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November 15, 2021

**SENT VIA EMAIL to [jschmitt@duanesburg.net](mailto:jschmitt@duanesburg.net), [MDeffer@duanesburg.net](mailto:MDeffer@duanesburg.net), [tbakner@woh.com](mailto:tbakner@woh.com), and [Dale@duanesburg.net](mailto:Dale@duanesburg.net).**

Planning Board  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12056

**RE: Amp Response to October 21, 2021 Planning Board Meeting**  
Oak Hill 1 and Oak Hill 2 Solar and Energy Storage Projects (the "Oak Hill Projects")

Dear Chairman Schmitt,

Thank you for providing Amp Solar Development Inc. ("Amp") the opportunity to present at the October 21, 2021 Town of Duanesburg Planning Board Meeting. Amp is using this letter to provide written responses to questions raised during and prior to the meeting. This letter also includes supplemental community responses to elaborate on some of the responses presented in Amp's October 18, 2021, Public Comment Responses letter

### **1) Clarification Regarding the Use of Herbicides and Pesticides**

As discussed during the October 21, 2021 Town of Duanesburg Planning Board meeting, no herbicides or pesticides will be used during the construction phase of the Oak Hill Projects. During the operational phase, the Oak Hill Projects are committed to certain biodiversity requirements, including but not limited to using sheep for vegetative maintenance (if practicable), using a pollinator-friendly seed mixture, and installing birdhouses, bat boxes, and bee hives. Under these requirements, Amp has already pledged to avoid the use of herbicides and pesticides wherever possible.

However, there are certain invasive species that can only be controlled in a commercially reasonable manner with herbicides. Limited herbicide applications to combat invasive species ensure that the system can operate successfully, that the facility grounds are appropriately maintained, and that invasive species do not spread to neighboring properties. Therefore, Amp may need to use herbicides in spot applications to control invasive species outbreaks. Amp will

make commercially reasonable efforts to ensure that the use of herbicides is minimized.

The prohibition of herbicides was not a condition included in the 2019 project approval. The Full EAF has been updated to reflect that limited herbicides may be used in spot applications to control invasive species.

## **2) Energy Storage Disposal Clarification**

It was stated at the October 21, 2021 Town of Duanesburg Planning Board meeting that the disposal of the energy storage system was already contracted. Upon further investigation, it was determined that this is not the case. Amp intends to contract the disposal of the energy storage system at the decommissioning phase.

As with the existing approved decommissioning plan, the Revised Oak Hill Community Solar 1 and 2 Decommissioning Statement requires the projects to submit a Revised Estimated Decommissioning Cost to the Planning Board every five years. After the initial decommissioning amount is determined, the decommissioning fund can be adjusted as part of these five-year resubmissions to reflect the market costs of battery recycling, which may increase or decrease over time like any other cost subject to market fluctuation over time.

New York has goals to deploy 1,500 MW of energy storage by 2025 and 3,000 MW by 2030. Additionally, the American automotive fleet will increasingly electrify over the coming decade. Major vehicle manufacturers, such as Ford, which has committed to [investing over \\$11 billion in electric vehicle production](#), are planning to produce battery-powered electric vehicles at an enormous scale. Therefore, a robust in-state or regional energy storage recycling market is very likely to emerge.

With current market data provided by Amp's energy storage provider, Powin, a battery recycling cost estimate has been added to the BESS decommissioning cost estimate of \$159,000 per site. The revised decommissioning total is \$372,527.46 for Oak Hill 1 and \$372,296.32 for Oak Hill 2 for decommissioning the solar facility and the BESS. The revised estimate was submitted to PrimeAE and Dale Warner on November 11<sup>th</sup> and uploaded to the public box.com project folder.

## **3) Antireflective Coating clarification**

During the October 21, 2021 Town of Duanesburg Planning Meeting, the Planning Board reviewed information regarding PFAS and solar modules. It is Amp's understanding that this review was in response to public comments previously received.

Further, it is Amp's understanding that further comments have been submitted since the conclusion of the October 12, 2021 extended public comment period. As the

Planning Board is aware, the Project has already been the subject of a public hearing, as well as a second public comment period lasting several weeks. The Planning Board made it clear that October 12, 2021 was the deadline for the additional public comments. Amp has voluntarily agreed to respond to the public comments received through October 12, 2021, which was also acknowledged by the Planning Board. Given the submission of additional comments weeks after the closure of the second comment period, Amp is not addressing the substance of those comments, other than with respect to one issue.

One public comment included groundwater sampling of a nearby resident's water completed by the commenter and a plumber, and requested that sampling be provided to demonstrate that PFAS materials are not present on the panels or batteries. The comment letter also requested pre-and post-construction soil and water testing, as well as annual testing of the site and the neighboring wells. Sampling during construction and operation of the Project is not warranted, nor would it be required for a use such as a solar facility, as the Project, like many uses approved pursuant to zoning laws every day which do not require sampling, does not generate hazardous materials. The solid-state batteries do not have a liquid component that can leak and as such does not warrant such testing. The commenter provided no evidence of potential contamination risk or substantiation for the request.

Nevertheless, Amp has investigated the potential presence of PFAS and related chemicals. Amp is unaware of any PFAS materials included in the proposed solar modules. The modules utilize an antireflective ("AR") coating in addition to a textured glass design to reduce glare. This combined anti-glare design features provide the highest level of glare resistance (typically utilized if in a sensitive location such as adjacent to an airport). The AR coating is primarily composed of SiO<sub>2</sub>, which is a relatively stable inorganic substance. The coating will have a similar lifespan to the glass and will not require a recoating. Any degradation of the AR coating will be a very gradual process, similar to the degradation of the glass. High concentrations of the coating will not be released over time under standard conditions.

The anti-reflective glass has passed testing for over 200 regulated substances of concern, as published by the European Chemical Agency. Europe is widely regarded as having stricter chemical regulations than the United States, and the list of substances includes many substances also regulated by the United States. Notably, this list of regulated chemicals includes PFOA and several related PFOA and PFAS compounds. The module's manufacturer has also stated that "there is no toxic component" in the AR coating. A copy of the sampling results are attached.

Similar to other solar projects in the northeast, Amp does not intend to wash the solar panel beyond regular rainfall. While solar projects in dry environments such as southwestern deserts require cleaning to remove dust, solar projects in the wetter

northeast rarely if ever require cleaning due to regional weather patterns.

#### **4) ESRG Review and Supplemental Onsite Water**

Energy Safety Response Group ("ESRG") presented their preliminary Oak Hill BESS FCNYS 1206.8 Peer Review during the October 21, 2021, Town of Duanesburg Planning Board Meeting. Generally, this preliminary report did not identify issues with the safety of the BESS, the follow up items requested related to documentation to be provided before operation of the BESS.

While summarizing the report, ESRG recommended a dedicated onsite water supply and further discussion with the local fire department to determine if supplemental water is needed. After the October 21, 2021 meeting, Amp discussed the need for supplemental water with the Esperance Volunteer Fire Department Chief, who stated that he did not believe a supplemental water supply would be needed. However, in subsequent correspondence he communicated that additional research is required.

It is Amp's intention to continue discussions with the Esperance Volunteer Fire Department Fire Chief regarding the need for supplemental water. Further, Amp intends to be in regular communication with the local fire chiefs during the construction and commissioning of the projects. Amp will provide appropriate training and is open to commissioning a third-party review of the department's equipment should ESRG or the Planning Board find it appropriate to do so.

Amp has not yet uploaded the ESRG report with the public project application documents because the report states that it "is intended for internal discussion and review and should not be provided externally until agreed by all parties and all major design and site details are finalized." It is also noted that the report is highly technical, and typically would be reviewed by other building and fire code experts.

#### **5) Save Green County Letter**

Amp confirms that we were provided a copy of the Saving Greene: Citizens for Sensible Solar's October 11, 2021 email. As there was not a question in the email, Amp did not include a response in the October 18, 2021 Public Comment Responses letter.

#### **6) Supplemental Community Responses**

As described in the response (3) above, and as the Planning Board is aware, an additional public comment period after the noticed public hearing on August, was held for several weeks to allow the public to comment further on the proposed amendment. As the Board is aware, the project team responded to questions

submitted before the October 12, 2021 3:00 PM deadline. Amp also voluntarily responded to an additional letter submitted on October 13<sup>th</sup> shortly after the conclusion of the comment period, and has addressed another belatedly received comment in Response (3) above.

A high volume of questions and comments were received immediately before the October 12, 2021 Public Comment Period deadline. While Amp provided substantive responses to comments pertinent to the amendment process, Amp is providing a supplemental response to provide additional information and clarifications.

*October 13, 2021 - Bruning Property Value Submission*

The Bruning Property Value Submission email was dated October 13, 2021. The October 15, 2021 date stated in Amp's response letter was an email forward date.

*October 12, 2021 - Bruning to PB FEA Submission*

**The Project should be accurately described and include equipment and square footage of impervious roads and additional requests.**

The EAF requests a "brief description of proposed action." A brief description was provided. The level of detail requested, including the listing of subcomponents and road square footage, is not required or typical in the brief description section, and in fact has been provided in detail in other submissions accompanying the FEA, as well as during several presentations made by Amp at Planning Board meetings. A reference to the BESS was added to the Brief Description of Proposed action, although the BESS had previously been referenced in other EAF sections.

**It appears that BESS was not included in the 2019 Application**

As thoroughly demonstrated by the applicant, and noted by the Planning Board on several occasions during Planning Board meetings, energy storage was included in the 2019 application and in the Project approval. Please also reference Oak Hill Solar 1 LLC & Oak Hill Solar 2 LLC's Energy Storage Projects Clarification letter, dated July 19, 2021.

**E.3.e. The Applicant omits the 1994 Sears Archeological Survey as found with the State Office of Historic Preservation.**

The project site had its own Archeological Survey in 2019. The archeological survey was updated in 2021 due to the proposed revision of the interior access road design. The revised archeological investigation was reviewed by the New York State Department of Parks, Recreation and Historic Preservation, which stated that "it is the opinion of the SHPO that the proposed project will have No Effect to historic and cultural resources" and that "SHPO concurs with the report recommendation that no additional archaeological work is necessary." Copies of the referenced letters will be included with the submission.

**Mapper Summary Report indicates that there are 82.2 acres of NYS Wetlands on the Project site.**

Comment acknowledged. The Project has completed a delineation and has secured the appropriate approvals. The USACOE confirmation that “no further authorization is necessary” was previously uploaded with the public project documents.

*October 12, 2021 - Pamela H. Rowling Submission*

**Comments regarding potential chemical contamination from agricultural, construction and chemicals released due to degradation of project components over time and annual testing**

Soil and water testing is not required as Silicon based solar panels are inert and have been shown not to leach harmful levels of metals or other compounds into the surrounding environment. The proposed batteries are solid state and do not have a liquid component that could leach into the ground or local waterways. See also the response in Item (3) above.

*October 12, 2021 - Bruning to PB Decom Estimate Appendix 2*

**Comment on the cost increase from 2019 to 2021 and “the pandemic has driven up costs”**

As discussed in Amp’s responses to the PrimeAE review, the revised NYSERDA Decommissioning Solar Panel Systems: Information for local governments and landowners on the decommissioning of large-scale solar panel systems, which was published in August 2020 and lists 2021-05-06 as its “update time” on the NYSERDA website, contains the same unit costs as the earlier NYSERDA decommissioning guides. However, Amp included a 2.5% annual increase in costs to comply with PrimeAE’s request.

The Applicant must file a report with the board every five years regarding the effect of annual inflation including a revised decommissioning estimate. This revised submission can capture unit price changes over time.

**Where is the nearest landfill that accepts solar panels?**

As the projects have not yet received a building permit and the modules have a 25-year limited warranty, individual recycling facilities and landfills have not yet been contacted. There are hundreds of megawatts of solar projects being built across New York. The project team is confident that it can find an appropriate recycling or disposal facility based upon the applicable regulations of the time, and any recycling and/or disposal will be conducted in accordance with such regulations.

**Is transportation cost adequate? What distance is the Applicant estimating for transportation?**

The decommissioning estimates include adequate transportation costs. The 400 miles is assumed for the BESS decommissioning.

**It appears that the Applicant always intended to build an array that is 14.5 feet in height.**

The commenter provides no substantiation of this comment. As discussed in the October 18, 2021, Public Comment Responses response 48, the increase to 14.5 feet in height is a change from the originally approved design. The original intent was to build a single portrait tracker system. Advances in technology since the original application have led to the current proposal, where the projects have the same generation capacity with fewer driven post and associated environmental impacts (2019 solar panel posts: 3,950, 2021 solar panel posts: 3,013). The taller system is compliant with the Local Law 1-2016 requirement that "ground mounted arrays shall not exceed 20 feet in height when oriented at maximum tilt."

*10/12/2021 - Bruning to Comments on Oak Hill Solar Decommissioning Plan*

**Should each BESS have its own agreement?**

Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC have separate Decommissioning Agreements executed with the Town of Duanesburg. The project decommissioning agreements include each project's BESS system.

**Should the first sentence read for the OWNER/OPERATOR instead of the Applicant?**

The project companies are the amendment applicants and will be the owners/operators. Clarification verbiage can be added if requested by the Town.

**Biggs House shown on the drawing but it is not labeled.**

The Biggs land is labeled "Lands N/F of Susan Liss Biggs", and the book and page number is provided. This is a typical labeling methodology for survey and engineering documents, and meets the Town Code requirements for labeling site plans. However, to address neighbor concerns, "neighboring house" will be added to the Issued for Construction drawings.

**Comments regarding Appendix 2 including "I request the Board obtain additional estimates", "Please see attached Flint Mine Decommissioning Plan" and "Any salvage value is speculation and may place the town at risk"**

It is not industry practice for multiple estimates to be obtained. Typically, an estimate is submitted and reviewed by municipal officials and their consulting engineers, and a final estimate is agreed to. Applicant acknowledges that it received the comments regarding the BESS Specific Breakdown of Decommissioning Costs. The decommissioning costs have been reviewed by a third-party engineering firm. As specified in the previous response letters, the salvage value does not impact the calculation of the decommissioning cost estimate. The salvage value is provided as a reference.

*October 12, 2021 Bruning Comments on Tracking System*

**Comments on the removal of vegetation and will herbicides be used? If so how often?**

Below is an image of a tracker installation at another project that Amp and Greencells are currently building in the Albany region using the same racking system. This system does not require the removal of all vegetation.



Please refer to 1) Clarification Regarding the Use of Herbicides and Pesticides in this letter for details regarding herbicide and pesticide use.

**Question regarding the noise rating of the tracker**

The use of solar trackers and motors was previously approved and is not a subject of this amendment. Please reference question 16 from the Community Repose letter for questions regarding project noise.

**Do the motors require oil? If so, how is this provided and serviced?**

The use of solar trackers and motors was previously approved and is not a subject of this amendment.

As stated in the October 18, 2021 Community Responses the motors are electric (24 V). The motors do not require oil. The motors are serviced according to manufacturer recommendations as part of standard operation and maintenance activities.

**Is the system (tracker) wired or wireless?**

The system is largely a wireless system although some components, such as the weather station, have a wired component.

**I request that the Planning Board conduct a site visit to Oak Hill Solar.**

Amp acknowledges having seen the request.

*October 12, 2021 - Biggs Questions*

**Comments related to home values and tax revenue**



Please refer to 7) Comments and questions pertaining to the projects' impact on property values and community character in Amp's October 18, 2021 Public Comment Responses. It is noted that the commenter did not provide any studies or analysis regarding property values.

**Comment pertaining to whether the Board completely considered the town's zoning ordinance 14.6.3.1.4 to "protect property owners from fire, explosions and noxious gases which endanger the health, comfort, safety or welfare of any person or have a tendency to cause injury or damage to property, business or vegetation" and 14.6.3.1.7 Cause fire, explosion or safety hazard"**

The revised battery system is a smaller and safer battery energy storage system than the BESS that was approved in 2019. The Planning Board has completed a thorough review of the application, including retaining the services of an independent firm, the Energy Safety Response Group ("ESRG"), which has significant expertise regarding a battery safety. It is noted that the commenter did not provide any studies or substantiation that would contradict or call into question ESRG's review.

**Comments regarding escrow funds for independent third-party soil and water testing**

Soil and water testing is not required as Silicon-based solar panels are inert and have been shown not to leach harmful levels of metals or other compounds into the surrounding environment. See also Response (3) above. The proposed batteries are solid state and do not have a liquid component that could leach into local waterways.

**Comments regarding the potential to relocated the BESS to another site**

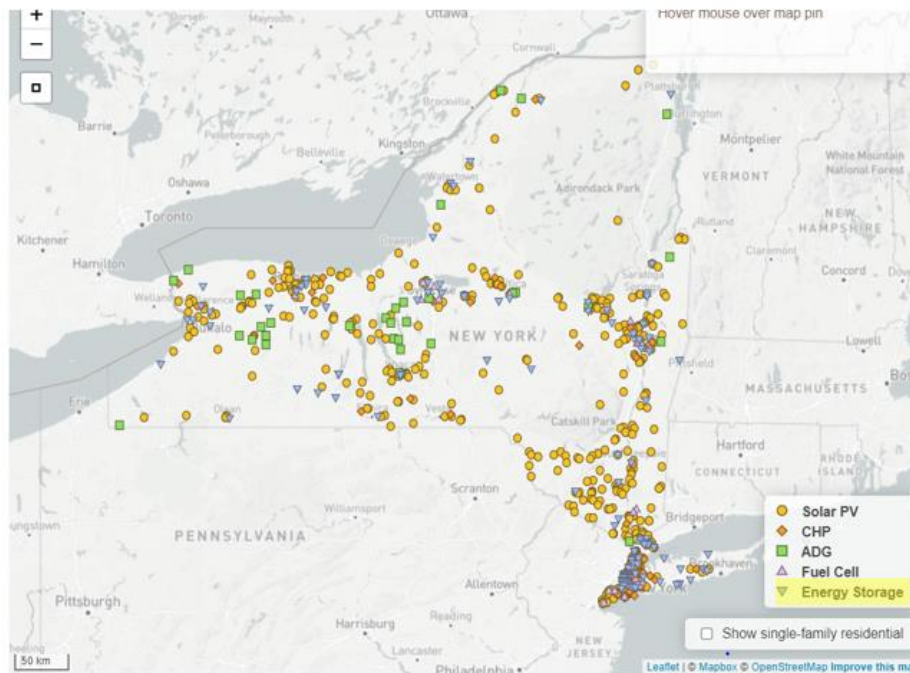
Please reference 1) Can the battery system be relocated elsewhere from Amp's October 18, 2021 Public Comment Responses.

**Comments regarding BESS in New York and BESS being an unproven technology including "According to the New York State Energy Research and Development Authority (the "NYSERDA") October 5, 2021 board meeting there are only 116 megawatts of BESS installed in the State of New York" and "It appears that BESS is and unproven and experimental energy resource."**

It is noted that the commenter did not provide any studies or analysis to substantiate this comment. New York has [goals](#) of deploying 3,000 MW of Energy Storage by 2030 and 1,500 Megawatts (MW) of energy storage by 2025. Based on [Open NY Datasets](#) (accessed November 10, 2021), Amp understands that NYSERDA has approved over 2.4 GWs of lithium-ion energy storage projects through the retail and bulk storage incentive programs. This number does not include all the energy storage projects in New York, such as bulk storage [procured through utility procurements](#).

There are installed energy storage projects across New York state, including in rural, suburban, and urban areas. Below is a screenshot from a NYSERDA Map of New

## York State Distributed Energy Resource Facilities.



### About this data

The data available on this map includes:

- **Energy Storage:** All operational energy storage projects in New York State. It includes projects funded by NYSERDA, publicly available information from interconnection queues, as well as information voluntarily shared with NYSERDA.

Energy storage deployment is quickly accelerating. [According to Wood Mackenzie](#), 345 MW of new energy storage systems were brought online in the United States in the second quarter of 2021.

The proposed batteries have all the appropriate third-party testing certifications and have undergone a rigorous third-party review by a battery safety expert, the Energy System Response Group.

### Comments regarding the applicant not performing a site visit

Eden offered to meet with Ms. Bruning (Ms. Biggs' daughter) to discuss her concerns during the early stages of project development. Ms. Bruning was only willing to participate in a phone conversation. Eden also offered to meet with concerned residents early in the project lifecycle following their multiple community consultations and extensive community outreach.

Additionally, Amp volunteered to have one-on-one conversations with community members in 2021 prior to the commencement of the amendment process (the letter was not sent to the families of individuals previously involved in project litigation). These community outreach efforts are discussed in more detail in 4) Questions regarding the visual analysis and glare analysis, in Amp's October 18, 2021, Community Comment Responses. Amp remains committed to discussing the project and community questions, and is happy to do so here.

**Comments regarding the Planning Board not performing a site visit**

Amp acknowledges receipt of these comments.

**Comments on the prior Eden rendering and the applicant not knowing the distance from the BESS container to the Biggs House.**

A rendering prepared before the original Planning Board review and approval is not relevant to the 2021 amendment application. The original application and approval remains in effect, and it has been judicially determined that the original approvals were lawfully issued. This finding is binding on the commenter, and issues related to the original approval cannot be raised again as part of this site plan amendment application.

As stated in the Community Comment Responses, the distance between the equipment pads and the nearest property lines are approximately 950' (Ganster) and 750' (Briggs). The distance from the closest BESS to the Biggs residence is a little over 1,500'.

**I request that the Applicant is required to plant evergreen screening along my entire 2,500 foot property line and maintain the trees for the lifetime of the project**

Amp acknowledges that it has seen this comment. Amp will abide by the Visual Screening Maintenance Agreement, dated July 22, 2021, between the Town of Duanesburg and Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC and the conditions of the Site Plan and Special Permit approval, including all landscaping requirements.

A Supplemental Visual Impact Assessment was conducted in September 2021 to reflect the increased solar system height. The report concluded, "the existing Biggs and Otis residences will be adequately screened by existing vegetation, distance and topography such that the proposed solar array will not be visible." It is noted that the commenter has not provided a visual assessment that would contradict this finding.

**Comment Regarding Applicant Should Plant The Evergreen Screen As Phase 1**

Vegetative plantings must occur during planting periods when the vegetation can prosper to ensure that the vegetation will successfully take hold and grow. Depending on when construction starts and whether planting is realistic during that period, Amp can consider moving the planting earlier in the construction cycle. However, Amp wants to be transparent that the access road will need to be built before the vegetation being installed regardless of the season, and that construction requirements may make this infeasible.

Amp will install the vegetative screen and abide by the Visual Screening Maintenance Agreement, dated July 22, 2021, between the Town of Duanesburg and Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC.

**Comment Regarding the project not providing an ethics and fraud policy and not having been a good neighbor during design and development**

As stated in Amp's October 18, 2021 response to comments, land use review, such as the current site plan amendment review, is required by law to regulate the use of the land, not the owner or operator of the use. This equally applies to requests regarding internal corporate documents and practices. Further, and likely for this reason, the Planning Board has never requested a fraud and ethics policy and such request would not be typical for a land-use review.

Amp maintains that the Project has been a good neighbor. Amp and Eden have taken proactive steps, including but not limited to mailing thousands of Duanesburg residents multiple times early in the project development lifecycle to inform them of the proposed project, hosting two separate community consultation workshops to receive community feedback, providing several opportunities to discuss concerns, executing a Visual Screening Maintenance Agreement, sending courtesy notices (not including residences whose families were previously involved in project litigation), responding to community questions, posting non confidential project application documents to a publicly available folder, being responsive to town requests, voluntarily agreeing to respond to comments received during a second public comment period lasting several weeks, and more.

Few, if any, of these actions were required by the Town. The project team took these steps to be a responsible developer.

**If the Applicant fails to plant the evergreen screening and maintain it for the lifetime of the Project I, and any future owner of my parcels, reserve all legal recourse to pursue the Town of Duanesburg to plant and maintain the landscaping as promised.**

Comment acknowledged. Amp will abide by the Visual Screening Maintenance Agreement, dated July 22, 2021, between the Town of Duanesburg and Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC. The Visual Screening Maintenance Agreement is intended to ensure that the vegetation is maintained and to provide the Town the ability to require any necessary replantings at Amp's cost.

**Comments regarding the construct the western array first**

Amp can examine the feasibility of prioritizing the western array first, however, seasonal limitations and building code requirements must be complied with.

**Comment Regarding project noise and distances from property lines**

The project provided a Solar Farm Noise Analysis Report for Oak Hill 1 & 2 Solar Farm that showed how the Oak Hill Solar Farm Central Electrical Equipment Sound attenuated over distance. The report states, "EDP understands that noise levels at the property line of two neighboring properties (lands of Ganster and lands of Biggs) are of interest. EDP further understands that the distance to these property lines are approximately 950 ft and 750 ft, respectively, from the nearest centralized equipment location. Given the sound attenuation with distance described above,

the sound levels at 950 ft and 750 ft from the nearest centralized equipment pad are expected to be approximately 40 dB and 42 dB respectively. As previously noted, a sound level of 40 dB is commonly associated with that of a library or residential neighborhood”

*October 12, 2021 - Elizabeth Barnes Submission*

**Supplement to 68) Questions regarding the proposed Energy Storage Systems**

In its October 18, 2021 Community Response Letter, Amp stated that we are currently operating or are constructing four solar plus energy storage systems (all with Powin) in the United States outside of the Oak Hill projects. Amp was responsible for the battery energy storage component for each of these projects.

Amp self-developed one of the solar projects and acquired three of the solar projects, connected to the dc-coupled battery energy storage systems. All four of these projects are multi-megawatt community solar projects with dc-coupled batteries ranging from over 12 MWh to 4.5 MWh.

While Amp described that the installation of stacks within the battery enclosure as part of the battery installation process, Amp did not explicitly state that the enclosures did not contain all the stacks while being transported. Powin is an American company. However, the battery enclosure originates in China. The cost of transporting the container is not pertinent to a land-use review. The enclosure is shipped across the Pacific by boat and then travels via road.

It is not anticipated that the fire department will need any specialized protective equipment to respond to an emergency at the Oak Hill solar plus storage projects. However, Amp is currently undergoing extensive review of the necessary requirements vis-à-vis battery storage by the Town's independent expert, ESRG, and Amp is in preliminary discussions to commission a third-party review of the fire department's equipment to ensure that the volunteer fire department has the necessary tools. If additional equipment specific to responding to a solar plus storage emergency event is required, such as thermal cameras, then Amp would work with the fire department to secure the equipment or provide a comparable solution that meets the necessary Fire Code and fire safety issues. This conversation commenced since the last public meeting on October 21, 2021. Amp has not made a donation to the fire department at this point in time, although any such donation is not pertinent to the site plan amendment review.

Amp has communicated that we want to work with the fire department to provide training and ensure that the volunteers have the necessary equipment. Amp stands by this commitment. Similar to any other emergency event, there is a worst-case potential for serious injury or loss of life for first responders.

**Supplement to 72) Questions regarding local benefits**

As previously mentioned, the projects are over 98 percent subscribed with New York National Grid subscribers. Amp does not have a readily available breakdown of the number of subscribers located in the county or the number of low-income subscribers. While Amp is answering this question to provide transparency, this is not pertinent to the land use review or the amendment process.

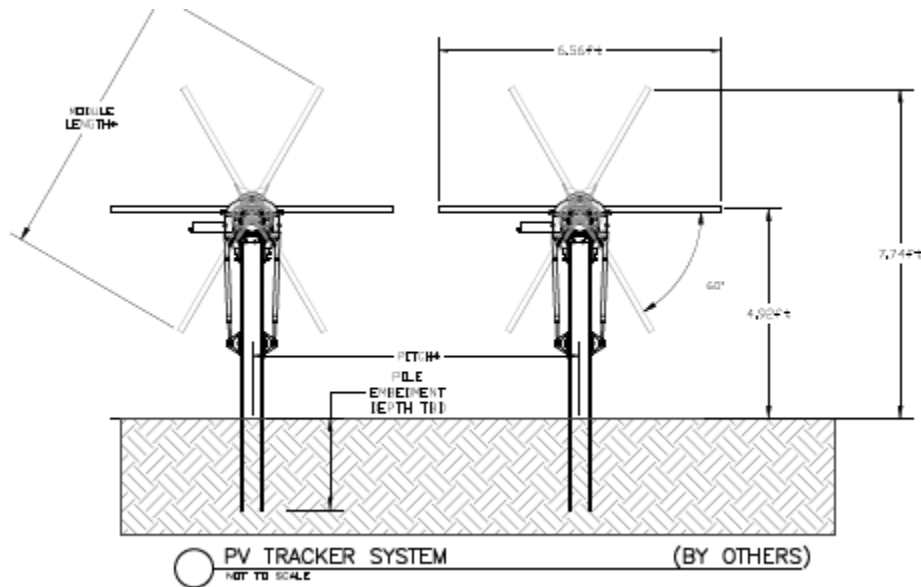
**Supplement to 73) Questions regarding the solar panels**

Images of the proposed tracking system and an image of a two-portrait tracker including a human for scale are included in 86) Comments and requests for tracker images. Amp is in the process of installing this same Schletter racking system at two (soon to be three) additional projects in the greater Albany area. Below are additional image from one of the projects currently under construction.



A revised Supplemental Visual Impact Assessment was provided, reflecting the increased module height. It is noted that the commenter has not provided any visual assessment or expert analysis that contradicts this assessment. As stated in the October 18, 2021 Community Responses Letter, the proposed amended system complies with the Local Law 1-2016 requirement that “ground mounted arrays shall not exceed 20 feet in height when oriented at maximum tilt.” Design changes to benefit from technological advancements, such as improvements in racking technology, are relatively common in the solar industry. However, material design changes to previously reviewed plans must be approved by the appropriate authority having jurisdiction.

The 2019 Plans were clearly labeled as a solar tracking system. The use of trackers is not a subject of this amendment. The position of the individual motors was not provided as this level of detail is not typical at a planning-level review. Below is a depiction of the solar trackers included on sheet 10 of the 2019 Site Plan.



Although this is not relevant to land use review, Amp is unaware of where the closest tracker system is located to Duaneburg. However, Amp is currently installing two projects with the same racking technology in Rensselaer County and is about to commence construction of a third in that county.

Although this is also not relevant to land use review, in addition to having secured the solar modules as referenced in Amp's Public Comment Responses, dated October 18, 2021, Amp has also secured most other pieces of project equipment, such as inverters and the BESS. Some of the equipment is in storage in New York facilities. Other components are yet to be delivered by the equipment providers. No deliveries have been made to the project site as the projects do not yet have the appropriate approvals.

Amp has not provided confirmation that the nearest three landfills or transfer stations will accept the quantity of broken solar panels that may be anticipated during installation and during the first two years. The commenter has not identified a requirement to provide such information as part of the review of this Project, and it is not generally required that this type of information be provided at all for land use review. Even when decommissioning is required, as it often is for solar facilities, such level of detail is rarely if ever included.

As stated in the Community responses, the modules are backed by a 25-year performance warranty. The project does not anticipate the need to dispose of significant numbers of modules during the first two years. If a limited number of modules are damaged during construction, they are generally disposed of in general waste which is accepted by most disposal facilities in Amp's experience. Amp also has a shortlist of providers that can be called upon if panels need to be recycled during the construction process. The vast majority of modules will be

recycled or disposed of offsite at the end of their useful life according to the applicable regulations of the time. And, Amp will be obligated to comply with its decommissioning obligations in accordance with the Decommissioning Agreements with the Town for the Projects, including maintaining decommissioning funding throughout the life of the Project in an amount approved by the Town.

Please reference 91) Comment on slope and site appropriateness for questions regarding the site-specific complexities. The project's terrain and topography have not changed since the 2019 approval and is not material to the amendment. Water will flow off the modules and fall to the ground/grass below. The stormwater control features are included in the SWPPP, which was prepared by a third-party engineer with expertise in such studies, and reviewed and approved by the Town's independent engineer. It is noted that the commenter has not provided any engineering analysis or study to contradict the SWPPP.

The SWPPP NOI was submitted to DEC for Coverage under the New York State SPDES General Permit for stormwater discharge from construction activity. The DEC provided a permit identification number in June 2021. A revised NOI was submitted and a permit identification number was granted following the design changes requested by PrimeAE. DEC communication has been disclosed to PrimeAE as part of the third party review process.

Please reference 3) of this letter for additional information regarding the antiglare coating. The projects have undergone multiple third-party reviews and Amp has provided the requested material information.

**Supplement to 74) Questions regarding the visual analysis and glare analysis?**

The distance from the closest project point (southeast corner fence post) to NYS Route 7 is ~ 1,300 feet.

Applicants do not typically provide GPS coordinates, and the commenter has not provided any basis for requesting this information. Site plans are placed on a survey and carefully scaled to depict component locations. Nevertheless, to provide further transparency for community members, the fence corners are:

- POST 1 (Southeast): N 1418950.14; E 559620.69
- POST 2 (Northeast) N 1420412.06; E 559053.91
- POST 3(northwest); N 1420192.72; E 557166.07
- POST 4(southwest): N 1418722.50; E 557276.21

The GPS coordinates for the BESS are:

- BESS 1: N 1419778.56; E 558487.97
- BESS 2: N 1419235.62; E 558525.70
- BESS 3: N 1419718.89; E 557600.13
- BESS 4: N 1419206.86; E 557706.21



The post GPS coordinates were included on the latest IFC set uploaded with the publicly available documents on box.com.

As stated above, Eden offered to meet with Ms. Bruning (Ms. Biggs' daughter) to discuss her concerns during the early stages of project development. Ms. Bruning was only willing to participate in a phone conversation. Eden also offered to meet with concerned residents early in the project lifecycle following their multiple community consultations. Amp remains willing to discuss the Project with community members.

#### **Supplement to 75) Questions regarding site screening**

Amp is required to maintain the screening according to the Visual Screening Maintenance Agreement with the Town of Duanesburg. This includes providing water to maintain the visual screen, including during drought conditions.

Notwithstanding that land use review cannot regulate the operator or owner of a project, and thus Amp's relationships with other municipalities is not relevant, Amp can provide municipal references if requested by the Town. Amp has strong working relationships with the majority of its host communities.

As mentioned in the Public Comment Responses, the projects are designed so that sheep *may* be used for vegetative management. Please reference 1) Clarification Regarding the Use of Herbicides and Pesticides of this letter for information regarding pesticide and herbicide use.

#### **Supplement to 78) Questions regarding clear cutting**

As stated in Amp's Public Comment Response, limited previous tree clearing did occur on the land. The land owner recalls that this occurred approximately during the Summer/Fall 2019. This clearing was previously examined by the planning board and is not a subject of this amendment.

The September 19, 2019 Town of Duanesburg Planning Board Resolution Approving Special Use Permit, Subdivision, and Site Plan for the Eden Renewables Oak Hill Solar Energy Projects—1206 Oak Hill Road states that “the Planning Board Specifically finds that the property owner brush hogging the property and taking down some limited trees for agriculture and silviculture purposes was consistent with the past use of the property and did not directly relate to the development of the solar farm” (Section 3g). Historic tree clearing has already been examined and is not pertinent to the amendment process.

#### **Supplement to 79) Final Questions**

The Projects are still in a planning level review and do not yet have a building permit. Therefore, we are not sure when construction will start if approval is granted. The Project originally intended to start construction during the summer of 2021.

Site activities, noise levels, and other such measures are already governed under the Town's bylaws, the Special Permit, and other contractual agreements. A Good Neighbor Agreement is not required by any local, state or federal laws, and in fact, is not commonly used or appropriate for the operation of a solar and BESS facility. This is because operational visits are largely minimal in nature to address site and facility maintenance, and aesthetic visual maintenance, and the Project has demonstrated that other impacts, such as noise, will not be significant. The site visits are typically not daily calls, but rather monthly in nature. It is again noted that Amp and Eden have previously offered to discuss concerns with neighbors and have received limited responses.

Amp does not intend to provide a Property Value Agreement. Such agreements are more common with uses that can result in significant adverse effects to neighbors and thereby property values, such as a landfill. And, given that the commenter has not demonstrated with studies or analysis that any property value impact will occur, particularly in response to the studies provided by Amp, a Property Value Agreement is not warranted. Please also reference Public Comment Responses 7) Comments and questions pertaining to the projects' impact on property values and community character for questions regarding property values.

Thank you for your time and consideration.

Sincerely,

**Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC**  
**By: AMP Solar Development Inc., its Manager**



Nicole LeBlanc  
Authorized Signatory  
Director, US Transactions