

COPY

Young/ Sommer

ATTORNEYS AT LAW

Executive Woods, Five PALISADES DRIVE, ALBANY,
NY 12245 Phone (518) 437-8888

www.younpsommer.com

Writer's Telephone Extension: zip
jmuscatoayoungsommer.com

July 13, 2020

RECEIVED

Via First-Class Mail
R Far.cimile t51R) R9 f-5405
Town of Duanesburg Planning Board
Town Hall
5853 Western Turnpike
Duanesburg, New York 12056

JUL 1 2*/*

TOWN OF
DUANESBURG
TOWN CLERK

Re: *Response to Letter from Susan Biggs - July 5, 2020*
Oak Hill Solar 1, LLC & Oak Hill Solar 2, LLC' - Request for Extension of Approvals

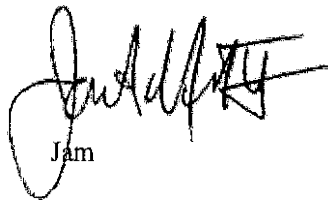
Dear Board Members,

We are in receipt of a letter written by Susan Biggs and addressed to the Town of Duanesburg Planning Board dated July 5, 2020. Ms. Biggs submitted the letter in opposition to Eden Renewables' request for *extension* of the Oak Hill Special Use Permits. Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (hereinafter collectively referred to as "Eden Renewables" or the "Applicant") submitted the request for extension of the Special Use Permit and Site Plan approvals by letter submission dated June 11, 2020.

As explained by the Applicant in the request for the extensions, the delay in construction is largely due to the COVID-19 pandemic and ongoing litigation. As the Planning Board is likely aware, Ms. Susan Biggs is one of the two (2) named Petitioners in the Article 78 action that was filed in Schenectady Supreme Court. To the extent Ms. Biggs attempts to raise new challenges to the approvals, the proper forum was in the Supreme Court case and not this ministerial request to extend approvals that have been held up by the very litigation that Petitioners commenced.

The Applicant strongly disagrees with the points raised by Ms. Biggs and relies on the record as to why her points are factually incorrect. For example, the site plans previously submitted to the Planning Board and included before the Board in its September decision address the comments related to the electrical diagrams and tracking panels and contain all of the information required by the Town's code. Additional plans will be filed in accordance with state building, fire and electrical codes for the related permits. Similarly, and contrary to the comment letters, the site plan and discussions with the Board have included the proposed energy storage component of the project. There have been no changes in this regard from the originally proposed and a moved project. Also, Oak Hill will abide by all applicable regulations regarding the use of herbicides and pesticides as previously discussed with the Board,

¹ Please note that we are in receipt of two letters, each of which appear to be identical in terms of content and issues raised.



Jam

COPY

Finally, the comment letters assert that the project is now owned by Amp Solar Group. First, there has been no transfer of ownership. The Applicants remain Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC. Second, even if there has been a change of ownership, there is no requirement in the Town of Duanesburg Solar Energy Facilities Law (Local Law 1 of 2016) or the Town of Duanesburg Zoning Ordinance that would require formal notification to the Town of Duanesburg as to a change of ownership. As such, the request has been properly made by the Applicant and there are no further requirements in the Town of Duanesburg. In conclusion, this point should be dismissed by the Planning Board.

As stated, the Applicant denies the remaining points but feels that the assertions do not warrant further discussion from the Applicant.

Very truly yours,

cc; Giovanni Maruca, Eden Renewables (via e-mail only)
Terresa M. Bakner, Esq., Town Attorney (via e-mail only)