

November, 12 2019

FOR IMMEDIATE RELEASE

PRESS RELEASE: Solar Duanesburg Article 78

On October 16, 2019, property owners Susan Biggs and her daughter Lynne Bruning, represented by attorney Douglas H. Zamelis, filed an Article 78 proceeding with the Schenectady County Supreme Court. The suit names the Town of Duanesburg Planning Board, solar developer Eden Renewables, and landowner Richard Murray.

Biggs seeks to annul and vacate the “Town of Duanesburg Planning Board Resolution Approving Special Use Permit, Subdivision and Site Plan for the Eden Renewables Oak Hill Solar Energy Projects,” which was passed on September 19, 2019.

Mrs. Biggs’ suit asserts that the Town failed to comply with the procedural requirements for site plan review and with standards for special-use permits as required by the Town Zoning Ordinance and Solar Law.

Biggs’ concerns stem from the July 18th public hearing at which Eden Renewables presented a depiction of the project site that completely omitted her residence and barns, which are 650 feet from the proposed project site. Eden was informed of the error but continued to use the illustration.

Application documents from September 2018 state that “no construction exists” on Biggs’ tax parcel and in March 2019 claim the “nearest residence is 1,500 feet” from Eden’s solar plant. These misrepresentations caused Biggs to conclude that her rights as a property owner were not considered.

Also, Eden’s documents have a 10’ wide 1,500 foot access road to the array site. Bruning questions emergency access to the power plants’ battery storage, which is a known fire risk. She is especially concerned about the road being constructed to withstand the weight of fire trucks throughout the project lifespan and that it be accessible during the winter months when the road may not be clear placing her home and health at possible risk.

Biggs is the fourth-generation owner of the property and home that shares a 2,500-foot property boundary with the two Oak Hill solar plants. She has stated that the planning board failed to make required findings concerning, among other things, impacts to nearby properties.

Troy-based Eden Renewables was reportedly founded in 2017 by Harry Lopes and Giovanni Maruca after the dissolution of their U.K.-based solar development company Solstice Renewables. The company has not constructed any projects in the US.

The proposed Oak Hill project comprises two 5-megawatt (MW) solar facilities located at 13590 Duanesburg Road in Delanson, NY. Combined, the two solar facilities are sited on a total of 140 acres, and will cover 64 acres with photovoltaic panels. Construction is expected to begin in 2020.

For More Information:

Lynne Bruning

lynnebruning@gmail.com
