

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

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

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

RECEIVED
JUN 22 2022
TOWN OF DUANESBURG
TOWN CLERK

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

INTRODUCTION:

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

OPEN FORUM:

Nelson Gage opened the open forum.

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

PUBLIC HEARINGS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS:

None

New Business:

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

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

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

Gage/Ganster made a motion that the **#22-05 Dunnsville Rod and Gun Club** application is and exempt Type II action pursuant to Title 6 NYCRR Section 671.5(c)(16).

No further action pursuant to SEQRA is required.

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

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

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

OTHER:

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

MINUTES APPROVAL:

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

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

ADJOURNMENT:

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

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

SECTION 13

SUPPLEMENTAL REGULATIONS

13.1 SPACE REGULATIONS

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

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

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

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

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

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

13.2 OFF-STREET PARKING

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

13.2.1 Minimum spaces required for off-street parking:

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

Dwelling

Two (2) per unit.

Melissa Deffer

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

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

Good afternoon,

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

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

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

Thanks in advance.

Lou Ann

ZONING COORDINATION REFERRAL

For Use By SCDEDP

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

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

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

Municipality:
Town of Duanesburg

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

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

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

☐ Special Permit
☐ Use Variance
☒ Area Variance
☒ Other (specify) _____

MAY 10 2022

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: May 17th, 2022

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

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

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

SUBMITTED BY:

Name: Melissa Deffer

Title: Planning/Zoning Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: mdeffer@duanesburg.net

Phone: (518) 895-2040

Date: _____

Signature



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-02-22

Applicant Oakhill Solar

Referring Officer Melissa Defer

Municipality Duanesburg

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

RECOMMENDATION

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

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

☒ **Advisory Note:**

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

☐ Disapprove. Reason:

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

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

5/11/22

Date

Ray Gilen / SP
Ray Gilen, Commissioner
Economic Development and Planning

PO Box 160
Quaker Stret, NY 12141

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

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

Dear Nelson Gage and the Zoning Board,

Susan Biggs 13388 Duanesburg Road,, Delanson, NY 12053

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

I am the fourth generation of my family owning:
Tax parcel 74.00-3-18, which is 91 acres and shares approximately 2,000 feet in length property line to Oak Hill Solar 2, LLC.
Tax parcel 74.00-3-16.3, which is 22 acres and shares approximately 500 feet in length property line to Oak Hill Solar 2, LLC

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

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

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

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

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

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

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

Zoning Ordinance

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

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

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

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

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

14.5.3.12 The zoning board may impose performance standards

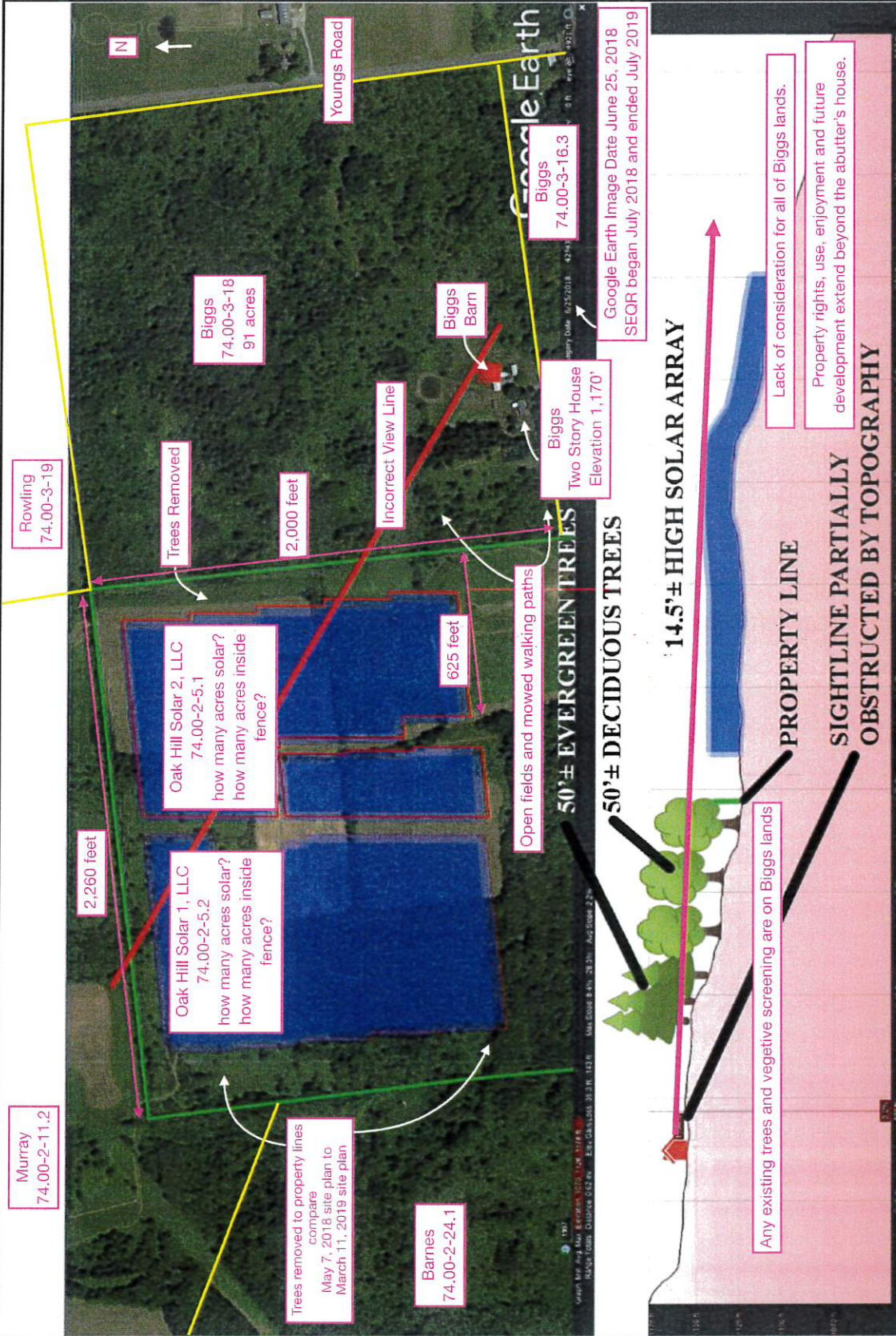
The Applicant has removed existing vegetative screening from the majority of the two project's sites. There is no method to screen the unsightly eight feet in height fence, the noisy 14.5 feet in height tracking solar arrays and the 53 feet in length battery energy storage containers and associated electrical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

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

Thank you for your time and consideration.

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

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



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



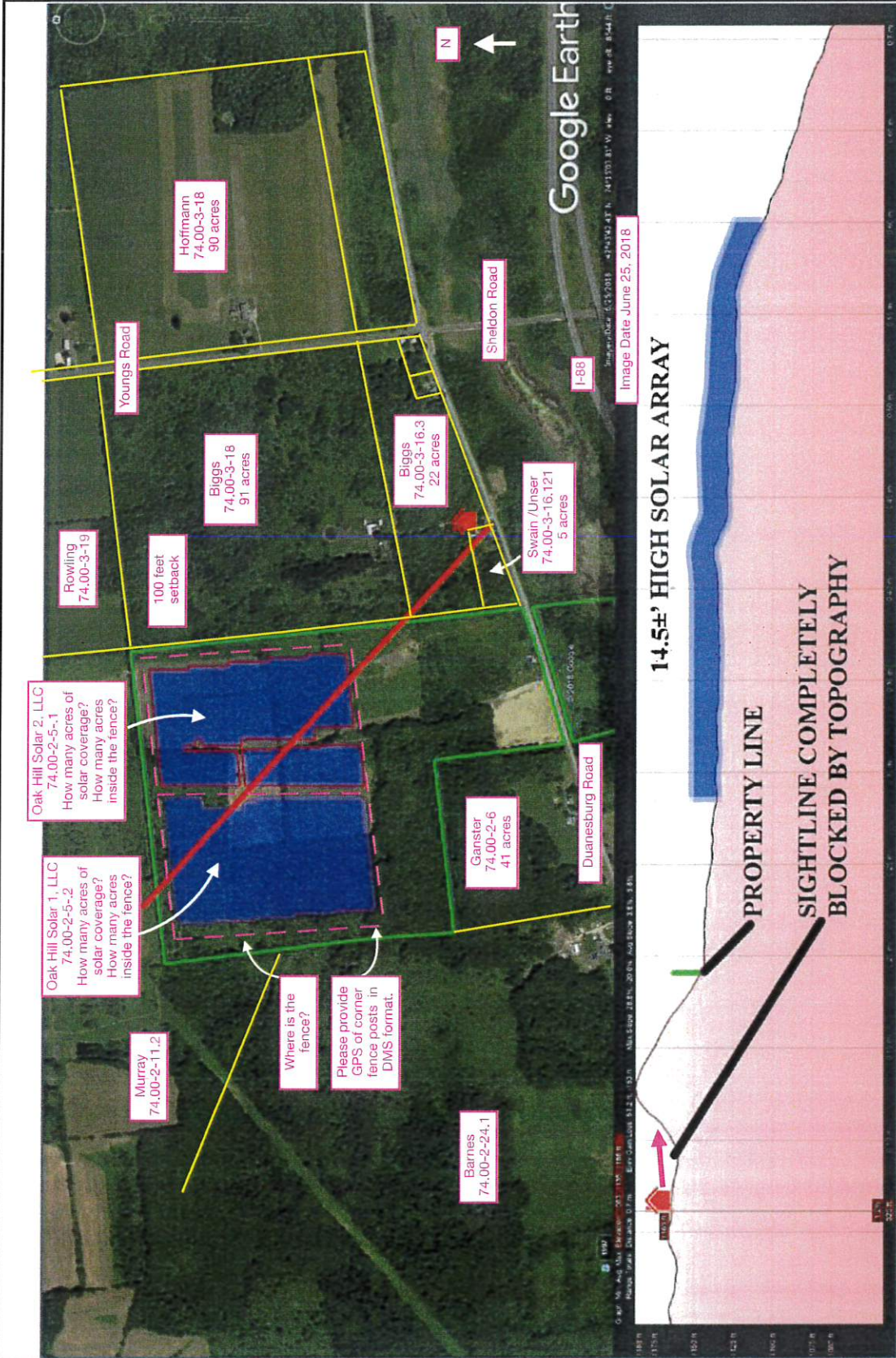
Oak Hill Solar Project Visual Impact Assessment

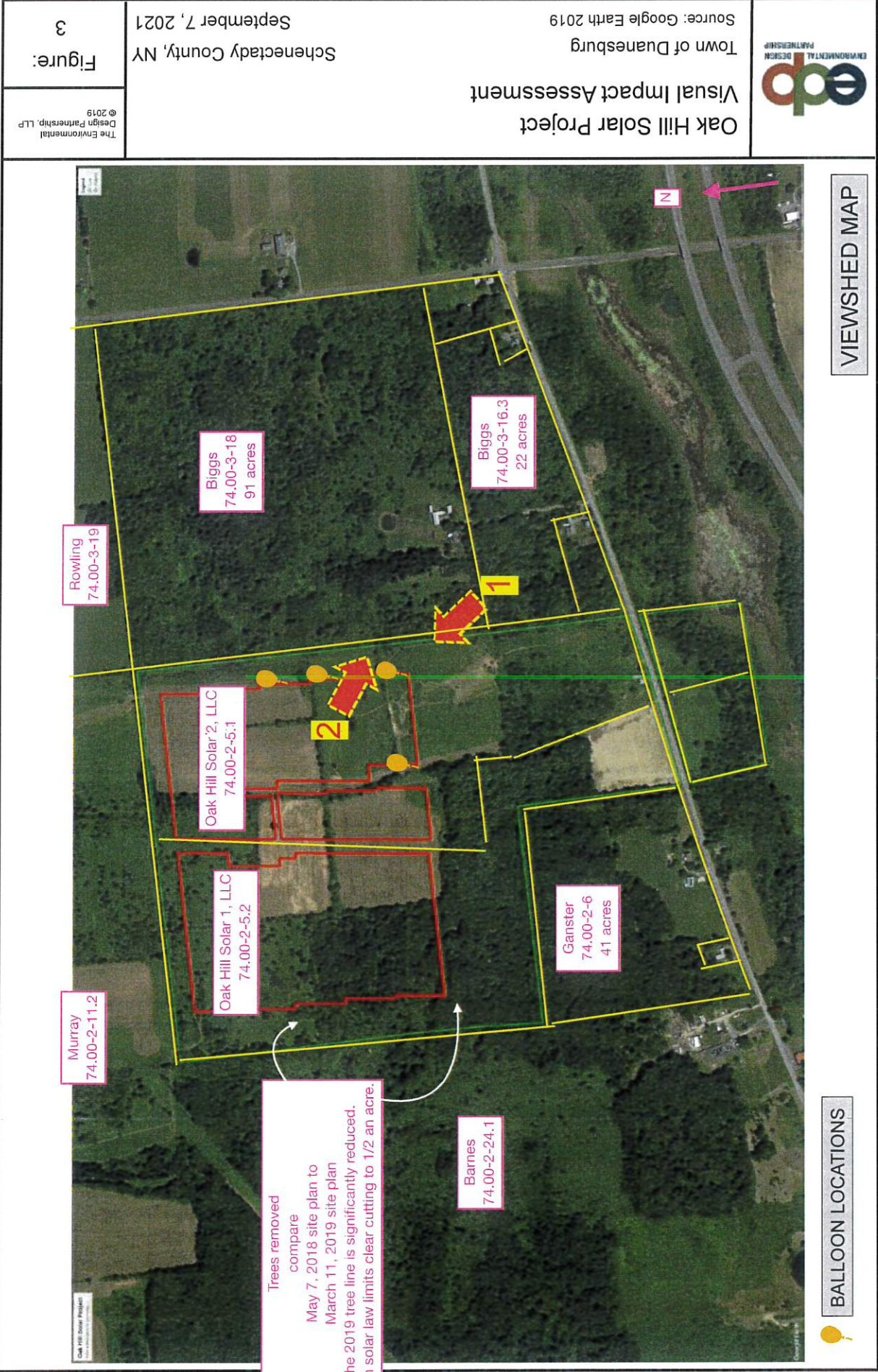
Town of Duaneburg
Source: Google Earth 2019

Schenectady County, NY
September 7, 2021

The Environmental
Design Partnership, LLP
© 2019

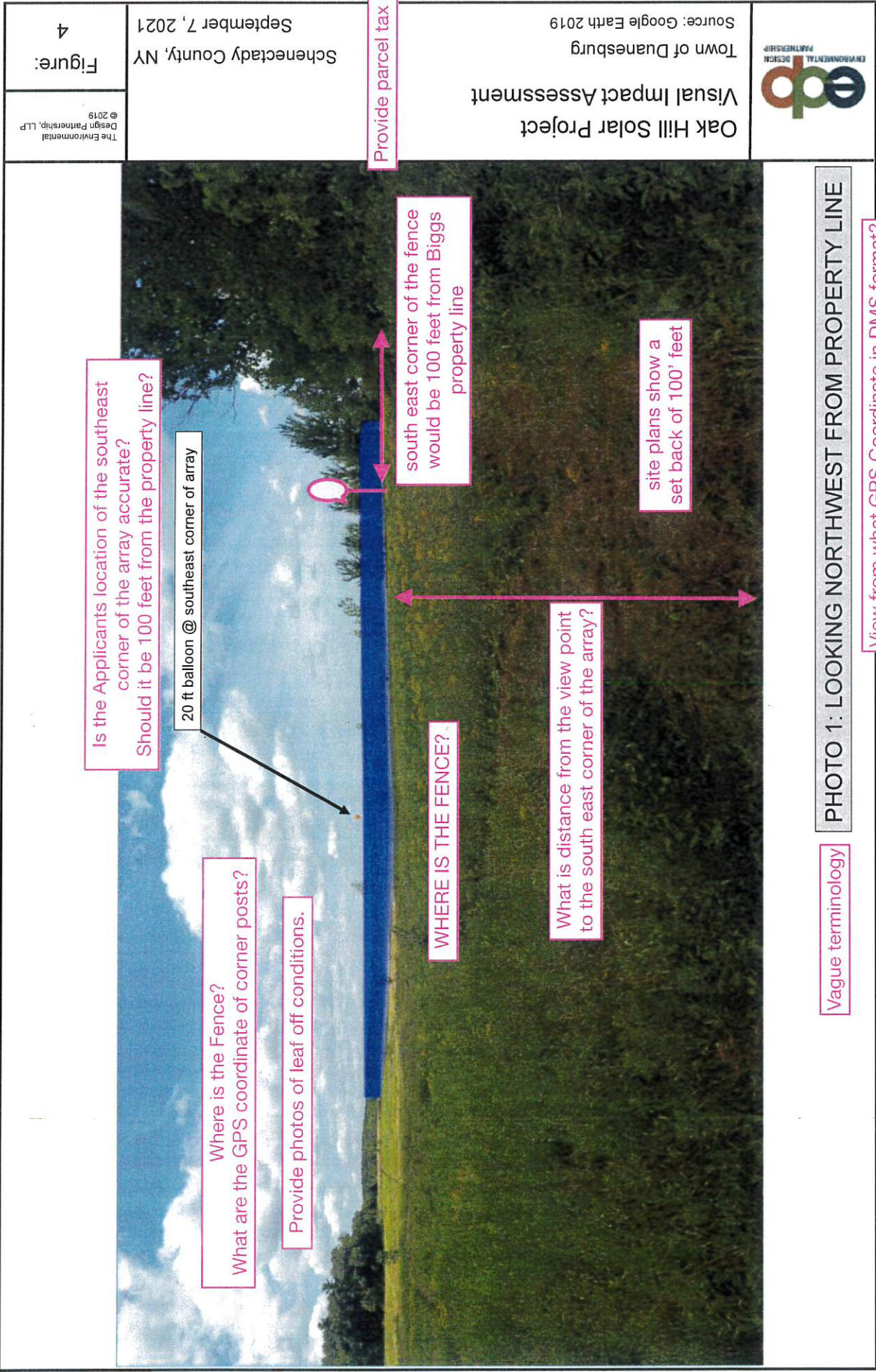
Figure:
2





Bringing to Zoning Board May 17, 2022

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



Vague terminology

PHOTO 1: LOOKING NORTHWEST FROM PROPERTY LINE

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

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

Bruning to zoning board May 17, 2022

Source Google Earth and Computer simulation.

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



The Environmental
Design Partnership, LLP
© 2019

Figure: 4
Schenectady County, NY
September 7, 2021

Provide parcel tax id



Oak Hill Solar Project Visual Impact Assessment

Town of Duaneburg
Source: Google Earth 2019

September 7, 2021
Sc...

Figure:
5

The Environmental
Design Partnership, LLP
© 2019

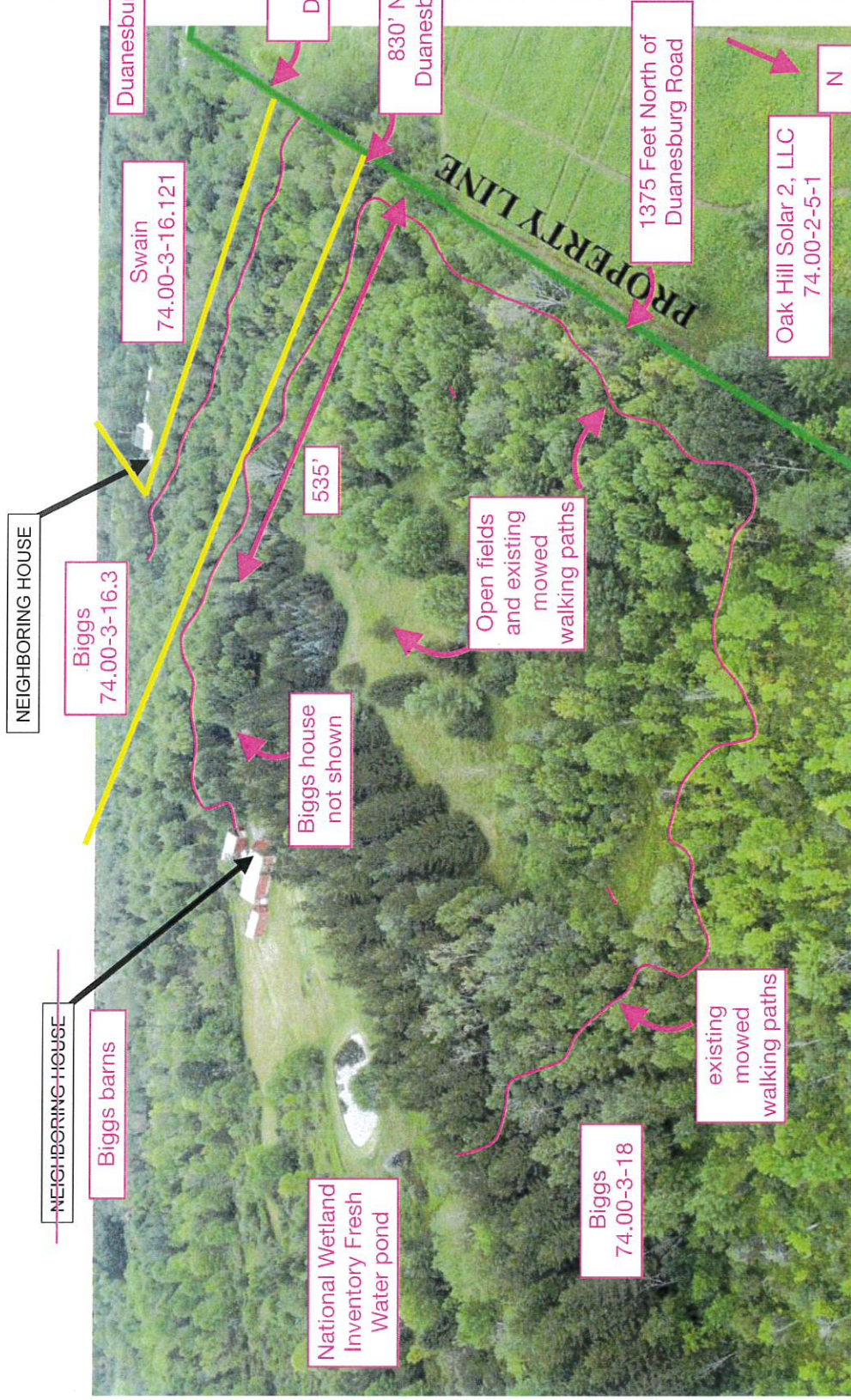


PHOTO 2: LOOKING SOUTHEAST ACROSS PROPERTY LINE

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



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

Schenectady County, NY
September 7, 2021

Figure:
6

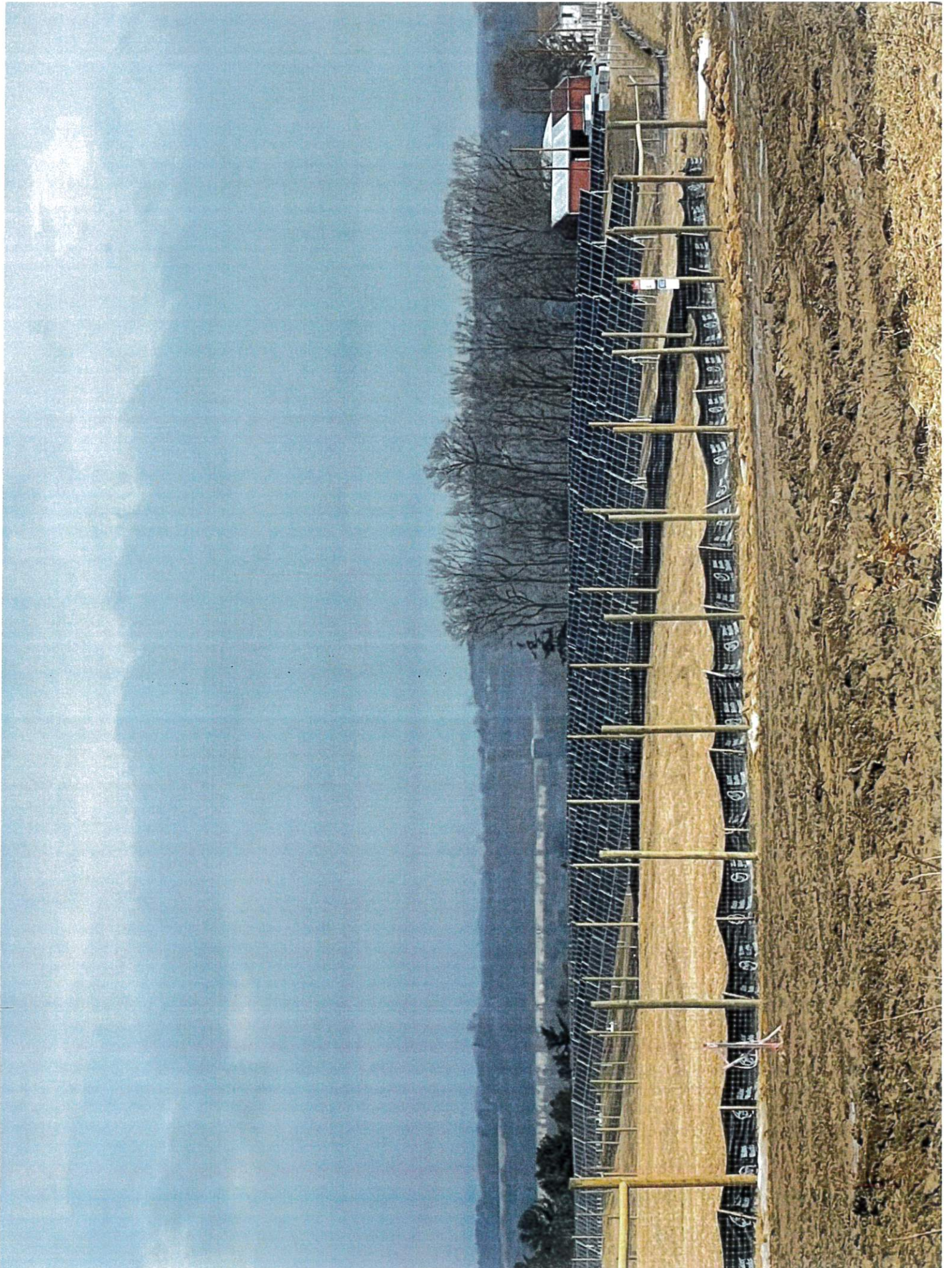
The Environmental
Design Partnership, LLP
© 2019

PHOTOGRAPHS FROM SOLAR FARM PROPERTY LOOKING EAST TOWARD BIGGS RESIDENCE



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







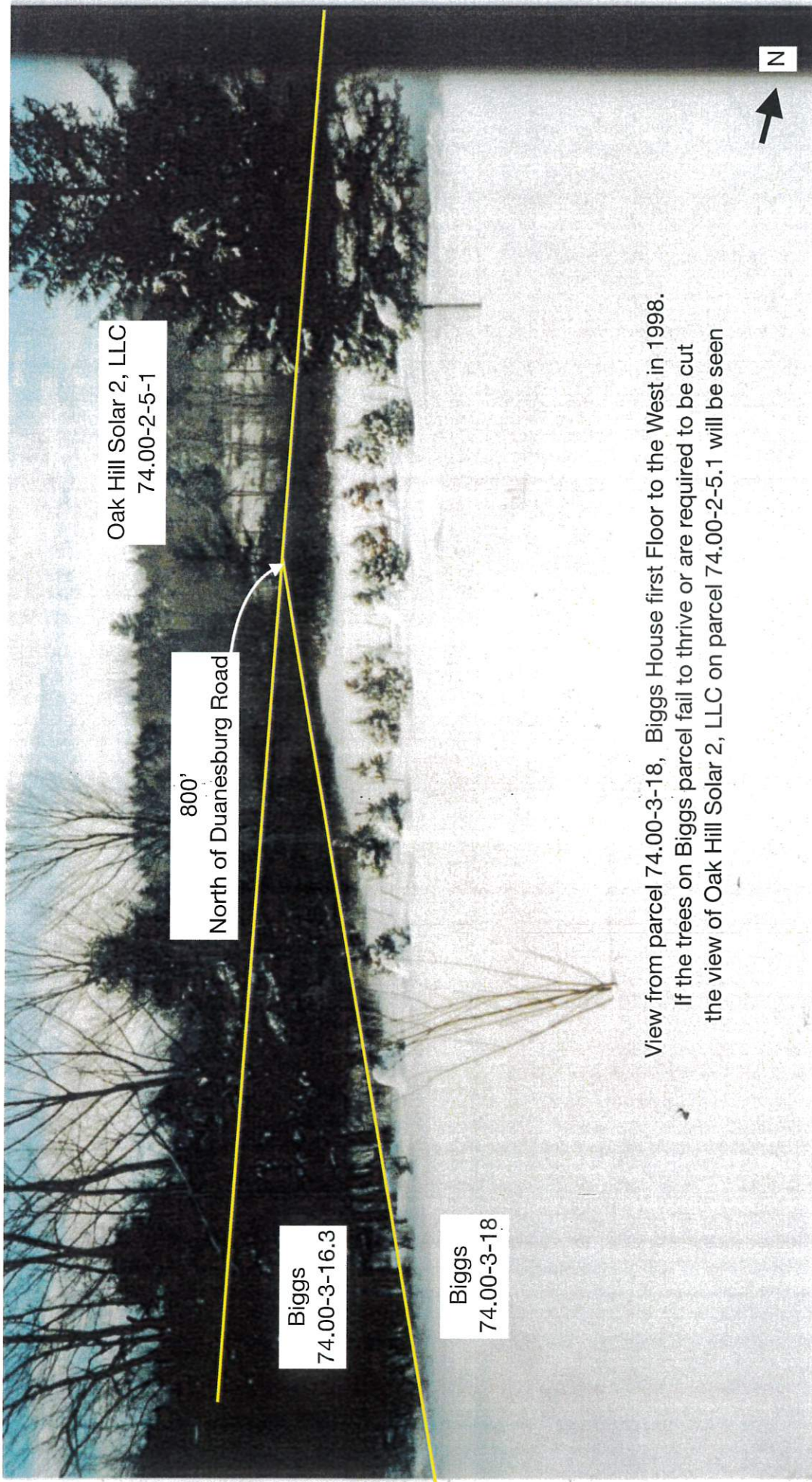
DANGER
Unauthorized Personnel Prohibited From Entering Site. No Trespassing. 516-589-3436

NOTICE
IN CASE OF EMERGENCY CALL
516-589-3436

DANGER
HIGH VOLTAGE
KEEP OUT

VAN EPPS SOLAR LLC SOLAR ARRAY
109 VAN EPPS RD
FULTONVILLE NY 12072





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

800'
North of Duaneburg Road

Biggs
74.00-3-16.3

Biggs
74.00-3-18

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



Melissa Deffer

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

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

May 17, 2022

RE: Public Hearing Oak Hill Solar Fence

Dear Nelson Gage and the Zoning Board,

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

1. Security

What is the purpose of the equipment?

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

Is the equipment high voltage?

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

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

2. Noise

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

The planning board reviewed the Applicant's March 7, 2022 FEA. It is not included in the March 7, 2022 Resolution to Amend the September 19, 2019 Special Use Permit. Section D.2.m. states "very low dBA at property lines". Very low is not a measurement. It is a subjective opinion and may not be compliant with local law. The Applicant did not provide baseline measurements of noise levels at the property line. The abutters may not be protected under Solar Law 3.j.

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

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

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

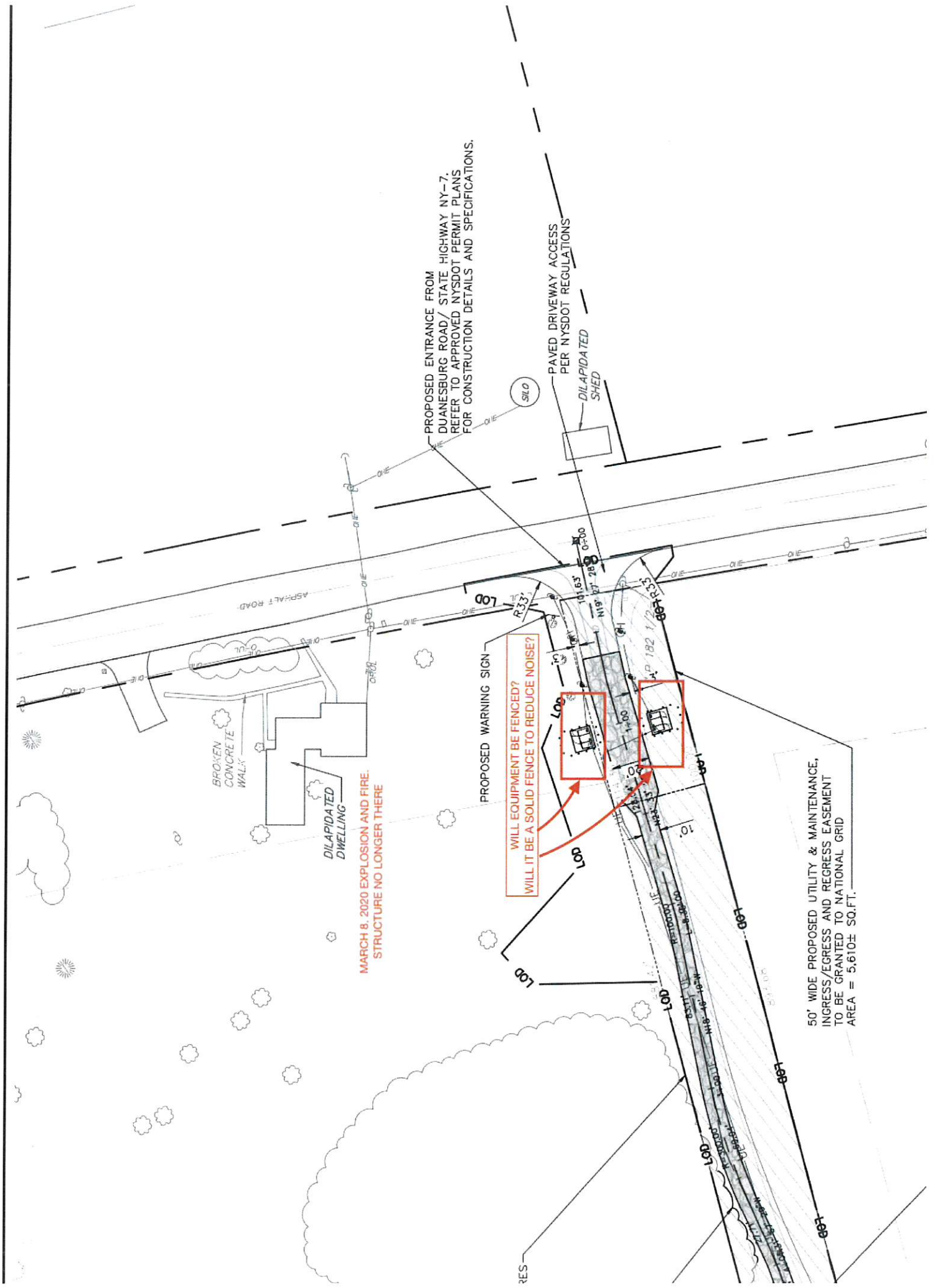
How may two solid wall fence areas impact the community character and zoning ordinance 14.5.2.B.2.

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

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

Thank you.

Marcy Fusilier
13910 Duanesburg Road, Delanson, NY 12053



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

PAVED DRIVEWAY ACCESS
PER NYS DOT REGULATIONS

DILAPIDATED
SHED

SILLO

ASPHALT ROAD

BROKEN
CONCRETE
WALK

DILAPIDATED
DWELLING

MARCH 8, 2020 EXPLOSION AND FIRE.
STRUCTURE NO LONGER THERE

PROPOSED WARNING SIGN

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

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

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

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

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

DBMT Model Background, Methodology, and Set-Up

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

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

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

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

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

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