Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk
William Reed, Highway Superintendent

John D. Ganther, Council Member
Francis R. Potter, Council Member
Jeffrey Senecal, Council Member
William Wenzel, Council Member

Thursday September 23, 2021
Regular Town Board Meeting
Meeting Time: 7:00PM

Meeting called to order by Supervisor Tidball at 7:03PM

Present: Supervisor Tidball, Council Members Ganther, Potter and Wenzel, Deputy Town Clerk Brandy Fall, Town Attorney Terresa Bakner

Pledge of Allegiance
Prayer/Moment of Reflection offered by Pastor McHeard

Public Hearing: Local Law No. 2 of 2021 entitled "A Local Law enacting a temporary moratorium on Major Solar Energy Systems Authorized under Local Law 1 of the year 2016 and on Battery Energy Storage Systems. "

Supervisor Tidball motioned, seconded by Council Member Ganther to open the floor for comments.
Motion carried, 4 ayes

Lynne Bruning of 13388 Duanesburg Road commented. (Please see attached)

A resident of another town commented regarding remote battery storage.

Supervisor Tidball motioned, seconded by Council Member Ganther to close the public hearing.
Motion carried, 4 ayes

Nick Lobosco from C.T. Male Associates gave a presentation on the possible renovations at Town Hall.

Resolution 116-21: Council Member Potter motioned, seconded by Council Member Wenzel to approve the Town Board Meeting minutes of Thursday, September 9, 2021.
Motion carried, 4 ayes

Resolution 117-21: Council Member Potter motioned, seconded by Council Member Ganther to pay the following claims:
Motion carried, 4 ayes

Vouchers to be Paid
September 23, 2021

General Fund:	$173,598.59
Highway Fund:	$3,622.10
SD#1 Fund:	$3,933.63
SD#2 Fund:	$2,094.09
SD#3 Fund:	$819.76
Total To Be Paid:	$184,068.17

Highway: Council Member Potter reported that they are doing some ditch work, mowing, fixing potholes, and starting to get things ready for the winter months. They have also been working on the sewer project at the parks, putting the septic tank in.

Public Safety: Supervisor Tidball stated that there haven't been any meetings, nothing going on.

Parks: Council Member Wenzel reported that the Highway Department has been working on the connection with the sewer tank at Van Patten Park. There is a grant to help with the cost of the bathrooms there and upon completion, $30,000 will be coming back to us. Council Member Wenzel also stated that he received a preliminary pricing for the signs for the Town Forest.

Sewer District #1, 2 &3: Council Member Ganther reported that EFC will be doing a site visit to Delanson to inspect the progress on Wednesday September 29, 2021@ 8:30 a.m. Bill Brown of Delaware Engineering reported that construction continues in Delanson. Construction on the building continues and the tank is up. Next month or so the electricians are coming.

Technology: Council Member Ganther reported that he went over our IT infrastructure with Omnis. Our router and a switch or two need to be replaced. The service contract with Omnis is also going to go up this year from around $8000 to $9000. This has not gone up in a few years, so it was expected as everything else has gone up. The Broadband Committee met on Tuesday September 14, 2021 and he is proud to say that they have made a lot of progress. They started out with about 700 unserved homes and are now down to about 60 unserved homes in town.

Other: Supervisor Tidball stated that he has no other business.

Business Meeting:

Resolution 118-21: Supervisor Tidball motioned, seconded by Council Member Potter to adopt Local Law No. 2 of 2021 entitled "2021 Temporary Moratorium Law on Major Solar Energy Systems including Battery Energy Storage Systems."
Motion carried, 4 ayes

Resolution 119-21: Council Member Ganther motioned, seconded by Council Member Potter to introduce Local Law No. 3 of 2021 and to set a date for the Public Hearing for Local Law No. 3 of 2021 entitled "Tax Cap Override for FY 2022."
Motion carried, 4 ayes

Resolution 120-21: Council Member Potter motioned, seconded by Council Member Wenzel to set a public hearing for the purpose of hearing all persons interested in the matter of: The Assessment Roll for the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3.
Motion carried, 4 ayes

Resolution 121-21: Council Member Wenzel motioned, seconded by Council Member Ganther to approve Larry O'Connor as a town vendor and to authorize the Town Supervisor to execute an agreement to retain Larry O'Connor at an hourly rate of $150 per hour for the professional services set forth in the proposed agreement.
Motion carried, 4 ayes

Resolution 122-21: Supervisor Tidball motioned, seconded by Council Member Potter to approve payment to Delaware Engineering in the amount of $5,959.20.
Motion carried, 4 ayes

Resolution 123-21: Council Member Ganther motioned, seconded by Council Member Potter to approve payment to C.T. Male Associates for $10,410.66.
Motion carried, 4 ayes

Resolution 124-21: Council Member Potter motioned, seconded by Council Member Wenzel to set a date for a Special Meeting on October 4, 2021, at 9:00 a.m. at the Town Offices at 5853 Western Turnpike, Duanesburg, NY 12056 for the purpose of having the Town Clerk present the Tentative Town Budget for 2022 to the Town Board.
Motion carried, 4 ayes

Resolution 125-21: Council Member Ganther motioned, seconded by Supervisor Tidball to approve payment to C.T. Male Associates for $10,410.66.
Motion carried, 4 ayes

Privilege of the Floor: Opened at 8:12 p.m.

Supervisor Tidball read a statement on behalf of Pamela Rowling (please see attached).

Lynne Bruning of 13388 Duanesburg Road read a statement (please see attached).

Lynne Bruning stated that Susan Biggs had sent a letter to be read into the record for tonight. Supervisor Tidball did receive a letter but it was dated 7/16/2021 so he did not believe it was for tonight's meeting. Lynne had a copy of the letter so she read it into the record. (Please see attached).

Floor Closed: 8:25 p.m.

Resolution 126-21: Council Member Ganther motioned, seconded by Supervisor Tidball to approve the escrow agreement between the Town of Duanesburg and Oak Hill Solar concerning the expenses for the consultants from Energy Storage Response Group LLC.
Motion carried, 4 ayes

Supervisor Tidball motioned, seconded by Council Member Ganther to go into executive session to discuss the proposed acquisition, sale or lease of real property.

I, Brandy Fall, Deputy Town Clerk of the Town of Duanesburg, so hereby certify that this is a true and accurate transcript of the Regular Town Board Meeting held on Thursday September 23, 2021, at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.

(September 7, 2021)

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

TOWN BOARD

TOWN OF DUANESBURG

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday**, September 23, **2021** at **7:00 p.m.** for the purpose of hearing all persons interested in the adoption of:

Local Law No. 2 of 2021 entitled "2021 Temporary Moratorium Law on Major Solar Energy Systems including Battery Energy Storage Systems." The proposed law would establish a temporary moratorium on the review of Major Solar Energy Systems and Battery Energy Storage Systems to give the Town Board sufficient time to evaluate the Town's existing law and to make changes to that law, or adopt a new law regulating such systems, if warranted.

BY ORDER OF THE TOWN BOARD

TOWN OF DUANESBURG

Town of Duanesburg

Local Law No. 2 of the year 2021

A local law enacting a temporary moratorium on Major Solar Energy Systems Authorized under Local Law 1 of the year 2016 and on Battery Energy Storage Systems

Be it enacted by the Town Board of the Town of Duanesburg as follows:

SECTION I.
SHORT TITLE

This local law shall be cited as Local Law # 2 of 2021 of the Town of Duanesburg and is entitled the "2021 Temporary Moratorium Law on Major Solar Energy Systems and Battery Energy Storage Systems."

SECTION II.
LEGISLATIVE FINDINGS

The Town Board seeks to carefully review the Town Comprehensive Plan Update, the Town Zoning Ordinance and Local Laws, particularly Local Law #1 of 2016 which allows the establishment of Major Solar Energy Systems in the Town of Duanesburg. The Town has approved several of these Major Solar Energy Systems and believes that the Town of Duanesburg Zoning Code and Local Law #1 of 2016 should be evaluated in light of the Planning Board and Zoning Board experience in reviewing these projects and to protect and promote the public health, welfare and safety within the Town of Duanesburg. This moratorium also expressly applies to Battery Energy Storage Systems which may be proposed as part of a Major Solar Energy System or as a stand-alone facility. This moratorium is necessary in order to temporarily prohibit the establishment of additional Major Solar Energy Systems or Battery Energy Storage Systems in the Town to preserve the status quo while affording the Town Board sufficient time to evaluate and to amend the Town Zoning Ordinance and Local Law #1 of 2016, or to adopt new laws relating to Major Solar Energy Systems and Battery Energy Storage Systems.

SECTION III.
AUTHORITY

This moratorium is enacted by the Town Board of the Town of Duanesburg pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

SECTION IV.
MORATORIUM

(A) For a period of six (6) months from the effective date of this Local Law, no applications shall be accepted or considered by the Planning Board of the Town of Duanesburg for Major Solar Energy Systems as that term is defined in Local Law No. 1 of 2016 or for Battery Energy Storage Systems, defined as 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. Such Tier 1 or Tier 2 Battery Energy Storage Systems, whether as part of such Major Solar Energy System or stand-alone.

(B) This moratorium may be extended by one (1) additional period of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

SECTION V.
EXEMPTIONS TO MORATORIUM

The foregoing restriction shall not apply to the Major Solar Energy Systems approved by the Town Planning Board: (A) Onyx on Alexander Road, which has been constructed and which is under operation; and (B) the two Oak Hill Solar Projects proposed by Eden Renewables which have been approved by the Town Planning Board, for which amended approvals are currently being sought relative to the Major Solar Energy Systems and Battery Energy Storage Systems and which have not commenced construction. This moratorium does not apply to these listed projects or to any further Town Board, Planning Board, Zoning Board of Appeals or administrative action on these projects.

SECTION VI.
VARIANCES.

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars ($250.00) for the processing of such application. All such applications shall promptly be referred to the Town Board, which shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

SECTION VII.
SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VIII.
REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of New York State Town Law, the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Town Law provisions intended to be superseded include all of the Article 16 of the Town Law, Sections 261-285 inclusive and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and to apply such intent in the event the Town has failed to specify any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

SECTION IX.
EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.

PO Box 160
Quaker Street, NY 12141

Supervisor Tidball
Town Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

September 23, 2021

Re: Public Hearing Comment for Moratorium on Solar and BESS September 23, 2021

Dear Supervisor Tidball and the Town Board,

I request that the Oak Hill Solar Amendment for battery energy storage systems (BESS) be included in the Moratorium on Solar and the Moratorium on BESS to be discussed at the September 23, 2021 Town Board Public Hearing.

Eden Renewables did not present BESS to the planning board and taxpayers at the July and August 2019 Public Hearings. BESS is not shown or referenced in the site plan, resolution, or negative declaration as approved September 19, 2019.

The County did not find BESS in the application documents. Please see attached letter Bruning to Schenectady County Economic Development.

NYSERDA did not find BESS in Edens funding application documents. Please see Freedom of Information documents obtained from NYSERDA. There are multiple emails between NYSERDA and Eden which clearly document that BESS is not reflected in the September 2019 site plan, resolution and SEQR.

Eden sold Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC to Amp Solar Group in November or December 2019. The developer's failure to understand that the Project did not include BESS is not the town's responsibility.

At the September 9, 2021 Town Board meeting the town attorney stated that including Oak Hill Solar in the Moratorium is at the Board's discretion. Please refer to minute 38 of the September 9, 2019 town board meeting recording as found on Youtube https://youtu.be/GbYHoCEVTj0?t=2277

Please include Oak Hill Solar Amendment as presented to the planning board July 2021 in tonight's Moratorium on Solar and BESS. This will allow the town and taxpayers time to learn about BESS, consult with experts and approve a BESS law that will protect the current and future town board, planning board, zoning board and the residents.

Thank you for your time and consideration.

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

Gmail

lynne bruning <lynnebruning@gmail.com>

RE: Oak Hill Solar

1 message

Ray Gillen <RGillen@schenectadymetroplex.org> Fri, May 14, 2021 at 11:36 AM
To: lynne bruning <lynnebruning@gmail.com>
Cc: Jesse McGuire <jesse.mcguire@schenectadycounty.com>

We did not see battery storage on the plans submitted to the County Planning office for this project.

Ray Gillen, Chair

Schenectady County

Metroplex Development Authority

433 State Street

Schenectady, NY 12305

(518) 377-1109, ext.1

From: lynne bruning <lynnebruning@gmail.com>
Sent: Friday, May 14, 2021 1:33 PM
To: Ray Gillen <RGillen@schenectadymetroplex.org>
Cc: Jesse McGuire <jesse.mcguire@schenectadycounty.com>
Subject: Oak Hill Solar

Dear Commissioner Gillian,

Please accept the attached four page PDF correspondence requesting clarification of battery energy storage at Oak Hill Solar located at 13390 Duanesburg Road, Delanson, NY 12053.

Please confirm receipt to lynnebruning@gmail.com

Thank you for your time and attention to this matter.

Respectfully,

Lynne Bruning

720-272-0956

lynnebruning@gmail.com

From:	Stephanie Pullafico
To:	erda.sm.energystorage; Gillian Black
Subject:	Fwd: Application 214683 - 13590 Duanesburg Rd - Retail Storage
Date:	Tuesday, October 1, 2019 4:12:30 PM
Attachments:	Eden_OH1_E-101-SLD.pdf Eden_OH2_E-101-SLD.pdf Eden_OH2_Dynapower BTM enclosure 600kWh.pdf Eden_OH2_xgi_1500_datasheet_rev_1_december_2018.pdf Eden_OH2_SDI_ME2_286s_Technical Specs.pdf Eden_OH2_Dynapower DPS-500 cut sheet.pdf Eden_OH2_Dynapower DPS-500 Specification January 2019.pdf Eden_ELMBROOK_E-101-SLD.pdf

Ben,

See attached, corrected SLD, apologies for uploading the wrong ones. Also attached are the equipment cut sheets. I also uploaded the SLD for Brookview Road just in case you need that one too.

I am working with the towns to get minutes for you.

Thanks,
Stephanie

On Tue, Oct 1, 2019, 2:56 PM Retail Energy Storage <energystorage@nyserda.ny.gov> wrote:

Stephanie,

Provide the following 2 items within the next 24 hours to prevent your application from being rejected:

- Hardware specification documents. The zoning application form is helpful, though we also require the hardware specification documents for the application.
- Zoning board meeting minutes. The zoning and planning form is missing the storage capacity value and I see it does include a note on storage. However, we require the zoning board meeting minutes as well.

Can you confirm that the 11790 kWh is the usable installed energy storage capacity in kilowatt hours (kWh) measured in AC power? I'm not seeing this clearly labeled on the design drawing or site plan.

Thank you,

Ben

Application Number 0000214683

From: Falber, Benjamin I (NYSERDA)
To: Stephanie Pullafico
Cc: Gillian Black
Subject: RE: Resolution approving site plan applications 0000214683 0000214694
Date: Wednesday, October 2, 2019 5:08:00 PM

Great, thank you.

From: Stephanie Pullafico <stephanie.pullafico@edenrenewables.com>
Sent: Wednesday, October 02, 2019 5:03 PM
To: Falber, Benjamin I (NYSERDA) <Benjamin.Falber@nyserda.ny.gov>
Cc: Gillian Black <gillian.black@edenrenewables.com>
Subject: Re: Resolution approving site plan applications 0000214683 0000214694

Ben,

Attached are minutes calling out the inclusion of storage. Additionally, the SLD, equipment cut sheets and appendix k all explain the storage solution design for each project.

Please let me know if there's anything else you need.

Thanks,
Stephanie

On Wed, Oct 2, 2019, 3:54 PM Falber, Benjamin I (NYSERDA) <Benjamin.Falber@nyserda.ny.gov> wrote:

Stephanie,

I'm not seeing any mention of storage in the resolution approving the 2 Duanesburg Rd sites. Was there a SEQR neg dec associated with this approval that was inclusive of storage and not just solar? If we're using this instead of the zoning board meeting minutes, we'll need to see approval of the storage as well as the solar. Let me know if I'm missing something.

Thank you,
Ben

From: Falber, Benjamin I (NYSERDA)
Sent: Wednesday, October 02, 2019 12:42 PM
To: Stephanie Pullafico <stephanie.pullafico@edenrenewables.com>; Gillian Black <gillian.black@edenrenewables.com>
Subject: RE: Resolution approving site plan applications 0000214683 0000214694

Stephanie,

This looks all set. I'll get back to you by the end of the day if there are any more questions.

Thank you,
Ben

From: Stephanie Pullafico <stephanie.pullafico@edenrenewables.com>
Sent: Wednesday, October 02, 2019 12:19 PM
To: Falber, Benjamin I (NYSERDA) <Benjamin.Falber@nyserda.ny.gov>; Gillian Black <gillian.black@edenrenewables.com>
Subject: Resolution approving site plan applications 0000214683 0000214694

Ben,

I am unable to upload documents to the portal once the application is in (I think it's likely just a kink from the new setup. Attached is the resolution for both the Duanesburg applications. We will be resubmitting the Schodack application shortly. I will also get the payee forms completed. Please confirm this wraps up the requirements for this application.

Thank you for your help.

Stephanie

--
Stephanie Pullafico
Eden Renewables
Mobile: +1 (518) 441-0904
Email: stephanie.pullafico@edenrenewables.com
Website: https://www.edenrenewables.com/

From: erda.sm.energystorage
To: Stephanie Pullafico; erda.sm.energystorage
Cc: gillian.black@edenrenewables.com
Subject: RE: 13590 Duanesburg Rd - Retail Storage applications 191916 and 214694
Date: Monday, October 7, 2019 10:58:52 AM

Great, thank you Stephanie.

From: Stephanie Pullafico <stephanie.pullafico@edenrenewables.com>
Sent: Monday, October 07, 2019 10:34 AM
To: erda.sm.energystorage <energystorage@nyserda.ny.gov>
Cc: gillian.black@edenrenewables.com
Subject: Re: 13590 Duanesburg Rd - Retail Storage applications 191916 and 214694

CAUTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Ben,
Good morning. Attached, please find the signed planning forms for both Duanesburg Road projects. Please let me know if you have any questions.
Thanks again for all your help.
Stephanie
On Thu, Oct 3, 2019 at 1:26 PM Stephanie Pullafico <stephanie.pullafico@edenrenewables.com> wrote:

> Ben,
> I'll send a request over to Dale.
> Thanks,
> Stephanie
> On Thu, Oct 3, 2019 at 1:25 PM erda.sm.energystorage <energystorage@nyserda.ny.gov> wrote:
>
> > Stephanie, Gillian,
> > Are you able to provide this form? https://www.nyserda.ny.gov/-/media/Files/Programs/Energy-Storage/Planning-zoning.pdf I'm asking because the storage capacity is missing from the NYSERDA zoning forms you submitted. Alternatively, I can email Dale Warner from Duanesburg for confirmation, but wanted to let you know before I did that.
> > Thank you,
> > Ben
> >
> > **From:** noreply@salesforce.com <noreply@salesforce.com> **On Behalf Of** Benjamin Falber
> > **Sent:** Thursday, October 03, 2019 12:32 PM
> > **To:** gillian.black@edenrenewables.com; Stephanie Pullafico <stephanie.pullafico@edenrenewables.com>
> > **Cc:** Neligan, Alison L (NYSERDA) <Alison.Neligan@nyserda.ny.gov>; erda.sm.energystorage <energystorage@nyserda.ny.gov>
> > **Subject:** 13590 Duanesburg Rd - Retail Storage applications 191916 and 214694
> >
> > *CAUTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*
> >
> > Hi Stephanie, Gillian,

I have updated the status of this application to pending approval and submitted it to our legal team & senior management for final approval.

Looking at the SEQR neg dec in your associated NY-Sun applications 191916 and 181604 for this site and the zoning/planning board approval for the site, I do not see any mention of storage. I see mention of storage in the meeting minutes in the notes and attachments for this project application, so this application can move forward. Ultimately, we'll be looking for these items by the time we reach milestone 1 along with the other items detailed in the retail storage program manual (https://www.nyserda.ny.gov/retailstorage). This note applies to both your retail storage applications 214683 and 214694 (Oak Hill Solar 1 and Oak Hill Solar 2) at this site.

Thank you,

Ben

Application Number 0000214683

--

Stephanie Pullafico
Eden Renewables
Mobile: +1 (518) 441-0904
Email: stephanie.pullafico@edenrenewables.com
Website: https://www.edenrenewables.com/

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Stephanie Pullafico
Eden Renewables
Mobile: +1 (518) 441-0904
Email: stephanie.pullafico@edenrenewables.com
Website: https://www.edenrenewables.com/

Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk
William Reed, Highway Superintendent

John D. Ganther, Council Member
Francis R. Potter, Council Member
Jeffrey Senecal, Council Member
William Wenzel, Council Member

Thursday September 9, 2021
Regular Town Board Meeting
Meeting Time: 7:00PM

Meeting called to order by Supervisor Tidball at 7:10PM

Present: Supervisor Tidball, Council Members Senecal and Wenzel, Town Clerk Jen Howe, Town Attorney Terresa Bakner

Pledge of Allegiance

Resolution 111-21: Council Member Senecal motioned, seconded by Council Member Wenzel to approve the Town Board Meeting minutes of Thursday, August 26, 2021.
Motion carried, 5 ayes

Town Clerk, Jen Howe, read the Town Clerk's Report for August 2021 (see attached).
Supervisor, Roger Tidball, read the Supervisor's Report for August 2021 (see attached).

Resolution 112-21: Supervisor Tidball motioned, seconded by Council Member Senecal to pay the following claims:
Motion carried, 5 ayes

Vouchers to be Paid
September 9, 2021

General Fund:	$75,427.03
Highway Fund:	$6,835.80
SD#1 Fund:	$1,795.69
SD#2 Fund:	$162,069.31
SD#3 Fund:	$933.11
Total To Be Paid:	$247,060.94

Highway: Council Member Potter reported that they are working on cutting the shoulders back and ditch work. They are going to do fog seal as we don't have enough time for chip seal to cure this year. They will be starting up mowing again. Council Member Ganther asked If we could have the highway department work on the back parking lot, maybe bring in some loads of stone. Highway Superintendent Reed got back saying that they would.

Public Safety: Supervisor Tidball wanted to mention on a personal note his gratitude to the Esperance Volunteer Fire Department and DVAC. His daughter was in an accident last night, everybody was fine, but it was pretty serious. To have the response time that Esperance showed and the way they handled the scene. DVAC showed up in no time and the Sheriff's Department showed up. It was great to see what our volunteers can do and I am very proud to have somebody like Matt Deffer and the Volunteer Esperance Fire Department on our side.

Parks: Council Member Wenzel reported that the park committee had a meeting on Tuesday night. Nothing new to report. They did talk a bit about the state forest and getting new signs made for the perimeter.

Sewer District #1, 2 &3: Council Member Ganther reported that the written reports from DEC WWTP Inspectors did came back and are good except for the minor issues we are already working on. Bill Brown of Delaware Engineering reported that construction continues in Delanson. Equipment is starting to come in and be installed. Everything is on schedule for completion, but we do have some delivery that is being pushed out due to supply delays that they are keeping an eye on.

Technology: Council Member Ganther reported that we ordered a new laptop to be used for PowerPoint presentations during meetings. That did come in today just in time for the workshop. The next Broadband Committee meeting will be on Tuesday September 14, 2021 at 6:30pm here at Town Hall. The meeting will also be available via Zoom.

Other: Supervisor Tidball mentioned that we need to set a budget workshop for next week. Everyone agreed that Wednesday the 15th at 7pm would work. Council Member Ganther reported that Dale, Bill Wenzel and himself met with Judge Wren to discuss OCA funding. Each year they make available up to $30,000 for the town. Deadline for taking applications is in October each year. So, we would have to wait until next year. They also discussed the possibility of installing a Judge's bench downstairs.

Business Meeting:

Resolution 113-21: Council Member Potter motioned, seconded by Council Member Senecal to introduce Local Law No. 2 of 2021 and to set a date for the Public Hearing for Local Law No. 2 of 2021 entitled "2021 Temporary Moratorium Law on Major Solar Energy Systems including Battery Energy Storage Systems."
Motion carried, 5 ayes

Resolution 114-21: Supervisor Tidball motioned, seconded by Council Member Wenzel to approve ESRG (Energy Storage Response Group LLC) as a new vendor and to authorize the Town Supervisor to sign the agreement. Expenses will be paid by the applicant.
Motion carried, 5 ayes

Resolution 115-21: Council Member Senecal motioned, seconded by Supervisor Tidball to set the budget workshop for September 15, 2021 at 7:00pm here at Town Hall.
Motion carried, 5 ayes

Privilege of the Floor: Opened at 7:39 p.m.

Supervisor Tidball read a statement on behalf of Susan Biggs (please see attached).

Supervisor Tidball read a statement on behalf of Pamela Rowling (please see attached).

Lynne Bruning of 13388 Duanesburg Road read a statement (please see attached).

Resident from Westerlo spoke regarding concern with battery storage.

Resident Josh Barnes spoke regarding his concerns with battery storage and had some questions for the board.

Resident Larry O'Connor spoke on some of the review of the documents he has done.

Floor Closed: 8:31 p.m.

Supervisor Tidball motioned, seconded by Council Member Senecal to adjourn the meeting. Motion carried, 5 ayes

I, Jennifer Howe, Town Clerk of the Town of Duanesburg, so hereby certify that this is a true and accurate transcript of the Regular Town Board Meeting held on Thursday September 9, 2021, at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.

Town of Duanesburg

Vouchers per Fund

Fund		Amount
General Fund		$ 173,598.59
Highway Fund		$ 3,622.10
Sewer District # 1		$ 3,933.63
Sewer District # 2		$ 2,094.09 ~~2,227.09~~
Sewer Distrcit # 3		$ 819.76
	Total	$ 184,068.17 ~~184,201.17~~

RESOLUTION ADOPTING LOCAL LAW No. 2 of 2021

RESOLUTION NO. -2021

September 23, 2021

WHEREAS, the Town of Duanesburg has adopted a local law, local law No. 1 of 2016 regulating solar facilities, including Major Solar Facilities;

WHEREAS, the Town Board has received recommendations for modifications to the regulation of Major Solar Facilities in the Town from the Town Planning Board, the Zoning Board of Appeals and members of the public and is in the process of amending Local Law No. 1 of 2016;

WHEREAS, the Town Board previously imposed a temporary moratorium on the review of Major Solar Facilities which lapsed, however, the modification to the regulation of Major Solar Facilities in the Town has not progressed due to the pandemic and limitations on the ability of the public to participate in person on the proposed changes to Local Law No. 1 of 2016;

WHEREAS, the Town Board is hereby introducing a proposed local law (the "Proposed Local Law") to re-establish a temporary moratorium on the review of Major Solar Facilities and expanding the moratorium to apply to Battery Energy Storage Systems to give the Town Board sufficient time to continue to evaluate the existing law on Major Solar Facilities and to make changes to that law if warranted, as well as to evaluate the need for changes to zoning to address Battery Energy Storage Systems;

WHEREAS, the purpose of the moratorium is to maintain the status quo while such legislation is being considered and adopted and the adoption of such a moratorium is a Type 2 action pursuant to the NYS Environmental Quality Review Act;

WHEREAS, the Town Board introduced at its meeting on September 9 the attached Proposed Local Law re-establishing a temporary moratorium on the review of Major Solar Facilities including establishing a temporary moratorium on the review of Battery Energy Storage Systems while the Town Board considers changes to its zoning and other local laws and called for a public hearing;

WHEREAS, the Town Board held a duly noticed public hearing on September 23, 2021 and carefully considered any public comment;

WHEREAS, the proposed local law was referred to Schenectady County Planning as required by the NYS General Municipal Law and Schenectady County Planning responded on _____ finding that _____;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby finds that the adoption of the proposed Local Law 2 of 2021 attached hereto establishing a temporary moratorium on Major Solar Facilities and Battery Energy Storage Systems is a Type 2 action under the SEQRA; and

BE IT FURTHER RESOLVED that the Town Board hereby adopts proposed Local Law 2 of 2021 and directs that it be filed with the NYS Secretary of State's Office.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Present:
Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 9-21-21
Case No. D-8-21
Returned

FROM: ☐ Legislative Body
☑ Zoning Board of Appeals
☑ Planning Board

Municipality: Town of Duanesburg

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

(tel.) 386-2225
(fax) 382-5539

ACTION:
☑ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☐ Site Plan Review
☐ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other (specify)

PUBLIC HEARING OR MEETING DATE: September 23, 2021

SUBJECT: A local law enacting a temporary moratorium on Major Solar Energy Systems Authorized under Local Law 1 of the year 2016 and on Battery Energy Storage Systems.

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

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.

2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

☐ the boundary of any city, village or town;
☐ the boundary of any existing or proposed County or State park or other recreation area;
☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Melissa Deffer
Title: Planning/Zoning Clerk
Address: 5853 Western Turnpike Duanesburg, NY 12056
E-mail: mdeffer@duanesburg.net
Phone: (518) 895-2040

Signature
Date:

ORIGINAL

RECEIVED
SEP 2 2 2021

PLANNING & ZONING COORDINATION REFERRAL

Case No. D-08-21

Applicant Town Board

Referring Officer Melissa Deffer

Municipality Duanesburg

Considerations: Local law enacting a temporary moratorium on the review of Major Solar Energy and Battery Energy Storage Systems.

RECOMMENDATION

Receipt of zoning referral is acknowledged on September 17, 2021. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

☐ ***Approve of the proposal.**

☑ **Defer to local consideration (No significant county-wide or inter-community impact)**

☐ **Modify/Conditionally Approve.** Conditions:

☐ **Advisory Note:**

☐ **Disapprove.** Reason:

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

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

9/22/21
Date

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

RESOLUTION INTRODUCING LOCAL LAW

RESOLUTION NO. -2021

September 23, 2021

WHEREAS, the Town of Duanesburg is subject to a tax levy limitation as a result of the New York State Property Tax Cap Legislation set forth in General Municipal Law § 3-C; and

WHEREAS, General Municipal Law § 3-C(5) provides that a Town Board may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year only if the Town Board first enacts, by a vote of sixty percent of the total voting power of the Town Board, a local law to override such limit for such coming fiscal year only; and

WHEREAS, Local Law No. 3 of 2021 is entitled "Tax Cap Override for FY 2022" (the "Proposed Local Law") is hereby introduced; and

WHEREAS, adoption of the Proposed Local Law is a Type II action under SEQRA.

NOW THEREFORE BE IT RESOLVED, that each member of the Town Board has received the attached Proposed Local Law attached hereto; and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to publish a notice of public hearing on the local law in the Schenectady Gazette and post to the Town's bulletin board and website, all to appear once no later than five (5) days before the date of the public hearing which shall take place at the regular meeting of the Town of Duanesburg Town Board at the Town Offices at 5853 Western Turnpike, Duanesburg, NY 12056 on October 14, 2021 at 7:00 p.m.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of September 23, 2021.

Roger Tidball, Supervisor	Town Clerk/Deputy Town Clerk

Present:
Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, October 14, 2021** at **7:00 p.m.** for the purpose of hearing all persons interested in the adoption of Local Law No. 3 of 2021.

> **The Proposed Local Law No. 3 of 2021** is entitled "Tax Cap Override for FY 2022." The proposed local law will allow the Town of Duanesburg to override the limit on the amount of real property taxes that may be levied, pursuant to General Municipal Law § 3-C, and allow the Town of Duanesburg to adopt a town budget for fiscal year 2022 that requires a tax levy in excess of the tax levy limit. A copy of the proposed local law is on file at the office of the Town of Duanesburg Town Clerk, 5853 Western Turnpike, Duanesburg, New York, 12056.

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

Dated: September 23, 2021

TOWN OF DUANESBURG LOCAL LAW NO. 3 OF 2021

TAX CAP OVERRIDE FOR FY 2022

BE IT ENACTED by the Town Board of the Town of Duanesburg in the County of Schenectady as follows:

Section 1. Title of the Local Law.

This local law shall be entitled "Tax Cap Override for FY 2022."

Section 2. Authorization.

This local law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-C, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Purpose.

The purpose of this local law is to permit the override of the limit on the amount of real property taxes that may be levied by the Town of Duanesburg, County of Schenectady, pursuant to General Municipal Law § 3-C, and to allow the Town of Duanesburg to adopt a town budget for the fiscal year 2022 ("FY 2022") that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-C.

Section 4. Tax Cap Override for FY 2022

The Town Board of the Town of Duanesburg, County of Schenectady, is hereby authorized to adopt a budget for FY 2022 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law § 3-C.

Section 5 Supersession.

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Duanesburg Town Code, in so far as such statues are inconsistent with this Local Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

Section 6. Severability.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION

September 23, 2021

WHEREAS, the Assessor to the Town of Duanesburg has completed and filed the assessment roll for the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3 (the "Roll"), pursuant to Article 15 of the New York State Town Law.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Town Law § 239, the Town Board shall meet and hold a public hearing on October 14, 2021 at 7:00 p.m. at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, to hear and consider any objections which may be made to the Roll (the "Public Hearing"); and

BE IT FURTHER RESOLVED, the Town Board directs the Town Clerk to publish the Notice of Public Hearing, attached hereto, in the Schenectady Daily Gazette to appear once not less than ten (10) and no more than twenty (20) days before the date of the Public Hearing; and

BE IT FURTHER RESOLVED, the Town Board directs the Town Clerk to cause the Letter Notice of Public Hearing, also attached hereto, to be mailed to each property owner not less than ten (10) and no more than twenty (20) days before the date of the Public Hearing; and

BE IT FURTHER RESOLVED, the Town Board directs the Town Clerk to cause a copy of the Notice of Public Hearing to be posted on the sign board of the Town of Duanesburg, and the Town of Duanesburg website, not less than ten (10) and no more than twenty (20) days before the date of the Public Hearing.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on September 23, 2021.

_____
Roger Tidball, Supervisor

_____
Town Clerk/Deputy Town Clerk

Present:
Absent:

Council Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel		Yea	Nay Abstain
Jeff Senecal	Yea	Nay	Abstain

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, has completed the assessment roll in connection with the Duanesburg/Delanson Sewer District No. 1, the Mariaville Lake Sewer District No. 2, and the Duanesburg Sewer District No. 3 and filed the same with the Town Clerk of the Town of Duanesburg.

PLEASE TAKE FURTHER NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, October 14, 2021** at **7:00 p.m.** for the purpose of conducting a hearing to consider any objections which may be made to said assessment roll.

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

Dated: September 23, 2021

Town of Duanesburg Town Board

RESOLUTION NO. __ - 2021

September 23, 2021

WHEREAS, the Town of Duanesburg Town Board (the "Town Board") wishes to retain the professional services of Lawrence J. O'Connor, PE, LS, F.NSPE ("O'Connor"), for consulting services in the areas construction plan review and/or building code analysis for solar projects; and

WHEREAS, the Town Board has reviewed the attached agreement under which the compensation for such professional services is $150/hour plus certain expenses.

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves and authorizes the Town Supervisor to execute the attached agreement and retain O'Connor for the professional services set forth in the agreement.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of September 23, 2021.

Roger Tidball, Supervisor

Date

Town Clerk/Deputy Town Clerk

Date

Present:
Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

CONSULTING AGREEMENT FOR PROFESSIONAL SERVICES OF
Lawrence J. O'Connor, PE, LS, F.NSPE

~~CONSULTING AGREEMENT FOR EXPERT SERVICES OF~~
~~Lawrence O'ConnorJEFFREY IAN ROSS~~

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~~Proposal for Services - August 24Revised: Wednesday April June1, 2021~~65

This Consulting Agreement (the "Agreement") is entered into between Lawrence J. O'Connor ~~Jeffrey Ian Ross Consulting~~ (hereafter "Consultant") and the Town of Duanesburg, New York _____ ("the Client").

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RECITALS

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WHEREAS, the Client is in need of assistance with construction plan reviews~~research~~ and/or building code~~litigation~~ consulting services; and

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WHEREAS, Consultant has agreed to perform ~~expert~~professional ~~consulting~~ services as directed by the Client/Client's Town Supervisor, Town Attorney or Building Inspector;

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The parties hereby agree as follows:

1. Consultant's Services. Consultant shall provide to the Client professional consulting services in the requested areas of construction plan reviews and/or building code~~research,~~ analysis~~, and/or testimony~~as further set forth on Exhibit A attached hereto and made a part hereof (hereafter "Consulting Services").

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Commented [BR1]: A more detailed scope of services should be provided here.

Consultant represents that he has the capability, means and experience to perform the Consulting Services and will maintain that capability during the term of this Agreement. No subcontractors shall be engaged by Consultant to perform any part of the Services without the express written consent of Client. Client reserves the right to the reasonable and timely review of qualifications of any individuals assigned by Consultant on work hereunder and the right to reasonably reject those who are not, in Client's opinion, qualified. This in no way relieves Consultant of the obligation to select and assign qualified personnel to the work or of the liability incurred therefrom.

The standard of care for all Consulting Services performed or furnished by Consultant under this Agreement will be the care and skill ordinarily used by the members of Consultant's profession practicing under similar conditions at the same time and in the same locality. Consultant will perform all Consulting Services in a manner consistent with federal, state and local codes and law, and such other standards and specifications as reasonably may be required by Client.

2. Consideration.

~~A. RATE.~~ In consideration for the Consulting Services to be performed by Consultant under this Agreement, the Client shall~~will~~ pay the Consultant at the rate of $150~~XXXXXX150.00 (USD)~~/hour for Consulting Services. The requirement for a ~~A~~ $~~52,0~~400 retainer is hereby waived~~will be required before work commences. The retainer~~

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~~amount and all future payments will be paid from a financial institution located in the United States. If the financial institution is not located in the United States, a service charge of $25.00 will be added to each payment to cover bank service charges~~ Invoices shall be submitted on a monthly basis for Town Board review and approval. Estimates for tasks assigned will be provided in writing for the written approval ~~by~~ of the Town Supervisor, Town Attorney or Building Inspector prior to commencement of any task. ~~Alternatively, client may pay through PayPal or bank transfer.~~

~~B. EXPENSES.~~ Additionally, the Client will pay the Consultant for the following reasonable expenses incurred while the Agreement between Consultant and the Client exists including, but not limited to:

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- Vehicle Mileage reimbursement at the standard Federal rate ~~Express mail (this includes return of contracts, addendum, drafts, and final report if the client so chooses this method); and;~~
- ~~Bank transfer charges; and (if client elects to pay consultant via bank transfer method);~~
- Travel, photocopying, parking, telephone, delivery costs, purchase of books/material related to the Consulting Services.

Expenses are expected to be minimal. Should any ~~All single~~ expenses over $250.00 be required ~~(USD)~~, this ~~per transaction,~~ will be cleared with the Town Supervisor ~~Client/Client's Attorney~~ in writing and in advance.

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Consultant shall submit receipts where available, which reflect/itemiz~~ing~~ the nature and dates on which expenses were incurred. The Client shall pay Consultant the amounts due per normal process of the Town of Duanesburg with payment promptly after approval by the Town Board. ~~14 days after a report is sent to the Client.~~

~~Consultant agrees not to exceed 15 hours/week without written permission from the client.~~

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Customer will be invoiced for at least each ~~5~~15 hours of work performed and expenses incurred. The invoice will provide daily entries of the number of hours worked and a brief description of work performed and the expenses incurred.

~~Amounts not paid within 7 business days of billing will result in consultant temporarily suspending work. All invoices not paid within 30 days of receipt, will bear interest from the due date at 10 % per annum and all costs of collection (including attorney's fees/costs).~~

2. Future use of work/Proprietary Nature of information gathered. Unless the information is of a confidential nature, the Consultant is free to use the information gathered for future research/litigation purposes (e.g., publication in peer reviewed journal, integration into a textbook, etc.).

3. Insurance. During the term of this Agreement, Consultant shall maintain liability insurance in customary amounts. At minimum, such insurance shall include: (a) General Liability (including contractual liability) with a per occurrence limit of not less than One Million Dollars ($1,000,000) for bodily injury and One Million Dollars ($1,000,000) for property damage; and (c) Automobile Liability with a per occurrence limit of not less than One Million Dollars ($1,000,000) for bodily injury and One Million Dollars ($1,000,000) for property damage. All such insurance shall name Client as an additional insured and shall be written by insurance companies reasonably acceptable to Client. Consultant shall furnish the Client with certificates of insurance evidencing the above-referenced insurance coverage prior to commencing any Services.

4. Right to Inspect. Client shall have the right to inspect Consultant's work product at any time. In no event shall Client's inspection, election not to inspect or acceptance of Consultant's work by Client, relieve Consultant of its obligations or responsibilities as set forth herein.

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5~~3~~. Independent Consultant. Nothing herein shall be construed to create an employer-employee relationship between the Client and Consultant. Consultant is an independent contractor and not an employee of the Client or any of its subsidiaries or affiliates. It is understood that the Client will not withhold any amounts for payment of taxes from the compensation of Consultant hereunder. Consultant will not represent to be or hold herself out as an employee of the Client.

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6~~4~~. Confidentiality. In the course of performing Consulting Services, the parties recognize that the Consultant may meet or become familiar with information that the Client or its subsidiaries or affiliates may consider confidential. This information may include, but is not limited to, information pertaining to the Client, which information may be of value to a competitor. Consultant agrees to keep all such information confidential and not to discuss or divulge it to anyone other than appropriate Client personnel or their designees.

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7~~5~~. Retention of Materials. Unless otherwise agreed upon in writing, upon completion of the work, all photocopies, reports, and books purchased remains the property of the Consultant. ~~Both consultant and client will retain records for 2 years from signing of contract.~~

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8~~6~~. Term. This Agreement shall commence on the date the consultant agreement is approved by the Town Board and signed by the Town Supervisor ~~receives complete payment which~~ /deposit via PayPal, check clears bank, or wire transfer is deposited into Consultants' bank account. ~~Consultant will deliver report _____ days after this point in~~

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~~time to Client and/or Client's representative. Agreement lasts until _____ days after Consultant submits report/affidavit to Client and/or Client's representative. Revisions of the report/affidavit will take place during the _____ days following initial submission to Client and/or Client's representative. (In short, failure to sign and return this contract, and the addendum, and make suitable and timely arrangements for payment deposit/amount to Consultant will result in a delay of the start date). Either party may terminate this Agreement upon written notice (via snail mail, or e-mail).~~

This Agreement may be terminated by either party upon not less than seven (7) days written notice should the other party fail to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

Client may terminate this Agreement for its convenience upon not less than seven (7) days written notice to Consultant. In the event of such termination, Consultant shall be compensated for Services actually performed and expenses incurred prior to the date of termination.

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97. Notice. Any notice or communication permitted or required by this Agreement shall be deemed effective when personally delivered or deposited, postage prepaid, in the first class mail of the United States properly addressed to the appropriate party at the address set forth below:

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i. Notices to Consultant: Lawrence O'Connor, 1696 Main Street, Delanson, NY 12053~~XXXXXXXXXXXXXXXXXXXX,Jeffrey Ian Ross, Ph.D., Jeffrey Ian Ross Consulting, 2447 Tunlaw Rd. N.W. Washington DC, 20007 jeffreyianross@hotmail.com~~

ii. Notices to the Client: Town Clerk, Town Hall, Route 20, Duanesburg, NY 12056.~~[specify addreXXXXXXXXXXXXXXXXXXXXXX>ss]~~
~~(please write your American Address here)~~

~~8. Both parties are excused from delay if delay is beyond consultant's control (e.g. terrorist attack, rolling blackout), or failure ofto Client to pay within 7 business days of billing.~~

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109. Miscellaneous.

109.1 Entire Agreement and Amendments. This Agreement constitutes the entire agreement of the parties with regard to the subject matter hereof, and replaces and supersedes all other agreements or understandings, whether written or oral. No amendment or extension of the Agreement shall be binding unless in writing and signed by both parties.

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CONSULTING AGREEMENT FOR PROFESSIONAL SERVICES OF
Lawrence J. O'Connor, PE, LS, F.NSPE

10~~9~~.2 Binding Effect, Assignment. This Agreement shall be binding upon and shall inure to the benefit of Consultant and the Client and to the Client's successors and assigns. Nothing in this Agreement shall be construed to permit the assignment by Consultant of any of its rights or obligations hereunder, and such assignment is expressly prohibited without the prior written consent of the Client.

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If any part of this Agreement ~~the agreement~~ is found to be void, the rest of the ~~contract~~Agreement is still valid

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~~Termination of contract is upon material breach that is not repaired within 20 days, or written notice of 30 days; certain clauses (such as confidentiality) last beyond termination.~~

10~~9~~.3 Governing Law, Severability. This Agreement shall be governed by the laws of New York, with regard to its conflict of law principles.~~Washington, DC~~. The invalidity or unenforceability of any provision of the Agreement shall not affect the validity or enforceability of any other provision. The parties irrevocably consent to the selection of the New York State and United States courts within Schenectady County, New York as the exclusive forums for any legal or equitable action or proceeding arising from or relating to this Agreement.

10.4 Counterparts. This Agreement may be executed in two or more counterparts, each of which when so executed and delivered will be deemed an original, and all of which together shall constitute one and the same agreement.

10.5 Indemnification. Consultant shall defend, indemnity and hold Client, its officers, employees and agents, harmless from and against any liability, loss, expense, including without limitation reasonable attorneys' fees, arising from or connected with Consultant's performance of the Consultant Services or breach of this Agreement.

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~~9.4 The parties agree that any dispute arising under this agreement shall be resolved by arbitration pursuant to the Rules of the American Arbitration Association. The decision of the arbitrator(s) shall be final. All disputes arising from this agreement will handled through binding arbitration in New York at a location to be determined by AAA rules, the city of Washington, DC.~~

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~~9.5. The Client shall defend, indemnify and hold the Consultant, his employees and agents harmless from and against any liability, loss, expense, including reasonable attorneys' fee, or claims for injury or damages arising out of the performance of this Agreement.~~

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WHEREFORE, the parties have executed this Agreement as of the date written below.

~~Signed by:~~

CONSULTING AGREEMENT FOR PROFESSIONAL SERVICES OF
Lawrence J. O'Connor, PE, LS, F.NSPE

August 24, 2021

Lawrence J. O'Connor Date ~~Jeffrey Ian Ross, Ph.D.~~
Consultant ~~Date~~ ~~Consultant~~

Town of Duanesburg ~~Client~~ Date
~~Client~~

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Town of Duanesburg Town Board

RESOLUTION NO. __ - 2021

September 23, 2021

WHEREAS, the Town of Duanesburg Town Board has established Duanesburg Sewer Districts Nos. 1 and 3; and

WHEREAS, the Delanson Wastewater Treatment Plant (the "Delanson WWTP") serves Duanesburg Sewer Districts Nos. 1 and 3; and

WHEREAS, the Town Board retained Delaware Engineering, D.P.C., ("Delaware") for professional services in connection with Long Term Improvements Project at the Delanson WWTP (the "Project"); and

WHEREAS, Delaware has submitted an invoice for Town Board review in the amount of $5959.20 for professional services provided during August 2021 ("Professional Services Invoice No. 18").

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Town Supervisor to submit the documentation to the NYS EFC to obtain the funds to pay Professional Services Invoice No. 18 and upon receipt of such funds authorizes payment to Delaware in the amount of $5959.20.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of September 23, 2021.

Roger Tidball, Supervisor	Town Clerk/Deputy Town Clerk
Date	Date

Present:
Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

621-150

DELAWARE ENGINEERING, D.P.C.
55 South Main Street
Oneonta, NY 13820
Tel: 607.432.8073
Fax: 607.432.0432

ORIGINAL

September 13, 2021

Town of Duanesburg
Attn.: Roger Tidball, Town Supervisor
Town Hall
5853 Western Turnpike
Duanesburg, NY 12056

Re: Delanson WWTP (SD#1 & SD#3)
Long Term Improvements Project - Professional Services Invoice #18

Dear Roger:

Attached for Town review, processing and payment is our invoice totaling $5,959.20 for services related to the above referenced project.

Services provided during August 2021 include:

- Continued communications with Town and regulatory agencies
- Review contractor's payment requests
- Travel to site to review project status with Town and contractors
- NYSEFC compliance documentation
- Onsite construction inspection

Services anticipated to be provided during September 2021 include:

- Continued communications with Town and regulatory agencies
- Review contractor's payment and change order requests
- Travel to site to review project status with Town and contractors
- Onsite construction inspection

Please contact me at 607-432-8073 if you have any questions.

Respectfully,
DELAWARE ENGINEERING, D.P.C.

Bill Brown, P.E. for
Dave Ohman, P.E.

Attachment

CC: Cheryl DeCarr, Delaware Engineering, D.P.C. (w/enclosures)

09-2021 Duanesburg (T) Delanson WWTP Long Term Improvements CL 18

B21-150

Delaware Engineering, D.P.C.
28 Madison Ave. Ext.
Albany, NY 12203
(518) 452-1290

ORIGIN

Town of Duanesburg
Town Hall
5853 Western Turnpike
Duanesburg, NY 12056

Invoice number 19-1712-18
Date 09/08/2021

Project 19-1712 Town of Duanesburg - Delanson WWTP Long Term Improvements

For Services Rendered Through August 29, 2021

3 ConstructionManagement/Admin

	Units	Rate	Billed Amount
Eric Michelitsch	1.00	110.00	110.00
Michael Primmer	1.50	165.00	247.50
William J. Brown	22.00	155.00	3,410.00
subtotal	24.50		3,767.50

CONSULTANT

	Units	Rate	Billed Amount
ATLANTIC TESTING LAB			624.50
Phase subtotal			4,392.00

4 Construction Inspection

	Units	Rate	Billed Amount
Tucker Lewis	12.00	125.00	1,500.00

REIMBURSABLES

	Units	Rate	Billed Amount
Tucker Lewis			
Mileage - Albany 2021	120.00	0.56	67.20
Phase subtotal			1,567.20
		Invoice total	5,959.20

Approved by:
William J. Brown

Please remit payment to:
Delaware Engineering, D.P.C.
28 Madison Ave. Ext.
Albany, NY 12203

B21-150

DELAWARE ENGINEERING, D.P.C.

55 South Main Street, Onconta, New York 18820 Phone 607-432-8073/FAX 607-432-0482

ORIGINAL

Town of Duanesburg
Town Hall
5853 Western Turnpike
Duanesburg, NY 12056

PROJECT ID 19-1712

PROJECT: Delanson WWTP Long Term Improvements
INVOICE/REQUISITION No.: 18

	CURRENT COST	PREVIOUS COST	COST TO DATE	BUDGET
1. Task 1 - Design				
Labor	$ -	$ 54,532.50	$ 54,532.50	$ 55,300.00
Reimbursable Expenses	$ -	$ 767.19	$ 767.19	
Subcontractors (Atlantic Testing Laboratories)	$ -	$ 8,700.00	$ 8,700.00	$ 8,700.00
Subcontractors (Ryan Biggs Clark Davis Eng & Surveying)	$ -	$ 25,000.00	$ 25,000.00	$ 25,000.00
Subcontractors (Whitman Engineering)	$ -	$ 10,000.00	$ 10,000.00	$ 11,000.00
SUBTOTAL - TASK 1	**$ -**	**$ 98,999.69**	**$ 98,999.69**	**$ 100,000.00**
2. Task 2 - Bid/Award				
Labor	$ -	$ 7,496.25	$ 7,496.25	
Reimbursable Expenses	$ -	$ -	$ -	
SUBTOTAL - TASK 2	**$ -**	**$ 7,496.25**	**$ 7,496.25**	**$ 7,500.00**
3. Task 3 - Construction Management/Admin				
Labor	$ 3,767.50	$ 33,773.75	$ 37,541.25	
Reimbursable Expenses	$ -	$ 504.00	$ 504.00	
Subcontractors (Atlantic Testing Laboratories)	$ 624.50	$ 1,243.00	$ 1,867.50	
SUBTOTAL - TASK 3	**$ 4,392.00**	**$ 35,520.75**	**$ 39,912.75**	**$ 50,000.00**
4. Task 4 - Construction Inspection				
Labor	$ 1,500.00	$ 54,832.50	$ 56,332.50	
Reimbursable Expenses	$ 67.20	$ 2,294.88	$ 2,362.08	
SUBTOTAL - TASK 4	**$ 1,567.20**	**$ 57,127.38**	**$ 58,694.58**	**$ 74,000.00**
5. Task 5 - As Built Drawing Preparation				
Labor	$ -	$ -	$ -	$ 500.00
Reimbursable Expenses	$ -	$ -	$ -	
Subcontractors (Synergetic Solutions, LLC)	$ -	$ -	$ -	$ 3,000.00
SUBTOTAL - TASK 5	**$ -**	**$ -**	**$ -**	**$ 3,500.00**

B21-150

DELAWARE ENGINEERING, D.P.C.

55 South Main Street, Oneonta, New York 13820 Phone 607-432-8078/FAX 607-432-0489

ORIGINAL

	CURRENT COST	PREVIOUS COST	COST TO DATE	BUDGET
6. Task 6 - NYSEFC Contract Coordination				
Labor	$ -	$ 4,998.75	$ 4,998.75	$ 5,000.00
Reimbursable Expenses	$ -	$ -	$ -	
Subcontractors (Deroo Consulting)	$ -	$ 5,801.43	$ 5,801.43	$ 10,000.00
SUBTOTAL - TASK 6	$ -	$ 10,800.18	$ 10,800.18	$ 15,000.00
7. Task 7 - Preliminary Engineering				
Labor	$ -	$ 70,894.70	$ 70,894.70	$ -
Reimbursable Expenses	$ -	$ -	$ -	
SUBTOTAL - TASK 7	$ -	$ 70,894.70	$ 70,894.70	$ 70,894.70
TOTAL	$ 5,959.20	$280,838.95	$ 286,798.15	$ 320,894.70

AMOUNT DUE FOR CURRENT SERVICES $ 5,959.20

AMOUNT PAST DUE $ 23,210.55 Invoice #17, 8/10/2021

TOTAL NOW DUE $ 29,169.75

BUDGET BALANCE $ 34,096.55

THIS STATEMENT REFLECTS PAYMENTS RECEIVED ON OR BEFORE BILLING DATE

B4-150

ATLANTIC TESTING LABORATORIES ORIGINAL

Remit To: 6431 US Highway 11
Canton, New York 13617
Phone: 315-386-4578

Inquiries To: 22 Corporate Drive
Clifton Park, New York 12065
Phone: 518-383-9144

WBE certified company

July 31, 2021

Accounts Payable
Delaware Engineering, D.P.C.
28 Madison Ave. Extension
Albany, NY 12203

Client Information

Contact: Bill Brown
Telephone: 607-432-8073

RECEIVED
AUG 13 2021
DELAWARE ENGINEERING

REQUEST FOR PAYMENT

Construction Materials Engineering and Testing Services
Duanesburg Waste Water Treatment Plant
Delanson, New York
ATL Project No. AT3479
ATL Contract No. AT998-1081-05-21

#19-1712 #3

Service dates: June 28, 2021 through July 26, 2021

Service	Quantity	Unit Fee	Amount
Atlantic Testing Laboratories			
Technical Personnel - CMET			
Project Manager	0.50	$99.00 / Hour	$49.50
Concrete Field Testing Technician	1	$240.00 / Half Day	$240.00
Miscellaneous - CMET			
Sample Pickup - When no other services are performed	2	$120.00 / Trip	$240.00
Travel - Includes Labor and Mileage	1	$95.00 / Trip	$95.00
TOTAL			**$624.50**

An Itemized Schedule of Services is attached for your reference.

Invoice Summary

Previously Invoiced:	$1,243.00
Current Invoice:	$624.50
Total Invoiced to Date:	$1,867.50

PROJECT NO.:

APPROVED BY

Invoice No. 234668

Accounts are due when rendered. Accounts 10 days and over are subject to a SERVICE CHARGE, which is computed by a PERIODIC RATE of 1.5% per month or an ANNUAL RATE of 18%. If written response is not received within 10 days of invoice, the invoice will be considered correct. Terms Net - Upon Receipt of Invoice.

B21-150

Itemized Schedule of Services for Invoice No. 234668
Duanesburg Waste Water Treatment Plant
Delaware Engineering, D.P.C.
ATL Project No. AT3479
July 31, 2021

ORIGINAL

Date	Concrete Field Testing Technician	Sample Pickup	Travel
	Half Day	Trip	Trip
06/28/2021		1	
07/01/2021	1		1
07/02/2021		1	
Totals:	1	2	1

Motion to approve payment to C.T. Male Associates for $10,410.66.

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 Century Hill Drive
Latham, New York 12110
Tel. 518.786.7400 Fax 518.786.7299 www.ctmale.com

Terms subject to interest after 30 days,
1.25% interest compounded monthly.

Invoice

RECEIVED
SEP 15 2021
TOWN OF DUANESBURG
TOWN CLERK

Town of Duanesburg
Town Hall
5853 Western Turnpike
Duanesburg, NY 12056

September 13, 2021
Project No: 21.1374
Invoice No: 89516

Project 21.1374 Town of Duanesburg – Town Hall Addition

Professional Services from August 5, 2021 to September 4, 2021

Fee

1440.01.400

Billing Phase	Fee	Percent Complete	Earned	
Pre-Design Phase	14,900.00	69.2903	10,324.25	
Total Fee	14,900.00		10,324.25	
		Previous Fee Billing	0.00	
		Current Fee Billing	10,324.25	
		Total Fee		10,324.25

Reimbursable Expenses

Other Travel-Mileage

7/13/2021	LOBOSCO, NICHOLAS	Follow up meeting	30.24	
8/6/2021	LOBOSCO, NICHOLAS	MEP Field Work	30.24	
8/6/2021	GARRISON, BRAD	Site Visit	25.93	
	Total Reimbursables		86.41	86.41

Total this Invoice	**$10,410.66**

	Current	Prior	Total
Billings to Date	10,410.66	0.00	10,410.66

22 September 2021

Dear Supervisor Tidball and Planning Board Chair Schmitt,

Please read my comments into the record of the Town Board Meeting scheduled for 23 September 2021.

Please distribute this email to members of the Planning board for their review.

I implore the Town Board to adopt the Moratorium on Solar Development with the important inclusion of the Oak Hill Solar Hill Project. I believe if this is not done, potentially dangerous precedents will be established.

Projects of this scope and potential long lifespan (30+ years) must not be considered lightly. Our children will pay the price for poor planning in the future.

The town has a unique opportunity to take a thoughtful and reasoned approach to future solar development and battery energy storage systems (BESS). Moving forward the town must take into full account the safety and property values of neighboring landowners which are protected by the town's Comprehensive Plan, Zoning Ordinance and Solar Law. The town and its residents should not bear the potential negative burdens resulting from the activities of speculative developers whose major goal is making money for their shareholders.

I thought that I would retire to my land where the distant views of the Schoharie Creek, Amsterdam and the more distant Adirondacks are so magical. I am reconsidering my decision with the thought of looking uphill to looming, potentially 14-foot-high solar panels and imposing, dangerous battery storage trailers. No evergreen screening is proposed to protect my uphill view. The Project is permitted to use herbicides and pesticides. Water runoff and surface and groundwater pollution is a real threat. There are so many concerns that I have expressed in previous meetings of the Town and Planning Boards that I feel have fallen on deaf ears. It is at the Town's Board's discretion to include Oak Hill Solar in the Moratorium. What documents prevent the Board from including Oak Hill Solar in tonight's Moratorium?

Again, I support the Moratorium on Solar Development with the inclusion of the Oak Hill Solar Project. As I have previously stated, developers should be required to present complete plans at the time of application and not granted multiple

change modifications significantly altering the project from that originally granted Special Permit status.

Thank you for your consideration in this matter.

Pamela H. Rowling

Owner 71.4 acres on Youngs Road, adjoining proposed Solar Farm Site

PO Box 160
Quaker Street, NY 12141

Supervisor Tidball and the Town Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

September 23, 2021

RE: Bruning comments Privilege of the Floor September 23, 2021 Town Board Meeting

Dear Supervisor Tidball and the Town Board,

Thank you for hosting zoom meetings and posting the recordings on the town's YouTube account. The planning board posted their August and September meetings on the YouTube channel. Meeting minutes are inadequate representations of the board's discussion. The video recordings are critical tools to understanding the town's actions. I appreciate the town and planning boards being transparent and accountable.

I request that the meeting minutes are posted on the town website with a date and time stamps. Agendas are posted with date and time stamps permitting the taxpayers to follow changes. This is an important tool for town accountability and transparency. Its available on the website and I strongly encourage the town, planning and zoning board to post their minutes with a date and time stamp.

I submitted a 103(e) for tonight's meeting requesting documents for the solar law. I did not receive a response to my 103(e). The Agenda and supporting documents, including the moratorium, were posted on the town website about 2:00PM today.

Today at 1:38PM Susan Biggs submitted a letter to the town clerk and town board and requested that it be read into the record during the Public Hearing for the Solar Moratorium. It was not read into the record. She will email it again tonight and request that it is attached to the minutes.

The town approved a 6 month moratorium on solar energy resources in January 2020 and in June 2020 extended this for another six months. These moratoriums did not result in any changes in our law. How will this moratorium be different? How does the town board propose to draft a solar law and a battery storage law, review the laws, incorporate public comment and approve a law. What's your plan and timeline?

Thank you for your time and consideration.

Respectfully,

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

Brandy Fall

From:	Jennifer Howe
Sent:	Friday, September 24, 2021 6:38 AM
To:	Brandy Fall
Subject:	Fwd: Public Comment for Hearing on Moratorium on Solar and Battery Storage - Please include Amendment to Oak Hill
Attachments:	2021 07 16 Bruning to Planning Board Doug Cole-merged.pdf

Sent from my iPhone

Begin forwarded message:

From: Susan Biggs <azurevista@hotmail.com>
Date: September 23, 2021 at 9:54:46 PM EDT
To: Jennifer Howe <JHowe@duanesburg.net>
Subject: Fw: Public Comment for Hearing on Moratorium on Solar and Battery Storage - Please include Amendment to Oak Hill

Please include my comments and attached five page PDF supporting documents, as read during Privlege of the Floor into the town board meeting minutes for September 23, 2021.

Sent from Outlook<http://aka.ms/weboutlook>

From: Susan Biggs <azurevista@hotmail.com>
Sent: Thursday, September 23, 2021 1:38 PM
To: rtidball@duanesburg.net <rtidball@duanesburg.net>
Cc: bwenzel@duanesburg.net <bwenzel@duanesburg.net>; rpotter@duanesburg.net <rpotter@duanesburg.net>; JSenecal@duanesburg.net <JSenecal@duanesburg.net>; jganther@duanesburg.net <jganther@duanesburg.net>
Subject: Public Comment for Hearing on Moratorium on Solar and Battery Storage - Please include Amendment to Oak Hill

Dear Supervisor Tidball and the Town Board,

Please read my letter into the minutes during the September 23, 2021 Public Hearing for a Moratorium on Solar Energy and Moratorium on Battery Energy Storage Systems (BESS). Please include my statement in the meeting minutes as posted on the town website.

The Town's Moratorium for Solar and Battery Energy Storage Systems (BESS) should include Amp Solar Group's request to Amend the 2019 Special Use Permit for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC to include four 53-foot containers of lithium-ion batteries.

Eden's 2019 application documents contained errors and omissions that the hired town engineer Doug Cole of PrimeAE and the town code enforcement officer, Dale Warner, did not report to the planning board. Please see attached July 17, 2021 letter from Bruning to Town and Planning Boards. If Eden Renewables can omit information and erase my 3,000 sq foot home and five out buildings from their renderings and application documents, then what prevents them from erasing four 53-foot containers of batteries from their application? Has the town board considered that Eden omitted BESS from their application to the planning board in order to obtain the Special Use Permit?

The Planning Board's September 19, 2019 approval of Oak Hill Solar did not include battery energy storage. BESS is not found in the Site Plan Sheets 1 through 11, Resolution, SEQR, Negative Declaration. BESS is not included in the July 1, 2020 Department of Environmental Conservation Environmental Notice Bulletin.

After the June 10, 2021 town board meeting was adjourned the town attorney presented information about Oak Hill Solar's battery storage to the Town Board. If this discussion had been on the record during the regularly scheduled board meeting, then relevant documents and comments would be on the record.

What was discussed and why was it done off the record?

The Board has received many comments from concerned citizens that BESS is a safety concern and it is in violation of the town Comprehensive Plan, Zoning Ordinance and Solar Law. It is clear that the taxpayers do not want BESS in Duanesburg. It is the town board's responsibility to protect and serve the taxpayers.

Please include Oak Hill Solar Amendment to add four 53 containers of lithium-ion batteries in tonight's Moratorium on Solar Power Plants and Battery Energy Storage Systems.

Thank you for your time and consideration.

Respectfully,

Susan Biggs

azurevista@hotmail.com<mailto:azurevista@hotmail.com>

September 23, 2021

Sent from Outlook<http://aka.ms/weboutlook>

PO Box 160
Quaker Street, NY 12141

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

Transmitted via email: Town Clerk jhowe@duanesburg.net

July 16, 2021

Re: Independent Engineer Review of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC

Dear Supervisor Tidball and Chairman Schmitt,

Please include this letter in the official record of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the"Project").

I would like to thank the Planning Board for their July 15, 2021 vote in support of a Public Hearing on Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC to be held at the August 2021 Planning Board meeting. Hiring an engineer to review the amended site plan is prudent. Hiring Doug Cole of PrimeAE, the same engineer that originally reviewed the project, appears to be a conflict of interest. It may invite impropriety. I request that the Board hire an independent unbiased engineer to review the amended site plan for the following reasons:

1. Mr. Cole failed to report Eden's erroneous distance from the solar array to the nearest residence. Eden's engineer, Travis Mitchell of Environmental Design Partnership, March 11, 2019 correspondence to the Town erroneously documents that "The solar array is proposed to be installed nearly 1,500 ft north of Route 7 and 1,600 ft from the nearest neighboring home with substantial existing vegetation existing between the field and nearest visual receptors." (*see* Exhibit A)

Schenectady County Property Description Report for tax id parcel 74.00-3-18 is owned by Susan Biggs and has a home over 3,000 square feet and six out buildings. (*see* Exhibit B) Schenectady County Satellite Image Maps reflect that the correct distance from the nearest neighboring home is approximately 530 feet to the property line and 619 feet to the solar array fence. These maps

also reflect the absence of any vegetation on the Project parcel between the nearest residence and the solar array. (*see* Exhibit C)

2. Mr. Cole appears to make a false claim to review a glare study.
The September 19, 2019 meeting minutes section Old Business #19-12 Murray, Richard/Eden Renewables reflect that Mr. Cole "reviewed the glare study and it met all requirements of the Local Law." (*see* Exhibit D) A glare study is not found in the application documents.

The application's only reference to glare is found in Eden's July 9, 2018 letter part number 7 informing the Town that "The primary concern with glare comes from aeronautical concerns." and that project details have been provided to the Federal Aviation Administration (FAA). (*see* Exhibit E) My October 2019 Freedom of Information request to the FAA provided a report of Oak Hill Solar 1 and 2 "DETERMINATION OF NO HAZARD TO AIR NAVIGATION". Page two of the report states that "This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body." (*see* Exhibit F)

3. Mr. Cole's review of the Decommissioning Plan fails to report the omission of the cost to remove power poles or provide the transportation cost of any debris off-site
Mr. Cole's September 10, 2019 correspondence to the planning board section Decommissioning Plan number 1 reflects that the decommissioning fund "is reasonable for the proposed system". (*see* Exhibit G) Additionally, the September 19, 2019 meeting minutes section Old Business #19-12 Murray, Richard/Eden Renewables reflects that "Doug also reviewed the decommissioning study and in his professional judgement the decommissioning study satisfies the requirements of the solar law and is reasonable in the amount of money." (*see* Exhibit D) Eden's September 9, 2019 Decommissioning Plan page 5 is a copy of New York State Energy Research and Development Authority (NYSERDA) "Fact Sheet on Decommissioning Solar Panel Systems". (*see* Exhibit H) This single page fact sheet provides "Table 1: Sample list of decommissioning tasks and estimated costs" which includes line items for the removal of ground screws, power poles and trucking to recycling center.

Eden's September 9, 2019 Decommissioning Plan Appendix 2 Breakdown of Decommissioning Costs chart as found on page 4 does not include removal of ground screws and power poles. It does not include trucking for any debris off-site. (*see* Exhibit H page 4) It does not provide for trucking 45,455 solar panels to any recycling facility they suggest such as Echo Environmental in Corralton, Texas. (*see* Exhibit H page 2)

4. Mr. Cole failed to report Eden's erroneous claim that the Project meets April 5, 2018 NYSDEC Memo for Scenario 1
Mr. Cole's July 9, 2019 letter to the Town Section SWPPP number 2 "A Stormwater Memo prepared by EDP has been provided to explain the calculation of construction disturbance at the site based on the April 5, 2018 NYSDEC Memorandum providing SWPPP Guidance for Solar

Projects. The Project appears to currently meet the Scenario 1 requirements by utilizing the Limited Use Pervious Access Road detail." (*see* Exhibit I)

NYSDEC April 5, 2018 Memorandum for Scenario 1 number 5 "The project does not include the construction of any traditional impervious areas (i.e. buildings, substation pads, gravel access roads or parking areas, Ect)". (*see* Exhibit J) Mr. Cole fails to identify that the Project Site Plan Sheet 10 of 11 does in fact include traditional impervious areas of concrete substation pads for transformer stations. (*see* Exhibit K) MR. Cole fails to report that the transformer station detail on Sheet 10 of 11 does not provide measurements for both length and width of the transformer station which would allow site disturbance calculations.

Additionally, Mr. Cole fails to identify that Sheet 10 of 11 omits concrete substation pads for the spare part container and DC to DC converter. Additionally Mr. Cole fails to include substation pads for major switch gears as identified in the Decommissioning Plan Cost Summary Chart on page 4, but are not shown on Sheet 10 of 11. (*see* Exhibit H)

Mr. Cole failed to report that the Project includes traditional impervious areas for substations pads therefore does not meet NYSDEC April 5, 2018 Scenario 1 and therefore the SWPPP must address post-construction stormwater management controls.

5. Mr. Cole failed to report that the site disturbance calculations appear to omit trenching for the CCTV cable along the perimeter fence
Mr. Cole's July 9, 2019 correspondence to the Town reflects that "The access road will disturb about 0.84 acres and there are about 0.04 acres of wetland disturbed listed. Construction disturbances for electrical trenches, spare parts containers, and equipment pads needs to be added to the total disturbance figure to confirm that the total is still under one acre." *see* Exhibit F
The Approved Site Plan Sheet 1 of 11 reflects that trenching will occur for CCTV electrical and data cable along the entire length of the perimeter fence. (*see* Exhibit K) The decommissioning plan reflects that the perimeter fence is 7,618 linear feet. (*see* Exhibit H page 4) Site Plan Sheet 10 of 11 reflects trenches are 2.6 feet wide and 4 feet deep. (*see* Exhibit K) According to these documents the site disturbance for the perimeter fence CCTV cables is 7,618 feet x 2.6 feet = 19,806 sq ft. divided by 43,560 = 0.46 acres of disturbance.

It appears that Mr. Cole failed to report the site disturbance of 0.46 for the CCTV cable trench should be factored into the overall site disturbance. Additionally the final site disturbance figure may also need to include two major switchgear and concrete pads as documented in the decommissioning plan but omitted from the site plan details which would provide the needed length and width measurements on sheet 10 of 11.

Failure to report all sources of site disturbance may have resulted in less than 1 acre of disturbance allowing Eden to omit a full SWPPP from the application.

6. Mr. Cole failed to report that the seeding plan is not pollinator friendly as Eden presented Eden's renderings as presented at Town meetings and public information sessions indicate that the Project will be pollinator friendly and seeded with wildflowers to attract bees and butterflies. (*see* Exhibit L) Eden's Site Plan Sheet 9 of 11 "ADDITIONAL EROSION CONTROL AND GRADING NOTES" number 3 "SEED SHALL BE A COMMERCIALLY AVAILABLE MIXTURE OF PERENNIAL RYE AND UTILITY GRADE FESCUE. PERCENTAGE OF PERENNIAL RYE SHALL NOT EXCEED 50%". (*see* Exhibit K)

7. Mr. Cole failed to report that electrical drawings and tracking photovoltaic panels drawings were omitted from the application
The application omits single line, three line, and tracking panel drawings for the solar power plant. Specification sheets for required electrical equipment and photovoltaic panels are not found in the application documents.

8. Mr. Cole failed to report that the emergency access road does not have pull outs or snow storage areas and that existing conditions is a dirt track.
The 10 foot wide and 1,500 foot access road does not include a single pull over area or snow storage area. (*see* Exhibit K) It is unknown if the proposed road is constructed to withstand the weight of construction equipment, delivery of construction materials, and emergency vehicles. This Project will be in operation for a minimum of 40 years. Mr. Cole's failure to report pull outs and snow dumps may negatively impact the safety and well being of the construction crews and emergency responders for generations.

9. Mr. Cole failed to report errors in Eden's July 2019 Stormwater Pollution Prevention Plan
a) The Site Location map erroneously identifies the Project to be near Route 30, which is located in Schoharie County and possibly a different watershed. (*see* Exhibit M page 26 of 97)
b) The July 2, 2019 New York State Department of Environmental Conservation Notice of Intent reflects GPS coordinates 42.7205840102091, -74.26735903612035 which erroneously locates the project one mile west of the Project's reported street address at 13590 Duanesburg Road (*see* Exhibit M page 30 of 97)
c) Question 32.a. of the NOI has "NONE PROVIDED". The NOI clarifies that "If No, sizing criteria has been met, therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria."
d) SWPPP Section 3 contains an un-submitted NOI and does not include the state Department of Environmental Conservation Notice of Intent Acknowledgement Letter or MS4 SWPPP Acceptance Form as stated in the SWPPP Table of Contents and Chapter Page (*see* Exhibit M). As of November 15, 2020 the DEC has not received a NOI for Oak Hill Solar.

Conclusion
It appears that Mr. Cole failed to give Eden's application a long hard look and report numerous errors and omissions that may negatively impact the Project. Mr Cole:
• Failed to report Eden's erroneous distance from the Project to the nearest residence;
• Made a false claim to review a glare study that can not be found in the application;

• Failed to report Eden's omissions in the decommissioning plan;
• Failed to report Eden's omission of substation concrete pads in DEC Scenario 1;
• Failed to report omission of CCTV trenching disturbance;
• Failed to report seeding plan is not pollinator friendly;
• Failed to report omission of basic electrical drawings and tracking panel details;
• Failed to report omission of safety turnouts and snow dumps in the 10 foot wide access road; • Failed to report errors in SWPPP location and failure to complete Notice of Intent.

It appears that Mr. Cole may have a conflict of interest in the review of the Project. I request that the town be transparent. accountable and remove any source of impropriety from the review process. Please hire an independent unbiased engineer to review the Amendment to Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC.

Thank you for your time and consideration.

Respectfully
Lynne Bruning

EXHIBIT

A

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.

800 Route 146 Clifton Park, NY 12065
(P) 518.371.7621 (F) 518.371.8640 edplp.com

March 11, 2019

Mr. Phillip Sexton
Planning Board Chairman

Town of Duanesburg
Planning and Zoning Office
5853 Western Turnpike
Duanesburg, NY 12056

Regarding: Eden Renewables
Oak Hill Solar Projects 1&2
Duanesburg Road

Dear Mr. Sexton:

We are in receipt of a review letter by Mr. Doug Cole of PrimeAE for the referenced project, dated September 11, 2018 and offer the following comments and additional submittal documents

FEAF

1. In the submitted FEAF, there are several questions that are unanswered....
   An updated FEAF has been provided and is enclosed.

2. In item E 1.b., there is no acreage listed for wetlands on the land uses and cover types for the project site.
   The Applicant will complete a full wetland delineation as the weather permits in the spring. If wetlands are determined to be present any disturbance will be fully permitted with the Army Corp of Engineers.

Plans

1. The wetlands that are mentioned in the FEAF are not shown on the conceptual site plan. Therefore, it cannot be determined if the solar arrays and access road on the site have been situated to avoid wetland disturbance. We recommend that a new site plan be submitted showing the wetland locations and any wetland mitigation that will need to be completed
   As noted above, the Applicant will complete a full wetland delineation as the weather permits in the spring. If wetlands are determined to be present any disturbance will be fully permitted with the Army Corp of Engineers.

2. The Site Plan shows that the electrical and control equipment is enclosed within a chain link fence. However, the height of the fence is not shown on the drawing. Confirmation that the proposed fence is six feet tall, as required by the Solar Law, will be needed.
   The Applicant is proposing the use of a livestock style fence with a height of 6 ft as shown on the updated Site Plan. Additionally, the use of a livestock style fence has been requested by neighboring land owner.

3. Details of the proposed warning signs need to be provided, as well as showing the proposed locations on the Site Plan.
   Proposed locations of warning signs have been shown on the Site Plan. Applicant is in the

process of obtaining details for the signs, once they are received, they will be added to the plans.

4. The proposed gravel access road is shown on the Site Plan; however, the width is not labeled. The design of the access road should be confirmed with the design engineer to meet the minimum requirements for firefighting equipment and the width stated on the plans.
The Applicant is proposing a 12 ft wide access road as noted on the updated Site Plan.

5. The height of the solar panels cannot be determined since a detail was not submitted. We suggest that a solar panel detail be submitted to ensure that they are less than the 20 ft maximum height permitted.
The solar panels are proposed at a height of 7.75 ft; a detail as been provided within the updated Site Plan.

6. We suggest that a visual impact plan be submitted to ensure that the minimum twenty-five-foot perimeter buffer, consisting of natural and undisturbed vegetation, will be provided around all mechanical equipment and solar panels as required by the Solar Law.
The solar array is proposed to be installed nearly 1,500 ft north of Route 7 and 1,600 ft from the nearest neighboring home with substantial existing vegetation existing between the field and nearest visual receptors. Biggs residence is less than 650 feet from the solar array

7. The completed Oak Hill Solar 1 project is stated to cover 45.71 acres of the 97.24 acre parcel, which equates to approximately 47% lot coverage. This is below the allowable 60% lot coverage.
The Oak Hill Solar 1 project will cover 32.2 acres and the parcel size will be 87.4 acres or 36.8 % lot coverage.

8. The completed Oak Hill Solar 2 project is stated to cover 45.83 acres of the 87.18 acre parcel, which equates to approximately 52.4% lot coverage. This is below the allowable 60% lot coverage.
The Oak Hill Solar 2 project will cover 33 acres and the parcel size will be 105.2 acres or 31.4 % lot coverage.

9. The required 100' setback line is shown on the plans from the neighboring residential parcels with Tax ID's 74.00-3-18.121 and 74.00-3-18 and no construction is shown in this area. However, the setback around the neighboring residential parcel with Tax ID 74.00-2-6 is only shown to be 40 ft. As required by the Solar Law, this setback needs to be increased to 100 ft.
The setback has been increased to 100 ft on the revised Site Plan.

10. The plans do not show the inverter locations on the site. We suggest that these locations be shown on resubmitted plans and that a Project Narrative be submitted which states the decibel level expected from this equipment and the distance it will be from neighboring residences.
The inverter locations have been shown on the revised Site Plan. Information from the proposed transformer equipment supplier indicates anticipated peak NEMA TR-1 noise levels of 62 db. Based on propose equipment layout for the solar fields we anticipate that the transformers will be situated 140 feet or more from any property line. Given the operational noise level of 62 db and separation distance to the property line, transformer noise levels will be attenuated to approximately 19 db at 140 feet. Typical background noise for "quiet rural areas" is reported as 30 db; the proposed transformers will have no discernable impact on noise levels at the property line.

906 Route 146 Clifton Park, NY 12065
(P) 518 371 7621 (F) 518 371 9544 edp@p.com

SWPPP

1. A SWPPP was not provided for review. Since the applicant has stated in FEAF Item D.1.b.b. that 115+/- acres are planned to be disturbed, a full SWPPP is triggered since the area disturbed is greater than 1 acre. We would suggest that the applicant provide a full SWPPP for review.
   While the project footprint covers on the order of 65 acres, the actual acreage considered disturbed pursuant to NYSDEC Stormwater guidance is 0.96 acres. The FEAF has been updated to reflect this acreage and because disturbance is under 1.0 acres, a SWPPP is not required.

Decommissioning Plan

1. A written Decommissioning Plan has been submitted which details the proposed removal of solar energy system components at site restoration. A drawing of the proposed decommissioning work should be provided so that a future contractor will know what is required to properly remove equipment and restore the property to its predevelopment condition. This would be especially important if the Town must utilize the decommissioning fund to complete the work.
   Upon review of this comment and conversations between Eden and the Town Engineer it has been determined that a drawing is not necessary if decommissioning work has been explained effectively in the Decommissioning Plan. Furthermore, it has been determined the activities performed on site in the Decommissioning process would be difficult to effectively portray on in a drawing set.

2. An itemized breakdown of decommissioning costs, including estimated salvage value, should also be provided so that we can review and verify these costs. A decommissioning fund will also need to be provided with either a surety bond or an irrevocable standby Letter of Credit.
   An itemized breakdown of decommissioning costs as well as a surety bond form has been provided in the Decommissioning Plan.

Decom Plan omits hauling to recycling center, transportation to dump, removal of ground screws and utility power poles.

The application has been revised to include a site plan, a two (2) lot Minor Subdivision and a lot line adjustment of the existing parcel that allows both the Oak Hill solar 1 and Oak Hill solar 2 project to proceed in conformance with the allowable lot coverage. In support of the revised application, enclosed please find the following information, prepared on behalf of Eden Renewables, for a two (2) 6 MW photovoltaic solar array located on Duanesburg Road.

- 2 full size and 10 reductions of the proposed plan sheets including
  - Lot Line Adjustment Plan
  - Minor Subdivision Plan
  - Site Plan
- 12 copies of revised subdivision application
- 12 copies of revised Site / Sketch Development Plan Application
- 12 copies of a revised Full Environmental Assessment Form
- 12 copies of a decommissioning plan

900 Route 146 Clifton Park, NY 12065
(P) 518 371 7621 (F) 518 371 5540 edplp.com

Please do not hesitate to contact our office if you have any questions or require additional information

Sincerely,

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

cc: Giovanni Maruca, Applicant (via email)

900 Route 146 Clifton Park, NY 12065
(P) 518 371 7621 (F) 518 371-6549 edpllp.com

EXHIBIT

B

Property Description Report For: 13388 Duanesburg Rd, Municipality of Duanesburg

No Photo Available

		Status:	Active
		Roll Section:	Taxable
		Swis:	422089
		Tax Map ID #:	74.00-3-18
		Property Class:	240 - Rural res
		Site:	RES 1
		In Ag. District:	No
		Site Property Class:	240 - Rural res
		Zoning Code:	02 - R-2
		Neighborhood Code:	00004
Total Acreage/Size:	91.00	**School District:**	Duanesburg
Land Assessment:	2019 - $40,200 2018 - $40,200	**Total Assessment:**	2019 - $94,900 2018 - $94,900
Full Market Value:	2019 - $289,329 2018 - $289,329		
Equalization Rate:	----	**Property Desc:**	Revocable trust fIN BSMT / APT CC1=Small Home
Deed Book:	1959	**Deed Page:**	147
Grid East:	560263	**Grid North:**	1419687

Area

Living Area:	2,988 sq. ft.	**First Story Area:**	1,725 sq. ft.
Second Story Area:	1,263 sq. ft.	**Half Story Area:**	0 sq. ft.
Additional Story Area:	0 sq. ft.	**3/4 Story Area:**	0 sq. ft.
Finished Basement:	0 sq. ft.	**Number of Stories:**	2
Finished Rec Room	0 sq. ft.	**Finished Area Over Garage**	0 sq. ft.

Structure

Building Style:	Old style	**Bathrooms (Full - Half):**	2 - 0
Bedrooms:	3	**Kitchens:**	1
Fireplaces:	2	**Basement Type:**	Partial
Porch Type:	Porch-open/deck	**Porch Area:**	240.00
Basement Garage Cap:	0	**Attached Garage Cap:**	0.00 sq. ft.
Overall Condition:	Normal	**Overall Grade:**	Average
Year Built:	1850		

Owners

Susan L Biggs
P.O. Box 160
Quaker Street NY 12141

Sales

No Sales Information Available

Utilities

Sewer Type:	Private	**Water Supply:**	Private
Utilities:	Electric	**Heat Type:**	Hot air
Fuel Type:	Oil	**Central Air:**	No

Improvements

Structure	Size	Grade	Condition	Year
Shed-machine	24 x 14	Good	Normal	1850
Barn-1.0 gen	70 x 28	Average	Normal	1901
Barn-1.0 gen	31 x 18	Average	Normal	1901
Shed-machine	16 x 12	Average	Normal	1900
Barn-1.0 gen	40 x 14	Average	Fair	1901
Barn-1.0 gen	43 x 22	Average	Fair	1901
Porch-open/deck	0 x 0	Average	Normal	1850
Cabin/bungl	0 x 0	Average	Normal	1993

Special Districts for 2019

Description	Units	Percent	Type	Value
FP003-Fire Protection 3	0	0%		0

Special Districts for 2018

Description	Units	Percent	Type	Value
FP003-Fire Protection 3	0	0%		0

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
2019	CW_15_VET/CT	$3,936	15	2015				0
2018	CW_15_VET/CT	$3,936	15	2015				0

Taxes

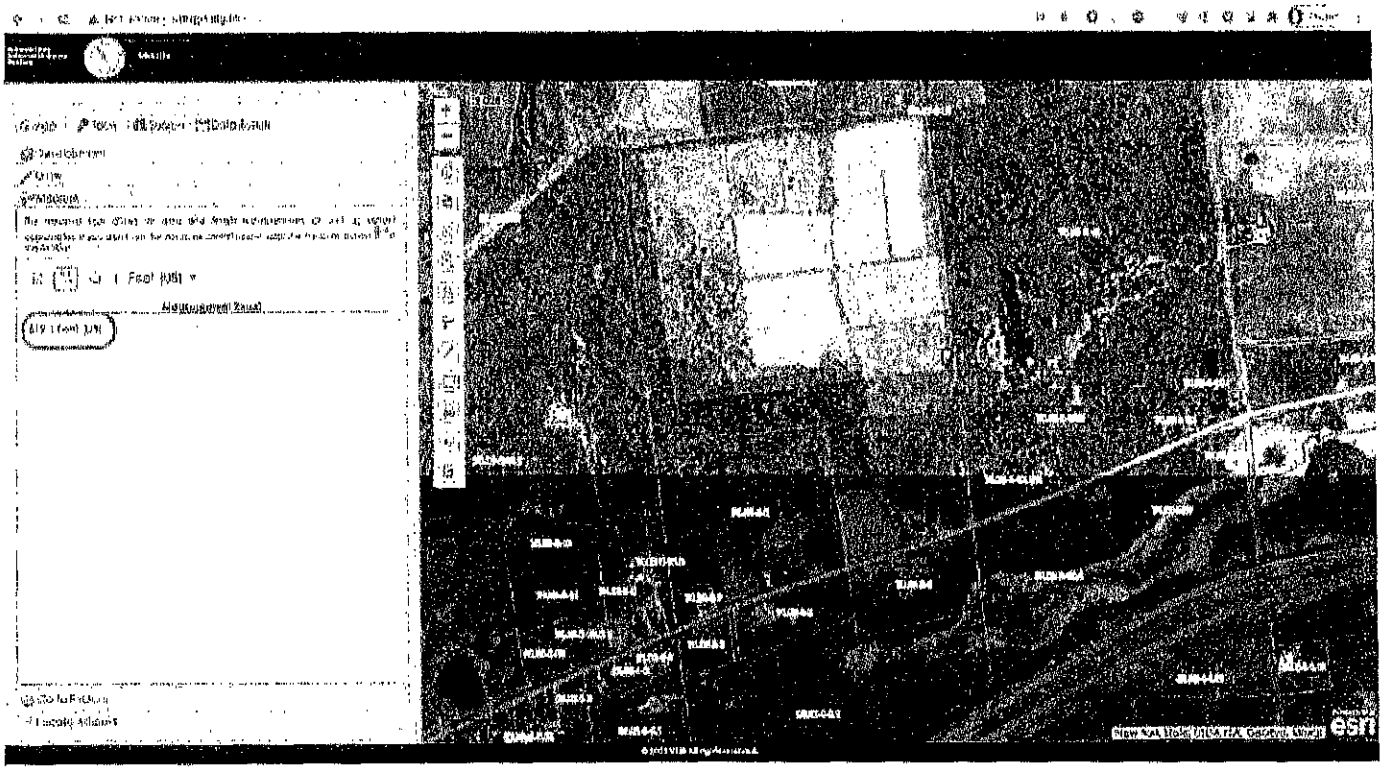
Year	Description	Amount
2019	County	$2,584.08

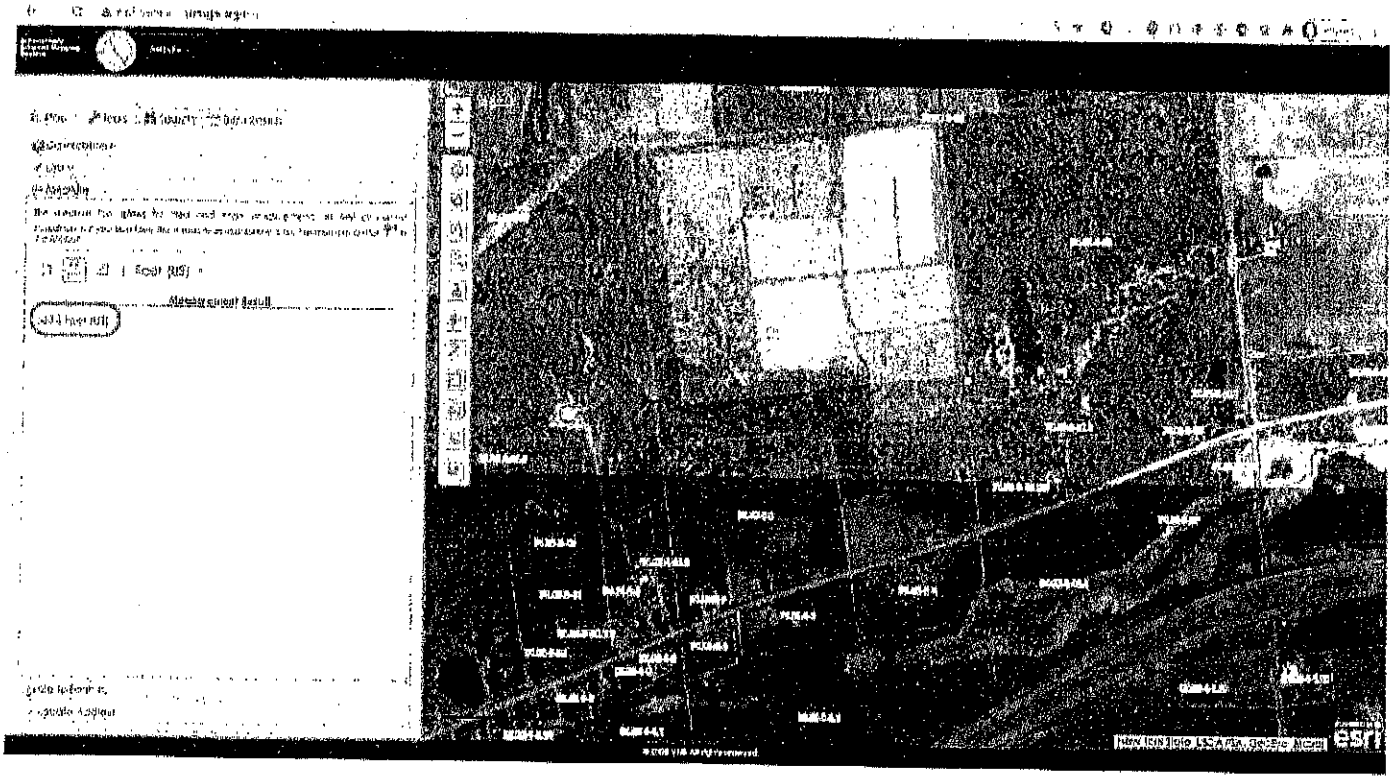
*** Taxes reflect exemptions, but may not include recent changes in assessment.**

EXHIBIT

C

Biggs residence and well water is 650 from the array





EXHIBIT

D

TOWN OF DUANESBURG
SCHENECTADY COUNTY

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

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

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

PLEDGE OF ALLEGIANCE:

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

Sexton/Schmitt made the motion to close the open forum at 7:00.
Sexton yes, Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes.
Approved.

Sexton/Williams made a motion to alter the agenda by moving the sketch review application of **#19-14 Linda Balfour, Emilie Cashdollar, Jeannette Coppolo, Louise Healey, and Claude Hebert** to the beginning of the agenda.
Sexton yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Schmitt yes, Novak yes.
Approved.

SKETCH PLAN REVIEW:

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

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

PUBLIC HEARINGS:

None

New Business:

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

Novak/Schmitt made a motion based on the discussion of the Planning Board the action is a Type II action pursuant to SEQRA and exempt from further review.
Novak yes, Schmitt yes, Sexton yes, Harris yes, Rulison yes, Houghton yes, Williams yes.
Approved.

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

Old Business:

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

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

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

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

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

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

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

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

Application does not contain a glare study, decom plan omits removal of ground screws and eight utility power poles, SWPPP is not completed.

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

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

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

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

MINUTES APPROVAL:

Harris/Houghton made the motion to approve the August15th, 2019 Planning Board minutes with one minor correction.
Harris yes, Houghton yes, Williams yes, Novak abstained, Schmitt yes Sexton abstained, Rulison abstained. **APPROVED.**

Sexton/Harris made a motion to go into **executive session to seek advice of counsel in connection with potential litigation associated with a subdivision approved back in 1999.**
Sexton yes, Harris yes, Rulison yes, Houghton yes, Williams yes, Novak yes, Schmitt yes. **Approved.**

Sexton/Harris made a motion to come out of **executive session.**
Sexton yes, Harris yes, Rulison yes, Houghton yes, Williams yes, Novak yes, Schmitt yes. **Approved. NO ACTION WAS TAKEN BY THE BOARD DURING OR AFTER the EXECUTIVE Session.**

ADJOURNMENT:

Harris/Novak made the motion **to adjourn at 9:46pm.**
Harris yes, Novak yes, Schmitt yes, Sexton yes, Rulison yes, Houghton yes, Williams yes. **APPROVED.**

EXHIBIT

E

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.

900 Route 146 Clifton Park, NY 12065
(P) 518.371.7621 (F) 518.371.2040 edpllp.com

July 9, 2018

ORIGINAL

Mr. Dennis O'Malley
Planning Board Chairman

Town of Duanesburg
Planning and Zoning Office
5863 Western Turnpike
Duanesburg, NY 12056

Regarding: Eden Renewables
Oak Hill Solar Projects
Duanesburg Road

Dear Chairman O'Malley:

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

The prior conceptual application included a three (3) lot Major Subdivision Application with each solar parcel situated on approximately 60 acres of land and the balance of the property on a third undeveloped parcel. The previous application also included the removal of existing vegetation that exceeded the Town's Solar Energy Facilities Law.

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

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

We presume the previously submitted Agricultural Data Statement and $800 application fee remain on file and sufficient to support the revised application.

Representatives of Eden Renewables met with Mr. Dale Weaver on June 27, 2018 to discuss the application and revisions proposed following the May 17, 2018 Planning Board meeting. During the meeting with Mr. Weaver several topics were discussed and information requested as summarized below

1. Decommissioning Plan – Eden Renewables has provided the attached decommissioning plan
2. Noise Evaluation – Information from the proposed transformer equipment supplier indicates anticipated peak NEMA TR-1 noise levels of 62 db. Based on conceptual equipment layout for the solar fields we anticipate that the transformers will be situated 300 feet or more from any property line. Given the operational noise level of 62 db and separation distance to the property line, transformer noise levels will be attenuated to approximately 13 db at 300 feet. Typical background noise for "quiet rural areas" is reported as 30 db; the proposed transformers will have no discernable impact on noise levels at the property line.
3. Appropriate 911 signage will be included on the detailed site plans.
4. Construction access will be via an existing agricultural use curb cut. EDP has received conceptual approval for the use of this access point from NYSDOT. NYSDOT approved maintenance and protection of traffic details will be included with the detailed Site Plan set and reviewed by NYSDOT prior to issuance of a Work Permit to the Contractor.
5. NYSDOT provided the attached conceptual approval of the proposed curb cut for site access. As noted above, the NYSDOT will review and approve relevant details of the Site Plan prior to issuance of a Work Permit to the Contractor.
6. The perimeter of the solar fields will be fenced with a 6 ft high chain link fence.
7. With respect to glare from the solar fields, studies have shown that the anticipated reflection from the type of solar panels proposed for use in this project is similar to that of a calm lake. The primary concern with glare comes from aeronautical concerns. We do not anticipate a concern; however, the applicant has provided the Federal Aviation Administration (FAA) with details regarding the project and is awaiting a response which will be provided when available.

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

Sincerely,

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

cc. Giovanni Maruca, Applicant (via email)

900 Route 146 Clifton Park, NY 12065
(P) 518 371 7621 (F) 518 371 9544 edplp.com

EXHIBIT

F

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

Aeronautical Study No.
2018-AEA-8786-OE

Issued Date: 10/17/2018

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

FAA confirms this report is for navigational purposes only

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

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

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

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

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

This determination expires on 04/17/2020 unless:

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

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

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

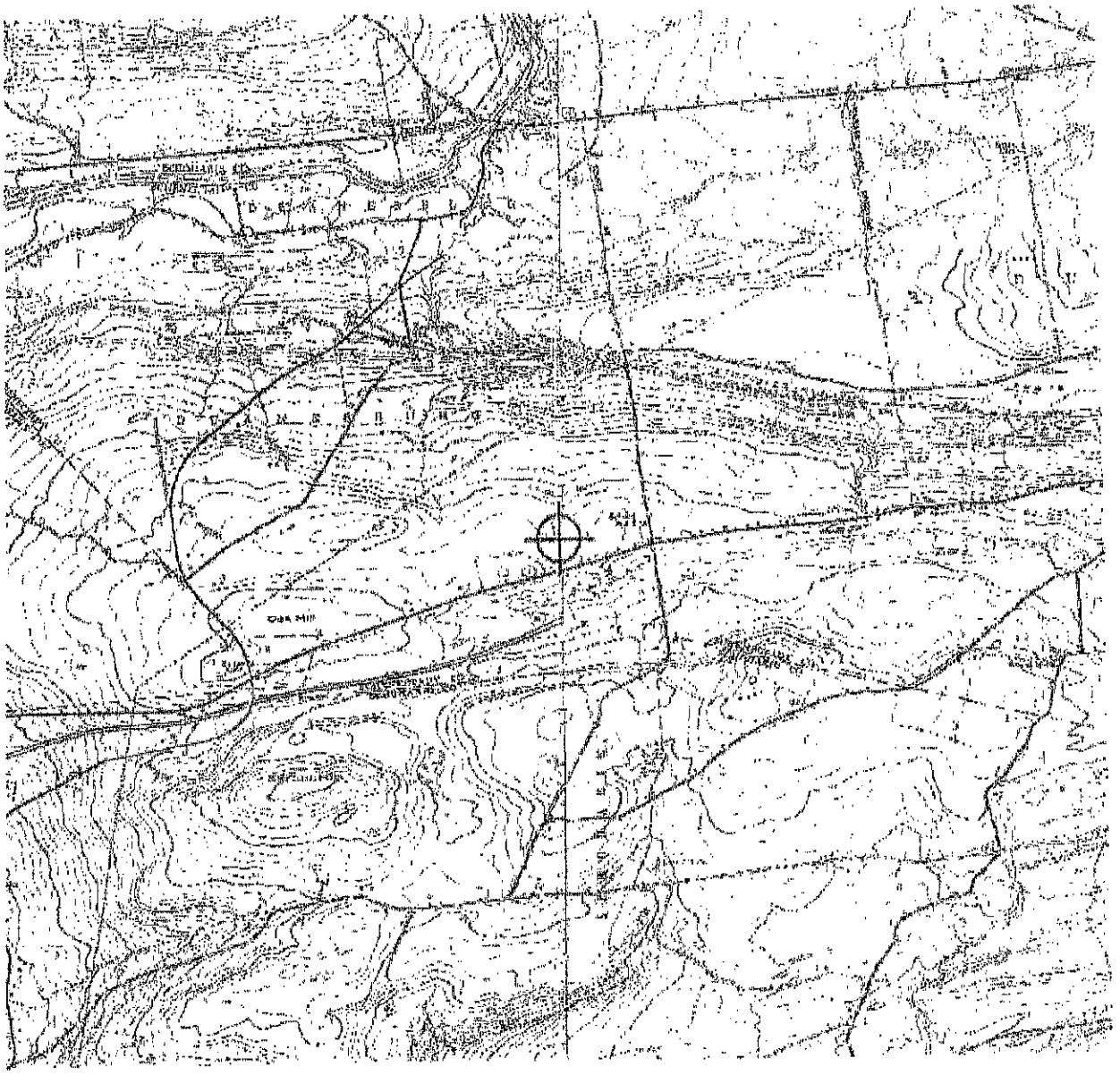
If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AEA-8786-OE.

Signature Control No: 369136517-387675828 (DNE)
Darin Clipper
Specialist

Attachment(s)
Case Description
Map(s)

Solar Farm

TOPO Map for ASN 2018-AEA-8786-OE



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

Aeronautical Study No.
2018-AEA-8791-OE

Issued Date: 09/05/2018

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

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

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

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

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

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

This determination expires on 03/05/2020 unless:

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

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

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If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AEA-8791-OE.

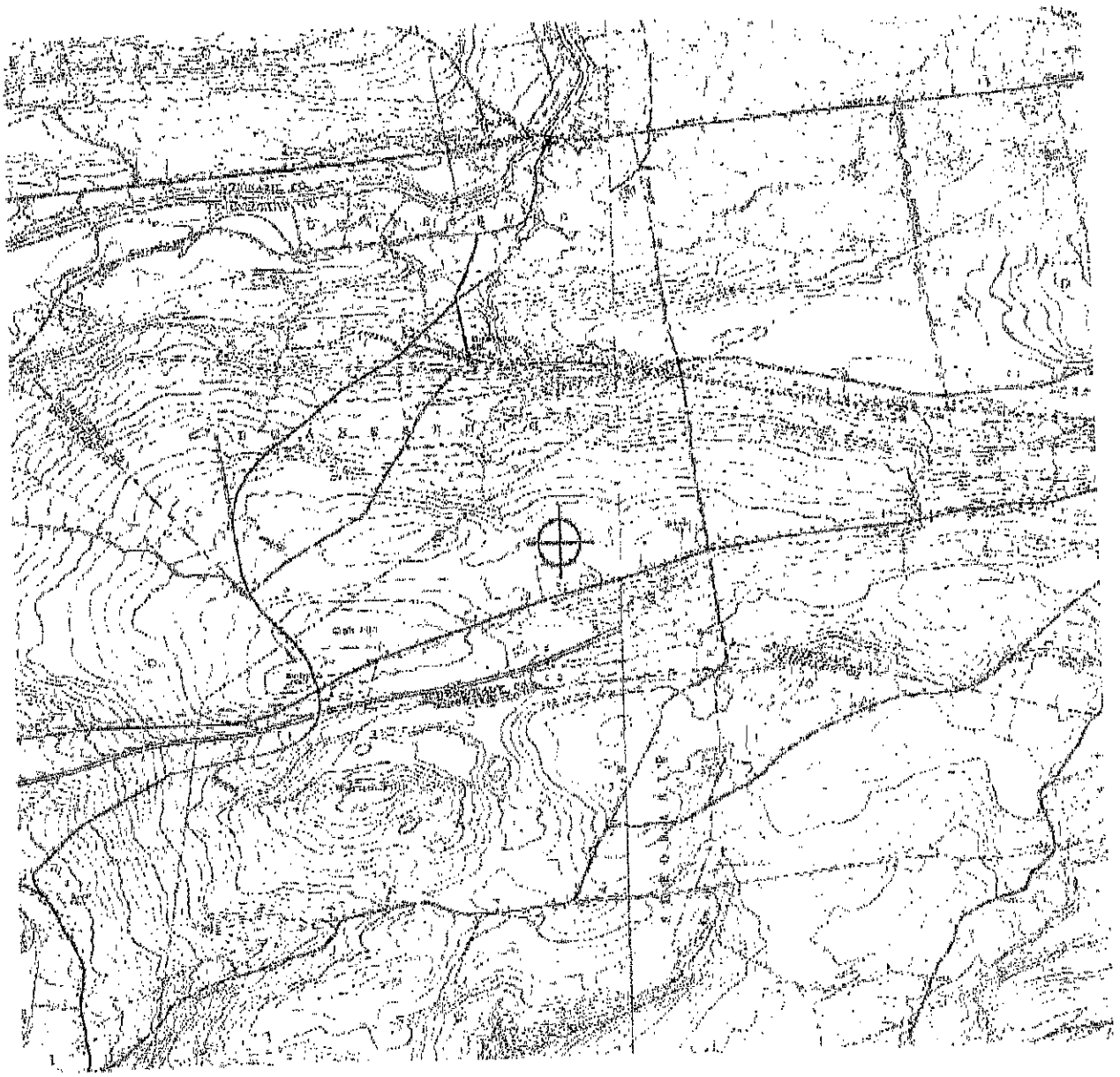
(DNE)

Signature Control No: 369137046-384243466
Darin Clipper
Supervisor

Attachment(s)
Case Description
Map(s)

Solar farm

TOPO Map for ASN 2018-AEA-8791-OE



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

Aeronautical Study No.
2018-AEA-8793-OE

Issued Date: 09/05/2018

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

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

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

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

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

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

This determination expires on 03/05/2020 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.

(b) extended, revised, or terminated by the issuing office.

(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

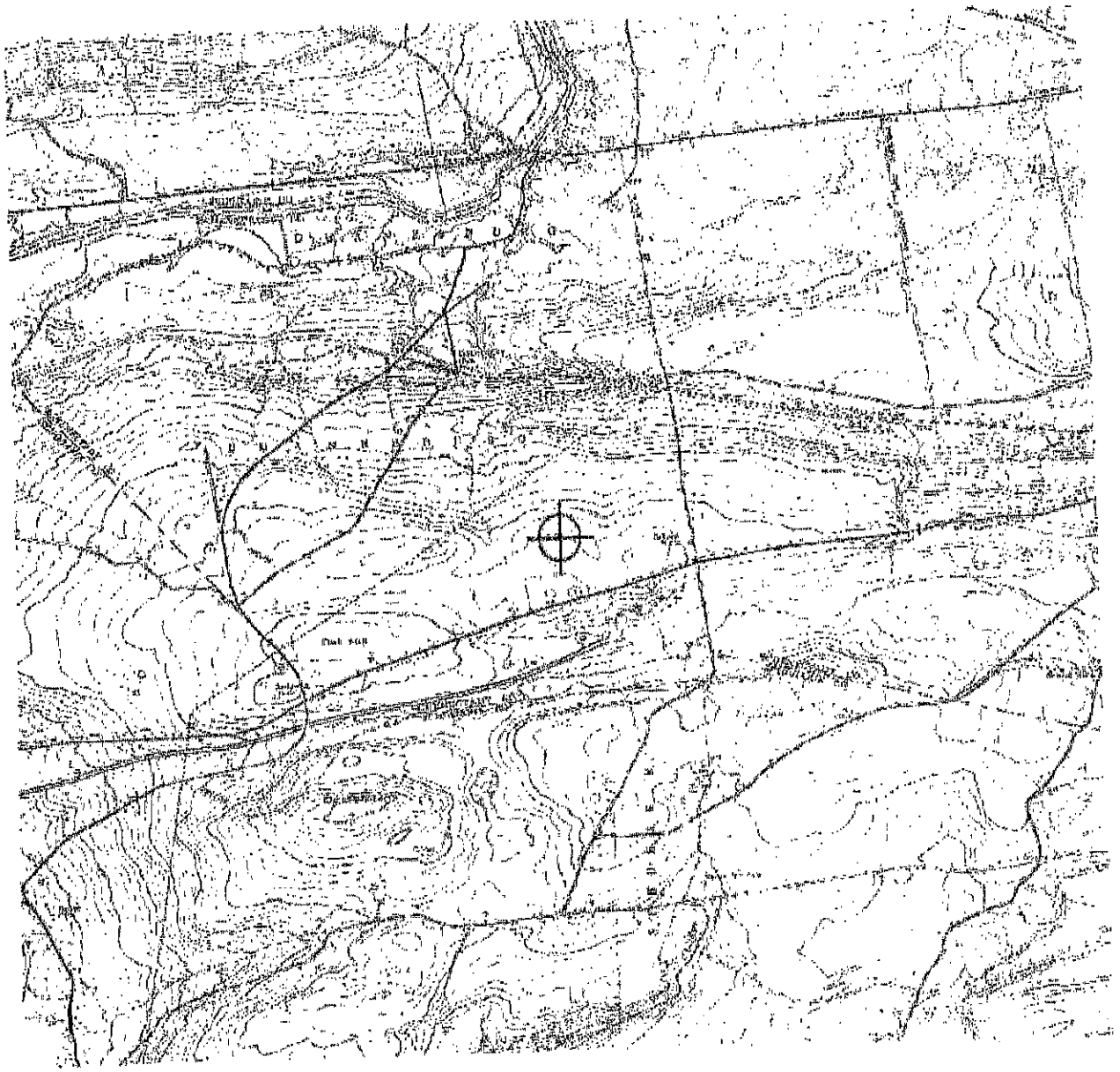
If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AEA-8793-OE.

Signature Control No: 369137049-384243467 (DNE)
Darin Clipper
Supervisor

Attachment(s)
Case Description
Map(s)

Solar farm

TOPO Map for ASN 2018-AEA-8793-OE



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Aeronautical Study No.
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Stephanie Puliafico
Eden Renewables
2270 River Road
Castleton-on-Hudson, NY 12033

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

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

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

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

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

This determination expires on 03/05/2020 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

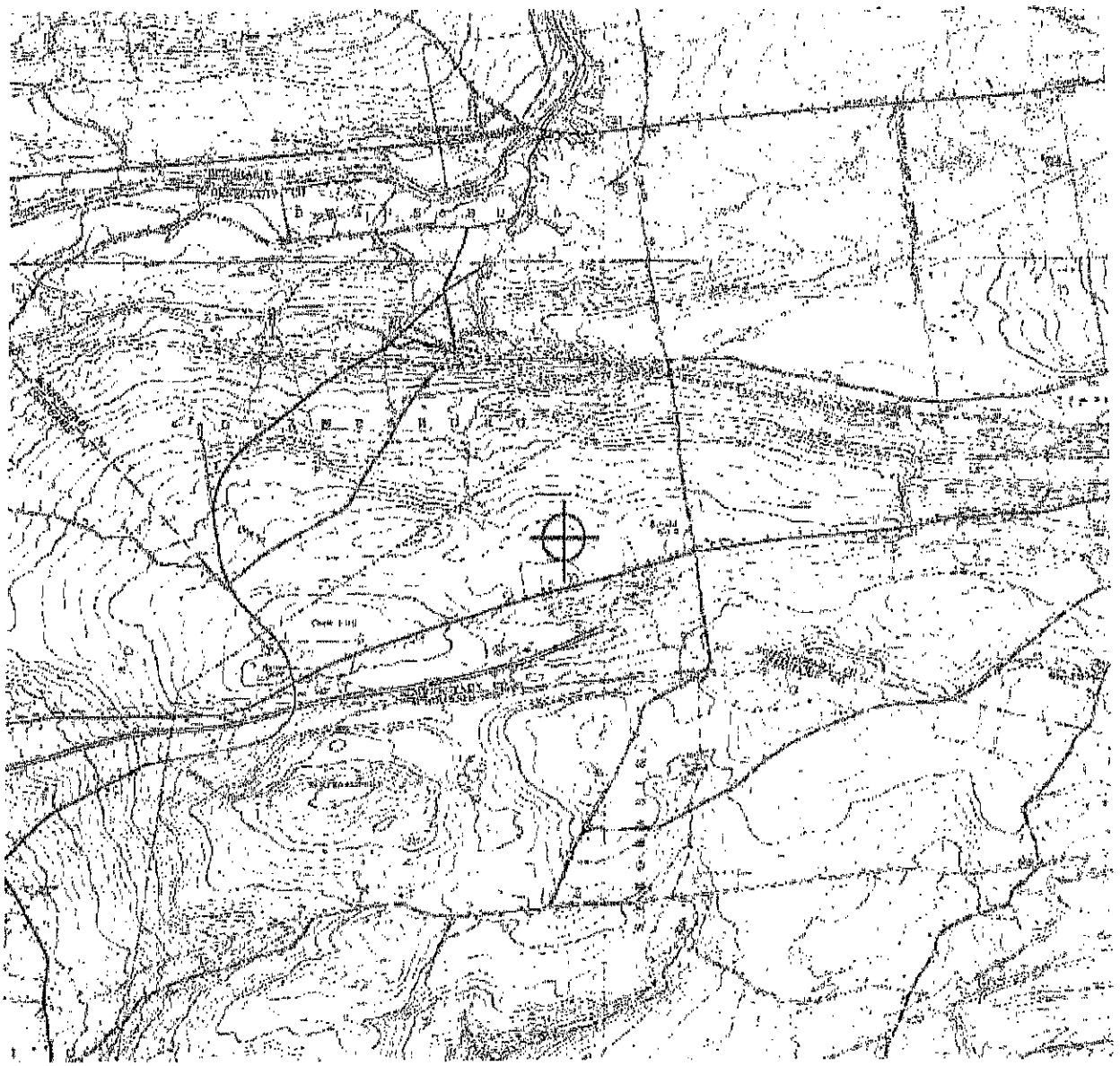
If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AEA-8792-OE.

Signature Control No: 369137047-384243465 (DNE)
Darin Clipper
Supervisor

Attachment(s)
Case Description
Map(s)

Solar farm

TOPO Map for ASN 2018-AEA-8792-OE



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

Aeronautical Study No.
2018-AEA-8794-OE

Issued Date: 09/05/2018

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

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

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

Structure:	Solar Panel Oak Hill Solar 2
Location:	Duanesburg, NY
Latitude:	42-43-44.00N NAD 83
Longitude:	74-15-18.00W
Heights:	1138 feet site elevation (SE)
	11 feet above ground level (AGL)
	1149 feet above mean sea level (AMSL)

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

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

This determination expires on 03/05/2020 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
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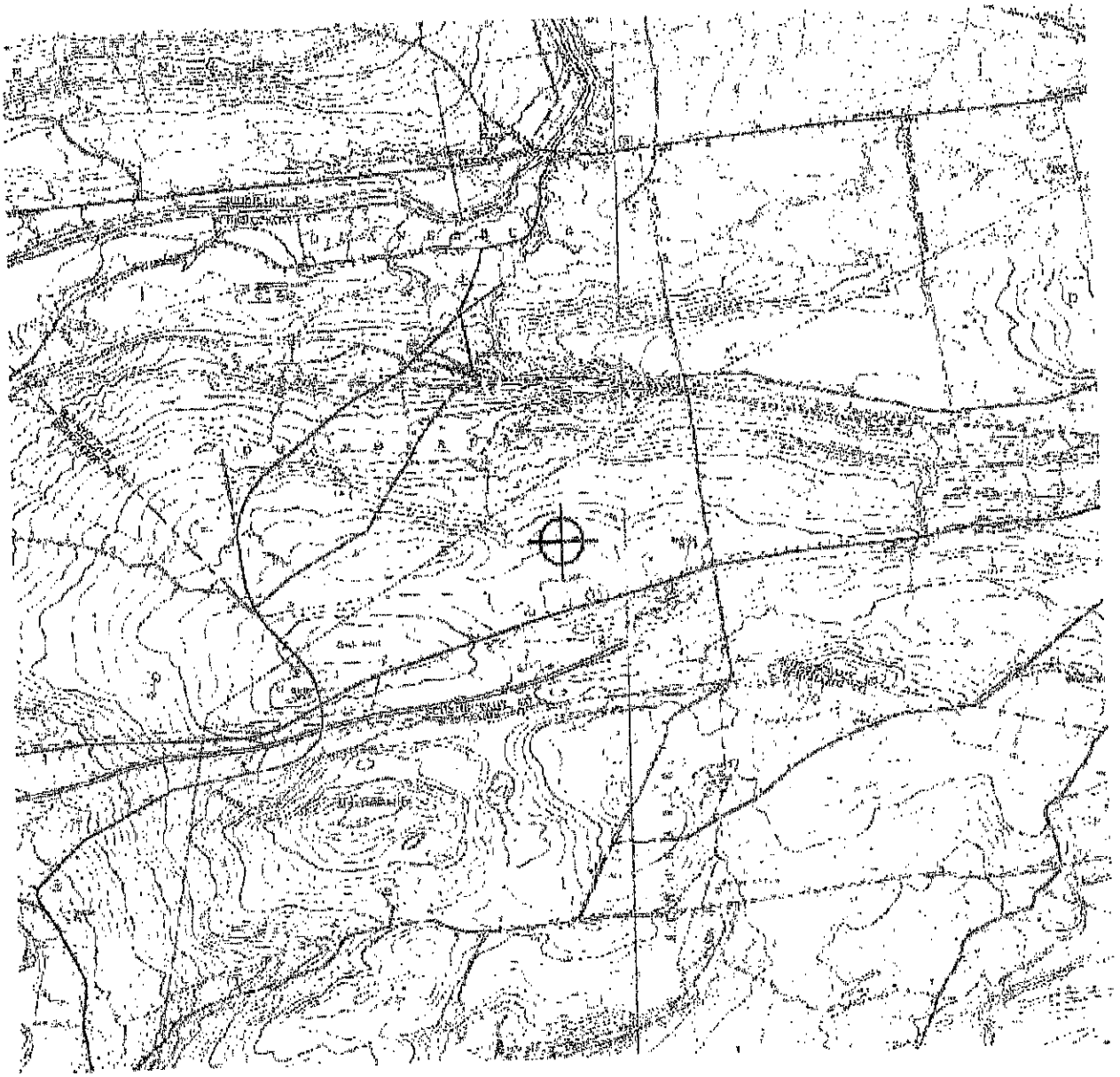
If we can be of further assistance, please contact our office at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AEA-8794-OE.

Signature Control No: 369137050-384243468 (DNE)
Darin Clipper
Supervisor

Attachment(s)
Case Description
Map(s)

Solar farm

TOPO Map for ASN 2018-AEA-8794-OE



EXHIBIT

G

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

ORIGINAL

ENTERED on 9 mo 2019
By: MD 8:09

September 10, 2019

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

Re: Town of Duanesburg
Eden Renewables Oak Hill Solar 1 & 2 Site Plan Review
Our Project No. 17-1802

Dear Mr. Warner:

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

FEAF

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

Plans

1. Sheet 11 - Planting Plan has been added to the drawing set. It shows evergreen plantings along 1,373 feet of the eastern property line to provide screening for the neighboring residence.

Decommissioning Plan

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

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

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

Douglas P. Cole

Douglas P. Cole, PE
Director of Water and Wastewater

cc: Travis Mitchell, EDP

EXHIBIT

H

OAK HILL COMMUNITY SOLAR 1 AND 2

DECOMMISSIONING STATEMENT

9 SEPT 2019

SUBMITTED

EDGE RENEWABLES

13590 PORTSMOUTH ROAD

POWNAL, NY 12055

TO TOWN OF

VANCEBORO

1. INTRODUCTION

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

A site location plan is provided at Appendix 1 for reference.

2. DECOMMISSIONING ACTIVITIES

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

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

3. COST OF DECOMMISSIONING

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

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

b. PV Module Removal

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

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

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

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

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

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

http://www.takovery.com/
http://www.morgenindustries.com/index.html
https://echoenvironmental.com/solar-panel-recycling/
http://www.glrnow.com/
http://www.intercotradingco.com/usa-solar-panel-recycling/
https://sllrec.com/
http://www.solarsilicon.com/

Echo Environmental is confirmed to be nearest recycling facility for this amount of solar panels. Other companies listed are unable to accept solar panels.

Appendix 1

Site Location Plan

Appendix 2

Breakdown of Decommissioning Costs

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

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

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

Estimated Decommissioning Cost	Type	Quantity	Cost Per Item	Total
Fence Removal with Gate and CCTV	LF	7,818	$4.50	$34,281.00
Remove Transformers & Concrete Pads	Each	3	$5,000.00	$10,000.00
Remove Major Switch Gear & Concrete Pad	Each	1	$5,000.00	$5,000.00
Remove Modules and Racking	S/M/Wac	5	$9,000.00	$45,000.00
Removal of Posts	Each	1,975	$20.00	$39,500.00
Remove & Dispose String Inverters, Storage and DC Converters	Each	80	$800.00	$18,000.00
Removal of Underground Wires and Backfill	LF	3,500	$10.00	$35,000.00
Site Restoration, Grade and Seed	Acre	10	$900.00	$9,000.00
Removal of Gravel Access Road	Cubic Yards	612	$25.00	$15,600.00
Current Total				$211,381.00
Total after 25 years of Inflation (2.5% Inflation rate)				$346,372.38
Detailed Salvage Value	Solar Panels	45,455	$6.60	$300,003.60
	Racking Steel (lbs)	1,188,120.00	$0.05	$58,405.00
	Racking Aluminum (lbs)	1,760,000.00	$0.15	$264,000.00
	Project Cabling (lbs)	75,831.00	$0.79	$59,429.63
Total Salvage Value				$677,837.63
Proposed decommissioning fund				$211,381.00

Decom Plan omits removal of eight utility power poles and trucking to recycle center and hauling of debris off site. Echo Environmental is the nearest recycling plant. This facility is located in Carlton, Texas. Trucking more than 45,000 panels will be costly.

4 SETT 2.17

EDEN DECOM PLAN

4

FACT SHEET

DECOMMISSIONING SOLAR PANEL SYSTEMS

NEW YORK STATE OF OPPORTUNITY. | NY-Sun

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

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

Abandonment and decommissioning defined

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

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

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

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

NYSERDA guidelines include removal of ground screws and power poles. Trucking to recycling center is included.

What is a decommissioning plan?

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

What is the estimated cost of decommissioning?

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

Table 1: Sample list of decommissioning tasks and estimated costs

Tasks	Estimated Cost ($)
Remove Rack Wiring	$2,450
Remove Panels	$2,450
Dismantle Racks	$12,350
Remove Electrical Equipment	$1,850
Drain Vaults and Remove Concrete Pads or Ballasts	$1,600
Remove Racks	$1,600
Remove Cable	$6,500
Remove Ground Screws and Power Poles	$13,850
Remove Fence	$4,950
Grading	$1,000
Seed Disturbed Areas	$250
Truck to Recycling Center	$2,250
Current Total	$60,200
Total After 20 Years (2.5% Inflation rate)	$98,800

[1] Town of Geneva, NY, Code § 150-4(D)(6) (2016)

NEW YORK STATE OF OPPORTUNITY. | NYSERDA

CM 1 POSITION
5 9 SEPT 2019

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

Or

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

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

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

If a demand for payment made hereunder does not conform to the terms and conditions of this Letter of Credit, Issuing Bank shall give Beneficiary notice in writing (or by telephone confirmed in writing) that Beneficiary's demand for payment was not effected in accordance with the terms and conditions of this Letter of Credit, stating the reasons therefore and that Issuing Bank will upon Beneficiary's instructions hold any documents at Beneficiary's written direction or return the same to Beneficiary. Upon being notified that the demand for payment was not effected in conformity with this Letter of Credit, Beneficiary may correct any such non-conforming demand if, and to the extent that

ANNEX A

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER _____

Date _____

Sight Draft

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

[INSERT BENEFICIARY PAYMENT INSTRUCTIONS]

Town of Dunnesburg
By:
Name:
Title:

cc:

7 [illegible] 9 [illegible] 2017

EXHIBIT

I

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

July 9, 2019

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

Re: Town of Duanesburg
Eden Renewables Oak Hill Solar 1 & 2 Site Plan Review
Our Project No. 17-1802

Dear Mr. Warner:

We are in receipt of the June 6, 2019 letter from EDP describing revisions to the subdivision plan, site plan, decommissioning plan and FEAF based on discussion at the March 21, 2019 Planning Board meeting. We have also received the July 3, 2019 letter from EDP with additional project information. Our comments on the new and revised materials are as follows:

FEAF

1. Under Section B of the FEAF, a PILOT has been added to the list of Town or Planning Board approvals required.
2. The unanswered questions stated in our 9/11/18 comment letter have been completed.
3. A letter dated 6/4/19 from OPRHP states that "It is the opinion of the NYS SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this project."

Plans

1. The site plan has substantially changed from the prior version and now only impacts tax parcel 74.00-2-5 and shows the two separate 5 MW facilities on each of the proposed new parcels that will conform with the zoning requirements.
2. The wetland impacts are shown on the site plan for only the access road crossings. EDP has advised that no impacts are shown for the solar panels as the "ACOE has historically not required a permit for installation of solar panels mounted on driven piles as a permanent or temporary impact to wetlands". EDP has advised that the applicant is in the process of completing a PCN with ACOE for the proposed wetland impacts by the access road. It is recommended that the Town make the Site Plan approval conditioned upon receiving all necessary permitting.
3. EDP has consulted with the fire department to size the widths of the access roads within the site, which vary from 10 feet to 14 feet wide.
4. The remaining comments from our 9/11/18 letter have been satisfactorily addressed.

PRIME

SWPPP

1. A Basic SWPPP for Construction Activities has been prepared and is dated July 2019. It contains the minimum erosion and sediment control measures that the contractor must follow during construction. It does not contain post construction stormwater management facility information, as the project is currently proposed to disturb less than one acre during construction.
2. A Stormwater Memo prepared by EDP has been provided to explain the calculation of construction disturbance at the site based on the April 5, 2018 NYSDEC Memorandum providing SWPPP Guidance for Solar Projects. The project appears to currently meet the Scenario 1 requirements by utilizing the Limited Use Pervious Access Road detail.
3. The site plan cover sheet 1 of 10 includes a summary of the proposed disturbances in the lower left corner. The access road will disturb about 0.84 acres and there are about 0.04 acres of wetland disturbance listed. Construction disturbances for electrical trenches, spare parts containers and equipment pads need to be added to the total disturbance figure to confirm that the total is still under one acre.
4. The applicant has stated in the FEAF Item D.1.b.b that 0.89 acres are planned to be disturbed, which agrees closely with the value stated on the plans. If the addition of new disturbances increases the total to more than one acre of disturbance, a Full SWPPP will need to be prepared.
5. The applicant has provided basic Erosion and Sediment Control details on sheet 9 of 10, which will need to be followed by the contractor.

Decommissioning Plan

1. The Decommissioning Plan was updated with an itemized breakdown of decommissioning costs, including estimated salvage value. The cost should be revised to include access road removal and disposal. Additional details for each item should be provided for labor, equipment and materials necessary to removal and dispose of the item for review.
2. The Town attorney should review the proposed Decommissioning Letter of Credit that was provided.

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

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

Douglas P. Cole

Douglas P. Cole, PE
Director of Water and Wastewater

cc: Travis Mitchell, EDP

EXHIBIT

J

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

MEMORANDUM

TO: Regional Water Engineers

FROM: Robert Wither, Chief, South Permit Section

SUBJECT: Solar Panel Construction Stormwater Permitting/SWPPP Guidance

DATE: April 5, 2018

Issue

The Department is seeing an increase in the number of solar panel construction projects across New York State. This has resulted in an increase in the number of questions on Construction General Permit (CGP) and Stormwater Pollution Prevention Plan (SWPPP) requirements from design professionals because the current CGP (GP-0-15-002) does not include a specific reference to the SWPPP requirements for solar panel projects in Tables 1 and 2 of Appendix B. To address this issue, the Division of Water (DOW) has developed the following guidance on CGP/SWPPP requirements for the different types of solar panel projects.

Scenario 1

The DOW considers solar panel projects designed and constructed in accordance with the following criteria to be a "*Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields)*" type project as listed in Table 1, Appendix B of the CGP. Therefore, the SWPPP for this type of project will typically just need to address erosion and sediment controls.

1. Solar panels are constructed on post or rack systems and elevated off the ground surface,
2. The panels are spaced apart so that rain water can flow off the down gradient side of the panel and continue as sheet flow across the ground surface*,
3. For solar panels constructed on slopes, the individual rows of solar panels are generally installed along the contour so rain water sheet flows down slope*,
4. The ground surface below the panels consist of a well-established vegetative cover (see "Final Stabilization" definition in Appendix A of the CGP),
5. The project does not include the construction of any traditional impervious areas (i.e. buildings, substation pads, gravel access roads or parking areas, etc.),
6. Construction of the solar panels will not alter the hydrology from pre-to post development conditions (see Appendix A of the CGP, for definition of "Alter the hydrology..."). Note: The design professional shall perform the necessary site assessment/hydrology analysis to make this determination.

*Refer to Maryland's "Stormwater Design Guidance- Solar Panel Installations" attached for guidance on panel installation.
**See notes below for additional criteria.

Scenario 2

If the design and construction of the solar panels meets all the criteria above, except for item 6, the project will fall under the "*All other construction activities that include the construction or reconstruction of impervious area or alter the hydrology from pre-to post development conditions, and are not listed in Table 1*" project type as listed in Table 2, Appendix B of the CGP. Therefore, the SWPPP for this type of project must address post-construction stormwater practices designed in accordance with the sizing criteria in Chapter 4 of the NYS Stormwater Management Design Manual, dated January 2015 (Note: Chapter 10 for projects in NYC EOH Watershed). The Water Quality Volume (WQv)/Runoff Reduction Volume (RRv) sizing criteria can be addressed by designing and constructing the solar panels in accordance with the criteria in items 1 – 4 above, however, the quantity control sizing criteria (Cpv, Qp and Qf) from Chapter 4 (or 10) of the Design Manual must still be addressed, unless one of the waiver criteria from Chapter 4 can be applied. **See notes below for additional criteria.

**** Notes**

- **Item 1:** For solar panel projects where the panels are mounted directly to the ground (i.e. no space below panel to allow for infiltration of runoff), the SWPPP must address post-construction stormwater management controls designed in accordance with the sizing criteria in Chapter 4 of the NYS Stormwater Management Design Manual, dated January 2015 (Note: Chapter 10 for projects in NYC EOH Watershed).

- **Item 5:** For solar panel projects that include the construction of traditional impervious areas (i.e. buildings, substation pads, gravel access roads or parking areas, etc.), the SWPPP must address post-construction stormwater management controls for those areas of the project. This applies to both Scenario 1 and 2 above.

cc: Carol Lamb-Lafay, BWP
Dave Gasper, BWP

Stormwater Design Guidance – Solar Panel Installations

Revisions to Maryland's stormwater management regulations in 2010 require that environmental site design (ESD) be used to the maximum extent practicable (MEP) to mimic natural hydrology, reduce runoff to reflect forested wooded conditions, and minimize the impact of land development on water resources. This applies to any residential, commercial, industrial, or institutional development where more than 5,000 square feet of land area is disturbed. Consequently, stormwater management must be addressed even when permeable features like solar panel installations exceed 5,000 square feet of land disturbance.

Depending on local soil conditions and proposed imperviousness, the amount of rainfall that stormwater requirements are based on varies from 1.0 to 2.6 inches. However, addressing stormwater management does not mean that structural or micro-scale practices must be constructed to capture and treat large volumes of runoff. Using nonstructural techniques like disconnecting impervious cover reduces runoff by promoting overland filtering and infiltration. Commonly used with smaller or narrower impervious areas like driveways or open roads, the Disconnection of Non-Rooftop Runoff technique (see pp. 5.61 to 5.65 of the **2000 Maryland Stormwater Design Manual**[1]) is a low cost alternative for treating runoff in situations like rows of solar panels.

When non-rooftop disconnection is used to treat runoff, the following factors should be considered:

- The vegetated area receiving runoff must be equal to or greater in length than the disconnected surface (e.g., width of the row of solar panels)
- Runoff must sheet flow onto and across vegetated areas to maintain the disconnection
- Disconnections should be located on gradual slopes (≤ 5%) to maintain sheetflow. Level spreaders, terraces, or berms may be used to maintain sheetflow conditions if the average slope is steeper than 5%. However, installations on slopes greater than 10% will require an engineered plan that ensures adequate treatment and the safe and non-erosive conveyance of runoff to the property line or downstream stormwater management practice.
- Disconnecting impervious surfaces works best in undisturbed soils. To minimize disturbance and compaction, construction vehicles and equipment should avoid areas used for disconnection during installation of the solar panels.
- Groundcover vegetation must be maintained in good condition in those areas receiving disconnected runoff. Typically this maintenance is no different than other lawn or landscaped areas. However, areas receiving runoff should be protected (e.g., planting shrubs or trees along the perimeter) from future compaction.

Depending on the layout and number of panels installed, the disconnection of non-rooftop runoff technique may address some or all of the stormwater management requirements for an individual project. Where the imperviousness is high or there is other infrastructure (e.g., access roads, transformers), additional runoff may need to be treated. In these situations, other ESD techniques or micro-scale practices may be needed to provide stormwater management for these features.

Example 1 – Using Non-Rooftop Disconnection Where the Average Slope ≤ 5%

Several rows of solar panels will be installed in an existing meadow. The soils within the meadow are hydrologic soil group (HSG) B and the average slope does not exceed 5%. Each row of panels is 10 feet wide and the distance between rows is 20 feet. The rows of solar panels will be installed according to Figure 1 below. In this scenario, the disconnection length is the same as the distance between rows (20 feet) and is greater than the width of each row (10 feet). Therefore, each row of panels is adequately disconnected and the runoff from 1.0 inch of rainfall is treated.

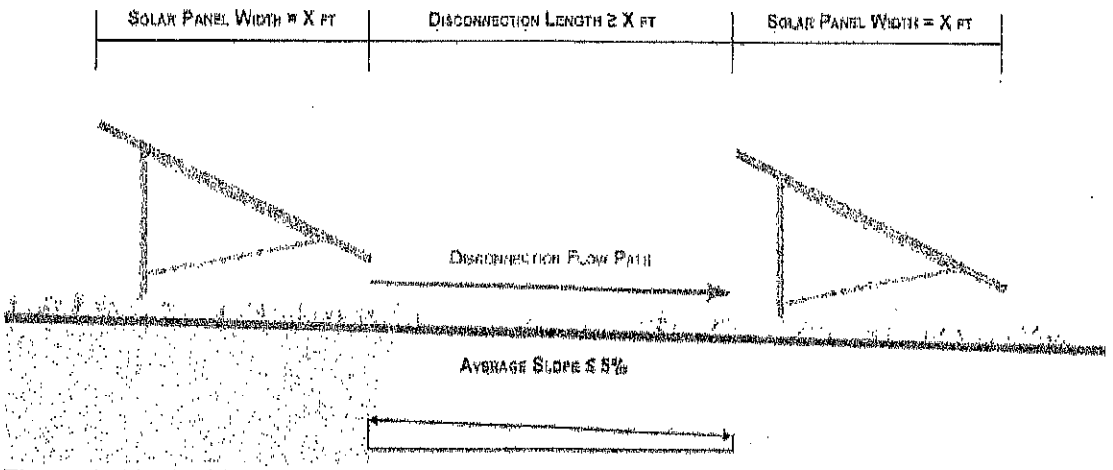


Figure 1. Typical Installation - Slope ≤ 5%

Example 2 – Using Non-Rooftop Disconnection Where the Average Slope ≥ 5% but ≤ 10%

Several rows of solar panels will be installed in an existing meadow. The soils within the meadow are hydrologic soil group (HSG) B and the average slope is greater than 5% but less than 10%. Each row of panels is 10 feet wide and the distance between rows is 20 feet. The rows of solar panels will be installed as shown in Figure 2 below. The disconnection length is the same as the distance between rows (20 feet) and is greater than the width of each row (10 feet). However, in this example, a level spreader (typically 1 to 2-foot wide and 1 foot deep) has been located at the drip edge of each row of panels to dissipate energy and maintain sheetflow.

Discussion

To meet State and local stormwater management requirements, ESD must be used to the MEP to reduce runoff to reflect forested conditions. While all reasonable options for implementing ESD must be investigated, minimally, the runoff from 1 inch of rainfall must be treated. In each of the examples above, there may be additional opportunities to implement ESD techniques or practices and reduce runoff that should be explored. However, simply disconnecting the runoff from the solar panel arrays captures and treats the runoff from 1.0 inch of rainfall. Where imperviousness is low and soil conditions less optimal (e.g., HSG C or D), this may be sufficient to completely address stormwater management requirements. In more dense applications or in sandy soils, additional stormwater management may be required.

Omitted pages from Maryland Guidelines. The project site is 5 to 10% slope with lowest point of the site in NorthEast corner. The panels face south and will drain upslope. Soil erosion at drip line may be substantial.

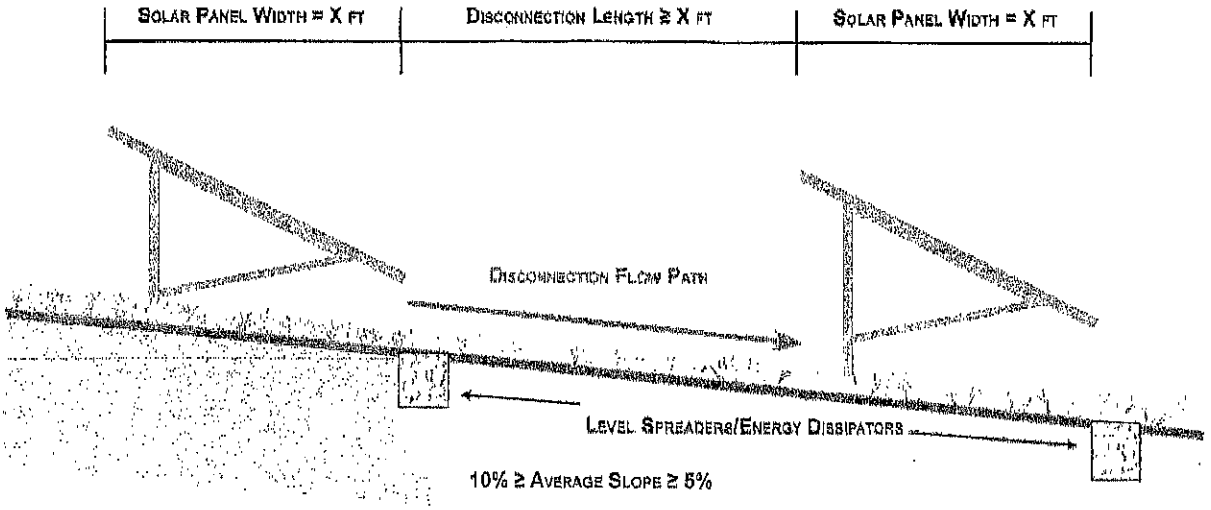


Figure 2. Typical Installation – Slope ≥ 5% but ≤ 10%

Conclusion

The primary purpose of Maryland's stormwater management program is to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Any land development project that exceeds 5,000 square feet of disturbance, including solar panel projects, must address stormwater management. However, for solar panels, stormwater management may be provided in a cost-effective manner by disconnecting each row of panels and directing runoff over the vegetated areas between the individual rows.

Resources

[1] 2000 Maryland Stormwater Design Manual, Volumes I and II, MDE, October 2000 (http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/MarylandStormwaterDesignManual/Pages/Programs/WaterPrograms/SedimentandStormwater/stormwater_design/index.aspx)

EXHIBIT

L

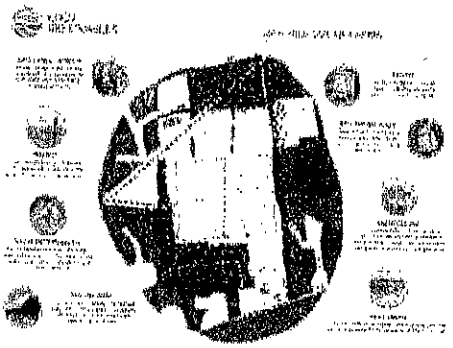
Eden's renderings omitted Biggs residence, 5 outbuildings and pond.

EDEN RENEWABLES

Home Community Solar Solar Projects About Us Request A Quote

Oak Hill Farms

Location: Dunnesburg, NY - [illegible]
Status: Under Development



Oak Hill Farm I and II (or Oak Hill Farms) consist of two sites, each with a capacity of approximately 7.5 MWp, enough to power about 2,450 homes. The site is average agricultural land with good opportunities for creating pollinator-friendly wildflower meadows and agricultural usage with sheep grazing.

We will be setting up a payment in lieu of taxes (PILOT) with the Town and School District to bring additional economic, social and environmental benefits to the community. [illegible]

The site will generate renewable electricity for 30 years, after which the solar panels can be completely dismantled and removed with minimal impact on the land.

Project Updates:

- [illegible]

Ready To Go Solar?

Oak Hill Farms isn't ready to generate energy just yet, but you can be added to the waiting list so that you can begin to save money as soon as the power is turned on. To reserve your spot, simply complete the form or contact us by phone at (518) 326-0259 or [illegible]

RESERVE YOUR SPOT AT OAK HILL FARMS

Name *

First Name Last Name

[illegible]

Biggs residence at 13388 Duanesburg Road, Delanson, NY 12053 was omitted

EDEN RENEWABLES

OAK HILL SOLAR FARMS

EDUCATIONAL BENEFITS

[illegible]

SECURITY

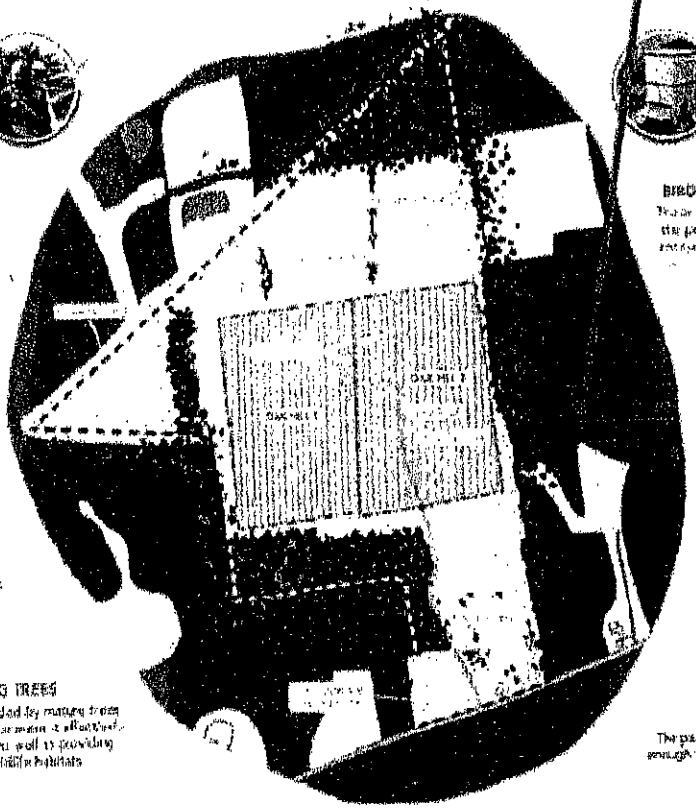
[illegible]

WILDFLOWER MEADOWS

[illegible]

EXISTING TREES

[illegible]



BEEHIVES

[illegible]

BIRD AND BAT BOXES

[illegible]

SHEEP GRAZING

[illegible]

SOLAR PANELS

[illegible]

TOWN OF DUANESBURG

TOWN HALL - ADDITION & RENOVATIONS

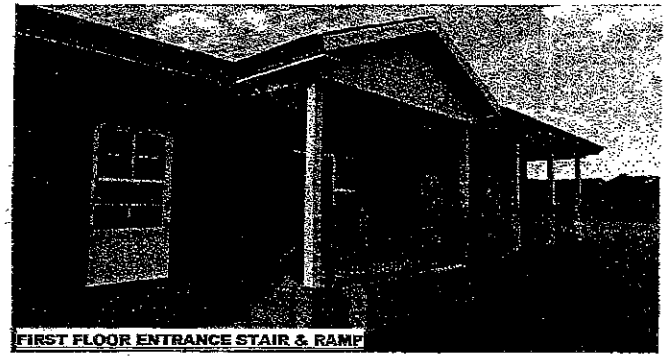
FOR

TOWN OF DUANESBURG

PRELIMINARY DESIGN

SEPT. 23, 2021

NEW ADDITION ENTRANCE



FIRST FLOOR ENTRANCE STAIR & RAMP

DRAWING LIST

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH: 518.786.7400

COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY

JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY

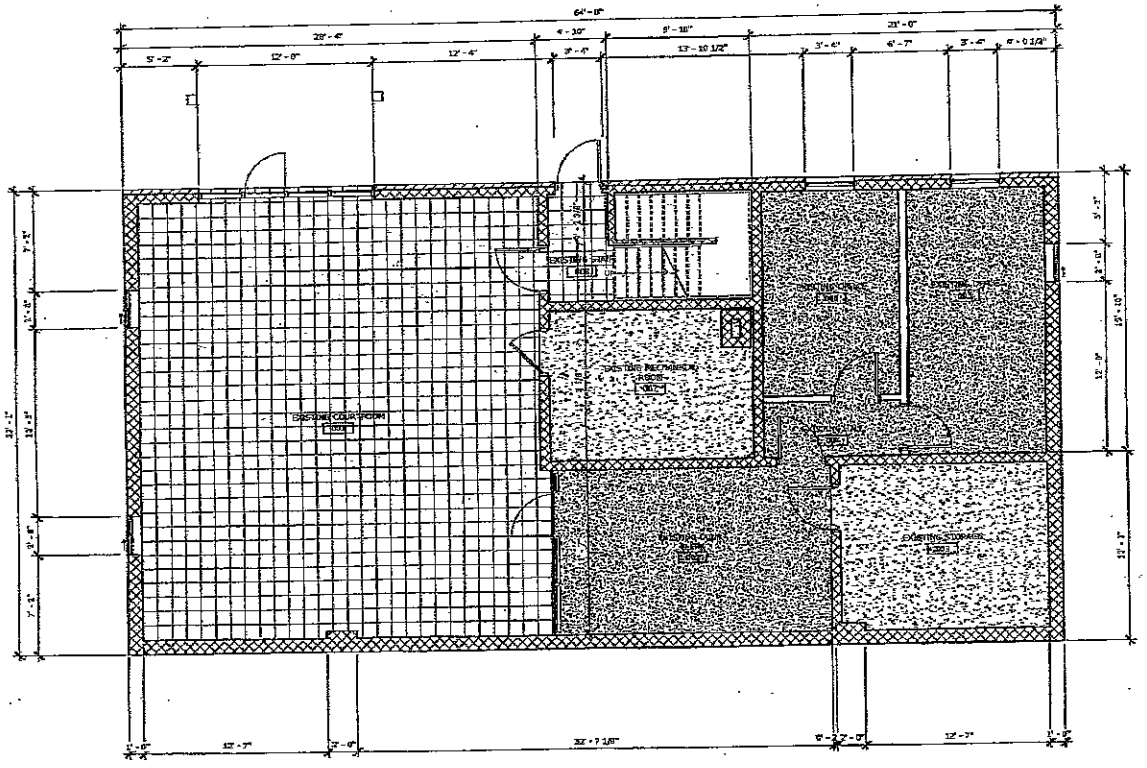
www.ctmale.com

PROJECT NO: 21.1374

DRAWING NO:

G-001

SHEET 01 OF 11



1 BASEMENT PLAN - EXISTING
AE101 SCALE: 1/4" = 1'-0"

NORTH

PRELIMINARY DESIGN

NICHOLAS M. LOBOSCO
R.A. NO. 034288

DATE	NO.	REVISION RECORD/DESCRIPTION	ISSUED BY

DESIGNER : NML
DRAFTED : NML
CHECKED : Checker
PROJ. NO : 21.1076
SCALE : 1/4" = 1'-0"
DATE : SEPT. 23, 2021

BASEMENT EXISTING PLAN

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF DUANESBURG
SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
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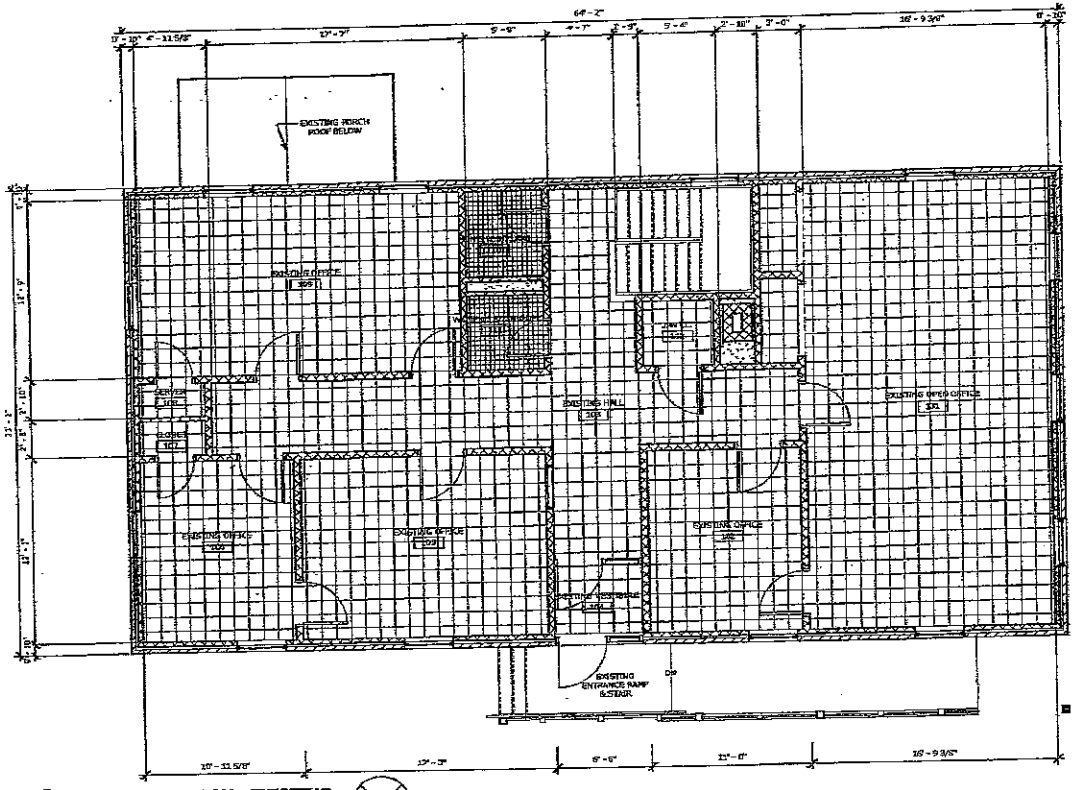
JOHNSTOWN, NY - REYNOLDS, NY - SYRACUSE, NY

AE101
SHEET 02 OF 11
REVISION NO:



1 AE102 FIRST FLOOR PLAN - EXISTING
SCALE: 1/4" = 1'-0"

PRELIMINARY DESIGN

NICHOLAS M. LOBOSCO
R.A. NO. 034280

DATE	NO.	REVISION RECORD/DESCRIPTION	ISSUED BY

DESIGNER : Designer
DRAFTED : Author
CHECKED : Checker
PROJ. NO : 21.1374
SCALE : 1/4" = 1'-0"
DATE : SEPT. 23, 2021

FIRST FLOOR EXISTING PLAN

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF DUANESBURG — SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
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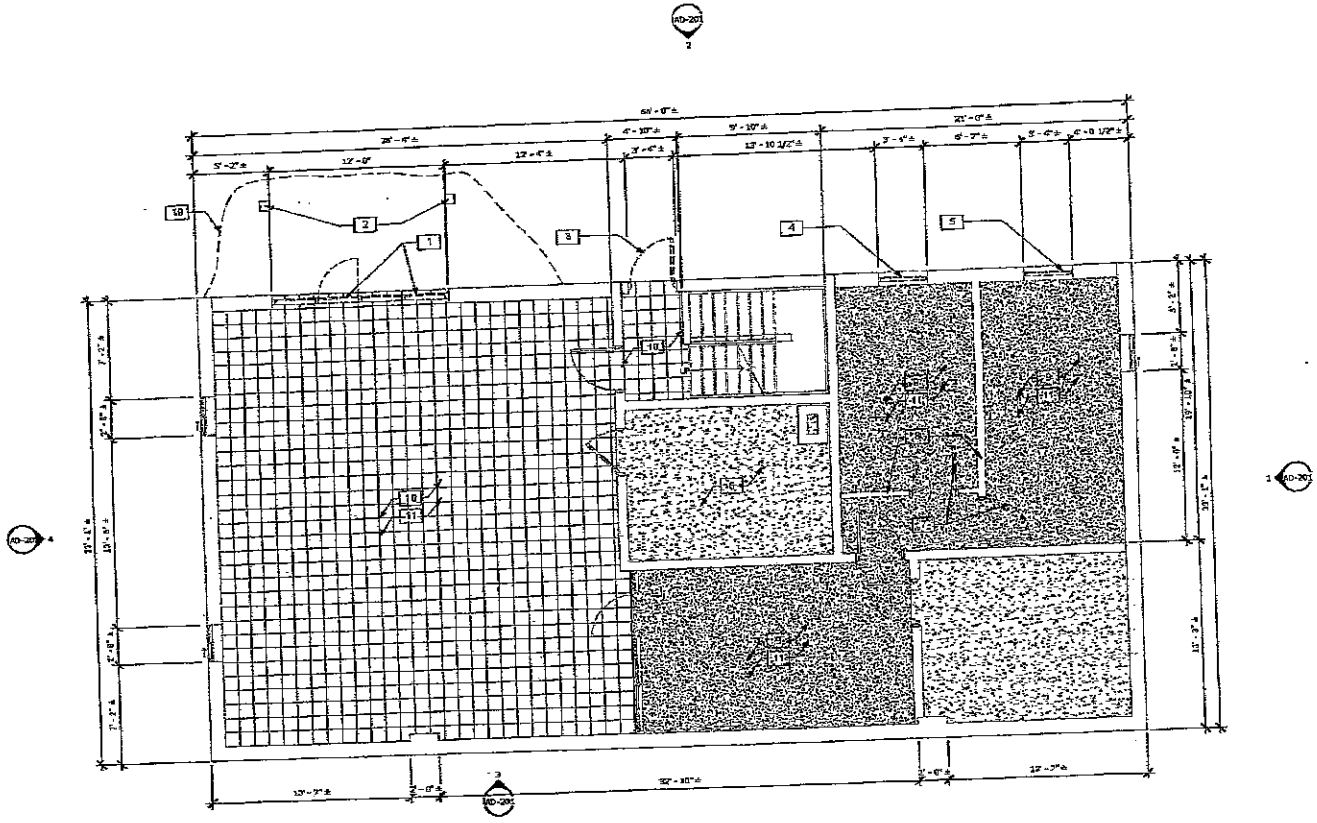
COBLESKILL, NY - GLENS FALLS, NY - POUGHKEEPSIE, NY
SCHENECTADY, NY - HUDSON, NY - OSWEGO, NY

AE102
SHEET 102 OF 11
DWG. NO:



DEMOLITION KEY NOTES

NO.	DESCRIPTION
1	REMOVE EXISTING STORE/FRONT DOOR & WINDOW ASSEMBLY
2	REMOVE EXISTING ENTRANCE CANOPY ROOF FRAMING AND COLUMNS AS REQUIRED FOR NEW WORK
3	REMOVE EXISTING EXTERIOR DOOR
4	REMOVE EXISTING WINDOW AND WALL ASSEMBLY BELOW WINDOW EDGE TO FINISH FLOOR ELEVATION
5	REMOVE EXISTING WINDOW
6	EXISTING DOOR TO REMAIN, REFER TO PRELIMINARY DESIGN NARRATIVES FOR ADDITIONAL INFORMATION
7	REMOVE EXISTING INTERIOR DOORS
8	REMOVE EXISTING INTERIOR PARTIAL STUD FRAMED WALL
9	REMOVE EXISTING CARPETING AND ADHESIVE
10	REMOVE EXISTING VCT FLOORING
11	REMOVE EXISTING ACT CEILING GRID SYSTEM
12	EXISTING FLOORING TO REMAIN
14	REMOVE EXISTING TILE CEILING & PLASTIC. MAINTAIN EXISTING SUBFRAMING AND ROOF MATCH SLOPES
15	REMOVE EXISTING PLYWOOD WALL FINISH INCLUDING VERIFY JOIST AND RAFTERS. MAINTAIN SUB-FRAMING WHERE FEASIBLE.
16	EXISTING GWB CEILING TO REMAIN
17	REMOVE EXISTING EXTERIOR STAIR, RAMP, LANDING & RAILING ASSEMBLY
18	EXISTING END CANOPY SUPPORTS (5 TOTAL) TO REMAIN, CUT COLUMNS AT 12" ABOVE INTERIOR FINISH FLOOR LEVEL & REMOVE LOWER PORTIONS, TEMPORARY SHORING AS REQUIRED
19	REMOVE EXISTING PARAPHERNALIA AND SUB-BASE AS REQUIRED FOR NEW WORK
20	REMOVE EXISTING ASPHALT SHINGLE ROOF AND UNDERLAYMENT BACK TO FACE OF EXISTING PLYWOOD ROOF SHEATHING, TYP.

1 AD101 **BASEMENT PLAN - DEMOLITION**
SCALE: 1/4" = 1'-0"

NORTH

PRELIMINARY DESIGN

NICHOLAS M. LOSOSKO
R.A. NO. 034280

DATE	NO.	REVISION RECORD/DESCRIPTION	ISSUED BY

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM C.T. MALE ASSOCIATES

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DESIGNER: Designer
DRAFTED : Author
CHECKED : Checker
PROJ. NO : 121.1374
SCALE : 1/4" = 1'-0"
DATE : SEPT. 22, 2021

BASEMENT DEMOLITION PLAN

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF DUANESBURG — SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
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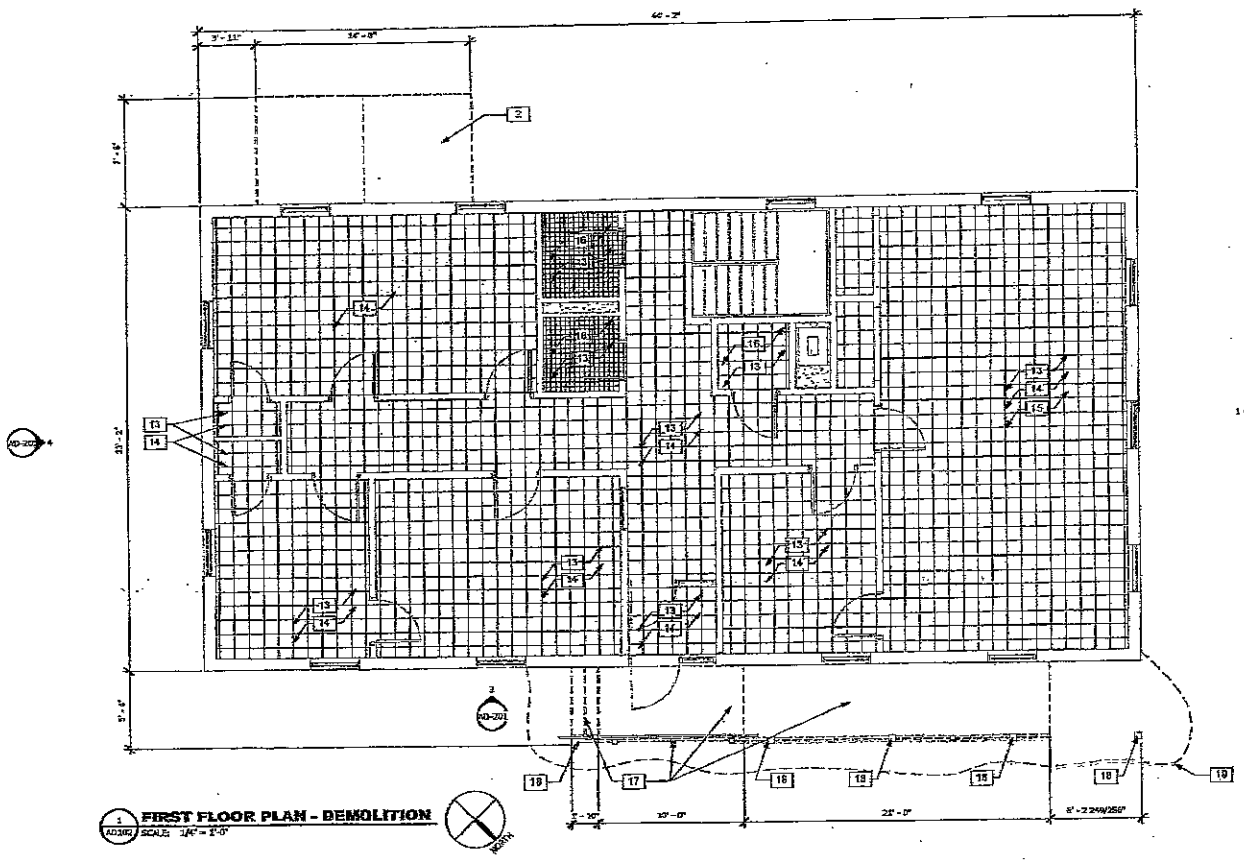
COHOES, NY - GLENS FALLS, NY - POUGHKEEPSIE, NY
JOHNSTOWN, NY - RED HOOK, NY - SYRACUSE, NY

AD101
SHEET 04 OF 11
CAME. NO:



1 AD-102 **FIRST FLOOR PLAN - DEMOLITION**
SCALE: 1/4" = 1'-0"

DEMOLITION KEY NOTES

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2	REMOVE EXISTING ENTRANCE CANOPY ROOF, FRAMING AND COLUMNS AS REQUIRED FOR NEW WORK
3	REMOVE EXISTING ENTRANCE DOOR
4	REMOVE EXISTING WINDOW AND WALL ASSEMBLY BELOW WINDOW DOWN TO FINISH FLOOR ELEVATION
5	REMOVE EXISTING WINDOW
6	EXISTING DOOR TO REMAIN, REFER TO PRELIMINARY DESIGN NARRATIVE FOR ADDITIONAL INFORMATION
7	REMOVE EXISTING INTERIOR DOORS
8	REMOVE EXISTING INTERIOR MEDIUM, STUD FRAMED WALL
9	REMOVE EXISTING CARPETING AND ADHESIVE
10	REMOVE EXISTING VCT FLOORING
11	REMOVE EXISTING ACT CEILING GRID SYSTEM
12	EXISTING FLOORING TO REMAIN
14	REMOVE EXISTING TILE CEILING & MASTIC, MAINTAIN EXISTING SUBFRAMING AND ROOF VAPOR BARRIER
15	REMOVE EXISTING PLYWOOD WALL FINISH INCLUDING HIGH GLASS AND BATHROOMS, MAINTAIN SUB-FRAMING WHERE FEASIBLE
16	EXISTING GWB CEILING TO REMAIN
17	REMOVE EXISTING EXTERIOR STAIR, RAMP, LANDING & RAILING ASSEMBLY
18	EXISTING GWB CANOPY SUPPORTS TO REMAIN, CUT COLUMNS AT 2' ABOVE INTERIOR FINISH FLOOR LEVEL & REMOVE LOWER PORTIONS, TEMPORARY SHORING AS REQUIRED
19	REMOVE EXISTING SHEATHING AND SUB-BASE AS REQUIRED FOR NEW WORK
20	REMOVE EXISTING ASPHALT SHINGLE ROOF AND UNDERLAYMENT BACK TO FACE OF EXISTING PLYWOOD ROOF SHEATHING, TYP.

PRELIMINARY DESIGN

NICHOLAS M. LOBOSCO
R.A. NO. 035200

DATE	NO.	REVISION RECORD/DESCRIPTION	ISSUED BY

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C.T. MALE ASSOCIATES

DESIGNER: Designer
DRAFTED: Author
CHECKED: Checker
PROJ. NO: 21.1334
SCALE: 1/4" = 1'-0"
DATE: SEPT. 29, 2021

FIRST FLOOR DEMOLITION PLAN

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF DUANESBURG — SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
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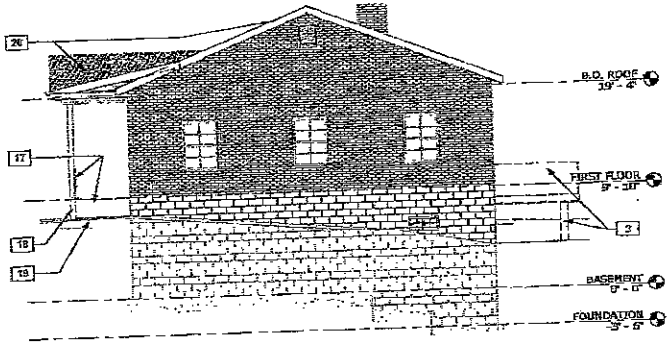
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY

AD102
SHEET 05 OF 11
DWG. NO:



1 AD-201 **WEST ELEVATION - DEMOLITION**
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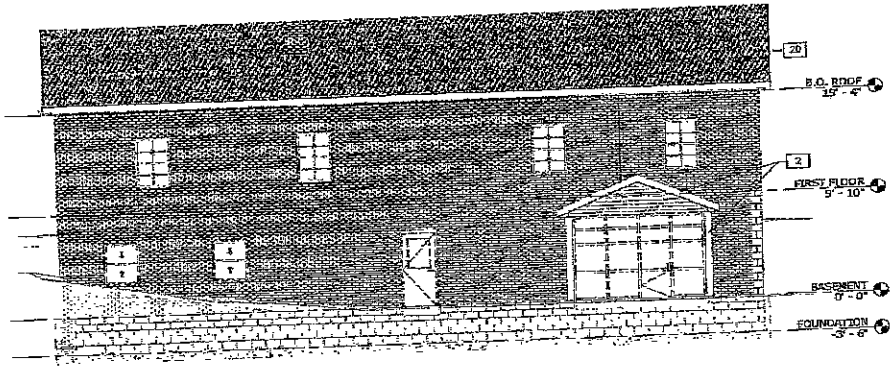

2 AD-201 **SOUTH ELEVATION - DEMOLITION**
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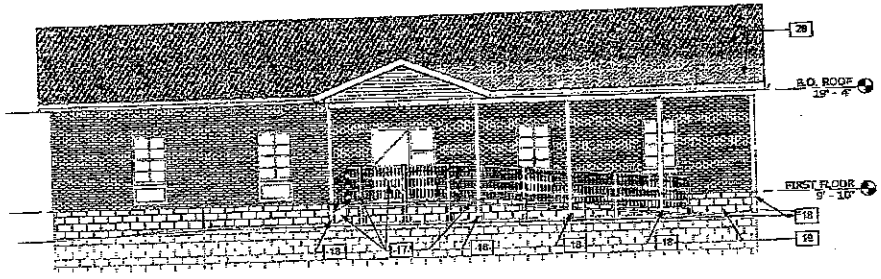

3 AD-201 **NORTH ELEVATION - DEMOLITION**
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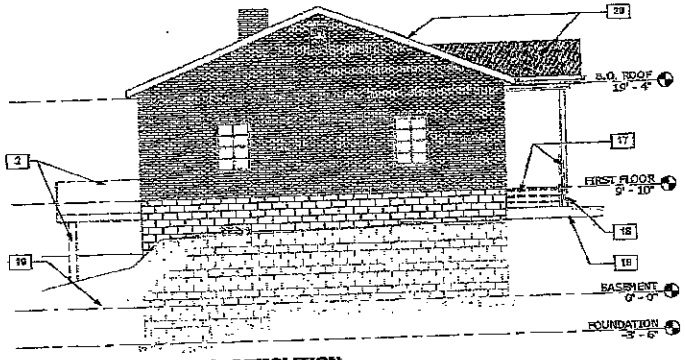

4 AD-201 **EAST ELEVATION - DEMOLITION**
SCALE: 3/16" = 1'-0"

DEMOLITION KEY NOTES

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1	REMOVE EXISTING STOREFRONT DOOR & WINDOW ASSEMBLY
2	REMOVE EXISTING ENTRANCE CANOPY ROOF, FRAMING AND COLUMNS AS REQUIRED FOR NEW WORK
3	REMOVE EXISTING EXTERIOR DOOR
4	REMOVE EXISTING WINDOW AND WALL ASSEMBLY BELOW WINDOW DOWN TO FINISH FLOOR ELEVATION
5	REMOVE EXISTING WINDOW
6	EXISTING BOILER TO REMAIN. REFER TO PRELIMINARY DESIGN NARRATIVE FOR ADDITIONAL INFORMATION
7	REMOVE EXISTING INTERIOR DOORS
8	REMOVE EXISTING INTERIOR METAL STUD FRAMED WALL
9	REMOVE EXISTING CARPETING AND ADHESIVE
10	REMOVE EXISTING VINYL FLOORING
11	REMOVE EXISTING A.C.T. CEILING GRID SYSTEM
13	EXISTING FLOORING TO REMAIN
14	REMOVE EXISTING TILE CEILING & PLASTIC. MAINTAIN EXISTING SUB FRAMING AND ROOF VAPOR BARRIER
15	REMOVE EXISTING PLYWOOD WALL FINISH INCLUDING TRIM, BASE AND FASTENERS. MAINTAIN SUB-FRAMING WHERE POSSIBLE
16	EXISTING GYM CEILING TO REMAIN
17	REMOVE EXISTING EXTERIOR STAIR, RAMP, LANDING & RAILING ASSEMBLY
18	EXISTING GYM CANOPY SUPPORTS (5 TOTAL) TO REMAIN. CUT COLUMNS AT 2" ABOVE INTERIOR FINISH FLOOR LEVEL & REMOVE LOWER PORTIONS. TEMPORARY SHORING AS REQUIRED
19	REMOVE EXISTING FAUXBRICK AND SUB-BASE AS REQUIRED FOR NEW WORK
29	REMOVE EXISTING ASPHALT SHINGLE ROOF AND UNDERLAYMENT BACK TO FACE OF EXISTING PLYWOOD ROOF SHEATHING, TYP.

PRELIMINARY DESIGN

NICHOLAS M. LORUSSO
R.A. NO. 034288

DATE	NO.	REVISION RECORD DESCRIPTION	ISSUED BY

DESIGNER : Designer
DRAFTED : Author
CHECKED : Checker
PROJ. NO : 21.1574
SCALE : 3/16" = 1'-0"
DATE : SEPT. 23, 2021

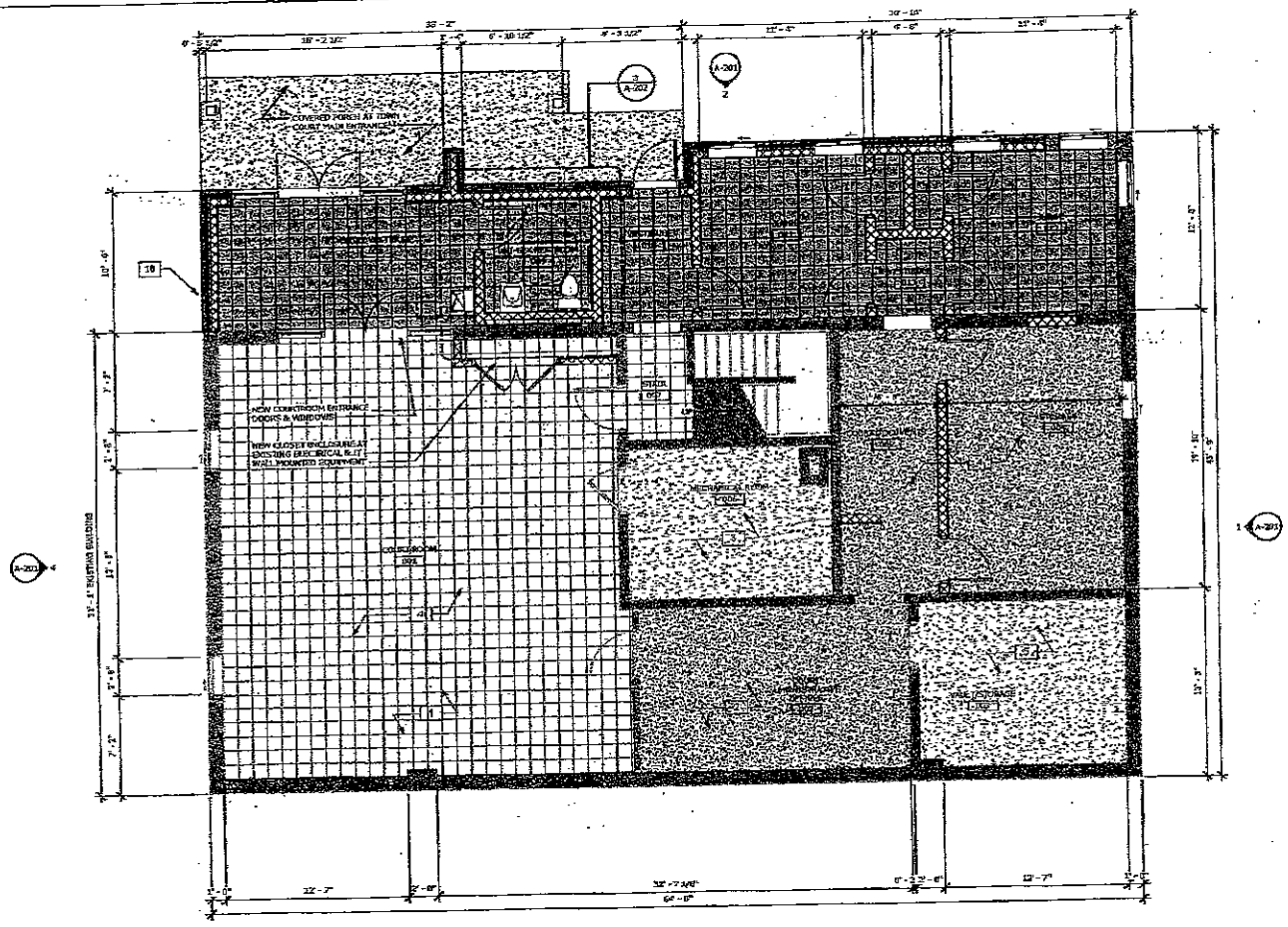
DEMOLITION ELEVATIONS

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF GLAMERSBURG — SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH: 518.786.7400
COBLESKILL, NY - GLENS FALLS, NY - HUDSON FALLS, NY
JOHNSTOWN, NY - REDHOOK, NY - SARATOGA, NY
www.ctmale.com

AD-201
SHEET 02 OF 11
DWG. NO:



NEW CONSTRUCTION KEY NOTES.

NO.	DESCRIPTION
1	RAISED PLATFORM AREA, TBD BY TOWN, CONSIDERATIONS FOR POWER, DATA & LIGHTING
2	UNITED FLOOR & CEILING FINISHES, NEW LIGHTING AND VENTILATION
3	LIMITED WORK, HVAC & ELECTRICAL
4	NEW FLOORING, CEILING, WALLS PAINTED, HVAC & LIGHTING
5	SCOPE OF NEW WORK TBD
6	EXISTING FLOORING TO REMAIN, NEW CEILING, WALLS PAINTED, HVAC & LIGHTING
7	EXISTING FLOORING TO REMAIN, NEW GYP. WALLS PTD, NEW CEILING, WALLS PAINTED, HVAC & LIGHTING
8	EXISTING FINISHES TO REMAIN, REPAIR GYP. SURFACES
9	ADDITIONAL VENTILATION FOR SERVER CLOSET & UNDERCUTTING DOOR FOR FREE AIR MOVEMENT
10	APPROXIMATE NEW ELECTRICAL SERVICE AND DISCONNECT, REFER TO DESIGN NARRATIVE

1 A-101 **BASEMENT PLAN - NEW**
SCALE: 1/4" = 1'-0"

NORTH

PRELIMINARY DESIGN

NICHOLAS M. LOBRISCO
R.A. NYL 0216000

DATE	NO.	REVISION RECORD/DESCRIPTION	ISSUED BY

© 2021
C.T. MALE ASSOCIATES
DESIGNER : ML
DRAFTED : KD
CHECKED : ML
PROJ. NO : 23.0374
SCALE : 1/4" = 1'-0"
DATE : SEPT. 23, 2021

BASEMENT FLOOR PLAN

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF DUANESBURG — SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
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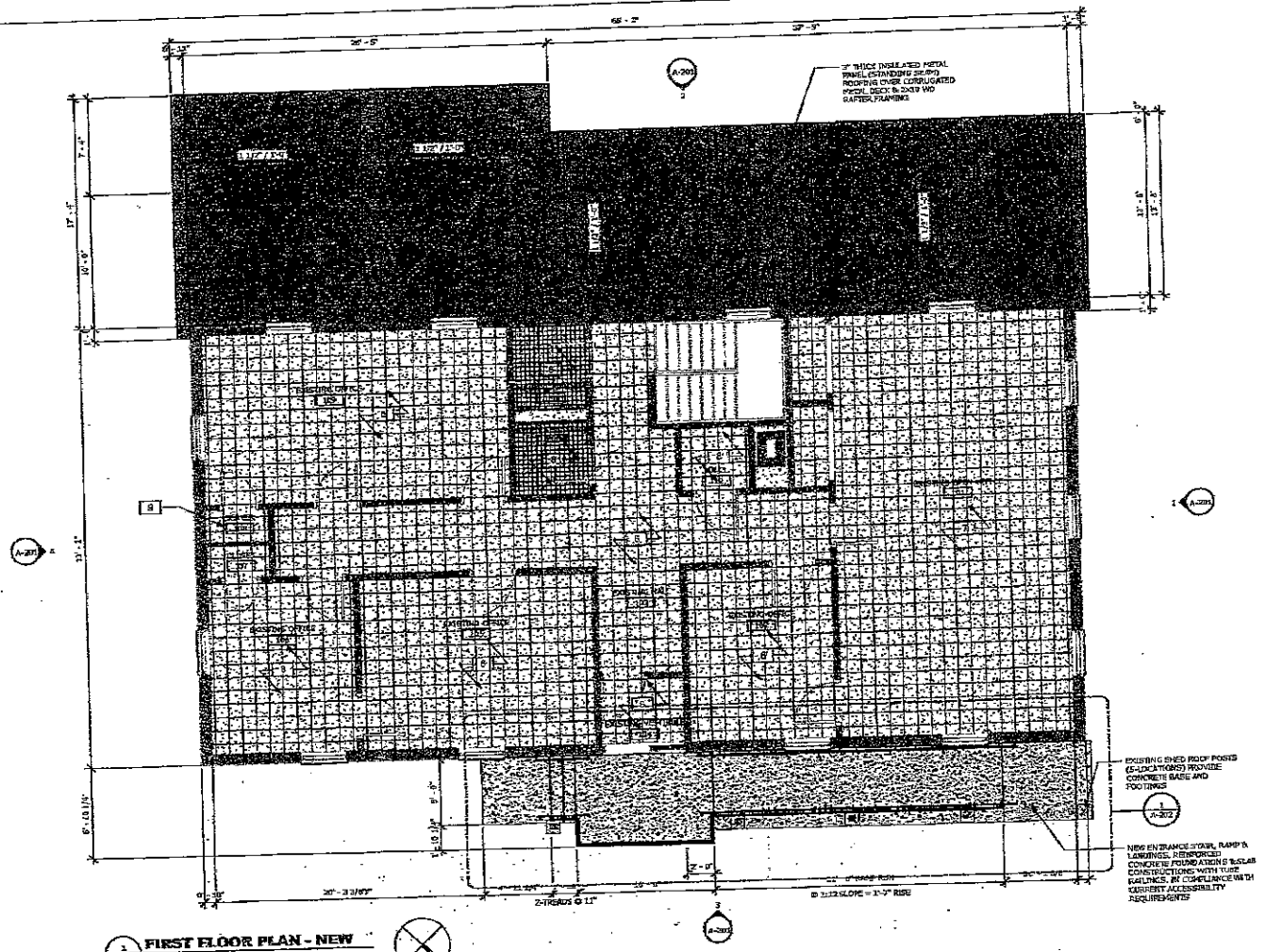
JOHNSTOWN, NY • ROCHESTER, NY • SYRACUSE, NY

A-101
SHEET 07 OF 31
DWG. NO:

NEW CONSTRUCTION KEY NOTES

NO.	DESCRIPTION
1	RAISED PLATFORM AREA, TBD BY TOWN, CONSIDERATIONS FOR POWER, DATA & LIGHTING
2	LIMITED FLOOR & CEILING FINISHES, NEW LIGHTING AND VENTILATION
3	LIMITED WORK, HVAC & ELECTRICAL
4	NEW FLOORING, CEILING, WALLS PAINTED, HVAC & LIGHTING
5	SCOPE OF NEW WORK TBD
6	EXISTING FLOORING TO REMAIN, NEW CEILING, WALLS PAINTED, HVAC & LIGHTING
7	EXISTING FLOORING TO REMAIN, NEW GWB WALLS PTD, NEW CEILING, WALLS PAINTED, HVAC & LIGHTING
8	EXISTING FINISHES TO REMAIN, REPAINT GWB SURFACES
9	ADDITIONAL VENTILATION FOR SERVER CLOSET & UNDERCUTTING DOOR FOR FRESH AIR MAKEUP
10	APPROXIMATE NEW ELECTRICAL SERVICE AND DISCONNECT, REFER TO DESIGN NARRATIVE



FIRST FLOOR PLAN - NEW

SCALE: 1/4" = 1'-0"

PRELIMINARY DESIGN

NICHOLAS M. LOBOSCO
R.A. NO. 034280

DATE	NO.	REVISION RECORD/DESCRIPTION	ISSUED BY

DESIGNER : Designer
DRAFTER : Author
CHECKED : Checker
PROJ. NO : 21.1374
SCALE : 1/4" = 1'-0"
DATE : SEPT. 23, 2021

FIRST FLOOR PLAN

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF DUANESBURG
SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH: 518.786.7400
COBLESKILL, NY - GLENS FALLS, NY - POUGHKEEPSIE, NY
JOHNSTOWN, NY - RED HOOK, NY - SYRACUSE, NY

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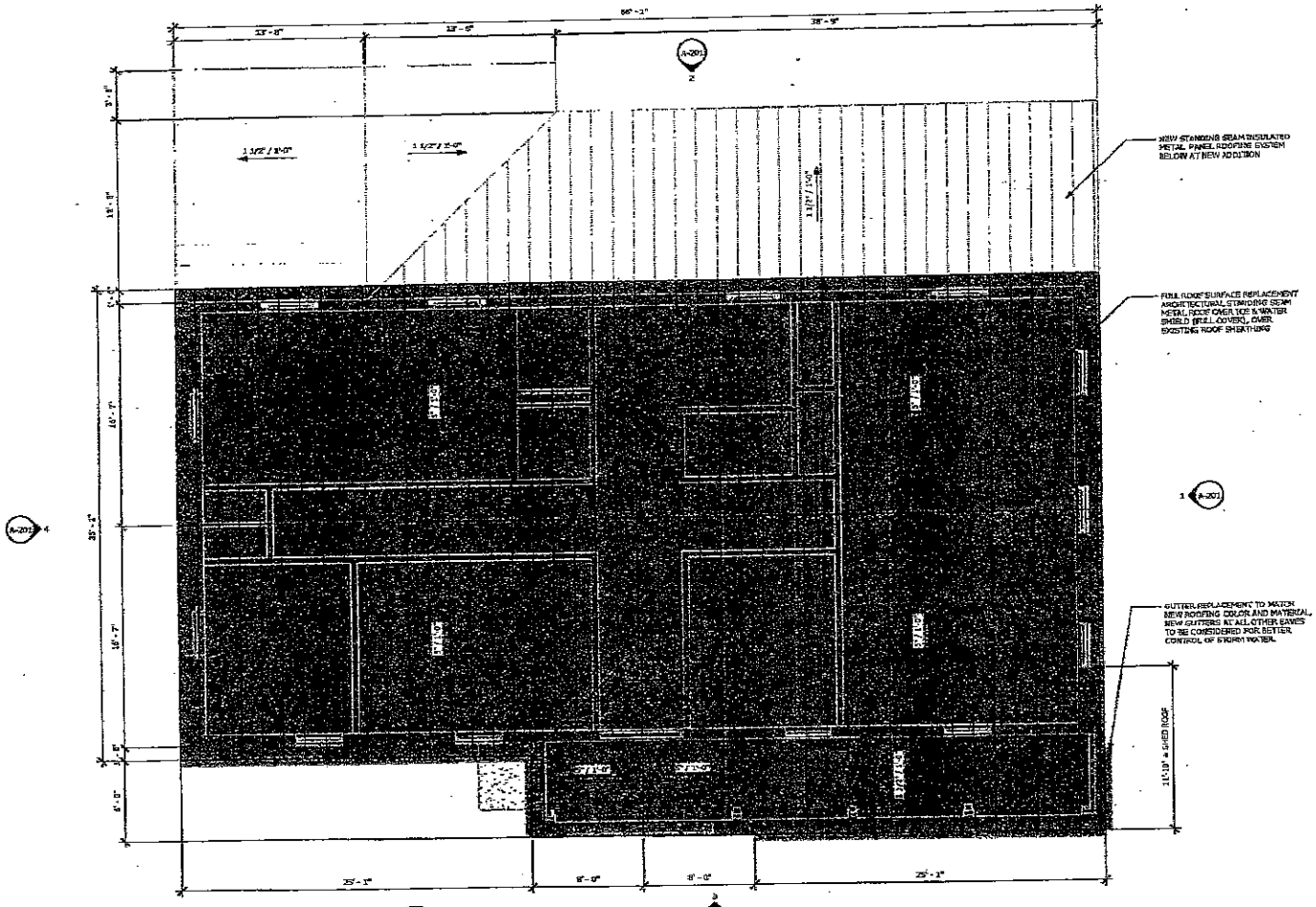

1 ROOF PLAN
A-102 SCALE: 1/8" = 1'-0"

NORTH

PRELIMINARY DESIGN

NICHOLAS M. LOGUSCO R.A. NO. 034269	DATE NO.	REVISION RECORD/DESCRIPTION	ISSUED BY

© 2021 C.T. MALE ASSOCIATES

DESIGNER : Designer
DRAFTED : Author
CHECKED : Checker
PROJ. NO : 21.3374
SCALE : 1/8" = 1'-0"
DATE : SEPT. 23, 2021

ROOF PLAN

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF DUANESBURG — SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
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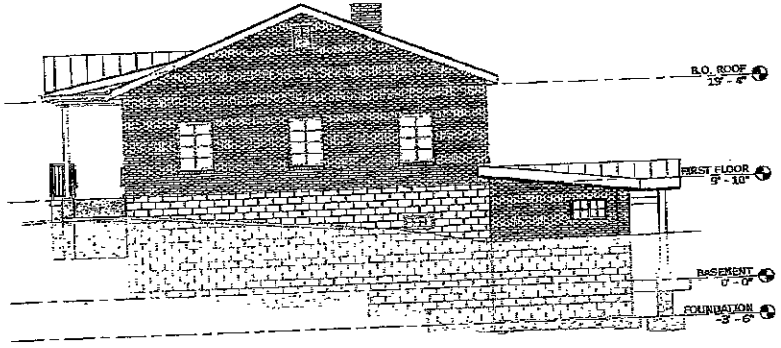
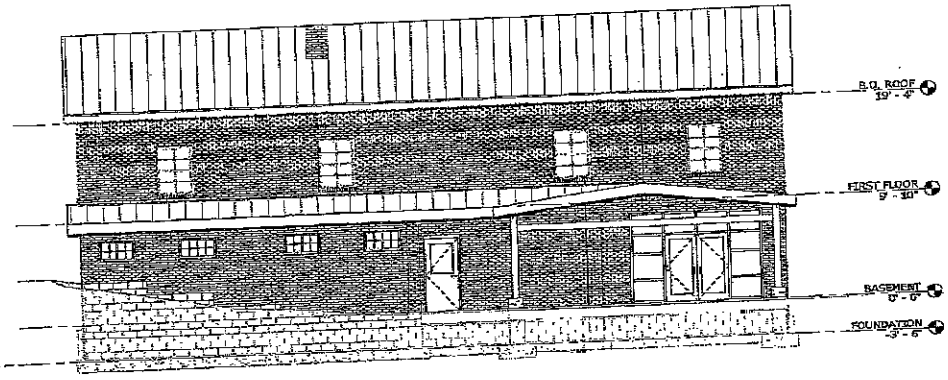
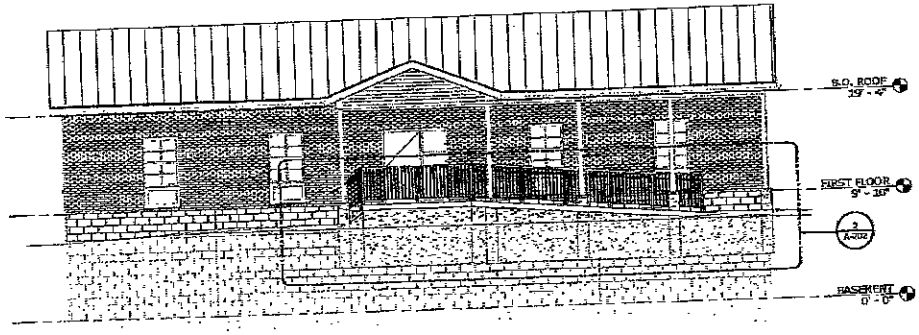
A-103
SHEET 10 OF 11
DWG. No:



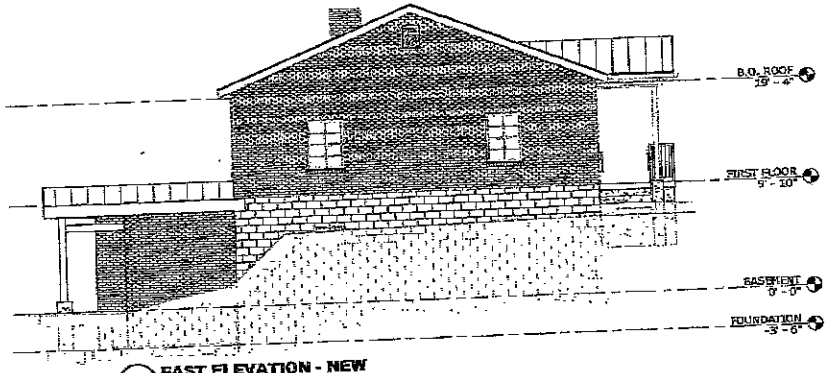
1 A-201 **WEST ELEVATION - NEW**
SCALE: 3/16" = 1'-0"



2 A-201 **SOUTH ELEVATION - NEW**
SCALE: 3/16" = 1'-0"



3 A-201 **NORTH ELEVATION - NEW**
SCALE: 3/16" = 1'-0"



4 A-201 **EAST ELEVATION - NEW**
SCALE: 3/16" = 1'-0"

PRELIMINARY DESIGN

NICHOLAS M. LONOSCO
R.A. NO. 034203

DATE	NO.	REVISION RECORD/DESCRIPTION	ISSUED BY

DESIGNER : Designer
DRAFTED : Author
CHECKED : Checker
PROJ. NO : 121.1374
SCALE : 3/16" = 1'-0"
DATE : SEPT. 29, 2021

ELEVATIONS

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF DUANESBURG — SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, P.C.
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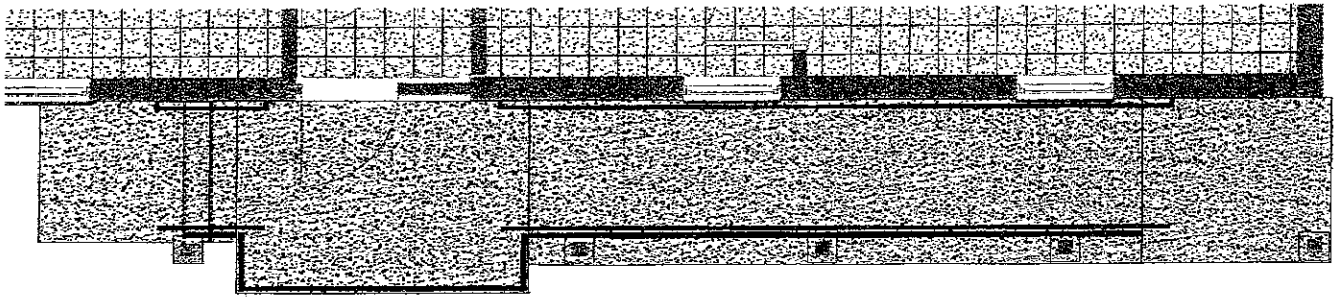
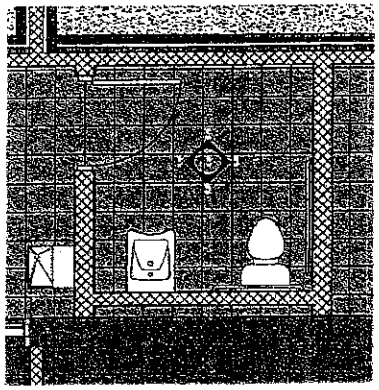
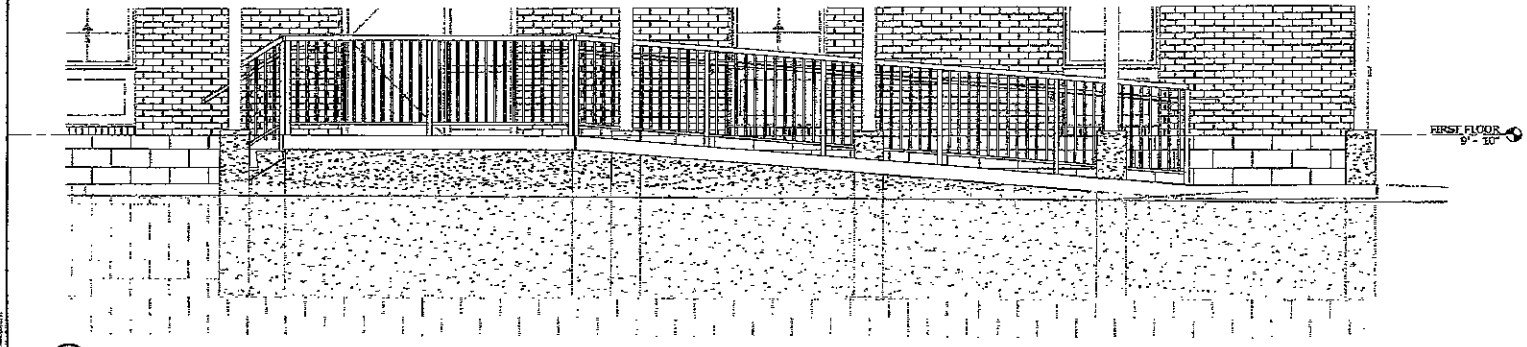
A-201
SHEET 10 OF 11
DWG. NO:



1 A-202 **FIRST FLOOR ENLARGED PLAN**
SCALE: 1/2" = 1'-0"



2 A-202 **ENLARGED RESTROOM PLAN**
SCALE: 1/2" = 1'-0"



2 A-202 **STAIR & RAMP ELEVATION**
SCALE: 1/2" = 1'-0"

PRELIMINARY DESIGN

NICHOLAS M. LOBOSCO
R.A. NO. 094250

DATE	NO.	REVISION RECORD/DESCRIPTION	ISSUED BY

© 2021
C.T. MALE ASSOCIATES
DESIGNER : MML
DRAFTED : GMA
CHECKED : DMD
PROJ. NO : 21.5374
SCALE : 1/2" = 1'-0"
DATE : SEPT. 23, 2021

LEVEL 1 ENTRANCE STAIR & RAMP

TOWN HALL - ADDITION & RENOVATIONS

TOWN OF DUANESBURG — SCHENECTADY COUNTY, NEW YORK STATE

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 FAX 518.786.7100
COHOES, NY - GLENS FALLS, NY - POUGHKEEPSIE, NY
JOHNSTOWN, NY - LAKE PLACID, NY - SYRACUSE, NY

A-202
SHEET 11 OF 13
DWG. NO:

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST

Date: 9/23/2021

PROJECT NAME:	Town of Duanesburg - Town Hall Addition
Building Type:	Town Hall 1 story addition and renovation to 2 story existing
Location:	SCHENECTADY COUNTY, NY
Story Count:	1-New | 2-Existing
Story Height (L.F.):	Varies
Floor Area (S.F.):	800 SF New | 4,200 Existing
Labor Type:	UNION
Cost Per Square Foot:	NA
Building Cost:	$629,134.07

	Quantity	Quantity	Unit	Unit Cost	Cost
SUBSTRUCTURE					$69,950.00
Standard Foundations					
Division 03	Exterior Apron Concrete Frost Walls 4'-0" deep X 8" thick	50	LF	$65.00	$3,250.00
Division 03	Foundation Wall, 4'-0" wall height, pumped, 12" thick	100	LF	$95.00	$9,500.00
Division 03	Strip footing, concrete, reinforced, load 11.1 KLF, soil bearing capacity 6 KSF, 12" deep x 24" wide	100	LF	$45.00	$4,500.00
Division 03	Spread footings & Piers, 4'-0" square x 16" deep	2	Each	$1,500.00	$3,000.00
Slab on Grade					
Division 03	Exterior slab on grade, 5" thick, Moderate Duty, reinforced	150	SF	$18.00	$2,700.00
Division 03	Exterior stair and ramp assembly, concrete & railing, reinforced	240	SF	$120.00	$28,800.00
Division 03	Interior Slab on grade, 5" thick, Moderate Duty, reinforced	800	SF	$22.00	$17,600.00
Excavation & Backfill					
Division 03	Excavate and fill footings and foundatons, 4' deep, sand, gravel, or common earth, on site storage	1200	SF	$0.50	$600.00
BUILDING SHELL					$104,190.00
Roof Construction					
Division 06	Wood Roof Framing, Rafter type 2x10 framing	900	SF	$10.00	$9,000.00
Division 06	LVL & Decorative framing at critical load paths	240	LF	$15.00	$3,600.00
Exterior Walls					
Division 04	Brick Walls, Composite double wyth, standard face with CMU backup & insulation/air cavity	800	SF	$52.00	$41,600.00
Exterior Windows					
Division 08	Windows, vinyl to match existing, insulated	3	Each	$1,500.00	$4,500.00
Exterior Doors					
Division 08	Door, steel 18 gauge, hollow metal, 1 door with frame, no label, 3'-0" x 7'-0" opening	1	Each	$2,100.00	$2,100.00
Division 08	Door, Aluminum & Insulated Glass with stransom, sidelights, doubldoors with hardward	1	Each	$6,000.00	$6,000.00
Roof Coverings					
Division 07	Insulated Metal Roof Panel (3.25" thick)	900	SF	$15.00	$13,500.00
Division 07	Metal Roof Panel - Replacement with underlayment	1200	SF	$7.75	$9,300.00
Division 07	Roof edges, aluminum, duranodic, .050" thick, 12" face	400	LF	$24.00	$9,600.00
Division 07	Gutters, box, steel, galvanized, 26 ga thick, 6", mill finish	400	LF	$10.00	$4,000.00
Division 07	Downspout, steel, rectangular, corrugated, 3" x 4", epoxy coated, 24 ga thick	100	VLF	$9.50	$950.00
BUILDING INTERIORS					$54,185.00
Partitions					
Division 04	Concrete block (CMU) partition, regular weight, hollow, 6" thick, no finish	425	SF	$12.00	$5,100.00
Interior Doors					
Division 08	Door, single leaf, wood frame, 3'-0" x 7'-0" x 1-3/8", birch, solid core	8	Each	$1,350.00	$10,800.00
Division 08	Door, Aluminum & Glass with stransom, sidelights, doubldoors with hardward	1	Each	$4,000.00	$4,000.00
Wall Finishes					
Division 09	Painting, masonry or concrete, latex, brushwork, primer & 2 coats	3200	SF	$1.50	$4,800.00
Division 09	Painting, masonry or concrete, latex, brushwork, addition for block filler	2400	SF	$1.25	$3,000.00
Floor Finishes					

Division 09	Vinyl, composition tile, maximum	2000	SF	$2.83	$5,660.00
Ceiling Finishes					
Division 09	Acoustic ceilings, 5/8" fiberglass board, 24" x 48" tile, tee grid, suspended support	2800	SF	$7.00	$19,600.00
Division 09	Gypsum Board Ceiling, painted at entrance lobby	150	SF	$9.50	$1,425.00
					$16,900.00
PLUMBING					
Plumbing Fixtures					
Division 22	Water closet, vitreous china, bowl only with flush valve, wall hung	1	Each	$2,900.00	$2,900.00
Division 22	Lavatory w/trim, wall hung, PE on CI, 19" x 17"	1	Each	$1,800.00	$1,800.00
Division 22	Water cooler, electric, wall hung, wheelchair type, 7.5 GPH	1	Each	$2,200.00	$2,200.00
Domestic Water Distribution					
Division 22	Oil fired water heater, commercial, 100< F rise, 120 MBH input	1	Each	$10,000.00	$10,000.00
					$126,400.00
HVAC					
HVAC Package Unit					
Division 23	Pad Mounted Multizone packaged heat pump	3200	SF	$32.00	$102,400.00
Fin Tube Radiation					
Division 23	Additional and replacement fin tube	1	LS	$10,000.00	$10,000.00
Other HVAC Systems/Equip					
Division 23	Supplemental Split system AC Unit at Courtroom	1	Each	$12,000.00	$12,000.00
Division 23	Office Core and Bathroom Exhuast System	1	Each	$2,000.00	$2,000.00
					$126,400.00
ELECTRICAL					
Service/Distribution					
Division 26	Overhead service Modifications 240/120-volt, 200-amp	1	Each	$5,000.00	$5,000.00
Division 26	Feeder installation 240/120-volt, 200-amp	20	Each	$50.00	$1,000.00
Division 26	Switchgear installation 240/120-volt, 200-amp	1	Each	$8,000.00	$8,000.00
Lighting and Branch Wiring					
Division 26	Receptacles incl plate, box, conduit, wire, 16 per 1000 SF, 2.0 watts per SF	800	SF	$4.50	$3,600.00
Division 26	Miscellaneous power, 1.2 watt	800	SF	$0.50	$400.00
Division 26	Central air conditioning power, 6 watts	3200	SF	$1.25	$4,000.00
Division 26	LED fixtures recess mounted in ceiling, 1.6 watt per SF, 40 FC, 10 fixtures	50	Each	$190.00	$9,500.00
Communications and Security					
Division 27-28	Communication and alarm systems, fire detection, addressable, 25 detectors, includes outlets, boxes, conduit and wire	800	SF	$2.50	$2,000.00
Division 27-28	Fire alarm command center, addressable with voice, excl. wire & conduit	1	Each	$500.00	$500.00
Division 27-28	Internet wiring, 4 data/voice outlets per 1000 S.F.	800	SF	$0.50	$400.00
Other Electrical Systems					
Division 26	Emergency Lighting and Detection equipment	1	LS	$12,000.00	$12,000.00
			15.83%	$46.65	$40,000.00
SITEWORK					
Site Development					
	Contingency for pavement repair around excavations	1	LS	$4,000.00	$4,000.00
	Contingency for Stormwater Magement	1	LS	$8,000.00	$8,000.00
	Contingency for Site Sidewalks	1	LS	$4,000.00	$4,000.00
					$434,185.00
SubTotal			**5.00%**		**$21,709.25**
GENERAL CONDITIONS			**20.00%**		**$91,178.85**
CONTRACTORS OVERHEAD AND PROFIT			**15.00%**		**$82,060.97**
DESIGN CONTINGENCY ALLOWANCE					
Total Building Cost					**$629,134.07**

AIA® Document G802™ – 2017

Amendment to the Professional Services Agreement

PROJECT: *(name and address)*
Town Hall Addition
5853 Western Turnpike
Duanesburg, NY 12056

AGREEMENT INFORMATION:
Date: August 5, 2021

AMENDMENT INFORMATION:
Amendment Number: 001
Date: September 23, 2021

OWNER: *(name and address)*
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

ARCHITECT: *(name and address)*
C.T. Male Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 Century Hill Drive
Latham, NY 12110

The Owner and Architect amend the Agreement as follows:
Final Design, Bid Phase and Construction Administration phase services as outlined in the attached AIA B201 Standard Form of Architect's Services: Design and Construction Contract Administration.

The Scope of Work is based on the Preliminary Design Phase Documents, dated September 23, 2021 and include:

- Preliminary Design Drawings (12 Sheets)
- Preliminary Design Narative (13 pages)
- Preliminary Opinion of ProbableConstruction Cost, (2 pages)

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

Design Phase:	$ 56,100.00
Bid Phase:	$ 4,250.00
Construction Administration Phase:	$ 22,750.00
Cost Estimate Contingency:	$ 6,000.00
TOTAL FEE:	$ 89,100.00

Schedule Adjustment:
No Schedule has been developed at this time.

SIGNATURES:

C.T. Male Associates	Town of Duanesburg
ARCHITECT *(Firm name)*	**OWNER** *(Firm name)*
SIGNATURE	**SIGNATURE**
Nicholas Lobosco, R.A.	
PRINTED NAME AND TITLE	**PRINTED NAME AND TITLE**
9/23/2021	
DATE	**DATE**

September 23, 2021

PRELIMINARY DESIGN NARRATIVE

Town of Duanesburg
Addition & Renovations
Existing Town Hall Facility

5853 Western Turnpike
Duanesburg, New York

Prepared for:

Town Board
TOWN OF DUANESBURG
5853 Western Turnpike
Duanesburg, NY 12056

Prepared by:

C.T. MALE ASSOCIATES
50 Century Hill Drive
Latham, New York 12110
(518) 786-7400
FAX (518) 786-7299

C.T. Male Associates Project No: 21.1374

TOWN OF DUANESBURG
ADDITION & RENOVATIONS - EXISTING TOWN HALL

TABLE OF CONTENTS

1.0 SITE ENGINEERING

1.1 Existing Conditions

A. Existing conditions are limited to the original property site plan developed as part of the original town hall construction work, dated February 1, 1967.

B. Existing public utilities available are limited to electrical and telecom/data.

C. Existing water is provided via a shared well with the Town Highway department. The town has indicated the well is likely not adequate for continued use.

D. Existing sanitary lines lead to a recently upgraded septic field to the south of the town hall. Upgrades were performed by the Public Works Department. No information on size and level of improvements have been provided at this time.

1.2 Description of New Work

A. Limited excavation at new addition and renovations to the existing first floor entrance ramp/stair assembly.

   a. Existing construction documents have no significant geotechnical information.

B. Paving and expansion of lower level parking by Town.

C. Limited re-grading to be performed within 5 feet of new work.

D. Stormwater Management to be determined. Recommend providing gutters and downspouts at all existing and proposed roof eaves with considerations for tying into a site storm system.

E. Hardscape limited to exterior entrance landings and stretch of sidewalks to existing parking areas. Coordination required between town performed work and extents of publicly bid work scopes.

F. Well Water (domestic) – initial discussions with Town indicating they'd consider contracting directly for a new well and have it staged for connection under publicly bid work scope.

G. Sanitary (domestic) – Tie in to existing septic with new sanitary system limited in nature. Existing septic system to remain undisturbed. Town highway superintendent to provide as-built documentation to C.T. Male for review and verification.

H. Site Electrical – discussed under the Electrical Narrative.

I. SWPPP – not required (less than 1.0 acre).

2.0 ARCHITECTURAL SYSTEMS

2.1 Roofing

A. The existing roof has been identified by the town as reaching the end of its useful life and shall be included as a separate line item for demolition and new roof installation.

   a. The existing asphalt shingle roof and underlayment shall be removed back to the existing roof sheathing layer. The roof sheathing is to be inspected prior to covering with new roofing system.

   b. Adjacent flashing to be removed as required.

   c. A new standing seam metal roof matching color and style of roofing system selected for new roof areas.

   d. Ice and water shield membrane to be installed at a minimum depth of 3-4 ft at all eaves, ridges, hips and roof edges. Recommend the membrane be provided for full coverage of roof prior to install of standing seam roofing.

   e. Adjacent flashing, drip edges and gutters to be replaced as required for continuity of new work.

B. The new basement level addition to be provided with a new 3.25″ thick insulated metal panel roof (w/standing seams) with a minimum R-value of R-26.

   a. Energy Code Compliance requires a minimum R-38. The balance of insulation to be provided via batt insulation within 2x10 rafters.

   b. Roof gutters and downspouts to be installed throughout with adjacent building graded to discharge storm water away from the building. Considerations to be made to account for limited site regrading to ensure positive drainage.

   c. Fascia trim and soffit materials to be provided to complement the existing building finishes.

2.2 Exterior Walls

A. Existing exterior walls to remain with limited modification to accommodate new work. Existing walls are typically:

   a. Basement level wall include 12″ thick CMU block walls at retaining wall locations, and 8″/6″ CMU block walls with 4″ brick veneer (no cavity insulation).

   b. First Floor level walls typically consist of 4″ CMU block walls, 1″ rigid insulation, 1″ air gap and 4″ brick veneer.

B. Proposed new exterior walls will be constructed of a similar assembly type with modifications to account for current building code and energy code compliance. 6" CMU block walls, 1.25"air gap, 2.5" rigid insulation & 4" brick veneer to match existing. Rigid insulation layer to align with foundation layers to provide continuous insulated thermal barrier.

2.3 Exterior Stair and Ramp

A. As noted under the structural systems, the new exterior stair shall be built utilizing concrete stair, landing and ramp assemblies, painted pipe tube railing assemblies and accessories as required to provide code compliant accessible access to the existing first floor areas. Existing exterior walls to remain with limited modification to accommodate new work.

B. Handrail assemblies to be provided at required heights on each side of ramp and stair runs.

C. Guardrail assemblies to be provided on open sides of stairs, ramps and elevated landing.

D. Adjacent pavement parking and access to the building to be regraded as required to align with new grade landings.

E. New elevated landing outside main entrance to be sized adequately to provide code compliant clearances around the open door when accessing the landing from the stair side.

F. Pavement markings and striping to be provided to ensure adequate clearances around the new construction. Recommendations for concrete filled pipe bollards to be provided as a vehicle impact protection is recommended along the length of the front of the building.

2.4 Interior Floor Finishes

A. Existing first floor areas to remain generally undisturbed. With no modifications to existing wall and door layout, as well as good condition of hallway and most office areas, it is recommended a heavy duty cleaning be provided at the completion of new work. A contingency should be considered to accommodate replacement of tile at limited rooms showing greater wear than others.

B. Existing basement level floor areas to have all existing VCT tile and carpet removed back to the existing concrete floor slab. Recommended installation of new VCT or LVT floor tiles at all areas.

C. New basement level floor areas to be provided with new sub-base material, vapor barrier, reinforced concrete slab and VCT floor tile.

2.5 Interior Wall Finishes

A. Existing interior walls are typically painted CMU block walls, with small amounts of wood paneling, drywall and ceramic tile.

   a. Existing CMU walls to be prepped and repainted throughout.

   b. Areas of wood paneling to be removed and either painted drywall installed, or the exposed CMU block is to be painted.

   c. Ceramic tile at bathrooms to remain as is.

   d. Existing drywall walls in basement are scheduled to be removed.

B. New interior walls are to be painted CMU block wall finishes.

C. Existing exterior brick walls enclosed by new addition to be cleaned, prepped and painted to match color selections used elsewhere.

2.2 Interior Ceiling Finishes

A. Existing first floor ceilings consist of painted gypsum wall board (GWB) ceilings and acoustical tile ceilings. Acoustical ceiling tiles to be removed at applicable areas and either a new painted GWB ceiling, or new suspended acoustical ceiling tile system installed to accommodate new mechanical and lighting systems.

B. All existing suspended ceiling at basement to be removed and new suspended ceilings installed to accommodate new mechanical and lighting systems.

C. New addition to be equipped with

   a. Vaulted drywall ceiling at entrance vestibule to act as a continuation of exterior porch soffit. Refer to renderings.

   b. Suspended ceiling at all remaining interior locations. Height of suspended ceiling at new addition subject to change due to size of mechanical duct work supply and return runs which will feed all new and existing spaces at the basement level.

2.2 Doors and Windows

A. All Existing doors, interior and exterior to remain with the exception of:

   a. Two doors at interior basement walls being removed.

   b. One exterior door at basement level from stair to exterior.

   c. One storefront door and window assembly at basement level from courtroom to exterior.

   d. Two basement level windows to be removed.

B. New doors and windows to be provided to match existing door and window assembly style and type. All new windows and doors to comply with current building code and energy code requirements.

3.0 STRUCTURAL SYSTEMS

3.1 Foundations

A. Narrative is based on common design practices and assumed adequacy of existing site/soil bearing capacity.

B. 8″ thick cast-in-place reinforced concrete foundation walls on 2′-0″ wide continuous concrete footings at all four sides and designated interior load bearing walls. Foundation walls and footings to align with depth of existing foundation.

   a. Preliminary design approach includes sandwiching rigid insulation between the cast in place concrete foundation and a 4″ thick CMU shelf to carry the brick veneer load above.

   b. Preliminary design approach to include interior load bearing CMU walls and interior shear walls to carry proposed addition roof loads and wind loads rather than rely on existing walls to carry new loads.

C. 4-5″ thick reinforced concrete slab on grade with either a welded wire fabric or rebar mat.

D. Cast in place, reinforced concrete stair, ramp and landing at existing first floor entrance to support accessibility compliance to upper floor.

   a. New concrete piers and foundations at existing roof canopy columns. Columns to be cut back to a height above existing grade to protect wood from winter conditions.

   b. Painted Tube-steel handrail assemblies as required by accessibility standards and building code requirements.

   c. Stair nosing strips

E. Additional frost-protected apron pads at main entrance and exterior door landings.

F. Additional equipment pads at proposed mechanical equipment.

G. New and/or relocation of existing light posts including new concrete bases are assumed to be performed by Town as part of any parking expansion and repaving of the lower lot.

   a. Subject to new parking extents, light posts to be provided with impact resistant bases, or bollards.

3.2 Wall and Roof Structures

A. Walls to be similar to existing cavity wall assembly utilizing 6"-8" CMU block walls to carry roof loads.
   a. Masonry reinforcement as required based on loading and best practices.
   b. Steel lintels at proposed door and window headers.

B. Roof framing
   a. 2x10 framing spaces as required to carry proposed roof loads.
   b. Additional LVL beams as required based on roof loads.
   c. 1-1/2" metal roof deck.
   d. Semi-decorative post/beam assembly at entrance canopy.

C. Interior Walls constructed of reinforced 6" CMU block.

4.0 PLUMBING

4.1 Existing Conditions:

A. Hot water is provided by a low-boy, tank-type, electric water heater located in the lower-level mechanical room.

B. The existing hot water heater is 4500-watts at 240-volts, single-phase.

C. The existing water service appears to be a 3/4 -inch feed from an onsite well.
   a. The water supply is small for the existing use.

D. The location of the well could not be identified but is suspected to be at the adjacent highway garage.

E. Sanitary is directed from the building to a septic tank located approximately 25-feet to the south of the existing building.

F. Waste, drain, and vent piping is a combination of copper and iron pipe.

4.2 Preliminary Plumbing Fixtures and Equipment:

A. Upgraded water service should be considered to support the proposed building. The proposed building should include at least a 1-inch service.

B. New plumbing fixtures shall be high-efficiency low-flow type.

C. Flush systems shall be tank type to accommodate small water service volumes.

D. Drain, waste, and vent piping shall be renovated to accommodate proposed floorplan.

E. All DWV piping shall drain by gravity to the existing septic system.

F. The existing, electric, tank-type water-heater shall be reused.

G. Cold and Hot water distribution shall be revised to accommodate the proposed floorplan.

4.3 Automatic Fire Suppression System

A. Not Required.

5.0 MECHANICAL

5.1 Existing Conditions:

A. Heating by hydronic baseboard system around perimeter of existing building footprint.

B. Hydronic heating system is zoned into four heating zones (thermostats).

C. Heating hot water is produced by one, oil-fired, hot-water boiler. Existing capacity of 143MBH (Net IBR).

D. Heating boiler is 20 years old (circa 2001), is in good condition, has about 5-10 years of remaining useful life.

E. Heating system distribution piping is in good condition.

F. Heat distribution is by copper pipe with fin tube baseboard heating elements.

G. HVAC control is by programmable, electro-mechanical thermostats.

H. Cooling is by portable window air conditioning units.

I. Ventilation is by operable windows.

5.2 Proposed Work Scope:

A. Provide ground mounted packaged heat-pump adjacent to the building.

   a. The packaged unit will supply cooling, ventilation, and swing season heating.

   b. Packaged unit will be sized to service the cooling load for the existing building footprint along with the proposed addition. Expected capacity of 10 nominal tons of cooling.

   c. The packaged unit will provide fresh mechanical ventilation to the occupied zones.

   d. Mechanical ventilation will be provided at a rate exceeding code requirements to enhance Indoor Air Quality in the occupied spaces.

e. The packaged unit will be sized to accommodate high-performance air filtration of MERV-13 or better to enhance IAQ or recirculated air.

f. The packaged unit will include electric resistance heat sufficient to "temper" the ventilation air under peak heating load conditions.

g. The packaged unit will include economizer option, humidity control option, and energy-recovery option. Energy recovery will allow increased ventilation for better indoor air quality.

B. Peak and supplemental heating shall be by hydronic fin-tube.

a. Fin-tube elements and piping in the existing footprint will be replaced to accommodate the revised floor plan.

b. Fin-tube elements and piping will be extended into the proposed addition.

C. A second (new) oil-fired heating boiler will be added to manage the additional heating load of the proposed addition. Expected Net IBR of 120-MBH.

a. The existing boiler will remain in service, with plans for its replacement at the end of its service life.

b. The new boiler will be sized for 2/3 of the total building peak heat load and operate lead-lag with the existing boiler.

c. Hydronic heating will operate as second stage heating.

D. Zone temperature control shall be by programmable, electro-mechanical, heat-pump thermostats.

E. The system will be designed for at least six thermal zones. Three upper-level and three lower level.

F. A wall or ceiling type split system air conditioning unit will be provided to offset people load in the court-room. This unit will be cooling only.

G. The existing 275-gallon heating oil storage tank shall be reused and relocated to accommodate the proposed floorplan.

5.3 General HVAC Concept Considerations

A. The proposed systems are included to upgrade the indoor air quality while maintaining good overall building energy performance. Based on the current environment it is prudent to improve ventilation, filtration, and to control humidity. The proposed system aims to maximize the HVAC system to provide enhanced indoor air quality. To that end:

a. Ventilation (fresh air) shall be better than code with a goal of 1.8 air changes per hour.

b. Filtration shall be designed to achieve a MERV-13 or better level of performance using a combination of filters and cleaners for all air recirculated by the HVAC system.

c. Space air distribution sufficient to provide good air mixing within the occupied zone.

6.0 ELECTRICAL

6.1 Existing Electrical Service

A. The existing 240/120-volt, 200-amp, single phase electrical service is fed to the Town Hall's east wall from a National Grid street pole.

B. The building's meter is located at the rear (south side of building) near the Court Room's single rear entrance. This meter then feeds into the Service Disconnect located on the inside wall at the rear of the Court Room and is located adjacent to the building's telecommunications equipment.

C. The Service Disconnect feeds the main building electrical panel (newly designated PP-2 in this report) located in the second level main hallway and a small sub-panel directly above the Service Disconnect that supplies power to building exit signs and exterior lighting.

6.2 Proposed Power Distribution

A. Electrical design to be in accordance with National Electric Code (NEC – NFPA70 (2017)), NYSBC (2020) and 2020 ECCNYS.

B. New Addition to be equipped with computer receptacles and convenience receptacles.

C. Disconnects provided throughout as required for specialty outlets, HVAC and other dedicated circuits.

D. The building's electrical meter will be replaced in kind and moved to the new addition's exterior east side wall.

E. A new NEMA 3R Fused Service Rated Disconnect will be installed directly adjacent to the new Service Meter.

F. The new Service Disconnect will feed a new 240/120-volt, 100-amp, 24 circuit panel with a 100-amp main circuit breaker (MCB) to be designated PP-1 and located in the new electrical closet located on the east side of the Entry Vestibule.

   a. The loads currently being fed by an existing small sub-panel above the existing Service Disconnect are to be moved to PP-1.

b. PP-1 will also be used for any new mechanical equipment loads, including but not limited to the new HVAC equipment.

G. The existing 100-amp electrical panel, to be designated PP-2, which is currently fed from the existing Service Disconnect will be fed from the new Service Disconnect.

6.3 Lighting Systems

A. Existing interior lighting is to be replaced in kind with 2x4 recessed, and 1x4 surface mounted, high efficiency LED equivalent fixtures.

B. New fixtures are to be connected to new occupancy sensors to comply with the NY Energy Conservation Constriction Code (NYSECCC).

a. Cost savings alternate can be achieved by having the fluorescent fixtures remain in place with only the (assumed) T8 bulbs being replaced by LED T8 equivalent bulbs.

C. Additional high efficiency LED exterior lighting fixtures along the rear wall will be added to provide additional parking lot lighting. This lighting will be fed from panel PP-1.

a. This lighting will be connected to a new photo sensor installed on the south wall of the building and connected to the existing exterior lighting.

6.4 Life Safety, IT/Data and Security System

A. Communications and telecom circuits that are currently mounted to the south wall of the Court Room are to be relocated to the new electrical closet on the east wall of the Entry Vestibule. Changes and additional capacity to be coordinated with the local service provider to the Towns systems.

APPENDIX A - PRELIMINARY DESIGN DRAWINGS

Included under separate cover.

APPENDIX B - PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST

Included under separate cover.