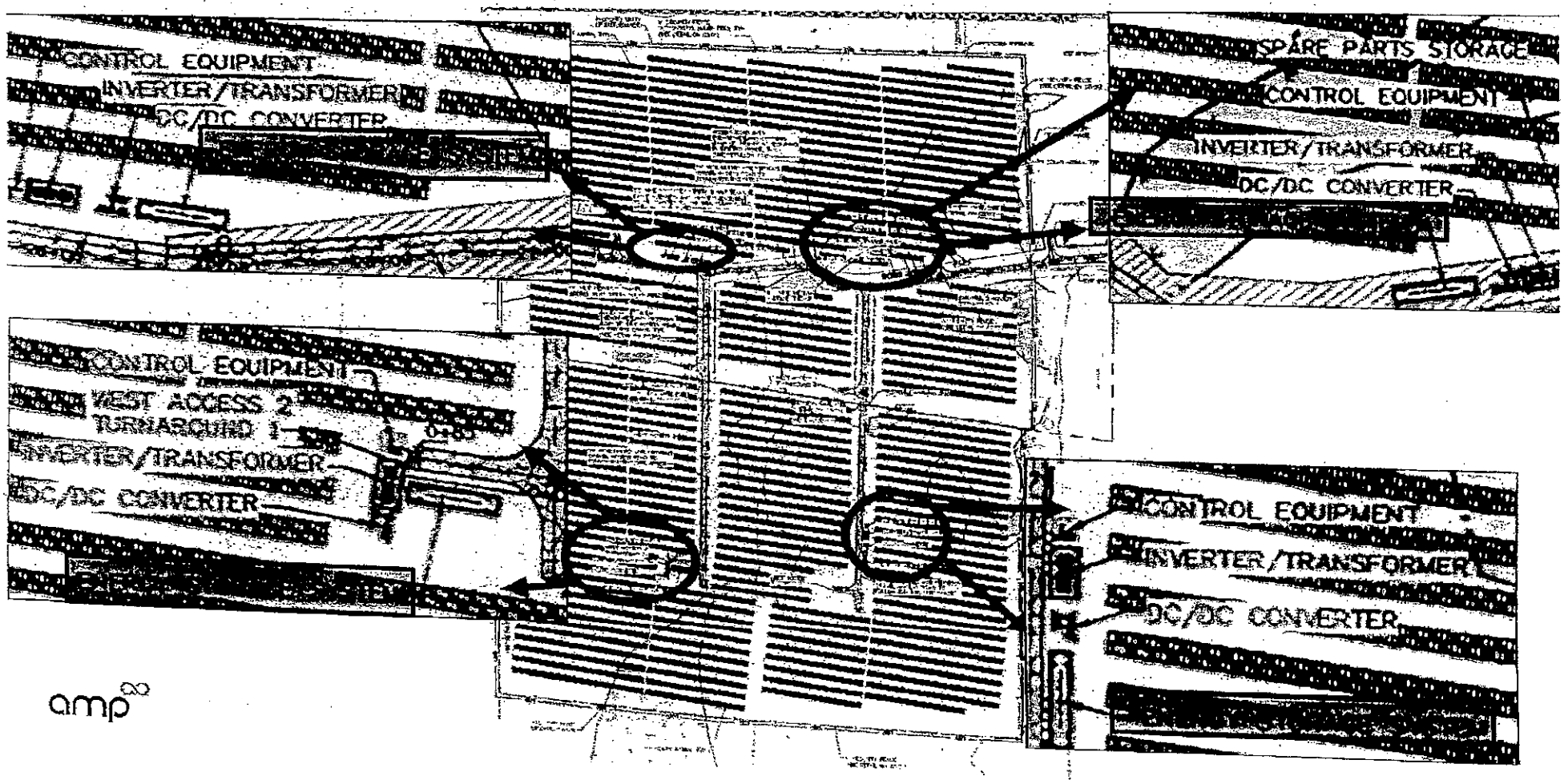


Original Design 2019

amp

2021Solid State Energy Storage Design

Reduction from 11.78 MWh (2019) to 9.00 MWh (2021), per project



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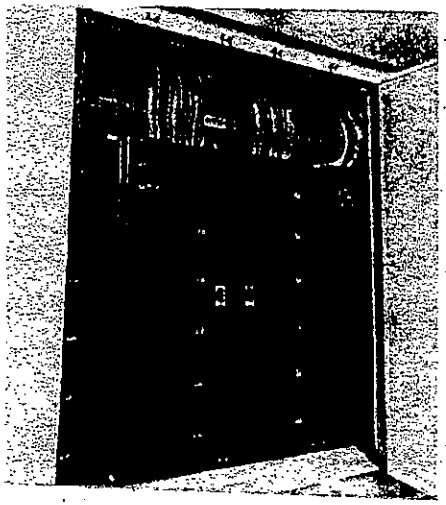
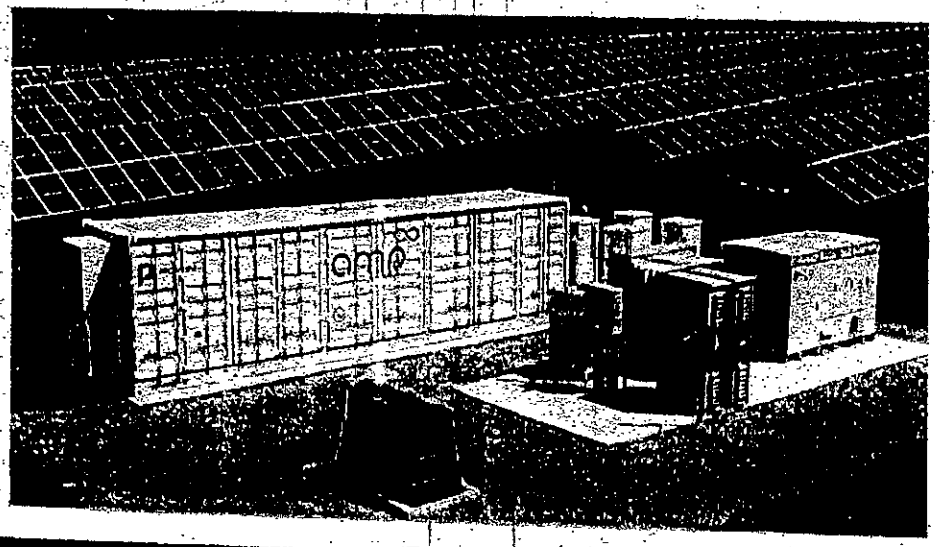
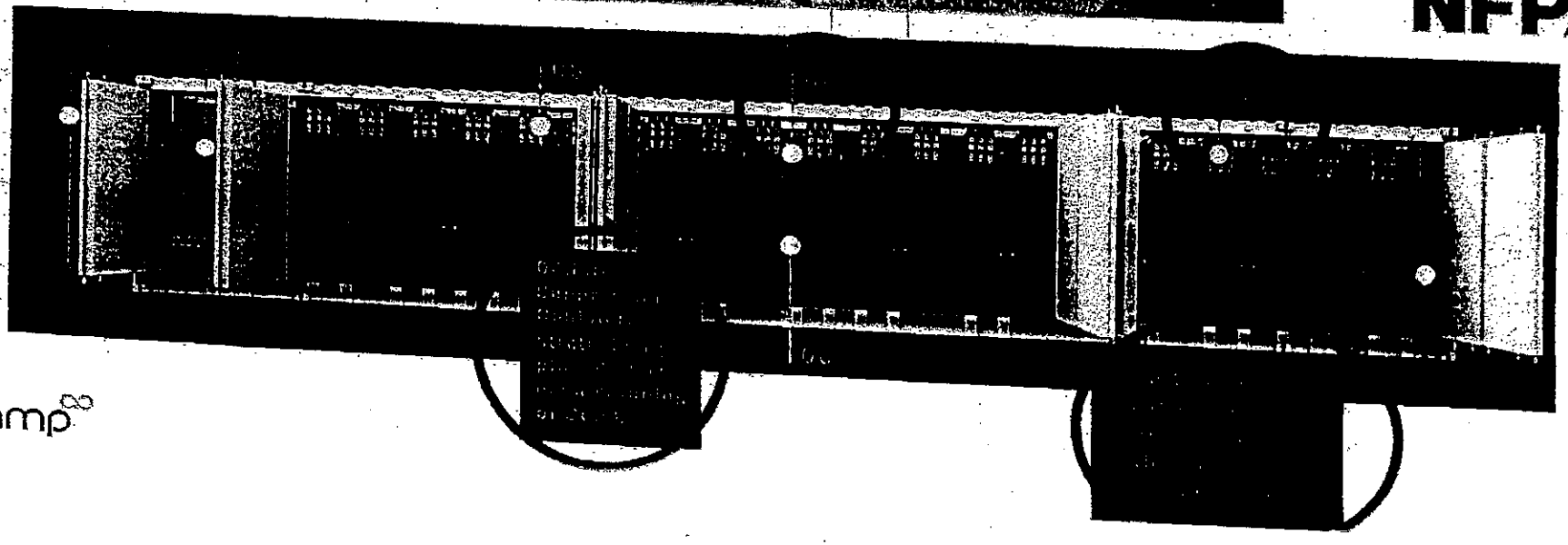
Updated Energy Storage Design







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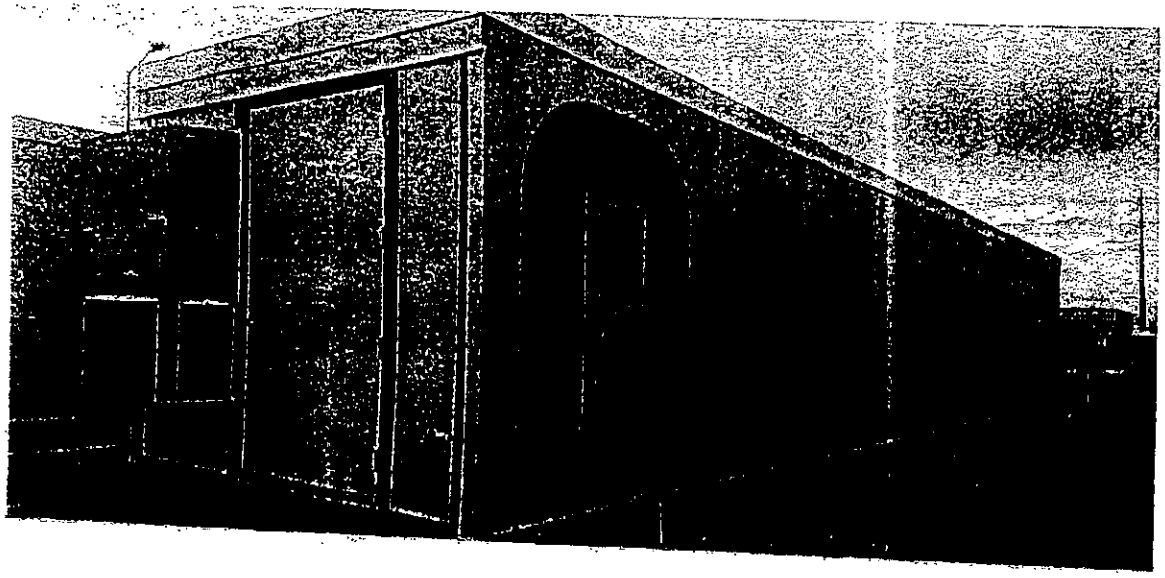
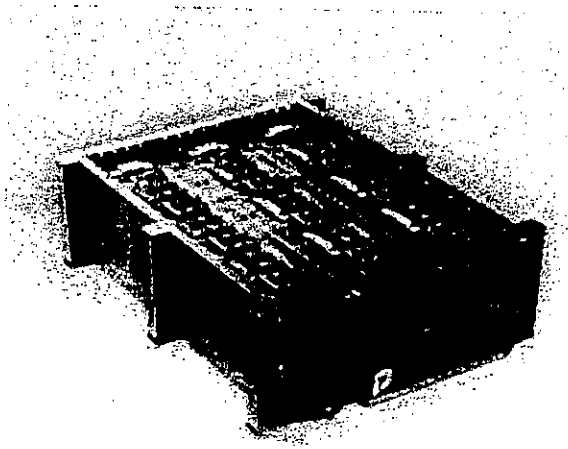
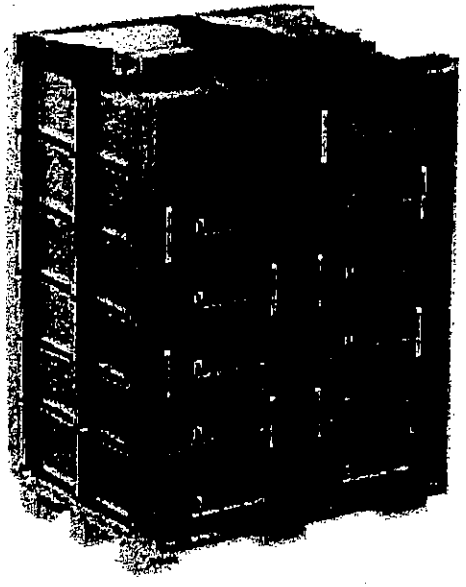
Battery Safety – Powin Energy







amp

Conclusion

- Technology has advanced since 2019
- Proposed changes enhance project safety and performance
- Request extension to 2019 Approval
- Thank you

amp∞

Contacts

Kevin Foster
Director, US Projects
kfoster@amp.energy

Nicole LeBlanc
Director, US Transactions
nleblanc@amp.energy

Bill Pedersen
Senior Manager, Execution
bpedersen@amp.energy

amp

August 19, 2021

Dear Duanesburg Planning Board,

Please include my letter in the official record of tonight's meeting minutes.

I would like a copy of the stormwater pollution prevention plan (SWPPP) reviewed by a third party engineer.

I would like a PDF copy of the SWPPP sent me at pamelarowling@yahoo.com. I have not been able to review this document prior to the meeting.

This Project drains into my parcel 74.-3-19 which is an Agricultural District and actively farmed hayfield. There are installed subsurface drains and the two surface drainage swales can barely handle the current water run off. The existing system would be quickly overwhelmed by the additional runoff from the proposed solar project, additional roadways and addition of four 53 foot battery storage containers.

The lands surrounding my parcel are very wet and the soils are poorly drained. The Full Environmental Assessment Form E.2.e. states that the the Project site is 100% poorly drained. Section E.2.f states that 10% of the project is 10-15% slopes. This steep section drains into Mrs. Biggs Parcel as well as into my parcel.

In July 2019 and August 2019 I, as well as neighbors, submitted documentation that the Project would likely negatively impact the stormwater erosion on Biggs and on my parcel.

The SWPPP that Eden submitted to the Planning Board in 2019 appears to be for a project site one mile to the west of 13590 Duanesburg Road where the solar array is proposed. The SWPPP was draft only and a Notice of Intent was not filed.

I urge the planning board to reconsider the the project's stormwater impact due to increased access road dimension and newly proposed installation of four 53 foot battery storage containers. These storage containers do not appear on the approved September 2019 site plan sheets 1 through 11. Without a doubt my property will be negatively impacted and the ability to produce hay will be compromised. This will cause me to lose revenue. Ultimately this will unfavorably impact the potential value of the property for alternative uses. Our zoning ordinance protects property values and I urge you to follow our Zoning Law Section 14.6.1.5 e) Adequacy of storm water and drainage facilities; when reviewing the Project.

Additionally, as I have expressed prior, I have serious concerns about the potential for ground water pollution due to use of various vegetation control chemicals as well as from composition of the Solar panels themselves. There are concerns about the anti-reflective coating that is applied to the solar panels and the possibility of PFAS in this product.

I request that the Planning Board delay approval until they have thoughtfully and carefully reviewed the town ordinances and laws.

Zoning Ordinance 14.6.3.1.8 Cause harmful waste to be discharged into sewer, streams, or bodies of water, or to be stored on said property. If there is a fire then toxic chemicals may enter into the soil and groundwater that drain into the Schoharie Creek. If there is a battery leak or batteries are stored improperly.

Zoning Ordinance 14.6.1.4.25 "Limits of land disturbance."
The September 2019 site disturbance was reported to be less than one acre. If the Applicant had included the battery storage and the correct road locations and dimensions the Project would have been in excess of 1 acre and likely have been denied. It appears that the developer misrepresented the project to the town in order to obtain Special Use Permit approval.

The project appears to be in violation of Zoning 14.6.2. c) The character of the neighborhood and values of surrounding property is reasonably safeguarded;

Additionally the Comprehensive Plan states:

> *Ground Water Protection Objective: Advocate the use of strict land use controls and development density limits to protect ground water, lake watersheds*
>
> *The Town's ground and surface water are vulnerable to contamination. Industrial waste discharge, road de-icing salts, failing septic system effluent, landfills, leaky petroleum storage tanks, and innumerable household, commercial, and agricultural chemicals can find their way into groundwater and surface water.*
>
> - *Review and ensure the efficient use of road de-icing salts, sand and other materials used in winter management operations, especially where runoff can easily enter and pollute lakes, waterways, and other fresh watersheds.*

Thank you,
Pamela H. Rowling
Pamela H. Rowling

PHR ~~Please see attached color images reflect stormwater runoff into my parcel from the Oak Hill Site.~~

Wynde-Ridge Farm
13818 Duanesburg Rd.
Delanson, NY 12053

ORIGINAL

19 August 2021

Duanesburg Town Clerk
CC: Melissa Deffer, Planning & Zoning Clerk
5853 Western Turnpike
Duanesburg, NY 12056

To whom it may concern:

I own the 41 acres adjoining the south and west edges of the Oak Hill I and Oak Hill 2 solar projects, which adds up to about 2,525 feet of shared property line. Our house and main barn are listed on the National Register of Historic Places as the Sheldon Farmhouse.

My primary concern is the fire risk associated with the proposed battery energy storage systems. As one example, I will cite the April 2019 fire at the McMicken Energy Storage Facility in Maricopa County Arizona, which injured three firefighters, released toxic gases and fluids, and melted the shipping container and racks that held the lithium ion batteries. Other, recent, examples of malfunctioning or inadequate fire suppression systems can be found online, from what I believe to be credible sources. As we all know, our late winter and early spring burn ban exists to help prevent brush fires in standing dry grasses.

The fields where the Oak Hill projects are proposed border my woodlot, which comprises 30 acres of approximately 150-year-old mixed hardwoods that have been selectively harvested for the past 100 years. And I consider this to be a major asset to my property. From a safety standpoint, my house and barns are situated well within 1,000 feet of the edge of the forest, putting them at high risk in the event of a brush or forest fire.

Battery energy storage presents risks greater than what I feel is appropriate for a district zoned agricultural/residential. Given that battery storage does not need to be co-located with solar arrays, I would encourage the Planning Board to reject this amendment to the Special Use permit. If possible, I would like for the Town to reevaluate whether on-site energy storage should have a place in this project at all.

Thank you for hearing my comments.

Sincerely,

Matthew D. Ganster
Rose F. Ganster

August 19, 2021

Dear Planning Board,

Permitting containers of battery energy storage 1,200 feet from my bedroom window and 700 feet from my property line will diminish my use and enjoyment of my home and property. With out a doubt the location of battery energy storage in this residential neighborhood will negatively impact the neighbors property values. As the property owner closest to the Project it is likely that solar + storage will severely compromise my ability to develop my parcel and sell my home.

I request that the Planning Board provide in writing how the Oak Hill Solar project and battery energy storage system blend in with the character of the existing rural historic neighborhood. Please explain to me in writing how Duanesburg Zoning Ordinance 14.6.2 c) "The character of the neighborhood and values of surrounding property is reasonably safeguarded" will be upheld.

The addition of roadways and four 53' containers of lithium-ion battery energy storage systems will increase the already significant storm water run off and erosion on the abutting parcels to the east (Biggs) and northeast (Rowling). Please see attach 17 pages of images.

It appears that Eden misrepresented their site disturbance to be 0.88 acres which allowed the Planning Board to grant a Special Use Permit. Documents submitted by AMP in July 2021 reflect that the actual disturbance will be more than 67 acres. This is a significant change of more than 65 acres of site disturbance. It appears that Eden mislead the town to believe that the site disturbance was under one acre. The September 2019 Special Use Permit should be revoked.

In August 2019 Eden submitted tracking panel details to the DEC and Army Corps of Engineers. These drawings show above ground electrical cable harness. Please see attached August 8, 2019 Above Ground Wiring Detail Drawings Sheet 1 through 2. At the same time Eden promoted to the planning board and residents that the use of sheep would be a method of vegetation maintenance cost permitting.

Based upon the tracking panel images Eden submitted to the DEC, but not to the town, I doubt sheep will be used. The cable trays and motors will be problematic with sheep grazing. Maintenance of vegetation around and below the above ground cable harness is very likely to require herbicides. These herbicides may drain into the underlying principal aquifer, tributaries to the Schoharie Creek, my property and into neighboring agricultural district for the lifetime of the Project. It appears that Oak Hill Solar once again omitted information and mislead the Board and residents about the Project. Please revoke their special use permit.

Battery storage discharges daily. This increases the overall noise and disturbance from the Project. What is the discharge schedule? How long is the discharge? What is the dB rating? Please require the Applicant to provide noise studies for the cumulative impact of battery storage, tracking panel motors, inverters and transformers at the property line. I would like the

winter months taken into consideration when the snow and absences of leaves on the trees and shrubs allow noise to amplify and travel further distances. I would like to receive this written information and reports mailed to my primary address PO Box 160 Quaker Street, NY 12141. Please provide details on how I make complaints if noise is beyond the provided figures and how the town will remedy any excess noise.

Battery Energy storage should be denied because of Duanesburg Zoning Ordinance 14.6.3.1.7 "Cause a fire, explosion or safety hazard." Battery energy storage blows up. It burns. It's nearly impossible to extinguish. Battery Storage doesn't belong in hay field where the town has burn bas for four months out of the year. Battery storage certainly doesn't belong in a residential neighborhood. Would you permit it to be built next to your home?

There is a reason my home was omitted from Eden's renderings. It is likely because if my home was shown then the Project would not be approved. Eden misrepresented their project. When they were asked to make corrections to the rendering they did not. They purposefully continued to use misleading documents and misrepresented their project to the the town, residents and world. Duanesburg should revoke their Special Use Permit.

This controversial Project was hastily approved September 2019 so that the Applicant could meet New York State Energy Research and Development (the"NYSERDA") funding deadline at the end of September. Please do not let the developer bully and rush your careful review of this precedent setting project. Duanesburg deserves better.

Thank You for your time and consideration.

Susan Biggs

Enc 17 color images of stormwater damage to Biggs and Rowlings properties.

Biggs Tax ID 74.00-3-18 looking west to Proposed Oak Hill Solar by Eden Renewables

Photos by Lynne Bruning November and December 2019

Biggs Tax ID 74.00-3-18 looking west to Proposed Oak Hill Solar by Eden Renewables

Photos by Lynne Bruning November and December 2019

Biggs Tax ID 74.00-3-18 looking west to Proposed Oak Hill Solar by Eden Renewables

Photos by Lynne Bruning November and December 2019

Figure 1. Environmental Resource Mapper indicating missing fresh water wetlands.

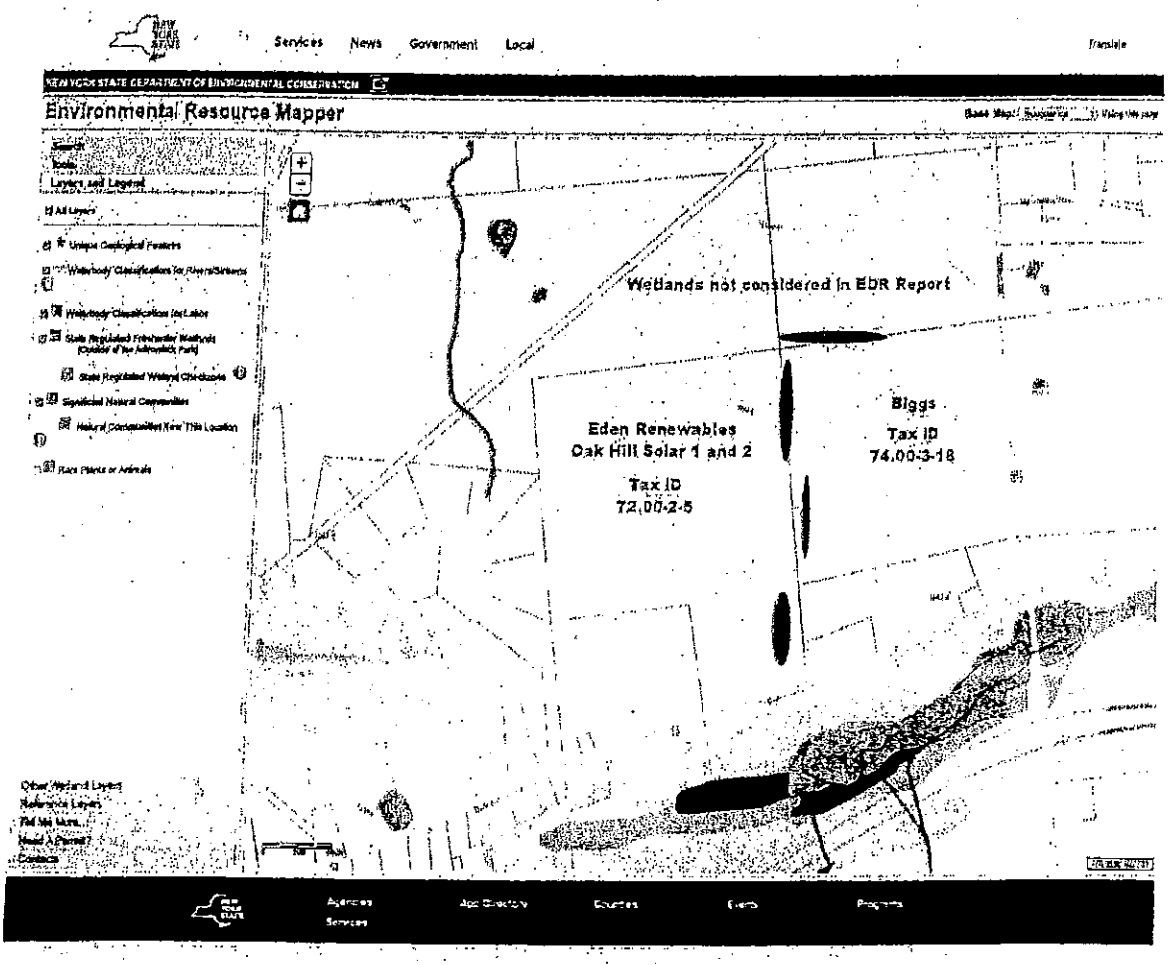


Figure 2. Environmental Design Research Report image of wet land area of interest

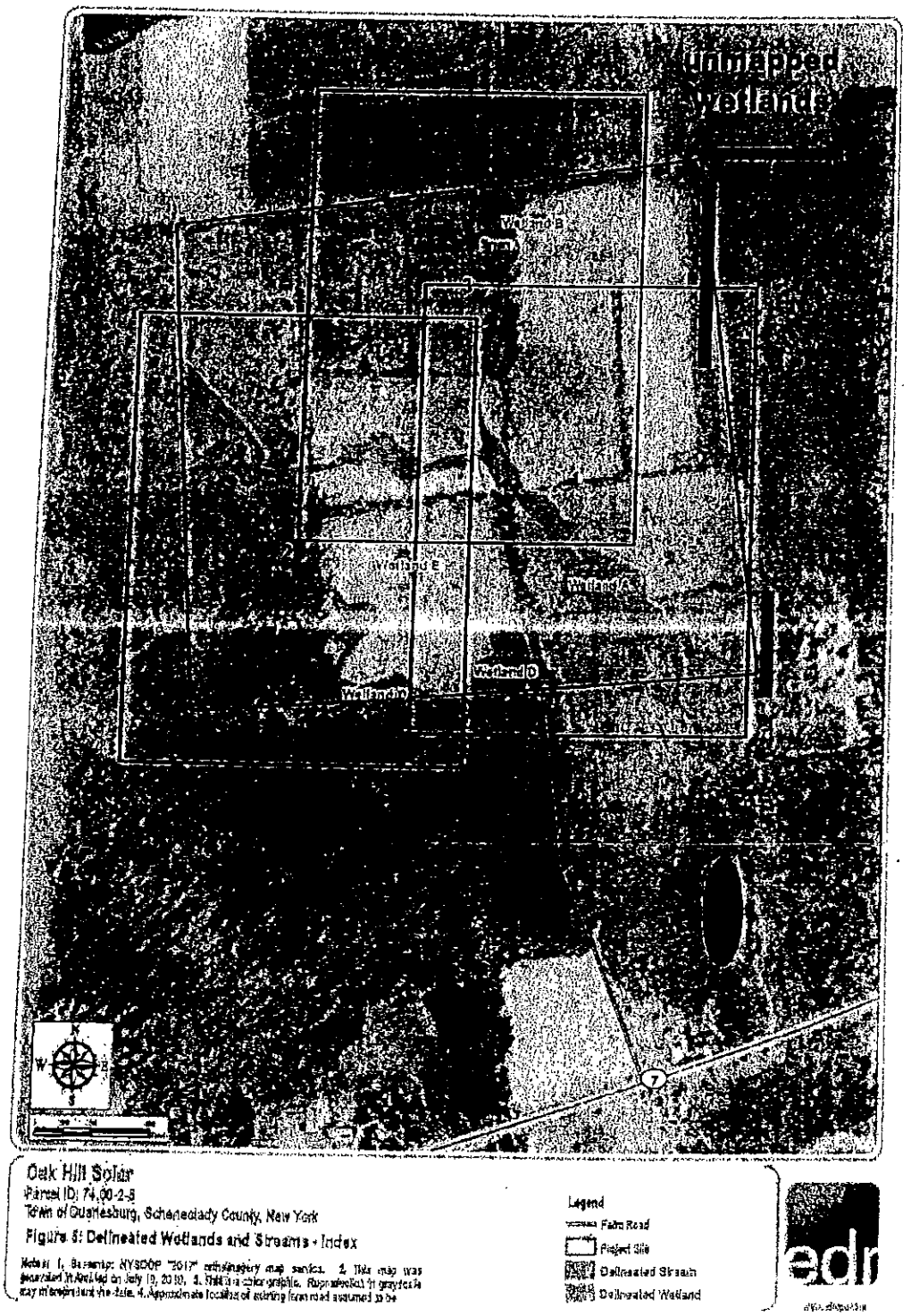
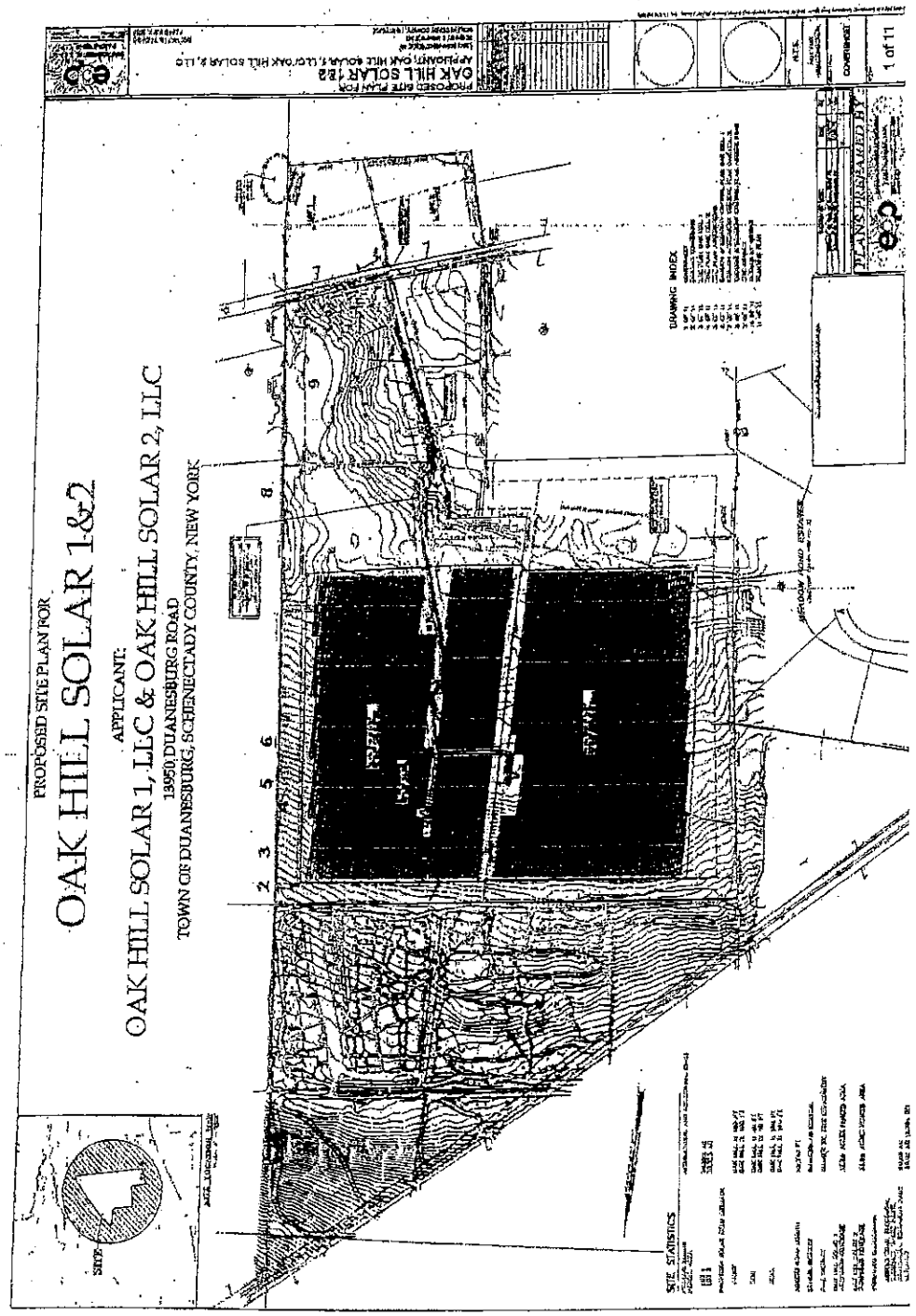
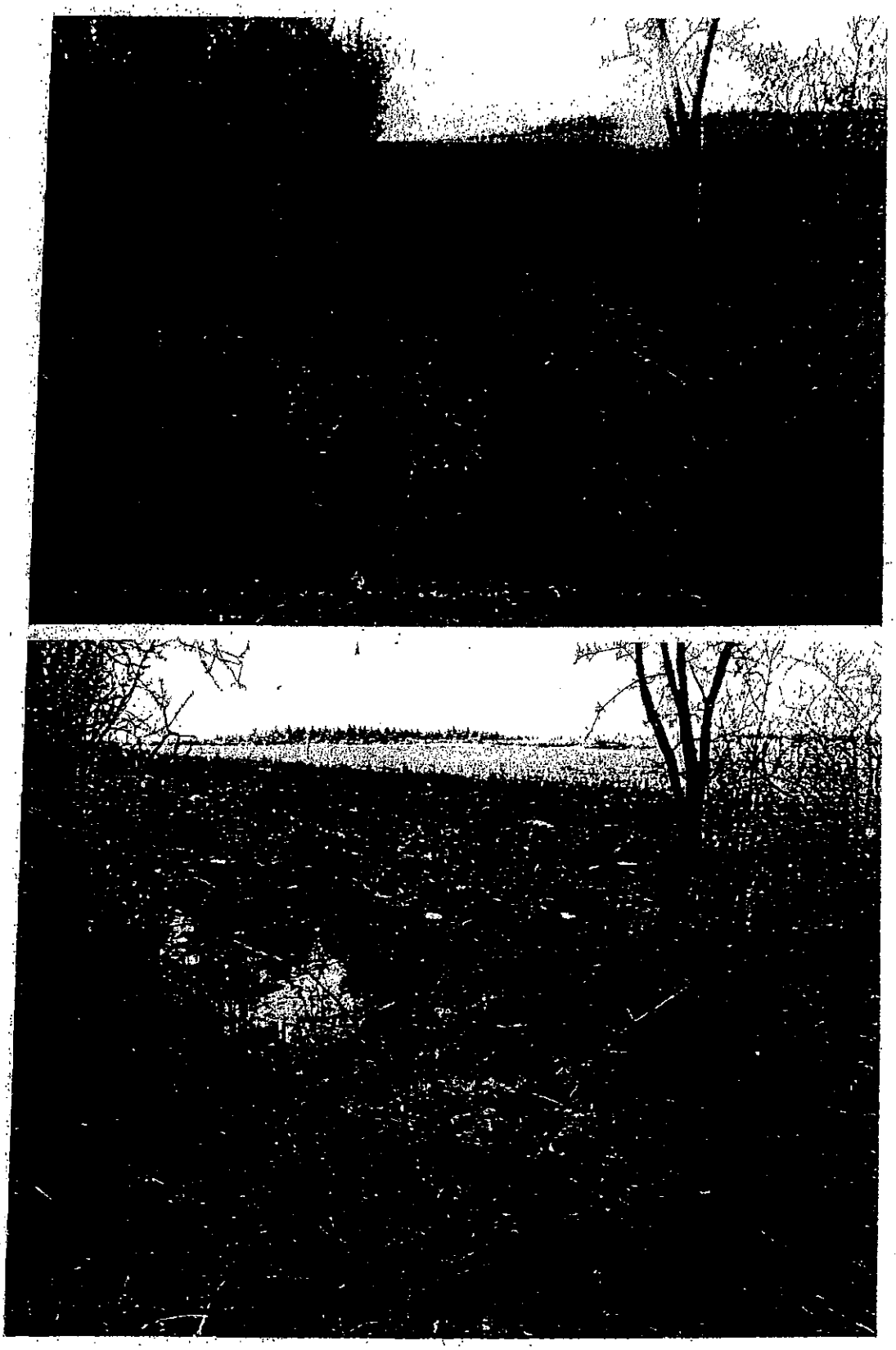


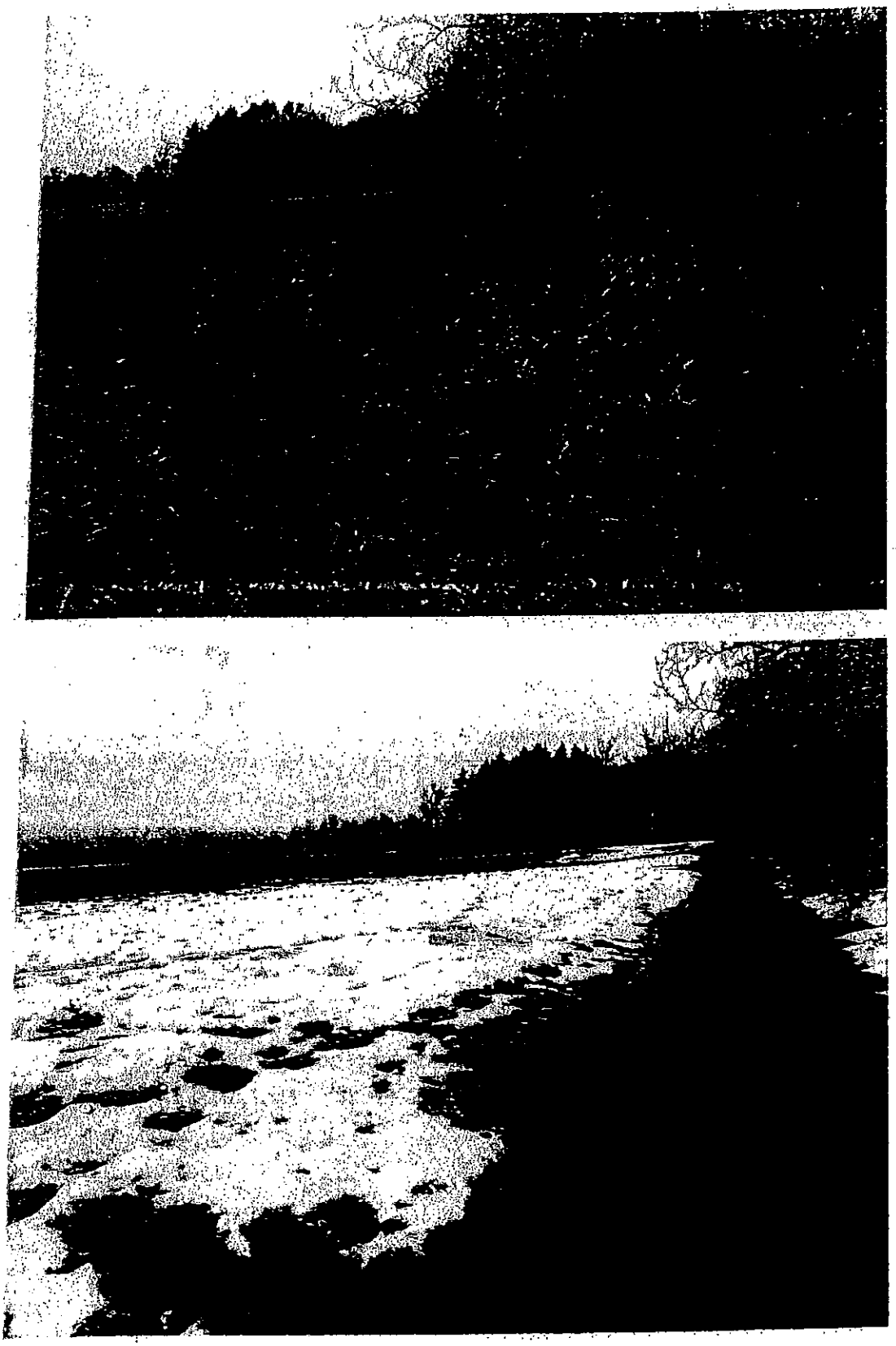
Figure 3 Site Plan of Oak Hill Solar with image key



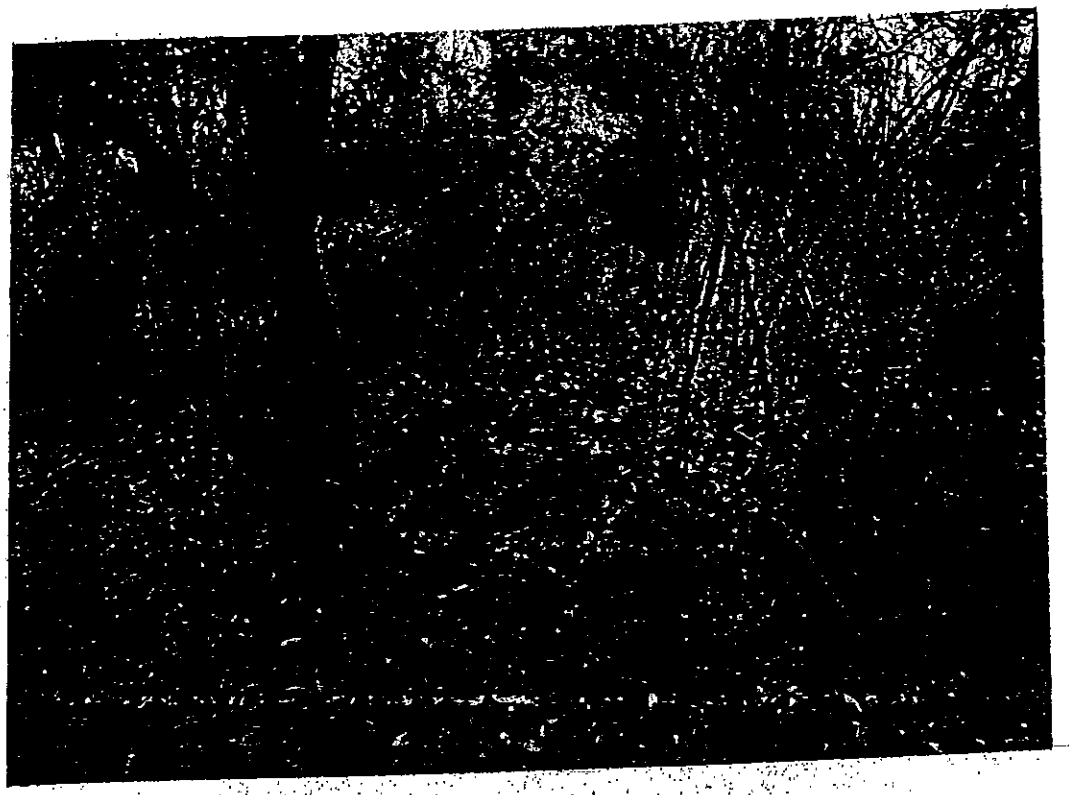
1. View southwest to the lands of Richard Murray/Eden Renewables Oak Hill Solar 1 and 2



2. View east to lands of Pamala Rowling



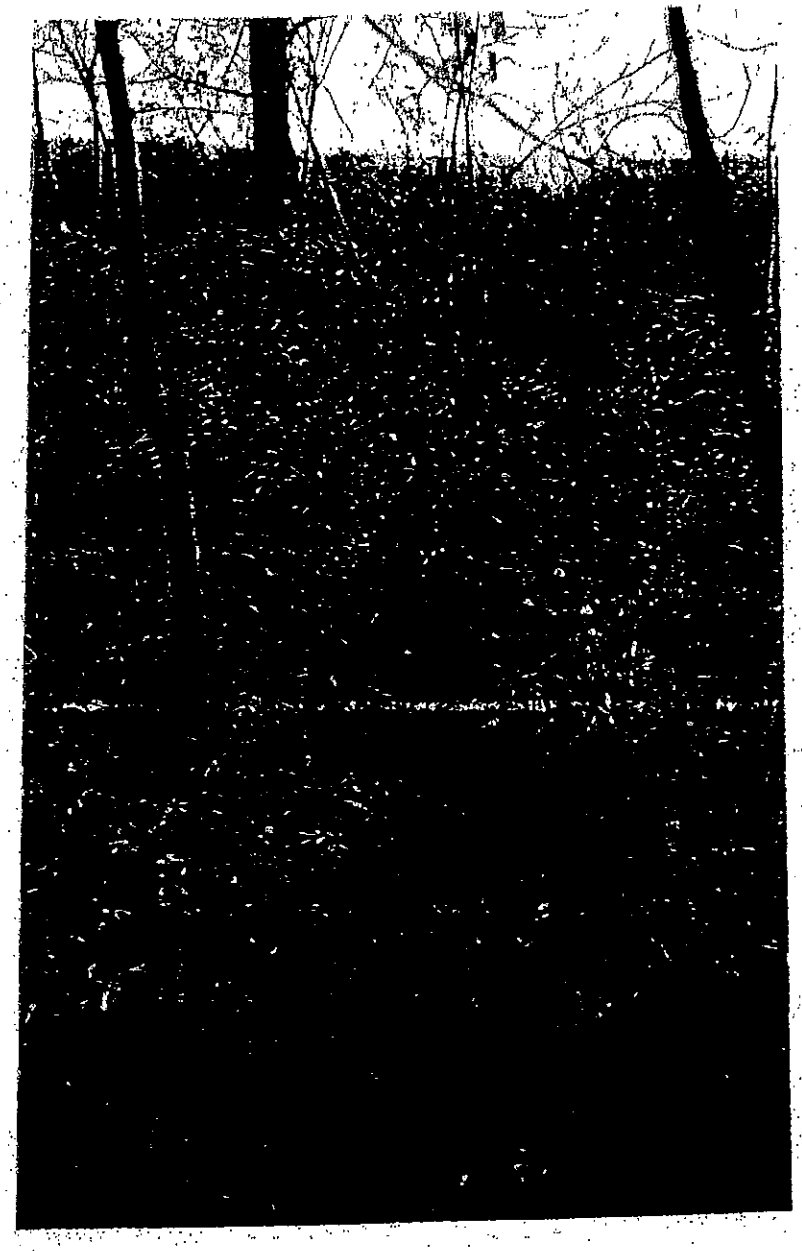
3. View south to the lands of Susan Biggs



4. View northwest to lands of Richard Murray/Eden Renewables Oak Hill Solar 1 & 2

5. View west

6. View west



6. View west

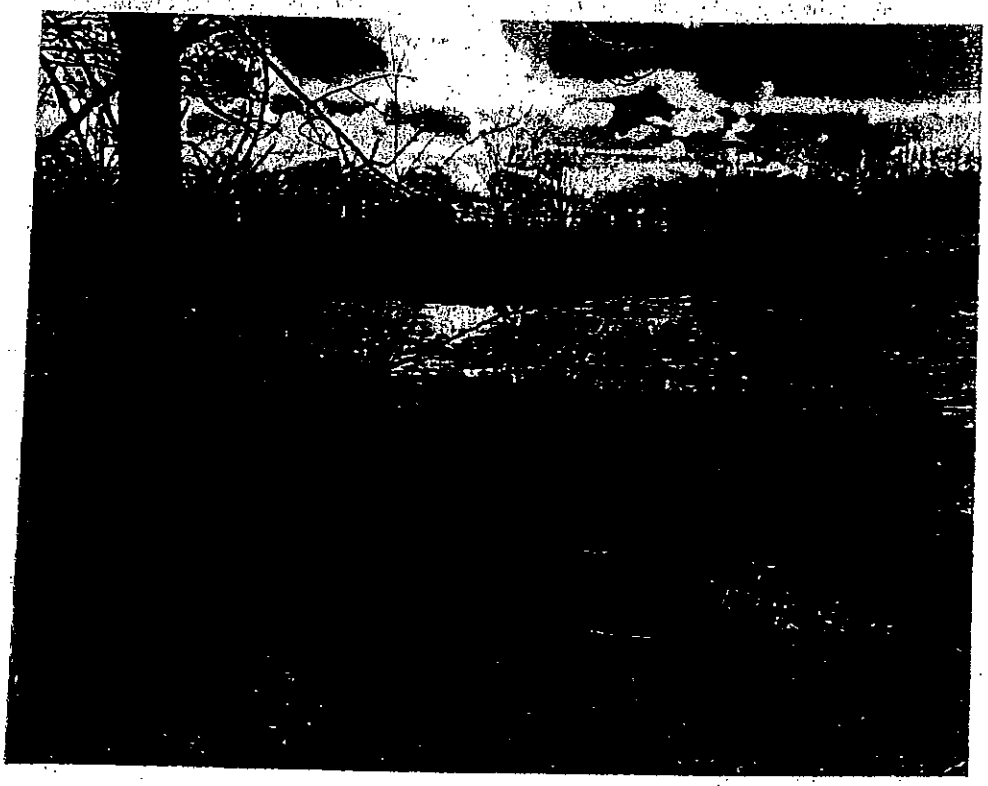
6. View north on Biggs property

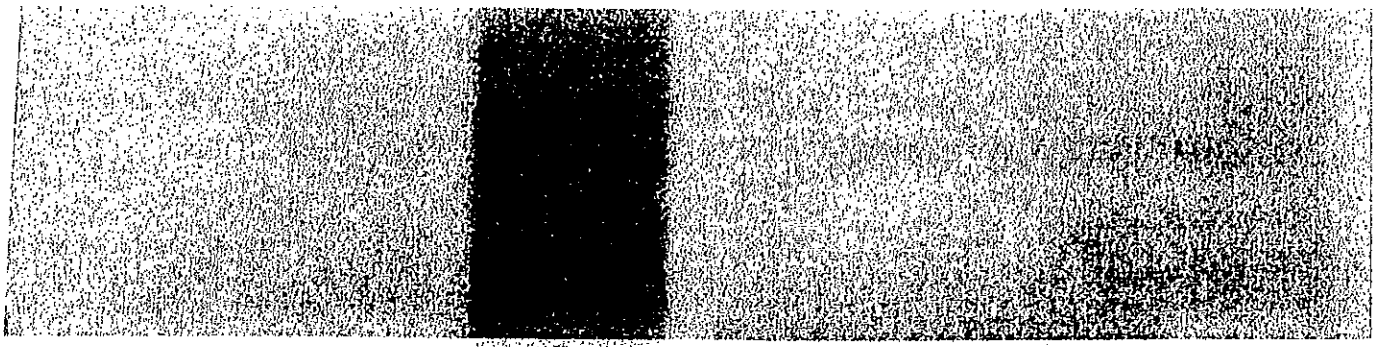
7. View west of stone wall with water flowing down hill from Murray to Biggs property

7. View stone wall with water flowing down hill from Murray to Biggs property

8. View south on the lands of Susan Biggs

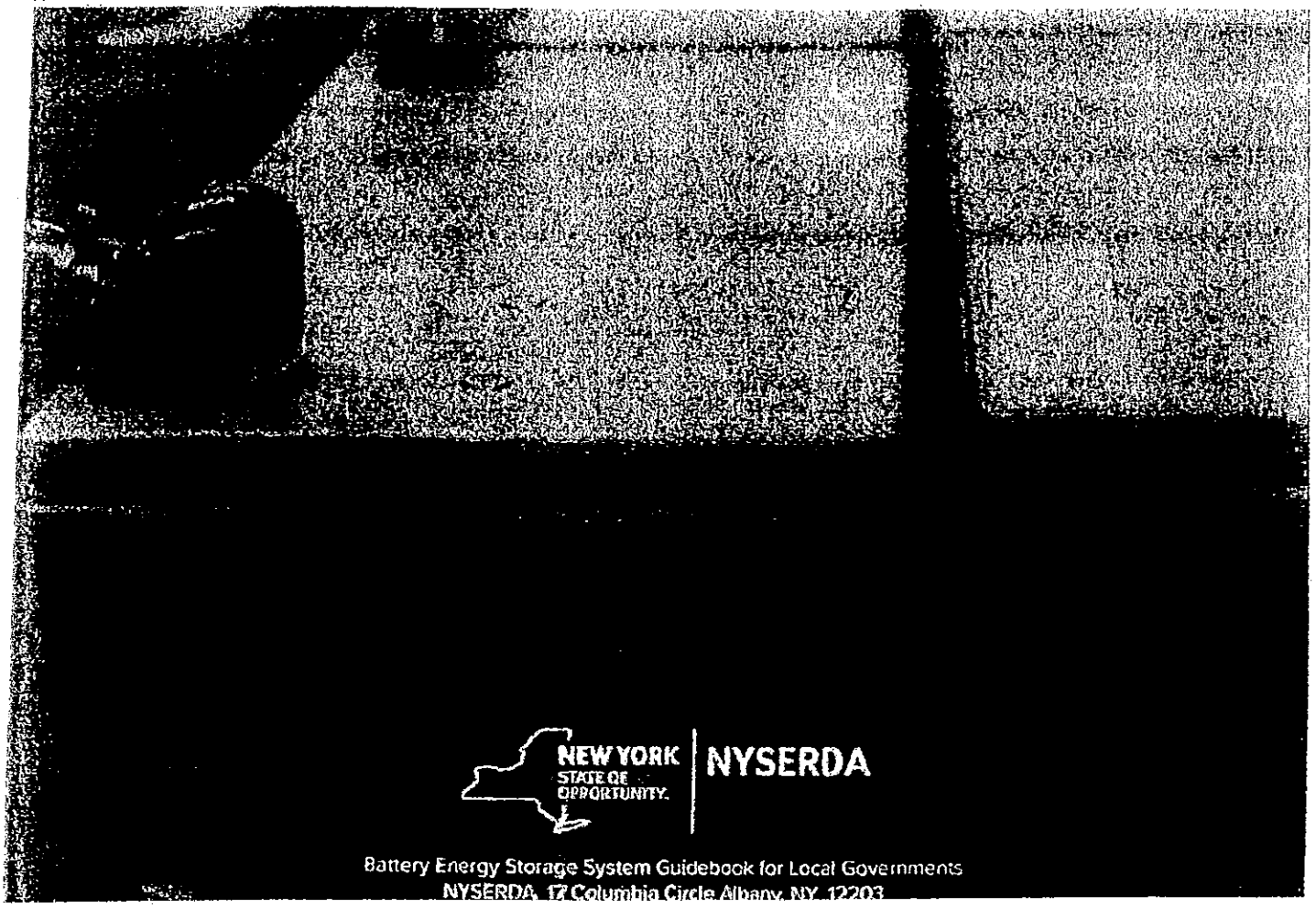
9. View west to the lands of Richard Murray/Eden Renewables Oak Hill Solar 1 and 2





Battery Energy Storage System Model Law

For local governments to utilize when drafting local laws and regulations for battery energy storage systems.



NEW YORK STATE OF OPPORTUNITY. | NYSERDA

Battery Energy Storage System Guidebook for Local Governments
NYSERDA, 17 Columbia Circle Albany, NY 12203

Section Contents

Overview

The Model Law is intended to help local government officials and AHJs adopt legislation and regulations to responsibly accommodate battery energy storage systems in their communities. The Model Law lays out procedural frameworks and substantive requirements for residential, commercial, and utility-scale battery energy storage systems.

The workable version of this document can be found at nyserda.ny.gov/Energy-Storage-Guidebook, under Battery Energy Storage System Model Law tab.

1. Instructions

1. This Model Law can be adopted by the governing board of cities, towns, and villages (hereinafter "local governments" or "municipalities") to regulate the installation, operation, maintenance, and decommissioning of battery energy storage systems. The Model Law is intended to be an "all-inclusive" local law, regulating the subject of battery energy storage systems under typical zoning and land use regulations and it includes the process for compliance with the State Environmental Quality Review Act. Municipalities should review this Model Law, examine their local laws and regulations and the types, size range and number of battery energy storage system projects proposed, and adopt a local law addressing the aspects of battery energy storage system development that make the most sense for each municipality, deleting, modifying, or adding other provisions as appropriate.
2. This Model Law references a "Battery Energy Storage System Model Permit" that is available as part of NYSERDA's Battery Energy Storage Guidebook. The Model Permit is intended to help local government officials and AHJs establish the minimum submittal requirements for electrical and structural plan review that are necessary when permitting residential and small commercial battery energy storage systems.
3. In some cases, there may be multiple approaches to regulate a certain aspect of battery energy storage systems. The word "OR" has been placed in the text of the model law to indicate these options. Municipalities should choose the option that works best for their communities. The content provided in brackets and highlighted is optional. Depending on local circumstances, a municipality may want to include this content or choose to adopt a different standard.
4. The Model Law is not intended for adoption precisely as it is written. It is intended to be advisory only, and users should not rely upon it as legal advice. A municipality is not required to adopt this Model Law. Municipal officials are urged to seek legal advice from their attorneys before enacting a battery energy storage system law. Municipalities must carefully consider how the language in this Model Law may be modified to suit local conditions, comprehensive plans, and existing land use and zoning provisions.

5. Before enacting this Model Law, a comprehensive plan outlining the goals and policies for the installation, operation, maintenance, and decommissioning of battery energy storage systems must be adopted by the local governing board (city or common council, town board, village board of trustees). Some local governing boards can satisfy this requirement by updating an existing comprehensive plan while others must adopt a new comprehensive plan. Suggestions on how local governing boards can develop and adopt in their existing or new comprehensive plans battery energy storage system friendly policies and plans that provide local protection are listed below:

   A. Adopt a resolution or policy statement that outlines a strategy for municipal-wide battery energy storage system development. The chief executive officer of a local government (like a town supervisor or city or village mayor) may choose to issue in accordance with its local charter or other valid local law or regulations an executive order, proclamation or other declaration to advance battery energy storage system development.

   B. Appoint a Battery Energy Storage Task Force ("Task Force") that represents all interested stakeholders, including residents, businesses, interested non-profit organizations, the battery energy storage industry, utilities, and relevant municipal officials and staff to prepare an action plan, adopt or amend a comprehensive plan to include battery energy storage system planning goals and actions, and develop local laws and/or other regulations to ensure the orderly development of battery energy storage system projects.

   C. Charge the Task Force with conducting meetings on a communitywide basis to involve all key stakeholders, gather all available ideas, identify divergent groups and views, and secure support from the entire community. The Task Force should also conduct studies and determine whether existing policies, plans, and land use regulations require amendments to remove barriers to and facilitate battery energy storage system development goals.

   D. Establish a training program for local staff and land use boards. Municipalities are encouraged to utilize State and Federal technical assistance and grants for training programs when available.

   E. Partner with adjacent communities to adopt compatible policies, plan components, and zoning provisions for battery energy storage system projects. County or regional planning agencies may also advise participating local governments on locally addressing these issues.

2. Model Law

1. Authority

This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); [Select one: sections 261-263 of the Town Law / sections 7-700 through 7-704 of the Village Law / sections 19 and 20 of the City Law and section 10 of the Municipal Home Rule Law] of the State of New York, which authorize the [Village/Town/City] to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

2. Statement of Purpose

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of [Village/Town/City] by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;

B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;

C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and

D. To create synergy between battery energy storage system development and [other stated goals of the community pursuant to its Comprehensive Plan].

3. Definitions

As used in this [Article/Chapter], the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.

2) No other occupancy types are permitted in the building.

3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:

   a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.

   b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE: Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

4. Applicability

A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in [Village/Town/City] after the effective date of this Local Law, excluding general maintenance and repair.

B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

5. General Requirements

A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

B. Issuance of permits and approvals by the [Reviewing Board] shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].

C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the [Village/Town/City] Code.

6. Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and the "Battery Energy Storage System Permit," and exempt from site plan review.

7. Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a [special use permit] within the [XXXXXXXXXXXX, XXXXXXXXXX, XXXXXXXXXX] zoning districts, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

A. Applications for the installation of Tier 2 Battery Energy Storage System shall be:

1) reviewed by the [Code Enforcement/Zoning Enforcement Officer or Reviewing Board] for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (I) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (II) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within [10] business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

2) subject to a public hearing to hear all comments for and against the application. The [Reviewing Board] of the [Village/Town/City] shall have a notice printed in a newspaper of general circulation in the [Village/Town/City] at least [5] days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within [200] feet of the property at least [10] days prior to such a hearing. Proof of mailing shall be provided to the [Reviewing Board] at the public hearing.

3) referred to the [County Planning Department] pursuant to General Municipal Law § 239-m if required.

4) upon closing of the public hearing, the [Reviewing Board] shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the [Reviewing Board] and Applicant.

B. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Signage.

1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

D. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Vegetation and tree-cutting. Areas within [10] feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

F. Noise. The [1-hour] average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of [60] dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

G. Decommissioning.

1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

c. The anticipated life of the battery energy storage system;

d. The estimated decommissioning costs and how said estimate was determined;

e. The method of ensuring that funds will be available for decommissioning and restoration;

f. The method by which the decommissioning cost will be kept current;

g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2) Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the [Village/Town/City], in a form approved by the [Village/Town/City] for the removal of the battery energy storage system, in an amount to be determined by the [Village/Town/City], for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

H. Site plan application. For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

1) Property lines and physical features, including roads, for the project site.

2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

3) A [one- or three-line] electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.

6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

7) Zoning district designation for the parcel(s) of land comprising the project site.

8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to [Code Enforcement/Zoning Enforcement Officer or Reviewing Board] prior to final inspection and approval and maintained at an approved on-site location.

9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

10) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

12) Prior to the issuance of the building permit or final approval by the [Reviewing Board], but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.

13) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

b. Procedures for inspection and testing of associated alarms, interlocks, and controls.

c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

g. Other procedures as determined necessary by the [Village/Town/City] to provide for the safety of occupants, neighboring properties, and emergency responders.

h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

I. Special Use Permit Standards.

1) Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.

2) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.

3) Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a [7-foot-high] fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

4) Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

J. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the [Code Enforcement/Zoning Enforcement Officer] of such change in ownership or operator within [30] days of the ownership change. A new owner or operator must provide such notification to the [Code Enforcement/Zoning Enforcement Officer] in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the [Code Enforcement/Zoning Enforcement Officer] in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

8. Safety

A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),

2) UL 1642 (Standard for Lithium Batteries),

3) UL 1741 or UL 62109 (Inverters and Power Converters),

4) Certified under the applicable electrical, building, and fire prevention codes as required.

5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

B. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

9. Permit Time Frame and Abandonment

A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of [24] months, provided that a building permit is issued for construction [and/or] construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the [Reviewing Board], within [24] months after approval, [Village/Town/City] may extend the time to complete construction for [180] days. If the owner and/or operator fails to perform substantial construction after [36] months, the approvals shall expire.

B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for [more than one year]. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the [Village/Town/City] may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

10. Enforcement

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of [Village/Town/City].

11. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Questions?

If you have any questions about the Battery Energy Storage System Model Law, please email questions to cleanenergyhelp@nyserda.ny.gov or request free technical assistance at nyserda.ny.gov/Energy-Storage-Guidebook. The NYSERDA team looks forward to partnering with communities across the State.

NEW YORK STATE OF OPPORTUNITY. | NYSERDA

ANDREW M. CUOMO
Governor

RICHARD L. KAUFFMAN
Chair

ALICIA BARTON
President and CEO

October 28, 2019

Stephanie Puliafico
Eden Renewables, LLC
333 Broadway
Suite 460
Troy, NY 12180
Email: stephanie.puliafico@edenrenewables.com
Subject: Contract #145721

Dear Stephanie Puliafico,

NYSERDA is pleased to inform you that we have approved your Project Application #214694 Contract #145721 for incentives under the Retail Energy Storage Incentive Program. Your award in the amount of $2,358,000.00 is contingent upon the installation and grid interconnection of a 5,000.00 kW/11,790.00 kWh (useable installed energy capacity measured in AC) energy storage system at 13686 Duanesburg Road, Delanson, NY 12053, as outlined in the Project Application. This approval is subject to the terms and conditions set forth in the Project Application, Retail Energy Storage Incentive Program Manual, and Participation Agreement.

Please note that this letter does not commit NYSERDA to pay any potential incentive or cost incurred. You may now begin submitting the required deliverables to earn the milestone payment. Payment by NYSERDA is contingent upon approval of the required deliverables.

The energy storage project must be completed within 730 calendar days of the Program approval date. NYSERDA may require a satisfactory photo or field inspection of the completed project prior to the milestone payment.

Refer to the Program Manual for all Program rules and requirements. The Contractor is responsible for ensuring compliance of the system with all applicable laws, regulations, rules and standards. The system must meet the requirements set forth in the Battery Energy Storage Guidebook published by NYSERDA, which is based on the 2021 International Fire Code, even if these requirements are greater than those required by the local authority having jurisdiction.

Thank you for your participation in the Retail Energy Storage Incentive Program, and for your commitment to the promotion of clean energy in New York State.

Sincerely,

Signature: Alicia Barton Digitally signed by Alicia Barton Date: 2019.11.22 10:19:32 -05'00'

NYSERDA Authorized Signatory

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

Date of Report: March 11, 2020

Reference: Structure Fire (3/8/2020)

Location: 13590 Duanesburg Rd
Duanesburg, NY 12053
Schenectady County, NY

Owner: Richard Murray
1203 Oak Hill Rd
Duansesburg, NY 12053

Requesting Authority: Chief Matt Deffer
Esperance Fire Department

Investigators/Coordinators:

Joshua Walter Nationally Certified Fire Investigator (Lead)
John Nuzback Jr. Nationally Certified Fire Investigator
Steve Lichoret Nationally Certified Fire Investigator
Mark Kirker Nationally Certified Fire Investigator
Jason Pollard Nationally Certified Fire Investigator
Christian Soto Fire Investigator
John Walcesky Deputy Fire Coordinator
Jeff Hoffman Deputy Fire Coordinator

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

This report will document the examination of a structure fire at **13590 Duanesburg Rd, Duanesburg, Schenectady County, NY.** On Sunday, March 8, 2020, at approximately 0645 hours Schenectady County's Fire Investigation Team was called for a fire investigation at the request of the Esperance Fire Department Chief Matt Deffer. The team conducted the physical investigation after arriving in the early morning on March 8, 2020.

BACKGROUND

Per CAD (IAM RESPONING) notes, Mike Foster notified the (UCC) Unified Communication Center at approximately 0632 hours of massive house fire on Duanesburg Road. UCC then dispatched Esperance Fire department to a structure fire on Duanesburg Rd near Sheldon Rd.

The building was a 2404 sq. ft. single family built in 1860. It contained 5 bedrooms and 1 bathroom. The home last sold in 1999 for $87,000.00. The home was currently unoccupied.

The building is owned by Richard Murray. The building has been vacant for about one year and has been scheduled to be taken down.

Upon our arrival, the fire department was extinguishing the surrounding areas of the building to eliminate the spread to a grass fire. The fire department originally was not putting the building fire out and was letting it burn. Later during the fire, the Chief decided to put fire out in case there could be any persons inside. The fire department received information that kids could have been in the building vandalizing it earlier that day.

The weather was 44 degrees Fahrenheit, Winds 5 mph W with clear skies and no precipitation.

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

INVESTIGATION

Interviews

The investigation started with interviews conducted by Investigator's Joshua Walter and Christian Soto.

Interview 1: Rich Murray (Owner)

Contact Number: (518) 423-9367 **DOB:** 07/31/1945

Interview: Rich states there were plans to excavate the home this coming week, March 8- March 14. Esperance Fire Department had planned to burn down for a drill. Many reports of break ins and vandalism reported to both Schenectady County Sheriffs and New York State Troopers. Last few times that Rich had come to check on the residence he had found individuals and/or the door being kicked in. Instead of calling 911 every time, the last couple breaks, he was calling the New York State Trooper that lived down the road. Last time checking the house was on Friday, March 6. When walking into the residence he found the fan on. National Grid had been notified to cut the power from the residence. Rich states he was advised it would be on the date of March 6, 2020. Rich has owned residence since 1984. No one has lived in the residence in the last year, after having to hire an eviction company to come and remove the previous tenant. Rich has zero contact with the previous tenant. The residence sits on 500+ acres of land where a company is coming in to build a solar farm. Rich reached out to companies for estimates for demolition of the residence, he states he has received estimates in the upwards $25,000 range. Rich was looking into renting a piece of equipment to take down the residence himself. Rentals Rich was looking into were located in Stanford, NY. The rental company was going to bring the equipment to the address of 13590 Duanesburg Road for the demolition of the residence. Rich went to the town clerk's office to retrieve the permit for demolition on Thursday, March 5.

SCHENECTADY COUNTY, NY
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FIRE INVESTIGATION DIVISION

Fire Examination and Report
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Interview 2 : Matt Deffer (Chief)

Interview: Chief Deffer's arriving report was the residence was fully involved. He had the residence's power wire jumping around the pole still charged. When the first arriving engine was on scene they went right into an exterior attack of a surround and drowned. Esperance Fire Department was planning on doing a bailout drill on Tuesday, March 10 and a ladder drill on Thursday, March 12. Chief Deffer went to the town clerk's office to clarify that the owner of the residence, Rich Murray, had received the permits to demo the residence. Chief Deffer was waiting for the report of the asbestos check to come back to see if they were able to burn the residence. Chief Deffer had received the news that the neighbor next to the 13590 Duanesburg Road residence has a lawsuit against the town of Duanesburg, and Rich Murray for the solar farm construction that is to start as of April 1, 2020. Chief Deffer was also still waiting to hear from Rich Murray to see if he was able to get the permit from the New York State Department of Environmental Conservation to burn the house. Last Chief Deffer knew Rich Murray had not looked into or received the permit to burn yet. Chief Deffer was in constant contact with Rich Murray almost every day for the last month with Rich contacting Chief as to when he was going to drill on the house. Chief Deffer stated that Rich was rushing him and wanted to get the house taken care of.

Examination

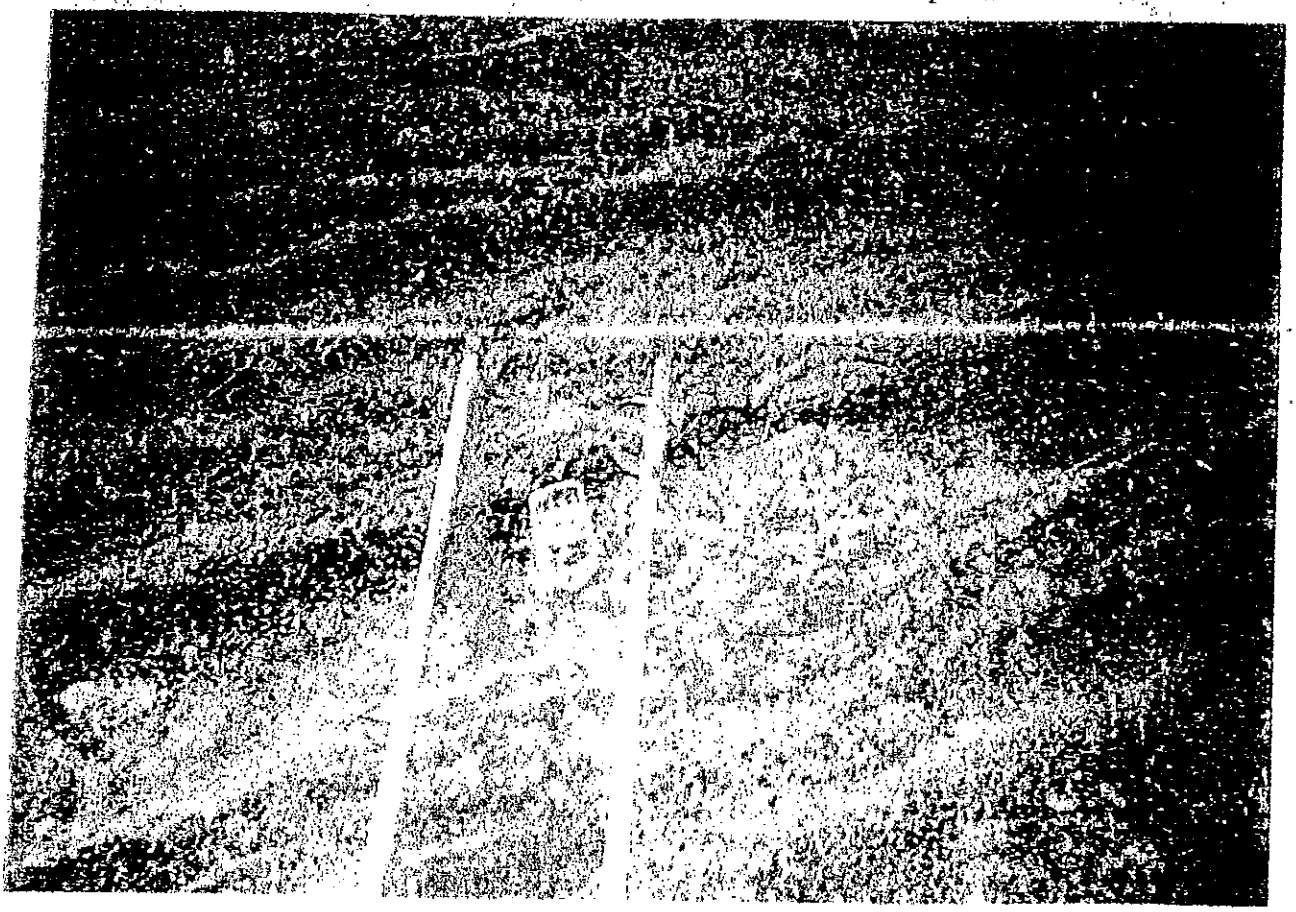
The investigation team consisted of lead Investigator Joshua Walter, Fire Investigator's John Nuzback Jr., Steve Lichoret, Mark Kirker, Jason Pollard, Christian Soto and Deputy Coordinator John Walcesky also assisted. Joshua Walter took the photographs. The fire investigation team conducted an examination of debris. The structure had major damage with only the basement and a few timbers left.

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

The team could not enter the building. The investigation was mostly done by interviews with a joint effort from the Schenectady County Sheriff's Department.

There was evidence found and collected near the area of the B side of the property. There was lighter fluid and deodorant can found in the driveway. The Schenectady County Sheriff department took this evidence. It appeared to have been there for some time. The evidence was taken as a precaution.



SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

Fire Cause

The fire investigation team conducted a detailed examination of the fire debris around the area. The origin was not determined due to major damage and little evidence left.

There was report that there have been kids in the building vandalizing it. This could not be ruled out as potential cause of the fire.

There was evidence there was still power to the building. The power to the building was arching when the fire department arrived. Electrical could not be ruled out as potential cause of the fire.

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

There was motive that the building needed to be taken down ASAP. The owner said many times he wanted it down and wanted the fire department to take it down. This could not be ruled out as potential cause of the fire.

The team could not rule out any other potential causes due to major damage to the building.

CONCLUSION

Through a systematic process of comparison and examination, along with detailed examination of fire debris and testimonial evidence, the Schenectady County Fire Investigation Team was not able to conclude where the fire originated. The team was not able to develop a scientific theory to back any up any cause.

The team was not able to rule all accidental and intentional causes. This fire has been ruled **Undetermined.**

All the information to prepare this report was taken from the original field notes and investigation notes. Photos of the scene have not been altered, enhanced, or changed in any way.

The Schenectady County Fire Investigation Team reserves the right to alter and/or change this conclusion should any new evidence either/or physical or testimonial be developed.

March 11, 2021

Prepared by:

Joshua Walter
Chief Deputy Fire Investigator

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

Date of Report: March 11, 2020

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SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

This report will document the examination of a structure fire at **13590 Duanesburg Rd, Duanesburg, Schenectady County, NY.** On Sunday, March 8, 2020, at approximately 0645 hours Schenectady County's Fire Investigation Team was called for a fire investigation at the request of the Esperance Fire Department Chief Matt Deffer. The team conducted the physical investigation after arriving in the early morning on March 8, 2020.

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SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
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Interview 1: Rich Murray (Owner)

Contact Number: (518) 423-9367 DOB: 07/31/1945

Interview: Rich states there were plans to excavate the home this coming week, March 8- March 14. Esperance Fire Department had planned to burn down for a drill. Many reports of break ins and vandalism reported to both Schenectady County Sheriffs and New York State Troopers. Last few times that Rich had come to check on the residence he had found individuals and/or the door being kicked in. Instead of calling 911 every time, the last couple breaks, he was calling the New York State Trooper that lived down the road. Last time checking the house was on Friday, March 6. When walking into the residence he found the fan on. National Grid had been notified to cut the power from the residence. Rich states he was advised it would be on the date of March 6, 2020. Rich has owned residence since 1984. No one has lived in the residence in the last year, after having to hire an eviction company to come and remove the previous tenant. Rich has zero contact with the previous tenant. The residence sits on 500+ acres of land where a company is coming in to build a solar farm. Rich reached out to companies for estimates for demolition of the residence, he states he has received estimates in the upwards $25,000 range. Rich was looking into renting a piece of equipment to take down the residence himself. Rentals Rich was looking into were located in Stanford, NY. The rental company was going to bring the equipment to the address of 13590 Duanesburg Road for the demolition of the residence. Rich went to the town clerk's office to retrieve the permit for demolition on Thursday, March 5.

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

Interview 2 : Matt Deffer (Chief)

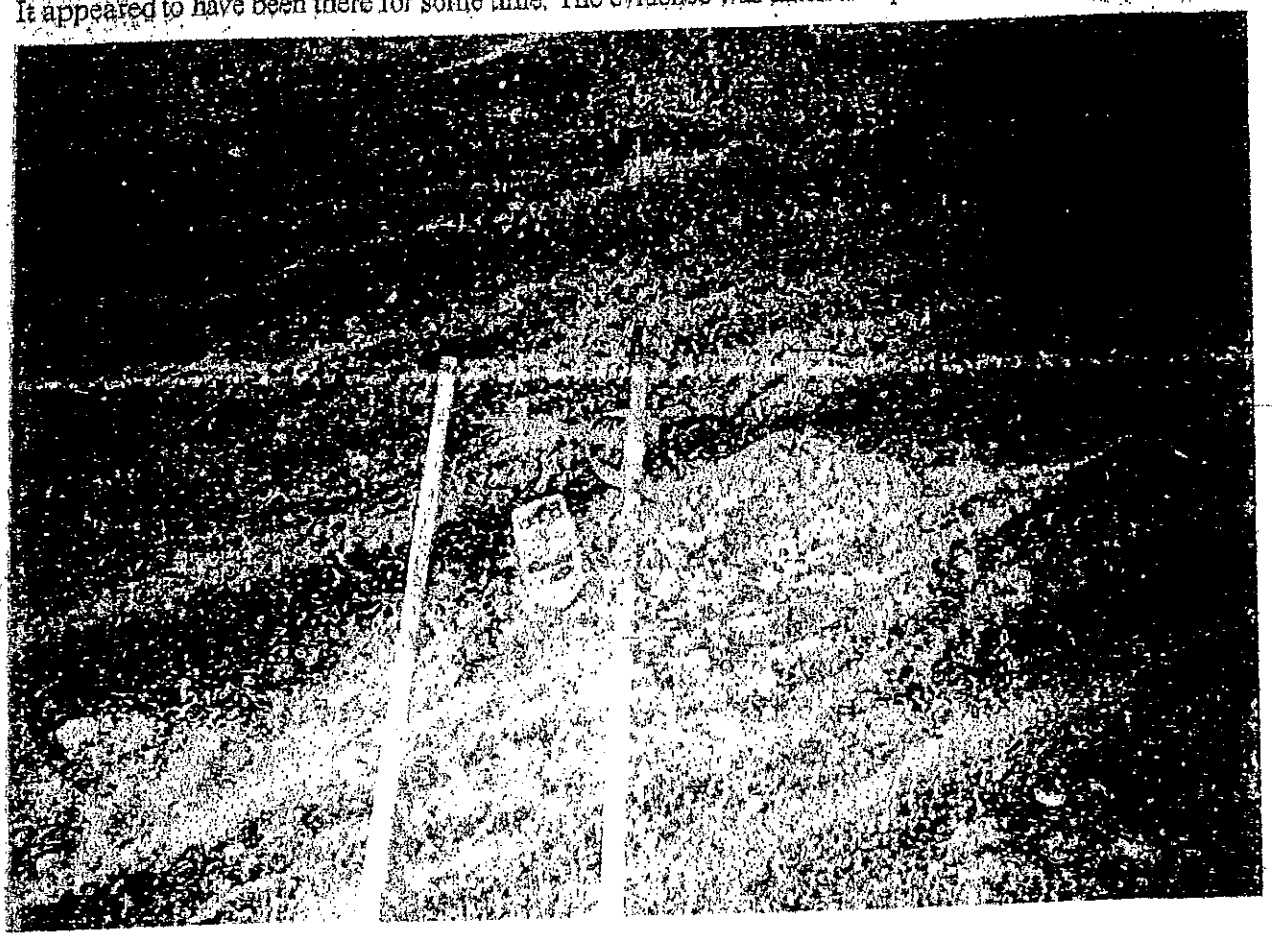
Interview: Chief Deffer's arriving report was the residence was fully involved. He had the residence's power wire jumping around the pole still charged. When the first arriving engine was on scene they went right into an exterior attack of a surround and drowned. Esperance Fire Department was planning on doing a bailout drill on Tuesday, March 10 and a ladder drill on Thursday, March 12. Chief Deffer went to the town clerk's office to clarify that the owner of the residence, Rich Murray, had received the permits to demo the residence. Chief Deffer was waiting for the report of the asbestos check to come back to see if they were able to burn the residence. Chief Deffer had received the news that the neighbor next to the 13590 Duanesburg Road residence has a lawsuit against the town of Duanesburg, and Rich Murray for the solar farm construction that is to start as of April 1, 2020. Chief Deffer was also still waiting to hear from Rich Murray to see if he was able to get the permit from the New York State Department of Environmental Conservation to burn the house. Last Chief Deffer knew Rich Murray had not looked into or received the permit to burn yet. Chief Deffer was in constant contact with Rich Murray almost every day for the last month with Rich contacting Chief as to when he was going to drill on the house. Chief Deffer stated that Rich was rushing him and wanted to get the house taken care of.

Examination

The investigation team consisted of lead Investigator Joshua Walter, Fire Investigator's John Nuzback Jr., Steve Lichoret, Mark Kirker, Jason Pollard, Christian Soto and Deputy Coordinator John Walcesky also assisted. Joshua Walter took the photographs. The fire investigation team conducted an examination of debris. The structure had major damage with only the basement and a few timbers left.

The team could not enter the building. The investigation was mostly done by interviews with a joint effort from the Schenectady County Sheriff's Department.

There was evidence found and collected near the area of the B side of the property. There was lighter fluid and deodorant can found in the driveway. The Schenectady County Sheriff department took this evidence. It appeared to have been there for some time. The evidence was taken as a precaution.



SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

Fire Cause

The fire investigation team conducted a detailed examination of the fire debris around the area. The origin was not determined due to major damage and little evidence left.

There was report that there have been kids in the building vandalizing it. This could not be ruled out as potential cause of the fire.

There was evidence there was still power to the building. The power to the building was arching when the fire department arrived. Electrical could not be ruled out as potential cause of the fire.

There was motive that the building needed to be taken down ASAP. The owner said many times he wanted it down and wanted the fire department to take it down. This could not be ruled out as potential cause of the fire.

The team could not rule out any other potential causes due to major damage to the building.

CONCLUSION

Through a systematic process of comparison and examination, along with detailed examination of fire debris and testimonial evidence, the Schenectady County Fire Investigation Team was not able to conclude where the fire originated. The team was not able to develop a scientific theory to back any up any cause.

The team was not able to rule all accidental and intentional causes. This fire has been ruled Undetermined.

All the information to prepare this report was taken from the original field notes and investigation notes. Photos of the scene have not been altered, enhanced, or changed in any way.

The Schenectady County Fire Investigation Team reserves the right to alter and/or change this conclusion should any new evidence either/or physical or testimonial be developed.

March 11, 2021

Prepared by:

Joshua Walter
Chief Deputy Fire Investigator

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-43007-03-04

Date of Report: March 11, 2020

Reference: Structure Fire (3/8/2020)

Location: 13590 Duanesburg Rd
Duanesburg, NY 12053
Schenectady County, NY

Owner: Richard Murray
1203 Oak Hill Rd
Duansesburg, NY 12053

Requesting Authority: Chief Matt Deffer
Esperance Fire Department

Investigators/Coordinators:

Joshua Walter Nationally Certified Fire Investigator (Lead)
John Nuzback Jr. Nationally Certified Fire Investigator
Steve Lichoret Nationally Certified Fire Investigator
Mark Kirker Nationally Certified Fire Investigator
Jason Pollard Nationally Certified Fire Investigator
Christian Soto Fire Investigator
John Walcesky Deputy Fire Coordinator
Jeff Hoffman Deputy Fire Coordinator

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

This report will document the examination of a structure fire at **13590 Duanesburg Rd, Duanesburg, Schenectady County, NY.** On Sunday, March 8, 2020, at approximately 0645 hours Schenectady County's Fire Investigation Team was called for a fire investigation at the request of the Esperance Fire Department Chief Matt Deffer. The team conducted the physical investigation after arriving in the early morning on March 8, 2020.

BACKGROUND

Per CAD (IAM RESPONING) notes, Mike Foster notified the (UCC) Unified Communication Center at approximately 0632 hours of massive house fire on Duanesburg Road. UCC then dispatched Esperance Fire department to a structure fire on Duanesburg Rd near Sheldon Rd.

The building was a 2404 sq. ft. single family built in 1860. It contained 5 bedrooms and 1 bathroom. The home last sold in 1999 for $87,000.00. The home was currently unoccupied.

The building is owned by Richard Murray. The building has been vacant for about one year and has been scheduled to be taken down.

Upon our arrival, the fire department was extinguishing the surrounding areas of the building to eliminate the spread to a grass fire. The fire department originally was not putting the building fire out and was letting it burn. Later during the fire, the Chief decided to put fire out in case there could be any persons inside. The fire department received information that kids could have been in the building vandalizing it earlier that day.

The weather was 44 degrees Fahrenheit, Winds 5 mph W with clear skies and no precipitation.

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

INVESTIGATION

Interviews

The investigation started with interviews conducted by Investigator's Joshua Walter and Christian Soto.

Interview 1: Rich Murray (Owner)

Contact Number: (518) 423-9367 **DOB:** 07/31/1945

Interview: Rich states there were plans to excavate the home this coming week, March 8- March 14. Esperance Fire Department had planned to burn down for a drill. Many reports of break ins and vandalism reported to both Schenectady County Sheriffs and New York State Troopers. Last few times that Rich had come to check on the residence he had found individuals and/or the door being kicked in. Instead of calling 911 every time, the last couple breaks, he was calling the New York State Trooper that lived down the road. Last time checking the house was on Friday, March 6. When walking into the residence he found the fan on. National Grid had been notified to cut the power from the residence. Rich states he was advised it would be on the date of March 6, 2020. Rich has owned residence since 1984. No one has lived in the residence in the last year, after having to hire an eviction company to come and remove the previous tenant. Rich has zero contact with the previous tenant. The residence sits on 500+ acres of land where a company is coming in to build a solar farm. Rich reached out to companies for estimates for demolition of the residence, he states he has received estimates in the upwards $25,000 range. Rich was looking into renting a piece of equipment to take down the residence himself. Rentals Rich was looking into were located in Stanford, NY. The rental company was going to bring the equipment to the address of 13590 Duanesburg Road for the demolition of the residence. Rich went to the town clerk's office to retrieve the permit for demolition on Thursday, March 5.

SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

Interview 2 : Matt Deffer (Chief)

Interview: Chief Deffer's arriving report was the residence was fully involved. He had the residence's power wire jumping around the pole still charged. When the first arriving engine was on scene they went right into an exterior attack of a surround and drowned. Esperance Fire Department was planning on doing a bailout drill on Tuesday, March 10 and a ladder drill on Thursday, March 12. Chief Deffer went to the town clerk's office to clarify that the owner of the residence, Rich Murray, had received the permits to demo the residence. Chief Deffer was waiting for the report of the asbestos check to come back to see if they were able to burn the residence. Chief Deffer had received the news that the neighbor next to the 13590 Duanesburg Road residence has a lawsuit against the town of Duanesburg, and Rich Murray for the solar farm construction that is to start as of April 1, 2020. Chief Deffer was also still waiting to hear from Rich Murray to see if he was able to get the permit from the New York State Department of Environmental Conservation to burn the house. Last Chief Deffer knew Rich Murray had not looked into or received the permit to burn yet. Chief Deffer was in constant contact with Rich Murray almost every day for the last month with Rich contacting Chief as to when he was going to drill on the house. Chief Deffer stated that Rich was rushing him and wanted to get the house taken care of.

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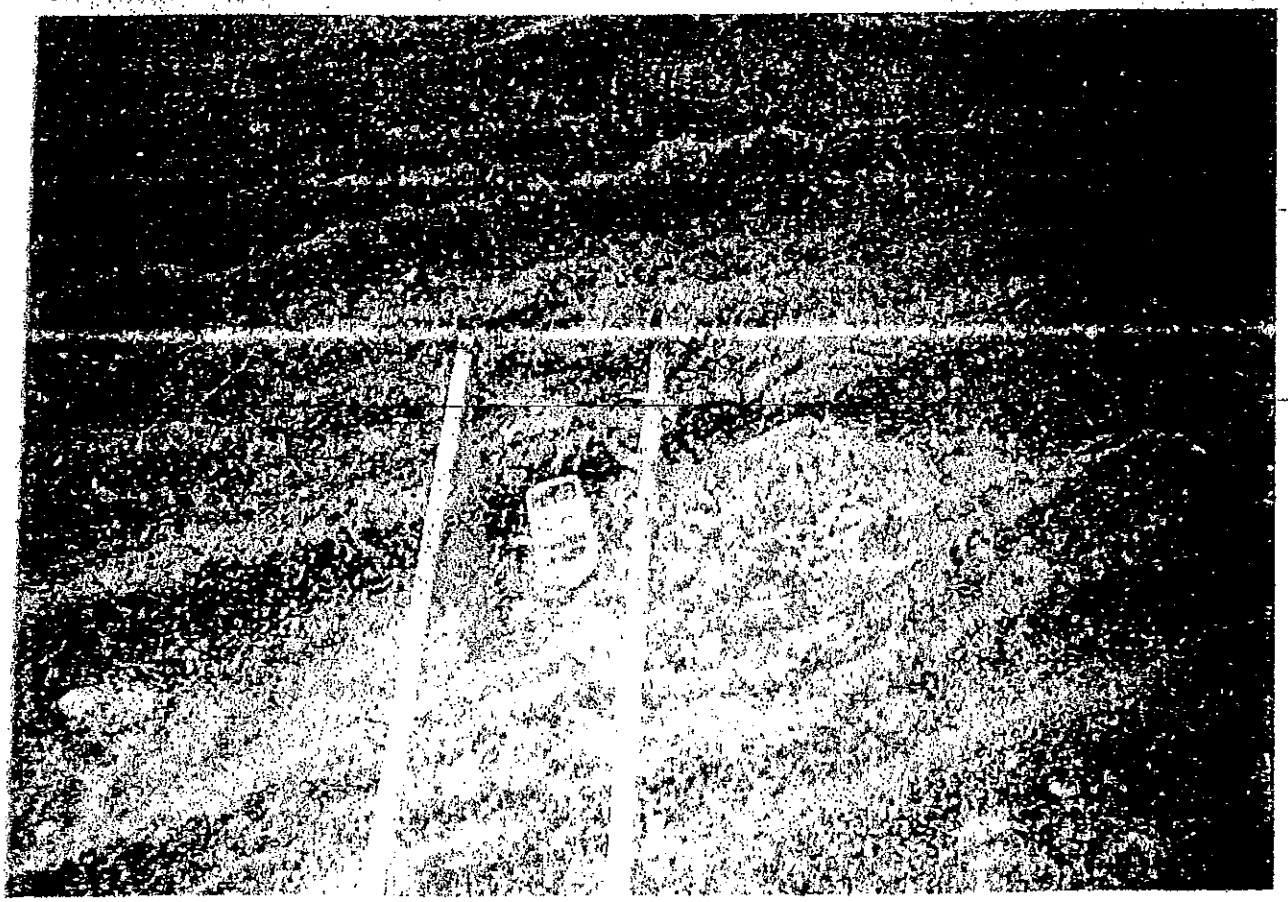
SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

The team could not enter the building. The investigation was mostly done by interviews with a joint effort from the Schenectady County Sheriff's Department.

There was evidence found and collected near the area of the B side of the property. There was lighter fluid and deodorant can found in the driveway. The Schenectady County Sheriff department took this evidence. It appeared to have been there for some time. The evidence was taken as a precaution.



SCHENECTADY COUNTY, NY
OFFICE OF FIRE COORDINATOR
FIRE INVESTIGATION DIVISION

Fire Examination and Report
Report # 20-48007-03-04

Fire Cause

The fire investigation team conducted a detailed examination of the fire debris around the area. The origin was not determined due to major damage and little evidence left.

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PLUG N PLAY NORTH TO SOUTH DETAIL (BY OTHERS)
NOT TO SCALE

RECEIVED

SOLAR FARM DETAILS FOR

OAK HILL SOLAR

13590 DUANESBURG RD
TOWN OF DUANESBURG
SCHENECTADY COUNTY

TAX MAP. NO. 74.00-2-5
AUGUST 8, 2019

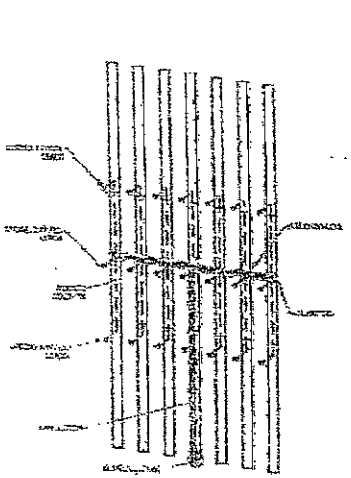
ENVIRONMENTAL DESIGN PARTNERSHIP, LLP

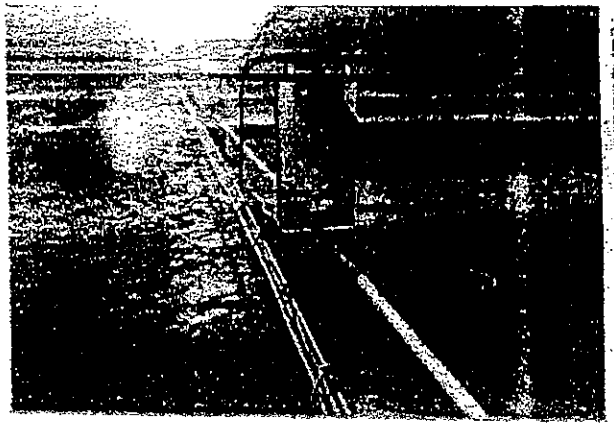
REVISION	DATE	BY

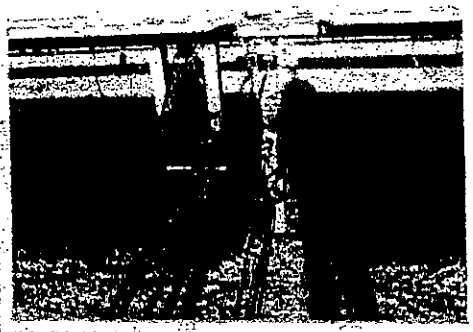
SCALE: AS NOTED

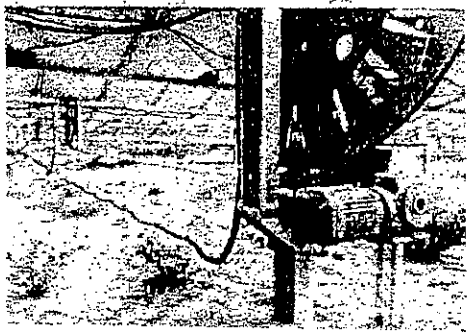
SHEET TITLE: ABOVE GROUND WIRING DETAILS

SHEET NO. 2 of 2









CAD SYSTEM ELEVATIONS

PLUG N PLAY EAST TO WEST DETAIL (BY OTHERS)
NOT TO SCALE

RECEIVED
[illegible]
By [illegible]

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP

SOLAR FARM DETAILS FOR
OAK HILL SOLAR

13590 DUANESBURG RD
TOWN OF DUANESBURG
SCHENECTADY COUNTY

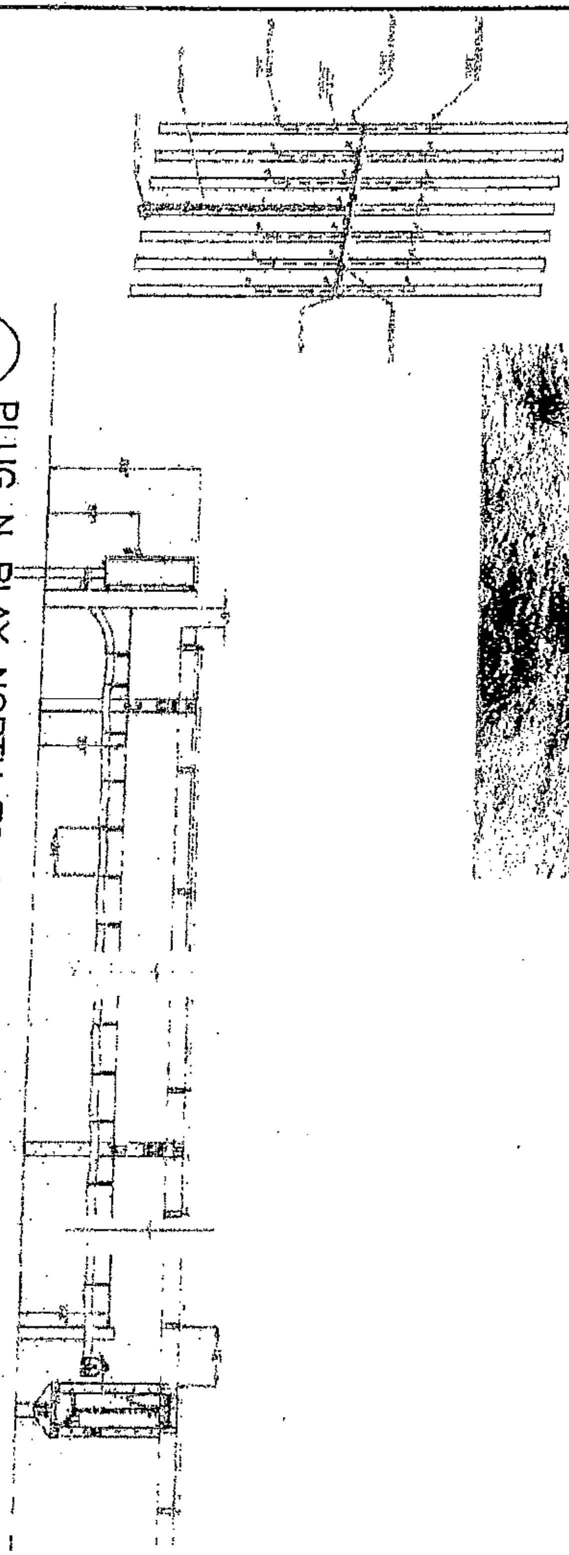
TAX MAP, NO. 74.00-2-5
AUGUST 8, 2019

REVISION	DATE

SCALE: AS NOTED

SHEET TITLE:
ABOVE GROUND WIRING DETAILS

SHEET NO.
1 of 2



PLUG N PLAY NORTH TO SOUTH DETAIL (BY OTHERS)
NOT TO SCALE

SOLAR FARM DETAILS FOR
OAK HILL SOLAR

13590 DUANESBURG RD
TOWN OF DUANESBURG
SCHENECTADY COUNTY

TAX MAP. NO. 74.00-2-5
AUGUST 8, 2019

REVISION	DATE	BY

SCALE: AS NOTED

SHEET TITLE: ABOVE GROUND WIRING DETAILS

SHEET NO. 2 of 2

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
900 Route 146 Clifton Park, New York 12065
(518) 371-7621 edpllp.com

PLUG N PLAY EAST TO WEST DETAIL (BY OTHERS)
NOT TO SCALE

RECEIVED

SOLAR FARM DETAILS FOR

OAK HILL SOLAR

13590 DUANESBURG RD
TOWN OF DUANESBURG
SCHENECTADY COUNTY

TAX MAP. NO. 74.00-2-5
AUGUST 8, 2019

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
900 Route 146 Clifton Park, New York 12065
(518) 371-7621 / edpllp.com

REVISION | DATE | BY

SCALE: AS NOTED

SHEET TITLE: ABOVE GROUND WIRING DETAILS

SHEET NO.: 1 of 2

Melissa Deffer

From: Jennifer Howe
Sent: Thursday, August 19, 2021 4:32 PM
To: John Ganther; Dale Warner; Melissa Deffer; Ricky Potter; Roger Tidball; Bill Wenzel; Terresa Bakner; Jeff Senecal
Subject: Fwd: Eden Renewables and Oak Hill Solar

Sent from my iPhone

Begin forwarded message:

From: Nancy Harm <nancyharm@me.com>
Date: August 19, 2021 at 4:19:10 PM EDT
To: Jennifer Howe <JHowe@duanesburg.net>
Subject: Eden Renewables and Oak Hill Solar

Please restrict this company from doing any additional damage to the Duanesburg community. They are greedy and taking advantage of the residents of Duanesburg. No battery storage should be permitted.

Nancy Harm

Sent from my iPhone

Melissa Deffer

ORIGINAL

From: Jennifer Howe
Sent: Thursday, August 19, 2021 11:17 AM
To: John Ganther; Dale Warner; Jeff Senecal; Melissa Deffer; Ricky Potter; Roger Tidball; Bill Wenzel; Terresa Bakner; Brandy Fall
Subject: Fwd: Solar Array Oak Hill - Siting of BESS

RECEIVED
AUG 19 2021

Please see email below. Thanks

Sent from my iPhone

Begin forwarded message:

From: Colleen Affinito <colleenaffinito@gmail.com>
Date: August 19, 2021 at 10:23:14 AM EDT
To: Jennifer Howe <JHowe@duanesburg.net>
Subject: Solar Array Oak Hill - Siting of BESS

Please present this at the 8/19/21 meeting.

Two days ago, I was on Facebook and saw the Duanesburg Neighbors post about the additional battery storage proposal being discussed at tonight's meeting. As a landowner between the proposed Oak Hill site and the 389 Old Highway 30 battery storage site, I am disappointed, to say the least, that if I was NOT a Facebook user, I would know nothing about this plan.
The issues below are my main concern, and I would like to have them made known at this meeting, while also allowing ample time to have questions answered. I am in favor of solar energy; however, I am in favor of a SAFE construction and risk mitigation for my neighbors and for our water and air supply, in the event of any type of failure. These are of utmost importance going forward, to me, and I would strongly suggest that neighboring property owners (at the least) be informed by mail, including tonight's minutes.
Thank you.
Colleen & Jay Affinito
3179 State Hwy 30
Esperance (Town of Duanesburg) NY
518-821-3927

Construction

How is the BESS building constructed?
Is it a tin shed or masonry block?
Is the space conditioned to provide cooling in summer?
Is the connected electrical apparatus installed in its own conditioned and protected enclosure, or in close proximity to the batteries?
Is the battery area adequately ventilated to remove potentially explosive gases that are generated from charging cycles?

Safety Protection System Design

Is the BESS building protected by fire and smoke detection systems?
Do those systems provide remote alert and annunciation to offsite personnel and a fire brigade?

Is the BESS building and/or battery banks protected by a fire suppression system?
Does the system design allow for continuing operation of the facility, at full or reduced capacity, if the BESS becomes inoperative?

Maintenance

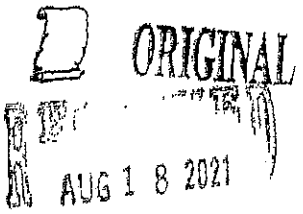
What is the procedure and frequency for battery maintenance and testing?
Are records maintained and available for review?
Are spares readily available, if the individual cells fail?

Connection

How is the electricity transmitted from the solar array to the battery storage system?

Melissa Deffer

From: Jennifer Howe
Sent: Wednesday, August 18, 2021 8:29 AM
To: Dale Warner; Melissa Deffer; Roger Tidball; Bill Wenzel; Jeff Senecal; John Ganther; Ricky Potter; Bakner, Terresa
Subject: FW: Solar/BESS



Good morning,

Please see email below, thanks.

Jennifer Howe
Town Clerk
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY12056
p#518-895-8920
f#518-895-8171

-----Original Message-----
From: Joshua Barnes <arrowrolloffs@gmail.com>
Sent: Wednesday, August 18, 2021 7:13 AM
To: Jennifer Howe <JHowe@duanesburg.net>
Subject: Solar/BESS

The September 2019 approved Site Plan, Resolution and SEQR Negative Declaration for Oak Hill Solar 1 and 2 projects did not include battery energy storage.

The documents presented to the town and residents were for two 5 MW AC solar arrays.

Green Cells July 2021 request for an Amendment to include Battery Energy Storage should be denied.

As the town supervisor stated previously this town would not be against large battery storage. Please take a stand and commit to what was said. Oppose battery energy storage in the town of Duanesburg.

Josh Barnes
14314 Duanesburg Rd
8/18/2021

Sent from my iPhone

Barton D. MacDougall
P.O. Box 157
6899 Duanesburg Road
Duanesburg, New York 12056

Phone (518) 895-2591

ORIGINAL

RECEIVED
AUG 18 2021

8/16/21

Town Planning Board
Town of Duanesburg

Dear Board members:

This week you will make a decision regarding the status and future of solar power in our town. Like marriage, this is not to be entered into lightly or unadvisedly.

Specifically, the impact of the formerly-unmentioned large battery placements upon our environment, especially upon the unnamed Biggs homestead, needs careful, judicious consideration.

In hope of an outcome favorable to the residents and natural environment of our Town, I remain,

Respectfully,
Barton D. MacDougall

RECEIVED
AUG 18 2021
TOWN OF DUANESBURG
TOWN CLERK

Melissa Deffer

From: Jennifer Howe
Sent: Monday, August 16, 2021 1:05 PM
To: John Ganther; Dale Warner; Melissa Deffer; Ricky Potter; Roger Tidball; Bill Wenzel; Terresa Bakner; Jeff Senecal
Subject: Fwd: Oak Hill Solar Question

Good afternoon,

Please see email below. Thanks

Jen

Sent from my iPhone

Begin forwarded message:

From: A Denney <adenney07@hotmail.com>
Date: August 16, 2021 at 12:47:06 PM EDT
To: Jennifer Howe <JHowe@duanesburg.net>
Subject: Oak Hill Solar Question

Dear Board,
What rights as a town do we now have to cancel this program, as it has changed significantly since originally approved?
Thank you,
Anna & Dave Denney

Melissa Deffer

From: Jennifer Howe
Sent: Friday, August 13, 2021 3:58 PM
To: Melissa Deffer; Dale Warner; Roger Tidball; Jeff Senecal; John Ganther; Ricky Potter; Bill Wenzel; Bakner, Terresa
Subject: FW: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Amendment

Good afternoon,

Please see email below. Thanks

Jennifer Howe
Town Clerk
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056
p#518-895-8920
f#518-895-8171

From: wallace johnson <wallaceij@hotmail.com>
Sent: Friday, August 13, 2021 3:56 PM
To: Jennifer Howe <JHowe@duanesburg.net>
Cc: lynne bruning <lynnebruning@gmail.com>; Pamela Rowling <pamelarowling@yahoo.com>
Subject: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Amendment

Dear Town Clerk:

Please read this email in its entirety at the August 19, 2021 Town Planning Board meeting during Privilege of the Floor, and include it in the official minutes as posted on the town website.

The Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC application as reviewed by the Planning Board 2018, and 2019, did not include battery energy storage systems. The applicant, Eden Renewables, did not present Battery Energy Storage Systems (BESS) as part of the Oak Hill Solar project.

In the event of a BESS explosion, the town does not have enough volunteer firefighters to respond. Are they equipped and trained to fight a BESS failure? BESS failures release toxic fumes that require neighbors to be evacuated from their homes for days. BESS is not included in the September 19, 2019 approved resolution, site plan or SEQR.

Due to the serious consequences of a BESS failure event, BESS should not be permitted at Oak Hill Solar, or in ANY residential neighborhood in the Town of Duanesburg. My home is a short distance downhill from this project, and would likely be in serious peril with no warning. Under no circumstances should a disaster of this nature be sited such that families in the neighborhood are subjected to health consequences and possible death. Not to mention severely depressed real estate values, and living day to day under the scepter of an event that may occur due to its improper siting.

Please distribute my comments to the Planning Board Chair Jeffrey Schmitt, and all the members of the Planning Board.

Please confirm receipt and distribution of this email to my email address.

Thank you,

Wallace I. Johnson
1204 Youngs Road
Delanson, NY 12053
wallacejl@hotmail.com

Melissa Deffer

From: Jennifer Howe
Sent: Friday, August 13, 2021 5:14 PM
To: Dale Warner; Melissa Deffer; Roger Tidball; John Ganther; Jeff Senecal; Bill Wenzel; Ricky Potter; Terresa Bakner
Subject: Fwd: Oak Hill- Hazard

Good evening,

Please see email below. Thanks

Sent from my iPhone

Begin forwarded message:

From: Patty Barnes-Bernhard <pattybarnesbernhard@gmail.com>
Date: August 13, 2021 at 4:47:12 PM EDT
To: Jennifer Howe <JHowe@duanesburg.net>
Subject: Oak Hill- Hazard

The September 2019 approved Site Plan, Resolution and SEQR Negative Declaration for Oak Hill Solar 1 and 2 projects did not include battery energy storage.

The documents presented to the town and residents were for two 5 MW AC solar arrays.

Green Cells July 2021 request for an Amendment to include Battery Energy Storage should be denied.

Let's do the right thing for our town and stop this possible hazard.

Patty Barnes Bernhard
244 Barton Hill
8/13/21

Melissa Deffer

From: Jennifer Howe
Sent: Saturday, August 14, 2021 11:01 AM
To: John Ganther; Dale Warner; Jeff Senecal; Melissa Deffer; Ricky Potter; Roger Tidball; Bill Wenzel; Terresa Bakner
Subject: Fwd: Solar Project

Please see email below, thanks. Have a great weekend!

Jen

Sent from my iPhone

Begin forwarded message:

From: Linda Walbridge <lwalbridge24@nycap.rr.com>
Date: August 14, 2021 at 10:36:28 AM EDT
To: Jennifer Howe <JHowe@duanesburg.net>
Subject: Solar Project

I am opposed to the solar project the entire project should thrown out:
Linda Walbridge
1763 Schoharie Turnpike
Duanesburg, NY 12056
August 14, 2021

Sent from my iPhone

Melissa Deffer

From: Jennifer Howe
Sent: Sunday, August 15, 2021 7:33 AM
To: John Ganther; Dale Warner; Melissa Deffer; Ricky Potter; Roger Tidball; Bill Wenzel; Terresa Bakner; Jeff Senecal
Subject: Fwd: Oak hill solar project

Good morning,

Please see email below.

Thanks, Jen

Sent from my IPhone

Begin forwarded message:

From: B Bernhard <RGBern@hotmail.com>
Date: August 14, 2021 at 10:35:13 PM EDT
To: Jennifer Howe <JHowe@duanesburg.net>
Subject: Oak hill solar project

I've recently became aware that the Oak hill solar project is now going to include a large battery storage area. This is a concern to me considering the potential hazards associated with these batteries.

Was the town aware of this when they agreed to the original contract terms with this solar company? Or, did the solar company sneak this in after the contract terms were agreed upon?

If the terms of the contract changed after the fact, the entire contract should be null and void as per standard practices.

It's time to stand against these giant, mega solar companies who think they can come into every small rural town and deface the landscape while lying to and running roughshod over the town boards. They have a lot of government money to throw around but their plans only work if you take the money. I encourage you to void the contract.

Bob Bernhard
244 Barton hill rd.
Delanson, NY 12053

Melissa Deffer

From: Jennifer Howe
Sent: Saturday, August 14, 2021 11:02 AM
To: John Ganther; Dale Warner; Jeff Senecal; Melissa Deffer; Ricky Potter; Roger Tidball; Bill Wenzel; Terresa Bakner
Subject: Fwd: NO SOLAR FARM!!!

See email below, thanks.

Jen

Sent from my iPhone

Begin forwarded message:

> **From:** Justin Dykeman <justin.dykeman@gmail.com>
> **Date:** August 14, 2021 at 9:43:20 AM EDT
> **To:** Jennifer Howe <JHowe@duanesburg.net>
> **Subject:** NO SOLAR FARM!!!
>
> The last thing this town needs is land filled with toxic batteries!!
>
> Justin Dykeman
> 889 knight rd, Delanson
>
> Sent from my iPhone

Melissa Deffer

From: Jennifer Howe
Sent: Sunday, August 15, 2021 8:19 AM
To: John Ganther; Dale Warner; Melissa Deffer; Ricky Potter; Roger Tidball; Bill Wenzel; Terresa Bakner; Jeff Senecal
Subject: Fwd: Oak Hill Solar Project

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AUG 16 2021

See below, thanks.

Jen

Sent from my iPhone

Begin forwarded message:

From: Matthew Ferri <matthew.ferri1987@gmail.com>
Date: August 15, 2021 at 8:14:57 AM EDT
To: Jennifer Howe <JHowe@duanesburg.net>
Subject: Oak Hill Solar Project

The September 2019 approved site plan, Resolution and SEQR Negative Declaration for Oak Hill Solar 1 and 2 projects did not include battery energy storage.

The documents presented to the town and residents were for two 5 MW AC solar arrays.

Green cells July 2021 request for an amendment to include Battery Energy Storage should be denied.

As a taxpayer of the town, it is my belief this project should be thrown out.

Matthew Ferri
243 Knight Rd Delanson NY
August 15, 2021

I urge the Duanesburg Town Board to vote against adding four-50 foot containers of lithium-ion Battery Energy Storage Systems to the solar arrays on the westernmost edge or our town. The concerns of explosions, brush fires, toxic fumes harmful to residents, firefighters, wildlife and the environment are legitimate issues that have been brought to your attention and should be strongly considered in your vote.

Leonard M. Van Buren
148 Bull Street
Delanson, NY 12053

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