
New York Supreme Court
Appellate Division – Third Department

In the Matter of the Application for a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules by:

SUSAN L. BIGGS and LYNNE A. BRUNING,

Petitioners-Appellants,

v.

EDEN RENEWABLES LLC, TOWN OF DUANESBURG PLANNING BOARD and
RICHARD B. MURRAY,

Respondents-Respondents.

Index No.: 2019-2217

Docket No.:

RECORD ON APPEAL
Volume I of II

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New York State Supreme Court
Appellate Division – Third Judicial Department

In the Matter of the Application for a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules by:

SUSAN L. BIGGS and LYNNE A. BRUNING,

Petitioners-Appellants,

STATEMENT
PURSUANT TO CPLR
5531

v.

EDEN RENEWABLES LLC, TOWN OF DUANESBURG PLANNING BOARD and
RICHARD B. MURRAY,

Respondents-Respondents.

Index No.: 2019-2217

Docket No.:

1. The Index Number in the trial court was 2019-2217.
2. The full names of the parties are set forth above in the Caption and have not changed.
3. The action commenced in New York State Supreme Court, Schenectady County.
4. The action was commenced by a filing of a verified petition dated October 16, 2019. The verified answer of Town of Duaneburg Planning Board was filed on December 5, 2019 and the verified answer of Eden Renewables LLC and Richard B. Murray was filed on December 9, 2019.
5. The nature of the action is an Article 78 Petition

6. The appeal was transferred from the lower court by an order of the Honorable Thomas D. Buchanan, S.C.J entered April 28, 2020.
7. The appeal is being perfected on the full record method.

**STATE OF NEW YORK
SUPREME COURT COUNTY OF SCHENECTADY**

**In the Matter of the Application for a Judgment
Pursuant to Article 78 of the Civil Practice Law
And Rules by:**

ORDER OF TRANSFER
Index #2019-2217
RJI #46-1-2019-1074

SUSAN L. BIGGS and LYNNE A. BRUNING

Petitioners

v.

**EDEN RENEWABLES LLC, TOWN OF DUANESBURG
PLANNING BOARD and RICHARD B. MURRAY**

Respondents

Buchanan, J.:

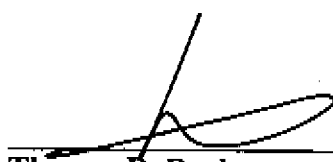
Petitioners have commenced this proceeding pursuant to CPLR art. 78 seeking to annul the “Town of Duanesburg Planning Board Resolution Approving Special Use Permit, Subdivision and Site Plan for the Eden Renewables Oak Hill Solar Energy Projects – 1206 Oak Hill Road” dated September 19, 2019. After reading and filing the Notice of Verified Petition, the Verified Petition, the Verified Answer and Memorandum of Law of the Town of Duanesburg, the Verified Answer and Memorandum of Law of Eden Renewables LLC and Richard B. Murray, the Affidavit of Melissa Deffer Submitting the Certified Transcript of the Town of Duanesburg Planning Board, and Petitioners’ Reply Memorandum of Law, it appears that Petitioners assert that the decision at issue was not supported by substantial evidence, as specified in question four of CPLR §7803, and that there is no other objection that could terminate the proceeding.

Now, therefore, in consideration of the foregoing, it is

ORDERED, that this proceeding be and the same hereby is transferred for disposition to a term of the Appellate Division of the Supreme Court in the Third Judicial Department in accordance with the provisions of CPLR §7804(g).

Dated: Apr. 1 28, 2020

ENTER.



Thomas D. Buchanan
Supreme Court Justice

FILED
10/16/2019 1:04:46 PM
County Clerk
Cara M. Ackerley
SCHENECTADY COUNTY, NY
Inst Num: 201946651

**STATE OF NEW YORK
SUPREME COURT COUNTY OF SCHENECTADY**

In the Matter of the Application for a Judgment
Pursuant to Article 78 of the Civil Practice Law
and Rules by:

SUSAN L. BIGGS and LYNNE A. BRUNING

Petitioners

v.

EDEN RENEWABLES LLC, TOWN OF DUANESBURG
PLANNING BOARD and RICHARD B. MURRAY

Respondents

**NOTICE OF VERIFIED
PETITION**

Index No.: 2019-2217

Hon.

ORAL ARGUMENT IS
REQUESTED

TO: THE ABOVE-NAMED RESPONDENTS:

PLEASE TAKE NOTICE that upon the annexed petition, verified on the 16th day of October, 2019, the undersigned will make application to the Schenectady County Supreme Court, 620 State Street, Schenectady, New York on the 19TH day of December, 2019 at 10 a.m. in the forenoon of that day, or as soon thereafter as counsel may be heard, for an order and judgment pursuant to CPLR Article 78 granting the following relief:


1. Annuling and vacating *ab initio* the "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" dated September 19, 2019 for failure to comply with the substantive and procedural requirements and make written findings in connection with the 7 standards for site plan review and 14 standards for special use permit all as set forth in Section 14.6.1.5, 14.6.2 and 14.6.2.4(c) of the Town of Duanesburg Zoning Ordinance and as required by Section 4(b) of the Town of Duanesburg Solar Energy Facilities Law; and
2. Granting such other and further relief as the Court may deem just, equitable and proper, including attorney's fees, and the costs and disbursements of this proceeding.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR §7804(c), unless otherwise provided by an Order of this Court, respondents' verified answers, supporting

affidavits, if any, and the certified transcript of the record of proceedings under consideration shall be served at least five (5) days before the above return date.

Dated: Springfield Center, New York
October 16, 2019

By:



Douglas H. Zamelis, Esq.
Attorney for Petitioners
7629A State Highway 80
Cooperstown, New York 13326
Tel.: (315) 858-6002

STATE OF NEW YORK
SUPREME COURT COUNTY OF SCHENECTADY

In the Matter of the Application for a Judgment
Pursuant to Article 78 of the Civil Practice Law
and Rules by:

VERIFIED PETITION

SUSAN L. BIGGS and LYNNE A. BRUNING

Index No.: 2019-2217

Petitioners

Hon.

FILED
10/16/2019 1:04:46 PM
County Clerk
Cara M. Ackerley
SCHENECTADY COUNTY, NY
Inst Num: 201946651

v.

EDEN RENEWABLES LLC, TOWN OF DUANESBURG
PLANNING BOARD, and RICHARD B. MURRAY

Respondents

Petitioners Susan L. Biggs and Lynne A. Bruning ("Petitioners"), by and through their attorney Douglas H. Zamelis, Esq., allege for their Verified Petition against respondents Eden Renewables LLC, the Town of Duanesburg Planning Board, and Richard B. Murray ("Respondents") as follows:

INTRODUCTION

1. This proceeding is brought pursuant to Article 78 of the Civil Practice Law and Rules to annul and vacate the September 19, 2019 determinations of respondent Town of Duanesburg Planning Board for failure to make written findings concerning the issuance of site plan approval and a special permit pursuant to Section 14.6.1.5, 14.6.2, and 14.6.2.4(c) of the Town of Duanesburg Zoning Ordinance (the "Ordinance") and Section 4(b) of the Town of Duanesburg Solar Energy Facilities Law (the "Solar Facilities Law"), all in connection with the application of respondent Eden Renewables LLC ("Eden") to construct a major solar energy generating facility (the "Project") at property now or formerly owned by Richard B. Murray at or about 1206 Oak Hill Road in the Town of

Duanesburg, Schenectady County, New York (the "Subject Property").

PETITIONERS

2. Petitioner Susan L. Biggs ("Ms. Biggs") is a natural person who resides at 13388 Duanesburg Road in the Town of Duanesburg, Schenectady County, New York. Ms. Biggs' properties are identified as Town of Duanesburg Tax Parcel Identification numbers 74.00-3-16.3 and 74.00-3-18.
3. Petitioner Lynne A. Bruning ("Ms. Bruning") is a natural person, is the daughter of Ms. Biggs, and resides at 13388 Duanesburg Road in the Town of Duanesburg, Schenectady County, New York.
4. Petitioners enjoy, among other things, residing, gardening, hiking, dog walking, and bird and wildlife watching on the many trails on Ms. Biggs' properties which are directly adjacent to and share a boundary with the Subject Property on which the Project is proposed to be constructed and operated.
5. Petitioners also enjoy the quiet, rural and agricultural character of their neighborhood, and they are particularly concerned about the noise that will be generated during the construction of the Project.
6. Petitioners are concerned that the Project will create significant visual impacts from Ms. Biggs' properties and that the tens of thousands of solar panels covering over 60 acres will be unsightly and will be incompatible with and in stark contrast to existing neighboring structures, including buildings such as the Sheldon Farm House and those on Ms. Biggs' property.
7. Petitioners are further concerned about the extensive tree clearing and fencing

associated with the Project and how the fencing will interfere in the movement of deer and other wildlife such that Petitioners will enjoy fewer wildlife sightings on Ms. Biggs' properties.

8. Petitioners are additionally concerned about the impermeability of the tens of thousands of solar panels covering more than 60 acres associated with the Project, the approximate 6% grade on the Subject Property that drains and flows toward Ms. Biggs' properties, and how those more than 60 acres of solar panels will affect stormwater runoff and cause possible flooding.
9. Petitioners are also concerned that the fire access lanes associated with the Project are not of sufficient width for adequate emergency access, and that such inadequate emergency access could increase the likelihood of fire spreading to Ms. Biggs' properties.
10. Petitioners are very concerned that the Project is not sufficiently and adequately screened from Ms. Bigg's properties, and Ms. Biggs stands to suffer diminution of the value of her real property parcels as a result of the construction and operation of the Project on the Subject Property directly adjacent to hers.
11. Petitioners remain concerned about the eventual decommissioning and disposal of the tens of thousands of solar panels associated with the Project.
12. By virtue of the location of Petitioners' residence and Ms. Biggs' properties directly adjacent to the Subject Property in very close proximity to the Project, Petitioners would be directly affected by the environmental impacts of the Project, including but not limited to construction and traffic impacts, visual impacts,

stormwater impacts, impacts to wildlife, impacts to agriculture, impacts to the character of their neighborhood and community, and diminution of property value, and therefore Petitioners are presumed harmed by the Project different in kind and degree than the public at large.

RESPONDENTS

13. Respondent Eden Renewables LLC (“Eden”) is, upon information and belief and according to public records, a foreign limited liability company with an address for the service of process at 2270 River Road, Castleton-on-Hudson, New York 12033. Eden applied for and on September 19, 2019 received, among other approvals, site plan approval and a special use permit for the Project on the Subject Property from respondent Town of Duanesburg Planning Board.
14. Respondent Town of Duanesburg Planning Board (the “Planning Board”) is, upon information and belief, the duly appointed planning board of the Town of Duanesburg, with a principal place of business at 5853 Western Turnpike, Duanesburg, New York 12056. Respondent Planning Board is purportedly delegated the authority to grant site plan approval and special use permits pursuant to the Ordinance.
15. Respondent Richard B. Murray (“Mr. Murray”) is a natural person who, upon information and belief, resides at 1206 Oak Hill Road, Esperance, New York 12066. Upon information and belief, Mr. Murray is now or formerly the record owner of the Subject Property identified as Town of Duanesburg Tax Parcel Identification number 74.00-2-5.

VENUE

16. Venue for this proceeding to review the determinations of Respondent Planning Board is proper in Schenectady County because the determinations complained of were made in Schenectady County.

STATUTE OF LIMITATIONS

17. Commencement of this proceeding is timely inasmuch as it is commenced within thirty days of the filing in the office of the Duanesburg Town Clerk of the Planning Board's determinations to issue site plan approval and a special use permit to Respondent Eden pursuant to the Ordinance.

BACKGROUND

18. In May of 2018 and pursuant to the Ordinance, Eden applied to the Planning Board for site plan approval and a special permit for the Project which includes, among other things, the construction and operation of two 5-megawatt solar generating facilities involving tens of thousands of solar panels covering over 60 acres at the Subject Property.
19. In July of 2018 Eden applied to the Planning Board for a lot line adjustment and minor subdivision approval in connection with the Project.
20. During the Planning Board's review of and during the public hearing held July 18 and August 16, 2019 for the Project, Ms. Biggs and Ms. Bruning provided numerous oral and written comments to the Planning Board concerning the several adverse impacts they and Ms. Biggs' properties would suffer from the Project including but not limited to construction and traffic impacts, visual

impacts, stormwater impacts, impacts to wildlife, agricultural impacts, impacts to the character of their neighborhood and community, and diminution of property value.

21. On September 19, 2019, notwithstanding Ms. Biggs' and Ms. Bruning's comments concerning the several adverse impacts they would suffer from the Project, the Planning Board voted unanimously to adopt a written resolution to grant site plan approval, special use permit and subdivision approval to Eden for the Project.
22. The "Town of Duanesburg Planning Board Resolution Approving Special Permit, Subdivision and Site Plan Approval for the Eden Renewables Oak Hill Solar Energy Projects – 1206 Oak Hill Road" (the "Approval Resolution") failed to include required findings concerning the standards for site plan and special permit approval as set forth in Section 14.6 of the Ordinance and as required by the Section 4(b) of the Solar Facilities Law.

RELEVANT PROVISIONS OF THE SOLAR FACILITIES LAW

23. Section 1 of the Solar Facilities Law defines "Solar energy system, major - a ground or roof mounted solar energy system that produces power to off-site customers".
24. Section 4(b) of the Solar Facilities Law provides:

Prior to installing a Solar Energy System Major, the applicant shall obtain site plan approval and a special use permit from the Town of Duanesburg Planning Board. A Solar energy System Major shall only be permitted by special use permit and site plan approval in the R-2, C-1, and C-2 Zoning districts. All of the substantive and procedural requirements

for site plan review and special permit review as set forth in the Town of Duaneburg Zoning Ordinance set forth in Section 14.6 (emphasis added).

RELEVANT PROVISIONS OF THE ORDINANCE

25. Section 14.6.1.5 of the Ordinance provides standards for the Planning Board to apply in reviewing and making determinations on site plans including:
- a) Location arrangement, size and design and general compatibility of buildings, lighting and signs.
 - b) *Adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, pavement surfaces, dividers and traffic controls.*
 - c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - d) Adequacy and arrangement of pedestrian access.
 - e) *Adequacy of stormwater and drainage facilities.*
 - f) Adequacy of water supply and sewage disposal facilities.
 - g) *Adequacy, type and arrangement of trees, shrubs and other landscaping constituting [sic]" (emphasis added).*
26. Section 14.6.2 of the Ordinance provides 3 standards for the Planning Board to apply in reviewing and making determinations on special permits including:
- a) Such use is reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community;
 - b) Such use is suitably located in relation to transportation, water and sewerage requirements of this Ordinance or, where not specifically required, that such facilities are otherwise adequate to accommodate anticipated use;
 - c) *The character of the neighborhood and values of surrounding property is reasonably safeguarded (emphasis added);*
27. Section 14.6.2.4(c) of the Ordinance provides 11 additional standards for the Planning Board to apply in reviewing and making determinations on special permits including:

- 1) the proposal is subject to the State Environmental Quality Review Act and, if so, to initiate the process in accordance with Section 14.6.2.7;
- 2) *the proposed use will not have a significant negative effect on existing adjacent land uses;*
- 3) the arrangement of pedestrian traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic control, is adequate.
- 4) the location arrangement, appearance, and sufficiency of off-street parking and loading is sufficient;
- 5) the location, arrangement, size, design and general site compatibility of buildings, lighting and signage is satisfactory;
- 6) *the storm water and drainage facilities are adequate;*
- 7) the water supply and sewage facilities are adequate;
- 8) *the type of arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the Applicants and adjoining lands, including maximum retention of existing vegetation are adequate;*
- 9) *performance Standards, if necessary, if necessary are imposed to ensure protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;*
- 10) *the Fire lanes and other emergency zones and the availability of fire water, water points or hydrants are adequate;* and
- 11) *building appearance is compatible with existing neighboring structures* (emphasis added).

**AS AND FOR PETITIONERS' FIRST CAUSE OF ACTION
(Failure to Make Findings Concerning Site Plan Approval)**

28. Petitioners repeat and reallege each and every allegation set forth in paragraphs 1 through 27 hereinabove.
29. Section 14.6.1.5 requires that the Planning Board consider and make findings pursuant to 7 separate and specific standards applicable to site plan review including but not limited to "adequacy of storm water and drainage facilities" and "adequacy, type and arrangement of trees, shrubs and other landscaping".
30. The Project constitutes a "solar facilities system, major" as defined by the

Ordinance.

31. Section 4(b) of the Solar Facilities Law requires that an applicant for approval of a solar energy system major “shall obtain site plan approval” and requires that the Planning Board apply “all of the substantive and procedural requirements for site plan review . . . as set forth in the [Ordinance] set forth in Section 14.6”.
32. Section 14.6.1.5 of the Ordinance sets forth 7 site plan review standards requiring written findings by the Planning Board.
33. The Planning Board’s September 19, 2019 Approval Resolution omits and fails to include written findings concerning the 7 site plan review standards as required by the Ordinance and the Solar Facilities Law.
34. By failing to consider and make written findings for the 7 site plan review standards in its September 19, 2019 Approval Resolution, the Planning Board failed to perform a duty enjoined upon it by law, proceeded in excess of jurisdiction, and the Planning Board’s determination to issue site plan approval to Eden for the Project was therefore made in violation of lawful procedure, was affected by error of law, was arbitrary and capricious, was an abuse of discretion, and the Planning Board’s September 19, 2019 Approval Resolution should be annulled and vacated *ab initio*.

**AS AND FOR PETITIONERS’ SECOND CAUSE OF ACTION
(Failure to Make Findings Concerning Special Use Permit)**

35. Petitioners repeat and reallege each and every allegation set forth in paragraphs 1 through 34 hereinabove.

36. Section 4(b) of the Solar Facilities Law requires that an applicant for approval of a solar energy system major shall obtain a special permit from the Planning Board and that all of the substantive and procedural requirements for special permit review as set forth in Section 14.6 of the Ordinance shall apply.
37. Section 14.6.2 and 14.6.2.4(c) require that the Planning Board consider and make findings pursuant to a total of 14 separate and specific standards applicable to special permit review including but not limited to “Such use is reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community”, “The character of the neighborhood and values of surrounding property is reasonably safeguarded”, “the proposed use will not have a significant negative effect on existing adjacent land uses”, “the type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise deterring buffer between the applicant’s and adjoining lands, including the maximum retention of existing vegetation are adequate”, “performance Standards, if necessary are imposed to ensure protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features”, “the “Fire lanes and other emergency zones and the availability of fire water, water points or hydrants are adequate”, and “building appearance is compatible with existing neighboring structures”.
38. The Project constitutes a “solar facilities system, major” as defined by the Ordinance.
39. Section 4(b) of the Solar Facilities Law requires that an applicant for approval of

a solar energy system major “shall obtain . . . a special use permit ” and requires that the Planning Board apply “all of the substantive and procedural requirements . . . for special permit review as set forth in the [Ordinance] set forth in Section 14.6”.

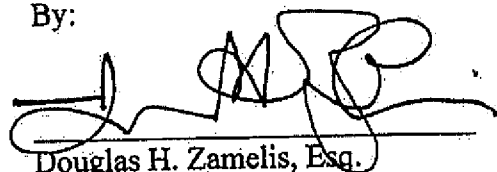
40. Section 14.6.2 of the Ordinance sets forth 3 special use permit standards and Section 14.6.2.4(c) sets forth an additional 11 special permit standards, all requiring written findings by the Planning Board.
41. The Planning Board’s September 19, 2019 Approval Resolution omits and fails to include written findings concerning the 14 special use permit review standards set forth in 14.6.2 and 14.6.2.4(c) as required by the Ordinance and the Solar Facilities Law.
42. By failing to consider and make written findings for the 14 special use permit review standards in its September 19, 2019 Approval Resolution, the Planning Board failed to perform a duty enjoined upon it by law, proceeded in excess of jurisdiction, and the Planning Board’s determination to issue a special use permit to Eden for the Project was therefore made in violation of lawful procedure, was affected by error of law, was arbitrary and capricious, was an abuse of discretion, and the Planning Board’s September 19, 2019 Approval Resolution should be annulled and vacated *ab initio*.

WHEREFORE, Petitioners respectfully request that this Court issue a decision and order granting their verified petition, and awarding judgment to the Petitioners and against Respondents as follows:

1. Annulling and vacating *ab initio* the “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” dated September 19, 2019 for failure to comply with the substantive and procedural requirements and make written findings in connection with the 7 standards for site plan review and 14 standards for special use permit all as set forth in Sections 14.6.1.5, 14.6.2 and 14.6.2.4(c) of the Town of Duanesburg Zoning Ordinance and as required by Section 4(b) of the Town of Duanesburg Solar Energy Facilities Law; and
2. Granting such other and further relief as the Court may deem just, equitable and proper, including Petitioners’ attorney’s fees, and the costs and disbursements of this proceeding.

Dated: Springfield Center, New York
October 16, 2019

By:



Douglas H. Zamelis, Esq.
Counsel for Petitioners
7629A State Highway 80
Cooperstown, New York 13326
Tel.: (315) 858-6002

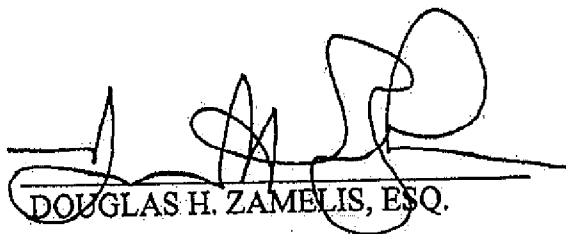
ATTORNEY VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF OTSEGO)

Douglas H. Zamelis, Esq., subject to the penalties of perjury, deposes and says that he is an attorney admitted to practice in the Courts of New York State and that he is attorney of record for the petitioners in the within proceeding; that deponent has read the foregoing verified petition and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by the petitioners is that the petitioners do not reside in the county where deponent maintains his law office.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: review of public records, attendance at a public meeting and discussions with petitioners and others.

October 16, 2019
Richfield Springs, New York


DOUGLAS H. ZAMELIS, ESQ.

Sworn To Before Me
This 16th Day of
October, 2019


NOTARY PUBLIC

SHARON L. EDMUNDS
Notary Public, State of New York
Registration No. 01ED6007097
Qualified in Herkimer County
Commission Expires May 18, 2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHENECTADY

In the Matter of the Application for a Judgment Pursuant to
Article 78 of the Civil Practice Law and Rules by:

SUSAN L. BIGGS and LYNNE A. BRUNING

Petitioners,

Index No.: 2019-2217

v.

EDEN RENEWABLES LLC, TOWN OF DUANESBURG
PLANNING BOARD and RICHARD B. MURRAY

Respondents.

VERIFIED ANSWER

Respondents Eden Renewables LLC and Richard B. Murray (the "Eden Respondents"), by and through their attorneys Hodgson Russ LLP for its Answer to the Verified Petition (the "Petition") of Susan L. Biggs and Lynne A. Bruning ("Petitioners") states as follows:

INTRODUCTION

1. States that the Petition speaks for itself. Denies all remaining allegations of paragraph 1 of the Petition.

PETITIONERS

2. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 2 of the Petition.

3. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 3 of the Petition.

**Verified Answer of Town of Duanesburg Planning Board,
dated December 5, 2019**

4. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 4 of the Petition.

5. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 5 of the Petition.

6. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 6 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 6.

7. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 7 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 7.

8. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 8 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 8.

9. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 9 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 9.

10. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 10 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 10.

11. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 11 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 11.

12. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 12 of the Petition.

RESPONDENTS

13. Admits the allegations in paragraph 13 of the Petition.

14. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 14 of the Petition.

15. Admits the allegations in paragraph 15 of the Petition.

VENUE

16. States that paragraph 16 sets forth a conclusion of law to which no response is necessary.

STATUTE OF LIMITATIONS

17. Admits that Petitioners commenced this proceeding within thirty days of the filing in the office of the Duanesburg Town Clerk of the Planning Board's determinations to issue site plan approval and a special use permit. Denies all remaining allegations in paragraph 17.

BACKGROUND

18. Admits the allegations in paragraph 18 of the Petition.

19. Admits the allegations in Paragraph 19 of the Petition.

20. Admits that Petitioners raised numerous concerns about perceived impacts of the Project on their properties. Denies all remaining allegations in paragraph 20 of the Petition.

21. Admits that the Planning Board voted unanimously to adopt a written resolution to grant site plan approval, special use permit, and subdivision approval. Denies all remaining allegations in paragraph 21 of the Petition.

22. Denies the allegations in paragraph 22 of the Petition.

RELEVANT PROVISIONS OF THE SOLAR FACILITIES LAW

23. States that the Solar Facilities Law speaks for itself. Denies all remaining allegations in paragraph 23 of the Petition.

24. States that the Solar Facilities Law speaks for itself. Denies all remaining allegations in paragraph 24 of the Petition.

RELEVANT PROVISIONS OF THE ORDINANCE

25. States that the Town of Duanesburg Zoning Ordinance (the "Ordinance") speaks for itself. Denies all remaining allegations in paragraph 25 of the Petition.

26. States that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 26 of the Petition.

27. States that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 27 of the Petition.

AS AND FOR AN ANSWER TO PETITIONERS' FIRST CAUSE OF ACTION

28. Repeats, realleges, and incorporates each response to the referenced paragraphs as if fully set forth herein.

29. States that the Ordinance states that the Planning Board shall consider seven items "as appropriate," and that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 29 of the Petition.

30. States that paragraph 30 sets forth a conclusion of law to which no response is necessary. Denies all remaining allegations in paragraph 30 of the Petition.

31. States that the Solar Facilities Law and the Ordinance speak for themselves. Denies all remaining allegations in paragraph 31 of the Petition.

32. Denies the allegations in paragraph 32 of the Petition as Section 14.6.1.5 only requires review of those factors that are appropriate, and that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 32 of the Petition.

33. Denies the allegations in paragraph 33 of the Petition.

34. Denies the allegations in paragraph 34 of the Petition.

AS AND FOR AN ANSWER TO PETITIONERS' SECOND CAUSE OF ACTION

35. Repeats, realleges, and incorporates each response to the referenced paragraphs as if fully set forth herein.

36. States that the Solar Facilities Law speaks for itself. Denies all remaining allegations in paragraph 36 of the Petition.

37. States that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 37 of the Petition.

38. States that paragraph 38 sets forth a conclusion of law to which no response is necessary. Denies all remaining allegations in paragraph 38 of the Petition.

39. States that the Solar Facilities Law speaks for itself. Denies all remaining allegations in paragraph 39 of the Petition.

40. States that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 40 of the Petition.

41. Denies the allegations in paragraph 41 of the Petition.

42. Denies the allegations in paragraph 42 of the Petition.

43. Denies the allegations contained in the unnumbered paragraph following the "WHEREFORE" heading.

44. Denies each and every other allegation not otherwise expressly addressed in this Answer.

OBJECTIONS IN POINT OF LAW

45. The Petition and each cause of action therein fails to state a claim upon which relief can be granted.

46. The Petition and the claims therein are barred in whole or in part by documentary evidence.

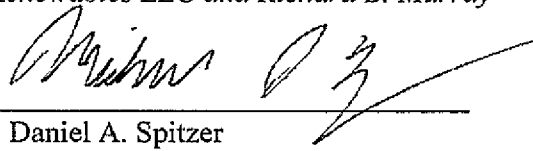
47. Respondents reserve the right to assert any and all other defenses or objections in point of law available to it under applicable law.

WHEREFORE, Respondents Eden Renewables LLC and Richard B. Murray demand judgment against Petitioners dismissing the Verified Petition in its entirety, with prejudice; awarding Respondents costs, disbursements, and attorneys' fees in connection with this proceeding; and awarding Respondents such other and further relief as the Court may deem just and proper.

Dated: Albany, New York
December 9, 2019

HODGSON RUSS LLP
Attorneys for Respondents
Eden Renewables LLC and Richard B. Murray

By: _____


Daniel A. Spitzer
Michael D. Zahler

677 Broadway, Suite 301
Albany, New York 12207
Telephone: 518.465.2333

ATTORNEY VERIFICATION

Michael D. Zahler, Esq., under penalty of perjury and in accordance with CPLR § 3020, affirms that the following is true and correct:

I am an attorney with Hodgson Russ LLP, attorneys for Respondents Eden Renewables LLC and Richard B. Murray. I am fully familiar with the facts and circumstances of this action. I have read the foregoing Verified Answer and know its contents. The document is true to my own knowledge, except as to matters stated to be on information and belief, and as to those matters, I believe them to be true. The basis for matters stated on information and belief is my investigation of the subject matter of this action.

This verification is made by me because Respondents are not a resident of Albany County where this firm's offices are located.

Dated: Albany, New York
December 9, 2019



Michael D. Zahler

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHENECTADY

In the Matter of the Application for a Judgment Pursuant to
Article 78 of the Civil Practice Law and Rules by:

SUSAN L. BIGGS and LYNNE A. BRUNING

Index No.: 2019-2217

Petitioners,

v.

EDEN RENEWABLES LLC, TOWN OF DUANESBURG
PLANNING BOARD and RICHARD B. MURRAY

Respondents.

VERIFIED ANSWER

Respondent Town of Duanesburg Planning Board (the "Town"), by and through its attorneys Whiteman Osterman & Hanna LLP, for its Answer to the Verified Petition (the "Petition") of Susan L. Biggs and Lynne A. Bruning ("Petitioners") states as follows:

INTRODUCTION

1. States that the Petition speaks for itself. Denies all remaining allegations of paragraph 1 of the Petition.

PETITIONERS

2. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 2 of the Petition.

3. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 3 of the Petition.

4. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 4 of the Petition.

5. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 5 of the Petition.

6. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 6 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 6.

7. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 7 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 7.

8. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 8 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 8.

9. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 9 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 9.

10. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 10 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 10.

11. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 11 that certain issues “concern” Petitioners. Denies all remaining allegations in paragraph 11.

12. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 12 of the Petition.

RESPONDENTS

13. Denies knowledge or information sufficient to form a belief with respect to the allegations in paragraph 13 of the Petition

14. Admits the allegations in paragraph 14 of the Petition.

15. Admits the allegations in paragraph 15 of the Petition.

VENUE

16. States that paragraph 16 sets forth a conclusion of law to which no response is necessary.

STATUTE OF LIMITATIONS

17. Admits that Petitioners commenced this proceeding within thirty days of the filing in the office of the Duanesburg Town Clerk of the Planning Board's determinations to issue site plan approval and a special use permit. Denies all remaining allegations in paragraph 17.

BACKGROUND

18. Admits the allegations in paragraph 18 of the Petition.

19. Admits the allegations in Paragraph 19 of the Petition.

20. Admits that Petitioners raised numerous concerns about perceived impacts of the Project on their properties. Denies all remaining allegations in paragraph 20 of the Petition.

21. Admits that the Planning Board voted unanimously to adopt a written resolution to grant site plan approval, special use permit, and subdivision approval. Denies all remaining allegations in paragraph 21 of the Petition.

22. Denies the allegations in paragraph 22 of the Petition.

RELEVANT PROVISIONS OF THE SOLAR FACILITIES LAW

23. States that the Solar Facilities Law speaks for itself. Denies all remaining allegations in paragraph 23 of the Petition.

24. States that the Solar Facilities Law speaks for itself. Denies all remaining allegations in paragraph 24 of the Petition.

RELEVANT PROVISIONS OF THE ORDINANCE

25. States that the Town of Duanesburg Zoning Ordinance (the “Ordinance”) speaks for itself. Denies all remaining allegations in paragraph 25 of the Petition.

26. States that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 26 of the Petition.

27. States that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 27 of the Petition.

AS AND FOR AN ANSWER TO PETITIONERS’ FIRST CAUSE OF ACTION

28. Repeats, realleges, and incorporates each response to the referenced paragraphs as if fully set forth herein.

29. States that the Ordinance states that the Planning Board shall consider seven items “as appropriate,” and that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 29 of the Petition.

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AS AND FOR AN ANSWER TO PETITIONERS' SECOND CAUSE OF ACTION

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36. States that the Solar Facilities Law speaks for itself. Denies all remaining allegations in paragraph 36 of the Petition.

37. Denies the allegations States that the Ordinance speaks for itself. Denies all remaining allegations in paragraph 37 of the Petition.

38. States that paragraph 38 sets forth a conclusion of law to which no response is necessary. Denies all remaining allegations in paragraph 38 of the Petition.

39. States that the Solar Facilities Law speaks for itself. Denies all remaining allegations in paragraph 39 of the Petition.

40. States that the Ordinance speaks for itself.. Denies all remaining allegations in paragraph 40 of the Petition.

41. Denies the allegations in paragraph 41 of the Petition.

42. Denies the allegations in paragraph 42 of the Petition.

43. Denies the allegations contained in the unnumbered paragraph following the "WHEREFORE" heading.

44. Denies each and every other allegation not otherwise expressly addressed in this Answer.

OBJECTIONS IN POINT OF LAW

45. The Petition and each cause of action therein fails to state a claim upon which relief can be granted.

46. The Petition and the claims therein are barred in whole or in part by documentary evidence.

47. Respondents reserve the right to assert any and all other defenses or objections in point of law available to it under applicable law.

WHEREFORE, Respondents Eden Renewables LLC and Richard B. Murray demand judgment against Petitioners dismissing the Verified Petition in its entirety, with prejudice; awarding Respondents costs, disbursements, and attorneys' fees in connection with this proceeding; and awarding Respondents such other and further relief as the Court may deem just and proper.

Dated: Albany, New York
December 5, 2019

WHITEMAN OSTERMAN & HANNA LLP

*Attorneys for Respondent
Town of Duanesburg Planning Board*

By: John J. Henry
John Henry, Esq.
Hilda R. Marinello, Esq.
One Commerce Plaza
Albany, New York 12260
(518) 487-7600

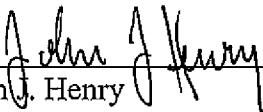
ATTORNEY VERIFICATION

John J. Henry, Esq., under penalty of perjury and in accordance with CPLR § 3020, affirms that the following is true and correct:

I am an attorney with Whiteman Osterman & Hanna LLP, attorneys for Respondents Town of Duanesburg Planning Board. I am fully familiar with the facts and circumstances of this action. I have read the foregoing Verified Answer and know its contents. The document is true to my own knowledge, except as to matters stated to be on information and belief, and as to those matters, I believe them to be true. The basis for matters stated on information and belief is my investigation of the subject matter of this action.

This verification is made by me because Respondents are not a resident of Albany County where this firm's offices are located.

Dated: Albany, New York
December 5, 2019



John J. Henry

STATE OF NEW YORK
SUPREME COURT : COUNTY OF SCHENECTADY

In the Matter of the Application for a Judgment Pursuant to
Article 78 of the Civil Practice Law and Rules by:

SUSAN L. BIGGS and LYNNE A. BRUNING

Index No. 2019-2217

Petitioners,

v.

Assigned Justice:
Hon. Thomas D. Buchanan

EDEN RENEWABLES LLC,
TOWN OF DUANESBURG PLANNING BOARD and
RICHARD B. MURRAY,

Respondents.

STATE OF NEW YORK)
 ss :
COUNTY OF SCHENECTADY)

**AFFIDAVIT OF MELISSA DEFFER SUBMITTING THE CERTIFIED TRANSCRIPT
OF THE TOWN OF DUANESBURG PLANNING BOARD**

I, **MELISSA DEFFER**, do hereby depose and state as follows:

1. I am the Clerk for the Town of Duanesburg Planning Board (the "Board"). I provide this Affidavit solely to provide the Court with the certified transcript of the proceedings of the Board's approval of the site plan and special use permit allowing Eden Renewables LLC ("Eden") to develop two (2) solar energy fields in Duanesburg, New York.

2. Attached as Exhibit "1" is a copy of the Special Use Permit and Site/Sketch Plan Review submitted by Eden on May 7, 2018 and revised July 23, 2018.

3. Attached as Exhibit "2" is a copy of the Minutes of the May 17, 2018 Planning Board meeting at which the Board received applications for SBL# 74.00-2-5, (R-2) located at 13590-13592 Duanesburg Rd for two solar projects, each seeking a Special Use Permit under Local Law # 107-2016 of the Town of Duanesburg Zoning Ordinance, as well as seeking a Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance, and Site Plan approval.

**Affidavit of Melissa Deffer Submitting the Certified Transcript of the
Town of Duanesburg Planning Board, sworn to on November 27, 2019**

4. Attached as Exhibit "3" is a copy of the Planning Board's July 19, 2018 meeting Minutes, including the motion designating itself as SEQRA Lead Agency, declaring the proposed action as a Type 1 action, and beginning a coordinated review.

5. Attached as Exhibit "4" is a copy of the Minutes of the Planning Board's August 16, 2018 meeting including a motion appointing Doug Cole of Prime AE Group as the Town Designated Engineer to assist in its review of Eden's application.

6. Attached as Exhibit "5" is a copy of the Minutes of the September 20, 2018 Board meeting discussing the progress of the review.

7. Attached as Exhibit "6" are the revised site plans, minor subdivision and lot line adjustment plans, revised applications, a revised Full Environmental Assessment Form, and a decommissioning plan, Basic Stormwater Pollution Prevention Plan (Erosion & Sediment Controls), accompanied by a letter addressing Engineer Cole's comments submitted by Eden on or about March 11, 2019.

8. Attached as Exhibit "7" is the Zoning Coordination Referral under General Municipal Law § 239-m and County response recommending approval.

9. Attached as Exhibit "8" is a copy of the Minutes of the March 21, 2019 Planning Board meeting wherein the Board reviewed the project and directed the applicant to take certain further steps.

10. Attached as Exhibit "9" is a copy of the June 4, 2019 letter from New York Parks, Recreation, and Historic Preservation ("SHPO") stating: "No archaeological resources were identified during the survey. SHPO has no concerns regarding the project's potential to affect historic architectural resources. Therefore, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking."

11. Attached as Exhibit "10" is the additional information Eden supplied at the Board's request on or about June 6, 2019, including Decommissioning Plan, Stormwater Pollution Plan, and guidance issued by the DEC on Stormwater Design for Solar Panel Installations.

12. Attached as Exhibit "11" is a copy of the Minutes of the June 20, 2019 Planning Board meeting, including a motion setting a public hearing for the project, and the proof of public hearing notice.

13. Attached as Exhibit "12" is a copy of the July 3, 2019 letter to the Planning Board from Environmental Design Partnership, LLP ("EDP"), providing additional information to the Board, a July 9, 2019 letter providing review comments by Prime AE, on the June 6 and July 9, 2019 EDP submittals, and a July 16 letter from EDP responding to Prime AE's inquiries.

14. Attached as Exhibit "13" is a copy of the Minutes of the July 18, 2019 Planning Board meeting, including the public hearing on the project and submitted document.

**Affidavit of Melissa Deffer Submitting the Certified Transcript of the
Town of Duanesburg Planning Board, sworn to on November 27, 2019**

15. Attached as Exhibit "14" is a copy of the August 5, 2019 letter to the Planning Board from EDF, included revised Full EAF, responses to comments, and public meeting information.

16. Attached as Exhibit "15" is a copy of the Minutes of the August 15, 2019 Planning Board meeting, including the continuation of the public hearing on the project, proof of public hearing notice, and submitted documents, including e-mails sent to the Board after the meeting and included in the record, and responses to comments.

17. Attached as Exhibit "16" is a copy of the September 5, 2019 letter from EDP to the Planning Board responding to comments at the public hearing and additional information including the Electrical System Interconnection Review, updated Decommissioning Plan, and the archeological report for the project submitted.

18. Attached as Exhibit "17" is a copy of Engineer Cole's September 12, 2019 letter responding to the final submittals by Eden.

19. Attached as Exhibit "18" is a copy of the Minutes of the September 19, 2019 Planning Board meeting and submitted documents.

20. Attached as Exhibit "19" is the Town of Duanesburg Planning Board Resolution Issuing Negative Declaration, Approving Special Use Permit, Site Plan and Subdivision for the Eden Renewables Oak Hill Solar Energy Projects – 1206 Oak Hill Road entered September 19, 2019 (the "Resolution").

21. Attached as Exhibit "20" is the Part 3 of the Full EAF filled out by the Planning Board, including the memorandum entitled "Reasons Supporting the SEQRA Determination" entered on September 19, 2019.


22. Attached as Exhibit "21" are additional materials received into the record after September 19, 2019, including comments from the Petitioners.

23. Attach as Exhibit "22" is the Army Corps of Engineers confirmation regarding the project being governed by the nationwide general permit.

24. Attached as Exhibit "23" is a copy of the Minutes of the October 17, 2019 Planning Board motion to amend the resolution approving the project to show the correct amount of lot coverage as shown on the site plan.

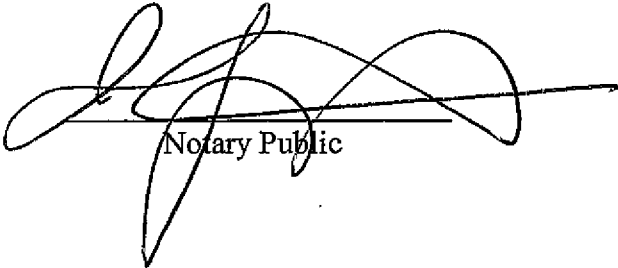
**Affidavit of Melissa Deffer Submitting the Certified Transcript of the
Town of Duanesburg Planning Board, sworn to on November 27, 2019**

WHEREFORE, your deponent respectfully requests that the Court dismiss this action in its entirety.



Melissa Deffer

Sworn to before me this
27th day of November 2019.



Notary Public

JENNIFER M. HOWE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HQ6351801
Qualified In Schenectady County
My Commission Expires 12-12-2020

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD Revised 04/12/2017
TOWN OF DUANESBURG
*****FOR OFFICE USE ONLY*****

 ORIGINAL

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Title of drawing. | <input checked="" type="checkbox"/> Septic system: Soil investigation completed? |
| <input checked="" type="checkbox"/> Tax Map ID # | <input checked="" type="checkbox"/> Sewer System: Which district? |
| <input checked="" type="checkbox"/> Zoning district | <input type="checkbox"/> Basic SWPPP (1≥ & <5) |
| <input checked="" type="checkbox"/> Current Original Deed | <input type="checkbox"/> Full Storm Water Control Plan (5acres or more) |
| <input checked="" type="checkbox"/> NYS Survey (L.S. & P.E.) | <input type="checkbox"/> Storm Water Control Plan |
| <input checked="" type="checkbox"/> North Arrow, scale (1"=100') | <input checked="" type="checkbox"/> Short or long EAF www.dec.ny.gov/eafmapper/ |
| <input checked="" type="checkbox"/> Boundaries of the property plotted and labeled to scale. | <input type="checkbox"/> Street pattern: Traffic study needed? |
| <input checked="" type="checkbox"/> School District/Fire District | <input type="checkbox"/> All property Mergers REQUIRE both owners Signatures on the Application |
| <input checked="" type="checkbox"/> Green area/ landscaping | |
| <input checked="" type="checkbox"/> Existing watercourses, wetlands, etc. | <u>Additional Requirements for Special Use Application:</u> |
| <input checked="" type="checkbox"/> Contour Lines (increments of 10ft.) | <input checked="" type="checkbox"/> New or existing building |
| <input checked="" type="checkbox"/> Easements & Right of ways | <input checked="" type="checkbox"/> Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage |
| <input checked="" type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. | Parking, Handicap Spaces, & lighting plan |
| <input checked="" type="checkbox"/> Well/ Water system | |

Date May 7, 2018

Application type: Major Subdv Minor Subdv Special Use Permit Site/ Sketch Plan Review LotLine Adjust
Proposal: The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own tax map parcel. Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!)
 Address: 1206 Oak Hill Road, Esperance Zip code: 12066
 Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011
 Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053
 Tax Map # 74.00-2-5 Zoning District R-2

Richard B Murray

Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS)

Signature of receiving Property Owner _____ (AS APPEARS ON DEED!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

[Signature] Date 5-7-2018

Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

Application fee paid: 500 Check# no 25011495224 (For office use only) Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

 Planning Chairperson Date Code Enforcement Date

PAID

D. of D. advised

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD Revised 04/12/2017
TOWN OF DUANESBURG

*******FOR OFFICE USE ONLY*******

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|---|--|
| <input type="checkbox"/> Title of drawing. | <input type="checkbox"/> Septic system: Soil investigation completed? |
| <input type="checkbox"/> Tax Map ID # | <input type="checkbox"/> Sewer System: Which district? |
| <input type="checkbox"/> Zoning district | <input type="checkbox"/> Basic SWPPP (1≥ & <5) |
| <input type="checkbox"/> Current Original Deed | <input type="checkbox"/> Full Storm Water Control Plan (5acres or more) |
| <input type="checkbox"/> NYS Survey (L.S. & P.E.) | <input type="checkbox"/> Storm Water Control Plan |
| <input type="checkbox"/> North Arrow, scale (1"=100') | <input type="checkbox"/> Short or long EAF www.dac.ny.gov/eafmapper/ |
| <input type="checkbox"/> Boundaries of the property plotted and labeled to scale. | <input type="checkbox"/> Street pattern: Traffic study needed? |
| <input type="checkbox"/> School District/Fire District | <input type="checkbox"/> All property Mergers REQUIRE both owners Signatures on the Application |
| <input type="checkbox"/> Green area/ landscaping | |
| <input type="checkbox"/> Existing watercourses, wetlands, etc. | Additional Requirements for Special Use Application: |
| <input type="checkbox"/> Contour Lines (increments of 10ft.) | <input type="checkbox"/> New or existing building |
| <input type="checkbox"/> Easements & Right of ways | <input type="checkbox"/> Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage |
| <input type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. | Parking, Handicap Spaces, & lighting plan |
| <input type="checkbox"/> Well/ Water system | |

Date May 7, 2018 - Revised July 23, 2018

Application type: Major Subdv Minor Subdv Special Use Permit Site/ Sketch Plan Review LotLine Adjust

Proposal: The applicant proposes to construct a 5 MW photovoltaic solar array on parcel 74.00-2-5 p/o.
Related lot line adjustment and subdivision applications have been submitted separately.

Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)
 Address: 1206 Oak Hill Road, Esperance Zip code: 12066
 Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011
 Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053
 Tax Map # 74.00-2-5 p/o Zoning District R-2

Richard B Murray
 Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS)
 Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

Giovanni Maruca Date 7/26/18
 Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

Application fee paid: _____ Check# _____ (For office use only) Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

 Planning Chairperson. Date _____ Code Enforcement Date _____

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD
TOWN OF DUANESBURG
*****FOR OFFICE USE ONLY*****

Revised 04/12/2017



ORIGINAL

CHECKLIST OF REQUIRED INFORMATION:

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|--|---|
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| <input checked="" type="checkbox"/> Boundaries of the property plotted and labeled to scale. | <input type="checkbox"/> Street pattern: Traffic study needed? |
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| <input checked="" type="checkbox"/> Contour Lines (increments of 10ft.) | <input checked="" type="checkbox"/> Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage |
| <input checked="" type="checkbox"/> Easements & Right of ways | Parking, Handicap Spaces, & lighting plan |
| <input checked="" type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. | |
| <input checked="" type="checkbox"/> Well/ Water system | |

Date May 7, 2018 - Revised July 9, 2018

Application type: Major Subdy Use Permit Site/ Sketch Plan Review LotLine Adjust

Proposal: The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays. The property will be subdivided such that each solar array will be situated on it's own tax map parcel.

Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)

Address: 1206 Oak Hill Road, Esperance Zip code: 12066

Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011

Location of Property (if different from owners) 13590-13592 Duaneburg Road, Delanson, NY 12053

Tax Map # 74.00-2-5 Zoning District R-2

[Signature]
Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS) _____

Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duaneburg to walk the property for the purposes of conducting a site review.

[Signature: Richard B Murray] Date 7-9-2018
Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

Application fee paid: _____ Check# _____ (For office use only) Reviewed By [Signature] Date 7/9/18

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

_____	_____	_____	_____
Planning Chairperson	Date	Code Enforcement	Date

TOWN OF DUANESBURG

ORIGINAL

APPLICATION FOR SITE/ SKETCH DEVELOPMENT PLAN APPROVAL

Preliminary Date: _____ Final Date: _____
(Check appropriate box)

Name of proposed development Oak Hill Solar Project

Applicant:

Name Eden Renewables - Giovanni Maruca
Address 2270 River Road
Castleton on Hudson, NY 12033
Telephone 518 233-4011

Plans Prepared by:

Name Environmental Design Partnership
Address 900 Route 146
Clifton park, NY 12065
Telephone 518 371-7621

Owner (if different):

Name Richard Murray
Address 1206 Oak Hill Road
Esperance, NY 12068
Telephone _____

(if more than one owner, provide information for each)

Ownership intentions, i.e., purchase options

Location of site

13590-13592 Duaneburg Road, Delanson, NY 1253

Section 74.00-2-5 Block _____ Lot _____

Current zoning classification R-2

State and federal permits needed (list type and appropriate department)

Proposed use(s) of site

Two 5.0 MW solar arrays.

Total site area (square feet or acres) 142.1 +/- acre

Anticipated construction time 2018 - 2019

Will development be phased? NO

Over →

Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018

 ORIGINAL

Current land use of site (agricultural, commercial, underdeveloped, etc.)

Unused Agricultural

Current condition of site (buildings, brush, etc.) Vacant

Character of surrounding lands (suburban, agricultural, wetlands, etc.) Residential / vacant

Estimated cost of proposed improvement \$ _____

Anticipated increase in number of residents, shoppers, employees, etc. (as applicable)

Describe proposed use, including primary and secondary uses; ground floor area; height; and number of stories for each building:

- for residential buildings include number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three or more bedrooms) and number of parking spaces to be provided.
- For non-residential buildings, include total floor area sales area; number of automobile and truck parking spaces,
- Other proposed structures.

(Use separate sheet if needed)

The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own tax map parcel. There are no buildings proposed.

TOWN OF DUANESBURG

APPLICATION FOR SITE/ SKETCH DEVELOPMENT PLAN APPROVAL

Preliminary Date: _____ Final Date: _____
(Check appropriate box)

Name of proposed development Oak Hill Solar Project

Applicant:

Name Eden Renewables - Giovanni Maruca
Address 2270 River Road
Castleton on Hudson, NY 12033
Telephone 518 233-4011

Plans Prepared by:

Name Environmental Design Partnership
Address 900 Route 146
Clifton park, NY 12065
Telephone 518 371-7621

Owner (if different):

Name Richard Murray
Address 1206 Oak Hill Road
Esperance, NY 12066
Telephone _____

(if more than one owner, provide information for each)

Ownership intentions, i.e., purchase options

Location of site

13590-13592 Duanesburg Road, Delanson, NY 1253

Section 74.00-2-5 Block _____ Lot _____

Current zoning classification R-2

State and federal permits needed (list type and appropriate department)

Proposed use(s) of site

Two 5.0 MW solar arrays.

Total site area (square feet or acres) 204.02 +/- acre (142.1 +/- acre parcel with 61.92 +/- lot line adjustment with adjoining parcel of common ownership)

Anticipated construction time 2018 - 2019

Will development be phased? NO

Over →

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

Current land use of site (agricultural, commercial, underdeveloped, etc.)

Unused Agricultural

Current condition of site (buildings, brush, etc.) Vacant

Character of surrounding lands (suburban, agricultural, wetlands, etc.) Residential / vacant

Estimated cost of proposed improvement \$ _____

Anticipated increase in number of residents, shoppers, employees, etc. (as applicable)

Describe proposed use, including primary and secondary uses; ground floor area; height; and number of stories for each building:

- for residential buildings include number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three or more bedrooms) and number of parking spaces to be provided.
- For non-residential buildings, include total floor area sales area; number of automobile and truck parking spaces,
- Other proposed structures.

(Use separate sheet if needed)


The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own tax map parcel. There are no buildings proposed.

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.



Department of
Environmental
Conservation

*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

Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Jennifer Friello, Clerk
Teresa Bakner, Board Attorney



Town of Duanesburg
Planning Board

Jeffrey Schmitt, Vice Chair Member
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rullison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

August 15, 2018

Re: *Eden Renewables Solar Project*
SEQRA Type I Action
Lead Agency Coordination

To All Involved Agencies and Interested Parties,

On July 26, 2018, the Duanesburg Planning Board received an application from Eden Renewables for a PV Solar Project located at 13590-13592 Duanesburg Road, in the Town of Duanesburg, Schenectady County, New York. At the July 19, 2018 Planning Board meeting, the proposed action was classified as a Type I Action.

In accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA) under 6 NYCRR, Part 617 of the Environmental Conservation Law, the Town Planning Board plans to assume the role of Lead Agency.

Based upon the Part 1 of the Full Environmental Assessment Form (EAF) prepared by the Applicant, your agency has been identified as a potential Involved Agency and/or Interested Party under SEQRA. Enclosed please find a copy of the Part 1 of the Full EAF for the project. We welcome any comments you may have regarding the proposed action and would request that you inform us of any permits or other authorizations that will be required from your agency. In addition, please let us know if you have any objections to the Town of Duanesburg Planning Board acting in the capacity of Lead Agency.

Please provide written correspondence within 30 calendar days of the date of this correspondence.

Written correspondence should be directed to my attention at the following address: Town of Duanesburg Planning/Zoning Clerk; 5853 Western Turnpike; Duanesburg, New York 12056.

Sincerely,

Jennifer Friello
Planning/Zoning Clerk, Town of Duanesburg

**Eden Renewables Solar Project
SEQRA Involved & Interested Agencies
Coordinated Review Distribution List**

**Roger Tidball, Supervisor
Duanesburg Town Board
5853 Western Turnpike
Duanesburg, NY 12056**

**Ray Gillen, Commissioner
Schenectady County Economic Development and Planning
Schaffer Heights Suite 303
107 Nott Terrace
Schenectady, NY 12308**

**Angelika Stewart, Environmental Analyst
New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4
1130 North Westcott Road
Schenectady, NY 12306-2014**

**Ruth L. Pierpont, Deputy Commissioner for Historic Preservation
New York State Office of Parks, Recreation and Historic Preservation
Division of Historic Preservation
P.O. Box 189
Waterford, NY 12188-0189**

**Mr. Frank Macri, Superintendent of Schools
Duanesburg Central School District
133 School Drive, Delanson, NY 12053**

**Tom Lynch, Director of Government Affairs
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

**Esperance Fire Department
P.O. BOX 84
Esperance, NY 12066**

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD Revised 04/12/2017
TOWN OF DUANESBURG
*******FOR OFFICE USE ONLY*******

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Title of drawing. <input type="checkbox"/> Tax Map ID # <input type="checkbox"/> Zoning district <input type="checkbox"/> Current Original Deed <input type="checkbox"/> NYS Survey (L.S. & P.E.) <input type="checkbox"/> North Arrow, scale (1"=100') <input type="checkbox"/> Boundaries of the property plotted and labeled to scale. <input type="checkbox"/> School District/Fire District <input type="checkbox"/> Green area/ landscaping <input type="checkbox"/> Existing watercourses, wetlands, etc. <input type="checkbox"/> Contour Lines (increments of 10ft.) <input type="checkbox"/> Easements & Right of ways <input type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. <input type="checkbox"/> Well/ Water system | <ul style="list-style-type: none"> <input type="checkbox"/> Septic system: Soil Investigation completed? <input type="checkbox"/> Sewer System: Which district? <input type="checkbox"/> Basic SWPPP (1≥ & <5) <input type="checkbox"/> Full Storm Water Control Plan (5acres or more) <input type="checkbox"/> Storm Water Control Plan <input type="checkbox"/> Short or long EAF www.dec.ny.gov/eafmapper/ <input type="checkbox"/> Street pattern: Traffic study needed? <input type="checkbox"/> All property Mergers REQUIRE both owners Signatures on the Application <p><u>Additional Requirements for Special Use Application:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> New or existing building <input type="checkbox"/> <u>Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, & lighting plan</u> |
|--|--|

Date May 7, 2018 - Revised July 23, 2018

Application type: Major Subdv Minor Subdv Special Use Permit Site/ Sketch Plan Review LotLine Adjust

Proposal: The applicant proposes to construct a 5 MW photovoltaic solar array on parcel 74.00-2-5.

Related lot line adjustment and subdivision applications have been submitted separately.

Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)

Address: 1206 Oak Hill Road, Esperance Zip code: 12086

Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011

Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053

Tax Map # 74.00-2-5 Zoning District R-2

Richard B Murray
Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS)

Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

Ann V. ... Date 7/24/18

Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

.....

Application fee paid: _____ Check# _____ (For office use only) Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

_____ Planning Chairperson Date _____ Code Enforcement Date _____

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD Revised 04/12/2017
TOWN OF DUANESBURG
*******FOR OFFICE USE ONLY*******

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|---|--|
| <input type="checkbox"/> Title of drawing. | <input type="checkbox"/> Septic system: Soil investigation completed? |
| <input type="checkbox"/> Tax Map ID # | <input type="checkbox"/> Sewer System: Which district? |
| <input type="checkbox"/> Zoning district | <input type="checkbox"/> Basic SWPPP (1≥ & <5) |
| <input type="checkbox"/> Current Original Deed | <input type="checkbox"/> Full Storm Water Control Plan (5acres or more) |
| <input type="checkbox"/> NYS Survey (L.S. & P.E.) | <input type="checkbox"/> Storm Water Control Plan |
| <input type="checkbox"/> North Arrow, scale (1"=100') | <input type="checkbox"/> Short or long EAF www.dec.ny.gov/eafmapper/ |
| <input type="checkbox"/> Boundaries of the property plotted and labeled to scale. | <input type="checkbox"/> Street pattern: Traffic study needed? |
| <input type="checkbox"/> School District/Fire District | <input type="checkbox"/> All property Mergers REQUIRE both owners Signatures on the Application |
| <input type="checkbox"/> Green area/ landscaping | Additional Requirements for Special Use Application: |
| <input type="checkbox"/> Existing watercourses, wetlands, etc. | <input type="checkbox"/> New or existing building |
| <input type="checkbox"/> Contour Lines (increments of 10ft.) | <input type="checkbox"/> Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, & lighting plan |
| <input type="checkbox"/> Easements & Right of ways | |
| <input type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. | |
| <input type="checkbox"/> Well/ Water system | |

Date May 7, 2018 - Revised July 23, 2018

Application type: Major Subdv Minor Subdv Special Use Permit Site/ Sketch Plan Review LotLine Adjust
Proposal: The applicant proposes a 2 lot minor subdivision of tax map parcel 74.00-2-5.

Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)
 Address: 1206 Oak Hill Road, Esperance Zip code: 12066
 Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011
 Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053
 Tax Map # 74.00-2-5 Zoning District R-2

Richard Murray
 Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS)
 Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

Giovanni Maruca Date 7/26/18
 Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

.....
 (For office use only)

Application fee paid: _____ Check# _____ Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

_____ Date _____ Code Enforcement _____ Date _____
 Planning Chairperson

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD Revised 04/12/2017
TOWN OF DUANESBURG
*****FOR OFFICE USE ONLY*****

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Title of drawing. <input type="checkbox"/> Tax Map ID # <input type="checkbox"/> Zoning district <input type="checkbox"/> Current Original Deed <input type="checkbox"/> NYS Survey (L.S. & P.E.) <input type="checkbox"/> North Arrow, scale (1"=100') <input type="checkbox"/> Boundaries of the property plotted and labeled to scale. <input type="checkbox"/> School District/Fire District <input type="checkbox"/> Green area/ landscaping <input type="checkbox"/> Existing watercourses, wetlands, etc. <input type="checkbox"/> Contour Lines (increments of 10ft.) <input type="checkbox"/> Easements & Right of ways <input type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. <input type="checkbox"/> Well/ Water system | <ul style="list-style-type: none"> <input type="checkbox"/> Septic system: Soil Investigation completed? <input type="checkbox"/> Sewer System: Which district? <input type="checkbox"/> Basic SWPPP (1\geq & <5) <input type="checkbox"/> Full Storm Water Control Plan (5acres or more) <input type="checkbox"/> Storm Water Control Plan <input type="checkbox"/> Short or long EAF www.dec.ny.gov/eafmapper/ <input type="checkbox"/> Street pattern: Traffic study needed? <input type="checkbox"/> All property Mergers REQUIRE both owners Signatures on the Application <p><u>Additional Requirements for Special Use Application:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> New or existing building <input type="checkbox"/> <u>Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, & lighting plan</u> |
|--|--|

Date _____

Application type: Major Subdv Minor Subdv Special Use Permit Site/ Sketch Plan Review LotLine Adjust

Proposal: The applicant proposes a lot line adjustment between parcels 74.00-2-11.2 and 74.00-2-5 with parcel 74.00-2-11.2 transferring 62 +/- acres to parcel 74.00-2-5.

Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)

Address: 1206 Oak Hill Road, Esperance Zip code: 12066

Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011

Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053

Tax Map # 74.00-2-11.2 & 74.00-2-5 Zoning District R-2

Richard Murray
Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS)

Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

Haini M. Maruca Date 7/26/18
Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

.....

Application fee paid: _____ Check# _____ (For office use only) Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

Planning Chairperson _____ Date _____ Code Enforcement _____ Date _____

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD Revised 04/12/2017
TOWN OF DUANESBURG
*******FOR OFFICE USE ONLY*******

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|---|--|
| <input type="checkbox"/> Title of drawing. | <input type="checkbox"/> Septic system: Soil investigation completed? |
| <input type="checkbox"/> Tax Map ID # | <input type="checkbox"/> Sewer System: Which district? |
| <input type="checkbox"/> Zoning district | <input type="checkbox"/> Basic SWPPP (1≥ & <5) |
| <input type="checkbox"/> Current Original Deed | <input type="checkbox"/> Full Storm Water Control Plan (5acres or more) |
| <input type="checkbox"/> NYS Survey (L.S. & P.E.) | <input type="checkbox"/> Storm Water Control Plan |
| <input type="checkbox"/> North Arrow, scale (1"=100'), | <input type="checkbox"/> Short or long EAF www.dec.ny.gov/eafmapper/ |
| <input type="checkbox"/> Boundaries of the property plotted and labeled to scale. | <input type="checkbox"/> Street pattern: Traffic study needed? |
| <input type="checkbox"/> School District/Fire District | <input type="checkbox"/> All property Mergers REQUIRE both owners Signatures on the Application |
| <input type="checkbox"/> Green area/ landscaping | Additional Requirements for Special Use Application: |
| <input type="checkbox"/> Existing watercourses, wetlands, etc. | <input type="checkbox"/> New or existing building |
| <input type="checkbox"/> Contour Lines (increments of 10ft.) | <input type="checkbox"/> Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, & lighting plan |
| <input type="checkbox"/> Easements & Right of ways | |
| <input type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. | |
| <input type="checkbox"/> Well/ Water system | |

Date May 7, 2018 - Revised July 23, 2018

Application type: Major Subdv Minor Subdv Special Use Permit Site/ Sketch Plan Review LotLine Adjust
Proposal: The applicant proposes to construct a 5 MW photovoltaic solar array on parcel 74.00-2-5 p/o.
Related lot line adjustment and subdivision applications have been submitted separately.

Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)
 Address: 1205 Oak Hill Road, Esperance Zip code: 12066
 Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011
 Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053
 Tax Map # 74.00-2-5 p/o Zoning District: R-2

Richard B Murray
 Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS) _____
 Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

Giovanni Maruca Date 7/26/18
 Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

.....
 (For office use only)
 Application fee paid: _____ Check# _____ Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

_____ Planning Chairperson _____ Date _____ Code Enforcement _____ Date _____

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

**Full Environmental Assessment Form
Part I - Project and Setting**

Instructions for Completing Part 1

Part I is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part I is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Oak Hill Solar		
Project Location (describe, and attach a general location map): 13590-13592 Duanesburg Road, Delanson, NY 12053		
Brief Description of Proposed Action (include purpose or need): The applicant proposes to construct two (2) 5.0 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own parcel.		
Name of Applicant/Sponsor: Eden Renewables - Giovanni Maruca	Telephone: 518 233-4011	E-Mail: giovanni.maruca@edenrenewables.com
Address: 2270 River Road		
City/PO: Castleton on Hudson	State: NY	Zip Code: 12033
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Richard Murray	Telephone:	E-Mail:
Address: 1206 Oak Hill Road		
City/PO: Esperance	State: NY	Zip Code: 12066

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Possible pending discussion regarding solar credits.	
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lot Line Adjustment, Subdivision, Site Plan, Special Use Permit	
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County planning referral.	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDOT - curb cut, OFRHP, NYSEERDA, NYSDEC - wetlands, stormwater, & end. species	
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ACOE - wetlands	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Heritage Areas: Mohawk Valley Heritage Corridor	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

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C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? If Yes, what is the zoning classification(s) including any applicable overlay district? <u>Agricultural- Residential (R-2)</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site? _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? <u>Duanesburg</u>	
b. What police or other public protection forces serve the project site? <u>NY state Police and Schenectady County Sheriffs</u>	
c. Which fire protection and emergency medical services serve the project site? <u>Quaker Street Fire Department</u>	
d. What parks serve the project site? <u>Central Bridge Community Park, Shafer Park</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Utility</u>	
b. a. Total acreage of the site of the proposed action? _____ <u>204.02 +/-</u> acres b. Total acreage to be physically disturbed? _____ <u>115 +/-</u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ <u>204.02 +/-</u> acres	
c. Is the proposed action an expansion of an existing project or use? i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) <u>Utility separation</u> ii. Is a cluster/conservation layout proposed? _____ iii. Number of lots proposed? <u>2</u> iv. Minimum and maximum proposed lot sizes? Minimum <u>87.18 ac</u> Maximum <u>116.84 ac</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. Will proposed action be constructed in multiple phases? i. If No, anticipated period of construction: _____ <u>12</u> months ii. If Yes: • Total number of phases anticipated _____ • Anticipated commencement date of phase I (including demolition): _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____
g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,				
i. Total number of structures <u>NA</u>				
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length				
iii. Approximate extent of building space to be heated or cooled: _____ square feet				
h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,				
i. Purpose of the impoundment: _____				
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____				
iii. If other than water, identify the type of impounded/contained liquids and their source. _____				
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres				
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length				
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____				
D.2. Project Operations				
a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:				
i. What is the purpose of the excavation or dredging? _____				
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?				
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 				
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____				
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____				
v. What is the total area to be dredged or excavated? _____ acres				
vi. What is the maximum area to be worked at any one time? _____ acres				
vii. What would be the maximum depth of excavation or dredging? _____ feet				
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No				
ix. Summarize site reclamation goals and plan: _____				

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:				
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____				

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ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

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<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No • Will line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p>_____</p>
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or <u>1.14</u> acres (impervious surface)</p> <p>_____ Square feet or <u>2.04</u> acres (parcel size)</p> <p>ii. Describe types of new point sources, gravel access road</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>onsite shallow depressions along access roadway</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <p>_____</p> <ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p><i>i. Estimate methane generation in tons/year (metric):</i> _____</p> <p><i>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring):</i> _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):</p> <p>_____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p><i>i. When is the peak traffic expected (Check all that apply):</i> <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p><i>ii. For commercial activities only, projected number of semi-trailer truck trips/day:</i> _____</p> <p><i>iii. Parking spaces:</i> Existing _____ Proposed _____ Net increase/decrease _____</p> <p><i>iv. Does the proposed action include any shared use parking?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:</i></p> <p>_____</p>			
<p><i>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p><i>i. Estimate annual electricity demand during operation of the proposed action:</i> _____</p> <p><i>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):</i></p> <p>_____</p> <p><i>iii. Will the proposed action require a new, or an upgrade to, an existing substation?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width:100%; border:none;"> <tr> <td style="width:50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am-5pm • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width:50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am-5pm • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am-5pm • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration: <u>Heavy machinery during construction</u></p>
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____

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s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.I. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested	72.29	50.35	-21.94
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	78.89	55.58	-23.31
• Agricultural (includes active orchards, field, greenhouse etc.)	52.84	9.27	-43.57
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Solar field		88.82	+88.82

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c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: iii. Describe any development constraints due to the prior solid waste activities:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No						
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <table style="width:100%; border: none;"> <tr> <td style="width:45%;"><input type="checkbox"/> Yes – Spills Incidents database</td> <td>Provide DEC ID number(s): _____</td> </tr> <tr> <td><input type="checkbox"/> Yes – Environmental Site Remediation database</td> <td>Provide DEC ID number(s): _____</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Neither database</td> </tr> </table> ii. If site has been subject of RCRA corrective activities, describe control measures:	<input type="checkbox"/> Yes – Spills Incidents database	Provide DEC ID number(s): _____	<input type="checkbox"/> Yes – Environmental Site Remediation database	Provide DEC ID number(s): _____	<input type="checkbox"/> Neither database		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes – Spills Incidents database	Provide DEC ID number(s): _____						
<input type="checkbox"/> Yes – Environmental Site Remediation database	Provide DEC ID number(s): _____						
<input type="checkbox"/> Neither database							
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):							

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v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ >6 feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site:	
Burdett-Scriba	72 %
Illian Silt Loam	28 %
d. What is the average depth to the water table on the project site? Average: _____ 2-4 feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input checked="" type="checkbox"/> Poorly Drained: 100 % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: 90 % of site <input checked="" type="checkbox"/> 10-15%: 10 % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____ Classification _____	
• Lakes or Ponds: Name _____ Classification _____	
• Wetlands: Name <u>NYS Wetland, Federal Waters</u> Approximate Size <u>NYS Wetland (in a...</u>	
• Wetland No. (if regulated by DEC) <u>G-104</u>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
j. Is the project site in the 100 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Is the project site in the 500 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Name of aquifer: <u>Principal Aquifer</u>	

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

m. Identify the predominant wildlife species that occupy or use the project site:		
Deer	Squerles	skunks
Birds	opossums	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation): _____		
ii. Source(s) of description or evaluation: _____		
iii. Extent of community/habitat:		
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Northern Long-eared Bat		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ Private small game / large game hunting.		
E.3. Designated Public Resources On or Near Project Site		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____		
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. If Yes: acreage(s) on project site? _____		
ii. Source(s) of soil rating(s): _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. CEA name: _____		
ii. Basis for designation: _____		
iii. Designating agency and date: _____		

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
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e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
ii. Name: Sheldon Farmhouse	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

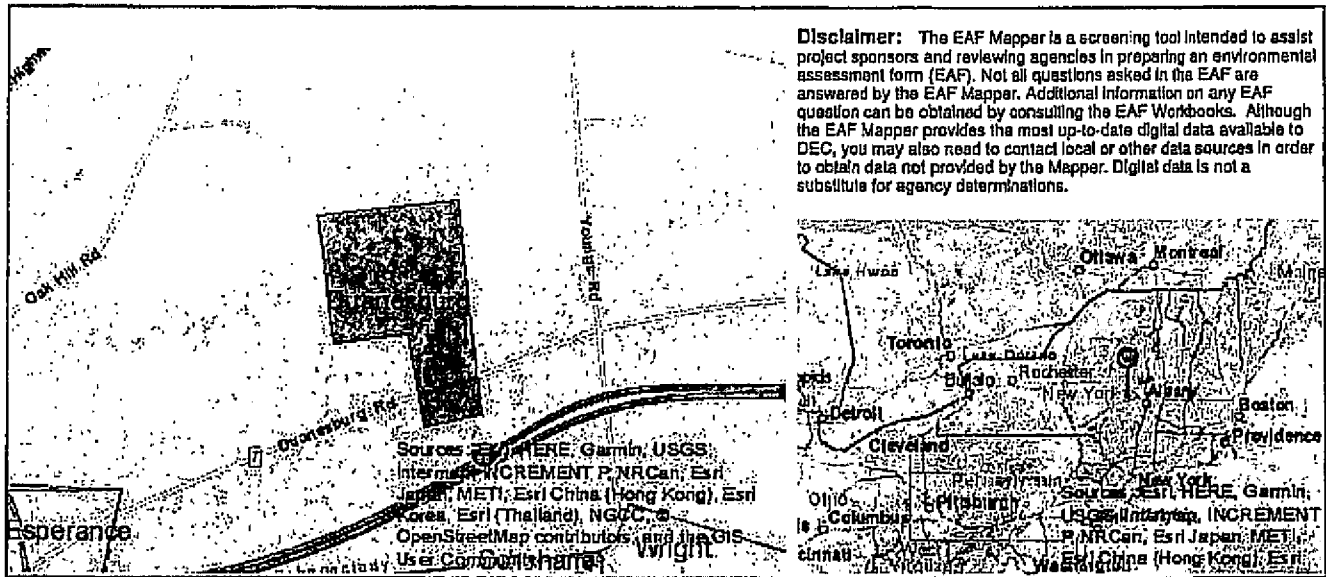
Applicant/Sponsor Name Travis Mitchell Date 7/19/18

Signature  Title Agent for Applicant

PRINT FORM

EAF Mapper Summary Report

Thursday, May 03, 2018 3:21 PM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	NYS Wetland, Federal Waters
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres): 82.2
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	G-104
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
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E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	Sheldon Farmhouse
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2069 | F: (518) 357-2460
www.dec.ny.gov

September 11, 2018

Jennifer Friello, Zoning/Planning Clerk
Town of Duanesburg Planning Department
5853 Western Turnpike
Duanesburg, New York 12056

RE: LEAD AGENCY COORDINATION RESPONSE
Proposed Eden Renewables Solar Project
13590 Duanesburg Road & 1206 Oak Hill Road
Town of Duanesburg, Schenectady County

Dear Ms. Friello:

This letter responds to your correspondence received August 20, 2018, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (the Department) has the following interest in this project:

Name of Action: Eden Renewables LLC, Proposed Solar Project
DEC Contact:Person: Trish Gabriel, Environmental Analyst
SEQR Classification: Type I Unlisted Type II

DEC Position: Based on the information provided:

- DEC has no objection to your agency assuming lead agency status for this action.
- DEC wishes to assume lead agency status for this action.
- DEC needs additional information in order to respond (see comments).
- DEC cannot be lead agency because it has no jurisdiction in this action.

Possible DEC Permits:

Section 401 Water Quality Certification – If this project impacts any federally-regulated wetlands or waterbodies and requires a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers (USACE), a Section 401 Water Quality Certification may be required from the Department.

SPDES General Permit for Stormwater Discharges from Construction Activity – If this project will disturb one acre of land or more, the applicant must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities.



Jennifer Friello
September 11, 2018
Page 2

Additional Comments

Cultural Resources

The project appears to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from this Department, consultation with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) will likely be required in order to better evaluate this project's potential impacts on these resources. To initiate consultation with OPRHP, please visit their project submission website at <https://cris.parks.ny.gov/>. Please add Trish Gabriel (trish.gabriel@dec.ny.gov), the Department's project contact, to the CRIS list of contacts for your project.

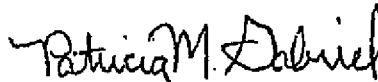
Threatened or Endangered Species and/or Habitats

We have reviewed the available information in the New York Natural Heritage Program database for known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats. The project appears to be located within an area identified as potential habitat for Northern long-eared bat, which is a state-listed threatened species. An on-site assessment may be required to identify the extent of potential habitat and use by these species. Wildlife surveys, if conducted, should be coordinated with our regional wildlife diversity biologist.

Enclosed is a copy of the Department's jurisdictional map for your reference. Please note that the map is intended to provide an idea as to the approximate size and location of resources; actual field conditions may vary from those depicted on the map.

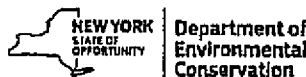
Please feel free to contact me by telephone at (518) 357-2445 or by e-mail at trish.gabriel@dec.ny.gov if you have any questions.

Sincerely,



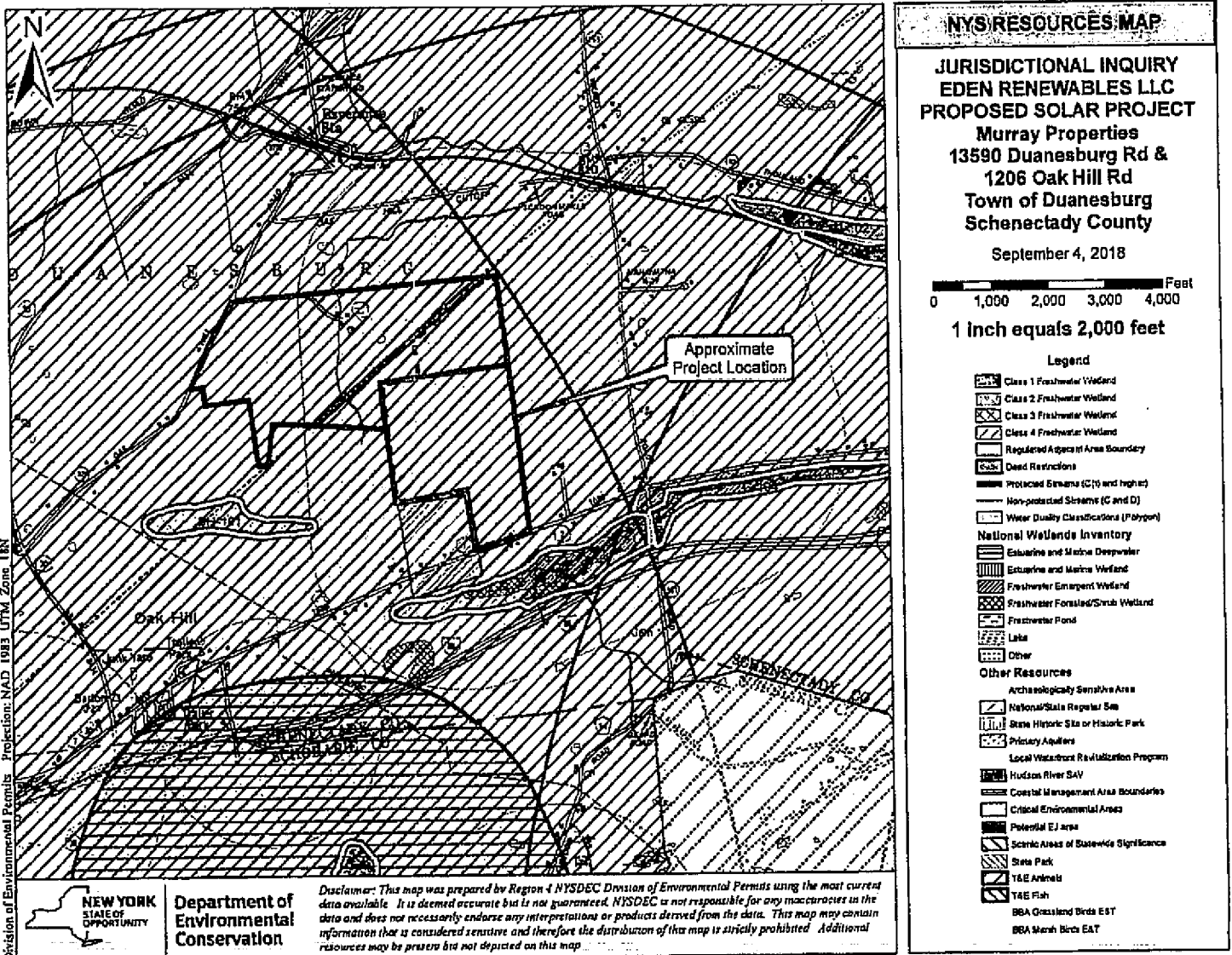
Patricia M. Gabriel
Environmental Analyst

Enclosure: Jurisdictional Map



RECEIVED

SEP 14 2018



**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**



Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

August 9, 2018

Dale Warner
Town Planner
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Re: Town of Duanesburg
Eden Renewables Solar Project Review
Proposal for Engineering Services

Dear Mr. Warner:

We are pleased to provide this proposal for engineering services to the Town Planning Board for the Eden Renewables solar project review. As you know we have been the TDE on two prior solar project reviews for the Town, so we are familiar with the Town code requirements.

The Eden Renewables project involves the construction of two (2) 5 MW photovoltaic solar arrays on approximately 80 acres of land fronting on NYS Route 7. The project will require Subdivision approval, Site Plan approval and a Special Use Permit from the Town. We propose the following scope of engineering services:

1. Review of the project in accordance with the Town of Duanesburg Zoning and Solar Energy Facilities Laws.
2. Review the proposed stormwater management facilities in accordance with the NYS Stormwater Design Manual (if required).
3. Review of the Full Environmental Assessment Form.
4. Review of the project for compliance with other State and Federal laws.
5. Attend up to two (2) Planning Board meetings where the project will be discussed.
6. Provide review and written comment on submissions by the applicant.

We propose to provide the aforementioned services for a fee not to exceed \$3,100.00 to be billed monthly on a percentage complete basis. This amount can be provided to the applicant to set up the escrow account to cover the engineering fees.



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**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

Mr. Dale Warner
Eden Renewables Solar Proposal
August 9, 2018
Page 2

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

AGREED TO BY TOWN OF DUANESBURG:

AGREED TO BY KB GROUP OF NY, INC. DBA
PRIME AE GROUP OF NY:

Roger Tidball, Supervisor

William Taylor, P.E., Vice-President

DATE:

DATE:





Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

September 11, 2018

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

Re: Town of Duanesburg
Eden Renewables Site Plan Review
Our Project No. 17-1802

Dear Mr. Warner:

We are in receipt of the Application for Planning Board Review, Decommissioning Plan, FEAF, and the Conceptual Site Plan dated May 7, 2018 as prepared by Environmental Design Partnership, LLP. The project involves the construction of two 5.0 MW AC (7.5 MW DC) solar arrays at 13590-13592 Duanesburg Road on approximately 91.3 acres of the total 184.4 acre parcels. This project is classified as a Major Solar Energy System per the Town's Solar Energy Facilities Law. Based on a review of the documents, we have the following comments:

FEAF

1. In the submitted FEAF, there are several questions that are unanswered which include: B.1.iii., C.2.a., D.1.d.ii., D.1.g., D.2.e., D.2.f., E.1.a.ii., E.1.c., E.1.f., and E.2.q. We would suggest that the applicant complete these questions and resubmit the FEAF.
2. In Item E.1.b., there is no acreage listed for wetlands on the land uses and cover types for the project site. However, in Item E.2.h.iv. it is stated that there are wetlands on the project site with an approximate size of 82.2 acres. We would suggest that the applicant resubmit their answer to Item E.1.b. and provide a drawing that shows the location of these wetlands on the project site in relation to the proposed project location.

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 recommended that a new site plan be submitted showing the wetland locations and any wetland mitigation that will need to be completed.
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.
3. Details of the proposed warning signs need to be provided, as well as showing the proposed locations on the site plan.



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**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
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Dale Warner
September 11, 2018
Page Two

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 by the design engineer to meet the minimum requirements for firefighting equipment and the width stated on the plans.
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' maximum height permitted.
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.
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 47.0% lot coverage. This is below the allowable 60% lot coverage.
8. The completed Oak Hill Solar 2 project is stated to cover 45.63 acres of the 87.18 acre parcel, which equates to approximately 52.4% lot coverage. This is below the allowable 60% lot coverage.
9. The required 100' setback line is shown on the plans from the neighboring residential parcels with Tax ID's 74.00-3-16.121 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'. As required by the Solar Law, this setback needs to be increased to 100'.
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.

SWPPP

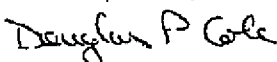
1. A SWPPP was not provided for review. Since the applicant has stated in FEAR Item D.1.b.b that 115+/- acres are planned to be disturbed, a full SWPPP is triggered since the area disturbed is greater than 1 acre. We would suggest that the applicant provide a full SWPPP for review.

Decommissioning Plan

1. A written Decommissioning Plan has been submitted which details the proposed removal of solar energy system components and 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.
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.

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

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



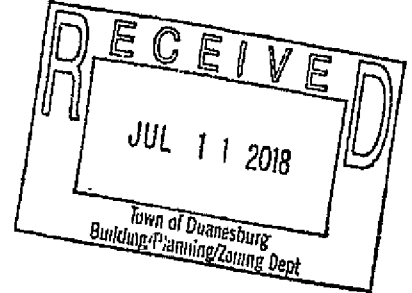
Douglas P. Cole, P.E.



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 ORIGINAL

NOTICE OF DETERMINATION
of the Town of Duaneburg



Date of Determination May 8, 2018

Application of Eden Renewables under section
_____ of the (Village of Delanson/ Town of Duaneburg)
_____ Ordinance.

Applicant _____
Address _____

Phone 518-223-4011 Zoning District R-2 SBL# 7A.00-2-5

Description of
Project: Construct 2 - 5 MW. Solar Enrgy System Major
each parcel to consist of 40 Acres each

Determination:
Major Subdivision along with Special Use Permit

Reason supporting determination:
Town of Duaneburg Local Law # 2, 2010 Solar Energy Facilities Law
Section 1.C; Sect 3; Sect 4

Action: Refer to Planning board for the purpose of Special Use Permit

Code Enforcement Officer: Dale Wilson



Travis Mitchell <tmitchell@edpllp.com>

Route 7 curb cut for Solar project.

Keegan, Mike (DOT) <Mike.Keegan@dot.ny.gov>

Mon, Jul 2, 2018 at 7:19 AM

To: John Lyon <jlyon@edpllp.com>

Cc: "dale@duanesburg.net" <dale@duanesburg.net>, "tmitchell@EDPLLP.com" <tmitchell@edpllp.com>

John,

After reviewing your plan, we are granting the project conceptual approval for your project.

Sincerely,

Michael J Keegan

Assistant Resident Engineer

NYS DOT – Schenectady County

3008 Chrisler Ave.

Schenectady, NY 12303

518-393-0863

From: John Lyon [mailto:jlyon@edpllp.com]

Sent: Friday, June 29, 2018 2:57 PM

To: Keegan, Mike (DOT) <Mike.Keegan@dot.ny.gov>

Cc: dale@duanesburg.net; tmitchell@EDPLLP.com

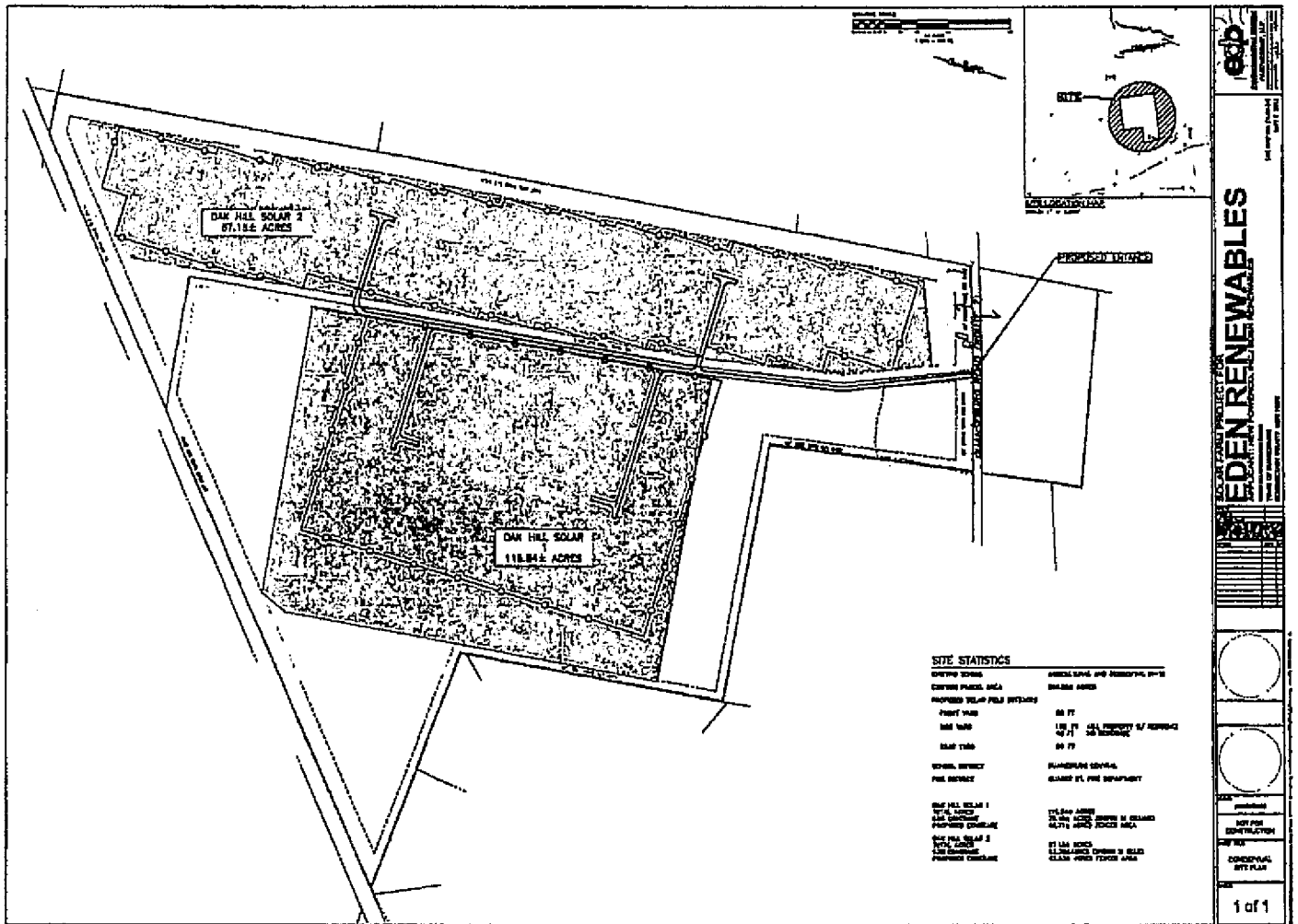
Subject: Route 7 curb cut for Solar project.

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

[Quoted text hidden]

Exhibit 1: Special Use Permit and Site/Sketch Plan Review
 Submitted by Eden on May 7, 2018 and Revised July 23, 2018

 ORIGINAL



**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**



Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

 ORIGINAL

August 9, 2018

Dale Warner
Town Planner
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Re: Town of Duanesburg
Eden Renewables Solar Project Review
Proposal for Engineering Services

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2. Review the proposed stormwater management facilities in accordance with the NYS Stormwater Design Manual (if required).
3. Review of the Full Environmental Assessment Form.
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Mr. Dale Warner
Eden Renewables Solar Proposal
August 9, 2018
Page 2

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


AGREED TO BY TOWN OF DUANESBURG:


Roger Tidball, Supervisor

DATE:

7/23/18

AGREED TO BY KB GROUP OF NY, INC. DBA
PRIME AE GROUP OF NY:


William Taylor, P.E., Vice-President

DATE:



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**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD Revised 04/12/2017
TOWN OF DUANESBURG
*******FOR OFFICE USE ONLY*******

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|---|--|
| <input type="checkbox"/> Title of drawing. | <input type="checkbox"/> Septic system: Soil Investigation completed? |
| <input type="checkbox"/> Tax Map ID # | <input type="checkbox"/> Sewer System: Which district? |
| <input type="checkbox"/> Zoning district | <input type="checkbox"/> Basic SWPPP (1≥ & <5) |
| <input type="checkbox"/> Current Original Deed | <input type="checkbox"/> Full Storm Water Control Plan (5acres or more) |
| <input type="checkbox"/> NYS Survey (L.S. & P.E.) | <input type="checkbox"/> Storm Water Control Plan |
| <input type="checkbox"/> North Arrow, scale (1"=100'), | <input type="checkbox"/> Short or long EAF www.doc.ny.gov/eafmapper/ |
| <input type="checkbox"/> Boundaries of the property plotted and labeled to scale. | <input type="checkbox"/> Street pattern: Traffic study needed? |
| <input type="checkbox"/> School District/Fire District | <input type="checkbox"/> All property Mergers REQUIRE both owners Signatures on the Application |
| <input type="checkbox"/> Green area/ landscaping | Additional Requirements for Special Use Application: |
| <input type="checkbox"/> Existing watercourses, wetlands, etc. | <input type="checkbox"/> New or existing building |
| <input type="checkbox"/> Contour Lines (increments of 10ft.) | <input type="checkbox"/> Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, & lighting plan |
| <input type="checkbox"/> Easements & Right of ways | |
| <input type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. | |
| <input type="checkbox"/> Well/ Water system | |

Date May 7, 2018 - Revised July 23, 2018

Application type: Major Subdv Minor Subdv Special Use Permit Site/ Sketch Plan Review LotLine Adjust

Proposal: The applicant proposes to construct a 5 MW photovoltaic solar array on parcel 74.00-2-5.

Related lot line adjustment and subdivision applications have been submitted separately.

Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)
Address: 1206 Oak Hill Road, Esperance Zip code: 12066
Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011
Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053
Tax Map # 74.00-2-5 Zoning District R-2

Richard B Murray
Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS)
Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

Giovanni Maruca Date 7/24/18
Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

.....
(For office use only)
Application fee paid: _____ Check# _____ Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

Planning Chairperson _____ Date _____ Code Enforcement _____ Date



ingalls



ORIGINAL

Town Designated Engineer Proposal

2803 Guilderland Avenue
Schenectady, NY 12306

T 518 393 7725
F 518 393 2324
E info@ingallsllp.com

www.ingallsllp.com

August 14, 2018

Mr. Dale Warner
Town of Duanesburg
Department of Planning & Zoning
5853 Western Turnpike
Duanesburg, New York 12056

**Re: Eden Renewables
Proposed Solar Farms
13590-13592 NYS Route 7, Duanesburg, NY**

Dear Mr. Warner:

In response to your request, Ingalls & Associates, LLP (*Ingalls*) is pleased to provide a proposal for engineering review services to the Planning Board regarding the proposed solar arrays at the above noted property.

Project Understanding

Ingalls has completed a review of the conceptual project information provided, and understands the following relative to the Special Use Permit, Site Plans, Subdivision, Environmental Assessment Form and Applications:

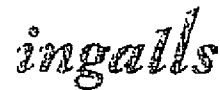
- The project consists of (2) 5MW AC solar arrays to be located on individual parcels to be subdivided. The facility would include solar panels, access roadway, equipment pads, poles and stormwater management.
- The project may include greater than 1 acre of commercial disturbance and is subject to the current New York State Department of Environmental Conservation's (NYSDEC) Stormwater Regulations, including Green Infrastructure and Runoff Reduction standards, as well as the SPDES General Permit, GP-0-15-002, including post construction stormwater controls.
- The project proposes direct access onto State Route 7 and includes a privately owned driveway, which and will require NYSDOT approval of the drive entrance will be required.

Below is a description of the tasks to be completed and estimated fees for the services:

Task 1 - SEQR Review-Coordination & Special Use Permit

- Verification of completeness of application packages and documents. Specific review will include the Special Use application and supporting documents (reference is made to Local Law #1 2016, entitled "Solar Energy Facilities Law.")

Ingalls & Associates, LLP
consulting, civil & environmental engineering, surveying



- Review of completeness of the Long Environmental Assessment Form and assistance to the Town to ensure compliance with applicable SEQRA requirements. Tasks will include review of responses from Involved and Interested Agencies as part of the coordinated review process. Ingalls will assist with review of SEQR Parts 2/3 for evaluation of potential environmental impacts. Specific environmental concerns are anticipated to be potential impacts from visual, noise, stormwater and public safety.

Task 2 – Special Use Permit-Site Plan Review -Preliminary and Final Site Plan Review will include:

- Review of compliance with the Town Zoning Ordinance (referenced Solar Zoning Law).
- Review of proposed lighting, landscaping and potential visual impacts and glare.
- Review of proposed signage and compliance with Section 13.5 of the Zoning Ordinance.
 - o Review of the set of Plans either already created or anticipated to be created for the proposed development, including, but not limited to Existing Conditions Plan, Site Plan, Grading and Utility Plan, Erosions and Sediment Control and Details and visual line of sight profiles and renderings.

Task 3 - Stormwater Management Plan & SWPPP Review

Ingalls will review the SWPPP Report and associated Stormwater Management Plans. This review will include verification that the proposal meets the requirements established within the New York State Stormwater Design Manual, as created by the New York State Department of Environmental Conservation (NYSDEC) and Phase 2 SPDES, GP-0-15-002 regulations for stormwater generated from Construction Activities.

Task 4 - Review/Comment Letters

It is assumed that *Ingalls* will issue one preliminary review letter and one final review letter in response to plan revisions by the applicant's engineer, which will address all items relative to the SEQR-LEAF, Site Plan Set, Stormwater Management Plan, SWPPP and Special Use Permit-Subdivision application.

Task 5 - Meeting Representation

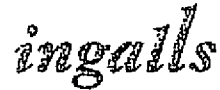
Ingalls anticipates preparing for and attending two (2) Planning Board meetings and one (1) workshop meeting with Planning & Zoning. Meetings will bill invoiced on an hourly basis per the enclosed Rate Schedule.

Task 6- Non Salary Costs

Non-salary costs (i.e., blue prints, copies, mileage, etc.) shall be billed per the standard company rates.

GENERAL CONDITIONS AND ASSUMPTIONS

- All services performed in association with this proposal are subject to the attached, "Standard Conditions for Engagement".

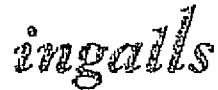


- Payment for our services shall be in accordance with the fees listed above.
- Any schedule conveyed to the Client is only an estimate and not a guarantee. The final schedule is subject to meeting schedules and any unanticipated circumstances encountered during the review process.
- The scope and fees presented in this proposal assume all work outlined herein is performed by *Ingalls*, unless specified. Should the client request any additional services or elect to have any services outlined herein deleted or provided by others, this proposal shall be revised and the fee renegotiated.

Time and Materials Estimates		
Task	Description	Estimated Fee
1	SEQR Review-Coordination & Special Use Permit	\$600
2	Special Use Permit-Site Plan Review	\$2,400
3	Stormwater Management Plan & SWPPP Review	Included in task 2
4	Review/Comment Letters	Included above
5	Meeting Representation-Hourly	\$600 (Budget)
6	Non-Salary Costs	\$100 (Budget)
Total Estimated Fee		\$3,700

TIME BASIS SERVICES

Any required services, which are not specifically included within this scope of services shall be performed on a time basis or mutually agreed upon lump sum fee as authorized by the client per change order request.



2018 HOURLY RATE SCHEDULE

Personnel Cost	
2018 Hourly Rate Schedule	
Principal in Charge	\$150
Senior Project Engineer	\$130
Senior Engineer/Project Manager	\$120
Project Engineer	\$110
Assistant Project Engineer	\$90
Design Engineer	\$80
CADD Technician	\$75
Environmental Specialist	\$100 to \$150
Chief of Survey	\$110
Survey Technician	\$90
Survey Crew-2 Person	\$185
Survey-1 Person w/ GPS/Robot	\$110
Construction Inspector	\$90
Technician	\$65
Technical Aide	\$45
Administrative Assistant	\$45



Agreement

As formal authorization to proceed, please return one executed copy of this page. If you have any comments, questions or need any additional information regarding this matter, please do not hesitate to contact this office at (518) 393-7725. Thank you for the opportunity to submit the above Proposal.

Sincerely,
Ingalls & Associates, LLP

David F. Ingalls, P.E., LEED AP BD+C
Principal

CONTENTS NOTED AND APPROVED:

Ingalls Proposal No. 18-102

Signature

Title

Name (Please Print)

Date

Company Name (Please Print)

Telephone

Street

City/State/Zip

Attachment: Standard Conditions for Engagement

INGALLS & ASSOCIATES, LLP (*ingalls*)
STANDARD CONDITIONS FOR ENGAGEMENT

CLIENT and INGALLS & ASSOCIATES, LLP (*ingalls*) hereby agree as follows:

1. **SERVICES TO BE PROVIDED** - *ingalls* agrees to provide CLIENT with the services set forth in the attached Proposal for Services under terms set forth herein, unless stated otherwise in the Proposal for Services.
2. **SERVICES NOT INCLUDED IN THE ATTACHED PROPOSAL FOR SERVICES (EXTRA WORK)** - Services not included in the attached Proposal for Services are considered extra work and will be performed by *ingalls* under separate Proposal for Services or upon written permission from the CLIENT. Services provided by *ingalls* on an hourly basis will be subject to the attached Rate Schedule. All extra work will be subject to the terms stated herein.
3. **COMPENSATION FOR SERVICES** - Compensation for services is set forth in the attached Proposal for Services.
4. **INVOICES** - Invoices will be submitted monthly and are payable within thirty (30) days from date of invoice. Interest shall be charged at the rate of 1-1/2% per month on any balance that remains unpaid 30 days after the date of the invoice. Failure to pay within 30 days will also permit *ingalls* to terminate services with 7 (seven) days after written notice of intent to terminate. The CLIENT shall be liable for all collection costs, including attorney's fees.
5. **RETAINER** - The retainer section of this contract is for the purpose of required up-front costs that will be incurred to accomplish the described tasks. This fee is due at the time of contract execution.
6. **TRANSPORTATION AND SUBSISTENCE** - Automobile expenses for personal or company cars will be charged at a current IRS rates (at time of travel) per mile plus tolls and parking charges. Per Diem of personnel on assignment as required to meet the Project requirements will be negotiated for each Project. Transportation (other than expenses for use of personal or company cars) and subsistence expenses will be billed at cost plus 10% administrative charge.
7. **OTHER EXPENSES** - Other expenses will be billed at cost plus 10% administrative charge. Examples of other expenses ordinarily charged to projects are testing and laboratory charges, shipping charges, long distance telephone, rental vehicles, fares of public carriers, special fees, permits, licenses, fees for restoration of paving or land due to field exploration, artwork, printing and reproduction, etc.
8. **SUBCONSULTANTS** - Where it is necessary for *ingalls* to engage special independent professional associates and consultants, the subconsultant charges will be billed at cost to *ingalls* plus 10% administrative charges.
9. **RIGHT-OF-ENTRY** - The CLIENT agrees to furnish right-of-entry to the Project site for *ingalls* or represents and warrants (if the CLIENT does not own the site) that permission has been granted to make planned borings and other explorations and field investigations pursuant to the scope of services.
10. **UTILITY CLEARANCE** - The CLIENT will provide *ingalls* information that identifies the location of buried utilities in the areas of subsurface exploration. *ingalls* will direct or specify that reasonable precautions be taken during field explorations or construction to avoid any damage to the utilities noted. However, the CLIENT agrees to defend, indemnify, and save *ingalls* harmless from any claim or damage in the event of damage or injury arising from damage or interference with subterranean structures or utilities which result from inaccuracies or omissions in plans or directions which have been furnished to *ingalls* by others.
11. **LIMITS OF PROFESSIONAL LIABILITY** - *ingalls* is protected by Professional Liability Insurance. The CLIENT agrees to limit *ingalls*' professional liability and require a like limitation from any contractor or subcontractor who performs work for which *ingalls* has provided reports, plans and specifications to an amount of \$50,000 or the total compensation, whichever is greater. If the CLIENT prefers not to limit *ingalls*' professional liability to this sum, *ingalls* will waive this limitation upon the CLIENT's written request and will agree to increase the limitation of professional liability (subject to standard exclusions for hazardous materials contained in professional liability insurance policies) to a maximum limit of \$1,000,000, provided that the CLIENT agrees to pay for this waiver an additional consideration of five (5) percent increase in the total compensation. The request for this option must be made at or before the time the contract between CLIENT and *ingalls* is finalized.
12. **CONSTRUCTION REVIEW SERVICES** - (not presently included in this contract.) The CLIENT recognizes that construction review is a vital element of *ingalls*' complete service, provided to minimize problems during construction by permitting detection of and/or rapid response to unanticipated or changed conditions, or errors or omissions committed by design professionals, contractors, materials providers or others. The CLIENT also recognizes that no party is as intimately familiar with *ingalls*' intents as *ingalls* and those that *ingalls* prepares for and assigns to reviewing tasks. Accordingly, the CLIENT agrees to retain *ingalls* as an ADDITIONAL SERVICE to review construction, and *ingalls* agrees to assign to the reviewing function persons qualified to observe and report on construction of *ingalls*' recommendations, plans and specifications, and the quality of work performed by contractors, et al. The CLIENT recognizes that construction review is a technique employed to minimize the risk of problems arising during construction; that construction review by *ingalls*' is not insurance, and does not constitute a warranty or guarantee of any type. In all cases, contractors, material-persons and others, shall retain responsibility for the quality of their work and for adhering to plans and specifications. Should the CLIENT for any reason not retain *ingalls* to review construction or should the CLIENT unduly restrict *ingalls*' assignment of personnel to review construction, or should *ingalls* at the direction of the CLIENT for any reason not perform construction review during the full period of construction, *ingalls* shall not have the ability to perform a complete service. In such a case, the CLIENT waives any claim against *ingalls*, and agrees to indemnify, defend and hold *ingalls* harmless from any claim or liability for injury or loss arising from problems during construction that allegedly result from findings, conclusions, recommendations, plans or specifications developed by *ingalls*. The CLIENT also agrees to compensate *ingalls* for any time spent and expenses incurred by *ingalls* in defense of any such claim, with such compensation to be based upon *ingalls*' prevailing fee schedule and expense reimbursement policy.
13. **DOCUMENTS** - All reports, field data and notes, calculations, estimates, designs and other documents, which *ingalls* prepares, are instruments of service and shall remain the property of *ingalls*. The CLIENT agrees that all reports and other work furnished by *ingalls* to the CLIENT or the CLIENT's agents shall be utilized by the CLIENT solely for the Project for which the work was performed.

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

14. **STANDARD OF CARE** - The CLIENT agrees that professional services provided by *ingalls* are on behalf of and for the exclusive use of the CLIENT for the purposes set forth in the proposal. The CLIENT recognizes that these services require decisions, which are not necessarily based upon pure science but rather on judgmental considerations, including, without limitation, the economic feasibility of alternate designs. These professional services will be performed in accordance with generally accepted practices of consulting engineers, Architect/Engineers and surveyors undertaking similar projects at the same time in the same locale under like circumstances. The CLIENT agrees that such services will be rendered without any other warranty, expressed or implied.

15. **HAZARDOUS MATERIALS** - In the event that unanticipated potentially hazardous materials (e.g., asbestos, gasoline, fuel oil, etc.) are encountered during the course of *ingalls*' work, the CLIENT agrees to negotiate a revision to the scope of services (including the retention of outside hazardous materials specialists and indemnification of *ingalls* from any claim associated with services related to hazardous materials which are excluded from *ingalls*' professional liability insurance policy) and adjust the terms and conditions of the contract. The CLIENT recognizes and accepts that the property owner (i.e., typically the CLIENT) is legally responsible for the proper handling and disposal of hazardous materials. If a mutually satisfactory agreement cannot be reached between both parties, the contract shall be terminated, and the CLIENT agrees to pay *ingalls* for all services rendered up to the date of termination, including any costs associated with termination.

16. **INDEMNIFICATION** - The CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold harmless *ingalls*, its officers, directors, employees and subconsultants (collectively, Consultant) against all damages, liabilities or costs, including reasonable attorney's fees and defense costs, to the extent caused by the Client's negligent acts in connection with the Project and the acts of its contractors, subcontractors or consultants or anyone for whom the Client is legally liable.

Neither the Client nor *ingalls* shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.

17. **PRECEDENCE** - The CLIENT agrees that these "Standard Conditions for Engagement" for professional services along with those contained in the specific *ingalls* Proposal for Services for this Project take precedence over standard terms and conditions printed on purchase order forms.

18. **SEVERABILITY** - If any portion of these "Standard Conditions for Engagement" or of the Proposal for Services for this Project shall for any reason be deemed invalid or unenforceable, such a determination shall not affect the other provisions of this Agreement and the Agreement shall be construed in all respects as though such invalid or unenforceable provision or provisions were omitted.

19. **OWNER'S REQUIREMENTS** - The OWNER shall provide full information regarding requirements for the Project, including a program which shall set forth the Owner's objectives, schedule, constraints and criteria and information.

20. **DESCRIPTION OF SITE** - The OWNER shall furnish certified surveys describing physical characteristics, legal limitations, outbound data, topography, wet areas, vegetation, deed restrictions, utility and/or other easements, encroachments, utility locations, out parcels, and any other information and/or data on-site and off-site that would impact the planning of the Project. The OWNER shall also furnish soils information and the services of geotechnical engineers or other consultants when such services are deemed necessary by *ingalls*.

21. **IA ENTITLED TO RELY** - The foregoing information, surveys, and reports shall be furnished at the Owner's expense, and *ingalls* shall be entitled to rely upon the accuracy and completeness thereof.

22. **REVIEW OF DOCUMENTS** - the Owner shall promptly review all documents, drawings and other materials submitted by *ingalls* for the Owner's review and approval and shall provide its comments and objections, if any, in clear form.

23. **USE OF DOCUMENTS** - Unless otherwise specified, the drawings and other documents prepared by the Architect/Engineer for this Project are general, schematic in design, and are not to be used for construction, bidding, permits or any other agreement or approval process that requires final and complete drawings.

24. **NO THIRD PARTY BENEFICIARY RIGHTS** - *ingalls* SERVICES hereunder are performed solely for the benefit of the Owner and not for the use or benefit of any other person and nothing in this Agreement shall be construed as intending to create third party beneficiary rights in any third party.

25. **TERMINATION FOR CAUSE** - This Agreement may be terminated by either party upon not less seven (7) days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through not fault of the party initiating the termination. Failure of the Owner to make payments to the Architect/Engineer in accordance with this Agreement shall be considered substantial nonperformance and cause for termination by the Architect/Engineer.

26. **SUSPENSION OF PROJECT; ADJUSTMENT TO FEE** - If the Project is suspended by the Owner for more than 30 consecutive days, *ingalls* shall be compensated for services performed prior to the notice of such suspension. When the Project is resumed, *ingalls*' compensation shall be equitably adjusted to account for any changes in market conditions and *ingalls* shall be compensated for its costs and expense incurred in connection with the suspension and resumption of the *ingalls*' SERVICES.

27. **ABANDONMENT OF PROJECT** - This Agreement may be terminated by the Owner upon not less than seven (7) days' written notice to the *ingalls* in the event that the Project is permanently abandoned. If the Project is suspended or abandoned by the Owner for more than 90 consecutive days, *ingalls* may terminate this Agreement by giving written notice to the Owner, and in connection therewith, *ingalls* shall be compensated for all BASIC SERVICES and ADDITIONAL SERVICES performed and all REIMBURSABLE EXPENSES incurred prior to such termination.

28. **TERMINATION OR SUSPENSION BY INGALLS** - If the Owner fails to make payments to the *ingalls* in accordance with this Agreement for services and expenses, *ingalls* may, upon seven (7) days' written notice to the Owner, suspend performance of services under this Agreement. Unless payment in full is received by *ingalls* within seven (7) days of the date of notice, *ingalls* shall be entitled either to terminate this Agreement or to suspend performance of services, either of which shall take effect without further notice. In the event of termination or suspension of services, *ingalls* shall have no liability to the Owner for delay or damage caused the Owner because of termination or suspension of services. In the event of termination pursuant to this Article, the Architect/Engineer shall be compensated

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

for all BASIC SERVICES and ADDITIONAL SERVICES performed and REIMBURSABLE EXPENSES incurred prior to such termination. In the event of suspension of services by *ingalls* pursuant to this Article, upon resumption of services, if applicable, *ingalls'* compensation shall be equitably adjusted to account for any changes in market conditions and Architect/Engineer shall be equitable adjusted to account for any changes in market conditions and *ingalls* shall be compensated for its costs and expenses incurred in connection with the suspension and resumption of the *ingalls'* SERVICES.

29. **EFFECT OF TERMINATION OR SUSPENSION** - In the event of termination of this Agreement, *ingalls* shall have no further responsibility, obligation and/or liability under this Agreement. In the event of suspension of *ingalls'* SERVICES hereunder, *ingalls* shall have no responsibility, obligation and/or liability under this Agreement during the term of the suspension.

30. **INCOMPLETE DOCUMENTS** - In the event this Agreement is concluded or terminated prior to the completion of the Project, the Owner acknowledges and agrees that *ingalls* shall have no liability for the use or misuse of any incomplete drawings, plans or other documents prepared by *ingalls* hereunder. The Owner shall indemnify and hold harmless *ingalls* and its employees, agents and officers from and against all loss, claims and expenses which arise out of, are caused by or are in connection with the use or misuse of any such incomplete drawings, plans, documents or other work, product or advice prepared or provided by *ingalls*.

31. **MONTHLY PAYMENTS** - The Owner shall be billed on a monthly basis for work performed as part of *ingalls'* BASIC SERVICES, work performed as ADDITIONAL SERVICE and for REIMBURSABLE EXPENSES, in accordance with the ARCHITECT/ENGINEER'S COSTS OF SERVICE. The invoice shall reflect that proportion of service performed within each phase of service. Payments for BASIC SERVICE, ADDITIONAL SERVICES and REIMBURSABLE EXPENSES are due the Architect/Engineer in full upon presentation of the invoice to the Owner or the Owner's representative. *ingalls* shall not start work in a phase of service unless the prior phase of service is paid in full and the retainer is held intact.

32. **COMPLETION OF PHASE** - In addition to monthly invoices the Owner shall be billed at the completion of a phase of work if this date falls between monthly billing periods.

33. **ACCELERATION** - If the Owner accelerates the work beyond normal scheduling, *ingalls* shall have the right to bill the Owner at the appropriate intervals. As well as include any additional charges incurred to accomplish the project scope.

34. **FULL PAYMENT** - Unless *ingalls* has been paid in full for all BASIC SERVICES and ADDITIONAL SERVICE performed and REIMBURSABLE EXPENSES incurred hereunder, the Engineer shall not be required to release any drawings or other documents for any reason.

35. **ACCEPTANCE OF INVOICES** - The Owner shall notify the Engineer in writing of any invoice items that the Owner disputes within ten (10) days of receipt of the invoice or the invoice shall be considered accepted.

36. **LIENS** - The Engineer shall have and be entitled to claim and enforce any and all lien rights to the fullest extent permitted by applicable law, including, without limitation, and mechanic's lien rights, to collect any and all payments due the Architect/Engineer for services performed and expenses incurred on the Project whether arising out of termination of this Agreement, failure by the Owner to make payments to the Architect/Engineer in accordance with this Agreement or otherwise.

37. **COLLECTION** - The OWNER shall pay the ENGINEER any fees, expenses or other costs incurred in connection with the collection of payments from the OWNER including without limitation, reasonable attorney's fees.

38. **NO DEDUCTIONS** - No deductions shall be made from the ENGINEER'S payments on account of penalty, liquidated damages or other sums withheld from payment to contractor.

 ORIGINAL

TOWN OF DUANESBURG

APPLICATION FOR SITE/ SKETCH DEVELOPMENT PLAN APPROVAL

Preliminary Date: _____ Final Date: _____
(Check appropriate box)

Name of proposed development Oak Hill Solar Project

Applicant:

Name Eden Renewables - Giovanni Maruca
Address 2270 River Road
Castleton on Hudson, NY 12033
Telephone 518 233-4011

Plans Prepared by:

Name Environmental Design Partnership
Address 900 Route 146
Clifton park, NY 12065
Telephone 518 371-7621

Owner (if different):

Name Richard Murray
Address 1206 Oak Hill Road
Esperance, NY 12066
Telephone _____

(if more than one owner, provide information for each)

Ownership intentions, i.e., purchase options

Location of site

13590-13592 Duanesburg Road, Delanson, NY 1253

Section 74.00-2-5 Block _____ Lot _____

Current zoning classification R-2

State and federal permits needed (list type and appropriate department)

Proposed use(s) of site

Two 5.0 MW solar arrays.

Total site area (square feet or acres) 204.02 +/- acre (142.1 +/- acre parcel with 61.92 +/- lot line adjustment with adjoining parcel of common ownership)

Anticipated construction time 2018 - 2019

Will development be phased? NO

Over →

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

Current land use of site (agricultural, commercial, underdeveloped, etc.)

Unused Agricultural

Current condition of site (buildings, brush, etc.) Vacant

Character of surrounding lands (suburban, agricultural, wetlands, etc.) Residential / vacant

Estimated cost of proposed improvement \$ _____

Anticipated increase in number of residents, shoppers, employees, etc. (as applicable)

Describe proposed use, including primary and secondary uses; ground floor area; height; and number of stories for each building:

- for residential buildings include number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three or more bedrooms) and number of parking spaces to be provided.
- For non-residential buildings, include total floor area sales area; number of automobile and truck parking spaces,
- Other proposed structures.

(Use separate sheet if needed)

The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own tax map parcel. There are no buildings proposed.

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

Mr. Dennis O'Malley
July 9, 2018

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment

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,



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

cc: Giovanni Maruca, Applicant (via email)

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

Dale Warner

From: Steve Feeney [steve.feeney@schenectadycounty.com]
Sent: Monday, September 24, 2018 2:03 PM
To: 'Dale Warner'
Subject: Eden Renewables
Attachments: Eden Renewables Aerial Wetlands.pdf

Dale,

Have these guys done a wetlands survey yet? From the aerial it looks wet. Also, the site plan references a 20' wide gravel access road around the perimeter but doesn't actually show it. They only show an access drive coming into the site from State Rt. 7. Did they provide a construction detail for the road?

Steve

Stephen J. Feeney, AICP
Schenectady County Department of Economic Development and Planning
107 Nott Terrace, Suite 303
Schenectady, NY 12308
518-386-2225 x226
Cell: 518-698-7486

Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018

Receipt Date 5/8/2018 981197

Received from Eden Renewables (Murray) \$ 100.00

one hundred dollars & 00/100 Dollars

For Rent
 For Special use permit 74.00-2-5

ACCOUNT	<u>100.00</u>	<input type="radio"/> CASH
PAYMENT	<u>100.00</u>	<input type="radio"/> CHECK
BAL. DUE	<u>0.00</u>	<input checked="" type="radio"/> MONEY ORDER

From 65011495224 To _____

By Brancky h. Fall 05-15

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD Revised 04/12/2017
TOWN OF DUANESBURG

*******FOR OFFICE USE ONLY*******

 ORIGINAL

CHECKLIST OF REQUIRED INFORMATION:

- Title of drawing.
- Tax Map ID #
- Zoning district
- Current Original Deed
- NYS Survey (L.S. & P.E.)
- North Arrow, scale (1"=100')
- Boundaries of the property plotted and labeled to scale.
- School District/Fire District
- Green area/ landscaping
- Existing watercourses, wetlands, etc.
- Contour Lines (increments of 10ft.)
- Easements & Right of ways
- Abutting Properties Wells/ Sewer Systems within 100ft.
- Well/ Water system

- Septic system: Soil Investigation completed?
- Sewer System: Which district?
- Basic SWPPP (1≥ & <5)
- Full Storm Water Control Plan (5acres or more)
- Storm Water Control Plan
- Short or long EAF www.dec.ny.gov/eafmapper/
- Street pattern: Traffic study needed?
- All property Mergers **REQUIRE** both owners Signatures on the Application

Additional Requirements for Special Use Application:

- New or existing building
- Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, & lighting plan**

Date May 7, 2018

1

Application type: Major Subdv Minor Subdv **Special Use Permit** Site/ Sketch Plan Review LotLine Adjust
Proposal: The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own tax map parcel. Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)
Address: 1206 Oak Hill Road, Esperance Zip code : 12066
Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011
Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053
Tax Map # 74.00-2-5 Zoning District R-2

Richard B Murray
Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS) _____
Signature of receiving Property Owner (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

Aimi Manna Date 5-7-2018

Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

Application fee paid: 100- M/0 25011495224 (For office use only)
 Check# _____ Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

 Planning Chairperson Date Code Enforcement Date

D. H. O'Brien

PAID

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

TOWN OF DUANESBURG

Application# _____

Agricultural Data Statement

Date: _____

ORIGINAL

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: Giovanni Maruca (Eden Renewables)	Name: Richard Murray
Address: 2270 River Road	1206 Oak Hill Road
Castleton on Hudson, NY 12033	Esperance, NY 12066

- Type of Application: **Special Use Permit**; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project:
The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own tax map parcel.
- Location of project: Address: **13590-13592 Duanesburg Road, Delanson**
Tax Map Number (TMP) **74.00-2-5**
- Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
- If YES, Agricultural District Number _____
- Is this parcel actively farmed? YES NO
- List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: Pamela Rowling	NAME: _____
ADDRESS: Youngs Road	ADDRESS: _____
Is this parcel actively farmed? <input checked="" type="checkbox"/> YES NO	Is this parcel actively farmed? YES NO
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO

Giovanni Maruca
Signature of Applicant

Richard B Murray
Signature of Owner (if other than applicant)

Reviewed by: _____ Dale R. Warner _____ Date

Revised 4/4/17

FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Jennifer Friello, Clerk
Teresa Bakner, Board Attorney



**Town of Duanesburg
Planning Board**

Jeffrey Schmitt, Vice Chair Member
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rullison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

August 15, 2018

Re: *Eden Renewables Solar Project*
SEQRA Type I Action
Lead Agency Coordination

To All Involved Agencies and Interested Parties,

On July 26, 2018, the Duanesburg Planning Board received an application from Eden Renewables for a PV Solar Project located at 13590-13592 Duanesburg Road, in the Town of Duanesburg, Schenectady County, New York. At the July 19, 2018 Planning Board meeting, the proposed action was classified as a Type I Action.

In accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA) under 6 NYCRR, Part 617 of the Environmental Conservation Law, the Town Planning Board plans to assume the role of Lead Agency.

Based upon the Part 1 of the Full Environmental Assessment Form (EAF) prepared by the Applicant, your agency has been identified as a potential Involved Agency and/or Interested Party under SEQRA. Enclosed please find a copy of the Part 1 of the Full EAF for the project. We welcome any comments you may have regarding the proposed action and would request that you inform us of any permits or other authorizations that will be required from your agency. In addition, please let us know if you have any objections to the Town of Duanesburg Planning Board acting in the capacity of Lead Agency.

Please provide written correspondence within 30 calendar days of the date of this correspondence.

Written correspondence should be directed to my attention at the following address: Town of Duanesburg Planning/Zoning Clerk; 5853 Western Turnpike; Duanesburg, New York 12056.

Sincerely,

Jennifer Friello
Planning/Zoning Clerk, Town of Duanesburg

**Eden Renewables Solar Project
SEQRA Involved & Interested Agencies
Coordinated Review Distribution List**

**Roger Tidball, Supervisor
Duanesburg Town Board
5853 Western Turnpike
Duanesburg, NY 12056**

**Ray Gillen, Commissioner
Schenectady County Economic Development and Planning
Schaffer Heights Suite 303
107 Nott Terrace
Schenectady, NY 12308**

**Angelika Stewart, Environmental Analyst
New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4
1130 North Westcott Road
Schenectady, NY 12306-2014**

**Ruth L. Pierpont, Deputy Commissioner for Historic Preservation
New York State Office of Parks, Recreation and Historic Preservation
Division of Historic Preservation
P.O. Box 189
Waterford, NY 12188-0189**

**Mr. Frank Macri, Superintendent of Schools
Duanesburg Central School District
133 School Drive, Delanson, NY 12053**

**Tom Lynch, Director of Government Affairs
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

**Esperance Fire Department
P.O. BOX 84
Esperance, NY 12066**

ACCESS EASEMENT

This Access Easement ("Easement") is entered into this ____ day of _____, 2019, by and between **OAK HILL SOLAR 1, LLC** with a mailing address of 333 Broadway, Suite 460, Troy, New York 12180 ("Grantor") and **OAK HILL SOLAR 2, LLC** with a mailing address of 333 Broadway, Suite 460, Troy, New York 12180 ("Grantee"). Grantor and Grantee are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

WHEREAS, Grantor is the fee owner of a certain parcel of land located at 13950 Duanesburg Road, in the Town of Duanesburg, County of Schenectady, State of New York, identified as Tax Map Parcel No. _____, and described in a deed recorded in the Schenectady County Clerk's Office in Deed Book ____ at page ____, which is described on the attached Exhibit A ("**Grantor's Parcel**"); and

WHEREAS, Grantee is the fee owner of a certain parcel of land contiguous to Grantor's Parcel 1 in the Town of Duanesburg, County of Schenectady, State of New York, identified as Tax Map Parcel No. _____, and described in a deed recorded in the Schenectady County Clerk's Office in Deed Book ____ at page ____, which is described on the attached Exhibit B ("**Grantee's Parcel**"); and

WHEREAS, Grantor will install an access road on Grantor's Parcel that will run from Duanesburg Road to a point within Grantee's Parcel as shown on the site plan attached hereto as Exhibit C ("**Access Road**"); and

WHEREAS, Grantee has requested an access over the Access Road to access the Grantee Parcel.

NOW THEREFORE, in consideration of the mutual promises, covenants, easements and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Grantor hereby grants and releases unto Grantee, its agents, employees, invitees, licensees, successors and assigns, a non-exclusive easement for ingress and egress on, upon, over, under and across the Access Road, which Grantee may access by motor vehicles and on foot, from Duanesburg Road over Grantor's Parcel to Grantee's Parcel. Said easement shall be subject and subordinate to the right of Grantor, provided that the use thereof by Grantor and such third parties shall not unreasonably interfere with Grantee's exercise of the rights granted herein.

2. Grantee shall exercise reasonable care in using the Access Road. Grantee shall refrain from causing any damage to the Access Road and shall immediately repair any such damage caused by Permittees (as defined herein) associated with Grantee, at Grantee's sole cost and expense. If Grantee fails to perform any such required repairs, Grantor may be, upon ten (10) days' prior written notice to Grantee, may cause such repair work to be performed with a right of reimbursement for all sums reasonably necessary and properly expended to remedy such failure. Within ten (10) days after delivery of a statement documenting such reasonable repair costs incurred, Grantee shall reimburse Grantor. The term "Permittees" shall mean and refer to all occupants and all guests, employees, licensees, agents, contractors, vendors and other invitees of Grantee.

3. **Term.** The rights of Grantor and Grantee pursuant to this Easement shall be perpetual.
4. **Recording.** The Parties contemplate that this Easement will be recorded in the Schenectady County Clerk's Office.
5. This Easement may not be changed, amended or modified, except as provided herein or by the express written agreement of the parties hereto.
6. Grantor covenants that Grantor will warrant title to the Easement Area for the term of this Easement and that Grantee shall quietly use and enjoy this Easement.
7. Each party (for the purposes of this paragraph, an "Indemnifying Party") agrees to defend, indemnify and hold the other harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of the Indemnifying Party, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the other party, or its employees, contractors or agents.
8. The benefits and burdens of this Easement and the agreements herein contained shall run with the land and shall inure to the benefit of and be binding upon, the parties hereto and their respective heirs, successors and assigns.
9. **Separability.** If any term or provision of this Easement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Easement, or the application of such term or provision to persons or circumstances other than those as to which such term or provision is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Easement shall be valid and enforceable to the fullest extent permitted by law.
10. **Governing Law.** The interpretation, validity and enforcement of this Easement shall be governed by and construed under the internal laws of the State of New York, excluding its principles of conflict of laws.
11. **Notice.** All notices given or permitted to be given hereunder shall be in writing. Notice is covered given either (i) when delivered in person to a Party at the address above; (ii) upon receipt after deposit in the United States mail in a sealed envelope or container, postage and postage charges prepaid, return receipt requested or certified mail, addressed to a Party at the address above; or (iii) upon receipt after deposit with a nationally recognized courier service addressed to a Party at the address above. Any Party may, by given notice at any time or from time to time, require subsequent notices to be given to another individual person, whether a party or an officer or representative, or to a different address, or both.
12. **Counterparts.** This Easement may be executed in multiple counterparts, each of which shall be deemed the original, and all of which together shall constitute a single instrument.

[Remainder of Page Intentionally Left Blank.]

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

IN WITNESS WHEREOF, this Easement has been duly executed on the dates below and effective as of the date above.

GRANTOR

GRANTEE

OAK HILL SOLAR 1, LLC

OAK HILL SOLAR 2, LLC

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

GRANTOR ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

On the ____ day of _____ in the year 201_, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

GRANTEE ACKNOWLEDGEMENT

S STATE OF _____)
) ss:
COUNTY OF _____)

On the ____ day of _____ in the year 201_, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF THE GRANTOR'S PARCEL

EXHIBIT B

LEGAL DESCRIPTION OF GRANTEE'S PARCEL

EXHIBIT C

Site Plan



Travis Mitchell <tmitchell@edpllp.com>

Route 7 curb cut for Solar project.

Keegan, Mike (DOT) <Mike.Keegan@dot.ny.gov>

Mon, Jul 2, 2018 at 7:19 AM

To: John Lyon <jlyon@edpllp.com>

Cc: "dale@duanesburg.net" <dale@duanesburg.net>, "tmitchell@EDPLLP.com" <tmitchell@edpllp.com>

John,

After reviewing your plan, we are granting the project conceptual approval for your project.

Sincerely,

Michael J Keegan

Assistant Resident Engineer

NYS DOT – Schenectady County

3008 Chrisler Ave.

Schenectady, NY 12303

518-393-0863

From: John Lyon [mailto:jlyon@edpllp.com]

Sent: Friday, June 29, 2018 2:57 PM

To: Keegan, Mike (DOT) <Mike.Keegan@dot.ny.gov>

Cc: dale@duanesburg.net; tmitchell@EDPLLP.com

Subject: Route 7 curb cut for Solar project.

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

[Quoted text hidden]

Planning / Zoning Board Application Checklist

Pre Approval Process:

- _____ Sketch Plan Review
- _____ Application received with 12 copies
- _____ Application fee received
- _____ Packets added to binders
- _____ Application reviewed for accuracy
- _____ File sent to County Planning for review
- _____ Tax ID# checked on SIMS/ RPS
- _____ Applicant notified of Board meeting date
- _____ EAF Short/Long completed
- _____ Ag data statement filled out
- _____ All notes on plat
- _____ Planner's zoning determination
- _____ SWPPP (if needed)

Notes:

Approval Process:

Preliminary Board Concerns Noted:

- _____ Final EAF Posted on Bulletin Board in Town Hall
- _____ Public Hearing scheduled
- _____ Legal Notice sent to Gazette 7 days prior to public hearing
- _____ Abutters checked on SIMS within 1000' feet list generated
- _____ Abutters checked on SIMS mailed/list filed
- _____ Legal Notice posted on bulletin boards in Town hall

Post Approval Process:

- _____ Final Plat including at least one mylar and two paper copies received
- _____ Planning Board/ Zoning Board Chair notified for signature of application
- _____ Applicant notified to pickup copy of approved application, mylar for County
- _____ Approved paper copy of plat filed in Town file
- _____ Planning/ Zoning decision filed in Town file

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

APPLICATION FOR THE PLANNING BOARD
TOWN OF DUANESBURG
*******FOR OFFICE USE ONLY*******

Revised 04/12/2017



ORIGINAL

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Title of drawing. | <input checked="" type="checkbox"/> Septic system: Soil Investigation completed? |
| <input checked="" type="checkbox"/> Tax Map ID # | <input checked="" type="checkbox"/> Sewer System: Which district? |
| <input checked="" type="checkbox"/> Zoning district | <input type="checkbox"/> Basic SWPPP (1≥ & <5) |
| <input checked="" type="checkbox"/> Current Original Deed | <input type="checkbox"/> Full Storm Water Control Plan (5acres or more) |
| <input checked="" type="checkbox"/> NYS Survey (L.S. & P.E.) | <input type="checkbox"/> Storm Water Control Plan |
| <input checked="" type="checkbox"/> North Arrow, scale (1"=100') | <input checked="" type="checkbox"/> Short or long EAF www.dec.ny.gov/eafmapper/ |
| <input checked="" type="checkbox"/> Boundaries of the property plotted and labeled to scale. | <input type="checkbox"/> Street pattern; Traffic study needed? |
| <input checked="" type="checkbox"/> School District/Fire District | <input type="checkbox"/> All property Mergers REQUIRE both owners Signatures on the Application |
| <input checked="" type="checkbox"/> Green area/ landscaping | |
| <input checked="" type="checkbox"/> Existing watercourses, wetlands, etc. | Additional Requirements for Special Use Application: |
| <input checked="" type="checkbox"/> Contour Lines (Increments of 10ft.) | <input checked="" type="checkbox"/> New or existing building |
| <input checked="" type="checkbox"/> Easements & Right of ways | <input checked="" type="checkbox"/> Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage |
| <input checked="" type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. | Parking, Handicap Spaces, & lighting plan |
| <input checked="" type="checkbox"/> Well/ Water system | |

Date May 7, 2018 # 1

Application type: Major Subdv Minor Subdv **Special Use Permit** Site/ Sketch Plan Review LotLine Adjust

Proposal: The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own tax map parcel. Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)
Address: 1206 Oak Hill Road, Esperance Zip code: 12066
Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011
Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053
Tax Map # 74.00-2-5 Zoning District R-2

Richard B Murray
Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS)
Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.

Angela Murray Date 5-7-2018
Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

Application fee paid: 100- M/0 25011495224 (For office use only)
Check# _____ Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

_____	_____	_____	_____
Planning Chairperson	Date	Code Enforcement	Date

PAID

R/O # 951197

**Exhibit 1: Special Use Permit and Site/Sketch Plan Review
Submitted by Eden on May 7, 2018 and Revised July 23, 2018**

TOWN OF DUANESBURG

Application# _____

Agricultural Data Statement

Date: _____

ORIGINAL

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: <u>Giovanni Maruca (Eden Renewables)</u> Address: <u>2270 River Road</u> <u>Castleton on Hudson, NY 12033</u>	Name: <u>Richard Murray</u> <u>1206 Oak Hill Road</u> <u>Esperance, NY 12066</u>

- Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project:
The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own tax map parcel.
- Location of project: Address: 13590-13592 Duanesburg Road, Delanson
Tax Map Number (TMP) 74.00-2-5
- Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
- If YES, Agricultural District Number _____
- Is this parcel actively farmed? YES NO
- List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: <u>Pamela Rowling</u> ADDRESS: <u>Youngs Road</u> Is this parcel actively farmed? <input checked="" type="radio"/> YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO

[Signature]
Signature of Applicant

[Signature]
Signature of Owner (if other than applicant)

Reviewed by: Dale R. Warner

Date _____

Revised 4/4/17

FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

Dennis O'Malley, Planning Board Chair
Dale Warner, Town Planner
Jennifer Friello, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Lynn Lestage, Board Member
Martin Williams, Board Member
Phillip Sexton, Board Member
Thomas Rulison, Board Member
Jeffrey Schmitt, Board Member
Michael Harris, Alternate Member
Joshua Houghton, Alternate Member

Town of Duanesburg
Planning Board Minutes
May 17, 2018
Final Copy

MEMBERS PRESENT: Phillip Sexton, Elizabeth Novak, Jeffrey Schmitt, Lynn Lestage, Thomas Rulison, and Michael Harris. Also attending, Dale Warner Town Planner, Teresa Bakner Board Attorney and Jennifer Friello Clerk.

INTRODUCTION:

Acting Chairperson Phillip Sexton opened the meeting at 7:00pm. Phillip welcomed everyone to tonight's Planning Board meeting. Phillip introduced and welcomed Joshua Houghton as a Planning Board alternate.

OPEN FORUM:

Closed at 7:01 with no public comments.

PUBLIC HEARINGS:

DiCaprio, Jennifer: SBL# 35.09-1-11.212, (R-1) located at Batter St is seeking a Special Use Permit under section 6.4 (5) of the Town of Duanesburg Zoning Ordinance. Ms. DiCaprio gave her presentation to the audience.

Sexton/Novak made a motion to open the public hearing at 7:03.

Sexton yes, Novak yes, Schmitt yes, Harris yes, Rulison yes, and Lestage yes. **Approved**

Sexton/Novak made a motion to close the public hearing at 7:04 with no public comment.

Sexton yes, Novak yes, Schmitt yes, Harris yes, Rulison yes, and Lestage yes. **Approved**

Based on the discussion of the Planning Board the action is a Type II action pursuant to SEQRA and exempt from further review.

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

Over➔

Novak/Rulison made a motion for approval for the special use permit application by **DiCaprio, Jennifer**.

Novak yes, Rulison yes, Harris yes, Schmitt yes, Sexton yes, and Lestage yes. **Approved.**

Schworm, Brenda: SBL# 55.00-4-35, (C-1) located at Duanesburg Rd is seeking a Special Use Permit under section 3.5 (59) of the Town of Duanesburg Zoning Ordinance. Ms. Schworm gave her presentation to the audience seeking a special use permit for a two family residence on lot #3.

Sexton/Lestage made a motion to open the public hearing at 7:06.

Sexton yes, Lestage yes, Rulison yes, Harris yes, Schmitt yes, and Novak yes. **Approved**

Sexton/Harris made a motion to close the public hearing at 7:07 with no public comment.

Sexton yes, Harris yes, Rulison yes, Lestage yes, Novak yes, and Schmitt yes. **Approved**

Novak/Harris made a motion for approval for the special use permit application by **Schworm, Brenda**.

Novak yes, Harris yes, Rulison yes, Lestage yes, Sexton yes, and Schmitt yes. **Approved.**

Schworm, Brenda: SBL# 55.00-4-26.1, (C-1) located at 6560 Duanesburg Rd is seeking a Special Use Permit under section 3.5 (60) of the Town of Duanesburg Zoning Ordinance. Ms. Schworm gave her presentation to the audience seeking a special use permit for a single family residence on lot #2.

Sexton/Novak made a motion to open the public hearing at 7:17.

Sexton yes, Novak yes, Schmitt yes, Harris yes, Rulison yes, and Lestage yes. **Approved**

Sexton/Rulison made a motion to close the public hearing at 7:18 with no public comment.

Sexton yes, Rulison yes, Harris yes, Schmitt yes, Novak yes, and Lestage yes. **Approved**

Novak/Rulison made a motion for approval for the special use permit application by **Schworm, Brenda**.

Novak yes, Rulison yes, Lestage yes, Sexton yes, Schmitt yes, and Harris yes. **Approved.**

MINUTES APPROVAL:

Sexton/Rulison made a motion to approve the April 19, 2018 Planning Board Meeting minutes with no corrections.

Sexton yes, Rulison yes, Harris yes, Schmitt yes, Novak abstained and Lestage yes. **Approved.**

OLD BUSINESS:

None

NEW BUSINESS:

McGarry, Patrick/ Hawes Ronald: SBL# 43.00-1-.22/25, (R-2) located at 602 Herrick RD is seeking a Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance as well as seeking a Special Use Permit under section 8.4 (8) of the Town of Duanesburg Zoning Ordinance. Karen McGarry gave her presentation to the Board. Also attending is Betsy of Rudolph Snyder land surveying.

Sexton/Novak made a motion to **hold a Public Hearing for the McGarry, Patrick/ Hawes Ronald application on June 21, 2018.**

Sexton yes, Novak yes, Schmitt yes, Harris yes, Rulison yes, and Lestage yes. **Approved**

Novak/Sexton made a motion to **declare the Planning Board lead agency for the SEQRA review for this unlisted action.**

Novak yes, Sexton yes, Lestage yes, Rulison yes, Harris yes, and Schmitt yes. **Approved.**

Novak/Lestage made a motion to **declare our preliminary SEQRA to be a negative impact declaration for this unlisted action.**

Novak yes, Lestage yes, Rulison yes, Harris yes, Schmitt yes, and Sexton yes. **Approved.**

McGarry, Patrick/ Hawes Ronald: SBL# 43.00-1-.22/25, (R-2) located at 602 Herrick RD is seeking a Special Use Permit under section 8.4 (8) of the Town of Duanesburg Zoning Ordinance. Karen McGarry gave her presentation to the Board. Also attending is Betsy of Rudolph Snyder land surveying.

Sexton/Rulison made a motion to **hold a Public Hearing for the McGarry, Patrick/ Hawes Ronald application on June 21, 2018.**

Sexton yes, Rulison yes, Harris yes, Schmitt yes, Novak yes, and Lestage yes. **Approved**

Based on the discussion of the Planning Board the action is a Type II action pursuant to SEQRA and exempt from further review.

Eden Renewables: SBL# 74.00-2-5, (R-2) located at 13590-13592 Duanesburg Rd is seeking a Special Use Permit under Local Law # 107-2016 of the Town of Duanesburg Zoning Ordinance as well as seeking a Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Presentation was given by Travis Mitchell. Giovanni Maruca, Harry Lopes and Richard Murray were also present. Mr. Mitchell explained to the Board that they would like to seek a major subdivision creating three parcels of land to accommodate two 5 mega watt solar fields in the rear lots of Duanesburg Road. The Board has requested that the applicants schedule a meeting with the Town Planner to further

discuss the proposed application as the Board has concerns with lot coverage and setbacks that would require a variance from the Zoning Board of Appeals.

SKETCH PLAN REVIEW:

Lawrence, Mark: SBL# 68.00-2-9/8, (R-2) located at 1484 Schoharie Turnpike is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mr Lawrence gave his sketch plan presentation to the Board.

Novak/Harris made a motion to exempt the minor subdivision application from further planning Board review and refer to the Code Enforcement Officer to complete administratively as the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels. Novak yes, Harris yes, Rulison yes, Lestage yes, Sexton yes, Schmitt yes. **Approved**

Gwiazdowski, John: SBL# 54.00-1-28.2, (R-2) located at 5527 Skyline Dr is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mark Blackstone land surveyor gave the presentation on behalf of the applicant.

Novak/Rulison made a motion to exempt the minor subdivision application from further planning Board review and refer to the Code Enforcement Officer to complete administratively as the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels. Novak yes, Rulison yes, Harris yes, Schmitt yes, Sexton yes, Lestage yes. **Approved**

OTHER:

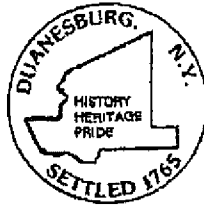
None

ADJOURNMENT:

Novak/Sexton made the motion to adjourn at 8:10pm.

Novak yes, Sexton yes, Lestage yes, Rulison yes, Harris yes, SSchmitt yes. **Approved.**

Dennis O'Malley, Planning Board Chair
Dale Warner, Town Planner
Jennifer Friello, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Lynn Lestage, Board Member
Martin Williams, Board Member
Phillip Sexton, Board Member
Thomas Rulison, Board Member
Jeffrey Schmitt, Board Member
Michael Harris, Alternate Member
Joshua Houghton, Alternate Member

Town of Duaneburg
Planning Board Minutes
July 19, 2018
Final Copy

MEMBERS PRESENT: Phillip Sexton acting chair, Elizabeth Novak, Jeffrey Schmitt, Martin Williams, and Joshua Houghton. Also attending, Jennifer Friello Clerk and Teresa Bakner Attorney.

INTRODUCTION:

Acting Chairperson Phillip Sexton opened the meeting at 7:02pm. Phillip welcomed everyone to tonight's Planning Board meeting. Phillip informed the Board that the Town has received the resignation of Chairman Dennis O'Malley and member Lynn Lestage. Phillip thanked them for their service to the Board.

OPEN FORUM:

Christine Loukides 1320 Alexander Rd- informed the Board of her appreciation for the promptness of the posting of the meeting agendas and inquired as to why the Town Board does not do the same. Ms. Loukides asked if Mr. Rhoades would be able to have his parcel rezoned and she was informed that this would be spot zoning and would fall under the jurisdiction of the Town Board.

Closed at 7:10

PUBLIC HEARINGS:

None

MINUTES APPROVAL:

Novak/Williams made a motion to approve the June 21, 2018 Planning Board Meeting minutes with no corrections.

Novak yes, Williams yes, Houghton yes, Sexton yes, and Schmitt yes. **Approved.**

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Over →

OLD BUSINESS:

Seehold, William/ Livingston: SBL# 74.00-1-9, (R-2) located at Duanesburg RD is seeking a Special Use Permit under section 8.4 (10) of the Town of Duanesburg Zoning Ordinance. Ms. Livingston gave the board and update on the State regulations for storing fuel oil and the plans for containment. The Board recommended meeting with Code Enforcement regarding the determination made for no storage of fuels on site.

Novak/Sexton made a motion to **table the application until August 16, 2018 pending a meeting with Code Enforcement.**

Novak yes, Sexton yes, Houghton yes, Williams yes, and Schmitt yes. **Approved.**

SKETCH PLAN REVIEW:

Kiernan, Owen: SBL# 67.05-1-22, (H) located at 6744 Duanesburg RD is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mr. Helijas of Darcy Crum survey gave the presentation on behalf of Mr. Kiernan. Mr. Kiernan would like to complete a minor subdivision of the pre existing dwelling on the parcel. Upon review the lots will be on conforming and will require a variance.

NEW BUSINESS:

Eden Renewables: SBL# 74.00-2-5, (R-2) located at 13590-13592 Duanesburg Rd is seeking a Special Use Permit under Local Law # 107-2016 of the Town of Duanesburg Zoning Ordinance. Travis Mitchell, Richard Murray and Giovanni Maruca were all present for the application. The applicant is requesting to do a lot line adjustment of SBL# 74.00-2-11.2 and merging with SBL# 74.00-2-5. After lot line is complete applicant would like to create a minor subdivision of the lot to install two (2) 5 mega watt solar fields on each created parcel. A coordinated review will be sent to interested agencies.

Novak/Williams made the motion to **declare the Planning Board as the lead agency in the SEQRA review of this Type 1 action.**

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

Novak/Houghton made a motion to appoint a Town Engineer for the **Eden Renewables** application.

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

SKETCH PLAN REVIEW:

Eden Renewables: SBL# 74.00-2-5 p/o, (R-2) located at 13590-13592 Duanesburg Rd is seeking a Special Use Permit under Local Law # 107-2016 of the Town of Duanesburg Zoning Ordinance. Travis Mitchell, Richard Murray and Giovanni Maruca were all present

for the application. The applicant is requesting to do a lot line adjustment of SBL# 74.00-2-11.2 and merging with SBL# 74.00-2-5. After lot line is complete applicant would like to create a minor subdivision of the lot to install two (2) 5 mega watt solar fields on each created parcel.

OTHER:

Town Board supervisor Roger Tidball along with Board members Passonno, Senecal and Ganther requested the Board stay for a brief discussion. Mr. Tidball informed the Board of the acceptance of the resignation of Chair man Dennis O'Malley and member Lynn Lestage. The Town Board opened the discussion to the Planning Board members regarding their recommendation for a new chairperson and vice chairperson. After a brief discussion the Board is recommending Phillip Sexton as chairman, the Planning Board will give their decision to the Town Board to approve at their next regularly scheduled meeting.

ADJOURNMENT:

Novak/Sexton made the motion to adjourn at 8:37pm.

Novak yes, Sexton yes, Houghton yes, Williams yes, and Schmitt yes. **Approved.**

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Jennifer Friello, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

Town of Duanesburg
Planning Board Minutes
August 16, 2018
Final Copy

MEMBERS PRESENT: Phillip Sexton chairman, Elizabeth Novak, Jeffrey Schmitt, Martin Williams, Michael Harris and Joshua Houghton. Also attending, Dale Warner Town Planner, Jennifer Friello Clerk and Teresa Bakner Attorney.

INTRODUCTION:

Chairperson Phillip Sexton opened the meeting at 7:00pm. Phillip welcomed everyone to tonight's Planning Board meeting. Phil reminded the Board members of the October 13, 2018 training workshop and the 4 credit hours of training mandated by the State. Everyone was encouraged to attend the workshop.

PLEDGE OF ALLEGIANCE :

OPEN FORUM:

No public comment
Closed at 7:01

PUBLIC HEARINGS:

None

MINUTES APPROVAL:

Novak/Williams made a motion to approve the July 19, 2018 Planning Board Meeting minutes with no corrections.
Novak yes, Williams yes, Houghton yes, Harris abstained, Sexton yes, and Schmitt yes.
Approved.

OLD BUSINESS:

Seebold, William/ Livingston: SBL# 74.00-1-9, (R-2) located at Duanesburg RD is seeking a Special Use Permit under section 8.4 (10) of the Town of Duanesburg Zoning Ordinance. Ms. Livingston gave the board and update on site plan and lighting for a public garage with gravel parking. The Board recommended the following contingencies for the Livingston application as follows; Special Use Permit will have a two (2) year expiration to obtain a building permit to construct, limited to 15,000 gallons of fuel storage maximum on property, a 4 inch burm in place with method of sealant for concrete, spill and cleanup measures in place on site as required by State and Federal regulations, no more than one (1) acre of disturbance, and NYS DOT approval .

Novak/Harris made a motion to **declare our preliminary SEQRA to be a negative impact declaration for this unlisted action.**

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

Harris/Williams made a motion to **hold a Public Hearing for the Seebold, William/ Livingston application on September 20, 2018.**

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

NEW BUSINESS:

Schworm. /BEB Drilling: SBL# 55.00-4-26.1, (C-1) located at 6464 Duanesburg RD is seeking a Special Use Permit under section 8.4 (10) of the Town of Duanesburg Zoning Ordinance. Brian Killips gave his presentation to the Board. Mr. Killips would like to construct a 40 X 60 Garage with 14 foot doors to house drills and trucks for a drilling business. No fuel will be stored on site and the Board recommended any external storage remain behind the building fenced in.

Based on the discussion of the Planning Board the action is a Type II action pursuant to SEQRA and exempt from further review.

Williams/Novak made a motion to **hold a Public Hearing for the Schworm, /BEB Drilling application on September 20, 2018.**

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

SKETCH PLAN REVIEW:

None

OTHER:

The Town of Duanesburg Planning Board has received two (2) quotes for a Town designated engineer for the Eden Renewables project.

Novak/Harris made a motion to **accept the quote for Town Designated Engineer from Doug Cole of Prime AE Group of NY, for the Eden Renewables application.**
Novak yes, Harris yes, Houghton yes, Williams yes, Schmitt yes, and Sexton yes. **Approved**

Phil discussed the up and coming Comprehensive review changes and has asked the Planning Board for their input on how to best organize the committee. The Board was asked if they would be interested in overseeing the Comprehensive plan organization with the assistance of the Town Board, Zoning Board of Appeals and other outside interested parties, and to conduct review meetings directly following the regularly scheduled meetings. All members were in agreement and would further discuss at the next Board meeting.

ADJOURNMENT:

Harris/Novak made the motion to **adjourn at 8:49pm.**
Harris yes, Novak yes, Schmitt yes, Williams yes, Houghton yes and Sexton yes. **Approved.**

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Jennifer Friello, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

Town of Duanesburg
Planning Board Minutes
September 20, 2018
Final Copy

MEMBERS PRESENT: Jeffrey Schmitt Vice Chairman, Martin Williams, Thomas Rulison, Michael Harris and Joshua Houghton. Also attending, Dale Warner Town Planner, Jennifer Friello Clerk and Alexandra Dobles Attorney.

INTRODUCTION:

Vice Chairperson Jeffrey Schmitt opened the meeting at 7:03pm. Jeffrey welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

No public comment

Schmitt/Harris made a motion to close at 7:05

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

PUBLIC HEARINGS:

Seebold, William/ Livingston: SBL# 74.00-1-9, (R-2) located at Duanesburg RD is seeking a Special Use Permit under section 8.4 (10) of the Town of Duanesburg Zoning Ordinance. Ms. Livingston gave the presentation to the audience. The Board recommended the following contingencies for the Livingston application as follows; Special Use Permit will have a two (2) year expiration to obtain a building permit to construct, limited to 15,000 gallons of fuel storage maximum on property, a 4 inch burm in place with method of sealant for concrete, spill and cleanup measures in place on site as required by State and Federal regulations, no more than one (1) acre of disturbance, and NYS DOT approval.

John Hayes 14247 Duanesburg Rd- Concerned with trucks catching fire, Mr. Hayes was reassured that safety measures were in place and that the trucks have self containment systems.

Irene Hayes 14247 Duanesburg Rd- Concerned with fuel smells and height of building blocking view from home. Ms. Hayes is also concerned with the well located on the property becoming contaminated and contaminating other water sources. She would prefer the lot to remain a homestead.

Josh Barnes Duanesburg Rd- Concerned with area becoming too commercialized, Mr. Barnes was reassured that the zoning will not change this is only a special use permit for the individual lot.

Harris/Rulison made a motion to open the public hearing at 7:13.
Harris yes, Rulison yes, Williams yes, Houghton yes, and Schmitt yes. **Approved**

Rulison/Harris made a motion to close the public hearing at 7:31 with public comment.
Rulison yes, Harris yes, Williams yes, Houghton yes, and Schmitt yes. **Approved**

Schmitt/Rulison made the motion to reaffirm our preliminary SEQRA finding of a negative impact declaration as no changed circumstances were identified. The SEQRA determination was read into the record and amended to remove no fuel storage.
Schmitt yes, Rulison yes, Williams yes, Houghton yes, and Harris yes.

Williams/Rulison made a motion for approval for the special use permit application by **Seebold, William/ Livingston** with contingencies.
Williams yes, Rulison yes, Harris yes, Schmitt yes, and Houghton yes. **Approved.**

Schworm. /BEB Drilling: SBL# 55.00-4-26.1, (C-1) located at 6464 Duanesburg RD is seeking a Special Use Permit under section 8.4 (10) of the Town of Duanesburg Zoning Ordinance. Brian Killips gave his presentation to the audience. Mr. Killips would like to construct a 40 X 60 Garage with 14 foot doors to house drills and trucks for a drilling business. No fuel will be stored on site and the Board recommended any external storage remain behind the building fenced in.

Based on the discussion of the Planning Board the action is a Type II action pursuant to SEQRA and exempt from further review.

Schmitt/Harris made a motion to open the public hearing at 7:41.
Schmitt yes, Harris yes, Rulison yes, Williams yes, and Houghton yes. **Approved**

Rulison/Harris made a motion to close the public hearing at 7:42 with no public comment.
Rulison yes, Harris yes, Williams yes, Houghton yes, and Schmitt yes. **Approved**

Rulison/Houghton made a motion for approval for the special use permit application by **Schworm./BEB Drilling** with contingencies. Approval for Phase I only upon construction of Phase II applicant will be required to apply for an amendment to the special use granting.

Rulison yes, Houghton yes, Schmitt yes, Harris yes, and Williams yes. **Approved.**

MINUTES APPROVAL:

Schmitt/Harris made a motion to approve the August 16, 2018 Planning Board Meeting minutes with no corrections.

Schmitt yes, Harris yes, Rulison abstained, Williams yes, and Houghton yes. **Approved.**

OLD BUSINESS:

Eden Renewable: SBL# 74.00-2-5, (R-2) located at 13590-13592 Duanesburg Rd is seeking a Special Use Permit #1 under Local Law # 107-2016 of the Town of Duanesburg Zoning Ordinance.

Eden Renewable: SBL# 74.00-2-5 p/o, (R-2) located at 13590-13592 Duanesburg Rd is seeking a Special Use Permit #2 under Local Law # 107-2016 of the Town of Duanesburg Zoning Ordinance.

Eden Renewable/ Murray Richard: SBL# 74.00-2-5, (R-2) located at 13590-13592 Duanesburg RD is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Eden Renewable/ Murray Richard: SBL# 74.00-2-11.2, (R-2) located at 1206 Oak Hill RD is seeking a Lot line adjustment under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Travis Mitchell updated the Planning Board that they will have all final plans, revised full SEQRA and reports prepared for the October meeting and have received the Town Designated Engineers comments and applicant was informed that they will be need to place an Escrow payment with the Town Clerks Office. Coordinated review responses are now coming back with no objection to the project.

NEW BUSINESS:

None

SKETCH PLAN REVIEW:

Runnels, Richard: SBL# 34.00-2-8.112, (R-2) located at Batter St is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Ms.

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Over →

Runnels gave her presentation to the Board. She would like a minor subdivision of the approximate 4.5 acres of land naturally subdivided by Rocchio Rd.

Houghton/Williams made a motion to exempt the lot-line adjustment application from further planning Board review and refer to the Code Enforcement Officer to complete administratively as the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels. Houghton yes, Williams yes, Rulison yes, Harris yes, and Schmitt yes. **Approved**

OTHER:

Comprehensive Review- No review this month

GE County Solar Project Review:

1. SBL# 55.00-4-9 384 Park Rd (Closed Landfill)
2. SBL# 66.00-2-26.2 1378 Cole Rd (Water Treatment Plant)
3. SBL# 66.00-2-1 7745 Western Tpke (Village property)
4. SBL# 43.00-2-13 N. Knight Rd (Village Property)
5. SBL# 66.53-1-2 1376 Cole Rd (Access Rd Water Treatment Plant)

Present were Supervisor Roger Tidball, Council Member John Ganther, Village Planning Board members George Grenier and Joshua O'Connor, as well as GE Project Manager Kimberly Cupicha who gave a presentation to the Board outlining the County wide Solar project, panels will be placed throughout the Town and Village on Town and Village owned properties. The Board expressed concerns with amount of tree clearing as well as aesthetics of the systems. Land will be leased by GE Solar and provide a discounted rate to the Town. Josh O'Connor informed the Board that they are in full support of the project and that it will aid them in major water line projects in the future.

ADJOURNMENT:

Harris/Rulison made the motion to adjourn at 8:48pm.
Harris yes, Rulison yes, Williams yes, Houghton yes and Schmitt yes. **Approved.**



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(P) 518.371.7621 (F) 518.371.9540 edpllp.com

March 11, 2019

Mr. Phillip Sexton
Planning Board Chairman

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

Regarding: Eden Renewables
Oak Hill Solar Projects 1&2
Duaneburg 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

Mr. Phillip Sexton
March 11, 2019

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment

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.
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 45.63 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 74.00-3-16.121 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.

Mr. Phillip Sexton
March 11, 2019

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment

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.

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) 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 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

Mr. Phillip Sexton
March 11, 2019

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
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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)



ORIGINAL

TOWN OF DUANESBURG

APPLICATION FOR SITE/ SKETCH DEVELOPMENT PLAN APPROVAL

Preliminary Date: _____ Final Date: _____
(Check appropriate box)

Name of proposed development Oak Hill Solar Project

Applicant:

Name Eden Renewables - Giovanni Maruca
Address 2270 River Road
Castleton on Hudson, NY 12033
Telephone 518 233-4011

Plans Prepared by:

Name Environmental Design Partnership
Address 900 Route 146
Clifton park, NY 12065
Telephone 518 371-7621

Owner (if different):

(if more than one owner, provide information for each)

Name Richard Murray
Address 1206 Oak Hill Road
Esperance, NY 12066
Telephone _____

Ownership intentions, i.e., purchase options

Location of site

13590-13592 Duaneburg Road, Delanson, NY 1253

Section 74.00-2-5 Block _____ Lot _____

Current zoning classification R-2

State and federal permits needed (list type and appropriate department)

Proposed use(s) of site

Two 5.0 MW solar arrays.

Total site area (square feet or acres) 192.61 +/- acre

Anticipated construction time 2019-2020

Will development be phased? NO

Over →

APPLICATION FOR THE PLANNING BOARD
 TOWN OF DUANESBURG
 *****FOR OFFICE USE ONLY*****

Revised 04/12/2017

 ORIGINAL

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Title of drawing. | <input checked="" type="checkbox"/> Septic system: Soil Investigation completed? |
| <input checked="" type="checkbox"/> Tax Map ID # | <input checked="" type="checkbox"/> Sewer System: Which district? |
| <input checked="" type="checkbox"/> Zoning district | <input type="checkbox"/> Basic SWPPP (1 ≥ & <5) |
| <input checked="" type="checkbox"/> Current Original Deed | <input type="checkbox"/> Full Storm Water Control Plan (5acres or more) |
| <input checked="" type="checkbox"/> NYS Survey (L.S. & P.E.) | <input type="checkbox"/> Storm Water Control Plan |
| <input checked="" type="checkbox"/> North Arrow, scale (1"=100') | <input checked="" type="checkbox"/> Short or long EAF www.dec.ny.gov/eafmapper/ |
| <input checked="" type="checkbox"/> Boundaries of the property plotted and labeled to scale. | <input type="checkbox"/> Street pattern: Traffic study needed? |
| <input checked="" type="checkbox"/> School District/Fire District | <input type="checkbox"/> All property Mergers REQUIRE both owners Signatures on the Application |
| <input checked="" type="checkbox"/> Green area/ landscaping | Additional Requirements for Special Use Application: |
| <input checked="" type="checkbox"/> Existing watercourses, wetlands, etc. | <input checked="" type="checkbox"/> New or existing building |
| <input checked="" type="checkbox"/> Contour Lines (increments of 10ft.) | <input checked="" type="checkbox"/> Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage |
| <input checked="" type="checkbox"/> Easements & Right of ways | Parking, Handicap Spaces, & lighting plan |
| <input checked="" type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft. | |
| <input checked="" type="checkbox"/> Well/ Water system | |

Date May 7, 2018 - Revised February 8, 2019

Application type: Major Subdv Minor Subdv Special Use Permit Site/ Sketch Plan Review LotLine Adjust
 Proposal: The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays. The property will be subdivided such that each solar array will be situated on it's own tax map parcel.

Section _____ of _____ Ordinance.

Present Owner: Richard Murray (AS APPEARS ON DEED!!)

Address: 1206 Oak Hill Road, Esperance Zip code: 12066

Phone # (required) 518 423-9367

Applicants Name (if different): Giovanni Maruca Phone# (required) 518 233-4011

Location of Property (if different from owners) 13590-13592 Duanesburg Road, Delanson, NY 12053

Tax Map # 74.00-2-5 Zoning District R-2

Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS) _____

Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duanesburg to walk the property for the purposes of conducting a site review.



Date _____

Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

(For office use only)

Application fee paid: _____ Check# _____ Reviewed By _____ Date _____

Approved Disapproved Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

 Planning Chairperson

 Date

 Code Enforcement

 Date

TOWN OF DUANESBURG

Application# _____



ORIGINAL

Agricultural Data Statement

Date: _____

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: <u>Giovanni Maruca (Eden Renewables)</u> Address: <u>2270 River Road</u> <u>Castleton on Hudson, NY 12033</u>	Name: <u>Richard Murray</u> <u>1206 Oak Hill Road</u> <u>Esperance, NY 12066</u>

- Type of Application: Special Use Permit, Site Plan Approval, Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project:
The applicant proposes to construct two (2) 5 MW photovoltaic solar arrays occupying approximately 40 acres each. The property will be subdivided such that each solar array will be situated on it's own tax map parcel.
- Location of project: Address: 13590-13592 Duaneburg Road, Delanson
Tax Map Number (TMP) 74.00-2-5
- Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
- If YES, Agricultural District Number _____
- Is this parcel actively farmed? YES NO
- List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: <u>Pamela Rowling</u> ADDRESS: <u>Youngs Road</u> Is this parcel actively farmed? <input checked="" type="radio"/> YES <input type="radio"/> NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES <input type="radio"/> NO <input type="radio"/>
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES <input type="radio"/> NO <input type="radio"/>	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES <input type="radio"/> NO <input type="radio"/>

Giovanni Maruca
Signature of Applicant

Richard B Murray
Signature of Owner (if other than applicant)

Reviewed by: _____

Dale R. Warner

Date _____

Revised 4/4/17

FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

DRAFT

“BASIC”

STORMWATER POLLUTION PREVENTION PLAN

EROSION & SEDIMENT CONTROLS ONLY

**Lands N/F Charles Rhoades
Alexander Road, Town of Duaneburg
Schenectady County, New York**

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March 11, 2019

Project #4972A

Prepared By:
Joseph J. Bianchine, P.E.
ABD Engineers, LLP
411 Union Street
Schenectady, NY 12305
(518) 377-0315

"BASIC"

STORMWATER POLLUTION PREVENTION PLAN

EROSION & SEDIMENT CONTROLS ONLY

**Lands N/F Charles Rhoades
Alexander Road, Town of Duaneburg
Schenectady County, New York**

A 73.0± acre parcel on Alexander Road will be divided into five (5) new building lots. The lots will be buildable per the zoning code and will be developed on a lot by lot basis with Lot 5 as remaining land totaling 47± acres. Each buildable lot will consist of a proposed building, driveway, well, and septic system. The 73.0± acre parcel currently consist of grass and lightly wooded areas. Total soil disturbance is about 2.7± acres for the proposed construction on the five (5) lots.

Soil disturbing activities include site grading, foundation excavation, trenching for utilities, driveway paving, and landscaping. Erosion and sediment controls will include, at a minimum, the use of the following:

1. Installation of silt fence downhill of all disturbed areas until soils are stabilized by reseeding, mulch, etc.
2. Installation of a stabilized construction entrance at the location where construction traffic is leaving the site.
3. Concrete washout areas at each site where concrete is poured or otherwise formed.

Standards and specifications for the applicable erosion and sediment control practices are attached.

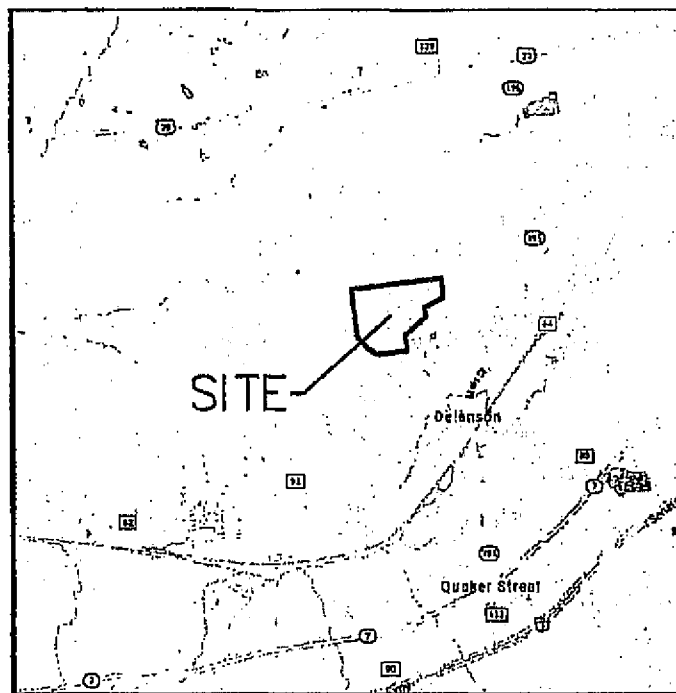
Construction Sequence

1. Identify limits of clearing and grading.
2. Stabilized entrance to be installed at location of driveway.
3. Silt fence to be installed in locations shown on the plans at all down slope areas.
4. Driveway installation to proceed to provide access for well installation.
5. Topsoil to be stripped and stockpiled. Any temporary stockpiles to be left longer than 14 days are to be seeded and mulched.
6. Septic sand to be installed in the proposed septic system location and to be left in place for at least one freeze/thaw cycle.
7. Removal of excess site excavation material to proceed with rough site grading.
8. Building construction to proceed.
9. Utility installation to proceed.
10. Filling and grading around building to rough finish grade.
11. Final grading, topsoil, seeding, and landscaping.
12. Finish driveway paving.
13. Grass to be established prior to any silt fence being removed.

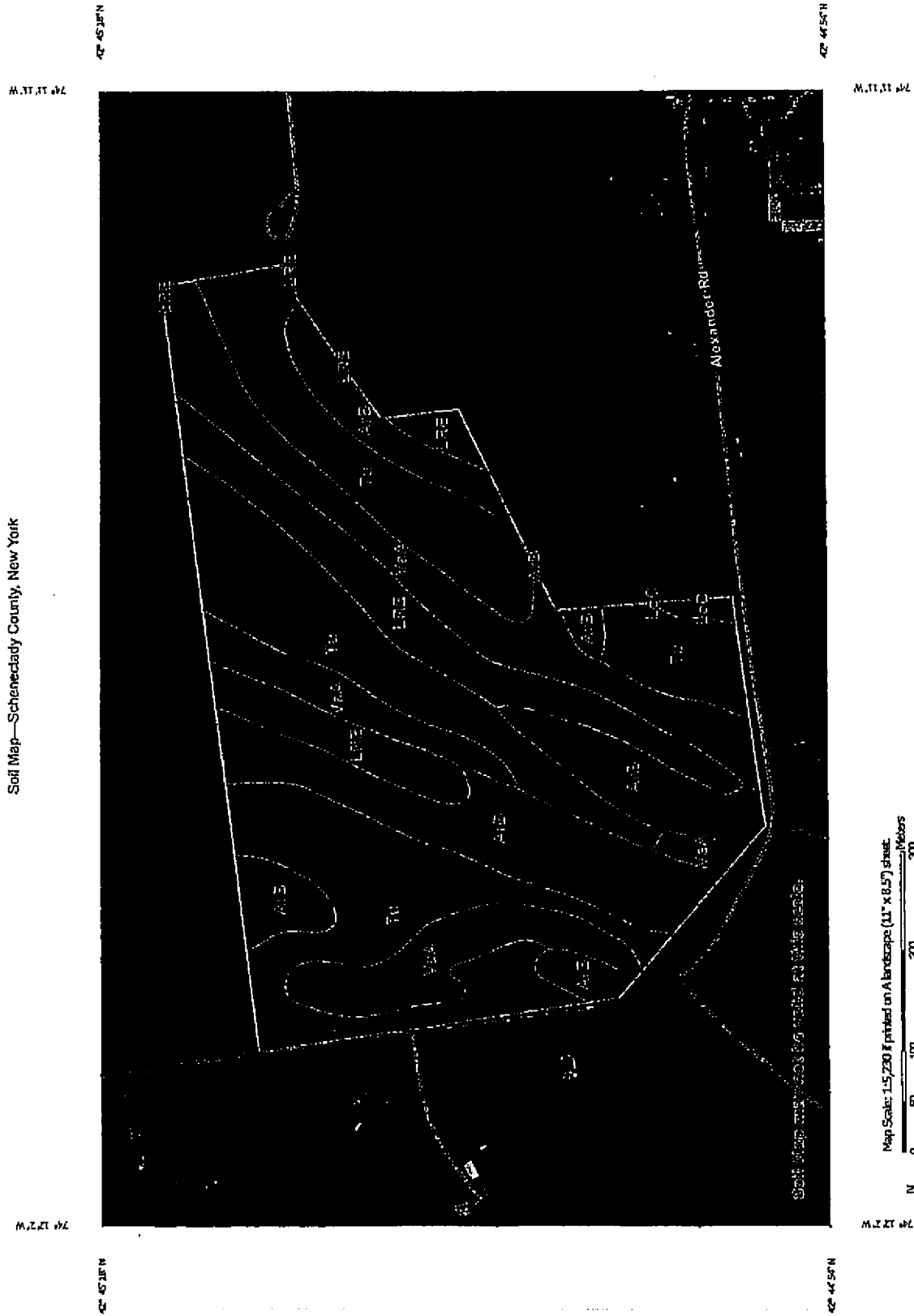
Contractor's General Guidelines

1. Keep set of Plans with SWPPP at all times.
2. Install all preliminary erosion control items before starting construction.
3. Prior to construction, appropriate erosion and sediment controls should be adequately installed and implemented.
4. Pick up litter on a daily basis.
5. Only work within the defined limits. Do not change the work limits shown on the plans without getting approvals to do so.

EXHIBIT 1
SITE LOCATION MAP
& SOIL INFORMATION



Soil Map—Schenectady County, New York



3/11/2019
Page 1 of 3

Web Soil Survey
National Cooperative Soil Survey

USDA
Natural Resources
Conservation Service

Soil Map—Schenectady County, New York

MAP LEGEND

<p>Area of Interest (AOI)</p> <p>Area of Interest (AOI) </p> <p>Soils</p> <p>Soil Map Unit Polygons </p> <p>Soil Map Unit Lines </p> <p>Soil Map Unit Points </p> <p>Special Point Features</p> <p>Blowout </p> <p>Borrow Pit </p> <p>Clay Spot </p> <p>Closed Depression </p> <p>Gravel Pit </p> <p>Gravelly Spot </p> <p>Landfill </p> <p>Lava Flow </p> <p>Marsh or swamp </p> <p>Mine or Quarry </p> <p>Miscellaneous Water </p> <p>Perennial Water </p> <p>Rock Outcrop </p> <p>Saline Spot </p> <p>Sandy Spot </p> <p>Severely Eroded Spot </p> <p>Sinkhole </p> <p>Slide or Slip </p> <p>Sodic Spot </p>	<p>Soil Area</p> <p>Stony Spot </p> <p>Very Stony Spot </p> <p>Wet Spot </p> <p>Other </p> <p>Special Line Features</p> <p>Water Features</p> <p>Streams and Canals </p> <p>Transportation</p> <p>Rails </p> <p>Interstate Highways </p> <p>US Routes </p> <p>Major Roads </p> <p>Local Roads </p> <p>Background</p> <p>Aerial Photography </p>
--	--

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Schenectady County, New York
 Survey Area Data: Version 17, Sep 3, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 7, 2013—Nov 9, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Soil Map—Schenectady County, New York

Map Unit Legend

Map Unit Symbol	Map Unit Name	Area In AOI	Percent of AOI
ArB	Arnot channery silt loam, 0 to 8 percent slopes	17.1	23.1%
LoC	Lordstown gravelly silt loam, 8 to 15 percent slopes	0.0	0.0%
LoD	Lordstown gravelly silt loam, 15 to 25 percent slopes	0.4	0.5%
LRE	Lordstown-Rock outcrop association, steep	10.1	13.7%
Tu	Tuller channery silt loam	30.5	41.2%
V&A	Varick silt loam, 0 to 3 percent slopes	15.9	21.6%
Totals for Area of Interest		74.0	100.0%

Map Unit Description: Arnot channery silt loam, 0 to 8 percent slopes—Schenectady County, New York

Schenectady County, New York

ArB—Arnot channery silt loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: bd33
Elevation: 1,000 to 1,800 feet
Mean annual precipitation: 38 to 44 inches
Mean annual air temperature: 45 to 48 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Arnot and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Arnot

Setting

Landform: Hills, ridges, benches
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy till derived mainly from acid sandstone, siltstone, and shale

Typical profile

H1 - 0 to 7 inches: channery silt loam
H2 - 7 to 16 inches: channery silt loam
H3 - 16 to 20 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: 10 to 20 inches to lithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Very low (about 1.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3s
Hydrologic Soil Group: D
Hydric soil rating: No

Map Unit Description: Amol channery silt loam, 0 to 8 percent slopes—Schenectady County,
New York

Minor Components

Lordstown

Percent of map unit: 5 percent
Hydric soil rating: No

Tuller

Percent of map unit: 5 percent
Hydric soil rating: No

Brockport

Percent of map unit: 5 percent
Hydric soil rating: No

Unnamed soils

Percent of map unit: 5 percent
Hydric soil rating: No

Nassau

Percent of map unit: 5 percent
Hydric soil rating: No

Data Source Information

Soil Survey Area: Schenectady County, New York
Survey Area Data: Version 17, Sep 3, 2018



Map Unit Description: Lordstown gravelly silt loam, 8 to 15 percent slopes—Schenectady County, New York

Schenectady County, New York

LoC—Lordstown gravelly silt loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: bd58
Elevation: 750 to 1,800 feet
Mean annual precipitation: 38 to 44 inches
Mean annual air temperature: 45 to 48 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Lordstown and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lordstown

Setting

Landform: Hills, ridges, benches
Landform position (two-dimensional): Shoulder
Landform position (three-dimensional): Crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy till derived from sandstone and siltstone

Typical profile

H1 - 0 to 7 inches: gravelly silt loam
H2 - 7 to 22 inches: channery silt loam
H3 - 22 to 26 inches: gravelly silt loam
H4 - 26 to 30 inches: unweathered bedrock

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Low (about 3.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C
Hydric soil rating: No

Map Unit Description: Lordstown gravelly silt loam, 8 to 15 percent slopes—Schenectady County, New York

Minor Components

Manlius

Percent of map unit: 5 percent
Hydric soil rating: No

Arnot

Percent of map unit: 5 percent
Hydric soil rating: No

Nassau

Percent of map unit: 5 percent
Hydric soil rating: No

Angola

Percent of map unit: 5 percent
Hydric soil rating: No

Nunda

Percent of map unit: 5 percent
Hydric soil rating: No

Data Source Information

Soil Survey Area: Schenectady County, New York
Survey Area Data: Version 17, Sep 3, 2018

Map Unit Description: Lordstown gravelly silt loam, 15 to 25 percent slopes—Schenectady County, New York

Schenectady County, New York

LoD—Lordstown gravelly silt loam, 15 to 25 percent slopes

Map Unit Setting

National map unit symbol: bd57
Elevation: 750 to 1,800 feet
Mean annual precipitation: 38 to 44 inches
Mean annual air temperature: 45 to 48 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Lordstown and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lordstown

Setting

Landform: Hills, ridges, benches
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy till derived from sandstone and siltstone

Typical profile

H1 - 0 to 7 inches: gravelly silt loam
H2 - 7 to 22 inches: channery silt loam
H3 - 22 to 26 inches: gravelly silt loam
H4 - 26 to 30 inches: unweathered bedrock

Properties and qualities

Slope: 15 to 25 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Low (about 3.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6a
Hydrologic Soil Group: C
Hydric soil rating: No

Map Unit Description: Lordstown gravelly silt loam, 15 to 25 percent slopes—Schenectady County, New York

Minor Components

Nassau

Percent of map unit: 5 percent
Hydric soil rating: No

Arnot

Percent of map unit: 5 percent
Hydric soil rating: No

Manlius

Percent of map unit: 5 percent
Hydric soil rating: No

Brockport

Percent of map unit: 5 percent
Hydric soil rating: No

Nunda

Percent of map unit: 5 percent
Hydric soil rating: No

Data Source Information

Soil Survey Area: Schenectady County, New York
Survey Area Data: Version 17, Sep 3, 2018

Map Unit Description: Lordstown-Rock outcrop association, steep--Schenectady County, New York

Schenectady County, New York

LRE—Lordstown-Rock outcrop association, steep

Map Unit Setting

National map unit symbol: bd50
Elevation: 750 to 1,800 feet
Mean annual precipitation: 38 to 44 inches
Mean annual air temperature: 45 to 48 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Lordstown and similar soils: 45 percent
Rock outcrop: 30 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lordstown

Setting

Landform: Hills, ridges, benches
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy till derived from sandstone and siltstone

Typical profile

H1 - 0 to 7 inches: gravelly silt loam
H2 - 7 to 22 inches: channery silt loam
H3 - 22 to 26 inches: gravelly silt loam
H4 - 26 to 30 inches: unweathered bedrock

Properties and qualities

Slope: 25 to 50 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Low (about 3.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: C
Hydric soil rating: No

Map Unit Description: Lordstown-Rock outcrop association, steep—Schenectady County, New York

Description of Rock Outcrop

Typical profile

H1 - 0 to 60 inches: unweathered bedrock

Properties and qualities

Slope: 25 to 50 percent

Depth to restrictive feature: 0 inches to lithic bedrock

Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydric soil rating: Unranked

Minor Components

Brockport

Percent of map unit: 5 percent

Hydric soil rating: No

Arnot

Percent of map unit: 5 percent

Hydric soil rating: No

Tuller

Percent of map unit: 5 percent

Hydric soil rating: No

Hornell

Percent of map unit: 5 percent

Hydric soil rating: No

Nassau

Percent of map unit: 5 percent

Hydric soil rating: No

Data Source Information

Soil Survey Area: Schenectady County, New York

Survey Area Data: Version 17, Sep 3, 2018

Map Unit Description: Tuller channery silt loam—Schenectady County, New York

Schenectady County, New York

Tu—Tuller channery silt loam

Map Unit Setting

National map unit symbol: bd6x
Elevation: 600 to 1,600 feet
Mean annual precipitation: 38 to 44 inches
Mean annual air temperature: 45 to 48 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Tuller, somewhat poorly drained, and similar soils: 50 percent
Tuller, poorly drained, and similar soils: 25 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Tuller, Somewhat Poorly Drained

Setting

Landform: Hills, ridges, benches
Landform position (two-dimensional): Footslope, summit
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Loamy till derived mainly from acid sandstone, siltstone, and shale

Typical profile

H1 - 0 to 7 inches: channery silt loam
H2 - 7 to 14 inches: channery silt loam
H3 - 14 to 18 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 5 percent
Depth to restrictive feature: 10 to 20 inches to lithic bedrock
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: About 6 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Very low (about 1.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: D
Hydric soil rating: No

Map Unit Description: Tuller channery silt loam—Schenectady County, New York

Description of Tuller, Poorly Drained

Setting

Landform: Benches, hills, ridges
Landform position (two-dimensional): Footslope, summit
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Loamy till derived mainly from acid sandstone, siltstone, and shale

Typical profile

H1 - 0 to 7 inches: channery silt loam
H2 - 7 to 14 inches: channery silt loam
H3 - 14 to 18 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 10 to 20 inches to lithic bedrock
Natural drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: About 0 to 12 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Very low (about 1.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: D
Hydric soil rating: Yes

Minor Components

Angola

Percent of map unit: 5 percent
Hydric soil rating: No

Arnot

Percent of map unit: 5 percent
Hydric soil rating: No

Brockport

Percent of map unit: 5 percent
Hydric soil rating: No

Varick

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Ilion

Percent of map unit: 5 percent
Landform: Depressions

Map Unit Description: Tuller channery silt loam--Schenectady County, New York

Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Schenectady County, New York
Survey Area Data: Version 17, Sep 3, 2018

Map Unit Description: Varick silt loam, 0 to 3 percent slopes—Schenectady County, New York

Schenectady County, New York

VaA—Varick silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: bd74
Mean annual precipitation: 38 to 44 inches
Mean annual air temperature: 45 to 48 degrees F
Frost-free period: 110 to 170 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Varick and similar soils: 70 percent
Minor components: 30 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Varick

Setting

Landform: Depressions
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Loamy till or congluturbate strongly influenced by clayey calcareous shale, in places incorporating re-worked glaciolacustrine deposits

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 30 inches: channery silty clay loam
H3 - 30 to 34 inches: weathered bedrock

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Natural drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: About 0 to 12 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Low (about 4.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: D
Hydric soil rating: Yes

Map Unit Description: Varck silt loam, 0 to 3 percent slopes--Schenectady County, New York

Minor Components

Darien

Percent of map unit: 5 percent
Hydric soil rating: No

Angola

Percent of map unit: 5 percent
Hydric soil rating: No

Tuller

Percent of map unit: 5 percent
Hydric soil rating: No

Brockport

Percent of map unit: 5 percent
Hydric soil rating: No

Fonda

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Ilion

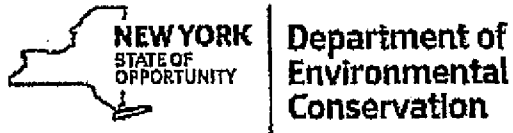
Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Schenectady County, New York
Survey Area Data: Version 17, Sep 3, 2018

APPENDIX A

**SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM
CONSTRUCTION ACTIVITY GP-0-15-002**



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP-0-15-002

Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Effective Date: January 29, 2015

Expiration Date: January 28, 2020

John J. Ferguson
Chief Permit Administrator

A handwritten signature in black ink, appearing to read "John J. Ferguson", written over a horizontal line.

1 / 12 / 15

Authorized Signature

Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750

PREFACE

Pursuant to Section 402 of the Clean Water Act ("CWA"), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York's *State Pollutant Discharge Elimination System ("SPDES")* is a NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law ("ECL")*.

This general permit ("permit") is issued pursuant to Article 17, Titles 7, 8 and Article 70 of the ECL. An *owner or operator* may obtain coverage under this permit by submitting a Notice of Intent ("NOI") to the Department. Copies of this permit and the NOI for New York are available by calling (518) 402-8109 or at any New York State Department of Environmental Conservation ("the Department") regional office (see Appendix G). They are also available on the Department's website at:
<http://www.dec.ny.gov/>

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of "*construction activity*", as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a point source and therefore, pursuant to Article 17-0505 of the ECL, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. They cannot wait until there is an actual *discharge* from the construction site to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

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SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES
FROM CONSTRUCTION ACTIVITIES**

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(Part I)

I. **Part I. PERMIT COVERAGE AND LIMITATIONS**

A. Permit Application

This permit authorizes stormwater *discharges to surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants to surface waters of the State*.
3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities
Discharges authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. **Erosion and Sediment Control Requirements** - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize the discharge of pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the Stormwater Pollution Prevention Plan ("SWPPP") the reason(s) for the deviation or alternative design and provide information

(Part I.B.1)

which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:

- (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharges*;
- (ii) Control stormwater *discharges* to *minimize* channel and streambank erosion and scour in the immediate vicinity of the *discharge* points;
- (iii) *Minimize* the amount of soil exposed during *construction activity*;
- (iv) *Minimize* the disturbance of *steep slopes*;
- (v) *Minimize* sediment *discharges* from the site;
- (vi) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharges*, unless *infeasible*;
- (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and
- (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover.

b. **Soil Stabilization.** In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering.** *Discharges* from dewatering activities, including *discharges*

(Part I.B.1.c)

from dewatering of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures.** Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:

(i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;

(ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use); and

(iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited Discharges.** The following *discharges* are prohibited:

(i) Wastewater from washout of concrete;

(ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;

(iv) Soaps or solvents used in vehicle and equipment washing; and

(v) Toxic or hazardous substances from a spill or other release.

f. **Surface Outlets.** When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion

(Part I.B.1.f)

at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. Sizing Criteria for New Development

- (i) Runoff Reduction Volume ("RRv"): Reduce the total Water Quality Volume ("WQv") by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv

(Part I.C.2.a.ii)

that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume ("Cpv"): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
 - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
 - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria ("Qp"): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.
- (v) Extreme Flood Control Criteria ("Qf"): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.

b. Sizing Criteria for New Development in Enhanced Phosphorus Removal Watershed

- (i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be calculated in accordance with the criteria in Section 10.3 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or

(Part I.C.2.b.ii)

standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
 - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
 - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.
- (v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.

c. Sizing Criteria for Redevelopment Activity

(Part I.C.2.c.i)

- (i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.
- (1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or
 - (2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or
 - (3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or
 - (4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

- (ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.
- (iii) Overbank Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(Part I.C.2.c.iv)

- (iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

d. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both *New Development* and *Redevelopment Activity* shall provide post-construction stormwater management controls that meet the *sizing criteria* calculated as an aggregate of the *Sizing Criteria* in Part I.C.2.a. or b. of this permit for the *New Development* portion of the project and Part I.C.2.c of this permit for *Redevelopment Activity* portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharges* necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and
3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the stormwater *discharges* authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharges* authorized by this permit are causing or contributing to a violation of *water quality standards*, or

(Part I.D)

If the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharges* will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

E. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity to surface waters of the State and groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.
2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharges* from *construction activities*.
3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater *discharges* may be authorized by this permit: *discharges* from firefighting activities; fire hydrant flushings; waters to which cleansers or other components have not been added that are used to wash vehicles or control dust in accordance with the SWPPP, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated *groundwater* or spring water; uncontaminated *discharges* from construction site de-watering operations; and foundation or footing drains where flows are not contaminated with process materials such as solvents. For those entities required to obtain coverage under this permit, and who *discharge* as noted in this paragraph, and with the exception of flows from firefighting activities, these *discharges* must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.
4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are not authorized by this permit:

(Part I.F)

1. *Discharges after construction activities have been completed and the site has undergone final stabilization;*
2. *Discharges that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;*
3. *Discharges that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;*
4. *Construction activities or discharges from construction activities that may adversely affect an endangered or threatened species unless the owner or operator has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.C.2 of this permit.*
5. *Discharges which either cause or contribute to a violation of water quality standards adopted pursuant to the ECL and its accompanying regulations;*
6. *Construction activities for residential, commercial and institutional projects:*
 - a. *Where the discharges from the construction activities are tributary to waters of the state classified as AA or AA-s; and*
 - b. *Which disturb one or more acres of land with no existing impervious cover; and*
 - c. *Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture ("USDA") Soil Survey for the County where the disturbance will occur.*
7. *Construction activities for linear transportation projects and linear utility projects:*
 - a. *Where the discharges from the construction activities are tributary to waters of the state classified as AA or AA-s; and*
 - b. *Which disturb two or more acres of land with no existing impervious cover; and*
 - c. *Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the USDA Soil Survey for the County where the disturbance will occur.*

(Part I.F.8)

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.C.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:
 - a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the construction site within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the construction site within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.
 - 1-5 acres of disturbance - 20 feet
 - 5-20 acres of disturbance - 50 feet
 - 20+ acres of disturbance - 100 feet, or
 - b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
 - (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
 - (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
 - (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
 - (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or
 - c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:
 - (i) No Affect
 - (ii) No Adverse Affect

(Part I.F.8.c.iii)

(iii) Executed Memorandum of Agreement, or

d. Documentation that:

(i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharges from construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

Part II. OBTAINING PERMIT COVERAGE

A. Notice of Intent (NOI) Submittal

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the Department in order to be authorized to *discharge* under this permit. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (<http://www.dec.ny.gov/>). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address.

**NOTICE OF INTENT
NYS DEC, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, New York 12233-3505**

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI.

The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the address in Part II.A.1.

(Part II.A.2)

The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.E. (Change of *Owner or Operator*) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4*.

3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.
4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

B. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.
2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:
 - a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (<http://www.dec.ny.gov/>) for more information,
 - b. where required, all necessary Department permits subject to the *Uniform Procedures Act ("UPA")* (see 6 NYCRR Part 621) have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain *UPA* permits must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,
 - c. the final SWPPP has been prepared, and
 - d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.
3. An *owner or operator* that has satisfied the requirements of Part II.B.2 above

(Part II.B.3)

will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:

(i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or

(ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;

(iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:

(i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed "MS4 SWPPP Acceptance" form, or

(ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed "MS4 SWPPP Acceptance" form.

4. The Department may suspend or deny an *owner's or operator's* coverage

(Part II.B.4)

under this permit if the Department determines that the SWPPP does not meet the permit requirements. In accordance with statute, regulation, and the terms and conditions of this permit, the Department may deny coverage under this permit and require submittal of an application for an Individual SPDES permit based on a review of the NOI or other information pursuant to Part II.

5. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.B. of this permit.

C. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination ("NOT") has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.
2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-15-002), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, and all documentation necessary to demonstrate eligibility with this permit at the construction site until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.
3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:
 - a. The *owner or operator* shall

(Part II.C.3.a)

- have a *qualified inspector* conduct at least two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
- b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005.
 - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
 - d. The *owner or operator* shall install any additional site specific practices needed to protect water quality.
 - e. The *owner or operator* shall include the requirements above in their SWPPP.
4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.
 5. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the *regulated, traditional land use control MS4* in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice

(Part II.D)

D. Permit Coverage for Discharges Authorized Under GP-0-10-001

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-10-001), an *owner or operator* of a *construction activity* with coverage under GP-0-10-001, as of the effective date of GP-0-15-002, shall be authorized to *discharge* in accordance with GP-0-15-002, unless otherwise notified by the Department.

An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-15-002.

E. Change of Owner or Operator

2. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.A.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

(Part III)

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.
2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.
3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.
4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP:
 - a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;
 - b. whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the *discharge* of *pollutants*; and
 - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, the Department or other regulatory authority.
5. The Department may notify the *owner or operator* at any time that the

(Part III.A.5)

SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.C.4. of this permit.

6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges from construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the

(Part III.A.6)

trained contractor responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:
 - a. Background information about the scope of the project, including the location, type and size of project;
 - b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge(s)*;
 - c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
 - d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other

(Part III.B.1.d)

- activity at the site that results in soil disturbance;
- e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
 - f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;
 - g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
 - h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
 - i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;
 - j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;
 - k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the construction site; and
 - l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Include the reason for the deviation or alternative design

(Part III.B.1.I)

and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

The post-construction stormwater management practice component of the SWPPP shall include the following:

- a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;
- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
- c. A Stormwater Modeling and Analysis Report that includes:
 - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
 - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
 - (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;
 - (iv) Summary table, with supporting calculations, which demonstrates

(Part III.B.2.c.iv)

that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

- (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and
 - (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;
- d. Soil testing results and locations (test pits, borings);
 - e. Infiltration test results, when required; and
 - f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.
3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria*, Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

C. Required SWPPP Components by Project Type

Unless otherwise notified by the Department, *owners or operators of construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators of the construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

(Part IV)

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.
2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.
2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

(Part IV.C)

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit cannot conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- Registered Landscape Architect, or
- someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:
 - a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
 - b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
 - c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
 - d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.
2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:
 - a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.
 - b. For construction sites where soil disturbance activities are on-going and

(Part IV.C.2.b)

the *owner or operator* has received authorization in accordance with Part II.C.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

- c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.
- d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization*, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.A.1 of this permit.
- e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall

(Part IV.C.2.e)

be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified Inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of *discharge* from the construction site.
4. The *qualified Inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
 - a. Date and time of inspection;
 - b. Name and title of person(s) performing inspection;
 - c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
 - d. A description of the condition of the runoff at all points of *discharge* from the construction site. This shall include identification of any *discharges* of sediment from the construction site. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
 - e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;
 - f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;
 - g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
 - h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

(Part IV.C.4.i)

- i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
 - j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);
 - k. Identification and status of all corrective actions that were required by previous inspection; and
 - l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
 6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.C.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.A.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

(Part V.A.2)

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:
 - a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;
 - b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;
 - c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.E. of this permit.
 - d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.
3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified Inspector* perform a final site inspection prior to submitting the NOT. The *qualified Inspector* shall, by signing the "*Final Stabilization*" and "*Post-Construction Stormwater Management Practice* certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.
4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the "*MS4 Acceptance*" statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified Inspector's* final site inspection certification(s) required in Part V.A.3. of this permit.

(Part V.A.5)

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:
 - a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,
 - b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),
 - c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,
 - d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION OF RECORDS

A. Record Retention

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

B. Addresses

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.A.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.

(Part VII)

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water Act (CWA) and the ECL, and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

C. Enforcement

Failure of the *owner or operator*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

(Part VII.E)

E. Duty to Mitigate

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

G. Other Information

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit, or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

H. Signatory Requirements

1. All NOIs and NOTs shall be signed as follows:
 - a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (i) a president, secretary, treasurer, or vice-president of the

(Part VII.H.1.a.i)

corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

- (ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or
 - c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (i) the chief executive officer of the agency, or
 - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named

(Part VII.H.2.b)

individual or any individual occupying a named position) and,

- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.
3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.
4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person.

It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

J. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any *owner or operator* authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any *discharger* authorized by a general permit to apply for an individual SPDES permit, it shall notify the *discharger* in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from *owner or operator* receipt of the notification letter, whereby the authorization to

(Part VII.K.1)

discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge(s)*, the general permit authorization for outfalls authorized under the Individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. Proper Operation and Maintenance

The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a construction site which *discharges* through an MS4, an authorized representative of the MS4 receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *owner's or operator's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.
4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

(Part VII.N)

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

O. Definitions

Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with *construction activity* covered by this permit, the *owner or operator* of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

VII. APPENDIX A

Definitions

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both "sewage" and "stormwater".

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for "*Construction Activity(ies)*" also.

Construction Activity(ies) - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a construction site by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a construction site to a separate storm sewer system and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or point source.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Equivalent (Equivalence) - means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied

on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,

ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a *combined sewer*; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

New Development – means any land disturbance that does meet the definition of Redevelopment Activity included in this appendix.

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

Performance Criteria – means the design criteria listed under the "Required Elements" sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Pollutant - means dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in 6 NYCRR Parts 700 et seq .

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is required to gain coverage under New York State DEC's SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s).

Routine Maintenance Activity - means *construction activity* that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Stream bank restoration projects (does not include the placement of spoil material),
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), Overbank Flood (Qp), and Extreme Flood (Qf).

State Pollutant Discharge Elimination System (SPDES) - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Steep Slope – means land area with a Soil Slope Phase that is identified as an E or F, or

the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture ("USDA") Soil Survey for the County where the disturbance will occur.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part

621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

APPENDIX B

Required SWPPP Components by Project Type

**Table 1
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP
THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS**

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:</p> <ul style="list-style-type: none"> • Single family home <u>not</u> located in one of the watersheds listed in Appendix C or <u>not directly discharging</u> to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions with 25% or less impervious cover at total site build-out and <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E • Construction of a barn or other agricultural building, silo, stock yard or pen.
<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none"> • Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains • Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects • Bike paths and trails • Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project • Slope stabilization projects • Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics • Spoil areas that will be covered with vegetation • Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that <i>alter hydrology from pre to post development conditions</i> • Athletic fields (natural grass) that do not include the construction or reconstruction of <i>impervious area</i> <u>and</u> do not <i>alter hydrology from pre to post development conditions</i> • Demolition project where vegetation will be established and no redevelopment is planned • Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with <i>impervious cover</i> • Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area
<p>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</p> <ul style="list-style-type: none"> • All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES
POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none"> • Single family home located in one of the watersheds listed in Appendix C or <i>directly discharging</i> to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions located in one of the watersheds listed in Appendix C or <i>directly discharging</i> to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out • Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land • Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks • Airports • Amusement parks • Campgrounds • Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or <i>alter the hydrology from pre to post development conditions</i> • Commercial developments • Churches and other places of worship • Construction of a barn or other agricultural building(e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of <i>impervious area</i>, excluding projects that involve soil disturbances of less than five acres. • Golf courses • Institutional, includes hospitals, prisons, schools and colleges • Industrial facilities, includes industrial parks • Landfills • Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's and water treatment plants • Office complexes • Sports complexes • Racetracks, includes racetracks with earthen (dirt) surface • Road construction or reconstruction • Parking lot construction or reconstruction • Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or <i>alter the hydrology from pre to post development conditions</i> • Athletic fields with artificial turf • Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with <i>impervious cover</i>, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project • All other construction activities that include the construction or reconstruction of <i>impervious area</i> or <i>alter the hydrology from pre to post development conditions</i>, and are not listed in Table 1

APPENDIX C

Watersheds Where Enhanced Phosphorus Removal Standards Are Required

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual ("Design Manual").

- Entire New York City Watershed located east of the Hudson River - Figure 1
- Onondaga Lake Watershed - Figure 2
- Greenwood Lake Watershed - Figure 3
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

Figure 1 - New York City Watershed East of the Hudson

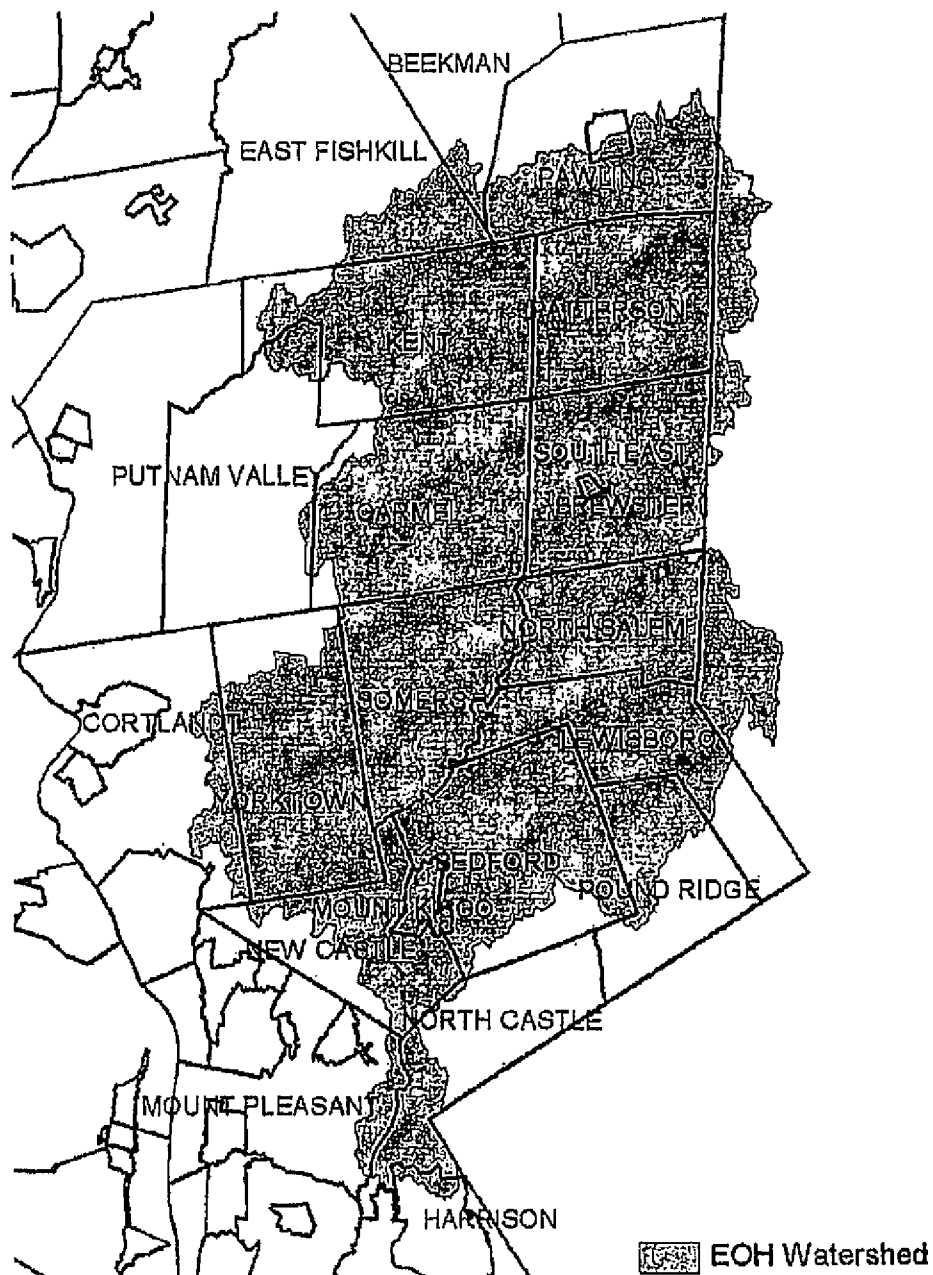


Figure 2 - Onondaga Lake Watershed

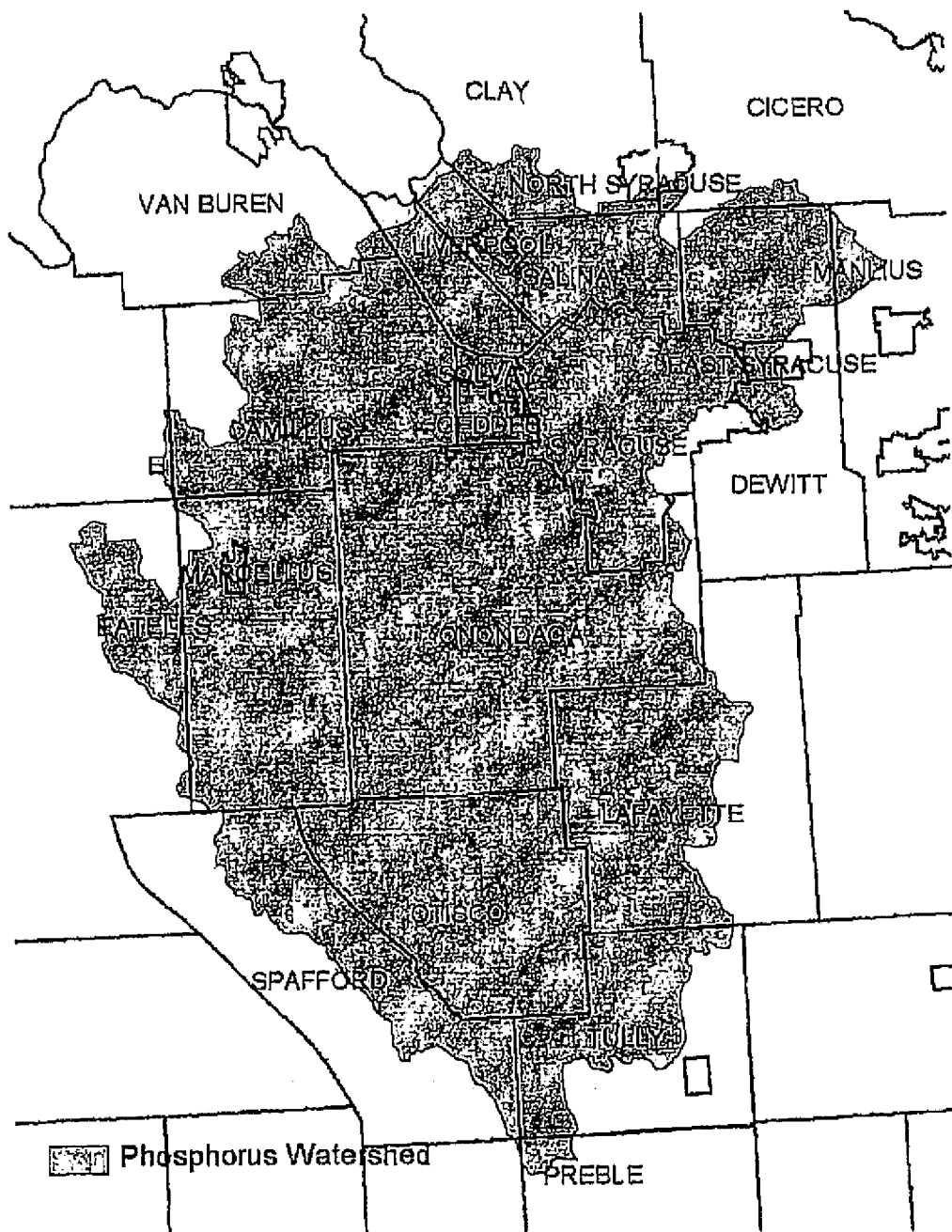


Figure 3 - Greenwood Lake Watershed

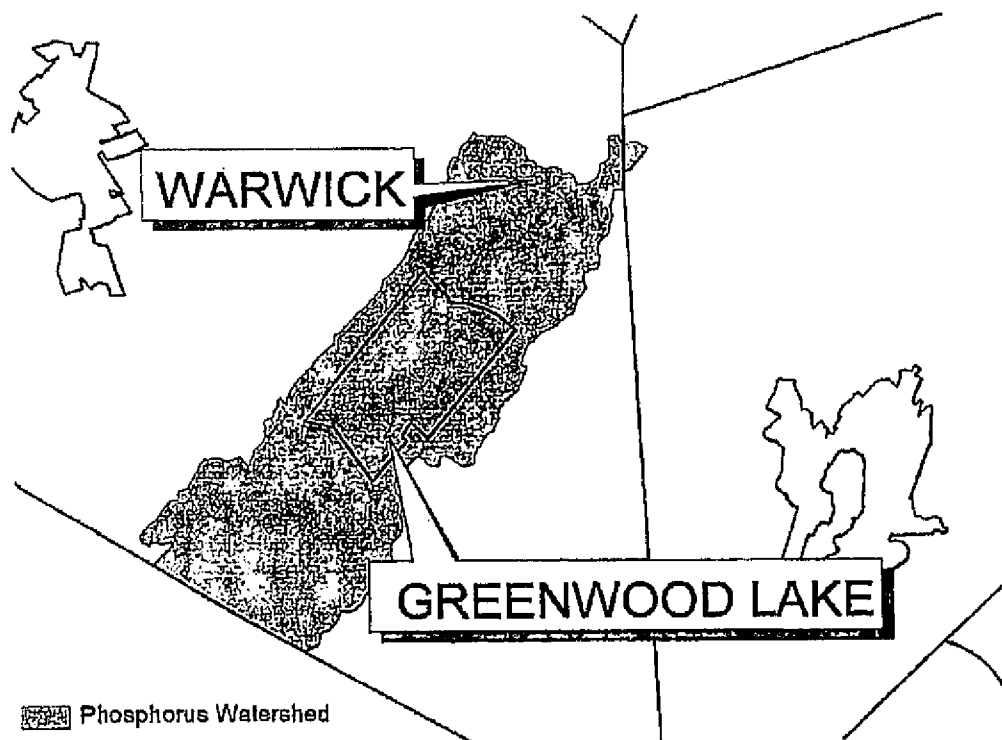


Figure 4 - Oscawana Lake Watershed

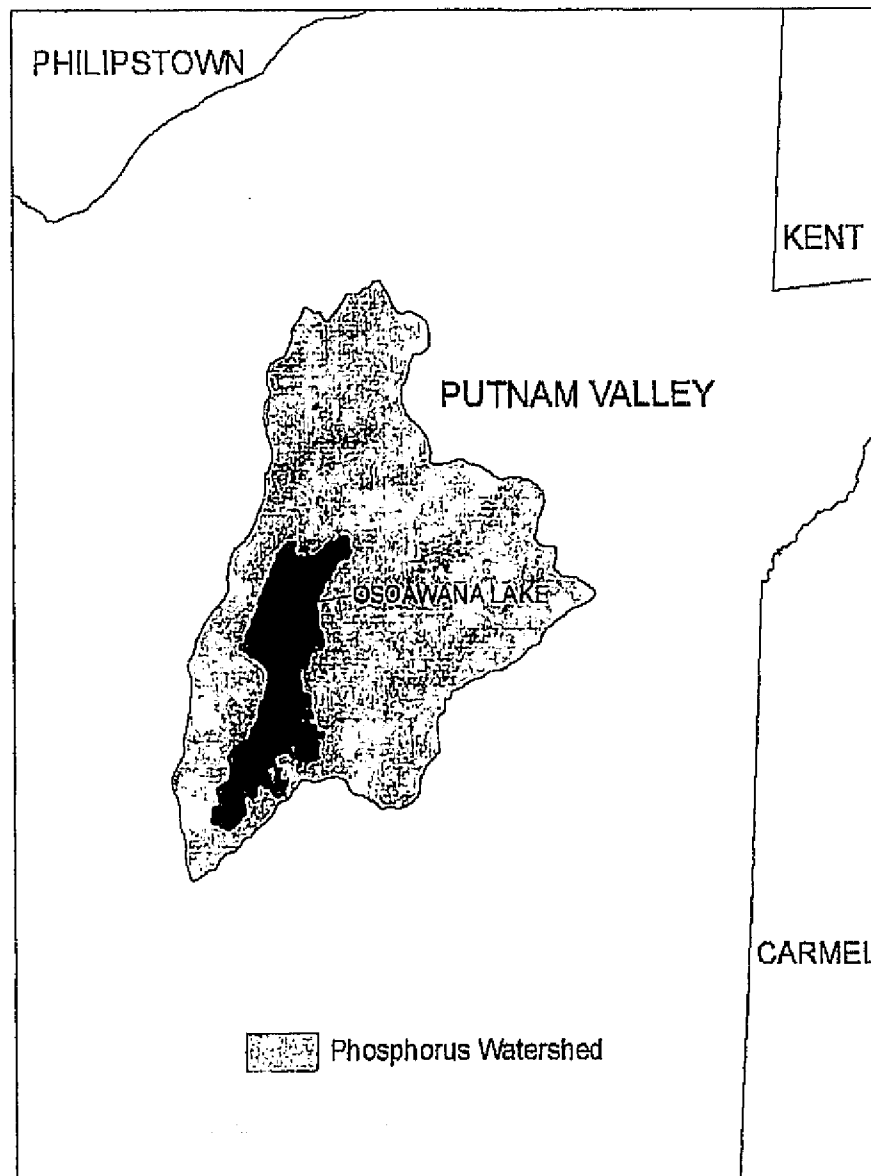
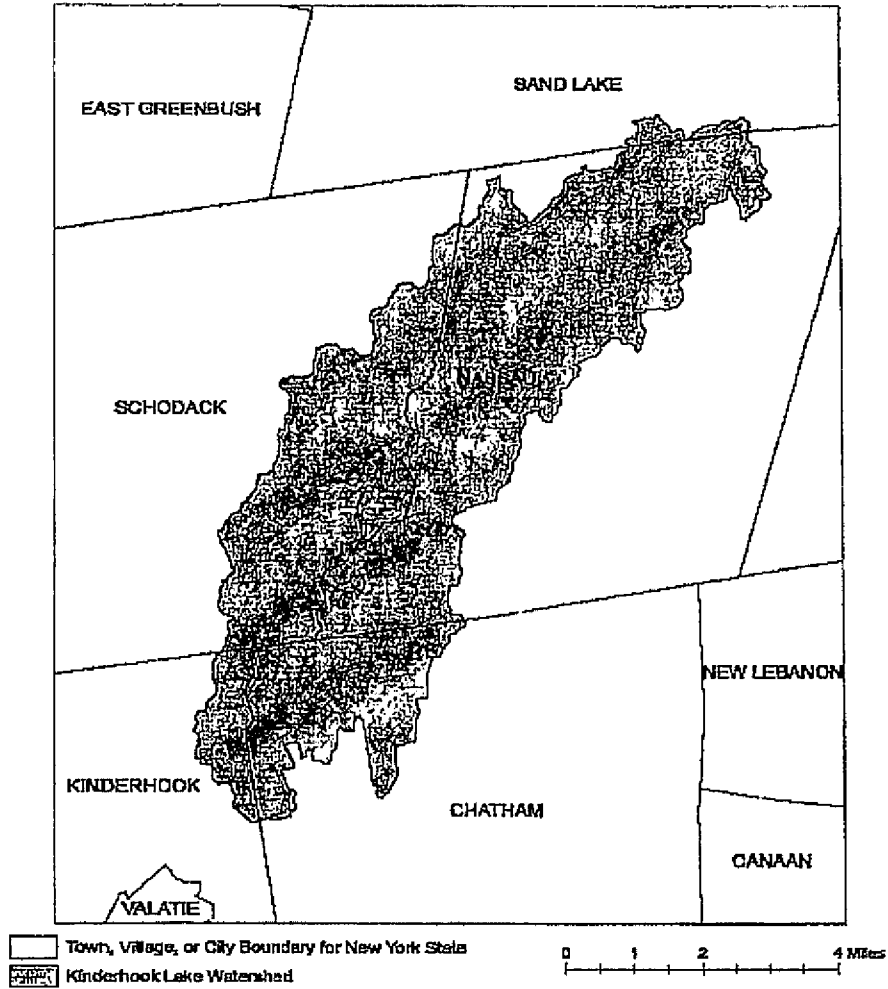


Figure 5: Kinderhook Lake Watershed



APPENDIX D

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C

APPENDIX E

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	COUNTY	WATERBODY
Albany	Ann Lee (Shakers) Pond, Stump Pond	Greene	Sleepy Hollow Lake
Albany	Basic Creek Reservoir	Herkimer	Steele Creek tribs
Allegheny	Amity Lake, Saunders Pond	Kings	Hendrix Creek
Bronx	Van Cortlandt Lake	Lewis	Mill Creek/South Branch and tribs
Broome	Whitney Point Lake/Reservoir	Livingston	Conesus Lake
Broome	Fly Pond, Deer Lake	Livingston	Jaycox Creek and tribs
Broome	Minor Tribs to Lower Susquehanna (north)	Livingston	Mill Creek and minor tribs
Cattaraugus	Allegheny River/Reservoir	Livingston	Bradner Creek and tribs
Cattaraugus	Case Lake	Livingston	Christie Creek and tribs
Cattaraugus	Linlyco/Club Pond	Monroe	Lake Ontario Shoreline, Western
Cayuga	Duck Lake	Monroe	Mill Creek/Blue Pond Outlet and tribs
Chautauqua	Chautauqua Lake, North	Monroe	Rochester Embayment - East
Chautauqua	Chautauqua Lake, South	Monroe	Rochester Embayment - West
Chautauqua	Bear Lake	Monroe	Unnamed Trib to Honeoye Creek
Chautauqua	Chadakoln River and tribs	Monroe	Genesee River, Lower, Main Stem
Chautauqua	Lower Cassadaga Lake	Monroe	Genesee River, Middle, Main Stem
Chautauqua	Middle Cassadaga Lake	Monroe	Black Creek, Lower, and minor tribs
Chautauqua	Findley Lake	Monroe	Buck Pond
Clinton	Great Chazy River, Lower, Main Stem	Monroe	Long Pond
Columbia	Kinderhook Lake	Monroe	Cranberry Pond
Columbia	Roblson Pond	Monroe	Mill Creek and tribs
Dutchess	Hillside Lake	Monroe	Shipbuilders Creek and tribs
Dutchess	Wappinger Lakes	Monroe	Minor tribs to Irondequilt Bay
Dutchess	Fall Kill and tribs	Monroe	Thomas Creek/White Brook and tribs
Erie	Green Lake	Nassau	Glen Cove Creek, Lower, and tribs
Erie	Scajaquada Creek, Lower, and tribs	Nassau	LI Tribs (fresh) to East Bay
Erie	Scajaquada Creek, Middle, and tribs	Nassau	East Meadow Brook, Upper, and tribs
Erie	Scajaquada Creek, Upper, and tribs	Nassau	Hempstead Bay
Erie	Rush Creek and tribs	Nassau	Hempstead Lake
Erie	Ellcott Creek, Lower, and tribs	Nassau	Grant Park Pond
Erie	Beeman Creek and tribs	Nassau	Beaver Lake
Erie	Murder Creek, Lower, and tribs	Nassau	Camaans Pond
Erie	South Branch Smoke Cr, Lower, and tribs	Nassau	Halls Pond
Erie	Little Sister Creek, Lower, and tribs	Nassau	LI Tidal Tribs to Hempstead Bay
Essex	Lake George (primary county: Warren)	Nassau	Massapequa Creek and tribs
Genesee	Black Creek, Upper, and minor tribs	Nassau	Reynolds Channel, east
Genesee	Tonawanda Creek, Middle, Main Stem	Nassau	Reynolds Channel, west
Genesee	Oak Orchard Creek, Upper, and tribs	Nassau	Silver Lake, Lofts Pond
Genesee	Bowen Brook and tribs	Nassau	Woodmere Channel
Genesee	Blgelow Creek and tribs	Niagara	Hyde Park Lake
Genesee	Black Creek, Middle, and minor tribs	Niagara	Lake Ontario Shoreline, Western
Genesee	LeRoy Reservoir	Niagara	Bergholtz Creek and tribs
Greene	Schoharie Reservoir	Oneida	Ballou, Nail Creeks
		Onondaga	Lay Creek and tribs
		Onondaga	Onondaga Creek, Lower and tribs

APPENDIX E

List of 303(d) segments impaired by pollutants related to construction activity, cont'd.

COUNTY	WATERBODY	COUNTY	WATERBODY
Onondaga	Onondaga Creek, Middle and tribs	Suffolk	Great South Bay, West
Onondaga	Onondaga Creek, Upp, and minor tribs	Suffolk	Mill and Seven Ponds
Onondaga	Harbor Brook, Lower, and tribs	Suffolk	Moriches Bay, East
Onondaga	Ninemile Creek, Lower, and tribs	Suffolk	Moriches Bay, West
Onondaga	Minor tribs to Onondaga Lake	Suffolk	Quantuck Bay
Onondaga	Onondaga Creek, Lower, and tribs	Suffolk	Shinnecock Bay (and Inlet)
Ontario	Honeoye Lake	Sullivan	Bodine, Montgomery Lakes
Ontario	Hemlock Lake Outlet and minor tribs	Sullivan	Davies Lake
Ontario	Great Brook and minor tribs	Sullivan	Pleasure Lake
Orange	Monhagen Brook and tribs	Sullivan	Swan Lake
Orange	Orange Lake	Tompkins	Cayuga Lake, Southern End
Orleans	Lake Ontario Shoreline, Western	Tompkins	Owasco Inlet, Upper, and tribs
Oswego	Pleasant Lake	Ulster	Ashokan Reservoir
Oswego	Lake Neatahwanta	Ulster	Esopus Creek, Upper, and minor tribs
Putnam	Oscawana Lake	Ulster	Esopus Creek, Lower, Main Stem
Putnam	Palmer Lake	Ulster	Esopus Creek, Middle, and minor tribs
Putnam	Lake Carmel	Warren	Lake George
Queens	Jamalca Bay, Eastern, and tribs (Queens)	Warren	Tribs to L.George, Village of L. George
Queens	Bergen Basin	Warren	Huddle/Finkle Brooks and tribs
Queens	Shellbank Basin	Warren	Indian Brook and tribs
Rensselaer	Nassau Lake	Warren	Hague Brook and tribs
Rensselaer	Snyders Lake	Washington	Tribs to L.George, East Shr Lk George
Richmond	Grasmere, Arbutus and Wolfes Lakes	Washington	Cossayuna Lake
Rockland	Congers Lake, Swartout Lake	Washington	Wood Cr/Champlain Canal, minor tribs
Rockland	Rockland Lake	Wayne	Port Bay
Saratoga	Ballston Lake	Wayne	Marbletown Creek and tribs
Saratoga	Round Lake	Westchester	Lake Katonah
Saratoga	Dwaas Kill and tribs	Westchester	Lake Mohegan
Saratoga	Tribs to Lake Lonely	Westchester	Lake Shenrock
Saratoga	Lake Lonely	Westchester	Reservoir No.1 (Lake Isle)
Schenectady	Collins Lake	Westchester	Saw Mill River, Middle, and tribs
Schenectady	Duane Lake	Westchester	Silver Lake
Schenectady	Marville Lake	Westchester	Teatown Lake
Schoharie	Engleville Pond	Westchester	Truesdale Lake
Schoharie	Summit Lake	Westchester	Wallace Pond
Schuyler	Cayuta Lake	Westchester	Peach Lake
St. Lawrence	Fish Creek and minor tribs	Westchester	Mamaroneck River, Lower
St. Lawrence	Black Lake Outlet/Black Lake	Westchester	Mamaroneck River, Upp, and tribs
Steuben	Lake Salubria	Westchester	Sheldrake River and tribs
Steuben	Smith Pond	Westchester	Blind Brook, Lower
Suffolk	Millers Pond	Westchester	Blind Brook, Upper, and tribs
Suffolk	Mattituck (Marratooka) Pond	Westchester	Lake Lincolndale
Suffolk	Tidal tribs to West Moriches Bay	Westchester	Lake Meahaugh
Suffolk	Canaan Lake	Wyoming	Java Lake
Suffolk	Lake Ronkonkoma	Wyoming	Silver Lake
Suffolk	Beaverdam Creek and tribs		
Suffolk	Big/Little Fresh Ponds		
Suffolk	Fresh Pond		
Suffolk	Great South Bay, East		
Suffolk	Great South Bay, Middle		

Note: The list above identifies those waters from the final New York State "2014 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy", dated January 2015, that are impaired by silt, sediment or nutrients.

XIII. APPENDIX F

LIST OF NYS DEC REGIONAL OFFICES

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 258-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12308-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12308-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, PO BOX 298 RAY BROOK, NY 12977-0298 TEL. (518) 897-1234	232 GOLF COURSE ROAD WARRENSBURG, NY 12885-1172 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13801-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 428-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9518 TEL. (585) 226-2468
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2899 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2899 TEL. (716) 851-7070

APPENDIX B

EROSION & SEDIMENT CONTROL STANDARDS & SPECIFICATIONS

APPENDIX C
NOTICE OF INTENTS (NOI)
& NOTICE OF TERMINATION (NOT)

0644089821

NOTICE OF INTENT

New York State Department of Environmental Conservation



Division of Water

625 Broadway, 4th Floor

NYR

(for DEC use only)

Albany, New York 12233-3505

Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-15-002 All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

- IMPORTANT -
RETURN THIS FORM TO THE ADDRESS ABOVE
OWNER/OPERATOR MUST SIGN FORM

Owner/Operator Information	
Owner/Operator (Company Name/Private Owner Name/Municipality Name)	
CHARLES RHOADES	
Owner/Operator Contact Person Last Name (NOT CONSULTANT)	
RHOADES	
Owner/Operator Contact Person First Name	
CHARLES	
Owner/Operator Mailing Address	
3364 US ROUTE 20	
SLOANSVILLE	
State	Zip
NY	12160
Phone (Owner/Operator)	Fax (Owner/Operator)
Email (Owner/Operator)	
FED AX-ID	not required for individuals

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Project Site Information

Object/ Site Name: LANDS N/F CHARLES RHOADES

Street Address (NOT P.O. BOX): ALEXANDER ROAD

Side of Street:
 North South East West

City/Town/Village (WHAT ISSUES BUILDING PERMIT): DUANESBURG

State: NY ZIP: 12053 County: SCHENECTADY EC: 4

Name of Nearest Cross Street: MAIN STREET

Distance to Nearest Cross Street (Feet): 2500
 Relative to Cross Street:
 North South East West

Tax Map Number: Section-Block Parcel: 65-2-15

1. Pr
must

ww

Zoom into your
 your site. Once
 choose "i" (ident
 the X, Y coordina
 below. For proble

X

2. What is the nature of this construction project?

New Construction

Redevelopment with increase in impervious area

Redevelopment with no increase in impervious area

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3. Select the predominant land use for both pre and post development conditions. SELECT ONLY ONE CHOICE FOR EACH

- Pre-Development Existing Land Use**
- FOREST
 - PASTURE/OPEN LAND
 - CULTIVATED LAND
 - SINGLE FAMILY HOME
 - SINGLE FAMILY SUBDIVISION
 - TOWN HOME RESIDENTIAL
 - MULTIFAMILY RESIDENTIAL
 - INSTITUTIONAL/SCHOOL
 - INDUSTRIAL
 - COMMERCIAL
 - ROAD/HIGHWAY
 - RECREATIONAL/SPORTS FIELD
 - BIKE PATH/TRAIL
 - LINEAR UTILITY
 - PARKING LOT
 - OTHER

--	--	--	--	--	--	--	--	--	--	--	--	--	--

- Post-Development Future Land Use**
- SINGLE FAMILY HOME
 - SINGLE FAMILY SUBDIVISION Number of Lots

		5
--	--	---
 - TOWN HOME RESIDENTIAL
 - MULTIFAMILY RESIDENTIAL
 - INSTITUTIONAL/SCHOOL
 - INDUSTRIAL
 - COMMERCIAL
 - MUNICIPAL
 - ROAD/HIGHWAY
 - RECREATIONAL/SPORTS FIELD
 - BIKE PATH/TRAIL
 - LINEAR UTILITY (water, sewer, gas, etc.)
 - PARKING LOT
 - CLEARING/GRADING ONLY
 - DEMOLITION, NO REDEVELOPMENT
 - WELL DRILLING ACTIVITY *(Oil, Gas, etc.)
 - OTHER

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

*Note: for gas well drilling, non-high volume hydraulic fractured wells only

In accordance with the larger concept plan or development or scale, enter the total proposed site area, the total area to be disturbed, existing impervious area to be disturbed (for re-development activities) and the future impervious area constructed within the disturbed area. (Round to the nearest tenth for an acre.)

Total Site Area	Total Area To Be Disturbed	Existing Impervious Area To Be Disturbed	Future Impervious Area To Be Disturbed
<input type="text" value="730"/>	<input type="text" value="40"/>	<input type="text" value="00"/>	<input type="text" value="08"/>

5. Do you plan to disturb more than 5 acres of soil at any one time? Yes No

6. Indicate the percentage of each Hydrologic Soil Group (HSG) at the site:

A	B	C	D
<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="14"/>	<input type="text" value="86"/>

7. Is this a phased project? Yes No

B. Enter the planned start and end dates of the disturbance activities.

Start Date	End Date
<input type="text" value="04"/> <input type="text" value="01"/> <input type="text" value="2019"/>	<input type="text" value="12"/> <input type="text" value="31"/> <input type="text" value="2020"/>

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9. Identify the nearest surface waterbody (ies) to which construction site runoff will discharge.

Name: **NORMANS KILL**

9a. Type of waterbody identified in question 9:

Wetland, State Jurisdiction On Site (Answer 9b)

Wetland, State Jurisdiction Off Site

Wetland, Federal Jurisdiction On Site (Answer 9b)

Wetland, Federal Jurisdiction Off Site

Stream/Creek On Site

Stream/Creek Off Site

River On Site

River Off Site

Lake On Site

Water of the Sea

Other type on Site

Other type off Site

How was the wetland identified?

Regulatory Map

delineated by Consultant

delineated by Army Corps of Engineers

Other (Identify)

10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-15-002? Yes No

11. Is this project located in one of the watersheds identified in Appendix C of GP-0-15-002? Yes No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters? Yes No
If no, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an A, B or E on the USDA Soil Survey? Yes No
If Yes, what is the acreage to be disturbed?

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area? Yes No

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15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc.)? Yes No Unknown

16. What is the name of the municipality/entity that owns the separate storm sewer system?

Two empty grid boxes for text entry.

17. Does any runoff from the site enter a sewer classified as a combined sewer? Yes No Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law? Yes No

19. Is this property owned by a state authority, state agency, federal government or local government? Yes No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.) Yes No

21. Has the runoff erosion and sediment control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)? Yes No

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)? Yes No
If No, skip questions 23 and 27-39.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual? Yes No

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23 The Stormwater Pollution Prevention Plan (SWPPP) was prepared by

Professional Engineer (P.E.)
 Soil and Water Conservation District (SWCD)
 Registered Landscape Architect (R.L.A.)
 Certified Professional in Erosion and Sediment Control (CPESC)
 Owner/Operator
 Other

SWPPP Preparer

A B D E N G I N E E R S , L L P

C o n t a c t N a m e (L a s t , S p a c e , F i r s t)

B I A N C H I N E , J O S E P H

M a i l i n g A d d r e s s

4 1 1 U N I O N S T R E E T

C i t y

S C H E N E C T A D Y

S t a t e

N Y 1 2 3 0 5

P h o n e F a x

5 1 8 - 3 7 7 - 0 3 1 5 5 1 8 - 3 7 7 - 0 3 7 9

E m a i l

j o e @ a b d e n g . c o m

SWPPP Preparer Certification

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-15-002. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

F i r s t N a m e M I

J O S E P H J

L a s t N a m e

B I A N C H I N E

S i g n a t u r e

D a t e

/ /

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Post-construction Stormwater Management Practice (SMP) Requirements

Important: Completion of Questions 27-39 is not required if response to Question 22 is No.

Identify all site planning practices that were used to prepare the final site plan/avout for the project.

Preservation of Undisturbed Areas
 Preservation of Buffers
 Reduction of clearing and Grading
 Locating Development in less sensitive Areas
 Roadway Reduction
 Sidewalk Reduction
 Driveway Reduction
 Curb/sidewalk Reduction
 Building Footprint Reduction
 Parking Reduction

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).

- All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).
 Compacted areas were considered as impervious cover when calculating the WQv Required, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/avout).

Total WQv Required

ac-ft

29. Identify the RR techniques (Area Reduction), RR techniques (Volume Reduction) and Standard SMPs with RRv Capacity in Table 1 (See Page 9) that were used to reduce the Total WQv Required(#28).

Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use Tables 1 and 2 to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

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Table 1 - Runoff Reduction (RR) Techniques and Standard Stormwater Management Practices (SMPs)

	<u>Total Contributing Area (acres)</u>		<u>Total Contributing Impervious Area (acres)</u>	
<u>RR Techniques (Area Reduction)</u>				
<input type="checkbox"/> Conservation of Natural Areas (RR-1) ...	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="checkbox"/> Sheetflow to Riparian Buffers/Filters Strips (RR-2)	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="checkbox"/> Tree Planting/Trees Pit (RR-3)	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="checkbox"/> Disconnection of Rooftop Runoff (RR-4) ..	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<u>RR Techniques (Volume Reduction)</u>				
<input type="checkbox"/> Vegetated Swale (RR-5)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Rain Garden (RR-6)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Stormwater Planter (RR-7)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Rain Barrel/Cistern (RR-8)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Porous Pavement (RR-9)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Green Roof (RR-10)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<u>Standard SMPs with RRv Capacity</u>				
<input type="checkbox"/> Infiltration Trench (I-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Infiltration Basin (I-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Dry Well (I-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Underground Infiltration System (I-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Bioretention (F-5)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Dry Swale (O-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<u>Standard SMPs</u>				
<input type="checkbox"/> Micropool Extended Detention (P-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Wet Pond (P-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Wet Extended Detention (P-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Multiple Pond System (P-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Pocket Pond (P-5)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Surface Sand Filter (F-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Underground Sand Filter (F-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Perimeter Sand Filter (F-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Organic Filter (F-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Shallow Wetland (W-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Extended Detention Wetland (W-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Pond/Wetland System (W-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Pocket Wetland (W-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Wet Swale (O-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>

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Table 2 Alternative SMPs
 (DO NOT INCLUDE PRACTICES BEING USED FOR PRE-TREATMENT ONLY)

Alternative SMP: Hydrodynamic Weir/Vault Media Filter Other

Provide the name and manufacturer of the Alternative SMP. Appropriate practice(s) be included for WOV treatment.

Name: _____
 Manufacturer: _____

Note: Redevelopment projects which do not use any techniques shall use questions 28, 29, 32 and 32a to provide SMPs used, total WOV required and total WOV provided for the project.

30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29.

Total RRv provided
 [] [] [] . [] [] [] acre-feet

Is the Total RRv provided (#30) greater than or equal to the total WOV required (#28)? Yes No

If Yes, go to question 32.
 If No, go to question 32a.

32. Provide the Minimum RRv required based on HSG.
 [Minimum RRv Required = (P) (0.95) (Ai) / 12, Ai = (S) (Aic)]

Minimum RRv Required
 [] [] [] . [] [] [] acre-feet

32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)? Yes No

If Yes, go to question 33.

Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WOV required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WOV required (#28) must also be included in the SWPPP.

If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

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33. Identify the Standard SMPs in Table 1 and, if applicable, the Alternative SMPs in Table 2 that were used to treat the remaining total WQv(=Total WQv Required in 28 - Total RRV Provided in 30).

Also, provide in Table 1 and 2 the total impervious area that contributes runoff to each practice selected.

Note: Use Tables 1 and 2 to identify the SMPs used on Redevelopment projects.

33a. Indicate the Total WQv provided (i.e., WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRV Capacity identified in question #30.

WQv Provided: acre-feet

Note: For the standard SMPs with RRV capacity, the WQv provided by each practice is the WQv calculated using the contributing drainage area to the practice and RRV provided by the practice. (See Table 1, 2 in Design Manual.)

34. Provide the sum of the Total RRV provided (#30) and the WQv provided (#33a).

.

35. Is the sum of the RRV provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)? Yes No

If Yes, go to question #36.

If No, existing criteria has not been met, so NOI can not be processed. The applicant must modify design to meet existing criteria.

36. Provide the total Channel Protection Storage Volume (CPv) required and provided or select waiver (36a), if applicable.

CPv Required: acre-feet

CPv Provided: acre-feet

36a. The need to provide channel protection has been waived because:

Site discharges directly to tidal waters or a fifth order or larger stream.

Reduction of the total CPv is achieved on site through runoff reduction techniques or infiltration systems.

37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (37a), if applicable.

Total Overbank Flood Control Criteria (Qp)

Pre-Development: CFS

Post-development: CFS

Total Extreme Flood Control Criteria (Qf)

Pre-Development: CFS

Post-development: CFS

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Other Operator Certification

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, I may be required to comply with the permit conditions and the corresponding conditions, which may be subject to the supervision of the permittee. I am aware of the consequences of submitting false information, including the possibility of being fined and imprisoned for up to one year, or both, and I understand the consequences of submitting false information. I am acknowledging that the work has been developed and will be implemented as the permit conditions and conditions, and agreeing to comply with all the terms and conditions of the general permit, which are hereby being submitted.

Print First Name: CHARLES

Print Last Name: RHOADES

Owner/Operator Signature: _____

_____/_____/____

<p>New York State Department of Environmental Conservation Division of Water 625 Broadway, 4th Floor Albany, New York 12233-3505 *(NOTE: Submit completed form to address above)*</p>	
<p>NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity</p>	
<p>Please indicate your permit identification number: NYR _____</p>	
<p>I. Owner or Operator Information</p>	
<p>1. Owner/Operator Name: Charles Rhoades</p>	
<p>2. Street Address: 3364 US Route 20</p>	
<p>3. City/State/Zip: Sloansville, NY 12160</p>	
<p>4. Contact Person: Charles Rhoades</p>	<p>4a. Telephone:</p>
<p>4b. Contact Person E-Mail:</p>	
<p>II. Project Site Information</p>	
<p>5. Project/Site Name: Lands N/F Charles Rhoades</p>	
<p>6. Street Address: Alexander Road</p>	
<p>7. City/Zip: Duaneburg, NY 12053</p>	
<p>8. County: Schenectady</p>	
<p>III. Reason for Termination</p>	
<p>9a. <input type="checkbox"/> All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. *Date final stabilization completed (month/year): _____</p>	
<p>9b. <input type="checkbox"/> Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR _____ (Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)</p>	
<p>9c. <input type="checkbox"/> Other (Explain on Page 2)</p>	
<p>IV. Final Site Information:</p>	
<p>10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? <input type="checkbox"/> yes <input type="checkbox"/> no (If no, go to question 10f.)</p>	
<p>10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? <input type="checkbox"/> yes <input type="checkbox"/> no (If no, explain on Page 2)</p>	
<p>10c. Identify the entity responsible for long-term operation and maintenance of practice(s)? _____</p>	

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity - continued	
10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? <input type="checkbox"/> yes <input type="checkbox"/> no	
10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s): <input type="checkbox"/> Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality. <input type="checkbox"/> Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s). <input type="checkbox"/> For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record. <input type="checkbox"/> For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.	
10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? _____ (acres)	
11. Is this project subject to the requirements of a regulated, traditional land use control MS4? <input type="checkbox"/> yes <input type="checkbox"/> no (If Yes, complete section VI - "MS4 Acceptance" statement	
V. Additional Information/Explanation: (Use this section to answer questions 9c. and 10b., if applicable)	
VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)	
I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.	
Printed Name:	
Title/Position:	
Signature:	Date:

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity - continued	
VII. Qualified Inspector Certification - Final Stabilization:	
I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.	
Printed Name:	
Title/Position:	
Signature:	Date:
VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):	
I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.	
Printed Name:	
Title/Position:	
Signature:	Date:
IX. Owner or Operator Certification	
I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.	
Printed Name:	
Title/Position:	
Signature:	Date:

(NYS DEC Notice of Termination - January 2015)

APPENDIX D

SITE PLANS

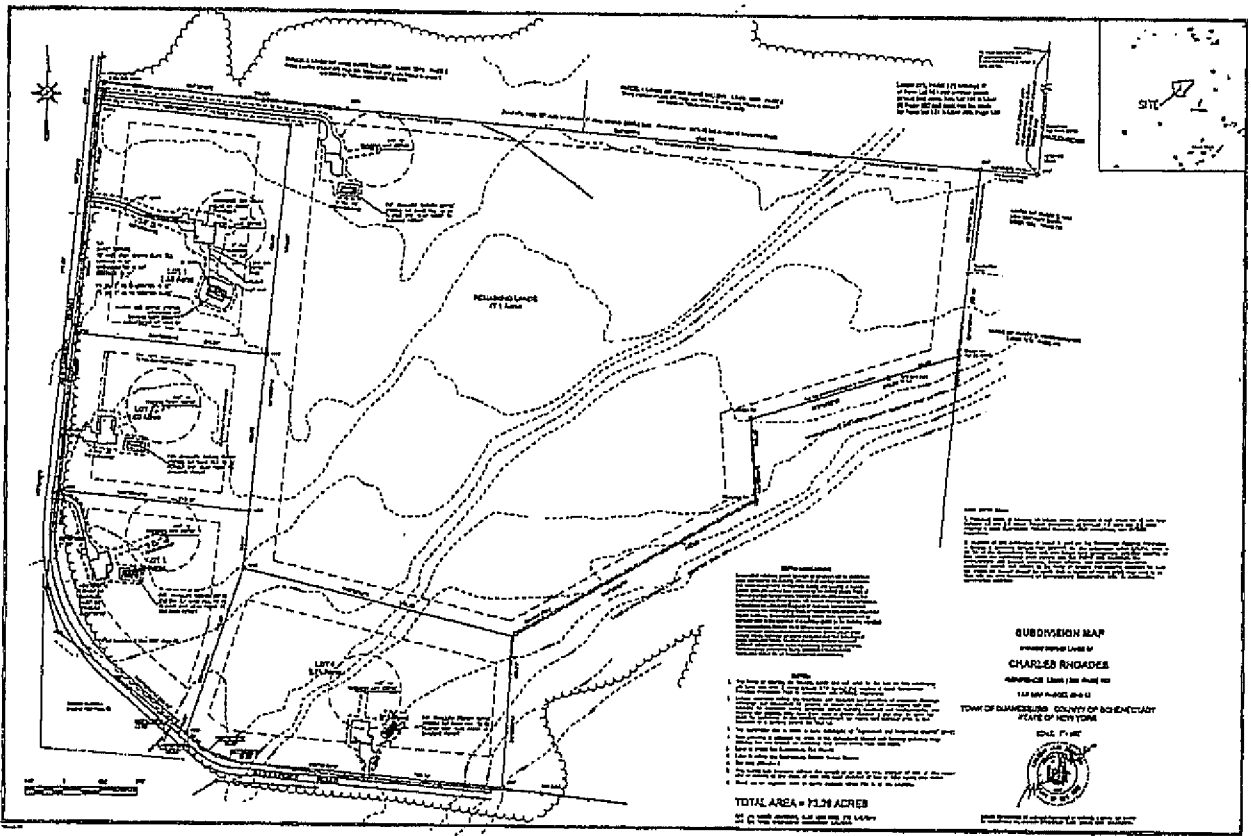


Exhibit 7: Zoning Coordination Referral

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 <u>3-13-19</u> Case No. <u>D-879</u> Returned <u>7-15-19</u>								
FROM: <input type="checkbox"/> Legislative Body <input type="checkbox"/> Zoning Board of Appeals <input checked="" type="checkbox"/> 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: <table style="width:100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Zoning Code/Law Amendment</td> <td style="width: 50%; border: none;"><input checked="" type="checkbox"/> Special Permit</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Zoning Map Amendment</td> <td style="border: none;"><input type="checkbox"/> Use Variance</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Subdivision Review</td> <td style="border: none;"><input type="checkbox"/> Area Variance</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Site Plan Review</td> <td style="border: none;"><input type="checkbox"/> Other (specify) _____</td> </tr> </table>			<input type="checkbox"/> Zoning Code/Law Amendment	<input checked="" type="checkbox"/> Special Permit	<input type="checkbox"/> Zoning Map Amendment	<input type="checkbox"/> Use Variance	<input type="checkbox"/> Subdivision Review	<input type="checkbox"/> Area Variance	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Zoning Code/Law Amendment	<input checked="" type="checkbox"/> Special Permit									
<input type="checkbox"/> Zoning Map Amendment	<input type="checkbox"/> Use Variance									
<input type="checkbox"/> Subdivision Review	<input type="checkbox"/> Area Variance									
<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Other (specify) _____									
PUBLIC HEARING OR MEETING DATE: <u>March 21, 2019</u>										
SUBJECT: 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 # 107-2016 of the Town of Duanesburg Zoning Ordinance.										
<table style="width:100%; border: none;"> <tr> <td style="width: 15%;">REQUIRED</td> <td>1. Public hearing notice & copy of the application.</td> </tr> <tr> <td>ENCLOSURES:</td> <td>2. Map of property affected. (Including Tax Map I.D. number if available)</td> </tr> <tr> <td></td> <td>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.</td> </tr> </table>			REQUIRED	1. Public hearing notice & copy of the application.	ENCLOSURES:	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.		
REQUIRED	1. Public hearing notice & copy of the application.									
ENCLOSURES:	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.									
<ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> <input type="checkbox"/> the boundary of any city, village or town; <input type="checkbox"/> the boundary of any existing or proposed County or State park or other recreation area; <input type="checkbox"/> the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway; <input type="checkbox"/> 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; <input type="checkbox"/> the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated; <input type="checkbox"/> 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: <u>Melissa Deffer</u> Title: <u>Planning/Zoning Clerk</u> Address: <u>5853 Western Turnpike Duanesburg, NY 12056</u> E-mail: <u>mdeffer@duanesburg.net</u> Phone: <u>(518) 895-2040</u> Date: _____ _____ Signature										



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-08-19

Applicant Eden Renewables

Referring Officer Melissa Deffer

Municipality Duanesburg

Considerations: Special use permit to construct two 5 MW solar arrays on a 192.61 acre parcel. Located on the north side of State Rt. 7 approximately 1 mile east of State Rt. 30.

RECOMMENDATION

Receipt of zoning referral is acknowledged on March 12, 2019. 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.

7 / 11 / 2019
Date

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

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

Town of Duanesburg
Planning Board Minutes
March 21st 2019
Final Copy

MEMBERS PRESENT: Jeffery Schmitt Vice Chairman, Elizabeth Novak, Joshua Houghton, and Michael Harris. Also attending Teresa Bakner Board Attorney, Dale Warner Town Planner, and Melissa Deffer Clerk.

INTRODUCTION:

Vice Chairman Jeffery Schmitt opened the meeting at 7:02pm. Jeffery welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Harris/Novak made the motion to close the open forum at 7:03.

Harris yes, Novak yes, Houghton yes, Schmitt yes. **Approved.**

PUBLIC HEARINGS:

None.

** There was a Request for a modification to the agenda to move **Owen Kiernan: SBL# 67.05.0-1-22, (H)** located at 6744 Duanesburg Rd to Number 3 to Follow Payst, Schweizer, and Then Kiernan.

Novak/Schmitt made the motion to modify the agenda to move Owen Kiernan.

Novak yes, Schmitt yes, Harris yes, Houghton yes. **Approved.**

MINUTES APPROVAL:

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

Over →

The February 21, 2019 Planning board minutes will be deferred to the April 18th Planning Board Meeting. There were a couple modifications that needed to be made before approval.

New Business:

#19-04 Payst, Robert: SBL#81.00-1-3, (R-2) located at 640 Barton Hill Road is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Joann Darcy Crum land surveyor from Cobleskill gave her presentation on behalf of Mr. Payst. They have not finished the survey work for the location of the historic house. Mrs. Crum did assure the board that she will locate it and add its location on the plan. Per DEC there are no wetlands but there could be Federal wetlands on the far North end. Mrs. Crum will show wetland with a swap sign on the plan. We are still waiting on the SHPO response the application was sent out 15-20 days ago. County Referral did show that Mr. Payst needs a highway access permit.

Novak/Harris made a motion to declare the Planning Board lead agency for the Payst Subdivision.

Novak yes, Harris yes, Schmitt yes, Houghton yes. **Approved.**

Based on the discussion the Planning Board has preliminary determined that the purposed subdivision will not have any significant adverse or environmental impact.

Novak/Houghton made a motion of a preliminary Negative Declaration for the Payst Subdivision.

Novak yes, Houghton yes, Harris yes, Schmitt yes. **Approved.**

Novak/Harris made a motion to hold a Public Hearing for the #19-04 Payst, Robert application on April 18th, 2019.

Novak yes, Harris yes, Schmitt yes, Houghton yes. **Approved.**

#19-08 Schweizer, Henry: SBL# 75.00-1-1.411, (R-2) located at 1458 Gage Rd is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Joann Darcy Crum surveyor from Cobleskill gave her presentation on behalf of Mr. Schweizer. No additional pin is needed at the Southwest corner of 75.00-1-1.13 although it may help with clarity. If there are wooded areas when they go out to set the pins Mrs. Crum will scab them on the plans. Even though there are no plans to build on Lot 1 and 2 a house and septic will need to be shown as well as the Federal Wetlands.

Novak/Houghton made a motion to declare the Planning Board lead agency for the SEQRA review for Schweizer Subdivision.

Novak yes, Houghton yes, Harris yes, Schmitt yes. **Approved.**

Based on the discussion the Planning Board has preliminary determined that the purposed subdivision will not have any significant adverse or environmental impact.

Novak/Harris made a motion of a preliminary Negative Declaration for the Schweizer Subdivision.

Novak yes, Harris yes, Houghton yes, Schmitt yes. **Approved.**

Harris/Houghton made a motion to hold a Public Hearing for the application #19-08 Schweizer, Henry on April 18th, 2019.

Harris yes, Houghton yes, Novak yes, Schmitt yes. **Approved.**

Owen Kiernan: SBL# 67.05.0-1-22, (H) located at 6744 Duanesburg Rd. would like to subdivide and existing lot to separate existing house from the existing apartments. (The property was once a church.) Joann Darcy Crum surveyor from Cobleskill gave her presentation on behalf of Mr. Kiernan. There are now two (2) separate driveways that are private. It will no longer be a shared driveway. Two (2) parking spots were moved from Lot 2 to Lot 1. An easement for the sewer is still in effect and Mr. Warner will be making sure that the sewer is being hooked up when the weather breaks. There are no changes with the lot lines.

Novak/Harris made a motion to amend the previous approval for the Kiernan subdivision and we are amending the approval that approved a shared driveway because the proposal has now been amended to allow separate access to each lot in addition to separate parking on each lot.

Novak yes, Harris yes, Schmitt yes, Houghton yes. **Approved.**

#19-10 Rhoades, Charles: SBL# 65.00-2-15, (R-2) located at the North and South side of Alexander Rd, 4200' South of Rt 20 is seeking a Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Mr. Joe Bianchini from ABD Engineering is representing Mr. Rhoades. Mr. Bianchini gave his presentation to the board. Mr. Rhoades owns roughly 73 (+ or -) acres. Rhoades would like to subdivide it into five (5) separate parcels. Four (4) smaller frontage lots, two (2) are a little over five (5) acres, one (1) is over seven (7) another one (1) is about a little over eight (8) acres then there is a keyhole lot that is set back in that is forty seven (47) acres. There are no DEC wetlands on the property but there are some federal wetlands. Mr. Bianchini did state there was a man made pond built by Mr. Rhoades and he will show it on the plan. Also he has SWPP and will submit it. There are four (4) Driveways across the road from the proposed building lots that will be discussed more at the Public Hearing. It was declared a Type I action because it is possibly adjacent to the Octagon house on 395 and will need to send a standard letter to SHPO.

Novak/Houghton made a motion to declare the Town of Duanesburg Planning Board lead agency and defining it as a Type I action.

Novak yes, Houghton yes, Harris yes, Schmitt yes. **Approved.**

Based on the discussion the Planning Board has preliminary determined that the purposed subdivision will not have any significant adverse or environmental impact.

Novak/Harris made a motion of a preliminary Negative Declaration for the Subdivision.

Novak yes, Harris yes, Schmitt yes, Houghton yes. **Approved.**

Harris/Houghton made a motion to hold a Public Hearing for the application #19-10 Rhoades, Charles on April 18th, 2019.

Harris yes, Houghton yes, Novak yes, Schmitt yes. **Approved.**

#19-03 James, John: SBL# 76.00-1-12.11, (R-2) located at Schoharie Tpke is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mr. James gave his presentation to the board. Mr. James had previously had this subdivision approved, but it was never filled with the county. A notice will need to be sent to the farm properties with 500 Feet of Mr. James Property. A copy of the Agricultural Data Statement will be sent to Steve Feeny. Wetlands need to be shown on the map.

Novak/Houghton made a motion to declare the Town of Duanesburg Planning Board lead agency for the James Subdivision and is considered an Unlisted Action.

Novak yes, Houghton yes, Harris yes, Schmitt yes. **Approved.**

Based on the discussion the Planning Board has preliminary determined that the purposed subdivision will not have any significant adverse or environmental impact.

Novak/Harris made a motion of a preliminary Negative Declaration for the Subdivision.

Novak yes, Harris yes, Schmitt yes, Houghton yes.

Novak/Harris made a motion to hold a Public Hearing for the application #19-03 James, John April 18th, 2019.

Novak yes, Harris yes, Schmitt yes, Houghton yes. **Approved.**

#19-06 Miner, Bill: SBL# 68.00-2-25.4,(R-2/c-1) located 2054 Western Turnpike is seeking a Minor subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Eric Dolen is representing Bill Miner but was not present at the meeting. Mr. Dolen will need to fill out a Full EAF because it is a commercial project and will eventually affect more than 10 acres. The Planning Board will have to coordinate with the Duanesburg Town Board, the ZBA, DEC, SHPO, and Army Corp to provide notice of the project. The Agencies have thirty (30) days to say okay or not okay.

Novak/Houghton made a motion to declare the Town of Duanesburg Planning Board lead agency for the #19-06 Miner, Bill Subdivision, Special Use Permit and Zone Change and is considered a Type I Action .

Novak yes, Houghton yes, Harris yes, Schmitt 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. Travis Mitchell from Environmental Design Partnership is representing

Mr. Murray. A lot line adjustment and Special Use permit will need to be done for the two (2) separate solar projects. There will be two (2) frontages and an easement for the driveway. National Grid said it can take the power. There will be battery storage proposed in ten (10) small enclosures with containment and fire protection. The panels themselves are roughly thirty three (33) acres. They are 7 ½ to 8 feet wide and they are trackers. They will use sheep grazing to maintain the property. Per Mr. Murray his property is not in an Agricultural district, but will double check to make sure. The Board would like Mr. Mitchell to do the following:

- Meet with the local fire department
- Take photos of the house to the east
- Details for decommissioning bond request (Check the 2 ½ inflation rate)
- SHPO sign off
- Construction approach/plan
- Lighting during construction
- Show a revised map with the hook on it
- Tree clearing

SKETCH PLAN REVIEW:

None.

Old Business:

None.

OTHER:

#19-09 Mariaville Materials LLC: SBL# 33.00-2-3.7, (R-2) located at 11814 Mariaville Rd is seeking a Special Use Permit under Local Law # 1-2016 of the Town of Duanesburg Zoning Ordinance. Three (3) Town Engineers Proposals have been returned. Prime Engineering said they felt it was a conflict of interest due to the fact they are already working with them on a different solar project. Ingalls Total Estimated Fee was 2,400.00. C.T. MALE Associates Total estimated fee is 7,200.00.

Houghton/Novak made a motion to accept Ingalls proposal for the review of Mariaville Materials.

Houghton yes, Novak yes, Schmitt yes, Harris yes. **Approved.**

ADJOURNMENT:

Harris/Schmitt made the motion to adjourn at 9:09pm.


Harris yes, Schmitt yes, Novak yes, Houghton yes. **Approved.**



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Acting Commissioner

 ORIGINAL

June 04, 2019

Mr. Paul Olund
R.L.A.
Environmental Design Partnership
900 Route 146
Clifton Park, NY 12065

Re: USACE
Eden Renewables Solar Farm Project
13590 Duanesburg Rd., Duanesburg, NY
18PR02968

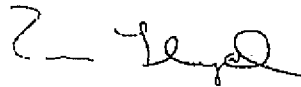
Dear Mr. Olund:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York State Environmental Conservation Law Article 8).

We have reviewed the report entitled "Phase I Archaeological Investigation, Oak Hill Solar Farms, NY-7 / Duanesburg Road, Town of Duanesburg, Schenectady County, New York" (May 2019). No archaeological resources were identified during the survey. SHPO has no concerns regarding the project's potential to affect historic architectural resources. Therefore, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please refer to the SHPO Project Review (PR) number noted above. If you have any questions I can be reached at 518-268-2186.

Sincerely,



Tim Lloyd, Ph.D., RPA
Scientist - Archaeology
timothy.lloyd@parks.ny.gov

via e-mail only

cc: G. Maruca, J. Divirgilio, and J. Geraghty

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

Exhibit 9: Letter from New York Parks, Recreation and Historic
Preservation, dated June 4, 2019

Dale Warner

From: Doug Cole [dcole@primeeng.com]
Sent: Tuesday, January 29, 2019 2:38 PM
To: Stephanie Puliafico
Cc: Rich Homenick
Subject: RE: Project #17-1802

Stephanie,

I have responded to your clarification questions after each one below.

Sincerely,

Douglas P. Cole, PE
Director | Water and Wastewater

KB Group of NY, Inc. dba PRIME AE Group of NY
100 Great Oaks Blvd | Suite 114 | Albany, New York 12203
O: 518 348 7880 | F: 518 382 1776 | dcole@primeeng.com
Connecting. Creating. Conserving. Community.
www.primeeng.com

From: Stephanie Puliafico <stephanie.puliafico@edenrenewables.com>
Sent: Monday, January 28, 2019 10:09 AM
To: Doug Cole <dcole@primeeng.com>
Subject: Project #17-1802

Mr. Cole,

Good morning. I am writing to follow up for some clarification on a few points made in your attached review of our proposed solar project.

Can you please confirm the required width for the gravel access road? Confirmation of the width is requested but a requirement doesn't appear in the code. The 2016 Uniform Code Supplement published by the NYSDOS, Section 511 Emergency Vehicle Access says that driveways shall have a minimum unobstructed width of 12 feet and a turnaround when the driveway is in excess of 500 feet in length. I have found that many local fire departments require a minimum driveway width of 15 feet to give their vehicles more maneuverability.

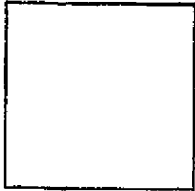
Could you please provide some detail as to what is meant by "drawings of decommissioning work". Essentially, decommissioning a system is taking panels off of posts, using a chain to pull out posts, and removing concrete pads. It is a pretty simple process that we have never seen requested in drawing form before. If the Decommissioning Plan is written in sufficient detail that the full scope of work is understood and reference is made to the construction drawing (or better yet, as-built drawing) stating that all solar facilities are to be removed, then a separate decommissioning drawing would not be necessary.

Thank you in advance for your help.

Sincerely,
Stephanie Puliafico

**Exhibit 9: Letter from New York Parks, Recreation and Historic
Preservation, dated June 4, 2019**

—
Stephanie Puliafico
Eden Renewables
Mobile: +1 (518) 441-0904
Email: stephanie.puliafico@edenrenewables.com
Website: <https://www.edenrenewables.com/>





 ORIGINAL

- Eden Renewables – Oak Hill Solar Projects 1 & 2 -
- In response to questions received from town re construction/O&M activities -

Construction Phase:

Eden Renewables solar project construction typically lasts three to four months. Work is limited to the hours of 7am to 6pm. Lights will not be used between the months of April and October. Should construction occur between November and March, we will likely employ some form of concentrated lighting to allow work between the hours of 7am to 6pm. In terms of traffic during construction months we expect: 25 – 30 cars daily. Additionally, we expect 50 – 60 truck deliveries and 10 onsite machines operating over the course of construction.

Ongoing Operations and Maintenance Phase (O&M):

On an annual basis, we expect 4 to 5 visits to the site by a maintenance vehicle. Ongoing maintenance includes: standard mechanical/electrical inspections, solar module cleaning, minor repairs and grass cutting as required. Typically solar modules are cleaned only once each year using water. O&M work is limited to the hours of 7am to 6pm.

As part of the ground maintenance, there will be additional traffic from the annual movement of livestock, daily sheep farmer visits, annual visits from an ecologist and occasional visits from beekeepers. Any actual impacts will be minimal to unnoticeable for the community.



ORIGINAL

Eden Renewables' 7.5MW Elmbrook Community Solar Project will incorporate Solar + Energy Storage (Solar + Storage) in order to maximize system performance and to export clean electricity to the utility grid when it is needed the most. Eden has partnered with top tier energy storage manufacturers and integrators to design a safe, code compliant solution.

System Configuration:

Eden is employing a DC-coupled energy storage system (ESS) with the batteries, control systems and connections located on the DC side of the system before the power is converted to AC at the inverters, transformed and ultimately exported to the utility grid. This allows us to maximize the performance of the system and to ensure the batteries are only charged by the solar modules.

Our design uses a distributed, decentralized architecture using ten individual "building blocks" integrated into one system. Each building block contains of 750kWdc solar paired with 1,178kWh of storage. Each block consists of: 2,270 x 330W solar modules, 3x 166kW inverters, 500kW DC converter, Energy Management System (EMS), and 2x 600kWh containerized battery enclosures with Samsung lithium ion batteries.

Safety:

The containerized battery enclosures are distributed throughout the array within a fenced perimeter accessible only to authorized personnel and emergency services and employ a three tiered fire suppression system to ensure prevention, early detection and suppression. Please refer to "BTM-100 Fire Protection and Suppression Summary.pdf" for a detailed explanation. In summary, our battery enclosures offer three levels of safety:

1. **Prevention:** The Samsung Battery Management System monitors and controls all critical-to-safety parameters including voltage, amperage and temperature. Samsung batteries are made up of Prismatic Cells which are the safest form factor.
2. **Detection:** Each battery enclosure includes smoke detectors that when activated, trigger automatic shut down protocols.
3. **Suppression:** Each battery enclosure includes automated "total flooding" fire suppression and HVAC systems.

**Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts**

Agency Use Only (If applicable)	
Project:	Dak Hill Solar Farm
Date:	4/28/19

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part I. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part I. D.2, E.2.h) NO YES
If "Yes", answer questions a - i. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

1. Other impacts: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g)		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
<i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)		<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	
<i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ Forested; Agriculture; Meadows, grasslands or bushlands	E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part I, E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/4 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part I, E.3.e, f, and g.) If "Yes", answer questions a - e. If "No", go to Section 11. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2c, E1b, E2h, E2m, E2o, E2n, E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) If "Yes", answer questions a - f. If "No", go to Section 14.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) If "Yes", answer questions a - e. If "No", go to Section 15.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. D.2.m, n, and o.) If "Yes", answer questions a - f. If "No", go to Section 16.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)			
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
<i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

**STORMWATER POLLUTION
PREVENTION PLAN
for
CONSTRUCTION ACTIVITIES
at**

**OAK HILL SOLAR 1&2
13590 DUANESBURG ROAD
TOWN OF DUANESBURG, NY**

Prepared for

**EDEN RENEWABLES LLC
333 BROADWAY, SUITE 460
TROY, NY 12180**

Prepared by

**The Environmental Design Partnership, LLP
900 Route 146
Clifton Park, NY 12065
Telephone: (518) 371-7621**

LAST REVISED: JULY 2019

**NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT**

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SECTION 1
Written Stormwater Pollution Prevention Plan

OAK HILL SOLAR PROJECT

I. SCOPE

- A. PURPOSE:** EDEN RENEWABLES LLC, intends to implement the appropriate Stormwater Pollution Prevention Plan measures in accordance with the SPDES general permit governing stormwater discharges during construction, and in accordance with erosion control practices. This section provides a descriptive explanation of the means by which EDEN RENEWABLES will comply with the National Stormwater Pollution Prevention Program.
- B. NPDES GENERAL PERMITS FOR STORMWATER DISCHARGE FROM CONSTRUCTION SITES:** Regulations promulgated by the New York State Department of Environmental Conservation (NYSDEC) regulate the discharge of storm water from construction activities on sites where one (1) or more acres of soil is disturbed. One of the ways to comply with these regulations for affected sites is to request coverage under the General Permit for Construction Activities. (Copy enclosed herewith) In order to be authorized to discharge under the General Permit, a Stormwater Pollution Prevention Plan (SWPPP) for the site must be prepared in accordance with all applicable requirements of this permit and followed during the construction activities. If the construction activity is not subject to the requirements of a regulated, traditional land use control MS4 a Notice of Intent (NOI) form must be completed and received by the New York State Department of Environmental Conservation at least 5-days prior to any earth-disturbing activities. If the construction activity is subject to the requirements of a regulated, traditional land use control MS4, then the owner/operator must have its SWPPP reviewed and accepted by the MS4 prior to submitting the NOI to the Department. The owner/operator shall have the "MS4 SWPPP Acceptance" form signed and then submit that form along with the NOI to the Department.
- C. RESPONSIBILITIES OF CONTRACTOR REGARDING THE GENERAL PERMIT:** The CONTRACTOR shall manage the discharge of stormwater from the site in accordance with the SPDES General Permit for Construction Activities conditions and the following provisions of this section of the specifications. The CONTRACTOR shall be responsible for conducting the stormwater management practices in accordance with the permit. The CONTRACTOR shall be responsible for providing qualified inspectors to conduct the inspections required by the SWPPP. The CONTRACTOR shall be responsible for any enforcement action taken or imposed by federal, state, or local agencies, including the cost of fines, construction delays, and remedial actions resulting from the CONTRACTOR'S failure to comply with the permit provisions. It shall be the responsibility of the CONTRACTOR to make any changes to the SWPPP necessary when the CONTRACTOR or any of his subcontractors elects to use borrow or fill or material storage sites, either contiguous to or remote from the construction site, when such sites are used solely for this construction site. Such sites are considered to be part of the construction site covered by the permit and this SWPPP. Off-site borrow, fill, or material storage sites which are used for multiple construction projects are not subject to this requirement, unless specifically required by state or local jurisdictional entity regulations. The CONTRACTOR should consider this requirement in negotiating with earthwork subcontractors, since the choice of an off-site borrow, fill, or material storage site may impact their duty to implement, make changes to, and perform inspections required by the SWPPP for the site.
- D. NOTICE OF INTENT:** The NOI Permittee petitions the New York State Department of Environmental Conservation for the stormwater discharges during construction at this site to be covered by the SPDES General Permit for Construction Activity for the State of New York. A Notice of Intent (NOI) (using the form required by the NYSDEC) to be covered under this permit is hereby filed. An Erosion and Sediment Control Plan has been prepared and is attached herewith.
- E. CONTRACTOR RESPONSIBILITIES:** The SWPPP and associated Erosion and Sediment Control Plans represent the MINIMUM erosion and sediment control measures that will be required to protect the site during construction. EDEN RENEWABLES and the CONTRACTOR understand that additional erosion and sediment control measures will be necessary during construction. It will be the responsibility of the

NOI-Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

CONTRACTOR to implement additional erosion and sediment control measures as necessary to protect the site during construction. EDEN RENEWABLES and the CONTRACTOR shall designate a Project Manager prior to commencing construction. The Project Manager will ensure that all construction managers and sub-contractors are appropriately assigned and understand the importance of the following topics:

- Erosion and Sedimentation Control for Water Quality Protection
- Implementation of the Erosion and Sedimentation Control Plan
- The Importance to Proper Installation of Erosion and Sedimentation Control Measures
- Regular Inspection by qualified personnel of Erosion and Sedimentation Control Measures
- Diligent Maintenance of Erosion and Sedimentation Control Measures
- Contemporaneous preparation of accurate and complete records regarding inspection and maintenance of Erosion and Sedimentation Control Measures
- Record Keeping for Inspections and Maintenance activities

- F. **REQUIREMENTS FOR THE CONTRACTOR AND SUBCONTRACTOR(S):** The *SWPPP Ledger* shall provide a "Contractor's Certification Log" (Form 2), identifying the Company Name, Business Address and Telephone Number along with the Responsible Person for the CONTRACTOR and all subcontractors' who will implement the measures identified in the SWPPP. Each of the entities identified on Form 2 shall sign a "Contractor's Certification" (Form 3), verifying they have been instructed and fully understand the requirements of the New York State Department of Environmental Conservation and SWPPP. This certification must be signed, by a fully qualified individual on behalf of each entity, prior to the beginning of any construction activities and shall be filed in the project's *SWPPP Ledger*.

Additionally, the "Trained Contractor" must be identified on Form 3 and his/her credentials should be kept on-site in the *SWPPP ledger*.

- G. **STORMWATER POLLUTION PREVENTION PROGRAM LOCATION REQUIREMENTS:** The *SWPPP Ledger* is meant to be a working document that shall be maintained at the site of the Construction Activities at all times throughout the project, shall be readily available upon request by the NOI Permittee's personnel or New York State Department of Environmental Conservation or any other agency with regulatory authority over stormwater issues, and shall be kept on-site until the site complies with the Final Stabilization section of this document. Refer to Part VII., F., Duty to Provide Information, of the General Permit for additional public viewing requirements.

- H. **SWPPP LEDGER:** The *SWPPP Ledger* shall be a 3-ring Binder, tabbed and indexed for the following sections:

SECTION 1:

- o Written SWPPP

SECTION 2:

- o Vicinity Map and Site Location Map
- o Erosion and Sediment Control Plan(s)

SECTION 3:

- o New York State Notice of Intent
- o New York State NOI Acknowledgement Letter

SECTION 4:

- o New York State SPDES General Permit

SECTION 5:

- o NOI Permittee's Certification (Form 1)
- o Contractor's/Subcontractor's Certification Log (Form 2)
- o Contractor's Certification for each contractor listed on Form 2 (Form 3)
- o Inspection Report (Form 4)
- o Modification Report (Form 5)
- o Record of Stabilization and Construction Activities Report (Form 6)
- o Record of Temporary Erosion and Sediment Control Practices (Form 6A)
- o Project Rainfall Log (Form 7)
- o Final Stabilization/Termination Checklist (Form 8)

SECTION 6:

- o Supplemental Information

SECTION 7:

- o Completed Inspection Forms

The Project Manager must review and evaluate for compliance the *SWPPP Ledger* at each Project Review meeting. All Inspection and Maintenance Forms (Forms 4 - 7) will be initiated by the Project Manager at each reporting interval.

- I. **INSPECTIONS AND RECORD KEEPING:** Inspections are required at least weekly by a "Qualified Inspector". Sites that have a waiver to disturb greater than five (5) acres require two (2) inspections every seven (7) days with at least two (2) days between inspections. Inspections shall continue until the site complies with the "Final Stabilization" section of this document and a Notice of Termination (NOT) has been filed with the NYSDEC. Each inspection must be followed up by a report documenting the inspector's findings and request the required maintenance and/or repair for the erosion and sedimentation control measures. The inspector shall notify the Project Manager within one day of the inspection of any deficiencies. Within one day of this notification the Project Manager must commence with corrective measures. It is imperative that the Project Manager documents the Inspection and Maintenance of all erosion and sedimentation control measures as soon as possible after the inspection and/or maintenance is completed. These records are used to prove that the required inspection and maintenance were performed and shall be placed in the *SWPPP Ledger*. In addition to inspection and maintenance reports, records should be kept of the Construction Activities that occur on the site. The Project Sponsor shall retain copies of the SWPPP, all reports and data for a minimum of five (5) years after the project is complete. The following list identifies the required Inspection and Maintenance documentation that must be maintained by the Project Manager under this SWPPP.

- Form 4 Inspection Report for SWPPP
- Form 5 Requested Changes to the SWPPP (Modification Report)
- Form 6 Record of Stabilization and Construction Activities
- Form 6A Record of Temporary Erosion and Sediment Control Practices
- Form 7 Project Rainfall Log

- J. **SWPPP-MODIFICATIONS:** The inspection report should also identify if any revisions to the SWPPP are warranted due to unexpected conditions. The SWPPP is meant to be a dynamic working guide that is to be kept current and amended whenever the design, construction, operation, or maintenance of the site changes in a way which significantly affects the potential for the discharge of pollutants or when the plan proves to be ineffective in eliminating or significantly minimizing pollutant discharges. Any such changes to the SWPPP must be made in writing on the Modification Report Form (Form 5) within 7 days of the date such modification or amendment is made. The CONTRACTOR'S failure to monitor or report deficiencies to the NOI Permittee will result in the

CONTRACTOR being liable for fines and construction delays resulting from any federal, state, or local agency enforcement action.

- K. **FINAL STABILIZATION AND TERMINATION OF PERMIT COVERAGE:** The site will be considered finally stabilized when all soil disturbing activities have been completed and a uniform perennial vegetative cover for the unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been established and the development area no longer discharges stormwater associated with construction activities and a Notice of Termination (NOT) form filed by the NOI Permittee with the New York State Department of Environmental Conservation. This filing terminates coverage under the General Permit and terminates the CONTRACTOR'S responsibility to implement the SWPPP. Requirements of the SWPPP, including periodic inspections, must be continued until the NOT is filed.

II. SITE DESCRIPTION

A. PROJECT NAME AND LOCATION

The OAK HILL SOLAR PROJECT site is geographically situated at Latitude N 42.72°, Longitude W 74.25° in the TOWN OF DUANESBURG, SCHENECTADY COUNTY, NEW YORK. The site is located on the west side of Duanesburg Road approximately 1,400 ft from the intersection with Sheldon Road. The project site is comprised of 204 +/- acres of land. The overall disturbance area is 0.84 +/- acres. The project is bounded on the south, west, and north by Private Property. Access to the project will be from Duanesburg Road. Reclamation of disturbed areas will be conducted on an ongoing basis as construction progresses.

B. NOI PERMITTEE'S NAME AND ADDRESS

**EDEN RENEWABLES LLC
333 BROADWAY
TROY, NY 12180**

C. PROJECT DESCRIPTION

The project will involve the construction of two (2) 5,000 +/- kilowatt power generating solar arrays on approximately 64-acres within an approximately 204 acre parcel located on Duanesburg Road in the Town of Duanesburg. The posts to support the solar arrays will be driven into the ground below the frost line and as such will not require permanent fill for footings. The main disturbance will be the construction of a gravel road to the solar array area to provide for access and maintenance. Other disturbance includes a shallow trench to install a buried cable under said access road to transmit solar generated power to the connection point. The estimated time for completion of the construction project is approximately one (1) year. Soil disturbing activities will include:

1. Construction of stabilized construction access points
2. Construction of gravel access road
3. Installation of solar panels and connection conduit
4. Final grading

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D. SOILS, AND RAINFALL INFORMATION

Soils within the project area consist of poorly drained and very poorly drained silt loams that fall in the hydrologic soil groups C and D, as described by the Soil Conservation Service.

The site is in Schenectady County, which receives an average of 40 inches of rainfall annually.

E. INDIAN COUNTRY LANDS

The site is not located on any known current or previously designated Indian Country lands.

F. ENDANGERED OR THREATENED SPECIES

A review of the New York State Department of Environmental Conservation's (NYSDEC) Environmental Resource Mapper (<http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>) indicated this location is in the vicinity of bats listed as endangered or threatened.

G. HISTORIC PLACES

A review of the New York State Historic Preservation Office (OPRHP) Geographic Information System Mapper (<http://www.oprhp.state.ny.us/nr/main.asp>) indicated that the site is not located in an archeo sensitive area. A letter from the OPRHP Historic Preservation Field Services Bureau, dated May 14, 2018, states that the proposed activity will not result in any adverse effects on cultural resources. The letter has been included in Section 6 of the SWPPP.

H. WETLANDS

State Regulated freshwater wetlands have been determined to be present on this site. They can be seen on the site plan. Fencing and solar array panels in this area will be mechanically driven to avoid permanent disturbances.

III. CONTROLS

A. EROSION AND SEDIMENT CONTROLS

The following section describes the anticipated Erosion and Sediment Controls required for use during construction of the proposed site. These controls represent the **MINIMUM** erosion and sediment control measures that will be required to protect the site during construction. **Additional erosion and sediment control measures will be necessary during construction.** It will be the responsibility of the NOI permittee to authorize the CONTRACTOR to implement all additional erosion and sediment control measures necessary to protect the site during construction.

- I. Stabilization practices include (but not limited to):
 - a) Land clearing activities shall be done only in areas where earthwork will be performed and shall progress as earthwork is needed.
 - b) Frequent watering of excavation and fill areas to minimize wind erosion during construction.
 - c) Use of stabilization fabric for all slopes having a slope of 1V:3H or greater.
 - d) Seeding and planting of all unpaved areas
 - Temporary seedings should be made within 24 hours of construction or disturbance. If not, the soil must be scarified prior to seeding.
 - Broadcasting or hydroseeding may be used as seeding methods.

- Seeding mixtures should be as follows
 - a) Ryegrass (annual or perennial) applied at 30 lbs. per acre (0.7 lbs./1000 sq. ft.)
 - b) Certified "Aroostook" winter rye (cereal rye) applied at 100 lbs. per acre (2.5 lbs./1000 sq. ft.) *Winter rye shall be used if seeding in October/November.
 - e) Topsoiling
 - Scarify all compact, slowly permeable, medium and fine textured subsoil areas. Scarify at approximately right angles to the slope direction in soil areas that are steeper than 5 percent.
 - Remove refuse, woody plant parts, stones over 3 inches in diameter, and other liter.
 - Topsoil material shall have at least 2 percent by weight of fine textured stable organic material, and no greater than 6 percent.
 - Topsoil shall have no less than 20 percent fine textured material (passing the No. 200 sieve) and not more than 15 percent clay.
 - Topsoil shall not be placed when it is partly frozen, muddy, or on frozen slopes or over ice, snow, or standing water.
 - f) Mulching
 - For grass / legume establishment apply straw mulch applied at 2 ton/acre (90 lbs./1000 sq. ft.) and anchor with wood fiber mulch (hydromulch) at 500-750 lbs./acre (11 - 17 lbs./1000 sq. ft.)
 - g) Protecting Vegetation During Construction
 - Limit soil placement over existing tree and shrub roots to a maximum of 3 inches.
 - Use retaining walls and terraces to protect roots of trees and shrubs when grades are lowered. Lowered grades should start no closer than the dripline of the tree.
 - Avoid trenching within the dripline of the tree.
 - Construction limits should be identified and clearly marked to exclude equipment.
2. Structural practices include (but not limited to):
- a) Perimeter protection using silt fences
 - b) Sediment basin(s) or traps
 - c) Stabilized construction exit points
 - Aggregate size shall be 2 inch stone or reclaimed / recycled concrete equivalent
 - Thickness shall be not less than 6 inches
 - Width to be the full width of the access point, but not less than 12 ft
 - Length shall be as required, but not less than 50 ft.
 - Filter cloth shall be applied over the entire area to be covered with aggregate
 - The entrance shall be maintained in a condition which will prevent tracking of sediment onto public rights-of-way or streets. When necessary, wheels must be cleaned to remove sediment prior to entrance onto public rights-of-way.
 - d) Water Bar
 - Used where runoff protection is needed to prevent erosion on access roads or other narrow slopping areas (generally less than 100 ft in width).
 - Water bars shall cross at approximately 60 degrees with stable outlets.
 - Constructed with a minimum height of 18 inches from the channel bottom to the ridge top.
 - Horizontal spacing shall be 125 ft for slopes less than 5 percent, 100 ft for slopes between 5 and 10 percent, 75 ft for slopes between 10 and 20 percent, and 50 ft for slopes between 20 and 35 percent.
 - h) Straw Bale Dike
 - Straw bale dikes have an estimated design life of three months.
 - Shall only be used where no other practice is feasible
 - i) Stone Check Dam

- Use graded stone 2 to 15 inches in size
- Sediment accumulated behind the check dam shall be removed as needed to allow drainage through the check dam and prevent large flows from carrying sediment over the dam.

3. Sequence of Major Activities

The CONTRACTOR will be responsible for implementing erosion and sediment control measures outlined in the SWPPP and any additional erosion and sediment control measures required to stabilize the site. The CONTRACTOR may designate these tasks to certain subcontractors as appropriate, but the ultimate responsibility for implementing these controls and ensuring their proper functioning remains with the CONTRACTOR. The order of activities will be as follows (refer to Stormwater Pollution Prevention Plan Sheet contained in this SWPPP for additional details):

- a) Construct temporary construction exits at locations shown on the SWPPP plan sheet.
- b) Install perimeter silt fences.
- c) Begin clearing and grubbing operations. Clearing and grubbing shall be done only in areas where earthwork will be performed and only in areas where building is planned to commence within 7 days after clearing and grubbing. Clearing and grubbing operations shall be limited so that no more than 5 acres of disturbed soil exists at any one time without prior written approval from the NYS DEC.
- d) Frequent watering of the excavation and fill areas shall be done to minimize wind erosion.
- e) Commence site grading and new building construction.
- f) Disturbed areas of the site where construction activity has ceased for more than 7 days should be temporarily seeded and watered.
- g) Install protective silt fences at all grate inlets, curb inlets, and at the ends of all exposed storm sewer pipes.
- h) Finalize pavement subgrade preparation.
- i) Remove silt fences around inlets and manholes no more than 48 hours prior to placing stabilized base course.
- j) Install base material as required for pavement.
- k) Carry out final grading and seeding and planting, including stormwater management basins.
- l) Remove silt fencing only after all paving is complete and exposed surfaces are stabilized.
- m) Remove temporary construction exits only prior to pavement construction in these areas (These areas are to be paved last).

B. OTHER CONTROLS

1. Waste Disposal

All waste materials will be collected and stored in a securely lidded metal dumpster rented from a local waste management company which must be a solid waste management company licensed to do business in New York State. The dumpster will comply with all local and state solid waste management regulations.

All trash and construction debris from the site will be deposited in the dumpster. The dumpster will be emptied as often as necessary, and the trash will be hauled to a landfill approved by New York State and the local government authority. No construction waste materials will be buried on site. All personnel will be instructed regarding the correct procedures for waste disposal. Notices stating these practices will be posted in the job site construction office trailer, and the job site superintendent will be responsible for seeing that these procedures are followed.

2. Sanitary Waste

All sanitary waste will be collected from the portable units a minimum of two times per week by a licensed portable facility provider in complete compliance with local and state regulations.

3. Off-Site Vehicle Tracking

A stabilized construction exit will be provided to help reduce vehicle tracking of sediments. The paved streets adjacent to the site entrance will be inspected daily and swept as necessary to remove any excess mud, dirt, or rock tracked from the site. Dump trucks hauling material from the construction site will be covered with a tarpaulin. The job site superintendent will be responsible for seeing that these procedures are followed.

4. Concrete Waste From Concrete Trucks

- a) Emptying of excess concrete and/or washout from concrete delivery trucks will be allowed on the job site, but only in either (1) specifically designated diked areas which have been prepared to prevent contact between the concrete and/or washout and stormwater which will be discharged from the site or (2) in locations where waste concrete can be poured into forms to make riprap or other useful concrete products.
- b) The hardened residue from the concrete washout diked areas will be disposed of in accordance with the procedures given in the Spill Prevention Control and Countermeasures (SPCC) Plan and in accordance with applicable state and federal regulations. The job site superintendent will be responsible for seeing that these procedures are followed.

5. Hazardous Substances and Hazardous Waste

- a) All hazardous waste materials will be disposed of by the CONTRACTOR in the manner specified by local, state, and/or federal regulations and by the manufacturer of such products. Site personnel will be instructed in these practices by the job site superintendent, who will also be responsible for seeing that these practices are followed. Material Safety Data Sheets (MSDS's) for each substance with hazardous properties that is used on the job site will be obtained and used for the proper management of potential wastes that may result from these products. An MSDS will be posted in the immediate area where such product is stored and/or used and another copy of each MSDS will be maintained in the SWPPP file at the job site construction trailer office. Each employee who must handle a substance with hazardous properties will be instructed on the use of MSDS sheets and the specific information in the applicable MSDS for the product he/she is using, particularly regarding spill control techniques.
- b) The CONTRACTOR will implement the Spill Prevention Control and Countermeasures (SPCC) Plan found within this SWPPP and will train all personnel in the proper cleanup and handling of spilled materials. No spilled hazardous materials or hazardous wastes will be allowed to come in contact with stormwater discharges. If such contact occurs, the stormwater discharge will be contained on site until appropriate measures in compliance with state and

federal regulations are taken to dispose of such contaminated stormwater. It shall be the responsibility of the job site superintendent to properly train all personnel in the use of the SPCC plan.

- e) Any spills of hazardous materials which are in quantities in excess of Reportable Quantities as defined by EPA regulations shall be immediately reported to the EPA National Response Center 1-800-424-8802.
- d) In order to minimize the potential for a spill of hazardous materials to come into contact with stormwater, the following steps will be implemented:
 - All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, cleaning solvents, additives for soil stabilization, concrete curing compounds and additives, etc.) will be stored in a secure location, under cover, when not in use. All such materials shall have secondary containment to prevent contamination of soil and runoff.
 - The minimum practical quantity of all such materials will be kept on the job site.
 - A spill control and containment kit (containing, for example, absorbent such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.
 - All of the product in a container will be used before the container is disposed of. All such containers will be triple-rinsed with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in compliance with state and federal regulations and will not be allowed to mix with stormwater discharges.
 - All products will be stored in and used from the original container with the original product label.
 - All products will be used in strict compliance with instructions on the product label.
 - The disposal of excess or used products will be in strict compliance with instructions on the product label.

6. Contaminated Soils

- a) Any contaminated soils (resulting from spills of materials with hazardous properties) which may result from construction activities will be contained and cleaned up immediately in accordance with the procedures given in the Spill Prevention Control and Countermeasures (SPCC) Plan and in accordance with applicable state and federal regulations.
- b) The job site superintendent will be responsible for seeing that these procedures are followed.

IV. COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS

- A. The CONTRACTOR will obtain copies of any and all local and state regulations that are applicable to stormwater management, erosion control, and pollution minimization at this job site and will comply fully with such regulations. The CONTRACTOR will submit written evidence of such compliance if requested by any agent of a regulatory body. The CONTRACTOR will comply with all conditions of the New York State Department of Environmental Conservation SPDES General Permit for Construction Activities, including the conditions related to maintaining the SWPPP and evidence of compliance with the SWPPP at the job site and allowing regulatory personnel access to the job site and to records in order to determine compliance.

V. MAINTENANCE/INSPECTION PROCEDURES DURING CONSTRUCTION

A. Erosion and Sediment Control and Stabilization Measures Maintenance and Inspection Practices

1. The following is a list of erosion and sediment controls to be used on this site during construction practice.
 - a) Stabilization practices for this site include:
 - o Land clearing activities shall be done only in areas where earthwork will be performed and shall progress as earthwork is needed
 - o Frequent watering of excavation and fill areas to minimize wind erosion during construction.
 - o Use of stabilization fabric for all slopes having a slope of 1V:3H or greater.
 - o Permanent seeding and planting of all unpaved areas using the hydromulching grass seeding technique.
 - b) Structural practices for this site include:
 - o Perimeter protection using silt fences
 - o Inlet protection and outlet protection using silt fences
 - o Stabilized construction exit points
 - o Sediment traps
2. The following inspection and maintenance practices will be used to maintain erosion and sediment controls and stabilization measures.
 - a) All control measures will be inspected once every seven (7) days at a minimum. Sites that have a waiver to disturb greater than five (5) acres require two (2) inspections every seven (7) days with at least two (2) days between inspections.
 - b) All measures will be maintained in good working order; if repairs are found to be necessary, they will be initiated within 24 hours of report.
 - c) Built up sediment will be removed from silt fence when it has reached one-third the height of the fence.
 - d) Silt fences will be inspected for depth of sediment, tears, etc., to see if the fabric is securely attached to the fence posts, and to see that the fence posts are securely in the ground.
 - e) The sediment basins will be inspected for depth of sediment, and built up sediment will be removed when it reaches 50 percent of the capacity.
 - f) Temporary and permanent seeding and all other stabilization measures will be inspected for bare spots, washouts, and healthy growth.
 - g) A maintenance inspection report will be made after each inspection. Copies of the report forms to be completed by the inspector are included in this SWPPP.
 - h) The job site superintendent will be responsible for selecting and training the individuals who will be responsible for these inspections, maintenance and repair activities, and filling out inspection and maintenance reports.
 - i) Personnel selected for the inspection and maintenance responsibilities will receive appropriate instruction from the job site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls that are used onsite in good working order. They will also be trained in the completion of, initiation of actions required by, and the filing of the inspection forms. Documentation of this personnel training will be kept on site with the SWPPP.
 - j) Disturbed areas and material storage areas will be inspected for evidence of or potential for pollutants entering stormwater systems.
 - k) Report to the NYS Department of Environmental Conservation within 24 hours any noncompliance with the SWPPP that will endanger public health or the environment. Follow up with a written report within 5 days of the noncompliance event.

B. Inspection and Maintenance Report Forms

Once installation of any required or optional erosion control device or measure has been implemented, weekly inspections of each measure shall be performed by the CONTRACTOR'S inspection personnel. The Inspection and Maintenance Reports found in this SWPPP shall be used by the inspectors to inventory and report the condition of each measure to assist in maintaining the erosion and sediment control measures in good working order.

These report forms shall become an integral part of the SWPPP and shall be made readily accessible to governmental inspection officials, the NOI Permittee's Engineer, and the NOI Permittee for review upon request during visits to the project site. In addition, copies of the reports shall be provided to any of these persons, upon request, via mail or facsimile transmission. Inspection and maintenance report forms are to be maintained by the NOI Permittee for five years following the final stabilization of the site.

C. Other Record-Keeping Requirements

The CONTRACTOR shall keep the following records related to construction activities at the site:

- Dates when major grading activities occur and the areas that were graded
- Dates and details concerning the installation of structural controls
- Dates when construction activities cease in an area
- Dates when areas are stabilized, either temporarily or permanently
- Dates of rainfall and the amount of rainfall
- Dates and descriptions of the character and amount of any spills of hazardous materials
- Records of reports filed with regulatory agencies if reportable quantities of hazardous materials spilled

D. Winter Operations

The following is a list of erosion and sediment controls and inspection and maintenance practices for winter operations for this site.

- a) Prior to November 1st of any given year all exposed soil areas must be covered with:
 - o Mulch
 - o Seed and mulch
 - o Geotextile
 - o Erosion control matting
 - o Rock or
 - o Other approved mulch to prevent soil from eroding
- b) Install sediment barriers (silt fence or drop inlet protection) at ALL necessary perimeter and sensitive locations BEFORE SOIL FREEZES.
- c) Slopes and Stockpiles:
 - o Protect slopes and stockpiles with anchored straw or mulch, rolled erosion control product or other durable covering.
 - o Sediment barrier must be installed around piles and at slope toes to prevent soil transport from the pile or slope.
 - o Stabilize exposed areas BEFORE snow covers them.
- d) All entrance/exit locations must be properly stabilized and maintained to accommodate snow management.
- e) Inspections:
 - o If soil disturbance is COMPLETELY suspended AND site is PROPERLY STABILIZED, qualified inspection frequency may be reduced with written notification to NYSDEC or MS4.

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

- o Confirmation must be received from NYSDEC prior to reducing inspection frequency.
- o Monthly inspections must be performed at a minimum.
- o Sediment control measures should be checked after rain or snowmelt events.
- o Regular inspections must resume by March 15th.

**STORMWATER POLLUTION PREVENTION PLAN
SUMMARY OF EROSION AND SEDIMENT CONTROL AND STABILIZATION MEASURES
MAINTENANCE/INSPECTION PROCEDURES**

- All control measures will be inspected at least once every seven (7) days. Sites that have a waiver to disturb greater than five (5) acres require two (2) inspections every seven (7) days with at least two (2) days between inspections.
- All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report.
- Built-up sediment will be removed from silt fences when it has reached one-third the height of the fence.
- Silt fences will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground.
- Sediment basins, if present, will be inspected for depth of sediment, and built-up sediment will be removed when it reaches 50% of the design capacity or at the end of the job.
- Diversion dikes, if present, will be inspected and any breaches promptly repaired.
- Temporary and permanent seeding and planting and other stabilization measures will be inspected for bare spots, washouts, and healthy growth.
- A maintenance inspection report will be made after each inspection. Copies of the report forms to be used are included in this SWPPP.
- The site job superintendent will select the individuals who will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance reports.
- Personnel selected for inspection and maintenance responsibilities will receive training from the site job superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used onsite in good working order.
- Disturbed areas and materials storage areas will be inspected for evidence of or potential for pollutants entering stormwater systems.
- Report to The Department of Environmental Conservation within 24 hours any noncompliance with the SWPPP that will endanger public health or the environment. Follow up with a written report within 5 days of the noncompliance event.

**STORMWATER POLLUTION PREVENTION PLAN
CONSTRUCTION/IMPLEMENTATION CHECKLIST**

1. Maintain Records (Project Manager) of Construction Activities, including:
 - Dates when major grading activities occur
 - Dates when construction activities temporarily cease on a portion of the site
 - Dates when construction activities permanently cease on a portion of the site
 - Dates when stabilization measures are initiated on the site
 - Dates of rainfall and the amount of rainfall
 - Dates and descriptions of the character and amount of any spills of hazardous materials
 - Records of reports filed with regulatory agencies if reportable quantities of hazardous materials spilled

2. Prepare Inspection Reports (Qualified Inspector) summarizing:
 - Name of inspector
 - Qualifications of inspector
 - Measures/areas inspected
 - Observed conditions
 - Changes necessary to the SWPPP

3. Report Releases of Reportable Quantities of Oil or Hazardous Materials (Project Manager, if they occur):
 - Notify National Response Center (1-800-424-8802) immediately
 - Notify permitting authority in writing within 14 days
 - Modify the pollution prevention plan to include:
 - the date of release
 - circumstances leading to the release
 - steps taken to prevent reoccurrence of the release

4. Modify Pollution Prevention Plan (per Qualified Inspector) as necessary to:
 - Comply with the minimum permit requirements when notified by The Department of Environmental Conservation that the plan does not comply
 - Address a change in design, construction operation, or maintenance that has an effect on the potential for discharge of pollutants
 - Prevent reoccurrence of reportable quantity releases of a hazardous material or oil

VI. SPILL PREVENTION CONTROL AND COUNTERMEASURES (SPCC) PLAN

A. MATERIALS COVERED

The following materials or substances with known hazardous properties are expected to be present onsite during construction:

Cleaning solvents
Fertilizers
Soil stabilization additives

B. MATERIAL MANAGEMENT PRACTICES

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff.

1. Good Housekeeping

The following good housekeeping practices will be followed onsite during the construction project.

- a) An effort will be made to store only enough product required to do the job.
- b) All materials stored onsite will be stored in a neat, orderly manner and, if possible, under a roof or other enclosure.
- c) Products will be kept in their original containers with the original manufacturer's label in legible condition.
- d) Substances will not be mixed with one another unless recommended by the manufacturer.
- e) Whenever possible, all of a product will be used up before disposing of the container.
- f) Manufacturer's recommendations for proper use and disposal will be followed.
- g) The job site superintendent will be responsible for daily inspections to ensure proper use and disposal of materials.

2. Hazardous Products

These practices will be used to reduce the risks associated with hazardous materials.

- a) Products will be kept in original containers with the original labels in legible condition.
- b) Original labels and material safety data sheets (MSDS's) will be procured and used for each material.
- c) If surplus product must be disposed of, manufacturer's or local/state/federal recommended methods for proper disposal will be followed.
- d) A spill control and containment kit (containing, for example, absorbent such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.
- e) All of the product in a container will be used before the container is disposed of. All such containers will be triple-rinsed with water prior to disposal. The rinse water used in these

containers will be disposed of in a manner in compliance with state and federal regulations and will not be allowed to mix with stormwater discharges.

3. Product Specific Practices

The following product specific practices will be followed on the job site.

a) Petroleum Products

All onsite vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any petroleum storage tanks used onsite will have a dike or berm containment structure constructed around it to contain any spills that may occur. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations.

b) Fertilizers

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked in the soil to limit exposure to stormwater. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

c) Paints, Paint Solvents, and Cleaning Solvents

All containers will be tightly sealed and stored when not in use. Excess paint and solvents will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instructions or state and federal regulations.

d) Concrete Trucks

Concrete trucks will be allowed to wash out or discharge surplus concrete or drum wash water on the site, but only in either (1) specifically designated diked areas which have been prepared to prevent contact between the concrete and/or washout and stormwater which will be discharged from the site or (2) in locations where waste concrete can be poured into forms to make riprap or other useful concrete products.

The hardened residue from the concrete washout diked areas will be disposed of in the same manner as other non-hazardous construction waste materials or may be broken up and used on site as deemed appropriate by the CONTRACTOR. The job site superintendent will be responsible for seeing that these procedures are followed.

4. Spill Prevention Practices

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup.

a) Manufacturer's recommended methods for spill cleanup will be clearly posted and site personnel will be trained regarding these procedures and the location of the information and cleanup supplies.

b) Materials and equipment necessary for spill cleanup will be kept in the material storage area onsite in spill control and containment kit (containing, for example, absorbent such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.).

c) All spills will be cleaned up immediately after discovery.

- d) The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with the hazardous substances.
- e) Spills of toxic or hazardous materials will be reported to the appropriate federal, state, and/or local government agency, regardless of the size of the spill. Spills of amounts that exceed Reportable Quantities of certain substances specifically mentioned in federal regulations (40 CFR 302 list and oil) will be immediately reported to the EPA National Response Center, telephone 1-800-424-8802. Reportable Quantities of some substances which may be used at the job site are as follows:
 - oil - appearance of a film or sheen on water
 - pesticides - usually 1 lb.
 - acids - 5000 lb.
 - solvents, flammable - 100 lb.
- f) The SPCC plan will be adjusted to include measures to prevent this type of spill from recurring and how to clean up the spill if there is another one. A description of the spill, what caused it, and the cleanup measures will also be included. If the spill exceeds a Reportable Quantity, all federal regulations regarding reports of the incident will be complied with.
- g) The job site superintendent will be the spill prevention and cleanup coordinator. He will designate the individuals who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of these personnel will be posted in the material storage area and in the office trailer onsite.

VII. CONTROL OF ALLOWABLE NON-STORMWATER DISCHARGES

- A. Certain types of discharges are allowable under the NYS Department of Environmental Conservation SPDES General Permit for Construction Activity, and it is the intent of this SWPPP to allow such discharges. These types of discharges will be allowed under the conditions that no pollutants will be allowed to come in contact with the water prior to or after its discharge. The control measures, which have been outlined previously in this SWPPP, will be strictly followed to ensure that no contamination of these non-stormwater discharges takes place. The following allowable non-stormwater discharges that may occur from the job site include:
 - a) Discharges from fire fighting activities
 - b) Fire hydrant flushings (see note below)
 - c) Waters used to wash vehicles or control dust in order to minimize offsite sediment tracking
 - d) Potable water sources such as waterline flushings (see note below), irrigation drainage from watering vegetation, routine exterior building washdown (without detergents present) (See Note below)
 - e) Pavement washwaters where spills or leaks of hazardous materials have not occurred or detergents have not been used
 - f) Springs and other uncontaminated groundwater, including dewatering ground water infiltration

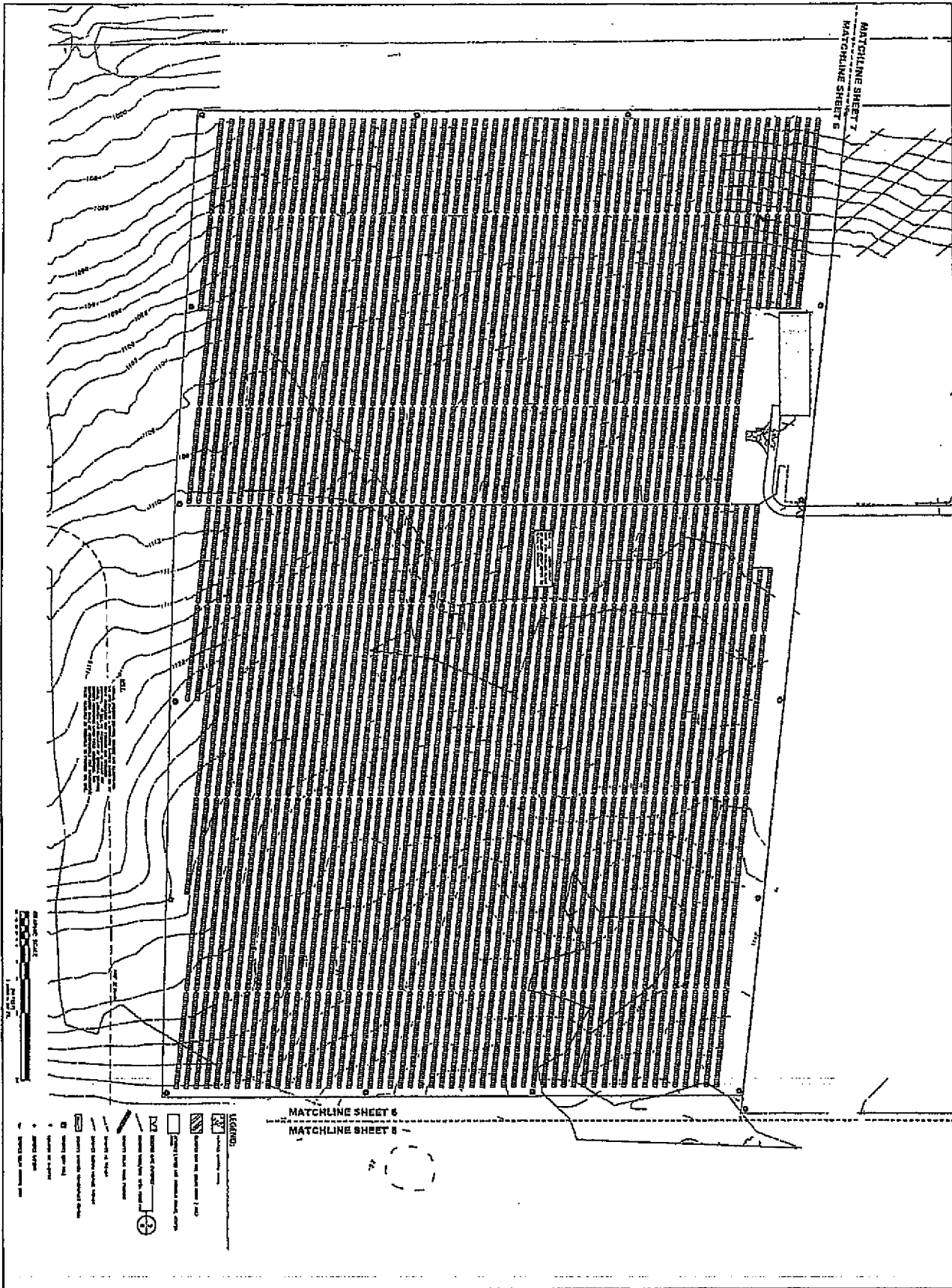
- g) Foundation or footing drains where no contamination with process materials such as solvents is present

NOTE: CONTRACTOR shall neutralize any super-chlorinated water from water distribution pipes before releasing it into the environment. Neutralization techniques are available from the Operator's Engineer.

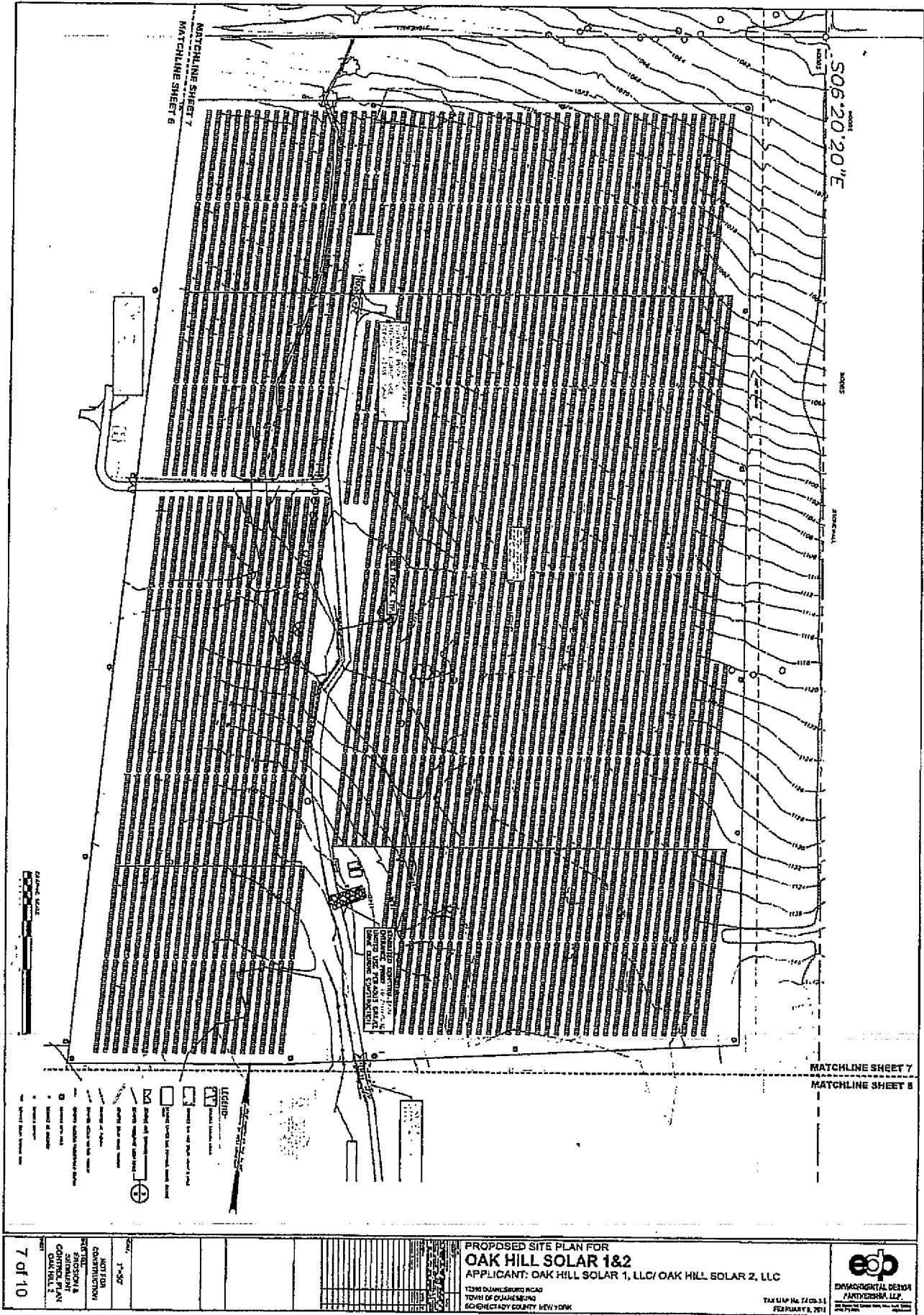
VIII. CERTIFICATION AND NOTIFICATION

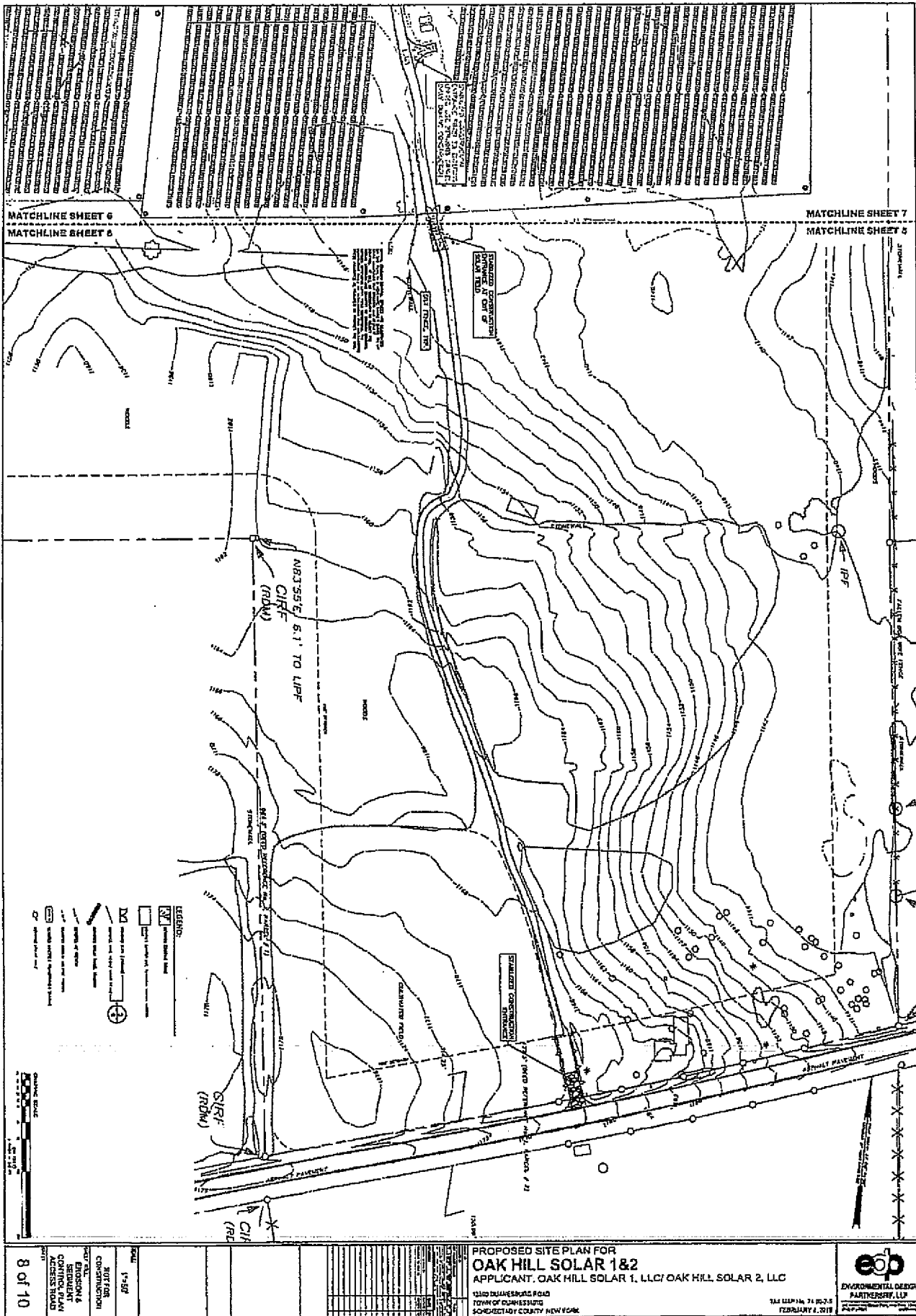
- A. The NYS Department of Environmental Conservation requires that certifications of knowledge of the contents of this SWPPP and agreement to follow the SWPPP be made by the NOI Permittee and the CONTRACTOR. The terms of the General Permit also require that each CONTRACTOR sign the SWPPP plan, (Form 3) thereby making them co-permittees and acknowledging their responsibility for certain operational aspects of the plan. These certifications should be signed before the CONTRACTOR begins activities and should be filed with the site's SWPPP at the jobsite. These certifications are provided within this document, see Table of Contents for location.

SECTION 2
Erosion and Sedimentation Control Plan
Site Map and General Location Map

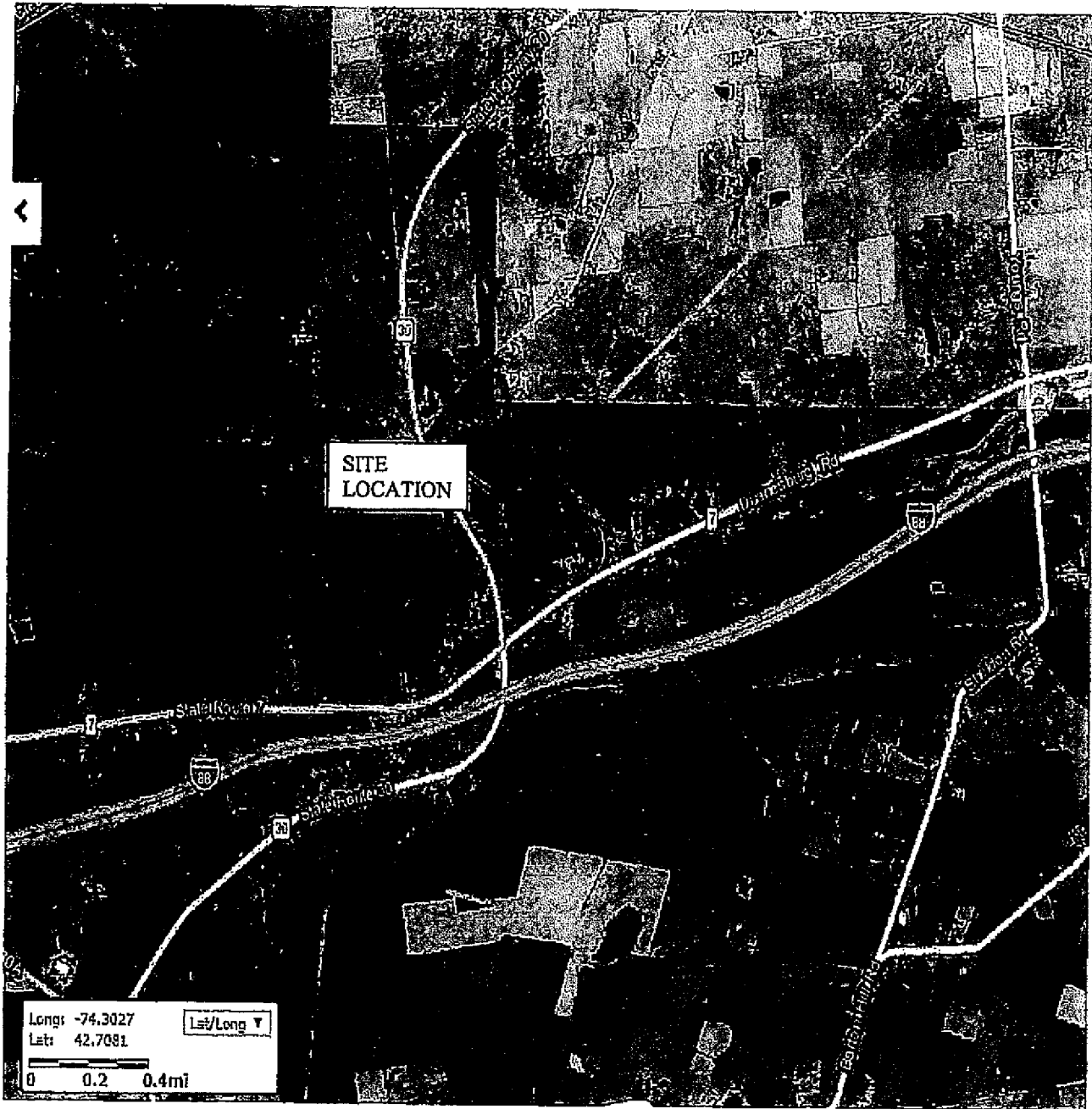


<p>6 of 10</p>	<p>DATE: 1-14-2019</p> <p>PROJECT: OAK HILL SOLAR 1&2</p> <p>CLIENT: OAK HILL SOLAR 1, LLC / OAK HILL SOLAR 2, LLC</p>	<p>PROPOSED SITE PLAN FOR OAK HILL SOLAR 1&2 APPLICANT: OAK HILL SOLAR 1, LLC / OAK HILL SOLAR 2, LLC</p>	<p>ENVIRONMENTAL DESIGN PARTNERSHIP, LLP 100 WEST 42ND STREET, 10TH FLOOR NEW YORK, NY 10018 TEL: 212 692 1000 WWW.EDPARTNERSHIP.COM</p>
		<p>11890 DULLES WOOD ROAD TOWN OF QUAKER HILLS SCHENECTADY COUNTY, NEW YORK</p> <p>TAX MAP No. 71.00-3.5 FEBRUARY 4, 2018</p>	





Site Location Map



SECTION 3

Federal, State or Local Notice of Intent (NOI)

NYSDEC NOI Acknowledgement Letter

NYSDEC MS4 SWPPP Acceptance Form

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

7/2/2019

NYSDEC eBusiness Portal System - View Submission

NOI for coverage under Stormwater General Permit for Construction Activity

version 1.18

(Submission #: 383-FRH2-21BA, version 1)

PRINTED ON 7/2/2019

Summary

Submission #:	383-FRH2-21BA	Date Submitted:	Not Submitted
Form:	NOI for coverage under Stormwater General Permit for Construction Activity version 1.18 (Oak Hill Solar Project)	Status:	Draft
Applicant:	Brandon Ferguson	Active Steps:	Form Submitted
Reference #:			
Description:	NOI for coverage under Stormwater General Permit for Construction Activity		

Notes

There are currently no Submission Notes.

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

7/2/2019

NYSDEC eBusiness Portal System - View Submission

Details

Owner/Operator Information

Owner/Operator Name (Company/Private Owner/Municipality/Agency/Institution, etc.)
Eden Renewables LLC

Owner/Operator Contact Person Last Name (NOT CONSULTANT)
Maruca

Owner/Operator Contact Person First Name
Giovanni

Owner/Operator Mailing Address
333 Broadway

City
Troy

State
NY

Zip
12180

Phone
5182334011

Email
giovanni.maruca@edenrenewables.com

Federal Tax ID
NONE PROVIDED

Project Location

Project/Site Name
Oak Hill Solar

Street Address (Not P.O. Box)
13950 Duaneburg Road

Side of Street
West

City/Town/Village (THAT ISSUES BUILDING PERMIT)
Duaneburg

State
NY

Zip
12053

County
SCHENECTADY

DEC Region
5

Name of Nearest Cross Street
Sheldon Rd

Distance to Nearest Cross Street (Feet)
1400

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

7/2/2019

NYSDEC eBusiness Portal System - View Submission

Project in Relation to Cross Street
South

Tax Map Numbers Section-Block-Parcel
74.00-2-5

Tax Map Numbers
NONE PROVIDED

1. Coordinates

Provide the Geographic Coordinates for the project site. The two methods are: - Navigate to the project location on the map (below) and click to place a marker and obtain the XY coordinates. - The "Find Me" button will provide the lat/long for the person filling out this form. Then pan the map to the correct location and click the map to place a marker and obtain the XY coordinates.

Navigate to your location and click on the map to get the X,Y coordinates
42.7205840102091,-74.26735903612035

Project Details

2. What is the nature of this project?
New Construction

3. Select the predominant land use for both pre and post development conditions.

Pre-Development Existing Landuse
Cultivated Land

Post-Development Future Land Use
Commercial

3a. If Single Family Subdivision was selected in question 3, enter the number of subdivision lots.
NONE PROVIDED

4. In accordance with the larger common plan of development or sale, enter the total project site acreage, the acreage to be disturbed and the future impervious area (acreage) within the disturbed area. * ROUND TO THE NEAREST TENTH OF AN ACRE. *****

Total Site Area (acres)
140.8

Total Area to be Disturbed (acres)
0.84

Existing Impervious Area to be Disturbed (acres)
0.0

Future Impervious Area Within Disturbed Area (acres)
0.33

5. Do you plan to disturb more than 5 acres of soil at any one time?
No

6. Indicate the percentage (%) of each Hydrologic Soil Group(HSG) at the site.

Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019

7/2/2019

NYSDEC eBusiness Portal System - View Submission

A (%)

0

B (%)

0

C (%)

100

D (%)

0

7. Is this a phased project?

No

8. Enter the planned start and end dates of the disturbance activities.

Start Date

07/04/2019

End Date

07/02/2020

9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.
State regulated wetlands

9a. Type of waterbody identified in question 9?

Wetland/State Jurisdiction On Site (Answer 9b)

Other Waterbody Type Off Site Description

NONE PROVIDED

9b. If "wetland" was selected in 9A, how was the wetland identified?

Delineated by Consultant

10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-15-002?

No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-15-002?

No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters?

No

If No, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey?

No

If Yes, what is the acreage to be disturbed?

NONE PROVIDED

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area?

Yes

15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)?

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No

16. What is the name of the municipality/entity that owns the separate storm sewer system?

NONE PROVIDED

17. Does any runoff from the site enter a sewer classified as a Combined Sewer?

No

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?

No

19. Is this property owned by a state authority, state agency, federal government or local government?

No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.)

No

Required SWPPP Components

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?

Yes

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?

No

If you answered No in question 22, skip question 23 and the Post-construction Criteria and Post-construction SMP Identification sections.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual?

24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:

Professional Engineer (P.E.)

SWPPP Preparer

Brandon Ferguson

Contact Name (Last, Space, First)

Zeglen Nick

Mailing Address

900 NY-146

City

Clifton Park

State

NY

Zip

12055

Phone

5184878095

Email

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nzegjen@edpllp.com

Download SWPPP Preparer Certification Form

Please take the following steps to prepare and upload your preparer certification form: 1) Click on the link below to download a blank certification form 2) The certified SWPPP preparer should sign this form 3) Scan the signed form 4) Upload the scanned document

Download SWPPP Preparer Certification Form

Please upload the SWPPP Preparer Certification - Attachment

NONE PROVIDED

Comment: NONE PROVIDED

Erosion & Sediment Control Criteria

25. Has a construction sequence schedule for the planned management practices been prepared?

No

26. Select all of the erosion and sediment control practices that will be employed on the project site:

Temporary Structural
Construction Road Stabilization
Silt Fence
Stabilized Construction Entrance

Biotechnical
None

Vegetative Measures
Topsoiling

Permanent Structural
None

Other
NONE PROVIDED

Post-Construction Criteria

* IMPORTANT: Completion of Questions 27-39 is not required if response to Question 22 is No.

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.
Reduction of Clearing and Grading

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).
All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout). (Acra-feet)
NONE PROVIDED

29. Post-construction SMP Identification

Use the Post-construction SMP Identification section to identify the RR techniques (Area Reduction), RR techniques(Volume Reduction) and Standard SMPs with RRv Capacity that were used to reduce the Total WQv Required (#28). Identify the SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice. Note: Redevelopment projects shall use the Post-Construction SMP Identification section

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to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

30. Indicate the Total RRV provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRV capacity identified in question 29. (acre-feet)

NONE PROVIDED

31. Is the Total RRV provided (#30) greater than or equal to the total WQv required (#28)?

If Yes, go to question 36. If No, go to question 32.

32. Provide the Minimum RRV required based on HSG. [Minimum RRV Required = (P) (0.95) (Ai) / 12, Ai=(s) (A/c)] (acre-feet)

NONE PROVIDED

32a. Is the Total RRV provided (#30) greater than or equal to the Minimum RRV Required (#32)?

If Yes, go to question 33.

Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP. If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

33. SMPs

Use the Post-construction SMP Identification section to identify the Standard SMPs and, if applicable, the Alternative SMPs to be used to treat the remaining total WQv (=Total WQv Required in #28 - Total RRV Provided in #30). Also, provide the total Impervious area that contributes runoff to each practice selected. NOTE: Use the Post-construction SMP Identification section to identify the SMPs used on Redevelopment projects.

33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRV Capacity identified in question #29. (acre-feet)

NONE PROVIDED

Note: For the standard SMPs with RRV capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRV provided (#30) and the WQv provided (#33a).

NONE PROVIDED

35. Is the sum of the RRV provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)?

If Yes, go to question 36. If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

36. Provide the total Channel Protection Storage Volume (CPv required and provided or select waiver (#36a), if applicable.

CPv Required (acre-feet)

NONE PROVIDED

CPv Provided (acre-feet)

NONE PROVIDED

36a. The need to provide channel protection has been waived because:

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37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (#37a), if applicable.

Overbank Flood Control Criteria (Qp)

Pre-Development (CFS)
NONE PROVIDED

Post-Development (CFS)
NONE PROVIDED

Total Extreme Flood Control Criteria (Qf)

Pre-Development (CFS)
NONE PROVIDED

Post-Development (CFS)
NONE PROVIDED

37a. The need to meet the Qp and Qf criteria has been waived because:

38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed?

If Yes, identify the entity responsible for the long term Operation and Maintenance
NONE PROVIDED

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). (See question #32a) This space can also be used for other pertinent project information.
NONE PROVIDED

Post-Construction SMP Identification

Runoff Reduction (RR) Techniques, Standard Stormwater Management Practices (SMPs) and Alternative SMPs

Identify the Post-construction SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

RR Techniques (Area Reduction)

Round to the nearest tenth

Total Contributing Acres for Conservation of Natural Area (RR-1)
NONE PROVIDED

Total Contributing Impervious Acres for Conservation of Natural Area (RR-1)
NONE PROVIDED

Total Contributing Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)
NONE PROVIDED

Total Contributing Impervious Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)
NONE PROVIDED

Total Contributing Acres for Tree Planting/Tree Pit (RR-3)
NONE PROVIDED

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Total Contributing Impervious Acres for Tree Planting/Tree Pit (RR-3)
NONE PROVIDED

Total Contributing Acres for Disconnection of Rooftop Runoff (RR-4)
NONE PROVIDED

RR Techniques (Volume Reduction)

Total Contributing Impervious Acres for Disconnection of Rooftop Runoff (RR-4)
NONE PROVIDED

Total Contributing Impervious Acres for Vegetated Swale (RR-5)
NONE PROVIDED

Total Contributing Impervious Acres for Rain Garden (RR-6)
NONE PROVIDED

Total Contributing Impervious Acres for Stormwater Planter (RR-7)
NONE PROVIDED

Total Contributing Impervious Acres for Rain Barrel/Cistern (RR-8)
NONE PROVIDED

Total Contributing Impervious Acres for Porous Pavement (RR-9)
NONE PROVIDED

Total Contributing Impervious Acres for Green Roof (RR-10)
NONE PROVIDED

Standard SMPs with RRV Capacity

Total Contributing Impervious Acres for Infiltration Trench (I-1)
NONE PROVIDED

Total Contributing Impervious Acres for Infiltration Basin (I-2)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Well (I-3)
NONE PROVIDED

Total Contributing Impervious Acres for Underground Infiltration System (I-4)
NONE PROVIDED

Total Contributing Impervious Acres for Bioretention (F-5)
NONE PROVIDED

Total Contributing Impervious Acres for Dry Swale (O-1)
NONE PROVIDED

Standard SMPs

Total Contributing Impervious Acres for Micropool Extended Detention (P-1)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Pond (P-2)
NONE PROVIDED

Total Contributing Impervious Acres for Wet Extended Detention (P-3)

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NONE PROVIDED

Total Contributing Impervious Acres for Multiple Pond System (P-4)

NONE PROVIDED

Total Contributing Impervious Acres for Pocket Pond (P-5)

NONE PROVIDED

Total Contributing Impervious Acres for Surface Sand Filter (F-1)

NONE PROVIDED

Total Contributing Impervious Acres for Underground Sand Filter (F-2)

NONE PROVIDED

Total Contributing Impervious Acres for Perimeter Sand Filter (F-3)

NONE PROVIDED

Total Contributing Impervious Acres for Organic Filter (F-4)

NONE PROVIDED

Total Contributing Impervious Acres for Shallow Wetland (W-1)

NONE PROVIDED

Total Contributing Impervious Acres for Extended Detention Wetland (W-2)

NONE PROVIDED

Total Contributing Impervious Acres for Pond/Wetland System (W-3)

NONE PROVIDED

Total Contributing Impervious Acres for Pocket Wetland (W-4)

NONE PROVIDED

Total Contributing Impervious Acres for Wet Swale (O-2)

NONE PROVIDED

Alternative SMPs (DO NOT INCLUDE PRACTICES BEING USED FOR PRETREATMENT ONLY)

Total Contributing Impervious Area for Hydrodynamic

NONE PROVIDED

Total Contributing Impervious Area for Wet Vault

NONE PROVIDED

Total Contributing Impervious Area for Media Filter

NONE PROVIDED

"Other" Alternative SMP?

NONE PROVIDED

Total Contributing Impervious Area for "Other"

NONE PROVIDED

Provide the name and manufacturer of the alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.

Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.

Manufacturer of Alternative SMP

NONE PROVIDED

Name of Alternative SMP

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NONE PROVIDED

Other Permits

40. Identify other DEC permits, existing and new, that are required for this project/facility.
None

If SPDES Multi-Sector GP, then give permit ID
NONE PROVIDED

If Other, then identify
NONE PROVIDED

41. Does this project require a US Army Corps of Engineers Wetland Permit?
No

If "Yes," then indicate Size of Impact, in acres, to the nearest tenth
NONE PROVIDED

42. If this NDI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned.
NONE PROVIDED

MS4 SWPPP Acceptance

43. Is this project subject to the requirements of a regulated, traditional land use control MS4?
Yes - Please attach the MS4 Acceptance form below

If No, skip question 44

44. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NDI?
No

MS4 SWPPP Acceptance Form Download

Download form from the link below. Complete, sign, and upload.

MS4 SWPPP Acceptance Form

MS4 Acceptance Form Upload - Attachment

NONE PROVIDED

Comment: NONE PROVIDED

Owner/Operator Certification

Owner/Operator Certification Form Download

Download the certification form by clicking the link below. Complete, sign, scan, and upload the form.

Owner/Operator Certification Form (PDF, 45KB)

Upload Owner/Operator Certification Form * - Attachment

NONE PROVIDED

Comment: NONE PROVIDED

Attachments

Date	Attachment Name	Context
------	-----------------	---------

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• **Status History**

Date	User	Processing Status
None		

Processing Steps

Step Name	Assigned To/Completed By	Date Completed
Form Submitted		
Deemed Complete	Toni Cloffi	

SECTION 4
Federal, State or Local NPDES General Permit



Department of
Environmental
Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP-0-15-002

Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Effective Date: January 29, 2015

Expiration Date: January 28, 2020

Modification Date:

July 14, 2015 – Correction of typographical error in definition of "New Development",
Appendix A

November 23, 2016 – Updated to require the use of the New York State Standards and
Specifications for Erosion and Sediment Control, dated November
2016. The use of this standard will be required as of February 1,
2017.

John J. Ferguson
Chief Permit Administrator


Authorized Signature

11-17-16
Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750

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PREFACE

Pursuant to Section 402 of the Clean Water Act ("CWA"), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York's *State Pollutant Discharge Elimination System ("SPDES")* is a NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law ("ECL")*.

This general permit ("permit") is issued pursuant to Article 17, Titles 7, 8 and Article 70 of the ECL. An *owner or operator* may obtain coverage under this permit by submitting a Notice of Intent ("NOI") to the Department. Copies of this permit and the NOI for New York are available by calling (518) 402-8109 or at any New York State Department of Environmental Conservation ("the Department") regional office (see Appendix G). They are also available on the Department's website at:

<http://www.dec.ny.gov/>

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of "*construction activity*", as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a point source and therefore, pursuant to Article 17-0505 of the ECL, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. They cannot wait until there is an actual *discharge* from the construction site to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES
FROM CONSTRUCTION ACTIVITIES**

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(Part I)

Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

This permit authorizes stormwater *discharges* to *surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State*.
3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities
Discharges authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize the discharge of pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the Stormwater Pollution Prevention Plan ("SWPPP") the reason(s) for the deviation or alternative design and provide information

(Part I.B.1)

which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:

- (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharges*;
- (ii) Control stormwater *discharges* to *minimize* channel and streambank erosion and scour in the immediate vicinity of the *discharge* points;
- (iii) *Minimize* the amount of soil exposed during *construction activity*;
- (iv) *Minimize* the disturbance of *steep slopes*;
- (v) *Minimize* sediment *discharges* from the site;
- (vi) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharges*, unless *infeasible*;
- (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and
- (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover.

b. **Soil Stabilization.** In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering.** *Discharges* from dewatering activities, including *discharges*

(Part I.B.1.c)

from dewatering of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures.** Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:

(i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;

(ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use); and

(iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited Discharges.** The following *discharges* are prohibited:

(i) Wastewater from washout of concrete;

(ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;

(iv) Soaps or solvents used in vehicle and equipment washing; and

(v) Toxic or hazardous substances from a spill or other release.

f. **Surface Outlets.** When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion

(Part I.B.1.f)

at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. Sizing Criteria for New Development

- (i) Runoff Reduction Volume ("RRv"): Reduce the total Water Quality Volume ("WQv") by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv

(Part I.C.2.a.ii)

that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume ("Cpv"): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
 - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
 - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria ("Qp"): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.
- (v) Extreme Flood Control Criteria ("Qf"): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.

b. Sizing Criteria for New Development in Enhanced Phosphorus Removal Watershed

- (i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be calculated in accordance with the criteria in Section 10.3 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or

(Part I.C.2.b.ii)

standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
 - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
 - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.
- (v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
 - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
 - (2) A downstream analysis reveals that overbank control is not required.

c. Sizing Criteria for Redevelopment Activity

(Part I.C.2.c.i)

(i) **Water Quality Volume (WQv):** The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.

- (1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or
- (2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or
- (3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or
- (4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

- (ii) **Channel Protection Volume (Cpv):** Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.
- (iii) **Overbank Flood Control Criteria (Qp):** Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(Part I.C.2.c.iv)

- (iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

d. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both *New Development* and *Redevelopment Activity* shall provide post-construction stormwater management controls that meet the *sizing criteria* calculated as an aggregate of the *Sizing Criteria* in Part I.C.2.a. or b. of this permit for the *New Development* portion of the project and Part I.C.2.c of this permit for *Redevelopment Activity* portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharges* necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and
3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the stormwater *discharges* authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard violation* the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharges* authorized by this permit are causing or contributing to a violation of *water quality standards*, or

(Part I.D)

If the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharges* will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

E. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity to surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.
2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharges* from *construction activities*.
3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater *discharges* may be authorized by this permit: *discharges* from firefighting activities; fire hydrant flushings; waters to which cleansers or other components have not been added that are used to wash vehicles or control dust in accordance with the SWPPP, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated *groundwater* or spring water; uncontaminated *discharges* from construction site de-watering operations; and foundation or footing drains where flows are not contaminated with process materials such as solvents. For those entities required to obtain coverage under this permit, and who *discharge* as noted in this paragraph, and with the exception of flows from firefighting activities, these *discharges* must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.
4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are not authorized by this permit:

(Part I.F)

1. *Discharges after construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;
3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;
4. *Construction activities* or *discharges from construction activities* that may adversely affect an endangered or threatened species unless the *owner or operator* has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.C.2 of this permit.
5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;
6. *Construction activities* for residential, commercial and institutional projects:
 - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
 - b. Which disturb one or more acres of land with no existing *impervious cover*; and
 - c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture ("USDA") Soil Survey for the County where the disturbance will occur.
7. *Construction activities* for linear transportation projects and linear utility projects:
 - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
 - b. Which disturb two or more acres of land with no existing *impervious cover*; and
 - c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the USDA Soil Survey for the County where the disturbance will occur.

(Part I.F.8)

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.C.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:
- a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the construction site within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the construction site within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.
 - 1-5 acres of disturbance - 20 feet
 - 5-20 acres of disturbance - 50 feet
 - 20+ acres of disturbance - 100 feet, or
 - b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
 - (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
 - (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
 - (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
 - (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or
 - c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:
 - (i) No Affect
 - (ii) No Adverse Affect

(Part I.F.8.c.iii)

(iii) Executed Memorandum of Agreement, or

d. Documentation that:

(i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharges from construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

Part II. OBTAINING PERMIT COVERAGE

A. Notice of Intent (NOI) Submittal

1. An *owner or operator of a construction activity* that is not subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the Department in order to be authorized to *discharge* under this permit. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (<http://www.dec.ny.gov/>). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address.

**NOTICE OF INTENT
NYS DEC, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, New York 12233-3505**

2. An *owner or operator of a construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI.

The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the address in Part II.A.1.

(Part II.A.2)

The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.E. (Change of *Owner or Operator*) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4*.

3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.
4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

B. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.
2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:
 - a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (<http://www.dec.ny.gov/>) for more information,
 - b. where required, all necessary Department permits subject to the *Uniform Procedures Act ("UPA")* (see 6 NYCRR Part 621) have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain *UPA* permits must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,
 - c. the final SWPPP has been prepared, and
 - d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.
3. An *owner or operator* that has satisfied the requirements of Part II.B.2 above

(Part II.B.3)

will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:

(i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or

(ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;

(iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:

(i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed "MS4 SWPPP Acceptance" form; or

(ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed "MS4 SWPPP Acceptance" form.

4. The Department may suspend or deny an *owner's or operator's* coverage

(Part II.B.4)

under this permit if the Department determines that the SWPPP does not meet the permit requirements. In accordance with statute, regulation, and the terms and conditions of this permit, the Department may deny coverage under this permit and require submittal of an application for an individual SPDES permit based on a review of the NOI or other information pursuant to Part II.

5. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.B. of this permit.

C. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination ("NOT") has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.
2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-15-002), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, and all documentation necessary to demonstrate eligibility with this permit at the construction site until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.
3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land use control MS4, the regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:
 - a. The *owner or operator* shall

(Part II.C.3.a)

have a *qualified inspector* conduct at least two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

- b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.
 - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
 - d. The *owner or operator* shall install any additional site specific practices needed to protect water quality.
 - e. The *owner or operator* shall include the requirements above in their SWPPP.
4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.
5. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the *regulated, traditional land use control MS4* in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice

(Part II.D)

D. Permit Coverage for Discharges Authorized Under GP-0-10-001

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-10-001), an *owner or operator* of a *construction activity* with coverage under GP-0-10-001, as of the effective date of GP-0-15-002, shall be authorized to *discharge* in accordance with GP-0-15-002, unless otherwise notified by the Department.

An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-15-002.

E. Change of Owner or Operator

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.A.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

(Part III)

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.
2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.
3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.
4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP:
 - a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;
 - b. whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the *discharge* of *pollutants*; and
 - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, the Department or other regulatory authority.
5. The Department may notify the *owner or operator* at any time that the

(Part III.A.5)

SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.C.4. of this permit.

6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified Inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges from construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the

(Part III.A.6)

trained contractor responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:
 - a. Background information about the scope of the project, including the location, type and size of project;
 - b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge(s)*;
 - c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
 - d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other

(Part III.B.1.d)

- activity at the site that results in soil disturbance;
- e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
 - f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;
 - g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
 - h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
 - i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;
 - j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;
 - k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the construction site; and
 - l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design

(Part III.B.1.)

and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

The post-construction stormwater management practice component of the SWPPP shall include the following:

- a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;
- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
- c. A Stormwater Modeling and Analysis Report that includes:
 - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
 - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
 - (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;
 - (iv) Summary table, with supporting calculations, which demonstrates

(Part III.B.2.c.iv)

that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

- (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and
 - (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;
- d. Soil testing results and locations (test pits, borings);
 - e. Infiltration test results, when required; and
 - f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.
3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria*, Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

C. Required SWPPP Components by Project Type

Unless otherwise notified by the Department, *owners or operators* of *construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators* of the *construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

(Part IV)

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.
2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.
2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

(Part IV.C)

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- Registered Landscape Architect, or
- someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:
 - a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
 - b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
 - c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
 - d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.
2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:
 - a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.
 - b. For construction sites where soil disturbance activities are on-going and

(Part IV.C.2.b)

the *owner or operator* has received authorization in accordance with Part II.C.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.

d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization*, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "*Final Stabilization*" and "*Post-Construction Stormwater Management Practice*" certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.A.1 of this permit.

e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall

(Part IV.C.2.e)

be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of *discharge* from the construction site.
4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
 - a. Date and time of inspection;
 - b. Name and title of person(s) performing inspection;
 - c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
 - d. A description of the condition of the runoff at all points of *discharge* from the construction site. This shall include identification of any *discharges* of sediment from the construction site. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
 - e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;
 - f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;
 - g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
 - h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

(Part IV.C.4.i)

- i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
 - j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);
 - k. Identification and status of all corrective actions that were required by previous inspection; and
 - l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
 6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.C.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.A.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

(Part V.A.2)

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:
 - a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;
 - b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;
 - c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.E. of this permit.
 - d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.
3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.
4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the "MS4 Acceptance" statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector's* final site inspection certification(s) required in Part V.A.3. of this permit.

(Part V.A.5)

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:
 - a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,
 - b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),
 - c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,
 - d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION OF RECORDS

A. Record Retention

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

B. Addresses

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.A.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.

(Part VII)

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

C. Enforcement

Failure of the *owner or operator*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

(Part VII.E)

E. Duty to Mitigate

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

G. Other Information

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit, or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

H. Signatory Requirements

1. All NOIs and NOTs shall be signed as follows:

a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the

(Part VII.H.1.a.i)

corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) the chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named

(Part VII.H.2.b)

individual or any individual occupying a named position) and,

- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.
3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.
4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person.

It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

J. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any *owner or operator* authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any *discharger* authorized by a general permit to apply for an individual SPDES permit, it shall notify the *discharger* in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from *owner or operator* receipt of the notification letter, whereby the authorization to

(Part VII.K.1)

discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge(s)*, the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. Proper Operation and Maintenance

The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a construction site which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *owner's or operator's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.
4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

(Part VII.N)

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

O. Definitions

Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with *construction activity* covered by this permit, the *owner or operator* of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

APPENDIX A

Definitions

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both "sewage" and "stormwater".

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for "*Construction Activity(ies)*" also.

Construction Activity(ies) - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a construction site by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a construction site to a separate storm sewer system and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or point source.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Equivalent (Equivalence) – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied

on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Infeasible -- means not technologically possible, or not economically practicable and achievable in light of best industry practices.

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,

ditches, man-made
channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a *combined sewer*; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

New Development – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

Performance Criteria – means the design criteria listed under the "Required Elements" sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Pollutant - means dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in 6 NYCRR Parts 700 et seq .

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is required to gain coverage under New York State DEC's SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s).

Routine Maintenance Activity - means *construction activity* that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Stream bank restoration projects (does not include the placement of spoil material),
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), Overbank Flood (Qp), and Extreme Flood (Qf):

State Pollutant Discharge Elimination System (SPDES) - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Steep Slope – means land area with a Soil Slope Phase that is identified as an E or F, or

the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture ("USDA") Soil Survey for the County where the disturbance will occur.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part

621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

APPENDIX B

Required SWPPP Components by Project Type

Table 1
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP
THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:</p> <ul style="list-style-type: none"> • Single family home <u>not</u> located in one of the watersheds listed in Appendix C or <u>not directly discharging</u> to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions with 25% or less impervious cover at total site build-out and <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E • Construction of a barn or other agricultural building, silo, stock yard or pen.
<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none"> • Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains • Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects • Bike paths and trails • Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project • Slope stabilization projects • Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics • Spoil areas that will be covered with vegetation • Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that <i>alter hydrology from pre to post development</i> conditions • Athletic fields (natural grass) that do not include the construction or reconstruction of <i>impervious area</i> and do not <i>alter hydrology from pre to post development</i> conditions • Demolition project where vegetation will be established and no redevelopment is planned • Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with <i>impervious cover</i> • Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area
<p>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</p> <ul style="list-style-type: none"> • All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES
POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development conditions*
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other agricultural building (e.g. silo) and structural practices as identified in Table 11 in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional, includes hospitals, prisons, schools and colleges
- Industrial facilities, includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's and water treatment plants
- Office complexes
- Sports complexes
- Racetracks, includes racetracks with earthen (dirt) surface
- Road construction or reconstruction
- Parking lot construction or reconstruction
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development conditions*
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover*, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- 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

APPENDIX C

Watersheds Where Enhanced Phosphorus Removal Standards Are Required

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual ("Design Manual").

- Entire New York City Watershed located east of the Hudson River - Figure 1
- Onondaga Lake Watershed - Figure 2
- Greenwood Lake Watershed - Figure 3
- Oscawana Lake Watershed - Figure 4
- Kinderhook Lake Watershed - Figure 5

Figure 1 - New York City Watershed East of the Hudson

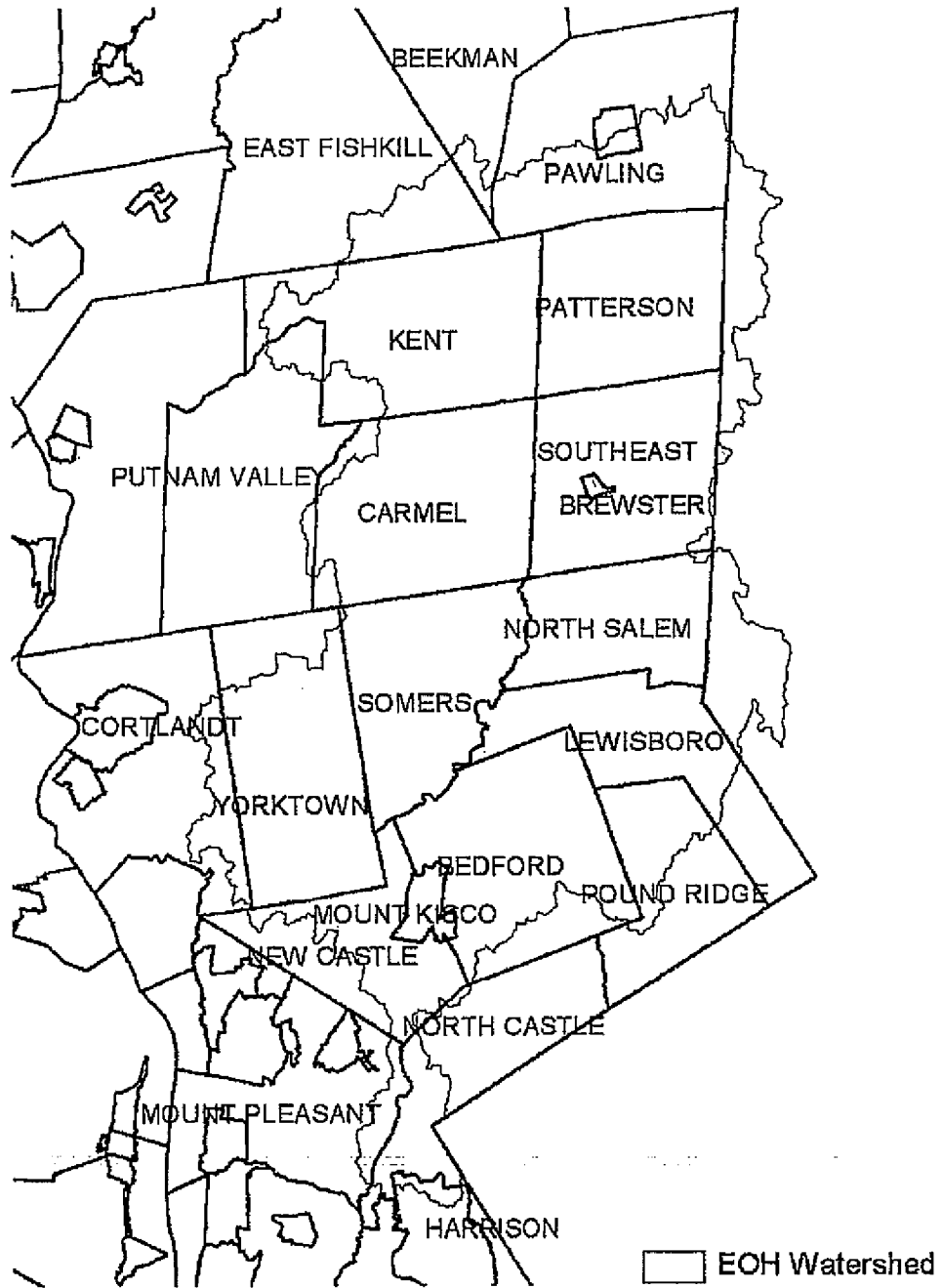


Figure 2 - Onondaga Lake Watershed

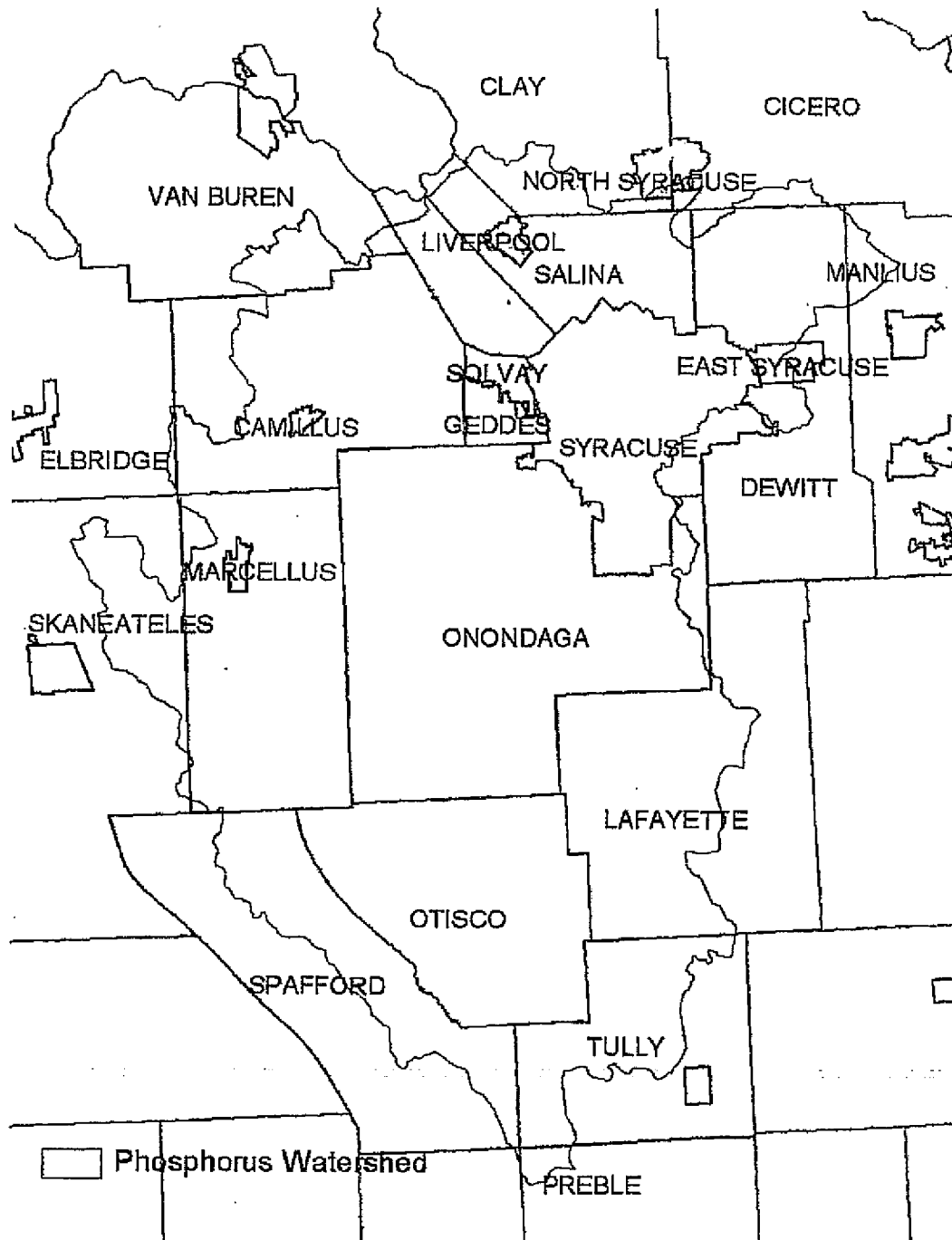


Figure 3 - Greenwood Lake Watershed

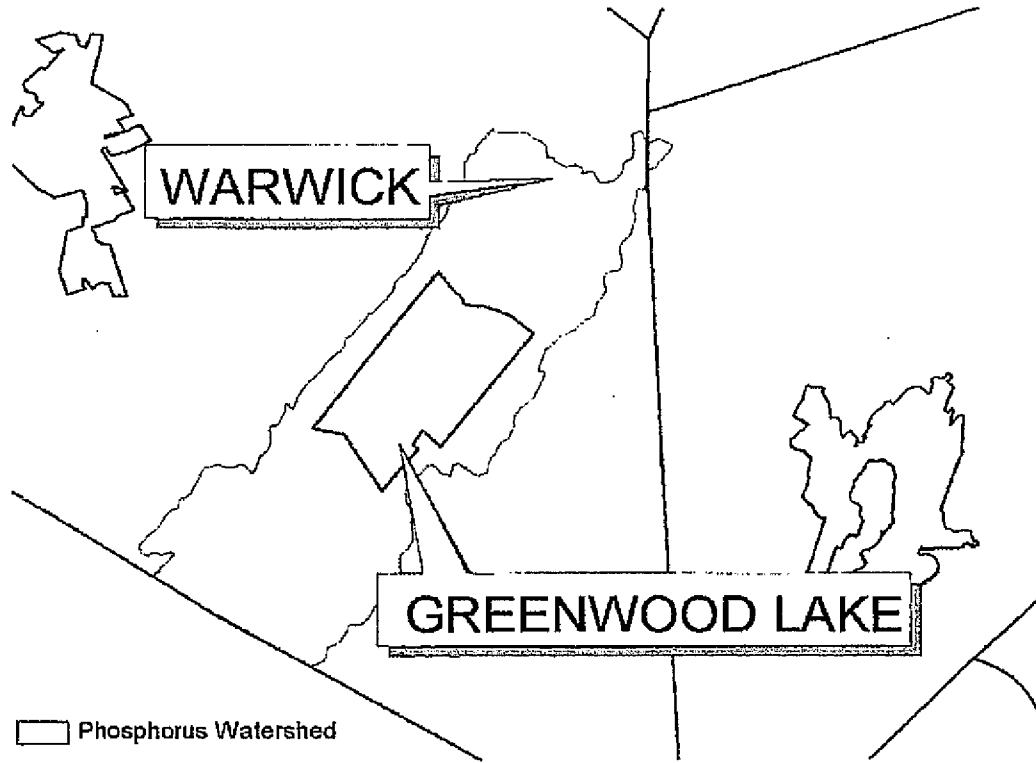


Figure 4 - Oscawana Lake Watershed

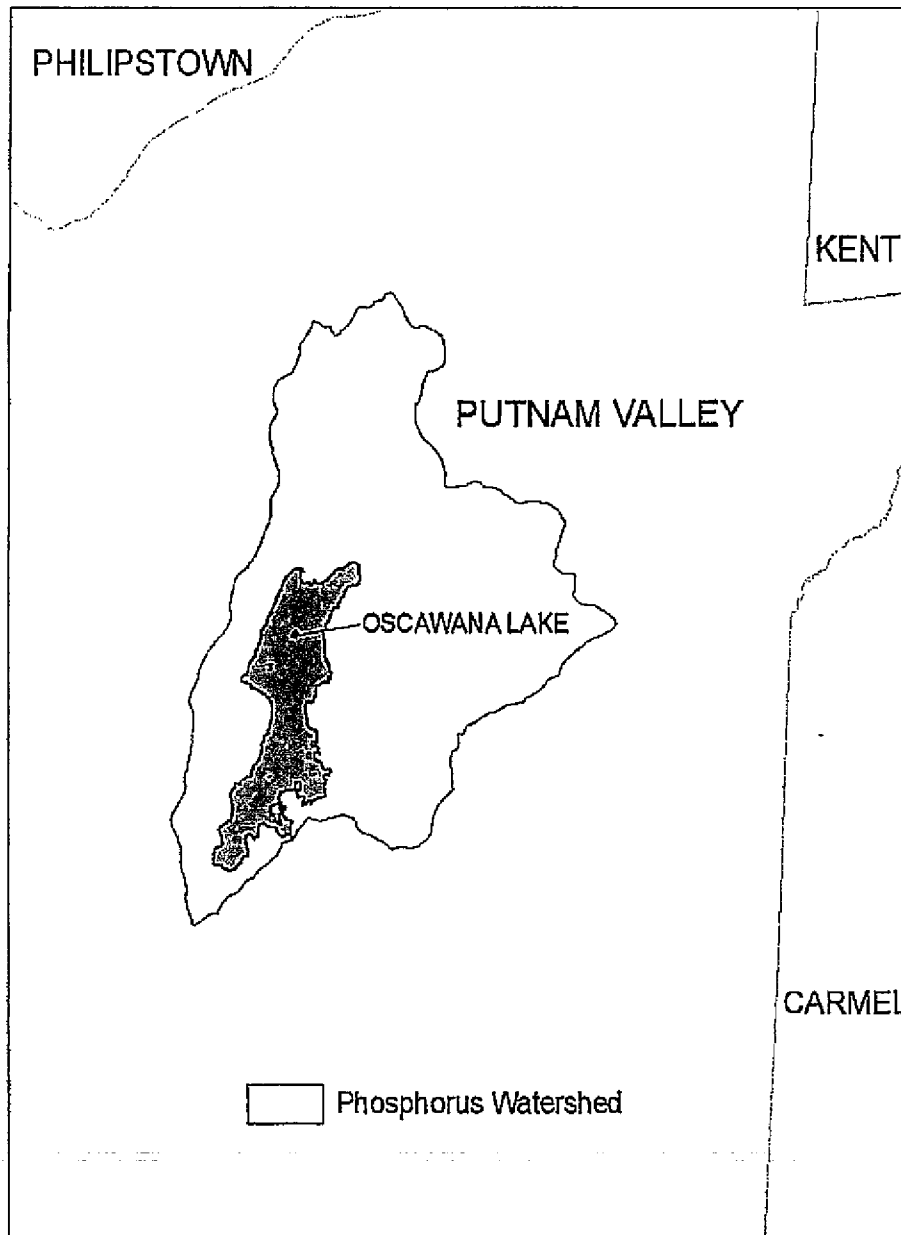
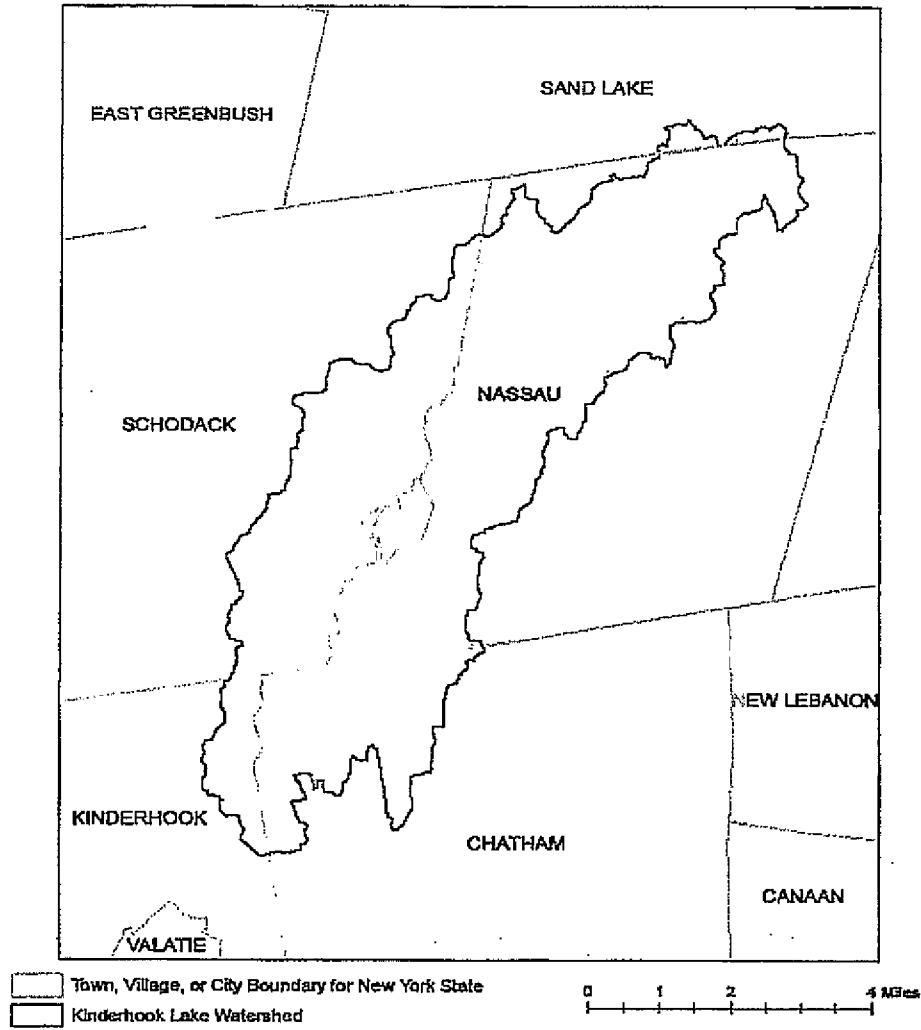


Figure 5: Kinderhook Lake Watershed



APPENDIX D

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C

APPENDIX E

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	COUNTY	WATERBODY
Albany	Ann Lee (Shakers) Pond, Stump Pond	Greene	Sleepy Hollow Lake
Albany	Basic Creek Reservoir	Herkimer	Steele Creek tribs
Allegheny	Amity Lake, Saunders Pond	Kings	Hendrix Creek
Bronx	Van Cortlandt Lake	Lewis	Mill Creek/South Branch and tribs
Broome	Whitney Point Lake/Reservoir	Livingston	Conesus Lake
Broome	Fly Pond, Deer Lake	Livingston	Jaycox Creek and tribs
Broome	Minor Tribs to Lower Susquehanna (north)	Livingston	Mill Creek and minor tribs
Cattaraugus	Allegheny River/Reservoir	Livingston	Bradner Creek and tribs
Cattaraugus	Case Lake	Livingston	Christie Creek and tribs
Cattaraugus	Lilyco/Club Pond	Monroe	Lake Ontario Shoreline, Western
Cayuga	Duck Lake	Monroe	Mill Creek/Blue Pond Outlet and tribs
Chautauqua	Chautauqua Lake, North	Monroe	Rochester Embayment - East
Chautauqua	Chautauqua Lake, South	Monroe	Rochester Embayment - West
Chautauqua	Bear Lake	Monroe	Unnamed Trib to Honeoye Creek
Chautauqua	Chadakoin River and tribs	Monroe	Genesee River, Lower, Main Stem
Chautauqua	Lower Cassadaga Lake	Monroe	Genesee River, Middle, Main Stem
Chautauqua	Middle Cassadaga Lake	Monroe	Black Creek, Lower, and minor tribs
Chautauqua	Findley Lake	Monroe	Buck Pond
Clinton	Great Chazy River, Lower, Main Stem	Monroe	Long Pond
Columbia	Kinderhook Lake	Monroe	Cranberry Pond
Columbia	Robinson Pond	Monroe	Mill Creek and tribs
Dutchess	Hillside Lake	Monroe	Shipbuilders Creek and tribs
Dutchess	Wappinger Lakes	Monroe	Minor tribs to Irondequoit Bay
Dutchess	Fall Kill and tribs	Monroe	Thomas Creek/White Brook and tribs
Erie	Green Lake	Nassau	Glen Cove Creek, Lower, and tribs
Erie	Scajaquada Creek, Lower, and tribs	Nassau	LI Tribs (fresh) to East Bay
Erie	Scajaquada Creek, Middle, and tribs	Nassau	East Meadow Brook, Upper, and tribs
Erie	Scajaquada Creek, Upper, and tribs	Nassau	Hempstead Bay
Erie	Rush Creek and tribs	Nassau	Hempstead Lake
Erie	Ellicott Creek, Lower, and tribs	Nassau	Grant Park Pond
Erie	Beeman Creek and tribs	Nassau	Beaver Lake
Erie	Murder Creek, Lower, and tribs	Nassau	Camaans Pond
Erie	South Branch Smoke Cr, Lower, and tribs	Nassau	Halls Pond
Erie	Little Sister Creek, Lower, and tribs	Nassau	LI Tidal Tribs to Hempstead Bay
Essex	Lake George (primary county: Warren)	Nassau	Massapequa Creek and tribs
Genesee	Black Creek, Upper, and minor tribs	Nassau	Reynolds Channel, east
Genesee	Tonawanda Creek, Middle, Main Stem	Nassau	Reynolds Channel, west
Genesee	Oak Orchard Creek, Upper, and tribs	Nassau	Silver Lake, Loftis Pond
Genesee	Bowen Brook and tribs	Nassau	Woodmere Channel
Genesee	Bigelow Creek and tribs	Niagara	Hyde Park Lake
Genesee	Black Creek, Middle, and minor tribs	Niagara	Lake Ontario Shoreline, Western
Genesee	LeRoy Reservoir	Niagara	Bergholtz Creek and tribs
Greene	Schoharie Reservoir	Oneida	Ballou, Nail Creeks
		Onondaga	Ley Creek and tribs
		Onondaga	Onondaga Creek, Lower and tribs

APPENDIX E

List of 303(d) segments impaired by pollutants related to construction activity, cont'd.

COUNTY	WATERBODY	COUNTY	WATERBODY
Onondaga	Onondaga Creek, Middle and tribs	Suffolk	Great South Bay, West
Onondaga	Onondaga Creek, Upp, and minor tribs	Suffolk	Mill and Seven Ponds
Onondaga	Harbor Brook, Lower, and tribs	Suffolk	Moriches Bay, East
Onondaga	Ninemile Creek, Lower, and tribs	Suffolk	Moriches Bay, West
Onondaga	Minor tribs to Onondaga Lake	Suffolk	Quantuck Bay
Onondaga	Onondaga Creek, Lower, and tribs	Suffolk	Shinnecock Bay (and Inlet)
Ontario	Honeoye Lake	Sullivan	Bodine, Montgomery Lakes
Ontario	Hemlock Lake Outlet and minor tribs	Sullivan	Davies Lake
Ontario	Great Brook and minor tribs	Sullivan	Pleasure Lake
Orange	Monhagen Brook and tribs	Sullivan	Swan Lake
Orange	Orange Lake	Tompkins	Cayuga Lake, Southern End
Orleans	Lake Ontario Shoreline, Western	Tompkins	Owasco Inlet, Upper, and tribs
Oswego	Pleasant Lake	Ulster	Ashokan Reservoir
Oswego	Lake Neatahwanta	Ulster	Esopus Creek, Upper, and minor tribs
Putnam	Oscawana Lake	Ulster	Esopus Creek, Lower, Main Stem
Putnam	Palmer Lake	Ulster	Esopus Creek, Middle, and minor tribs
Putnam	Lake Carmel	Warren	Lake George
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Warren	Tribs to L.George, Village of L. George
Queens	Bergen Basin	Warren	Huddle/Finkle Brooks and tribs
Queens	Shellbank Basin	Warren	Indian Brook and tribs
Rensselaer	Nassau Lake	Warren	Hague Brook and tribs
Rensselaer	Snyders Lake	Washington	Tribs to L.George, East Shr Lk George
Richmond	Grasmere, Arbutus and Wolfes Lakes	Washington	Cossayuna Lake
Rockland	Congers Lake, Swartout Lake	Washington	Wood Cr/Champlain Canal, minor tribs
Rockland	Rockland Lake	Wayne	Port Bay
Saratoga	Ballston Lake	Wayne	Marbletown Creek and tribs
Saratoga	Round Lake	Westchester	Lake Katonah
Saratoga	Dwaas Kill and tribs	Westchester	Lake Mohagan
Saratoga	Tribs to Lake Lonely	Westchester	Lake Shenorock
Saratoga	Lake Lonely	Westchester	Reservoir No.1 (Lake Isle)
Schenectady	Collins Lake	Westchester	Saw Mill River, Middle, and tribs
Schenectady	Duane Lake	Westchester	Silver Lake
Schenectady	Marlville Lake	Westchester	Teatown Lake
Schoharie	Engleville Pond	Westchester	Truesdale Lake
Schoharie	Summit Lake	Westchester	Wallace Pond
Schuyler	Cayuta Lake	Westchester	Peach Lake
St. Lawrence	Fish Creek and minor tribs	Westchester	Mamaroneck River, Lower
St. Lawrence	Black Lake Outlet/Black Lake	Westchester	Mamaroneck River, Upp, and tribs
Stauben	Lake Salubria	Westchester	Sheldrake River and tribs
Stauben	Smith Pond	Westchester	Blind Brook, Lower
Suffolk	Millers Pond	Westchester	Blind Brook, Upper, and tribs
Suffolk	Mattituck (Marratooka) Pond	Westchester	Lake Lincolndale
Suffolk	Tidal tribs to West Moriches Bay	Westchester	Lake Meahaugh
Suffolk	Canaan Lake	Wyoming	Java Lake
Suffolk	Lake Ronkonkoma	Wyoming	Silver Lake
Suffolk	Beaverdam Creek and tribs		
Suffolk	Big/Little Fresh Ponds		
Suffolk	Fresh Pond		
Suffolk	Great South Bay, East		
Suffolk	Great South Bay, Middle		

Note: The list above identifies those waters from the final New York State "2014 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy", dated January 2015, that are impaired by silt, sediment or nutrients.

APPENDIX F

LIST OF NYS DEC REGIONAL OFFICES

Region	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, Po Box 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD WARRENSBURG, NY 12885-1172 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 783-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUGUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

SECTION 5
Certifications, Forms, Reports, and Daily Logs

STORMWATER POLLUTION PREVENTION PLAN
NOI PERMITTEE'S CERTIFICATION

FORM 1

Construction Site
OAK HILL SOLAR PROJECT
Town of DUANESBURG, SCHENECTADY COUNTY, New York

STORMWATER POLLUTION PREVENTION PLAN DATED July 2019

NOI PERMITTEE'S CERTIFICATION:

"I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that false statements made herein are punishable as a class A misdemeanor pursuant to Section 210.45 of the Penal Law."

NOI Permittee's
Designated Project Manager: _____

Signed: _____

Printed Name: _____

Position: _____

Date: _____

NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

**STORMWATER POLLUTION PREVENTION PLAN
CONTRACTOR'S CERTIFICATION LOG**

FORM 2

**Construction Site
OAK HILL SOLAR PROJECT
Town of DUANESBURG, SCHENECTADY COUNTY, New York**

Company Name	
Address	
Contact Name	
Telephone Number	
Cell Phone/Pager	
Scope of Services	
Certification Date	

Company Name	
Address	
Contact Name	
Telephone Number	
Cell Phone/Pager	
Scope of Services	
Certification Date	

Company Name	
Address	
Contact Name	
Telephone Number	
Cell Phone/Pager	
Scope of Services	
Certification Date	

Designated Project Manager _____

NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

STORMWATER POLLUTION PREVENTION PLAN
CONTRACTOR'S/SUBCONTRACTOR'S CERTIFICATION
FORM 3

This form to be completed for each contractor listed on Form 2. Reproduce as needed

Construction Site
OAK HILL SOLAR PROJECT
Town of DUANESBURG, SCHENECTADY COUNTY, New York
CONSTRUCTION POLLUTION PREVENTION PROGRAM
DATED February 2019

CONTRACTOR'S CERTIFICATION:

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations."

The Contractor/Subcontractor further understands that the SWPPP and associated Erosion and Sediment Control Plans represent the **MINIMUM** erosion and sediment control measures that will be required to protect the site during construction. Additional erosion and sediment control measures will be necessary during construction. It will be the responsibility of Contractor/Subcontractor to implement all additional erosion and sediment control measures necessary to protect the site during construction.

CONTRACTOR:

Name (Print): _____

Signature: _____

Date: _____

Title: _____

Company Name: _____

Address: _____

Phone: _____

SUBCONTRACTOR:

Name (Print): _____

Signature: _____

Date: _____

Title: _____

Company Name: _____

Address: _____

Phone: _____

Elements of SWPPP Contractor/Subcontractor responsible for: _____

Name of Trained Contractor Responsible for SWPPP Implementation: _____

Title of Trained Contractor Responsible for SWPPP Implementation: _____

NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

FORM 4
EDEN RENEWABLES
OAK HILL SOLAR PROJECT
SWPPP # _____

This form to be completed by Contractor's designated inspector at least weekly. Reproduce as needed.

SWPPP INSPECTION REPORTS

Page 1 of _____
Date _____

Weather and Soil Conditions

Weather Conditions: _____

Soil Conditions: Dry Wet Saturated Snow Covered Frozen

Maintaining Water Quality

Yes No NA

- Is there an increase in turbidity causing a substantial visible contrast to natural conditions?
 Is there residue from oil and floating substances, visible oil film, or globules or grease?
 All disturbance is within the limits of the approved plans.
 Have receiving lake/bay, stream, and/or wetland been impacted by silt from project?

Housekeeping

1. General Site Conditions

Yes No NA

- Is construction site litter and debris appropriately managed?
 Are facilities and equipment necessary for implementation of erosion and sediment control in working order and/or properly maintained?
 Is construction impacting the adjacent property?
 Is dust adequately controlled?

2. Temporary Stream Crossing

Yes No NA

- Maximum diameter pipes necessary to span creek without dredging are installed.
 Installed non-woven geotextile fabric beneath approaches.
 Is fill composed of aggregate (no earth or soil)?
 Rock on approaches is clean enough to remove mud from vehicles and prevent sediment from entering stream during high flow.

Runoff Control Practices

1. Excavation Dewatering

Yes No NA

- Upstream and downstream berms (sandbags, inflatable dams, etc.) are installed per plan.
 Clean water from upstream pool is being pumped to the downstream pool.
 Sediment-laden water from work area is being discharged to a silt-trapping device.
 Constructed upstream berm with one-foot minimum freeboard.

2. Water Bar

Yes No NA

- Installed per plan with vehicle crossings stabilized with gravel.
 Outlet located on undisturbed soil or lined with riprap.
 Bar height is 12-inch minimum from bottom of channel with minimum base width of 6-foot.

3. Interceptor Dikes and Swales

Yes No NA

- Installed per plan with minimum side slopes 1V:3H or flatter.
 Stabilized by geotextile fabric, seed, or mulch with no erosion occurring.
 Sediment-laden runoff directed to sediment trapping structure.

NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

FORM 4
EDEN RENEWABLES
OAK HILL SOLAR PROJECT
SWPPP # _____

This form to be completed by Contractor's designated inspector at least weekly. Reproduce as needed.

SWPPP INSPECTION REPORT

Page 2 of _____

Date _____

4. Stone Check Dam

Yes No NA

Is channel stable? (flow is not eroding soil underneath or around the structure).

Check is in good condition (rocks in place and no permanent pools behind the structure).

Has accumulated sediment been removed?

5. Rock Outlet Protection

Yes No NA

Installed per plan.

Installed concurrently with pipe installation.

Soil Stabilization

1. Topsoil and Spoil Stockpiles

Yes No NA

Stockpiles are stabilized with vegetation and/or mulch.

Sediment control is installed at the toe of the slope.

2. Revegetation

Yes No NA

Temporary seedings and mulch have been applied to idle areas.

Four inches minimum of topsoil has been applied under permanent seedings.

Sediment Control Practices

1. Stabilized Construction Entrance

Yes No NA

Stone is clean enough to effectively remove mud from vehicles.

Installed per standards and specifications?

Does all traffic use the stabilized entrance to enter and leave site?

Is adequate drainage provided to prevent ponding at entrance?

2. Silt Fence

Yes No NA

Installed on Contour, ten feet from toe of slope (not across conveyance channels).

Joints constructed by wrapping the two ends together for continuous support.

Fabric buried six inches minimum.

Posts are stable, fabric is tight and without rips or frayed areas.

Sediment accumulation is _____% of design capacity.

3. Storm Drain Inlet Protection (Use for Stone & Block; Filter Fabric; Curb; or, Excavated practices)

Yes No NA

Installed concrete blocks lengthwise so open ends face outward, not upward.

Placed wire screen between No. 3 crushed stone and concrete blocks.

Drainage area is one acre or less.

Excavated area is 900 cubic feet.

Excavated side slopes should be 2:1.

2" x 4" frame is constructed and structurally sound.

Posts three-foot maximum spacing between posts.

Fabric is embedded 1 to 1.5 feet below ground and secured to frame/posts with staples at

maximum eight inch spacing.

Posts are stable, fabric is tight and without rips or frayed areas.

Sediment accumulation _____% of design capacity.

NOI Permittee: EDEN RENEWABLES LLC

OAK HILL SOLAR PROJECT

FORM 4
EDEN RENEWABLES
OAK HILL SOLAR PROJECT
SWPPP # _____

This form to be completed by Contractor's designated inspector at least weekly. Reproduce as needed.

SWPPP INSPECTION REPORT

Page 3 of _____
Date _____

4. Temporary Sediment Trap

Yes No NA

- Outlet structure is constructed per the approved plan or drawing.
 - Geotextile fabric has been placed beneath rock fill.
- Sediment accumulation is ___ % of design capacity.

5. Temporary Sediment Basin

Yes No NA

- Basin and outlet structure constructed per the approved plan.
 - Basin side slopes are stabilized with seed/mulch.
 - Drainage structure flushed and basin surface restored upon removal of sediment basin facility.
- Sediment accumulation is ___ % of design capacity.

Dust Control Practices

1. Haul Road and Current Work Areas

Yes No NA

- Are all traffic surface areas sufficiently treated to prevent fugitive dust?
- Are any areas of site's non-traffic and work area experiencing wind erosion?
- Are there any disturbed areas in need of temporary seed and mulch to protect surface from wind erosion?
- Is watering truck on-site?
- Is dust visible in air at any location of the site?

Note: Not all erosion and sediment control practices are included in this listing. Add additional pages to this list as required by site-specific design.
Construction inspection checklists for post-development stormwater management practices can be found in Appendix F of the New York Stormwater Management Design Manual.

Description of condition of runoff at all points of discharge from the construction site. (This shall include identification of discharges of sediment from the construction site. Include discharges from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow.) _____

Description of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection (see Page 5 for Sketch). _____

FORM 4
EDEN RENEWABLES
OAK HILL SOLAR PROJECT
SWPPP # _____

This form to be completed by Contractor's designated inspector at least weekly. Reproduce as needed.

SWPPP INSPECTION REPORT

Page 4 of _____
Date _____

ADDITIONAL COMMENTS*:

Inspector (print name and title) _____

Date and Time of Inspection _____

Qualified Professional (print name) _____

Qualified Professional Signature _____

The above signed acknowledges that, to the best of his/her knowledge, all information provided on the forms is accurate and complete.

*Attach photographs of practices identified as needing corrective actions.

NOTE: IN ACCORDANCE WITH PART IV.C.4 OF THE SPDES GENERAL PERMIT (GP-0-15-002), THE QUALIFIED INSPECTOR MUST NOTIFY THE OWNER OR OPERATOR AND APPROPRIATE CONTRACTOR OF ANY CORRECTIVE ACTIONS THAT NEED TO BE TAKEN. THE CONTRACTOR SHALL BEGIN IMPLEMENTING THE CORRECTIVE ACTIONS WITHIN ONE (1) BUSINESS DAY OF THIS NOTIFICATION AND SHALL COMPLETE THE CORRECTIVE ACTIONS IN A REASONABLE TIME FRAME.

NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

STORMWATER POLLUTION PREVENTION PLAN
MODIFICATION REPORT
FORM 5

This form to be used only when Contractor's designated inspector believes changes to the SWPPP and/or Erosion and Sediment control plans is warranted. For example, additional erosion control measures needed or removal of specific control measures can be done without adverse impact. This form must be approved by Designated Project Manager prior to implementation.

Construction Site
OAK HILL SOLAR PROJECT
Town of DUANESBURG, SCHENECTADY COUNTY, New York

CHANGES REQUIRED FOR STORMWATER POLLUTION PREVENTION PLAN

To:	Designated Project Manager	Date:
Address:		
Telephone:		
Facsimile:		
Sent Via:	<input type="checkbox"/> Facsimile	<input type="checkbox"/> E-mail
		<input type="checkbox"/> US Mail

INSPECTOR: _____ DATE: _____
(Print)

(Signature)

QUALIFICATIONS OF INSPECTOR: _____

CHANGES REQUIRED TO THE STORMWATER POLLUTION PREVENTION PLAN: _____

REASONS FOR CHANGES: _____

TO BE PERFORMED BY: _____ ON OR BEFORE: _____

APPROVED BY DESIGNATED PROJECT MANAGER _____ DATE: _____

NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

STORMWATER POLLUTION PREVENTION PLAN
RECORD OF STABILIZATION AND CONSTRUCTION ACTIVITIES
FORM 6

Construction Site
OAK HILL SOLAR PROJECT

Town of DUANESBURG, SCHENECTADY COUNTY, New York

A record of dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be maintained until final site stabilization is achieved and the Notice of Termination is filed. *Reproduce copies of this form as needed.*

MAJOR GRADING, CONSTRUCTION, OR STABILIZATION ACTIVITIES

Description of Activity: _____

Begin Date: _____ Site Contractor: _____

Location: _____

End Date: _____

Description of Activity: _____

Begin Date: _____ Site Contractor: _____

Location: _____

End Date: _____

Description of Activity: _____

Begin Date: _____ Site Contractor: _____

Location: _____

End Date: _____

Description of Activity: _____

Begin Date: _____ Site Contractor: _____

Location: _____

End Date: _____

Description of Activity: _____

Begin Date: _____ Site Contractor: _____

Location: _____

End Date: _____

Designated Project Manager _____

NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

STORMWATER POLLUTION PREVENTION PLAN
RECORD OF TEMPORARY EROSION AND SEDIMENT CONTROL PRACTICES
FORM 6A

Construction Site
OAK HILL SOLAR PROJECT

Town of DUANESBURG, SCHENECTADY COUNTY, New York

A record of the timing of temporary erosion and sediment control practices to be implemented, including the timing of initial placement and the duration that each practice should remain in place. The record may reflect the actual date of planned installation or the specific construction activity with which it will be associated. The timing of removal may reflect an actual date or the length of time over which the practice will be implemented.

TEMPORARY EROSION AND SEDIMENT CONTROL PRACTICES

Description of Practice: _____

Date/Timing of Initial Placement: _____ Site Contractor: _____

Location: _____

Projected Date/Timing of Removal: _____

Description of Practice: _____

Date/Timing of Initial Placement: _____ Site Contractor: _____

Location: _____

Projected Date/Timing of Removal: _____

Description of Practice: _____

Date/Timing of Initial Placement: _____ Site Contractor: _____

Location: _____

Projected Date/Timing of Removal: _____

Description of Practice: _____

Date/Timing of Initial Placement: _____ Site Contractor: _____

Location: _____

Projected Date/Timing of Removal: _____

Description of Practice: _____

Date/Timing of Initial Placement: _____ Site Contractor: _____

Location: _____

Projected Date/Timing of Removal: _____

Designated Project Manager _____

NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

**Exhibit 10: Additional Information Supplied at the Board's Request
on June 6, 2019**

YEAR 20__

**STORMWATER POLLUTION PREVENTION PLAN
PROJECT RAINFALL LOG (to be completed by Contractor)**

FORM 7

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Day												
1												
2												
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31												
PM Initials												

NOI Permittee: EDEN RENEWABLES LLC
OAK HILL SOLAR PROJECT

STORMWATER POLLUTION PREVENTION PLAN
FINAL STABILIZATION CERTIFICATION /NOTICE OF TERMINATION CHECKLIST
FORM 8

This form is to be completed by Contractor and submitted to Designated Project Manager for approval only after Contractor believes all work regulated by SWPPP is complete.

Construction Site
OAK HILL SOLAR PROJECT
Town of DUANESBURG, SCHENECTADY COUNTY, New York

1. All soil disturbing activities are complete.
2. Temporary Erosion and Sediment Control Measures have been removed or will be removed at the appropriate time.
3. All areas of the Construction Site not otherwise covered by a permanent pavement or structure have been stabilized with a uniform perennial vegetative cover with a density of 85% or equivalent measures have been employed.

CONTRACTOR'S CERTIFICATION:

"I certify under penalty of law that all storm water discharges associated with industrial activity from the identified project that are authorized by NPDES general permit have been eliminated and that all disturbed areas and soils at the construction site have achieved Final Stabilization and all temporary erosion and sediment control measures have been removed or will be removed at the appropriate time."

Company Name _____

Name (Print) _____

Signature _____

Date _____

APPROVED BY DESIGNATED PROJECT MANAGER _____ DATE: _____

NOI Permittee: **EDEN RENEWABLES LLC**
OAK HILL SOLAR PROJECT

SECTION 7
Completed Inspection Reports

ENTERED Oct 7, 18, 19
BY [signature]

ORIGINAL

- ① Is there expectation that the panels will recoup the energy spent manufacturing and installing them?
- ② Is the cost of the equipment including transportation to the site, labor and all other associated costs, without the NYS rebate, a positive cash flow in terms of the electricity created?
- ③ Total cost of project without NYS financial input?
- ④ What is the benefit to the Town?
- ⑤ Will the closest power station need to be redeveloped, considering the increased load?
- ⑥ Who shoulders the financial responsibility?
- ⑦ Or is the existing infrastructure enough to meet the needs of the project?
- ⑧ Will there be any toxic materials on site?
- ⑨ Will the water supply be constrained by herbicides used to control vegetation?
- ⑩ How long will Eden own this operation?

(11) what happens when potential new owners purchase Solar fields?

(12) Cost efficient for Dunningburg?

Approx 180 days of full or partial sun
4.7 peak hours of sun per day

(13) Decommission plan is it going to be enough money to cover clean up at the end?

(14) on what date did

ENTERED BY aw 6/21/19



ORIGINAL

Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019

Dale Warner

ENTERED ON 7/24/19
BY RW

From: Susan Biggs <azurevista@hotmail.com>
Sent: Wednesday, July 24, 2019 8:00 AM
To: dale@duanesburg.net
Subject: Renewable Energy



ORIGINAL

Question submitted to the Town Planning Board on 7/24/2019 to comply with Chairman Sexton's request.

1. On what date did New York State Environmental Quality Review Act (SQR) begin ?
2. How much will this proposed project pay to the Town of Duanesburg for property taxes?
3. What tax incentives did the Town of Duanesburg and the State of New You give to the developer ?
and what incentives to the property owner
4. How many permanent Jobs will Oak Hill Solar Farm generate for Duanesburg residents??
5. Since the solar farm is land locked by private property how will the Town of Duanesburg inspect the site for possible infractions of promises re plantings ,fences, etc without trespassing ?
6. How will you prevent sheep from eating the wild flowers as well as the grass.

Thank you for suggesting residents submit questions to clarify our concerns

Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019

Dale Warner

From: lynnebruning@gmail.com
Sent: Sunday, July 21, 2019 8:37 AM
To: dale@duanesburg.net
Subject: test



ORIGINAL

ENTERED ON 7-21-19
BY: DW

Good Morning,

Just making sure I have the correct email address mentioned at Planning Board Meeting on 18 July 2019.

Thanks!

Wishing you a great Monday!

Regards,

Lynne Bruning

lynnebruning@gmail.com

Dale Warner

From: Sherry Schrade <sshcrade@nycap.rr.com>
Sent: Sunday, July 21, 2019 10:00 PM
To: dale@duanesburg.net
Subject: Oak Hill Solar Farm

ENTERED ON 7/22/19
BY JW
ORIG

Dear Dale,

Thanks for being the contact person regarding the Oak Hill Solar Farm project. I appreciate the time it will take for you to condense all these questions to pose to Eden Renewables. Again, thanks for your time in all of this.

I am going to reiterate some of the points I made at Thursday night's meeting.

Is there an expectation that the panels will recoup the energy spent manufacturing and installing them? I am aware that NYS is awarding rebates to solar farms, the recipient being Eden Renewables. Is the cost of the equipment including transportation to the site, labor, and all the other associated costs, without the NYS rebate, a positive cash flow in terms of the electricity created? And, I would like to know what the total cost is without NYS's financial input into this project, since NYS is spending my tax dollars.

What is the benefit to the town? When the topic about PILOT (payment in lieu of taxes) arose, there appeared to be some dissension between Mr. Lopes and Mr. Maruca about what the actual amount would be. I know that it is early in the game, but it seems that it would be in the best interest of the town to tack this down prior to agreeing to Eden's proposal.

Will the closest power station need to be redeveloped, considering the increased load? Who shoulders that financial responsibility? Or, is the existing infrastructure enough to meet the needs of this project?

Will there be any toxic materials on site? Will the water supply be contaminated by the herbicides used to keep the vegetation in check surrounding the solar panels? It would be shortsighted of us to allow the use of chemicals, with the possibility that wells in the area are deemed useless because of this. I think considering what's going on in Hoosac Falls and their contamination problems, we would be foolish to overlook this possibility.

Additionally, I have a few more concerns regarding the Oak Hill Project.

I am appalled at the appearance of solar farms. Beautiful farmland is taken away and replaced by panels. I know Eden has promised beehives, wildflowers, birds and sheep, but these would appear to be promises that are difficult to keep. And, these promises could be empty ones in the future.

Which brings me to my next point. How long will Eden Renewables own this operation? It is well known in the solar development community, that these farms are established by one company, only to be sold to another. Five or so years down the road, will we be negotiating with another entity, trying to enforce provisions of an earlier contract? What if Eden goes belly up? What happens to the solar farm then? Much can occur in the future. Has anyone contacted some town officials in the UK where Eden has launched projects, to see if the communities are satisfied with Eden's responsibilities?

I also question whether the solar farm is cost efficient considering the climate in Duanesburg? As per one website I visited, Albany, NY has a total of 180 days with full or partial sun. According to another site, Duanesburg averages 4.7 peak sun hours per day. In the grand scheme of things, this really doesn't appear to be enough exposure to make this a winning venture for Eden. I know that their response will be that that's enough but is it really?

And, finally, another consideration is the decommission plan. Wally Johnson intimated during the meeting that the bond posted by Eden may not be large enough to ensure that the site will be cleaned at the end of the lease. That oversight would be a disaster in terms of the future use of that property. I wonder what the market will be like in 25 years, trying to get rid of all that equipment? I cannot imagine that disposing of all that material might become an impossible mission.

I am sitting here, writing this letter to you, as I think about my daughter and grandsons, living in the town. My husband's family arrived in Duanesburg in 1860 to farm. My grandsons represent the 7th generation of Schrade's dwelling here. I worry that the decisions being made in the next few months will have a huge impact on the beauty and safety of the land. We owe it to our children not to take this matter lightly!

Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019

Sherry Schrade
1619 Eatons Corners Road

 ORIGINAL

Sent from Mail for Windows 10

Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019

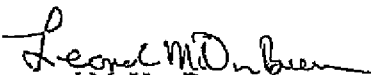
To: Members of the Town of Duanesburg Planning Board
Re: Proposed Solar Farm

COPY

July 18, 2019

What statistics do you have to demonstrate the impact this solar farm and future solar farms will have on neighbors' land values and resale values of their homes?

Has the view that neighbors will have in this rural setting been considered?


Leonard M. Van Buren
PO Box 114
148 Bull Street
Delanson, NY

**Appendix 4
Form of Surety Bond**

Bond No. _____

DECOMMISSIONING BOND

KNOW ALL MEN BY THESE PRESENTS:

That _____ (hereinafter called Principal), as Principal and _____, a corporation of the State of _____, with its Home Office in the _____, and duly authorized and licensed to do business in the State of _____ (hereinafter called Surety), as Surety, are held and firmly bound unto _____ (hereinafter called Obligor), in the full and just sum of _____ Dollars (\$ _____), to the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Obligor, on _____, accepted Principal's estimate for decommissioning of _____ which estimate is or may be attached hereto for reference.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That, if the Principal shall well and truly perform and carry out the covenants, terms and conditions of said agreement, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that the term of this bond shall be for the period from _____ through _____, and any annual extensions of this bond shall be executed via Certificate of Continuation. The Surety must give Obligor sixty (60) day prior notice of cancellation of the Bond. If the Principal has not provided the Obligor replacement collateral to the Obligor in its sole and absolute discretion within thirty (30) days prior to the termination of this bond, the Surety shall pay the Obligor an amount requested by the Obligor not to exceed the face amount of the Bond, adjusted to any prior payments the Surety may have made. Any and all claims by the Obligor shall be reimbursed by the Surety on the basis of reasonable, actual costs incurred of takeover by the Obligor. The Obligor, with the acceptance of this bond, acknowledges that the provision and conditions of this bond are specifically incorporated in the Contract as an amendment thereto and that the language of this bond shall supersede and preempt any Contract language to the contrary. Regardless of the number of extensions of this bond, the aggregate liability of the Surety is limited to the penal amount and shall not be cumulative.

No right of action shall accrue on this bond to or for the use of any person, governmental entity or corporation other than the Obligor. Any suit under this bond must be instituted before the expiration of one (1) year from the first occurrence date of any event that forms the basis for the material service default underlying the Conditions Precedent unless such limitation is prohibited by the law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

Signed and sealed on _____

ATTEST:

(If Corporate)

(Seal)

By:

Attorney-in-Fact

Appendix 3
NYSERDA Fact Sheet

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

**Appendix 2
Breakdown of Decommissioning Costs**

Applicant submits this breakdown of the Estimated Decommissioning Cost to support the proposed decommissioning fund of \$191,472 for each project.

It should be further noted that while the Decommissioning Fund is established in the amount equal to the Current Total gross decommissioning costs, there is more than enough salvage value (estimated below) that will cover the Future Value inflated by 2.5% for 20 years to justify the Current Total decommissioning costs.

Estimated Decommissioning Cost				
	Type	Quantity	Cost Per Item	Total
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Remove Transformers & Concrete Pads	Each	2	\$5,000.00	\$10,000.00
Remove Major Switch Gear & Concrete Pad	Each	1	\$5,000.00	\$5,000.00
Remove Modules and Racking	\$/MWac	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	60	\$300.00	\$18,000.00
Removal of Underground Wires and Backfill	LF	3,500	\$10.00	\$35,000.00
Site Restoration, Grade and Seed	Acre	10	\$850.00	\$8,500.00
Current Total:				\$191,472.00
Total after 20 years of (2.5% inflation rate)				\$314,000.00
Salvage Value of PV Modules @ 5% of Original Cost				\$141,960.00
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Site Location Plan

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The site consists of 65.2 acres of agricultural land. After decommissioning of all components of the facility, the property will be ploughed to return to its current state. The future use of the land for agricultural purposes would not be prejudiced.

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The Decommissioning Fund will be funded with either (i) a surety bond (the "Bond") or (ii) an irrevocable standby Letter of Credit (the "LC") or (iii) another appropriate financial security that is solely for the benefit of the Town.

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

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3. COST OF DECOMMISSIONING

The fully inclusive cost to decommission the Project, as defined in Section 2 herein, is estimated at \$191,472 (the "Estimated Decommissioning Cost"), as detailed in Appendix 2. For reference, in September 2016, the New York State Energy Research & Development Authority published a fact sheet, attached here as Attachment B, that provided a sample decommissioning cost estimate for a similar sized 2.0 MWac/3MWdc project of \$60,200. Unfortunately, NYSERDA has not created an estimate for a 5MWac/7.5MWdc project, however, following the costs laid out for a 2MWac plant you can come to the calculation of \$150,500 for a 5MWac plant.

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").

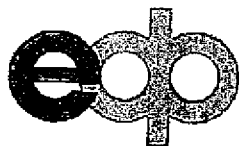
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2. DECOMMISSIONING PLAN
3. COST OF DECOMMISSIONING
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APPENDIX 3:	NYSERDA FACT SHEET
APPENDIX 4:	FORM OF SURETY BOND

**OAK HILL COMMUNITY SOLAR 1 AND 2
DECOMMISSIONING STATEMENT**



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**

Shaping the physical environment

900 Route 146 Clifton Park, NY 12065
(P) 518.371.7621 (F) 518.371.9540 edpllp.com

MEMO

Date: July 3, 2019
To: Mr. Phillip Sexton & Mr. Doug Cole
Project: Oak Hill Solar Farm 1 & 2
Application of NYS Department of Environmental Conservation Stormwater Guidance

From: Travis Mitchell, P.E.

The intent of this memo is to clarify the treatment of construction disturbance and impervious area with respect to the application of stormwater management controls and a Stormwater Pollution Prevention Plan (SWPPP).

Eden Renewables is proposing the construction of two (2) solar farms which will include approximately 65 acres of solar arrays. The total disturbance on the project site is on the order of 0.84 acres. The project features the use of the NYSDEC's recently approved "Limited Use Pervious Access Road Detail" to limit ground disturbances and impervious areas. The approved detail and correspondence is attached for reference.

The NYSDEC released a memo in April, 2018 to offer clarification on the SWPPP requirements for Solar Farms. Solar projects which fall into "Scenario 1" listed in the NYSDEC memo only require Erosion and Sediment Control SWPPPs. The Site Plan has been designed to limit overall project disturbance to less than one acre; therefore, Oak Hill Solar 1 & 2 fall under "Scenario 1" and require a SWPPP that addresses Erosion and Sediment Controls only. For reference, the NYSDEC memo is attached.



Travis Mitchell <tmitchell@edplp.com>

W: FW: Acceptance of TRC's Limited Use Pervious Access Road Detail

ravis Mitchell <tmitchell@edplp.com>
raft To: Travis Mitchell <tmitchell@edplp.com>

Wed, Jul 3, 2019 at 8:32 AM

From: Gasper, David J (DEC)
Sent: Wednesday, May 22, 2019 9:33 AM
To: Adewole, Adedayo J (DEC) <adedayo.adewole@dec.ny.gov>; Banerjee, Dilip K (DEC) <dilip.banerjee@dec.ny.gov>; Barrie, Mary O (DEC) <mary.barrie@dec.ny.gov>; Blum, Tara M (DEC) <tara.blum@dec.ny.gov>; Boyer, Brian C (DEC) <brian.boyer@dec.ny.gov>; Hourigan, Brian (DEC) <brian.hourigan@dec.ny.gov>; Browne, Natalie S (DEC) <natalie.browne@dec.ny.gov>; Buetow, Carrie C (DEC) <carrie.buetow@dec.ny.gov>; Capowski, Robert M (DEC) <robert.capowski@dec.ny.gov>; Carroll, Alyssa D (DEC) <Alyssa.Carroll@dec.ny.gov>; Chiappetta, Christina M (DEC) <Christina.Chiappetta@dec.ny.gov>; Cioffi, Toni (DEC) <toni.cioffi@dec.ny.gov>; Coriale, Richard R (DEC) <richard.coriale@dec.ny.gov>; Cruden, Erica B (DEC) <erica.cruden@dec.ny.gov>; Czajkowski, Katherine M (DEC) <katherine.czajkowski@dec.ny.gov>; DeAngelis, Armand T (DEC) <armand.deangelis@dec.ny.gov>; DiGiulio, Tim (DEC) <tim.digiulio@dec.ny.gov>; Dunlap, Fred (DEC) <fred.dunlap@dec.ny.gov>; Fichter, Adria A (DEC) <adria.fichter@dec.ny.gov>; Fung, Hua J (DEC) <hua.fung@dec.ny.gov>; Gasper, David J (DEC) <david.gasper@dec.ny.gov>; Haas, Cathy (DEC) <cathy.haas@dec.ny.gov>; Hock, John P (DEC) <John.Hock@dec.ny.gov>; Shear, Holly (DEC) <holly.shear@dec.ny.gov>; Hourigan, Brian (DEC) <brian.hourigan@dec.ny.gov>; Howard, Sean M (DEC) <Sean.Howard@dec.ny.gov>; Jangbari, Pradeep (DEC) <pradeep.jangbari@dec.ny.gov>; Johnson, Abigail B (DEC) <Abigail.Johnson@dec.ny.gov>; Kazmierski, Matthew J (DEC) <matthew.kazmierski@dec.ny.gov>; Kim, Eric J (DEC) <Eric.Kim@dec.ny.gov>; Konsella, Jeffrey A (DEC) <jeffrey.konsella@dec.ny.gov>; Lamb-Lafay, Carol (DEC) <carol.lamb-lafay@dec.ny.gov>; Leung, Anthony (DEC) <anthony.leung@dec.ny.gov>; Lints, William J (DEC) <william.lints@dec.ny.gov>; Luce, Andrew (DEC) <andrew.luce@dec.ny.gov>; Malcolm, James E (DEC) <james.malcolm@dec.ny.gov>; Manning, Karis I (DEC) <karis.manning@dec.ny.gov>; McCague, Steven J (DEC) <steven.mccague@dec.ny.gov>; McCullough, Jeffrey B (DEC) <jeffrey.mccullough@dec.ny.gov>; McGrath, Kathleen E (DEC) <kathleen.mcgrath@dec.ny.gov>; Melancon, Julie E (DEC) <julie.melancon@dec.ny.gov>; Millar, Lance C (DEC) <lance.millar@dec.ny.gov>; Mitchell, Derek X (DEC) <derek.mitchell@dec.ny.gov>; Mitchell, Rebecca X (DEC) <Rebecca.Mitchell@dec.ny.gov>; Murakami, Tatsuhiko V (DEC) <tatsuhiko.murakami@dec.ny.gov>; Murray, William P (DEC) <william.murray@dec.ny.gov>; Browne, Natalie S (DEC) <natalie.browne@dec.ny.gov>; Porciello, Ryan J (DEC) <Ryan.Porciello@dec.ny.gov>; Pratt, David (DEC) <david.pratt@dec.ny.gov>; Reuther, Julie A (DEC) <Julie.Reuther@dec.ny.gov>; Elburn, Robert H (DEC) <robert.elburn@dec.ny.gov>; Scannell, Luke W (DEC) <luke.scannell@dec.ny.gov>; Zacharias, Sebastian (DEC) <sebastian.zacharias@dec.ny.gov>; Sen, Shyamal Kumar (DEC) <shyamal.sen@dec.ny.gov>; Shear, Holly (DEC) <holly.shear@dec.ny.gov>; Sievers, Chad M (DEC) <chad.sievers@dec.ny.gov>; Smith, Kathryn G (DEC) <kathryn.smith@dec.ny.gov>; Smythe, William (DEC) <william.smythe@dec.ny.gov>; Spadaro, Vincent J (DEC) <vincent.spadaro@dec.ny.gov>; Starr, Bonnie L (DEC) <Bonnie.Starr@dec.ny.gov>; Streeter, Meredith (DEC) <meredith.streeter@dec.ny.gov>; Streeter, Robert (DEC) <robert.streeter@dec.ny.gov>; Sullivan, Ethan R (DEC) <Ethan.Sullivan@dec.ny.gov>; Tamargo, Jonathan R (DEC) <Jonathan.Tamargo@dec.ny.gov>; Thompson, Sevon O (DEC) <sevon.thompson@dec.ny.gov>; Thorsland, Derek T (DEC) <derek.thorsland@dec.ny.gov>; Venne, Tamara (DEC) <tamara.venne@dec.ny.gov>; Vigneault, Thomas M (DEC) <thomas.vigneault@dec.ny.gov>; Waite, Thomas M (DEC) <thomas.waite@dec.ny.gov>; Waldron, Ryan P (DEC) <ryan.waldron@dec.ny.gov>; Smythe, William (DEC) <william.smythe@dec.ny.gov>; Wither, Robert (DEC) <robert.wither@dec.ny.gov>; Zacharias, Sebastian (DEC) <sebastian.zacharias@dec.ny.gov>
Subject: Acceptance of TRC's Limited Use Pervious Access Road Detail

FYI - The Department has accepted TRC's "Limited Use, Pervious Access Road Detail" with an "Issued As Final" date of 05/20/19 (see attached). This detail replaces the 10/30/18 version the Department accepted on November 13, 2018.



TRC has given us permission to release the final detail to solar array project owners, design professionals and MS4 officials. Please let me know if you have any questions.

David Gasper, PE

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233-3505

P: (518) 402-8114 | F: (518) 402-9029 | david.gasper@dec.ny.gov

www.dec.ny.gov | cid:image002.gif@01D01928.215FD820 | cid:image001.gif@01D01927.D33C0790

—
Travis Mitchell, P.E.
Partner



Environmental Design Partnership
900 Route 146
Clifton Park, NY 12065
(518) 371-7779 Direct

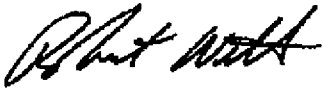
 LimitedUsePerviousAccessRoadDetailFinal05-20-2019.pdf
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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.



Department of
Environmental
Conservation

*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 (C_{pv}, Q_p and Q_f) 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

**OAK HILL COMMUNITY SOLAR 1 AND 2
DECOMMISSIONING STATEMENT**

CONTENTS:

1. INTRODUCTION
2. DECOMMISSIONING PLAN
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4. SITE RESTORATION
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- 2.1. The commercial operating period for the proposed solar farm is 30 years from the first generation of electricity. The New York State incentive is a guaranteed for 25 years. An estimated cessation of activities would therefore be 2049.
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Appendix 1
Site Location Plan

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

**Appendix 2
Breakdown of Decommissioning Costs**

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It should be further noted that while the Decommissioning Fund is established in the amount equal to the Current Total gross decommissioning costs, there is more than enough salvage value (estimated below) that will cover the Future Value inflated by 2.5% for 20 years to justify the Current Total decommissioning costs.

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Salvage Value of Inverters and Switchgear @ 5% of Original Cost				\$245,000.00
Proposed decommissioning fund				\$191,472.00

Appendix 3
NYSERDA Fact Sheet

Appendix 4
Form of Surety Bond

Bond No. _____

DECOMMISSIONING BOND

KNOW ALL MEN BY THESE PRESENTS:

That _____ (hereinafter called Principal), as Principal and _____, a corporation of the State of _____, with its Home Office in the _____, and duly authorized and licensed to do business in the State of _____ (hereinafter called Surety), as Surety, are held and firmly bound unto _____ (hereinafter called Obligee), in the full and just sum of _____ Dollars (\$ _____), to the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Obligee, on _____, accepted Principal's estimate for decommissioning of _____ which estimate is or may be attached hereto for reference.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That, if the Principal shall well and truly perform and carry out the covenants, terms and conditions of said agreement, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that the term of this bond shall be for the period from _____ through _____, and any annual extensions of this bond shall be executed via Certificate of Continuation. The Surety must give Obligee sixty (60) day prior notice of cancelation of the Bond. If the Principal has not provided the Obligee replacement collateral to the Obligee in its sole and absolute discretion within thirty (30) days prior to the termination of this bond, the Surety shall pay the Obligee an amount requested by the Obligee not to exceed the face amount of the Bond, adjusted to any prior payments the Surety may have made. Any and all claims by the Obligee shall be reimbursed by the Surety on the basis of reasonable, actual costs incurred of takeover by the Obligee. The Obligee, with the acceptance of this bond, acknowledges that the provision and conditions of this bond are specifically incorporated in the Contract as an amendment thereto and that the language of this bond shall supersede and preempt any Contract language to the contrary. Regardless of the number of extensions of this bond, the aggregate liability of the Surety is limited to the penal amount and shall not be cumulative.

No right of action shall accrue on this bond to or for the use of any person, governmental entity or corporation other than the Obligee. Any suit under this bond must be instituted before the expiration of one (1) year from the first occurrence date of any event that forms the basis for the material service default underlying the Conditions Precedent unless such limitation is prohibited by the law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

Signed and sealed on _____

ATTEST:

(if Corporate)

(Seal)

By:

Attorney-in-Fact

 ORIGINAL

ACCESS EASEMENT

This Access Easement ("Easement") is entered into this ____ day of _____, 2019, by and between **OAK HILL SOLAR 1, LLC** with a mailing address of 333 Broadway, Suite 460, Troy, New York 12180 ("Grantor") and **OAK HILL SOLAR 2, LLC** with a mailing address of 333 Broadway, Suite 460, Troy, New York 12180 ("Grantee"). Grantor and Grantee are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

WHEREAS, Grantor is the fee owner of a certain parcel of land located at 13950 Duanesburg Road, in the Town of Duanesburg, County of Schenectady, State of New York, identified as Tax Map Parcel No. _____, and described in a deed recorded in the Schenectady County Clerk's Office in Deed Book ____ at page ____, which is described on the attached Exhibit A ("Grantor's Parcel"); and

WHEREAS, Grantee is the fee owner of a certain parcel of land contiguous to Grantor's Parcel 1 in the Town of Duanesburg, County of Schenectady, State of New York, identified as Tax Map Parcel No. _____, and described in a deed recorded in the Schenectady County Clerk's Office in Deed Book ____ at page ____, which is described on the attached Exhibit B ("Grantee's Parcel"); and

WHEREAS, Grantor will install an access road on Grantor's Parcel that will run from Duanesburg Road to a point within Grantee's Parcel as shown on the site plan attached hereto as Exhibit C ("Access Road"); and

WHEREAS, Grantee has requested an access over the Access Road to access the Grantee Parcel.

NOW THEREFORE, in consideration of the mutual promises, covenants, easements and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Grantor hereby grants and releases unto Grantee, its agents, employees, invitees, licensees, successors and assigns, a non-exclusive easement for ingress and egress on, upon, over, under and across the Access Road, which Grantee may access by motor vehicles and on foot, from Duanesburg Road over Grantor's Parcel to Grantee's Parcel. Said easement shall be subject and subordinate to the right of Grantor, provided that the use thereof by Grantor and such third parties shall not unreasonably interfere with Grantee's exercise of the rights granted herein.

2. Grantee shall exercise reasonable care in using the Access Road. Grantee shall refrain from causing any damage to the Access Road and shall immediately repair any such damage caused by Permittees (as defined herein) associated with Grantee, at Grantee's sole cost and expense. If Grantee fails to perform any such required repairs, Grantor may be, upon ten (10) days' prior written notice to Grantee, may cause such repair work to be performed with a right of reimbursement for all sums reasonably necessary and properly expended to remedy such failure. Within ten (10) days after delivery of a statement documenting such reasonable repair costs incurred, Grantee shall reimburse Grantor. The term "Permittees" shall mean and refer to all occupants and all guests, employees, licensees, agents, contractors, vendors and other invitees of Grantee.

3. **Term.** The rights of Grantor and Grantee pursuant to this Easement shall be perpetual.

4. **Recording.** The Parties contemplate that this Easement will be recorded in the Schenectady County Clerk's Office.

5. This Easement may not be changed, amended or modified, except as provided herein or by the express written agreement of the parties hereto.

6. Grantor covenants that Grantor will warrant title to the Easement Area for the term of this Easement and that Grantee shall quietly use and enjoy this Easement.

7. Each party (for the purposes of this paragraph, an "Indemnifying Party") agrees to defend, indemnify and hold the other harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of the Indemnifying Party, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the other party, or its employees, contractors or agents.

8. The benefits and burdens of this Easement and the agreements herein contained shall run with the land and shall inure to the benefit of and be binding upon, the parties hereto and their respective heirs, successors and assigns.

9. **Separability.** If any term or provision of this Easement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Easement, or the application of such term or provision to persons or circumstances other than those as to which such term or provision is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Easement shall be valid and enforceable to the fullest extent permitted by law.

10. **Governing Law.** The interpretation, validity and enforcement of this Easement shall be governed by and construed under the internal laws of the State of New York, excluding its principles of conflict of laws.

11. **Notice.** All notices given or permitted to be given hereunder shall be in writing. Notice is covered given either (i) when delivered in person to a Party at the address above; (ii) upon receipt after deposit in the United States mail in a sealed envelope or container, postage and postage charges prepaid, return receipt requested or certified mail, addressed to a Party at the address above; or (iii) upon receipt after deposit with a nationally recognized courier service addressed to a Party at the address above. Any Party may, by given notice at any time or from time to time, require subsequent notices to be given to another individual person, whether a party or an officer or representative, or to a different address, or both.

12. **Counterparts.** This Easement may be executed in multiple counterparts, each of which shall be deemed the original, and all of which together shall constitute a single instrument.

[Remainder of Page Intentionally Left Blank.]

**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

IN WITNESS WHEREOF, this Easement has been duly executed on the dates below and effective as of the date above.

GRANTOR

GRANTEE

OAK HILL SOLAR 1, LLC

OAK HILL SOLAR 2, LLC

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

GRANTOR ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

On the ____ day of _____ in the year 201_, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

GRANTEE ACKNOWLEDGEMENT

S STATE OF _____)
) ss:
COUNTY OF _____)

On the ____ day of _____ in the year 201_, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF THE GRANTOR'S PARCEL

EXHIBIT B

LEGAL DESCRIPTION OF GRANTEE'S PARCEL

EXHIBIT C

Site Plan

IRREVOCABLE STANDBY LETTER OF CREDIT
DATE:

Applicant:

 ORIGINAL

Beneficiary:

County of xxxxxxxx
xxxxxxxxxxxx
xxxxxx New York xxxx

Dear Sir or Madam:

By order of _____ ("Applicant"), we, [insert name of issuing bank] ("Issuing Bank"), have established this irrevocable Standby Letter of Credit (this "Letter of Credit") in favor of the County of Chautauqua Industrial Development Agency ("Beneficiary"), , for an aggregate amount of up to \$ _____, (as reduced pursuant to this Letter of Credit, the "Maximum Stated Amount") effective [insert initial date of this Letter of Credit] and expiring [insert date which is 364 days after the initial date of this Letter of Credit] as may be extended in accordance with the terms hereof (the "Expiration Date"). We are informed by the Applicant that this Letter of Credit is provided in connection with the Payment in Lieu of Taxes Agreement (the "Agreement"), dated [insert date of agreement], as amended from time to time, by and between Beneficiary and Applicant and is for the benefit of the County of xxxxx Town of _____, _____ Central School District.

The Maximum Stated Amount at the time of any drawing hereunder shall be immediately and permanently reduced by the amount of such drawing and otherwise as set forth herein.

Funds hereunder are available to Beneficiary, providing all terms and conditions of this Letter of Credit are strictly complied against Beneficiary's sight draft drawn on Issuing Bank in the form of Annex A and when accompanied by Beneficiary's statement purportedly signed by Beneficiary and reading as follows:

Either:

"An Event of Default under Section 6(a)(1) of the Agreement with respect to Applicant's due but unpaid PILOT Payments (as defined in the Agreement) has occurred, and the amount that Beneficiary is drawing under this Letter of Credit is due and owing 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 Beneficiary is entitled and able to do so on or before the Expiration Date, but in no event shall the Expiration Date of this Letter of Credit be extended.

Issuing Bank has no duty or right to inquire into the validity of, or the basis for, any draw.

This Letter of Credit shall permit multiple partial drawings.

As used herein, "Business Day" means any day on which (A) commercial banks are not closed, or authorized or required to close, in New York City or (B) with respect to a certain drawing request, the bank to which funds are requested to be transferred hereunder as set forth in such drawing request is not closed, or authorized or required to close, and may receive such funds by wire transfer as requested hereunder.

Should Beneficiary have occasion to communicate with Issuing Bank regarding this Letter of Credit, kindly direct the communication to the attention of [insert Issuing Bank address/department] mentioning the Letter of Credit number [insert letter of credit number].

This Letter of Credit, together with sight drafts submitted in accordance with the terms hereof, sets forth in full the terms of our undertaking and this undertaking shall not in any way be modified, amended, limited or amplified by reference to any document, instrument or agreement referred to herein, and any document, instrument or agreement referred to herein, and any such reference shall not be deemed to incorporate herein by reference any document or agreement.

Except as far as otherwise expressly stated herein this Letter of Credit is subject to the International Standby Practices (ISP98), International Chamber of Commerce Publication No. 590 (the "ISP"), and as to matters not governed by the ISP, shall be construed in accordance with the laws of the state of New York without regard to principles of conflicts of law that may result in the application of the laws of another jurisdiction.

As allowed by law, any payments hereunder shall be made free and clear of, and without deduction or set off for or on account of any present or future taxes, duties, charges, fees, deduction or withholding of any nature and by whomever imposed.

The Expiration Date of this Letter of Credit will be automatically extended without amendment for a period of one (1) year from the Expiration Date, or any future Expiration Date, unless at least sixty (60) days prior to the then current Expiration Date Issuing Bank sends notice to Beneficiary by overnight courier at Beneficiary's address shown above, that Issuing Bank elects not to extend the Expiration Date of this Letter of Credit for any such additional period.

ISSUING BANK

Authorized Signature

ANNEX A

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER ____

Date _____

Sight Draft

Pay to the order of the County of xxxxxxxx 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]

County of xxxxxxxx Development Agency

By: _____

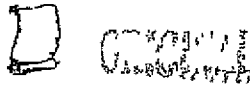
Name: _____

Title: _____

cc:

Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019

From: Bobby B
Sent: Tuesday, May 28, 2019 10:58 AM
To: Nick Zeglen
Subject: Re: Oak Hill Solar Farm Access Road Width



It looks great thank you nick I appreciate the compromise

On Tue, May 28, 2019, 8:06 AM Nick Zeglen <nzeglen@edpllp.com> wrote:

Good Morning Bobby,

I've revised the access road layout a bit to try and incorporate your request to have 14 FT width and still maintain less than 1 acre of disturbance. The attached plan shows a 14 FT wide road throughout the fence in solar field area, and a 10 FT road with in the field leading up to the solar area. Also worth noting, the road inside the solar field has at least 34 feet open space between solar panel rows. Please let me know if you have any concerns, and let me know if you are still interested in a site visit I'd be more than happy to meet you out there.

Thanks,

Nick Zeglen
Project Engineer



Environmental Design Partnership
900 Route 146
Clifton Park, NY 12065
Cell (518) 487-8095
Office (518) 371-7621 ext. 164



4. Battery System

4.1 Specification of Battery System(ME2, Scen A)

Unit battery system with 286S3P can be connected to rated PCS system. This unit which is battery system combined with PCS system is **totally 1 unit** at this project.

The choice for the system detailed layout can be changed according to the total layout.

No	Item	Specification			Remarks
		286S1P	286S3P	-	
1	Configuration	286S1P	286S3P	-	
	Applied cell type	Prismatic 94Ah			Manufactured by Samsung
	Number of cell per Module	22			
	Number of module per string	13			
	Number of parallel string	1	3	-	
	Number of S/G	1	2	-	
	Number of System BMS	1	1	-	
2	Design Energy [KWh]	98	296	-	3.68V nominal V/Cell, 94Ah
3	Max Continuous Power [KW]	49	148	-	0.5C rate
4	Nominal voltage	1052.48			3.68 V / Cell
5	Maximum voltage	1186.9			4.15 V / Cell
6	Minimum Voltage	915.2			3.2 V / Cell
7	Charging method	CC-CV, CP-CV			
	Charging Voltage[V]	1186.9			
	Standard charging current [A]	30	90	-	30A/Rack
	Standard charging time	4 hours			
	Charging cut off current [A]	3	9	-	3A/Rack
	Max Cont. charging current [A]	47	141	-	0.5C rate
8	Discharge method	CC, CP			
	End of discharge voltage	915.2			0% SOC
	Standard discharging current	30	90	-	30A/Rack
	Max Cont. DCHG current [A]	47	141	-	0.5C rate

Information contained in this proposal is proprietary and is not to be used, reproduced, copied, or distributed without the express written consent of Samsung SDI Co., Ltd.

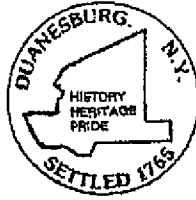
**Exhibit 10: Additional Information Eden Supplied at the Board's Request
on June 6, 2019**

9	Operating temperature		23±5°C 23°C Set-point, Annual AVG temp ±5 : Variation instantaneous	Warranty related condition
	Allowable operating temperature		0-45°C	Out of warranty
	Temperature uniformity		Max 5°C	Max & Min delta in Rack
10	Storage temperature		-20-60 °C	Out of warranty
			Less than 23°C	Warranty condition
11	Storage humidity		< 80 % RH	No condensing
12	Communication	Internal	CAN 2.0B, UART	
		External	MODBUS TCP/IP	To PCS (or EMS)
13	Input voltage	Aux IN / S/G	24±5% VDC, Max 211W	TYP 36W
14	Self-discharge		4% / Month	25°C, SOC100%, Rack ON
15	Certification		UL1642, UL 1973 RU	
16	Transportation		UN38.3	
17	Seismic level		Zone 4 (when 4 points floor anchoring and 2 points wall anchoring)	
18	Short Circuit Current (Est.)		Max 7.1kA / Rack	

Table 8 Unit System Specification

Information contained in this proposal is proprietary and is not to be used, reproduced, copied, or distributed without the express written consent of Samsung SDI Co., Ltd.

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

Town of Duanesburg
Planning Board Minutes
June 20th, 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 Teresa Bakner Board Attorney, Dale Warner Town Planner, and Melissa Deffer Clerk.

INTRODUCTION:

Chairman Phillip Sexton opened the meeting at 7:00pm. Phillip welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Christina Loukides from 1320 Alexander Rd wanted to thank the board for posting the agenda on the website.

Sexton/Rulison made the motion to close the open forum at 7:05.

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

PUBLIC HEARINGS:

Harris/Novak made a motion to open the Public Hearing for the #19-12 Coleman/Welch application at 7:06P.M.

Harris yes, Novak yes, Houghton yes, Rulison yes, Sexton yes, Schmitt yes, Williams yes.
APPROVED.

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Over→

#19-12 Coleman/Welch: SBL# 75.12-2-9, (H) located at 10086 Duanesburg Rd is seeking a Site Plan Review under section 9.3(4) of the Town of Duanesburg Zoning Ordinance for a Proposed Bar & Grill to be named "BenWel's". Bob and Jessica Welch gave their presentation to the public.

Mark Collins located at 6128 Schoharie Turnpike expressed his concerns about having a bar re-opened he has lived at this location for 22 years and there has always been problems there. Mark does support new businesses but wants no trouble.

Harris/Houghton made a motion to close the Public Hearing for the application of #19-12 Coleman/Welch at 7:08

Harris yes, Houghton yes, Rulison yes, Sexton yes, Schmitt yes, Novak yes, Williams yes.
APPROVED.

Based on the discussion of the Planning Board the action is a Type II action pursuant to SEQRA and exempt from further review.

Novak/Rulison made a motion to approve the Zoning Ordinance for the #19-12 Coleman/Welch application for BenWel's.

Novak yes, Rulison yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes.
APPROVED.

Sexton/Harris made the motion to open the Public Hearing for #19-15 Duanesburg NuEagle LLC & HP-You LLC at 7:11P.M.

Sexton yes, Harris yes, Rulison yes, Houghton yes, Williams yes, Novak yes, Schmitt yes.
APPROVED.

#19-15 Duanesburg NuEagle LLC & HP-You LLC: SBL# 67.05-2-4, (H) located at 5013 Western Turnpike is seeking a Special Use Permit 12.4(23) of the Town of Duanesburg Zoning Ordinance. Marybeth Slevin and Pat Waltz gave their presentation to the public. Giovanni asked questions with regard to the "steel" building. The building will be tan with a charcoal roof. There will not be a sign at the road but located on the front door. More detailed plans were requested with regard to the curb appeal of structure.

Sexton/Novak made the motion to close the Public Hearing for #19-15 Duanesburg NuEagle LLC & HP-You LLC at 7:30P.M.

Sexton yes, Harris yes, Rulison yes, Houghton yes, Williams yes, Novak yes, Schmitt yes.
APPROVED.

Novak/Williams made the motion reaffirm SEQR determination of a negative declaration #19-15 Duanesburg NuEagle LLC & HP-You LLC: seeking a Special Use Permit 12.4(23) of the Town of Duanesburg Zoning Ordinance.

Sexton yes, Harris yes, Rulison yes, Houghton yes, Williams yes, Novak yes, Schmitt yes.
APPROVED.

New Business:

None.

Old Business:

#19-10 Rhoades, Charles: SBL# 65.00-2-15, (R-2) located at the North and South side of Alexander Rd, 4200' South of Rt 20 is seeking a Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Joe Bianncci, of ABD Engineering is here representing Charlie Rhoades. Mr. Bianncci addressed the following concerns from the previous meeting. Received letter from SHPPPO indicating that there are no effects to the site. Submitted documentation with regards to the well on Lot #1. Provided site information with regards to the driveways for the lots. He also added a note on the pond area and the stockpile of shale no material can be taken off the site in excess of what DEC allows. However, it can be used on site for driveways and site development. He also added notes with regards to wetlands and the bat each lot as it is developed, will have a biologist review and make sure we are not impacting any wetlands.

Ann Barry of 1070 Alexander Road spoke. What is the proposal for these lots? Large lot subdivision and single-family dwellings.

Sexton/Harris made a motion to approve the **#19-10 Rhoades, Charles:** Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance with the following conditions:

- Subject to revision #3 dated June 20, 2019.
- Conditions on 1, 2, 4, 9, 10, 11.
- No building permits to be issued without certified well records and approved DOH septic systems.
- Letter from DEC regarding Mining. Exemption letter from DEC.
- Planning board approval is required for any housing other than single family housing.

Novak yes, Rulison yes, Harris yes, Sexton yes, Schmitt yes, Williams 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

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Over→

Zoning Ordinance. Presentation was provided to the board. The following was requested for the next meeting:

- Access Agreement for common driveway (get a copy of bond form from Alexander Rd. project)
- Decommission Plan - future value or present value
- Provide sample letter of credit per Solar Laws

Novak/Williams made a motion to reaffirm the Preliminary Negative Declaration for a Special Use Permit under Local Law # 1-2016 of the Town of Duanesburg Zoning Ordinance.

Novak yes, Rulison yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes.
APPROVED.

Harris/Rulison made a motion to hold a Public Hearing for the application #19-12 Murray, Richard/Eden Renewables on July 18th, 2019.

Novak yes, Rulison yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes.
APPROVED.

SKETCH PLAN REVIEW:

#19-16 Mark and Michele Lawrence: SBL# 68.00-1-9.1(C-1) located at 1484 Schoharie turnpike is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Harris/Houghton made a motion to refer #19-16 Mark and Michele Lawrence minor subdivision to Dale Warner for review.

Novak yes, Rulison yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes.
APPROVED.

OTHER:

#19-06 Miner, Bill: SBL# 68.00-2-25.4,(R-2/C-2) located 2054 Western Turnpike is seeking a Minor subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Did not show up to meeting.

MINUTES APPROVAL:

Novak/Harris made the motion to approve the May 16, 2019 Planning Board minutes with minor corrections, Welch is a SEQR Type II.

Sexton yes, Harris yes, Rulison yes, Houghton yes, Williams yes, Novak yes, Schmitt yes.
APPROVED.

ADJOURNMENT:

Novak/Schmitt made the motion to adjourn at 9:26pm.

Sexton yes, Harris yes, Rulison yes, Houghton yes, Williams yes, Novak yes, Schmitt yes.
APPROVED.

RECEIVED
JUL 19 2019
TOWN OF DUANESBURGH,
TOWN CLERK

State of New York, ss.:
City and County of Schenectady

LEGAL NOTICE
NOTICE OF
PUBLIC HEARING
PLANNING BOARD
TOWN OF DUANESBURG
PLEASE TAKE NOTICE
THAT THE PLANNING
BOARD OF THE TOWN OF
DUANESBURG, NEW
YORK, WILL MEET AT
THE TOWN HALL IN THE
TOWN OF DUANESBURG,
583 WESTERN TURN-
PIKE, ON JULY 18th, 2019
AT 7:00 PM FOR THE PUR-
POSE OF HEARING ALL
PERSONS INTERESTED
IN THE
APPLICATION OF
#19-12 MUTUAL ECH-
#19-12 MUTUAL ECH-
#19-12 MUTUAL ECH-
SBL#74.00-2-E (R-2)
LOCATED AT 13590
DUANESBURG RD IS
SEEKING A SPECIAL USE
PERMIT UNDER LOCAL
LAW #1-2018 OF THE
SOLAR ENERGY FACILI-
TIES LAW. APPLICATION
INFORMATION IS AVAIL-
ABLE DURING BUSINESS
HOURS OR ONLINE AT
WWW.DUANESBURG.NET
BY ORDER OF THE
CHAIRPERSON OF
PLANNING BOARD
TOWN OF DUANESBURG
CHAIRPERSON
7/16/2019 2381530

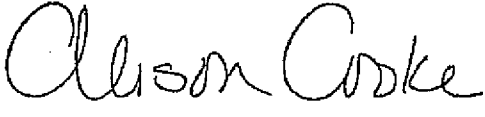
Diana Scheuer of the City of Schenectady,
being duly sworn, says that he/she is Principal
Clerk in the office of the Daily Gazette Co.,
published in the City of Schenectady and that
the notice/advertisement, of which the annexed
is a printed copy, has been regularly published
in the Daily Gazette and/or Sunday Gazette
as follows:

1 insertion July 16, 2019



Sworn to me on this 17th day of July, 2019

NOTARY PUBLIC



ALISON COOKE
COMMISSIONER OF DEEDS
MY COMMISSION EXPIRES 07/21/2019

Exhibit 12: Letter to the Planning Board from Environmental
Design Partnership, LLP, dated July 3, 2019



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**


Shaping the physical environment

900 Route 146 Clifton Park, NY 12065
(P) 518.371.7621 (F) 518.371.9540 edplp.com

July 3, 2019

Mr. Phillip Sexton
Planning Board Chairman

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

 ORIGINAL

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

Dear Mr. Sexton:

The Oak Hill Solar Projects 1 & 2 last appeared before the Town of Duanesburg Planning Board during your June 20, 2019 meeting. During the meeting the Planning Board requested additional information and clarification on several items for continuation of the Site Plan review process. Additionally, subsequent to the June 20, 2019 Planning Board meeting, Mr. Doug Cole of Prime AE (reviewing engineer for the Planning Board), requested clarification on a few points of the Site Plan. The outstanding items and associated responses are summarized below.

1. PB - Provide manufacturers cut sheets of proposed battery storage units.
Manufacturer's cut sheets of the proposed batteries are enclosed.
2. PB - Provide correspondence with the Quaker Street Fire Department regarding road width and provide Quaker Street Fire Department with updated documents, including battery storage cut sheets, for review.
Email correspondence with the Quaker Street Fire Department, dated May 28, 2019, is enclosed. A full set of Site Plan documents and battery cut sheets have been forwarded to the Quaker Street Fire Department for review.
3. PB - Provide a copy of the proposed decommissioning bond or letter of credit.
A copy of the proposed decommissioning letter of credit is enclosed.
4. PB - Provide a copy of the proposed ingress / egress agreement between the two solar farms for review.
A copy of the proposed ingress/ egress agreement is enclosed.
5. PB - Provide clarification relative to the decommissioning value ---- EDEN -- PB question the value listed of \$191,000 as to present value or future value---.
The value of \$191,000 listed in the decommissioning report represents the current value of the necessary letter of credit. Pursuant to NYSERDA's guidelines, applying an inflation rate of 2.4% yields a future value of \$314,000. The attached decommissioning plan has been updated for clarification.
6. Mr. Cole - Provide clarification with respect to the overall area of disturbance and the classification of specific solar farm applications relative to stormwater concerns.

Mr. Phillip Sexton
July 3, 2019

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment

The Site Plan includes a summary of disturbance areas associated with construction of the project. The enclosed memo summarizes the most recent guidance from the New York State Department of Environmental Conservation relative to stormwater and erosion and sediment control measures specific to solar farm applications.

7. Mr. Cole – Clarify the wetland impacts associated with the proposed solar farm. The Site Plan identifies specific wetland impacts associated with the access road construction and electric conduit trenching. The Army Corp of Engineers (ACOE) has historically not considered the installation of solar panels mounted on driven piles as a permanent or temporary impact to wetlands. The Applicant is in the process of completing a Pre-Construction Notification (PCN) with the ACOE and will provide the Town a copy of the ACOE's approval of the same.

In support of the application and reflective of the above comments, enclosed please find the following information:

- 2 full size and 10 reductions of the proposed plan sheets including
 - Minor Subdivision Plan
 - Site Plan
- 12 copies of a SWPPP for Erosion and Sediment Control
- 12 copies of proposed battery manufacturer's cut sheets
- 12 copies of correspondence with the Quaker Street Fire Department
- 12 copies of a proposed decommissioning letter of credit
- 12 copies of a proposed Ingress / egress agreement
- 12 copies of an updated decommissioning plan
- 12 copies of a memo summarizing NYSDEC stormwater guidance relative to solar applications

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)
Doug Cole, Prime AE (via email)
Bobby Billetdoux, Quaker Street Fire Department (via email)



Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

July 9, 2019

 ORIGINAL

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

Re: Town of Duaneburg
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.



ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
100 GREAT OAKS BOULEVARD, SUITE 114
ALBANY, NY 12203
P: 518.382.1774



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 FEA 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 12: Letter to the Planning Board from Environmental
Design Partnership, LLP, dated July 3, 2019



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**
Shaping the physical environment

900 Route 146 Clifton Park, NY 12065
(P) 518.371.7621 (F) 518.371.9540 edpllp.com

July 16, 2019

Dele Warner
Town Planner

Town of Duaneburg
5853 Western Turnpike
Duaneburg, NY 12056

Regarding: Site Plan Review
Oak Hill 1 & 2 Solar Farms

 ORIGINAL

ENTERED on 7/16/19
BY: DW

Dear Mr. Warner:

The Environmental Design Partnership, LLP. (EDP) is in receipt of review comments provided by PrimeAE, dated July 9, 2019. On behalf of the Applicant, Eden Renewables, we offer the following comments, revised plan set and additional information (PrimeAE's original comments are provided along with EDP's response in bold where applicable).

FEAF

1. No response necessary.
2. No response necessary.
3. No response necessary.

Plans

1. No response necessary.
2. No response necessary.
3. No response necessary.
4. No response necessary.

SWPPP

1. No response necessary.
2. No response necessary.
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.

Exhibit 12: Letter to the Planning Board from Environmental
Design Partnership, LLP, dated July 3, 2019

Mr. Dale Warner
July 16, 2019

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment

The site plan cover sheet has been updated, as requested, to include disturbances for electrical trenches, spare parts containers and equipment pads. The total disturbance remains under 1 acre at 0.88 acres.

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.

As noted above, the plans have been updated to include additional disturbances for electrical trenches, spare parts containers and equipment pads. The total disturbance remains under 1 acre.

5. No response necessary.

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 remove and dispose of the item for review.

An updated decommissioning plan has been attached. The estimated pricing is inclusive of labor, equipment, and materials consistent with previously approved decommissioning plans.

Given that the only plan changes involve an update to the overall disturbance limits, we have enclosed twelve (12) copies of an 11x17 reduction of the cover sheet reflecting the update and twelve (12) copies of the updated decommissioning plan. Please advise our office if require additional copies or information.

Sincerely,



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

cc. Giovanni Maruca

ORIGINAL

ENTERED 7/18/19
BY: DW

**Exhibit 12: Letter to the Planning Board from Environmental
Design Partnership, LLP, dated July 3, 2019**

PRINT_KEY	PROP_ADDRS	OWNER	STREET
74.00-2-6	13818 DUANESBURG RD	GANSTER, MATTHEW D.	13818 DUANESBURG RD
80.00-1-3.1	DUANESBURG RD	TAYLOR, ALEXANDER	424 EMERALD DRIVE SOUTH
74.00-2-7	13910 DUANESBURG RD	FUSILIER, MARCELLINE RITA	2035 W COULTER ST
74.00-2-6	13818 DUANESBURG RD	GANSTER, MATTHEW D.	13818 DUANESBURG RD
74.00-2-5	13590 DUANESBURG RD	MURRAY, RICHARD B.	1206 OAKHILL RD
74.00-2-9	13998 DUANESBURG RD	OBOUR, JULES	13998 DUANESBURG RD
74.00-2-8	13994 DUANESBURG RD	BURKE, JANET	13994 DUANESBURG RD
74.00-2-10.2	DUANESBURG RD	BURKE, JANET	13994 DUANESBURG RD
74.00-3-16.121	13392 DUANESBURG RD	OTIS, LEILA A.	13392 DUANESBURG RD
74.00-3-16.4	DUANESBURG RD	OTIS, LEE S.	13392 DUANESBURG RD
74.00-2-6	13818 DUANESBURG RD	GANSTER, MATTHEW D.	13818 DUANESBURG RD
74.00-3-16.3	DUANESBURG RD	BIGGS, SUSAN L.	
74.00-2-5	13590 DUANESBURG RD	MURRAY, RICHARD B.	1206 OAKHILL RD
74.00-3-18	13388 DUANESBURG RD	BIGGS, SUSAN L.	
74.00-2-11.2	1206 OAK HILL RD	MURRAY, RICHARD B.	1206 OAK HILL RD
74.00-2-11.2	1206 OAK HILL RD	MURRAY, RICHARD B.	1206 OAK HILL RD
74.00-3-19	YOUNGS RD	ROWLING, PAMELA H.	82 MAPLE ST
53.00-3-17		NATIONAL GRID,	300 ERIE BLVD WEST BLDG D-G
74.00-3-27	DUANESBURG RD	OTIS, LEE S.	13392 DUANESBURG RD
74.00-2-24.1	14314 DUANESBURG RD	BARNES, JOSHUA F.	
74.00-2-40	MEADOW POND RD	SCHIRNHOFER, BRANDON	49 MIDLINE RD
74.00-2-41	MEADOW POND RD	SCHIRNHOFER, BRANDON	49 MIDLINE RD

Exhibit 12: Letter to the Planning Board from Environmental
Design Partnership, LLP, dated July 3, 2019

CITY_STATE
DELANSON, NY 12053
INDIAN HARBOR BEACH, FL 32937
CHICAGO, IL 60608
DELANSON, NY 12053
ESPERANCE, NY 12066
DELANSON, NY 12053
DELANSON, NY 12053
DELANSON, NY 12053
DELANSON, NY 12053
DELANSON, NY 12053
DELANSON, NY 12053
QUAKER STREET, NY 12141
ESPERANCE, NY 12066
QUAKER STREET, NY 12141
ESPERANCE, NY 12066
ESPERANCE, NY 12066
EAST HAVEN, CT 06512
SYRACUSE, NY 13202
DELANSON, NY 12053
DELANSON, NY 12053
BALLSTON LAKE, NY 12019
BALLSTON LAKE, NY 12019

Untitled Map



July 8, 2019

polygonLayer

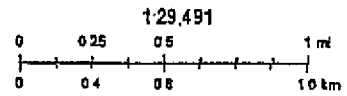
Override 1

polygonLayer

Override 1

polygonLayer

█ Override 1



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
DF, USDA, USGS, AeroGRID, IGN, and the GIS User Community

No Author
This map and information is provided as is. We make no warranties or guarantees, expressed or implied.
The user assumes all risks and responsibility for determining whether the map is suitable for purposes intended. The data is deemed reliable but not guaranteed.

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice-Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rufison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

Town of Duanesburg
Planning Board Minutes
July 18, 2019
Final Copy

MEMBERS PRESENT: Phillip Sexton Chairman, Jeffery Schmitt Vice Chairman, Elizabeth Novak, Martin Williams, Michael Harris and Joshua Houghton. Also attending Alex Dobles Board Attorney, Dale Warner Town Planner.

INTRODUCTION:

Chairman Phillip Sexton opened the meeting at 7:01pm. Phillip welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Harris/Houghton made the motion to close the open forum at 7:05.
Sexton yes, Harris yes, Schmitt yes, Novak yes, Williams yes, Houghton yes. **Approved.**

PUBLIC HEARINGS:

Sexton/Harris made a motion to open the Public Hearing for the **#19-12 Murray, Richard/Eden Renewables**; SBL# 74.00-2-5 application at 7:06P.M.
Harris yes, Novak yes, Houghton yes, Sexton yes, Schmitt yes, Williams yes. **APPROVED.**

Travis Mitchell representative of Eden Renewables presented to the Board.

Susan Bigg located at 1388 Duanesburg Road expressed her concerns about having a Solar project, she learned about the project on July 11th. Will pesticides be used? How and who will sheep be cared for? How is this Solar farm helping our community? What is financially gained by the Solar Farm. She asked the board to deny Eden Renewables request for a Solar Farm.

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Over →

Lynne Bruning located at 1388 Duanesburg Road expressed her concerns over the project and asked that the documents and photos she has be attached as a permanent record to this project. Asking that the board hold off on making a decision on this project based on the following 5 statements:

1. NYS SEQR formal no preliminary affirmation, 617.3 c site was 617.3A distributed in June 20th minutes it is indicated that the board reaffirm the Preliminary Negative Declaration for a Special Use Permit. She recommends the public hearing be postponed until the SEQR process is complete.
2. The site was disturbed prior to the SEQR process 617.3A, she is submitting photo's of tree clearing starting in the summer 2018 and into this year.
3. The project may not comply with the following provisions in the Town of Duanesburg Solar Law Section 3.3(c) and (e). The trees are deciduous on the western side of her property, therefore, it may be not be in compliance during winter months.
4. Section 14.6.2.2 will not have significant effect on surrounding properties. 14.6.2.c.11 does not conflict with significant effect. Eden Renewables never accessed surrounding properties. According to section 617.f of SEQR negative declarations can be rescinded for 3 reasons. 1. Changes are proposed in the project, 2. New information is discovered, 3. Changes in circumstances related to the project arise that were not previously considered. It is stated that approximately 21.94 acres of forested land will be removed. According to the July 3 correspondence between Mr. Warner and Mr. Cole that the physical disturbance of this project will be 8.9 acres. A loss of 21 acres. Another point for this Board is the Storm water Pollution plan, 8.4 acres disturbed that leaves 21 acres of land not accounted for in the SWPP as according to the SWPP the soils in this project are largely composed of peripheral low pp. She requests that there be a revised SWPP for loss of forested land. She is requesting a new EAF as per the Agricultural guidelines.
5. The lack of engagement and public outreach with the project to the public. 14.6.2.4 (b) must notify residents within 1000 feet of project. They did not receive notice until July 11th, 7 days prior to this meeting and were not able to review documents with regard to the project until July 16th.

Pamela Rowling currently residing in Connecticut she owns a 71.4 acre property adjacent to the above property (1204 Duanesburg Road). She was not aware of the project until just recently. What are the tax implications? Concerns of water pollution with the project. Would like more information on what happens to the property after decommissioning?

Leah Otis residing at 13392 Duanesburg Road concerned of the lack of notice to the public. Wanted to thank Lynne Bruning for all her hard work and she does not want the Board to vote tonight.

Sherri Schrade residing at 1619 Eaton Corners Road she thinks that there is a lot of questions and concerns about the information out there and it is confusing. Some clarifications and answers would be helpful. She does not want the Board to vote tonight. What kind of toxic chemicals are they are using when they initially go in to install the solar

panels, what do they actual do to the site prior to install? What is the cost of the installation and decompose of the panels? What about the facility is it ready to accept increased power? Tax implications – does the town receive extra taxes or any benefits?

Wallace Johnson residing at 1204 Youngs Road he concerned about the decommissioning costs associated with the project. Would like clarification on the process of decommissioning the property. Also is not happy about the short notice given on the project. Who does the decommissioning of the property? He does not want the Board to vote tonight.

How much of the property is wetlands? Are they forever wetlands?

Sexton responded regarding the notification of the project. He also noted that the Board does not influence law, property values so there may be a few things tonight that we cannot answer as those are not in our purview, you may be able to get further answers from the Zoning Board and the Town Board. We will do our best to answer the questions you may have.

Diane Gallo residing at 488 Oak Hill Road, Esperance discussed speaking with neighbor who told her she knew about the project because she went to a presentation 6-8 months ago. She said she was notified by mail. However, she has not heard anything about the project since.

A written response will be a better way to communicate these concerns that you have. Would like to address as many questions as possible tonight. Barry Lopez CEO of Eden Renewables spoke to the residents. He is sad to hear about how upset the public is with the project. They have spent 9 years designing the layouts for Solar Farms and have been applauded for their designs. Regarding notifications, they have done mailings, newspaper advertisements, press releases and posters in local businesses and understand clerical errors. The sheep will be brought in and brought out for grazing the fields. Herbicides will not be needed as it will be an organic site due to the use of the sheep. Regarding the wetlands there is approximately 20 acres of wetland. The transmission lines are located on the property how will they affect our property? In New York State Solar Farms are exempt from Property Taxes. The Town, School and County are working to negotiate a pilot as the property will no longer be under an AG exemption which will increase taxes. The State allows Community Scale Solar farms which will help reduce electricity by 10% discount for life of system.

Sexton/Harris made the motion to keep the Public Hearing open until August 15, 2019 for **#19-12 Murray, Richard/Eden Renewables; SBL# 74.00-2-5** contingent upon all questions documented tonight and submit them to Dale Warner by July 28, 2019 who will then submit them to Eden Renewables for response by August 5, 2019. Eden Renewables to conduct a Community Meeting and provide results of that meeting to the Board.

Sexton yes, Harris yes, Houghton yes, Williams yes, Novak yes, Schmitt yes. APPROVED.

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Over →

New Business:

None.

Old Business:

#19-15 Duanesburg NuEagle LLC & HP-You LLC: SBL# 67.05-2-4, (H) located at 5013 Western Turnpike is seeking a Special Use Permit 12.4(23) of the Town of Duanesburg Zoning Ordinance.

Took in consideration the comments of the board previously, regarding vegetation in front of the building and parking lot. Parking will be on the bank side with 6 parking spaces. Box planters in front. Lighting will have one each corner. Public Hearing and reaffirmation of SEQR was held on June 20, 2019.

Novak/Sexton made a motion to approve the **#19-15 Duanesburg NuEagle LLC & HP-You LLC:** SBL# 67.05-2-4, (H) Special Use Permit 12.4(23) of the Town of Duanesburg Zoning Ordinance.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

#19-06 Miner. Bill: SBL# 68.00-2-25.4 (R-2/C-2) located 2054 Western Turnpike is seeking a Minor subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Chris Longo spoke regarding the wetland delineation with NYSDEC and ACOE - additional wetlands impact area within 100ft. Buildings have been scaled back. No impact to the wetlands. Eight additional storage buildings, originally it was 20 buildings. Each will be surrounded by gravel, swales and ponds. Amendment to existing SUP and Minor Subdivision July 11th letter received from DEC - copy of letter needed for the Board. State has jurisdiction on everything.

Novak/Williams made a motion to reaffirm SEQR determination of a negative declaration of the **#19-06 Miner. Bill:** SBL# 68.00-2-25.4(R-2/C-2) Minor subdivision under section 3.4 of the Town of Duanesburg Zoning Ordinance.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

Sexton/Schmitt made a motion to hold a **Public Hearing for the application #19-05 Miner. Bill on August 15, 2019.**

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

#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.

Novak/Schmitt made a motion to reaffirm Preliminary Negative Declaration SEQR for the **#19-09 Hoelzli, Andrew:** Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

Harris/Houghton made a motion to hold a Public Hearing for the application **#19-09 Hoelzli, Andrew on August 15, 2019.**

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

SKETCH PLAN REVIEW:

- **#19-17 Leonard, William and Sarah:** SBL# 42.00-2-2.122(r-2) located at 921 Bramans Corners Rd. is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Sexton/Schmitt made a motion to refer **#19-17 Leonard, William and Sarah: minor subdivision to Dale Warner for review.**

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

OTHER:

None

MINUTES APPROVAL:

Houghton/Williams made the motion to approve the June 20, 2019 Planning Board minutes.

Sexton yes, Harris yes, Houghton yes, Williams yes, Novak yes, Schmitt yes. **APPROVED.**

ADJOURNMENT:

Sexton/Harris made the motion to adjourn at 10:20pm.

Sexton yes, Harris yes, Houghton yes, Williams yes, Novak yes, Schmitt yes. **APPROVED.**

Schwarz



ORIGINAL

ENTERED *DATE 8-11-19*
BY *DW*

Good Evening. I am Susan Biggs of 13388 Duanesburg Road Delanson NY.

Thank you for holding tonight's public hearing about the proposed Oak Hill Solar Farm at 13390 Duanesburg Road.

I learned of this project on July 11, 2019 and have questions for the Town Planning Board:

1. My great-grandfather purchased our homestead in 1867. My ancestors cleared the land with hand plows and oxen while discovering arrowheads that, as a little girl, I took to school for show & tell. Artifacts found on my property are likely to be also found on the proposed project site. What on-site evaluations has the State of New York Environmental Conservation and Archeological departments made?
2. My great-grandfather raised sheep. The proposed project states that they will use sheep to control ground vegetation, but the town documents do not explain who will care for the sheep where they are housed, and most importantly - if the sheep don't control the ground vegetation will pesticides be used? What happens when the west wind blows these cancer causing chemicals onto my property? Will my land become contaminated?

ENTERED ON: 8/15/19
BY: [signature]

While we are speaking of sheep and the west wind. They stink and this will negatively impact the value and enjoyment of my property. I will submit to the Planning Board a letter from Century 21 indicating a decrease in value of my property due to this project.

3. In the past 150 years my family has done much to support our community including donations of land, financial support of Grove Cemetery, and the hiring of many contractors. How is this proposed solar farm supporting our community? I would like to know the Town's and Mr. Murrays financial gain and how many long term jobs this project will provide our community?

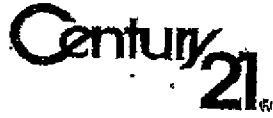
4. The Planning Department is fully aware of my property layout, yet my 1820's home and barns are not even shown on the sketch Eden Renewables has distributed. This is a newly formed business in 2017 with a parent company in the United Kingdom. Eden Renewables has not completed a single project. This omission of neighbors is unacceptable and should have been identified long before tonight. Why didn't the Board, Eden Renewables, and Mr Murray include our community and the immediate neighbors in the planning process? Why did you wait till July 11, 2019 to notify only the legally required neighbors, or about 5 out of 6,300 residents.

In closing, I am 83 years old. My heart and soul are in this land and community. I am deeply distressed that all members of the Town Board and Planning department have allowed this project to proceed to this point without community involvement.

ENTERED ON: 8/5/19
BY: J.W.

With this is mind I ask the Board to deny the special use permit to Eden Renewables and Mr. Murray.

Thank you for your time and attention. I request my comments and letter of Century 21 to be recorded in its entirety in tonight's minutes and the project record.



Rural Estates

323 Main Street
P.O.Box 609
Schoharie, NY 12157

Office (518) 295-8547
Fax (518) 295-8691

ENTERED ON 8/15/19
BY DW

- The proposed solar farm project at 13390 Duaneburg Road Delanson, NY limits Mrs. Biggs and her daughter Lynne's ability to redevelop both parcels of their property to the full potential. Because the project's visual impact mitigation strategy relies upon natural screening located on Mrs. Biggs' property, Mrs. Biggs cannot remove the vegetative screening without drastically amplifying the visual impact she would endure.
- Based on the text of section 14.6.2 © of Town of Duaneburg's Zoning Code, the Applicant must quantitatively demonstrate the project will not lower property values. Based on my 30 years, experience as a realtor I am concerned that the project could adversely affect Mrs. Biggs' property values.
- Prior to Town of Duaneburg granting a special use permit and issuing site plan approval, the Planning Board must issue a written findings statement documenting how the project would not adversely affect community character. The location of the proposed project, in such close proximity to Mrs. Biggs could limit the enjoyment of her property.

Regards,

Dean Nunamann
Broker/Owner
Century 21 Rural Estates

18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 1

ENTERED ON: 8/1/2019
BY: DW

Dear Chairman Sexton and members of the Planning Board,

Thank you for this opportunity to speak tonight regarding the Site Plan Review / Special-Use Permit Application regarding the Oak Hill Solar Project (hereinafter referred to as the Project) located at 13390 Duanesburg Road. My name is Lynne Bruning and I live at 13388 Duanesburg Road, Delanson; NY 12053.

I would like this letter and attached photos to be entered into the official record for the project.

We received notice of this project on July 11, 2019 via USPS mail, with a single page notice announcing tonight's public hearing. Neither my family nor the other neighbors received a copy of the application package. This one-page notice effectively introduced us to the proposed project. Since then, I have consulted with local experts and legal counsel, reviewed the project documents at the Planning Office, and consulted with neighbors—encouraging them to attend this meeting.

My family farm and residence shares a 3,500 feet common property line with the project. I was granted a copy of the application package on July 16, 2019—leaving approximately 48 hours to review an application that has been under discussion for a year.

Based on my initial review of the project file, I am requesting that the Planning Board postpone tonight's votes on the Special-Use Permit and Site Plan Review for the following five reasons.

18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 2

1. The New York State Environmental Quality Review Act (SEQRA) Process is Not Complete

ENTERED ON 8/15/19
BY DW

Based on my review of the record related to the proposed project, a formal SEQRA determination has not been issued. According to the minutes from the June 20, 2019 Planning Board meeting, a "preliminary negative declaration" was affirmed. The negative declaration was dated June 7, 2019. Part 617.7 of SEQRA governs the determination of significance with respect to the environmental impacts of an action. For a Type 1 Action, the Lead Agency may either issue a "Positive Declaration" or a "Negative Declaration." There is no provision discussing a "preliminary" negative declaration in the SEQRA regulations.

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recommend that the public hearing be postponed until the SEQRA review process is completed.

2. The Site was physically disturbed prior to the completion of the SEQRA process

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18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 8:

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DW
AUG 15 19

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18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 4

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ENTERED ON 8/15/19
DW

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18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 5

ENTERED ON: 8/15/19
BY: [Signature]

may result. As evidenced in Part E.1b of the Full EAF, it is stated that approximately 21.94 acres of forested land will be removed as a result of the project. It is not clear how the trees will be removed and what the resultant physical disturbance to the land will be. According to the July 3, 2019 correspondence between Mr. Warner and Mr. Cole, it is stated that the physical disturbance related to this project will be 0.89 acres. A loss of 21.94 acres of trees would result in a far greater physical disturbance related to the project must be considered during the SEQRA process.

Another reason this point is important for the Planning Board to consider is that the Stormwater Pollution Prevention Plan (SWPPP) prepared by the Applicant estimates that only 0.84 acres of land will be disturbed by the proposed project. That leaves 21.10 acres of forested land unaccounted for by the SWPPP. As evidenced in the SWPPP, the soils on the project site are largely within Hydrologic Soil Group D—the worst category of soils when it comes to managing stormwater runoff. An accurate SWPPP is necessary for making a SEQRA determination with well-reasoned explanations justifying the Planning Board's findings. **Therefore, I request that a revised SWPPP be prepared that accurately accounts for the loss of forested land.**

Regarding impacts to agricultural resources, the Applicant fails to recognize the presence of soils with U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Farmland Classifications of "Prime Farmland" and "Farmland of Statewide Significance." This is evidenced in Part E.3b of the Full EAF which notes that there are no highly productive agricultural soils on site. The Burdett Scriba soil series have a classification of "Prime Farmland if Drained" while the Illion Silt Loam series is classified as "Farmland of Statewide Significance."

According to Section 4 of the Decommissioning Plan, it is stated that the site consists of 65.2 acres of agricultural land. The Plan stresses that "the future use of the land for agricultural purposes would not be prejudiced." According to Part E.1b of the Full EAF, the project will result in the loss of 43.57 acres of agricultural land. It is my

18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 6

understanding that the Application does not commit to following the guidelines for siting solar facilities put forth by the New York State Department of Agriculture and Markets (NYSDAM). The guidelines stress the need for solar projects over a certain size to have an "Environmental Monitor" on site to ensure that agricultural soils are restored completely ([https://www.agriculture.ny.gov/ap/agsservices/](https://www.agriculture.ny.gov/ap/agsservices/Solar_Energy_Guidelines.pdf)

Solar Energy Guidelines.pdf). Therefore, I request that the Full EAF is revised to reflect the presence of productive agricultural soils on site.

REVIEWED ON 8/5/19
OR DW

5. The lack of public engagement and outreach related to this project has deprived the public of the opportunity to participate meaningfully during the review process.

Public engagement represents a critical component of any planning project. Members of the public often have site specific knowledge that can help identify mitigation measures, protect sensitive resources and artifacts, and strengthen the overall quality of most applications. According to Part 14.6.2.4 subpart B of the Town Zoning Code, the Planning Board must notify all property owners within a 1,000-foot radius of the project site at least 10 days in advance of the meeting. I, and four other neighbors, received notice of tonight's public hearing on or after July 11, 2019, seven days prior to the public hearing.

This lack of notice has limited the ability of my neighbors and I to participate meaningfully in the review of the proposed project for several reasons. First, I did not receive access to the project files until July 16, 2019. I visited Town Hall on Monday July 15th but was denied access to the documents and my mother had to return the next day. These documents should have been posted online for public review. This is particularly problematic because the project has been under discussion by the Town for over a year. Did other members of the public have to undertake the same amount of work to get access to the project file? Given the size of the project file, I argue that 48-hours is not enough time to review the project's environmental impact and compliance with the Town's Zoning Code.

18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 7

ENTERED ON: 8/15/19
BY: DW

I would like it known on the record that the Applicant's past practice was to conduct community meetings to educate interested landowners and other concerned citizens about their respective projects. Indeed, an examination of local newspapers and applicants website shows that the Applicant conducted community meeting in July 2019 in the City of Gloversville to educate the public about a proposed solar array in Fulton County. I request clarification as to why this practice and media coverage was not employed in the Town of Duanesburg.

To close, I would like to make the following requests of the Planning Board:

1. The Planning Board should continue the public hearings related to the proposed project until the provisions of SEQRA have been complied with;
2. The Planning Board should require the Applicant to prepare a revised SWPPP that takes into account the clearing of 21.94 acres of trees and revise the Decommissioning Plan to include New York State Department of Agriculture and Markets (NYSDAM)-recommended guidelines for siting solar facilities; and
3. The Planning Board should continue the public hearings until the Applicant has conducted a community meeting to discuss the proposed project.

Respectfully Submitted,

Lynne Bruning

Cc: Danny Lapin, AICP

Doug Zamells, Esq.

18 July 2019

Duanesburg Planning Board Public Hearing

Clarification Questions Requested for Written Response from Eden Renewables

Responses due back from Eden Renewables Officials to Dale Warner by 5 August 2019

1. Describe projects Eden has successfully completed. Names and locations of projects? What are the results from those projects?
2. Who will care for the sheep?
3. Will pesticides be used? If so what types?
4. If pesticides are ever used, do herbicide control plans need to be filed with the town?
5. How will this project effect property values? One resident claims Century 21 has determined it will decrease neighboring property values.
6. How many short-term jobs will this project create? Long term jobs?
7. Why wasn't the neighboring community made aware of this project prior to being notified by the planning board on June 11?
8. Why was tree clearing occurring in 2018?
9. Will there be a new full EAF to ID productive soil profiles that exist on the property?
10. How will this solar project effect taxes?
11. What if any water pollution may be created if chemical weed control practices are implemented?
12. Is there a 10-year moratorium on land use after solar projects are decommissioned?
13. Is the decommissioning plan accurate?
14. Why does the decommissioning plan only include a total of 10 acres?
15. How do we know the estimated decommissioning escrow will cover the actual cost of removal and remediation based on future costs?
16. Who completes the decommissioning? Who is responsible to have old solar arrays removed, repaired or replaced?
17. How is the site prepared?
18. Are the materials solar arrays are made of considered toxic?
19. How will this project support the greater Duanesburg community? How does the town benefit?
20. Will this require an expansion or upgrade to the existing Power Station (located on Alexander Road)?
21. Will beekeeping consider the concerns of other local beekeepers? It was mentioned one beekeeper maintains a 5-mile radius away from another bee keeping businesses / apiary.
22. Are there wetlands located in the project area?
23. Will evergreen screening be installed?
24. Is this solar farm exempt from paying taxes? If so, how does the payment in lieu of taxes work?
25. Why are we doing this? What's in it for "us"?

8/15/19 DW

18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 1

Dear Chairman Sexton and members of the Planning Board,

Thank you for this opportunity to speak tonight regarding the Site Plan Review / Special-Use Permit Application regarding the Oak Hill Solar Project (hereinafter referred to as the Project) located at 13390 Duaneburg Road. My name is Lynne Bruning and I live at 13388 Duaneburg Road, Delanson, NY 12053.

I would like this letter and attached photos to be entered into the official record for the project.

We received notice of this project on July 11, 2019 via USPS mail, with a single page notice announcing tonight's public hearing. Neither my family nor the other neighbors received a copy of the application package. This one-page notice effectively introduced us to the proposed project. Since then, I have consulted with local experts and legal counsel, reviewed the project documents at the Planning Office, and consulted with neighbors—encouraging them to attend this meeting.

My family farm and residence shares a xx feet common property line. I was granted a copy of the application package on July 16, 2019—leaving approximately 48 hours to review an application that has been under discussion for a year.

Based on my initial review of the project file, I am requesting that the Planning Board postpone tonight's votes on the Special-Use Permit and Site Plan Review for the following reasons.

1. The New York State Environmental Quality Review Act (SEQRA) Process is Not Complete

Based on my review of the record related to the proposed project, a formal SEQRA determination has not been issued. According to the minutes from the June 20, 2019 Planning Board meeting, a "preliminary negative declaration" was affirmed. The negative declaration was dated June 7, 2019. Part 617.7 of SEQRA governs the determination of significance with respect to the environmental impacts of an action. For a Type I Action, the Lead Agency may either issue a "Positive Declaration" or a "Negative Declaration." There is no provision discussing a "preliminary" negative declaration in the SEQRA regulations.

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18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 2

adequate. Therefore, since a formal Negative Declaration has not been issued, I contend that the public hearing on the Special-Use Permit for the proposed project is premature. **I recommend that the public hearing be postponed until the SEQRA review process is completed.**

2. The Site was physically disturbed prior to the completion of the SEQRA process

According to Part 617.3(a) of SEQRA, "...a project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been complied with." I have photographic evidence which I am submitting into the record showing that tree clearing on the project site occurred starting in the summer of 2018 and continuing through summer of this year. As noted below, aside from Part E.1b of the Full EAF, the tree clearing related to the project does not appear to have been factored into the review of the proposed project. **Without a revised SEQRA analysis, I am concerned that the Applicant may have violated Part 617.3(a) of SEQRA.**

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18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 3

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18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 4

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18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 5

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Cc: Danny Lapin, AICP

Doug Zamolis, Esq.

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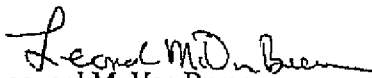
To: Members of the Town of Duanesburg Planning Board
Re: Proposed Solar Farm

July 18, 2019

ENTERED ON 7/18/19
BY: DW

What statistics do you have to demonstrate the impact this solar farm and future solar farms will have on neighbors' land values and resale values of their homes?

Has the view that neighbors will have in this rural setting been considered?


Leonard M. Van Buren
PO Box 114
148 Bull Street
Delanson, NY

18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 1



ORIGINAL

ENTERED ON: 7/17/19
BY: JTB 2:30

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18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 2

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ENTERED ON: 9/17/19
BY: MD 2:38

18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 3

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ENTERED ON: 9/17/19
BY: MD ZSC

18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 4

agricultural soils on site. The Burdett Scriba soil series have a classification of "Prime Farmland if Drained" while the Illion Silt Loam series is classified as "Farmland of Statewide Significance."

According to Section 4 of the Decommissioning Plan, it is stated that the site consists of 65.2 acres of agricultural land. The Plan stresses that "the future use of the land for agricultural purposes would not be prejudiced." According to Part E.1b of the Full EAF, the project will result in the loss of 43.57 acres of agricultural land. It is my understanding that the Application does not commit to following the guidelines for siting solar facilities put forth by the New York State Department of Agriculture and Markets (NYSDAM). The guidelines stress the need for solar projects over a certain size to have an "Environmental Monitor" on site to ensure that agricultural soils are restored completely (https://www.agriculture.ny.gov/ap/aggservices/Solar_Energy_Guidelines.pdf). Therefore, I request that the Full EAF is revised to reflect the presence of productive agricultural soils on site.

5. The lack of public engagement and outreach related to this project has deprived the public of the opportunity to participate meaningfully during the review process.

Public engagement represents a critical component of any planning project. Members of the public often have site specific knowledge that can help identify mitigation measures, protect sensitive resources and artifacts, and strengthen the overall quality of most applications. According to Part 14.6.2.4 subpart B of the Town Zoning Code, the Planning Board must notify all property owners within a 1,000-foot radius of the project site at least 10 days in advance of the meeting. I, and four other neighbors, received notice of tonight's public hearing on or after July 11, 2019, seven days prior to the public hearing.

This lack of notice has limited the ability of my neighbors and I to participate meaningfully in the review of the proposed project for several reasons. First, I did not receive access to the project files until July 16, 2019. I visited Town Hall on Monday July 15th but was denied access to the documents and my mother had to return the next day. These documents should have been posted online for public review. This is particularly problematic because the project has been under discussion by the Town for over a year. Did other members of the public have to undertake the same amount of work to get access to the project file? Given the size of the project file, I argue that 48-hours is not enough time to review the project's environmental impact and compliance with the Town's Zoning Code.

I would like it known on the record that the Applicant's past practice was to conduct community meetings to educate interested landowners and other concerned citizens about their respective projects. Indeed, an examination of local newspapers and applicants website shows that the Applicant conducted community meeting in July 2019 in the City of Gloversville to educate the public about a proposed solar array in Fulton County. I request clarification as to why this practice and media coverage was not employed in the Town of Duanesburg.



ORIGINAL

ENTERED ON 9/17/19
MD 2:30

18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 5

To close, I would like to make the following requests of the Planning Board:

1. The Planning Board should continue the public hearings related to the proposed project until the provisions of SEQRA have been complied with;
2. The Planning Board should require the Applicant to prepare a revised SWPPP that takes into account the clearing of 21.94 acres of trees and revise the Decommissioning Plan to include New York State Department of Agriculture and Markets (NYSDAM)-recommended guidelines for siting solar facilities; and
3. The Planning Board should continue the public hearings until the Applicant has conducted a community meeting to discuss the proposed project.

Respectfully Submitted,

Lynne Bruning

Cc: Danny Lapin, AICP

Doug Zamelis, Esq.

 ORIGINAL

ENTERED ON: 9/17/19
MD 2130



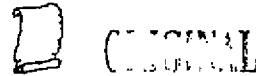
**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**
Shaping the physical environment

900 Route 146 Clifton Park, NY 12065
(P) 518.371.7621 (F) 518.371.9540 edpllp.com

August 5, 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:

The Oak Hill Solar Projects 1 & 2 last appeared before the Town of Duanesburg Planning Board during your July 18, 2019 meeting. Subsequent to the meeting, based on input during the Public Hearing, the Planning Board requested additional information and clarification on several items for continuation of the Site Plan review process. On behalf of the Applicant please find the enclosed additional information and responses to questions as requested.

- 12 copies of letter with responses to comments received entitled Oak Hill Solar Farms Q&A.
- 12 copies of a revised Full EAF reflecting an updated to question E.1.b on Land Use or Covertype and an updated to question E.3.b related to soil productivity.
- 12 copies of a letter from the landowner relative to agricultural / soils productivity.
- 12 copies of a letter from Eden Renewables explaining materials submitted related to public open house events.
- 12 copies of an event recap and materials provided at the August 7, 2018 public open house.
- 12 copies of an event recap and materials provided at the July 31, 2019 public open house.
- 12 copies of the initial responses to comments received. Note that this document is included as these answers were displayed at the July 31, 2019 open house; however, the responses to questions 10, 16 and 37 have been updated in the August 5, 2019 submittal.

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)



333 Broadway Suite 460
Troy, New York 12180

Planning Board
5853 Western Turnpike
Duanesburg, NY 12056

August 5th, 2019

Dear Sir / Madam,

As part of our submission, we have been asked by the Duanesburg Town Planning Board to answer several questions. Below is an explanation of amendments to our public open house events between August 2018 & July 2019.

August 7, 2018 Exhibition boards

During the August 2018 event, we created 14 exhibition boards and two of the boards were site layouts: one with some ecology explanations and a second that displayed views around the site. Both layouts used google maps and showed all the houses around the project area.

July 31, 2019 Exhibition boards

At the July 2019 event, we created 14 exhibition boards and two of the boards were site layouts: the ecology board from the first event in August 2018 was replaced with a more detailed and focused design calling out the ecology. The attachment of the exhibit boards from the July 2019 event displays two other site layouts depicting all the houses around the site area. One is the layout from August 2018 and the other is the updated July 2019 layout. We confused the layouts and accidentally left the July 2019 updated version in our office. So we decided to use the August 2018 version again. It was a little confusion but all visitors seemed to understand the difference when we explained the issue.

We have also included two sets of answers to the questions asked of us. The first set of answers was publicly displayed at our Duanesburg Open House. Following the event on July 31, 2019, we have made some amendments to questions 10, 16 and 37.

Yours sincerely,

Giovanni Maruca
Chief Development Officer

+1 (518) 326-0259

info@edenrenewables.com

www.edenrenewables.com

Eden Renewables is the trading name of Eden Renewables LLC, a Delaware incorporated company with a place of business at 333 Broadway, Suite 460, Troy, NY, 12180.

ENTERED Aug 8, 2019
DE *DW*

Aug 5, 2019

Richard Murray
1206 Oak Hill RD
Esperance, NY 12066

 ORIGINAL

Town of Duaneburg Planning Board

Dear Chairman:

Regarding the question at the hearing on the quality of the farm land at the proposed site of solar farms, Oak Hill 1 and Oak Hill 2. This land is primarily Burdett-Scriba (BvA) and Ilion Silt loam (IIA), both of these types of soil are stony and subject to seasonal wetness during the spring and fall and extended rainy spells. This land does NOT have any drain tiles installed and without drainage this land is not suited for row crops making the land marginal for farming. The current farmer working the parcel land adjacent to route 7 could not plant corn on the land this spring and had to plant Soybeans in July making the crop questionable. The other farmer using land where the solar farms will be planned to be located could not cut the hay this spring because the land did not dry out enough until July. Several years ago this farmer planted corn and the crop was lost due to the land's poor drainage resulting in an insurance claim for the farmer.

Regards

Richard Murray



ENTERED 08/16/19
BY: DW

EVENT RECAP:
Oak Hill Farms Public Meeting

ORIGINAL

Tuesday, August 7, 2018
4:00 PM – 8:00 PM
Duanesburg Ambulance Corps, 30 Cole Road, Delanson, NY 12053

MARKETING EFFORTS

- ¼ page ad in Daily Gazette July 27th weekend issue
- 2,000 postcards mailed via US Post Office Every Door Direct Mail to Duanesburg, Delanson a week before event
- 5 flyers posted around community a week before event
- Email, fax and phone calls to elected officials (Federal, State, local)

FEEDBACK RESULTS

- Total of 40 in attendance of local residents and some business owners; mostly positive feedback from community
- Total of 8 feedback forms returned to us at event
- Local community projects suggested include: Duanesburg Central School, Duanesburg YMCA (2), SMIST (Schoharie, Mohawk Initiative for Science and Technology), Schoharie River Center (2)
- Comments include: "Keep up the great work!", "So happy to see this in our area!", "Thank you for your initiative in the renewable energy movement!"
- One resident showed interested in volunteer opportunities

FEEDBACK TALLY

	Strongly agree	Agree	No opinion/ Don't know	Disagree	Strongly disagree
1. Clean energy is an important issue	7	1			
2. I support community solar projects	6	2			
3. In principle, I support solar energy projects in my area	6	2			
4. The local community will benefit from renewable energy	6	2			
5. This is an appropriate site for a solar farm	4	3	1		
6. I support the solar farm project	4	2	1		
7. I'm interested in subscribing to the community solar farm to receive lower cost electricity when the project is complete.	4	4			



ENTERED ^{DATE} 8/6/19
BY:

EVENT RECAP:
Oak Hill Farms Open House

 ORIGINAL

Tuesday, July 31, 2019
3:00 PM – 7:00 PM
Duanesburg Ambulance Corps, 30 Cole Road, Delanson, NY 12053

MARKETING EFFORTS

- ¼ page ad in Daily Gazette July 28th Sunday issue
- 3,683 postcards mailed via US Post Office Every Door Direct Mail to Duanesburg, Delanson, Esperance, and Quaker Street within the week before the event
 - o Personally delivered 15 postcards to residents surrounding the projects
- 11 flyers posted around the community a week before the event including 2 Post Offices, 2 Stewarts locations, the YMCA, the Duanesburg Town Hall, the Quaker Street Bible Church, and a gas station.
- Email to local elected officials (Federal, State, local)

FEEDBACK RESULTS

- Total of 53 in attendance of local residents and some business owners; mostly positive feedback from the community
- Total of 5 feedback forms returned to us at event
- Local community projects suggested include: Duanesburg Central Schools
- Comments include: "Very interested in program"

FEEDBACK TALLY

	Strongly agree	Agree	No opinion/ Don't know	Disagree	Strongly disagree
1. Clean energy is an important issue	3	2			
2. I support community solar projects	3	2			
3. In principle, I support solar energy projects in my area	3	2			
4. The local community will benefit from renewable energy	2	3			
5. This is an appropriate site for a solar farm	2	3			
6. I support the solar farm project	3	2			
7. I'm interested in subscribing to the community solar farm to receive lower-cost electricity when the project is complete.	3	2			



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August 5, 2019

 ORIGINAL

Mr. Phillip Sexton
Planning Board Chairman

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

ENTERED 08/16/19
BY DW

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

Dear Mr. Sexton:

The Oak Hill Solar Projects 1 & 2 last appeared before the Town of Duanesburg Planning Board during your July 18, 2019 meeting. Subsequent to the meeting, based on input during the Public Hearing, the Planning Board requested additional information and clarification on several items for continuation of the Site Plan review process. On behalf of the Applicant please find the enclosed additional information and responses to questions as requested.

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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)

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



Jeffrey Schmidt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

TOWN OF DUANESBURG
SCHENECTADY COUNTY

NOTICE OF PUBLIC HEARING

LEGAL NOTICE NOTICE OF PUBLIC HEARING PLANNING BOARD TOWN OF DUANESBURG

PLEASE TAKE NOTICE, THAT THE PLANNING BOARD OF THE TOWN OF
DUANESBURG, NEW YORK, WILL MEET AT THE TOWN HALL IN THE TOWN
OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **August 15th, 2019** AT
7:00 PM FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE

APPLICATION OF:

#19-12 Murray, Richard/Eden Renewables: SBL#74.00-2-5, (R-2) LOCATED AT
13590 DUANESBURG RD IS SEEKING A SPECIAL USE PERMIT UNDER LOCAL LAW
#1-2016 OF THE SOLAR ENERGY FACILITIES LAW. APPLICATION INFORMATION IS
AVAILABLE DURING BUSINESS HOURS OR ONLINE AT WWW.DUANESBURG.NET

**BY ORDER OF THE CHAIRPERSON
PLANNING BOARD
TOWN OF DUANESBURG
CHAIRPERSON**

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



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August 6, 2019

Mr. Phillip Sexton
Planning Board Chairman

Town of Duaneburg
Planning and Zoning Office
5853 Western Turnpike
Duaneburg, NY 12058

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

 ORIGINAL

RECEIVED
8/16/19
[Handwritten initials]

Dear Mr. Sexton:

On August 5, 2019 a package of information was delivered to the Town of Duaneburg Planning Board with information relative to the Oak Hill Solar Projects. That submittal referenced materials provided at the August 7, 2018 public open house which were inadvertently left out of the submittal package. Enclosed please find 12 copies of this material which is provided simply for reference relative to Eden Renewables community outreach efforts. The material provided includes reductions of the display boards presented at the August 7, 2018 open house.

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)



PUBLIC MEETING FOR PROPOSED
COMMUNITY SOLAR FARMS
AT OAK HILL FARMS

Eder Renewables bringing low cost,
natural power to your community
www.edenrenewables.com



EDEN
RENEWABLES



ABOUT US



EDEN
RENEWABLES

HARRY LOPES
CHIEF EXECUTIVE OFFICER

With a background in farming and finance, Harry has been developing renewable energy projects in wind and solar since 2011. During his time off, he likes to explore the surrounding nature trails with his electric bike.

GIOVANNI MARUCA
CHIEF DEVELOPMENT OFFICER

Giovanni has over seven years of experience managing solar PV developments, including one on his farm in Castleton-on-Hudson. Recently, he has made the Capital Region his home with his family and a flock of wild peacocks.

GILLIAN BLACK
PROJECT DEVELOPMENT MANAGER

Gillian is a NABCEP Certified PV Installation and Technical Sales Professional having designed and/or installed over 300 residential, commercial and municipal solar PV systems all over the Northeast. He lives in Saratoga Springs with his family and two dogs and enjoys a day out in Saratoga.

JONALIZA D. MISA
COMMUNITY AFFAIRS MANAGER

Jonaliza's experience in community and public affairs expands for almost a decade, previously working in the New York State Senate before entering the renewable energy industry. Currently, she lives in Guilderland and can be frequently seen at the local hot yoga studio.

ED PARKER
COMMUNITY OUTREACH MANAGER

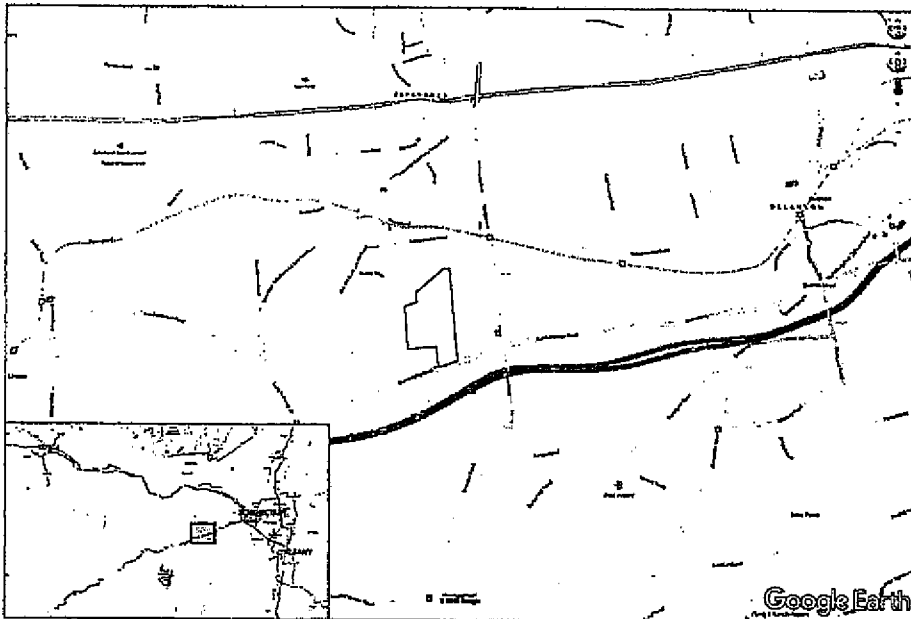
Ed has been assisting business and residential customers go solar for several years, with extensive experience in both on-site solutions and community solar. He lives in Slingerlands where he enjoys fishing, hiking and spending time with his family.

STEPHANIE PULIAFICO
PROJECT ADMINISTRATOR

Stephanie has many years of experience as an administrator and project coordinator in the clean renewable energy sector. Off work hours, she spends time planning trips to Disney World with her son and volunteers as a treasurer on the youth lacrosse board in her hometown, Glenville.

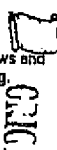
ENERGED
BY EDF

PROPOSED COMMUNITY SOLAR FARMS AT OAK HILL FARMS



KEY FACTS

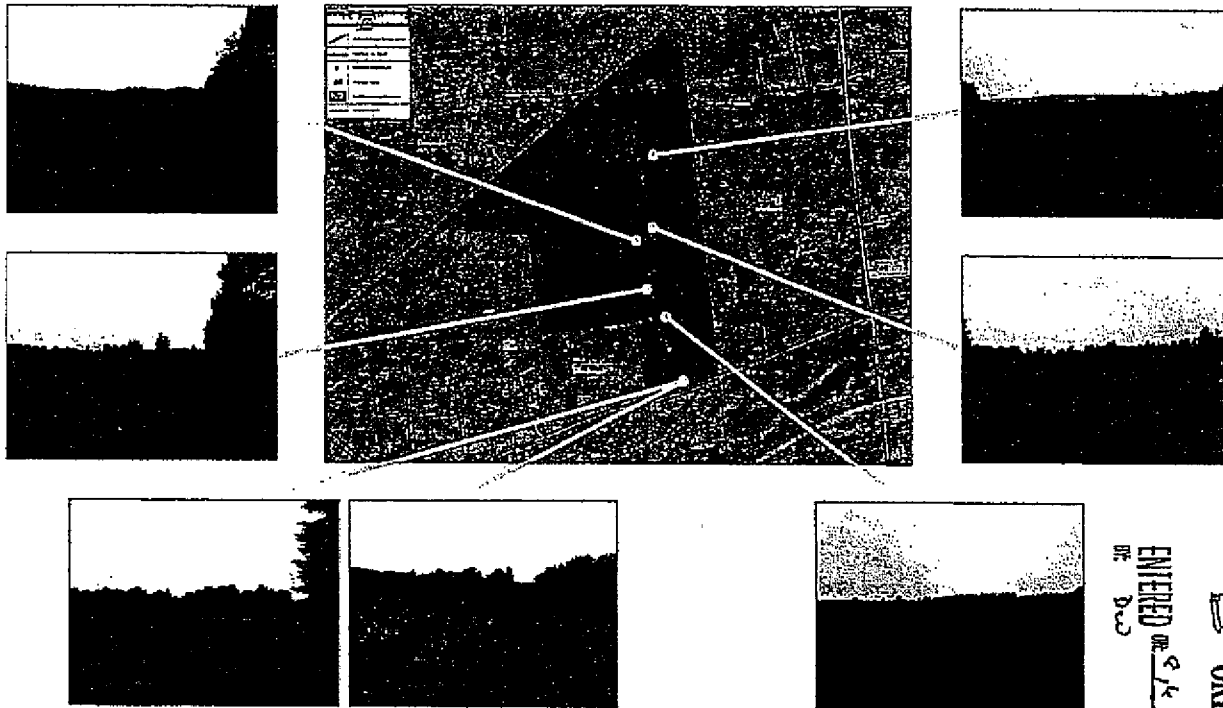
- The site is expected to have a capacity of approximately two 7.5 MWp, which will generate enough green electricity to power approximately 2,450 homes, the equivalent to planting 20,000 trees per year. (Source: US Environmental Protection Agency)
- The proposed development complies fully with the Duaneburg Town Code and Historical Ordinances.
- The installation comprises solar arrays supported at intervals by posts driven directly into the ground, without the use of concrete. The panels are set on an axis to track the movement of the sun and maximize solar power production. The arrays will not exceed 10 feet in height.
- 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.
- There is a nearby point of interconnection to National Grid.
- The site benefits from good screening due to local topography and existing trees.
- The site is average agricultural land with good opportunities for creating pollinator-friendly wildflower meadows and agricultural usage with sheep grazing.
- The site is safely accessible via Duaneburg Road.



ENTERED ON 8/6/19
* Dew

PROPOSED COMMUNITY SOLAR FARMS AT OAK HILL FARMS 

THE SITE IS NATURALLY WELL-SCREENED



ENTERED ON 8/14/19
BY: DWS

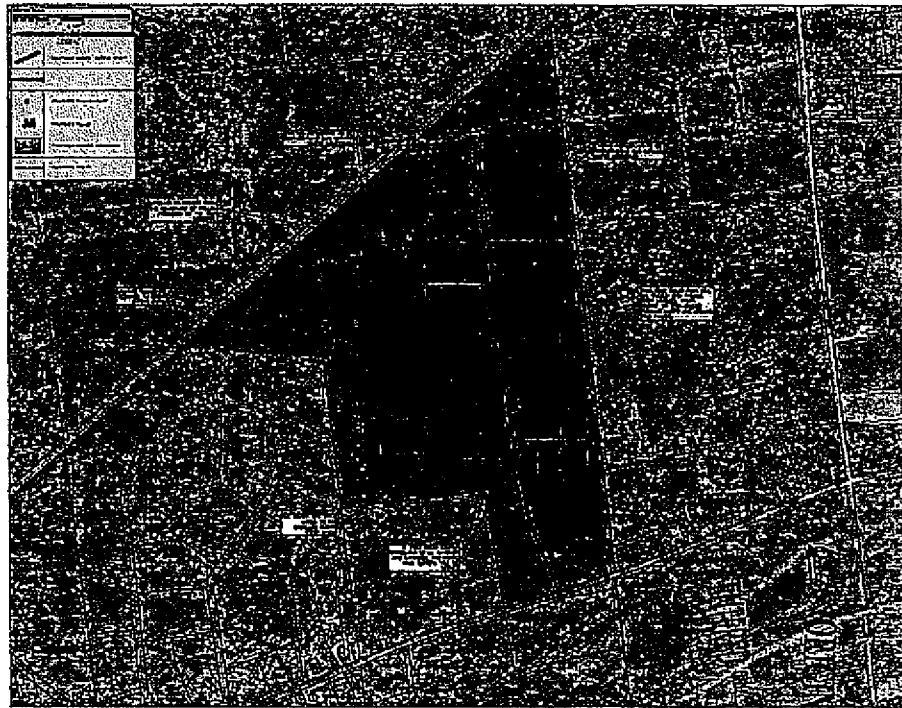
 ORIGINAL

PROPOSED COMMUNITY SOLAR FARMS AT OAK HILL FARMS



DESIGN

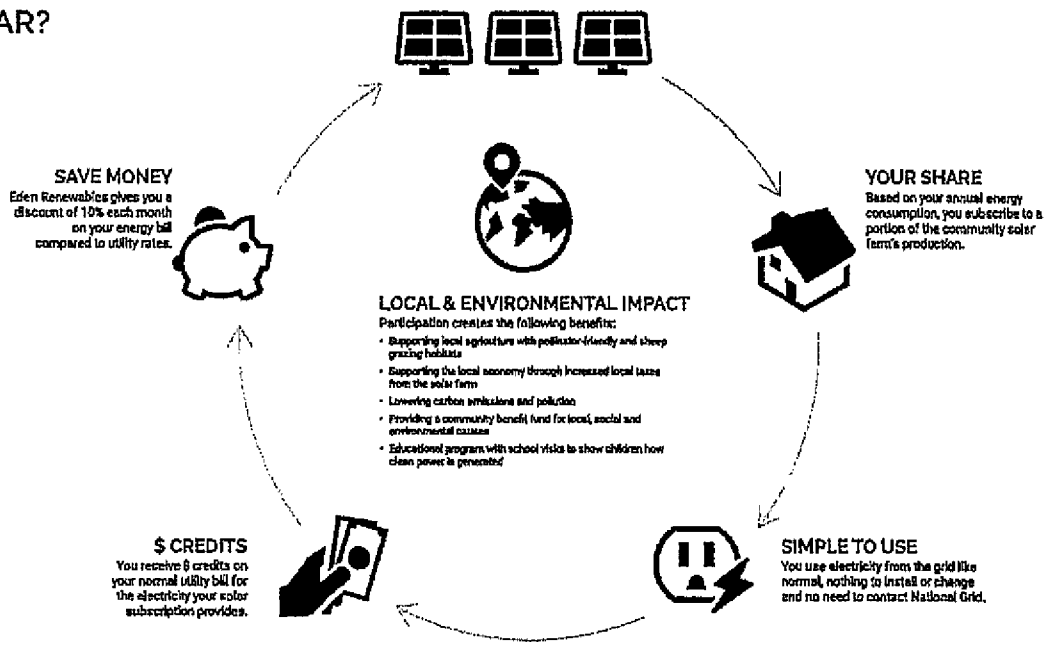
- The land is designed to allow sheep grazing between the panels.
- Panels cover 40% of the total site area, but only 5% is disturbed by the actual footprint.
- The site is bounded on all sides by existing woodland, bushes and hedges, which screens it effectively. New trees and hedges will be planted to further enhance the screening.
- The land is average agricultural value and is currently farmed with a mix of crops and hay. We are developing a Landscape Plan, which will substantially improve the landscape over the lifetime of the farm.
- The existing field boundary woodland and grassland habitats will be retained and protected. They will be complemented by sowing an appropriate native grass and wildflower mix around the panels, improving the biodiversity potential of the land and creating a pollinator-friendly habitat for birds, bees and butterflies.



PROPOSED COMMUNITY SOLAR FARMS 

WHAT IS COMMUNITY SOLAR?

COMMUNITY SOLAR
Well-designed and discreet, Eden Renewables' community solar farms located on a site of marginal farmland near you, feeding clean power into the grid.



ORIGINAL

ENTERED BY: JMS
08/16/19

PROPOSED COMMUNITY SOLAR FARMS

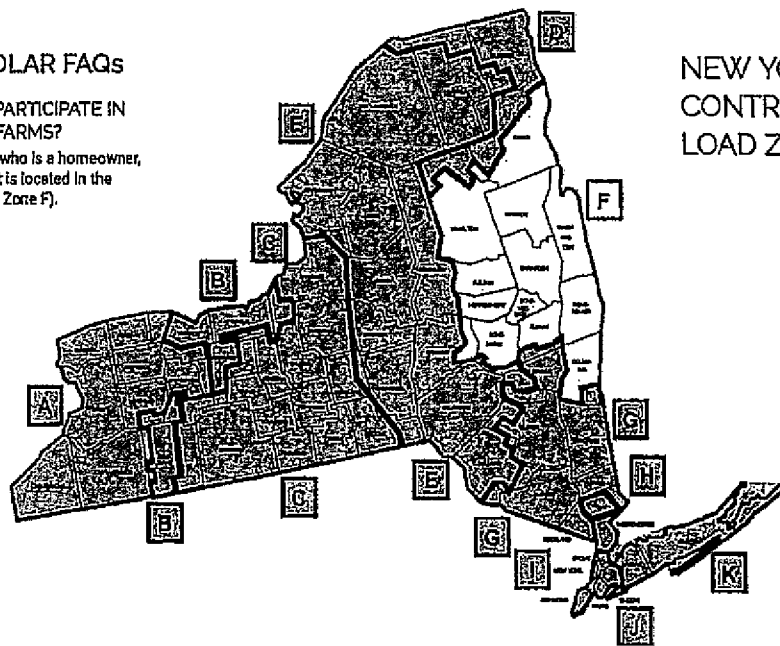


COMMUNITY SOLAR FAQs

WHO IS ELIGIBLE TO PARTICIPATE IN COMMUNITY SOLAR FARMS?

Any National Grid customer who is a homeowner, renter or small business that is located in the Capital District (NYISO Load Zone F).

NEW YORK CONTROL AREA LOAD ZONES



ORIGINAL

ENTERED
DR. P. C.
8/16/19

PROPOSED COMMUNITY SOLAR FARMS




COMMUNITY BENEFITS

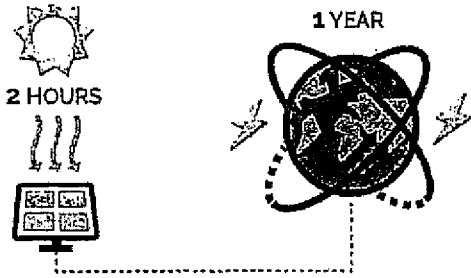
- The opportunity for local people to subscribe and reduce their energy bills. While this service will be available to all residents in the Capital Region, local residents will be offered a priority subscription.
- A community benefit fund will be established for the lifetime of the solar farm. This is likely to amount to several thousand dollars per year. We will work with Duaneburg Town Council to determine how this fund could bring economic, social and environmental benefits to the area.
- Additional funding will be allocated for local schools to teach students about science, technology and energy generation.
- The benefits of renewable energy developments include decreasing reliance on fossil fuels, reducing greenhouse gas emissions, improved air quality, providing an affordable source of home-grown energy, contributing to economic stability and energy security.
- Solar Photovoltaics are a reliable and proven technology producing renewable electricity safely, cleanly and with no noise or emissions. In NY, solar power has a key role to play in meeting the State's leading clean energy targets.
- The presence of solar farms at Oak Hill Farms will help make the community a greener, more sustainable place to live and work. It will foster a sense of local environmental stewardship.

*"Try to leave the Earth a better place than when you arrived."
-Sirney Shelton*

ORIGINAL

ENERGED on 8/10/19

PROPOSED COMMUNITY SOLAR FARMS 



The average household emits roughly 20 metric tons of carbon pollution each year. By installing a solar power system, a typical two-person household reduces its carbon emissions by three to four tons annually.
 — The U.S. Environmental Protection Agency

ENVIRONMENTAL BENEFITS OF SOLAR ENERGY

- Solar energy is free and abundant. If we could capture all of the sun's rays for just two hours, we could power the entire world for one year.
- Solar energy is a clean, affordable and sustainable way to generate electricity. Switching to solar energy can help reduce your utility bills—but it has real environmental impact as well.
- Solar energy reduces air pollution. The United States relies mainly on coal and natural gas to generate electricity. Extracting and using these fossil fuels is expensive and can be harmful to the air and water quality. Generating electricity with solar panels produces no pollutants to damage the air we breathe and the water we drink.
- Solar energy is renewable. The sun is the world's most abundant energy source, producing 10,000 times the world's total combined energy use, and it can be used over and over again. In contrast, fossil fuels are non-renewable and there will come a time when the world will run out, or the cost of finding and extracting these sources will become too expensive.
- Solar energy is pollinator-friendly. Bees and butterflies are responsible for pollinating a significant amount of US crops and fruit production but have been in rapid decline for years. In response, farmers spend millions of dollars to transport bees across the continent to pollinate their crops, which is not a sustainable solution. Creating a source of high pollen and nectar in the form of wildflower meadows under the panels allows a strong local pollinator population to thrive for the lifetime of the solar farm.

ENTERED
 RE: 1202
 ON 8/6/19
 ORIGINAL

PROPOSED COMMUNITY SOLAR FARMS 

ECONOMIC & SOCIAL BENEFITS

SUPPORTING LOCAL FARMERS

The installation of solar panels on agricultural land provides farmers with a fixed rental income on a portion of their land. This protects farmers from the volatile nature of the agricultural industry. This is not just beneficial for local farmers, but also good for the community as farming can be maintained and the landscape retains its agricultural character.

CREATE JOBS IN YOUR LOCAL COMMUNITY

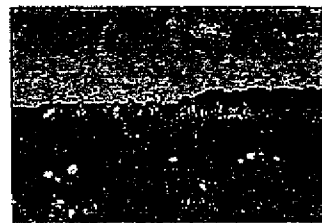
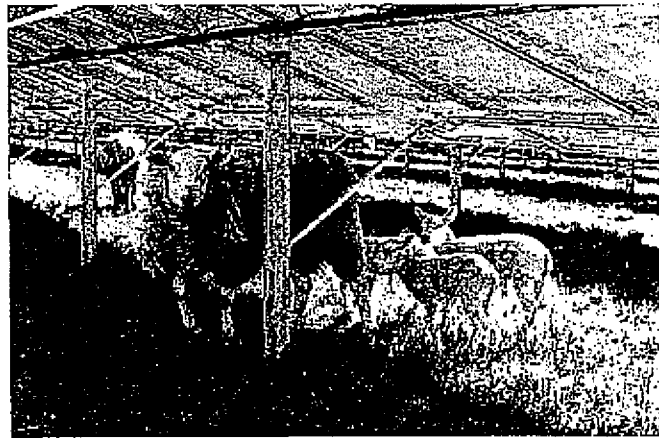
Where possible, Eden Renewables will employ local people for construction and for the ongoing maintenance of the land and farms. According to The Solar Foundation, the solar industry added jobs at a rate nearly 12 times faster than the overall US economy in 2015. This growth is expected to continue and, as these jobs tend to be higher paying and cannot be outsourced, they are a significant contributor to the US economy.

EDUCATIONAL OPPORTUNITIES

Local schools can participate in field trips to the solar farms to learn about climate change, renewable energy and NY ecology. The presence of a solar farm within the local area will raise awareness of renewable energy and may spark an increased interest in environmental issues.

PRESERVATION OF THE RURAL WAY OF LIFE

Alongside the production of renewable energy, the site is designed to allow sheep grazing. At the end of the solar farm's life, all hardware can be dismantled, removed and recycled.



ENTERED
AUG 16 19
BY P23
ORIGINAL

PROPOSED COMMUNITY SOLAR FARMS

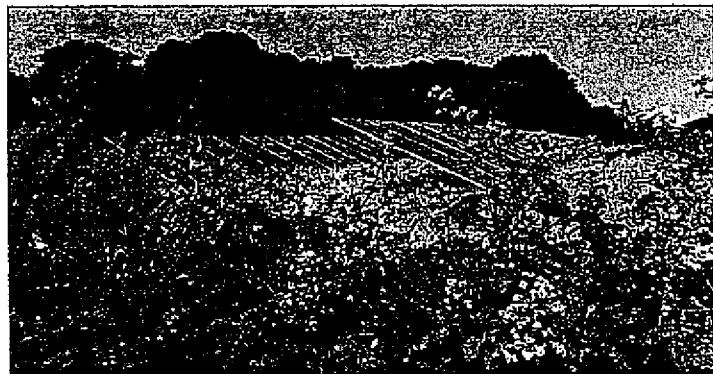


SOLAR FARM FAQs

WHAT DOES A SOLAR FARM CONSIST OF?

All solar farms require:

- Sufficient capacity in the local grid network.
- Electrical apparatus on-site including a private sub-station/transformer and a number of inverters that are evenly distributed throughout the site. The transformers are approximately 10 feet high.
- A clearance gap at least 13 feet will be placed in between each row of solar panels to allow space for maintenance vehicles, sheep grazing and to prevent shading of panels.
- Six-foot high perimeter fencing is required as a security measure and needs to meet standards to ensure adequate insurance coverage can be obtained against theft or damage.



WHAT DOES THE INVERTER DO?

PV solar panels produce high voltage (more than 400V) direct current (DC) electricity. It is the job of the inverter to convert this DC current to 120V 60Hz alternating current (AC), which is the standard voltage used by the appliances in your home.

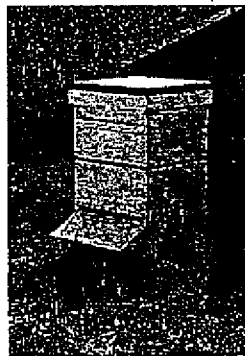


"Human beings, while capable of the worst, are also capable of rising above themselves, choosing again what is good, and making a new start."
-Pope Francis-

ORIGINAL

JAN 21 2019

PROPOSED COMMUNITY SOLAR FARMS



COMMUNITY SOLAR FAQs

WHAT IS A COMMUNITY SOLAR FARM?

A community solar farm is a set of solar panels in an open, sunny field that produce energy and is shared by a group of subscribers. Community solar allows a group of people to share the benefits of clean, renewable energy without having solar panels on their rooftops or property.

WHAT ARE THE BENEFITS OF A COMMUNITY SOLAR FARM?

- Guaranteed savings on your electricity bill every month.
- Little up-front cost—other than a small deposit to reserve your space which will be applied to your account. If you change your mind after paying a deposit, we will refund it.
- No panels or equipment will be installed on your home or property, but you can enjoy the same ecological benefits as if solar panels were installed on your home or property.
- Short or long-term agreements—guaranteeing pro-monthly savings.
- Cancel anytime—with 60 days notice—without any further costs or penalties.

IS THIS THE SAME AS BUYING MY ENERGY FROM AN ENERGY SERVICES COMPANY (ESCO)?

An ESCO only replaces the electricity supply charges on your electricity bill, while community solar replaces both delivery and supply charges on your electricity bill.

HOW WILL THE SOLAR ENERGY GET TO MY HOME?

The clean energy generated by the community solar project will be fed into the local power grid operated by National Grid. Some or all of the electricity you already receive from National Grid will now come from locally-produced solar energy, reducing the amount of fossil fuels burned in New York State.

DO I NEED TO LET MY UTILITY KNOW I AM SIGNING UP FOR THIS?

Following the regulations outlined by the New York State Energy Research and Development Authority (NYSERDA) and the New York State Public Service Commission (NYS PSC), Eden Renewables will inform National Grid on your behalf. You don't need to call National Grid or switch your utility account.

HOW AND WHEN CAN I PARTICIPATE?

We will begin offering subscriptions shortly. If you have any questions or would like us to contact you regarding this service, please email us at bakhillsolar@edenrenewables.com.

*"We need to continue to invest in good solar exploration and reliable energy sources."
—NY State Senator George Annunzio*

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DATE 8/16/19

PROPOSED COMMUNITY SOLAR FARMS



"We are like tenant farmers chopping down the fence around our house for fuel when we should be using Nature's inexhaustible sources of energy—sun, wind, and water. I'd put my money on the sun and solar energy. What a source of power! I hope we don't have to wait until oil and coal run out before we tackle that!"

Thomas Edison

SOLAR FARM FAQs

WHAT ABOUT GLARE FROM THE SOLAR PANELS?

Very little energy is lost through reflection. Any glare is minimized through using translucent coating materials to improve light transmittance through glass. In fact, grass produces more glare than a PV array.

IS THERE ANY POLLUTION OR NUISANCE ASSOCIATED WITH SOLAR FARMS?

Photovoltaic panels convert sunlight into electricity with no moving parts, no vibration and no pollution. The only noise is from inverters which convert the DC power to AC, and they are only audible from a few feet away.

DO THE PANELS REQUIRE MAINTENANCE?

The key maintenance is regular check-up to the electrical equipment and management of the land. Encouraging wildflower meadows in spring and summer and sheep grazing in winter is considered the most cost-effective method of land management for most solar farms.

HOW IS THE LAND MANAGED WHILE THE SOLAR FARM IS IN OPERATION?

A specialist land management team will be employed to maintain the site throughout the operation of the solar farm. The team will be responsible for implementing the landscape strategy that includes the planting of trees, hedges, a wildflower meadow and sheep grazing.

WHAT ABOUT FLOOD RISK?

Rain water runoff from the site will not increase from the presence of the panel arrays and it will not displace any floodwater. A wetlands and stormwater assessment will be commissioned and form part of any mitigation that might be required.

IS MORE ENERGY USED TO MAKE THE PANELS THAN THE PANELS PRODUCE?

The energy payback periods for solar panels have reduced significantly over time and most solar farms neutralize their energy consumption within 3 years.

CAN I PROVIDE MY COMMENTS DIRECTLY TO THE COUNCIL?

Yes, the Town of Duanesburg will carry out a public hearing as part of the permitting process when you will have the opportunity to make formal comments.

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Monday 8/5/19 To Town

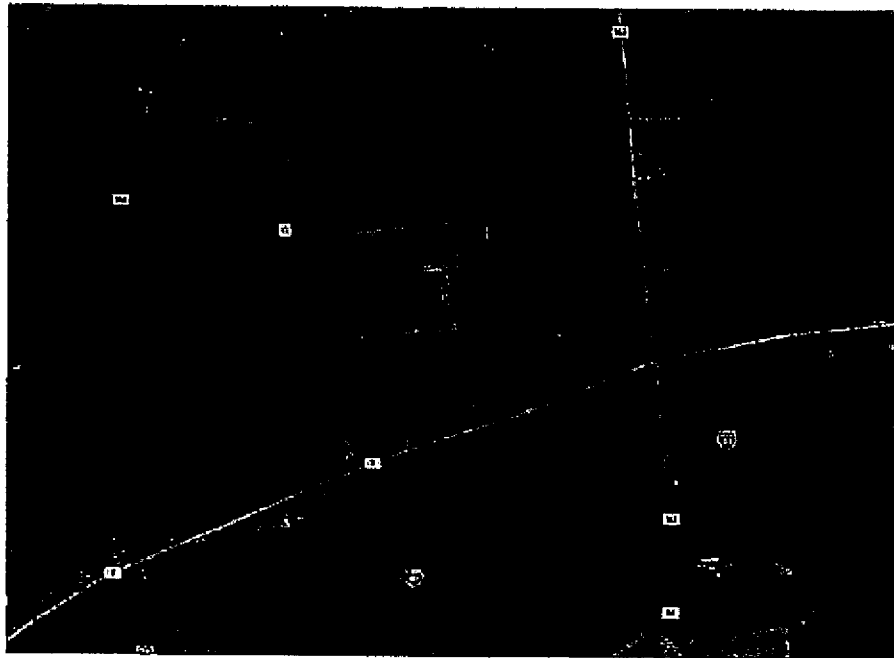
PROPOSED COMMUNITY SOLAR FARMS AT OAK HILL FARM



DESIGN

- The land will continue in agricultural use, with sheep grazing between the panels.
- Panels cover 30% of the total site area, but only 5% is disturbed by the actual footprint.
- The site is bounded on all sides by existing woodland, bushes and hedges, which screens it effectively. New hedges will be planted to further enhance the screening.
- The land is average agricultural value and is currently farmed with a mix of crops and hay. We are developing a Landscape and Ecological Management Plan, which will substantially improve the ecology over the lifetime of the park.
- The existing field boundary woodland and grassland habitats will be retained and protected. They will be complemented by sowing an appropriate native grass and wildflower mix around the panels improving the biodiversity potential of the land and creating a pollinator-friendly habitat for birds, bees and butterflies.

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Youngs Road

Full Environmental Assessment Form
Part I - Project and Setting

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Instructions for Completing Part I

Part I is to be completed by the applicant or project sponsor. Responses become part of the application and are subject to public review, and may be subject to further verification.

ENTERED 8-6-19
BY [Signature]

Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part I is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Oak Hill Solar		
Project Location (describe, and attach a general location map): 13590-13592 Duaneburg Road, Delanson, NY 12053		
Brief Description of Proposed Action (include purpose or need): The applicant proposes to construct two (2) 5.0 MW photovoltaic solar panels that each solar array will be situated on 11's own parcel.		
Name of Applicant/Sponsor: Eden Renewables - Giovanni Maruca		Telephone: 518 233-4011 E-Mail: giovanni.maruca@edenrenewables.com
Address: 2270 River Road		
City/PO: Castleton on Hudson		State: NY Zip Code: 12033
Project Contact (if not same as sponsor; give name and title/role):		Telephone: E-Mail:
Address:		
City/PO:		State: Zip Code:
Property Owner (if not same as sponsor): Richard Murray		Telephone: E-Mail:
Address: 1206 Oak Hill Road		
City/PO: Esperance		State: NY Zip Code: 12055

B. Government Approvals

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B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Possible pending discussion regarding solar credits.	
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lot Line Adjustment, Subdivision, Site Plan, Special Use Permit, PILOT	
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County planning referral.	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDOT - curb cut, OPRHP, NYSEERDA, NYSDEC - wetlands, stormwater, & end. species	
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ACOE - wetlands	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part I 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Heritage Areas: Mohawk Valley Heritage Corridor	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what is the zoning classification(s) including any applicable overlay district? <u>Agricultural- Residential (R-2)</u>	ORIGINAL
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located?	<u>Duanesburg</u>
b. What police or other public protection forces serve the project site?	<u>NY state Police and Schenectady County Sheriffs</u>
c. Which fire protection and emergency medical services serve the project site?	<u>Quaker Street Fire Department</u>
d. What parks serve the project site?	<u>Central Bridge Community Park, Shafer Park</u>

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Utility</u>	
b. a. Total acreage of the site of the proposed action?	<u>140.73 +/-</u> acres
b. Total acreage to be physically disturbed?	<u>0.88 +/-</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>140.73 +/-</u> acres
c. Is the proposed action an expansion of an existing project or use? i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) <u>Utility separation</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is a cluster/conservation layout proposed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Number of lots proposed?	<u>2</u>
iv. Minimum and maximum proposed lot sizes? Minimum <u>70.38</u> ac Maximum <u>70.35</u> ac	
e. Will proposed action be constructed in multiple phases? i. If No, anticipated period of construction; _____ months ii. If Yes: • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures <u>NA</u>	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Wetland ID: G-104; Wetland Class: S</u>	

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ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Approximately 550 sf of utility trench, and 1035 sf of limited use pervious gravel access road is proposed to be constructed in wetland areas. Fence posts and solar structures are to be mechanically driven to avoid disturbance. Total proposed disturbance in wetland areas of 1,585 sf

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<div style="text-align: center; font-size: 2em; font-weight: bold;">ORIGINAL</div> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 20px;">1,256 Square feet or 0.0288 acres (impervious surface)</p> <p style="padding-left: 20px;">_____ Square feet or 140.72 acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Spare parts storage containers, transformer pads</u></p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p style="padding-left: 20px;"><u>Site will feature a limited use pervious gravel solar access road that will not alter site hydrology</u></p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes: ORIGINAL

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:


i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am-5pm • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
---	---

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;">Heavy machinery during construction</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing: _____

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:
The land and surrounding parcels are currently a mix of farming and residential.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.25	0.28	+0.03
• Forested	24.96	24.74	-0.24
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	71.98	36.52	-35.46
• Agricultural (includes active orchards, field, greenhouse etc.)	35.82	6.33	-29.49
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	7.70	7.66	-0.04
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>Solar field</u>	0.00	65.2	+65.2

c. Is the project site presently used by members of the community for public recreation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If Yes, explain: _____	
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes,	
i. Identify Facilities: _____	
e. Does the project site contain an existing dam?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Dimensions of the dam and impoundment:	
• Dam height: _____	feet
• Dam length: _____	feet
• Surface area: _____	acres
• Volume impounded: _____	gallons OR acre-feet
ii. Dam's existing hazard classification: _____	
iii. Provide date and summarize results of last inspection: _____	

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Has the facility been formally closed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• If yes, cite sources/documentation: _____	
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____	

iii. Describe any development constraints due to the prior solid waste activities: _____	

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____	

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes - Spills Incidents database	Provide DEC ID number(s): _____
<input type="checkbox"/> Yes - Environmental Site Remediation database	Provide DEC ID number(s): _____
<input type="checkbox"/> Neither database	
ii. If site has been subject of RCRA corrective activities, describe control measures: _____	

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, provide DEC ID number(s): _____	
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____	

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): ORIGINAL
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >6 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Burdett-Scriba	_____	72 %
Illian Silt Loam	_____	28 %
	_____	%

d. What is the average depth to the water table on the project site? Average: _____ 2-4 feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained 100 % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	_____	90 % of site
<input checked="" type="checkbox"/> 10-15%:	_____	10 % of site
<input type="checkbox"/> 15% or greater:	_____	% of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name NYS Wetland, Federal Waters Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) G-104

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

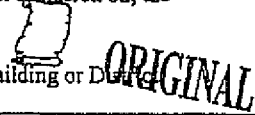
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:

i. Name of aquifer: Principal Aquifer

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>• Deer _____ Squirrels _____ skunks _____ • Birds _____ Opossum _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Northern Long-eared Bat</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>Private small game / large game hunting.</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site? <u>133+/- acres**</u> by the USDA Soil Survey. It has been the landowners experience</p> <p>ii. Source(s) of soil rating(s): <u>USDA Web Soil Survey</u> that the land is too wet to be productive.</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

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e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
ii. Name: Sheldon Farmhouse	
iii. Brief description of attributes on which listing is based: Historic House	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	



F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Travis Mitchell Date 7/19/18 updated 8-5-19

Signature  Title Agent for Applicant

PRINT FORM

EAF Mapper Summary Report

Thursday, May 03, 2018 3:21 PM

ORIGINAL

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGIS, OpenStreetMap contributors, and the GIS User Community

B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	NYS Wetland, Federal Waters
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres): 82.2
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	G-104
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.n. [Natural Communities]	No
E.2.i. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	Sheldon Farmhouse
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

 ORIGINAL

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Terresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

Town of Duanesburg
Planning Board Minutes
August 15, 2019
Final Copy

MEMBERS PRESENT: Jeffery Schmitt Vice Chairman, Martin Williams, Michael Harris and Joshua Houghton. Also attending Terresa Bakner Board Attorney, Dale Warner Town Planner.

INTRODUCTION:

Vice Chairman Jeffery Schmitt opened the meeting at 7:02pm. Jeffery welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Harris/Williams made the motion to close the open forum at 7:03.
Sexton yes, Harris yes, Williams yes, Houghton yes, Schmitt yes. **Approved.**

PUBLIC HEARINGS:

Schmitt/Harris made a motion to open the Public Hearing for the **#19-09 Hoelzli, Andrew:** SBL# 53.00-1-19.1 application at 7:06 P.M.
Schmitt yes, Harris yes, Houghton yes, Williams yes. **Approved.**

Tom McGuire located at 332 Turnbull Rd would like to know if the board could tell him what the ordinance is for the storage of campers/RV'S on a property. Mr. McGuire states that there are at least 6 campers that he can see and 2 are opened with piles of firewood as if it was being used as a campground. Also, there is something that looks like a movie screen on the property. Mr. McGuire would also like to know where the sewage goes. Is there holding tanks, are they just dumping it onto the ground, is a pump out service coming in and pumping it out?

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

Over➔

Dale Warner the Town Planner respond with the answer of 1 trailer per residential lot and in order to operate a campground you will need to have a special use permit.

Houghton/Harris made a motion to close the Public Hearing for the **#19-09 Hoelzli, Andrew**: SBL# 53.00-1-19.1 application.

Houghton yes, Harris yes, Williams yes, Schmitt yes. **Approved.**

Williams/Schmitt made a motion to table the **#19-09 Hoelzli, Andrew** application to September 19th, 2019 Planning Board meeting with a plan to address the campers.

Williams yes, Schmitt yes, Harris yes, Houghton yes. **Approved.**

Schmitt/Harris made a motion to open the Public Hearing for the **#19-06 Miner, Bill**: SBL# 68.00-2-25.4 application.

Schmitt yes, Harris yes, Houghton yes, Williams yes. **Approved.**

Thomas Mallette located at 570 Suits Rd is questioning why it isn't being changed to a light industrial like it was originally purposed as.

Teressa Bakner Board Attorney answered Mr. Mallettes question stating that a C-2 is also known as light industrial and the only part of the property that is usable is the piece of land Mr. Dolan is using to expand his business due to the rest of land being wetlands.

Nicholas McKiernan located at 2155 Western Turnpike stated that he lives across the street and the one who will be seeing this the most. He would like to know where the exactly the property Mr. Dolan is going to use. Mr. McKiernan wants to make sure Mr. Dolan keeps the tree line to keep privacy which Mr. Dolan reassured Mr. McKiernan that he can't touch those trees due to them being Federal Wetlands.

Williams/Harris made a motion to close the Public Hearing for the **#19-06 Miner, Bill**: SBL# 68.00-2-25.4 application.

Williams yes, Harris yes, Houghton yes, Schmitt yes. **Approved.**

Williams/Schmitt made a motion to table the **#19-06 Miner, Bill**: SBL# 68.00-2-25.4 application to September 19th, 2019 Planning Board meeting pending sign off from Army Corp.

Williams yes, Schmitt yes, Harris yes, Houghton yes. **Approved.**

Schmitt/Houghton made a motion to open the Public Hearing for the **#19-12 Murray, Richard/Eden Renewables**: SBL# 74.00-2-5 application at 7:06P.M.

Schmitt yes, Houghton yes, Harris yes, Williams yes. **Approved.**

Teressa Bakner Board Attorney explained that the Town Board adopted a Solar Energy Facilities Law (Local Law #1-2016). Also, explained was that the Planning Board is a

compliance board that ensures that the applicants follow the rules that the Town Board puts in place.

Travis Mitchell representative of Eden Renewables presented to the Board.

Harris/Houghton made a motion to re-open the Public hearing for the #19-12 Murray, Richard/Eden Renewables; SBL# 74.00-2-5 application.

Harris yes, Houghton yes, Williams yes, Schmitt yes. **Approved.**

Pam Rowling owns property adjacent to the proposed site of the solar farm but does live in Connecticut. Pam expressed her main concerns to be ground water and the use of the herbicides.

Teressa Bakner Board Attorney and Dale Warner Code Enforcement Officer reassured Pam that there is a condition of the approval and the applicant must comply with them.

Danny Lapin representing the Otsego County Conservation Association located at 7207 State Highway 80 in the town of Springfield NY.

(Please see attached Documentations of Mr. Lapin presentation.)

Lynn Bruning located at 13388 Duanesburg Rd gave her presentation to the public

(Please see attached Documentations of Lynn Bruning presentation.)

Leila Otis located at 13392 Duanesburg Rd gave her presentation to the public

(Please see attached Documentations of Leila Otis presentation.)

Susan Biggs located at 13388 gave her presentation to the public.

(Please see attached Documentations of Susan Biggs presentation.)

Wallace I. Johnson located at 1204 Youngs Rd gave his presentation to the public.

(Please see attached Documentations of Wallace I. Johnson presentation.)

Joshua Barnes located at 14314 Duanesburg Rd is concerned that Eden Renewables will expand and if the Town of Duanesburg has a limit on how many solar farms can be developed in this area.

Teressa Bakner Board Attorney informed Mr. Barnes that as of right now her understanding and based on the record in front of her there is no plans to expand beyond. Teressa also explained that the solar law itself contains limitation on a certain number of acres that can be used, and solar farms are only allowed in certain zoning districts.

Harris/Houghton made a motion to close the public hearing for the #19-12 Murray, Richard/Eden Renewables; SBL# 74.00-2-5 application.

Harris yes, Houghton yes, Williams yes, Schmitt yes. **Approved.**

Harris/Houghton made a motion to table the **#19-12 Murray, Richard/Eden Renewables**: SBL# 74.00-2-5 application to September 19th, 2019 Planning Board meeting so the Planning Board members can consider all the comments from the public and give Eden Renewables time to put together responses for the questions that were proposed by the residences.

Harris yes, Houghton yes, Williams yes, Schmitt yes. **Approved.**

New Business:

None

Old Business:

None

SKETCH PLAN REVIEW:

None

OTHER:

None

MINUTES APPROVAL:

Harris/Houghton made the motion to approve the July 18th, 2019 Planning Board minutes after attaching the July 18th public hearing submissions.

Harris yes, Houghton yes, Williams yes, Schmitt yes. **APPROVED.**

ADJOURNMENT:

Houghton/Schmitt made the motion to adjourn at 8:45pm.

Houghton yes, Schmitt Yes, Williams yes, Harris yes. **APPROVED.**

NOTICE OF
PUBLIC HEARING
LEGAL NOTICE
NOTICE OF
PUBLIC HEARING
PLANNING BOARD
TOWN OF DANESBURG
PLEASE TAKE NOTICE
THAT THE PLANNING
BOARD OF THE TOWN OF
DANESBURG, NEW
YORK, WILL MEET AT
THE TOWN HALL IN THE
TOWN OF DANESBURG,
WESTERN TURN-
PIKE, ON AUGUST 15,
2019 AT 7:00 PM FOR THE
PURPOSE OF HEARING
ALL PERSONS INTEREST
ED IN THE
APPLICATION OF
ARTICLE 15 OF THE
GENERAL VESSEL
REGULATIONS
DATED AT DANESBURG,
NEW YORK, ON AUGUST 15,
2019, SEEKING A
SPECIAL USE PERMIT UNDER
LOCAL LAW #1 OF 2016
OF THE SOLAR ENERGY
FACILITIES LAW. APPLIC-
ATION INFORMATION IS
AVAILABLE DURING BUSI-
NESS HOURS.
BY ORDER OF THE
CHAIRPERSON
PLANNING BOARD
TOWN OF DANESBURG
CHAIRPERSON

THE DAILY GAZETTE

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Ad Proof
Enlarged

-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully if changes are needed, please contact us prior to deadline at Schenectady (518) 382-1100 or email at legals@dailygazette.net

NOTICE OF PUBLIC HEARING
LEGAL NOTICE
NOTICE OF PUBLIC HEARING
PLANNING BOARD
TOWN OF DUANESBURG
PLEASE TAKE NOTICE THAT THE PLANNING BOARD OF THE TOWN OF DUANESBURG, NEW YORK, WILL MEET AT THE TOWN HALL IN THE TOWN OF DUANESBURG, 5853 WESTERN TURNPIKE, ON August 15th, 2019 AT 7:00 PM FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE APPLICATION OF: #19-12 Murray, Richard/Eden Renewal/Best SB#74.00-2-6, (R-2) LOCATED AT 13590 DUANESBURG RD IS SEEKING A SPECIAL USE PERMIT UNDER LOCAL LAW #1-2016 OF THE SOLAR ENERGY FACILITIES LAW. APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS
BY ORDER OF THE CHAIRPERSON
PLANNING BOARD
TOWN OF DUANESBURG
CHAIRPERSON
6/7 2383600

<p>Date: 08/06/19</p> <p>Account #: 90008</p> <p>Company Name: TOWN OF DUANESBURG - TOWN CLERK</p> <p>Address: 5853 WESTERN TPK. DUANESBURG</p> <p>Telephone: (518) 895-8920</p> <p>Fax: (518) 895-8171</p>	<p>Publications: THE DAILY GAZETTE, Online Advertising</p>
<p>Ad ID: 2383600</p> <p>Copy Line: #19-12 Murray, Richard/Eden Re</p> <p>PO Number:</p> <p>Start: 08/07/19</p> <p>Stop:</p> <p>Total Cost: \$22.23</p> <p># of Lines: 39</p> <p>Total Depth: 3.486</p> <p># of Inserts: 2</p> <p>Ad Class: 101</p>	

received 8/15/19 @ Planning Board
DW

August 1, 2019

Town of Duanesburg Planning Board
Duanesburg Town Hall
U.S. Route 20
Duanesburg, NY 12056

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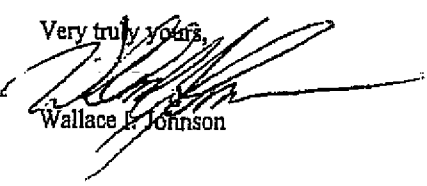
STATEMENT RE: PROPOSED SOLAR FARM AT OAK HILL FARM

I am Wallace I. Johnson of 1204 Youngs Road , Delanson, NY 12053.

- 1- I request that the Planning Board not vote on the Special Use Permit and Subdivision for Eden Renewables proposal on Oak Hill I and Oak Hill II until the assurances and guarantees allowed by Zoning Ordinance 14.6.2.6 are included in the official project file:
- 2- Secondly, I would like to address Storm Water Run Off from the project to neighboring properties. There is a seasonal stream that flows along the western and southern edge of the adjacent property, and it empties into the hay fields at Youngs Road, tax map number 74.00-3-19. This water source may not have been identified during the Zoning Ordinance 14.6.1.3 the Sketch Plan Process or field verified as discussed in the Comprehensive Plan Water Resources. I am concerned that the up to 80 acres of impervious solar panels will negatively impact the absorption of rain and snow throughout the entire site resulting in this stream becoming bigger and with a heavier flow of water. This will negatively impact my property as well as all other properties along the eastern project borders. An increase of drainage from the project site will impact my ability to use my own property and may also be in violation of Zoning Ordinance 14.6.2.4.c.6 as well as the Storm Water Prevention Plan.
- 3- Herbicide usage. I am concerned about the use of herbicides being used to control vegetation on the project site over the next 30 years. The developer has stated they will use glyphosates to control invasive plants. What assurances does the town have that the developer, or whomever they may sell the project to, will not contaminate the wetlands and negatively impact the neighbors properties or wells. Further, I believe that applicators of glyphosates and other herbicides must be licensed by the State of New York D.E.C., and should be addressed before any permitting may be granted.
- 4- Screening. An aerial photo provided by Eden to the Town of Duanesburg on August 5, 2019, for the first time, (copy attached) states "The land is bounded on all sides by existing woodland, bushes, and hedges, which screens it effectively. New hedges will be planted to further enhance the screening." Relying on screening provided by adjoining properties is unacceptable due to the deprivation of adjoining owners property rights to use their property in whatever legal manner they so desire. If they wish to harvest mature timber, or clear areas to enhance their view, they should not be saddled with the prospect of losing screening from a commercial venture on adjoining properties.
Town of Duanesburg "Solar Energy Facilities Law" SECTION FOUR, paragraph 3.c. and 3.e. states " A minimum twenty -five foot perimeter buffer, and undisturbed vegetation, shall be provided around all mechanical equipment and solar panel arrays to provide screening to adjacent properties and to minimize glare on adjacent properties and roadways."
3.e " Evergreen tree planting may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to include important views of vistas."

Since we have no planting or landscaping plans providing screening on lands of the project site, we can only assume that none is intended.

I request the Planning Board not approve a Special Use Permit or Subdivision until there is a thorough review the documentation for wetlands and storm water prevention, herbicide usage, and properly addressed screening from adjacent properties, and that the developer has made the necessary corrections to these documents.

Very truly yours,

Wallace I. Johnson



8/15/19 DW

Oak Hill Solar Farms Q&A

 ORIGINAL

Introduction

Eden Renewables is committed to bringing community solar farms to households and small businesses across NY. Our low-cost, natural power is designed to have a positive impact on the local environment and communities, while enabling the transition from fossil fuels to clean, renewable energy.

Eden was founded in 2017 and is an offshoot of the award-winning UK solar developer, Solstice Renewables, which was known for its unique, ethical approach, putting communities at the heart of its solar developments.

We are proposing to develop two solar farms adjacent to each other at Oak Hill (7.5 MW each) which will generate enough clean power for about 2,450 homes.

We are also developing six additional community solar farms in the Capital Region, with a number of other projects in the pipeline.

Questions Material to the Determination of the Planning Application:

1. Will there be any toxic materials on site? Are the materials solar arrays made out of toxic?

Solar panels use inert materials found at every building site including silicon (glass), silicon wafers (PV cells), aluminum (frame) and copper (wiring).

Standard low and medium-voltage copper and aluminum electrical wiring is used on site.

The solar inverters on site are power conditioning units used to convert the DC electricity from the solar modules to AC power for export to the utility grid. They are composed mostly of switches and circuitry, with similar materials negligible toxic materials.

The containerized Energy Storage System (ESS) incorporates lithium-ion batteries, power electronics, inverters, control and monitoring systems and fire detection, prevention and suppression systems. The Lithium-ion batteries are designed to be recycled at the end of their 10-15 year lifespan. Recycling rates for lithium-ion batteries are improving dramatically for example Canada-based recycler Li-Cycle argues that 100% recycling rates are achievable for lithium batteries of many types.

All equipment used in the solar farm is UL listed as required, and all electrical systems conform to National Fire Protection Association (NFPA) National Electric Code. United



Laboratories is a testing agency which develops standards that electrical equipment industry must comply.

2. **Will the water supply be contaminated by herbicides used to control vegetation? Will pesticides be used? If so what types? If pesticides are ever used, do herbicide control plans need to be filed with the town? What, if any, water pollution may be created if chemical weed control practices are implemented?**

Our plans are to create a biodiverse, wildflower abundant habitat for pollinators and other wildlife, restoring organic processes. That means avoiding chemical pesticides wherever possible. If any pesticides are occasionally required (for example to control an invasive species like Japanese Knotweed) they will be applied in accordance with all rules and regulations, avoiding nearby bodies of water.

3. **On what date did New York State Environmental Quality Review Act (SEQRA) begin?**

The Applicant submitted a draft SEQRA Long Environmental Assessment Form to the Planning Board with their initial application on May 7, 2018. The Town of Duaneburg Planning Board declared themselves as Lead Agency and initiated coordinated review during their July 19, 2018 Planning Board Meeting.

4. **How will you prevent sheep from eating the wild flowers as well as the grass?**

The sheep are not present all year round. They will graze on site during the autumn, after the wild flowers have set seed. The New York State Department of Environmental Conservation recognizes the use of domestic livestock like sheep and goats for conservation grazing as a sustainable alternative to herbicide or mowing for vegetation control. <https://www.dec.ny.gov/lands/86641.html>

5. **Describe projects Eden has successfully completed. Names and locations of projects? What are the results from those projects?**

Eden team members were responsible for the following solar developments:
Harry and Giovanni developed 30 solar farms throughout the UK, totalling 275 MW, between 2011 and 2017, 13 of these totaling 118MW through Solstice Renewables, with project names and locations detailed here:

<http://www.solsticerenewables.com/project-location-map/>.

They also developed tens of smaller commercial solar ground and roof projects for farmers and commercial property owners all across the UK.

Gillian developed 4 large ground and roof solar projects totalling 6.7MW for K-12 School Districts and Higher Education in upstate NY between 2013 2018, as well as numerous further roofs for school districts totalling another approx 5 MW. Prior to that he



developed many residential and small commercial systems on houses, businesses and farms in NY, CT, MD, DC, VA. All of Gillian's projects are performing well.

The Solstice UK projects are performing well in terms of energy generation, and our regular ecological surveys show a substantial improvement in biodiversity – both in variations and numbers of species - across the portfolio.

All of these sites are extremely well screened, are not visible from public locations, and have been popular with local residents and the town authorities. They have also provided the town authorities with excellent annual funds.

Solstice's leading biodiversity work led to site visits from US not for profits and Tim Echols, Vice - Chairman of the Georgia Public Service Commissioning.

The work was then used as the basis of the 'pollinator friendly program' in the US. Rob Davis of Fresh Energy: "In 2016 Minnesota legislators unanimously adopted the nation's first standard for pollinator-friendly solar. Creation of this standard significantly benefited from input and lessons learned by Solstice Renewables and its vegetation consultant Guy Parker. Pollinator-friendly solar standards following the Minnesota model have been adapted to more than a dozen states and adopted into law by MN, MD, IL, SC, VT, NY MI, and MO. This work throughout the US meaningfully benefitted from scientists and stakeholders seeing the videos and photos of Solstice Renewables' successful establishment of flowering habitats on solar farms in the United Kingdom."

6. Who will care for the sheep?

The farmer who uses the site for grazing will care for his own sheep. We are in discussions with several local livestock owners that are interested in using the site.

7. How many short-term jobs will this project create? Long term jobs?

The key phases of the project are: Project Development and Permitting, Design and Pre-construction, Construction, Commissioning and Operations and Maintenance. Please see below for skilled and unskilled jobs generated by each phase.

Project Development and Permitting: Eden currently employs 7 people full-time in upstate NY, one from the Duanesburg area. We also provide indirect employment to approximately 10 full time equivalent employees in our legal, surveying, ecology, technical sub-contractors all in the upstate NY region.

Construction and Commissioning: This phase lasts 3 to 9 months and requires 12-20 skilled people and a further 50-100 unskilled people.



Operations and Maintenance for the 30 year life of the projects: The park is monitored remotely and maintained by local contractors:

- Services provided remotely or by Eden in Troy, NY: remote monitoring for faults, management of the asset including managing the Operations & Maintenance contractor and local subcontractors; and administration of community subscribers. Estimate 1-2 FTE.
- Local businesses benefit from the following service provisions: landscaping maintenance, electrical maintenance, CCTV maintenance, general maintenance including snow removal and panel cleaning, administration of community and school visits. The extensive ecological management and monitoring programme employs professional wildlife biologists as well as providing ecology students with excellent training and real world data gathering experiences. There is also the potential for beekeepers and sheep farmers to benefit from some extra work. Estimate 1 skilled and 1 unskilled FTE.

Our intention is to contract as many of these roles as possible from the local communities. We have designed our parks with slightly more expensive, smaller 'string' inverters instead of larger 'central' inverters to further increase the amount of local maintenance.

Eden is developing a portfolio of projects in the Capital region that will need to be constructed over the next 1- 5 years. Many of the project-related roles that have described here will be transferred to other projects in our portfolio as we build a skilled workforce to work on developing, designing, constructing, commissioning and maintaining our projects over the next several years. There is therefore a great opportunity for good local service providers to grow with us across the region.

Overall, the solar industry in the US has contributed over 242,000 jobs in the US as of 2018. New York State ranks fourth for solar jobs overall:

<https://www.thesolarfoundation.org/solar-jobs-census/factsheet-2018-ny/>.

8. **How many permanent jobs will Oak Hill Solar Farm generate for Duaneburg residents?**

See question 7

9. **Why was tree clearing occurring in 2018?**

The landowner performed brush hogging as part of his farm management activity.

10. **Will there be a new full EAF to ID productive soil profiles that exist on the property?**



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Question E.3.b of the EAF asks about the presence of agricultural land consisting of highly productive soils. The original EAF provided a response of "no" to this question based on the landowner's actual experience farming the land. However, in review of guidance provided on the New York State Department of Environmental Conservation website relative to answering Question E.3.b we note that the site does include soil groups, as noted below, identified by the USDA County Soil Survey as potentially highly productive. Therefore, we have provided a revised EAF with the response to Question E.3.b answered as "yes".

In terms of assessing the impact of this project, the landowner notes that the topography of the site, lack of drainage and associated wetlands renders the land as not highly productive farmland. In fact, the landowner has had failed crops as a result of these factors leading to an insurance claim. Given the lack of drainage, wetlands and landowner's experience with failed crops we would suggest that the impact of this project relative to loss of farming activities will be minimal.

For reference, the USDA County Soil Survey identifies soils groups BvB, BvC and IIA (Burdett-Scriba channery silt loams, 3 to 8 percent slopes, Burdett-Scriba channery silt loams, 8 to 15 percent slopes, and Iilon silt loam, 0 to 3 percent slopes) as present on the site.

USDA SOIL REPORT – PRIME AND OTHER FARMLANDLANDS

<i>Map Symbol</i>	<i>Map Unit Name</i>	<i>Farmland Classification</i>
<i>BvB</i>	<i>Burdett-Scriba channery silt loams, 3 to 8 percent slopes</i>	<i>Prime farmland if drained</i>
<i>BvC</i>	<i>Burdett-Scriba channery silt loams, 8 to 15 percent slopes</i>	<i>Farmland of statewide importance</i>
<i>IIA</i>	<i>Iilon silt loam, 0 to 3 percent slopes</i>	<i>Farmland of statewide importance</i>

See included letter from Landowner

11. Is there a 10-year moratorium on land use after solar projects are decommissioned?

No, the land will be more fertile at the end of the solar farm's expected lifespan due to the organic processes restoring the soils.



- 12. Will the Decommissioning Plan provide enough money to cover clean up at the end, and is it accurate?**

The Decommissioning Plan accounts for all costs associated with dismantling the solar farm. Our estimates follow the NYSERDA Decommissioning Solar Panel Systems guidance created for local governments and landowners, and so are as accurate as this can be. Additionally, nearly 99% of the solar farm is comprised of glass, silica, aluminium, steel, copper and plastic which are largely recyclable with a good salvage value.

- 13. Why does the decommissioning plan only include a total of 10 acres?**

The 10 acres is in reference to the amount of reseeded that would be required after decommissioning. The decommissioning plan covers the entire solar park area. However, due to the limited ground impact during the decommissioning process, reseeded is generally only required on areas covered by the access track, transformer pads and locations of high decommissioning traffic.

- 14. How do we know the estimated decommissioning escrow will cover the actual cost of removal and remediation based on future costs?**

The future remediation costs could go up or down over the 30 year life of the solar farm. The decommissioning costs will be periodically reevaluated by a licensed professional engineer to ensure the decommissioning escrow is in line with costs at that time. It is important to note that, to be conservative, the decommissioning escrow calculation only takes account of the costs and does not account for the salvage value of materials. In fact the salvage value of materials is currently significantly higher than the decommissioning costs, which gives further reason for comfort that between the escrow and salvage value there is more than sufficient money for full reinstatement.

- 15. Who completes the decommissioning? Who is responsible to have old solar arrays removed, repaired or replaced?**

The owner of the solar park is responsible for maintaining the solar farm during its life and for removing the equipment at the end of its life. This requirement will be in a legally-binding contract with the town.

- 16. How is the site prepared?**

There are no special measures, outside of typical construction methods, necessary in the preparation of the site. The Contractor will initially install New York State



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Department of Environmental Conservation Stormwater Pollution Prevention Plan for erosion and sediment controls followed by improvements to the access road and installation of the solar farm components. Other than minimal placement of concrete associated with the equipment pads, as depicted on the site plans, the solar farm components are largely installed by driving posts or other supporting framework into the subsoil. Upon the completion of construction and adequate stabilization of construction, the related erosion and sediment control measures will be removed.

17. Will this require an expansion or upgrade to the existing Power Station (located on Alexander Road)?

The Delaneson substation located on Alexander Road has already been upgraded to connect the existing solar farm on the same road. There is a requirement for a minor upgrade to the feeder that connects these solar farms to the substation and that cost will be paid by Eden Renewables. No further upgrades will be required. The local grid improvements paid for by the solar farm benefit the local community by a strengthened grid with higher capacity.

18. Will the closest power station need to be redeveloped, considering the increased load?

See question 17

19. Who shoulders the financial responsibility?

See question 17

20. Or is the existing infrastructure enough to meet the needs of the project?

See question 17

22. Are there wetlands located in the project area?

Yes there are Federal meadow wetlands as indicated by the site plan maps already submitted to the Planning Board. The sites have been carefully designed to minimise disturbance to the wetlands in accordance with criteria set out by the U.S. Army Corp of Engineers (ACOE), who regulate Federal wetlands.

23. Will evergreen screening be installed?



At this stage the Planning Board has recognised that the solar farms are already well screened and have not requested any additional landscaping. We were asked by the Planning Board to take some images from the solar farms towards the two households on the south and east boundary of the proposed solar farm area. The map and images were submitted on June 6, 2019 and discussed during the Planning Board on June 20, 2019. Those images show the properties were not visible from the solar farm.

Questions not material to the determination of the Planning Application

24. Is there an expectation that the panels will recoup the energy spent manufacturing and installing them?

The energy payback periods for solar farms have reduced significantly over time and current best calculations put it at less than one year of their expected 25-40 year life. (<https://www.nature.com/articles/ncomms13728>)

25. Is the cost of the equipment including transportation to the site, labor, and all other associated costs, without the NYS rebate, a positive cash flow in terms of the electricity created?

Yes

26. Total cost of project without NYS financial input?

Approximately \$15m per 7.5MW park, based on NYSERDA's estimated costs.

https://www.nyserda.ny.gov/All-Programs/Programs/NY-Sun/Solar-for-Your-Business/How-to-Go-Solar/~/~//lnk.aspx?_id=3EDA16BA368B4EA1AC337CF902023F94&_z=z

27. What is the benefit to the Town?

A. The solar farms are community solar farms. This means that the local community will be able to purchase green credits from them to offset their National Grid electricity bills. Any resident that subscribes to the solar farm will receive an annual discount of 10% of their National Grid bill for each year that they subscribe for the life of the solar farms. Residents will also have access to clean, green solar electricity, reducing their energy bills – so freeing up cash to spend in the local economy - and without needing to install panels on their own property.

B. The total number of households in Duanesburg, Delanson and Esperance is 3,068 according to the most recent census data. The solar farms will generate enough electricity to power 2,450 homes annually, equivalent to 80% of the households in those



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three towns. If all households signed up this could generate savings for the community of approximately \$200,000 every year for 25 years.

C. Any household in the capital district is eligible to subscribe to the solar farms; however, we are committed to giving the local community priority to benefit from these projects.

D. We are working with the Town and the School District to agree a 15-year PILOT that will significantly increase the taxes paid from this land. (On our UK projects we voluntarily offered each host community an annual community fund- the concept of property taxes does not exist in the UK.)

E. We have met with Duaneburg School District to discuss developing an education fund to help integrate the solar farms into the STEM curriculum, provide field trips to solar farm, and for independent research projects

F. Each solar farm will also provide an annual college scholarship to a graduating senior that is planning to pursue a degree in green or clean energy STEM.

G. The environmental benefits are wider than just green energy generation. Our solar farms create wildflower meadows under and around the panels, providing a habitat rich in pollen and nectar, enabling a strong local pollinator population to thrive for the lifetime of the farm and supporting local agriculture.

28. How will this project support the greater Duaneburg community? How does the town benefit?

See Question 27

29. Is this solar farm exempt from paying taxes? If so, how does the payment in lieu of taxes work?

See question 27

30. Why are we doing this? What's in it for "us"?

See question 27

31. How long will Eden own this operation?

The construction financing of these projects is generally comprised of a mix of debt and equity investors. Such renewable energy assets often end up in the ownership of life insurance or retirement funds due to the long term, low risk, low return cash flow profile



which matches their own obligations. Eden will continue to have an interest in the solar farms through construction and possibly into operations.

32. What happens when potential new owners purchase Solar fields?

They will be legally required to take on all the obligations of the site, including community benefit payments and biodiversity implementation and maintenance.

33. Is the project cost efficient for Duanesburg? Albany 180 days of full or partial sun; 4.7 peak hours of sun per day.

Yes, we would not be proposing to build a community solar farm in the area if we were not satisfied that the irradiation levels in the area are sufficient for cost-effective solar energy generation. The irradiance for this part of New York is higher than the irradiance in the United Kingdom. The UK has installed over 10 GW of solar farms and is now just beginning to install solar farms without any incentives whatsoever. It is important to remember that direct sunlight is not required for the solar farms to produce electricity, and our plans also include installing storage on site. Notably, the peak demand for this part of NYS happens to be in the summer months which the peak production months for solar farms.


34. How much will this proposed project pay to the Town of Duanesburg for property taxes?

Currently, Eden Renewables is having discussions with the Town and the Duanesburg School District. Once the negotiations are complete the amounts will be made public, as both taxing entities will have to present them to their respective boards for approval. The final amount will be higher than the current amount paid in property taxes.

35. What tax incentives did the Town of Duanesburg and the State of New York give to the developer? And what incentives to the property owner?

Eden Renewables has not received any direct tax incentives from the Town nor the State of New York. Generally, NY State has passed a law making all solar projects of any size between 1 kw and upwards exempt from property taxes. As part of this law (RPTL 487) Eden was required to write to each tax authority: Town, School, and County informing them that we intend to build a solar farm. The entities have 60 days to let us know if they want to negotiate a Payment In Lieu of Taxes (PILOT). Both the Town and School confirmed that they wanted to discuss a PILOT. The county opted out in order to make more of the PILOT available for the local host community. The landowner does not receive any direct tax incentives from the Town or the State.



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36. How will this project affect property values? One resident claims Century 21 has determined it will decrease neighboring property values.

As the site will be well screened from neighbouring properties there is no reason to expect that property values will be negatively affected.

37. Why wasn't the neighboring community made aware of this project prior to being notified by the planning board on June 11?

On Tuesday, August 7, 2018 between 4:00 pm – 8:00 pm at the Duanesburg Ambulance Corps, 30 Cole Road, Delanson, NY 12053 we hosted a public open house event. We sent event invitations by mail to approximately 2,000 addresses covering Duanesburg and Delanson using a US Postal Service's Every Door Direct Mail. We purchased a quarter page advert in the Daily Gazette, July 27th weekend issue and posted 5 flyers around the community in high traffic locations like Stewart's, the YMCA, the Post Office, and the Duanesburg Diner. The event was attended by 40 people, and numerous residents contacted us following the event with further questions and comments.

We apologise that a small number of residents did not receive an invitation due to errors in our mailing program. Firstly, there is a zip code that covers 17 addresses for Quaker Street, which was inadvertently overlooked inside the zip code for Duanesburg. One of the residents adjacent to the solar farm project uses a PO Box address at Quaker Street for their post. Another adjacent land owner lives in Connecticut and does not have a house so our mailing program could not reach them. We also missed some residents that live on Oak Hill Road and Schoonmaker Road. They live in Esperance which was mistakenly not included in our mailing as the town center is nearly 2 miles from the site.

We use multiple media sources to advertise our Open Houses just in case there are mailing errors such as this. We have tightened our mailing policies and processes as a result including asking the US Postal Service if there are any unique zip codes within the larger zip code area.

Please see the included 2018, 2019 marketing material, exhibition boards and event summaries.

38. Is this solar farm exempt from paying taxes? If so, how does the payment in lieu of taxes work?

See question 34 and 35

39. Why are we doing this? What's in it for "us"?

See question 27



40. Since the solar farm is land-locked by private property how will the Town of Duaneburg inspect the site for possible infractions of promises re plantings, fences, etc. without trespassing?

The solar farms are not landlocked by private property. The parcel being used for the solar farms is 140 acres and it has nearly 1050 feet of road frontage on the north side of Route 7. The parcel has an existing farm track that traverses nearly ½ mile north from Route 7 into the northern part of the proposed solar farms.

41. Will beekeeping consider the concerns of other local beekeepers? It was mentioned one beekeeper maintains a 5-mile radius away from another bee keeping businesses / apiary.

An acre of pollinator habitat will support 2 bee hives. We will be seeding nearly 80 acres of land with wild flowers to create pollinator-friendly habitats, which will be ample to support our beehives and those nearby. Sometimes if there is not enough pollinator habitat within a 5-mile radius of an apiary that can create competition among the bees for pollen; however, that generally does not cause a hive to collapse because bees have the ability to fly long distances and it is not uncommon for them to cover 5 - 5,000 square miles. Typically we will be placing 10-20 hives at our project which should easily be sustained by the large area which will be sown with wild flowers.

received
8/15/19 @ PD meeting
DW



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Phillip Sexton, Chairman
Town of Duanesburg Planning Board
5853 Western Turnpike
Duanesburg, NY 12056

August 15, 2019

RE: Comments of the Otsego County Conservation Association, Inc. (OCCA) on the proposed 65.2-acre solar array proposed by Eden Renewables, LLC

Dear Chairman Sexton:

Thank you for the opportunity to provide written comments on the proposed Site Plan Review and Special-Use Permit Application put forth by Eden Renewables, LLC (hereinafter referred to as the "Applicant"). In preparing these comments, the Otsego County Conservation Association, Inc. (OCCA) has reviewed the proposed Application, consulted with adjoining landowners, and reviewed supporting materials pertaining to the Application being considered by the Town of Duanesburg's Planning Board. As proposed, the Applicant intends to construct two five-megawatt solar arrays on 65.2 acres of land at 13590-13592 Duanesburg Road in the Town of Duanesburg.

Founded in 1968, OCCA is Otsego County's oldest private, non-profit environmental conservation organization. OCCA is dedicated to promoting the appreciation and sustainable use of Otsego County's natural resources through research, education, advocacy, planning and resource management and practice. OCCA has been retained by Ms. Lynne Bruning of 13388 Duanesburg Road, Delanson, NY 12053 to review the proposed Site Plan Review/Special-Use Permit Application.

OCCA has a long-established position supporting renewable energy projects predicated on a thorough environmental review under the New York State Environmental Quality Review Act (SEQRA).¹ OCCA also supports the energy generation and greenhouse gas emissions (GHG) reduction targets established by the New York State Climate Leadership and Community Protection Act (CLCPA). This organization recognizes the substantial amount of investment that New York State must make in renewable energy generation to achieve an 85% reduction in statewide GHG emissions.

While the solar array, as currently proposed, lies well outside of Otsego County, it is conceivable that municipalities throughout the region will be monitoring the SEQRA review of the Applicant's project to glean lessons learned. SEQRA reviews are iterative processes, which allow Planning Boards to ensure that the final version of a project minimizes its environmental

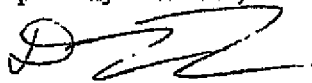
¹ <http://occainfo.org/wp-content/uploads/2019/01/Solar-LLC-DL-VL.pdf>

impacts to the greatest extent possible. As such, OCCA's review of the Applicant's submission has identified several issues worthy of comment. These include:

- The discrepancy between the acreage of forestland disturbed by the project in Part E.1b of the July 18, 2018 and the August 5, 2019 Full Environmental Assessment Forms (FEAF) must be clarified;
- The vote to affirm the "preliminary negative declaration" on June 20, 2019 should be null and void;
- The visual impact simulations do not account for the deciduous nature of the vegetation on Ms. Bruning's property;
- The Planning Board must take a hard look at the environmental impacts of the proposed project; and
- The Applicant should clarify whether it intends to expand the two proposed solar arrays in the future.

OCCA recognizes the need to site a substantial amount of new renewable energy generating facilities. A key component of that process involves building the capacity of communities throughout our region to adequately plan for and site renewable energy developments. For the reasons stated above, OCCA requests that the Planning Board withhold issuing approvals for the Applicant's Site Plan Review and Special-Use Permit Application until the abovementioned issues are addressed.

Respectfully Submitted,



Danny Lapin, AICP

Cc: Lynne Bruning
Douglas H. Zamelis, Esq.

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The discrepancy between the acreage of forestland disturbed by the project in Part E.1b of the July 18, 2018 and the August 5, 2019 Full Environmental Assessment Forms must be clarified

Part E.1b of the July 18, 2018 FEAF states that construction of the proposed project will result in a net decrease of 21.94 acres of forested land. A change in landcover of this magnitude would require the Applicant to obtain a State Pollution Discharge Elimination Systems (SPDES) General Permit for Stormwater Discharges from Construction Activity from the New York State Department of Environmental Conservation (DEC) and prepare a Stormwater Pollution Prevention Plan (SWPPP). In a revised Part One EAF dated August 5, 2019, it is stated that there will be a net decrease of 0.24 acres of forested land as a result of project construction. There is no written justification for this 98% change in value. It is the opinion of this organization that there is a greater environmental impact associated with clearing 21.94 acres of forested land than only clearing 0.24 acres of forested land. **As such, OCCA requests that the Applicant clarify this discrepancy before the Planning Board makes a SEQRA determination.**

The visual impact simulations do not account for the deciduous nature of the vegetation on Ms. Bruning's property

According to conversations with Susan Biggs and Lynne Bruning dated August 15, 2019, the side of their property adjoining the project site contains several deciduous tree species such as maple, oak, eastern aspen, ash, and linden trees. The Applicant relies on visual simulations of the proposed project's aesthetic impacts dated June 6, 2019. However, there is no indication whether the seasonal variation of leaf cover was accounted for. Put simply, in order to fully mitigate the visual impact of the proposed project, screening must be provided year-round.

Considering the proximity of the Biggs property to the project site, it will be important to ensure that aesthetic impacts related to the proposed project will be thoroughly mitigated prior to making a SEQRA determination on the proposed project. This is made clear in correspondence between Chairman Sexton and the Applicant dated June 6, 2019. The Applicant was asked by Chairman Sexton to confirm that the project would not be visible from the "property in the east." The Applicant responded by attaching the aforementioned photos to their response. It is worth noting that the Town of Duanesburg has provisions in place to require evergreen screening through Section 3.3 subpart e of its Solar Energy Facilities Law (Local Law #7-2017) to protect the viewsheds of neighboring properties. **In sum, OCCA recommends that the SEQRA process include an inventory of the tree species around the project site to ensure year-round mitigation of visual impacts and include the results of said inventory in its SEQRA determination.**

The vote to affirm the "preliminary negative declaration" on June 20, 2019 should be null and void

The minutes from the June 20, 2019 Planning Board meeting state that a "Preliminary Negative Declaration" was "affirmed." §617.7 of SEQRA governs the determination of

Comments of the Otsego County Conservation Association, Inc. 2

significance with respect to the environmental impacts of an action. For a Type I Action, the Lead Agency may either issue a Positive Declaration or a Negative Declaration. There is no provision discussing a preliminary Negative Declaration in the SEQRA regulations.

The Courts have long held that the provisions of SEQRA must be complied with literally. Indeed, in *Rye Town/King Civic Association v. Town of Rye*, 82 A.D.2d 474 (2d Dept. 1981) it was found that substantial compliance to the spirit of SEQR did not constitute adherence to its policies to the fullest extent possible as provided in Environmental Conservation Law (ECL) 8-0103(6).² Additionally, as seen in *Pickerell v. Town of Huntington*, 45 Misc.3d 1208(A) (Sup.Ct. Suffolk Co. 2014), a local government's failure to literally comply with SEQRA can occur at any stage in the process. In this case, the Town of Huntington's Zoning Board of Appeals made numerous errors in the SEQRA review of a proposed 7-11 convenience store. With respect to the proposed project, issuing a "preliminary" Negative Declaration does not constitute literal compliance with SEQRA because no such procedure exists in the SEQRA regulations. As such, OCCA suggests that Parts 2 and 3 of the FEAF be redone and we request that the June 20, 2019 SEQRA determination be deemed null and void.

The Planning Board must take a hard look at the environmental impacts of the proposed project

As the lead agency in the SEQRA review process, the Planning Board is mandated to take a "hard look" at the environmental impacts of the proposed project. 6 NYCRR §617.6(g) governs the procedures for determinations of significance. This provision essentially codifies what is known as the "H.O.M.E.S." test. The test established a three-pronged approach to inquiries on a project's environmental impacts: 1) whether the record shows that the agency identified areas of environmental concern; 2) whether the agency took a "hard look" at the areas of concern; and 3) whether the agency made a reasoned elaboration of the basis for its determination.


For the purposes of the proposed project, it is important to pay special attention to the second component of the "H.O.M.E.S." test. As evidenced in the Applicant's August 5, 2019 submission: "Oak Hill Solar Farms Q&A," it is stated that "the Planning Board has recognized that the solar farms are already well screened and have not requested any additional landscaping." The Applicant indicates that this decision was based on photographic simulations dated June 6, 2019. Indeed, this is corroborated in a draft negative declaration dated June 7, 2019 prepared by Town Staff which states that "no aesthetic impacts are anticipated as the project area will be largely screened from view by natural vegetation." As stated above, a substantial segment of the screening contains deciduous trees. While foliage may be present in June, it may not be present in December. The negative declaration does not indicate whether the Planning Board evaluated the tree species surrounding the project site to determine whether they provided adequate year-round screening to offset any aesthetic impacts related to the project.

Part 3 of the "H.O.M.E.S." Test deserves special attention as well. Lead Agencies are required to prepare a written reasoned elaboration explaining the reasons behind its determination of significance. This statement must provide a clear and comprehensive

² <https://www.farrellfritz.com/wp-content/uploads/070091835-Farrell.pdf>

Comments of the Otsego County Conservation Association, Inc. 3

explanation of the factors it considered in determining the environmental impacts of the proposed project. Typically, portions of the EAF or any other underlying studies or reports associated with the area are referenced. OCCA believes that it is important to emphasize the importance of correctly filling out the FEAF. Using the form in a mechanical way, without careful thought can lead to frustration and error on behalf of the public, the Planning Board, and the Applicant. Indeed, this frustration has been witnessed over the last few months. Improperly filling out the form may result in an improper or inadequate determination of significance that may be overturned by a court.

 ORIGINAL

The Applicant should clarify whether it intends to expand the two proposed solar arrays in the future

According to the Applicant's August 5, 2019 Q&A document, the Applicant states that it owns the 140-acre parcel on which the project will be located. According to §617.3(g) of SEQRA, "actions commonly consist of a set of activities or steps. The entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action or only a part of it." OCCA recognizes that while there is no evidence in the record that suggests the Applicant will be expanding its project, it is worth verifying whether the Applicant has future plans to expand the footprint of the project. If so, such plans need to be included as part of the SEQRA review related to the proposed project. Failure to do so, could constitute impermissible segmentation under SEQRA.

Unsupported data for Direct Print: 3000

received 8/15/19 @ Planning Board meeting
BW

ORIGINAL

Members of the Planning Board and neighbors:

I speak tonight regarding the Site Plan Review / Special-Use Permit Application regarding the Oak Hill Solar Farm I and Oak Hill Solar Farm II (hereinafter referred to as the Project) located at 13590 Duanesburg Road. My name is Susan Biggs and I live at 13388 Duanesburg Road, Delanson, NY 12053.

I would like my statement to be entered into the official record for the project and I will hand my document to the clerk this evening.

I would like Eden Renewables to provide the following assurances that the Construction Process, Safety, and Evergreen Screening will adhere to the Town of Duanesburg Ordinances, Codes, and Comprehensive Plan as found on the Town website.

1. NOISE

I am very concerned that the construction noise from the project as well as the 10 to 20 transformers that will be used on the project site for the next 30 years will be in violation of Town ordinances.

According to GPS locations the project site is 650 feet from my bedroom window and the application drawings specify that the project set back is 100' from the property line. It is my understanding that construction hours will be from 7am to 5pm. Project documents show that pile drivers will be used to pound posts into the ground.

A pile driver sound level rates at 115 decibels and this maybe in violation of Zoning Ordinance 14.6.3.1 which limits noise at property lines to 70 decibels and vibration to 0.003. There is no doubt that this construction process will have a negative impact upon my families quality of life as well as many other town residents whom are not required to be legally notified of this project under current Zoning Code.

I would like a written plan included in the official project file detailing: How many solar posts will this project require? How many fence posts? How long will it take? What other heavy machinery will be used for site preparation? How many truck loads of gravel for the road will be hauled in? How will the developer mediate noise, what standards will be use to monitor the noise, and what avenue do the neighbors have for immediate dispute resolution? In short who do I call at 7AM, what necessitates that phone call, and how quickly will a dispute be resolved?

2. SAFETY AND PRIVACY

The developer states that approximately 20 skilled and 100 unskilled workers will be on the project site. I am concerned about the negative impact this will have on the quality of my life and safety of my home by having so many workers within close proximity of my back door. Their knowledge of my secluded home and barns is disturbing. I live here because it is a peaceful quiet residential neighborhood. This safety concern will negatively impact my quality of life for many years to come as transient maintenance workers, sheep herders, and educational tours come thru the project site. For generations my family has had a safe haven and privacy because no one knows we are here, but this project has, and will continue to expose my family and I to the public. This is a residential area and I would like it to remain so.

3. SCREENING

Environmental Design Partnership letter dated June 6, 2019 Item #3

"The attached photographs and key map document the density of vegetation from the solar field looking east toward existing residential properties. The existing homes are not visible"

What EDP does not state is that all trees facing their projects eastern boundary line are on my property and they are primarily deciduous. EDP's subjective measurement does not take in to account what I can see from my property and two story home. It does not consider the winter months when trees are barren. It does not state how tall the solar panels are. And it a does not take into consideration how I currently use my property or how my daughter may wish to use it for the next 30 years.

 ORIGINAL

I request the Planning Board require the applicant to plant and maintain evergreen screening around the entire project. This is consistent with Solar Law 3. c , Solar Law 3. e and Zoning Ordinance 14.6.2.4 c. 8. Without this requirement I believe that my privacy and property values will be negatively impacted. This topic was brought up at the June 18th hearing and to my knowledge the developer has not addressed my concern and request to support our Towns ordinances.

To close, I would like to make the following requests of the Planning Board:

Do not vote for a Special Use Permit or Subdivision until the developer has:

1. Amended all documentation to reflect the correct distance from the project boundary to 13388 Duanesburg Road and provided noise mediation measures.
2. Amended Full Environmental Assessment Form Part 3 to require an evergreen screen be planted and maintained around the entire project for the duration of 30 year lease.

Thank you.

Respectfully Submitted,

Susan Biggs

13388 Duanesburg Road

Received 8/15/19
DW @ Planning Board Meeting

Chairman Sexton and the Planning Board. Thank you for continuing the Hearing for the Oak Hill Solar Farm I and Farm II.

My name is Leila Otis and I live at 13392 Duanesburg Road and I share a property line with the project.

ORIGINAL

I support renewable energy development within our Town if it adheres to our Comprehensive Plan, Town Ordinances, and creates a safe and healthy environment for all of our Town's residents.

Before the Planning Board votes on this Special Use Permit and Subdivisions I would like more information from the developers concerning:

Traffic on Rt 7

Rt 7 is becoming increasingly busy. It is more dangerous at sunrise and sunset because it is a E/W orientation and this is when the project site will have the most workers on the road. There are rolling dips along this stretch of road and no shoulders for vehicles to swerve onto to in an emergency. There isn't a safe place to pass standing traffic. How is the developer addressing construction vehicles entering and exiting project site at the beginning and end of the working day? This is a residential area how will the developer help us safely navigate daily traffic, materials delivery, and construction vehicles? Will there be a temporary flagger to assist the construction vehicles entering and exiting Route 7? How will the weight of these extra trucks and increased traffic impact the quality of Rt 7 and who pays for the repairs? Will there be road closures on Rt 7 and how will this be communicated to the surrounding residents?

Transmission Lines

Where is the solar array connecting to the transmission lines? What will this look like to passing traffic? What will it look like to the neighbors that view the project site? Have all the property owners that may have increased transmission lines running in front of their homes been notified of this construction? How will these transmission lines impact the aesthetic of my property? Can these lines be buried? Will there be additional poles installed along Rt 7 and if so what is this process? How will this new infrastructure impact my property and the safety? What height are the wires? What safety concerns will I have due to these wires in my front yard during high winds and snow storms?

I ask that the Planning Board to suspend tonight's vote until the developer has addressed these concerns in writing and added them to the project file so all the neighbors on Rt 7 who may not be here tonight can learn how this project impacts their safety on Rt 7 as well as the visual impact this project may have on their property.

Lastly, how is the construction already begun without a subdivision approval? And without the town residence having these and other questions answered? How will this project effect the assessment and re-sale value of my property?

Thank you.

Leila A. Otis
Lee Otis

Susan Biggs



ORIGINAL

ENTERED ON: 8-16-19
BY: DW

Good Evening. I am Susan Biggs of 13388 Duanesburg Road Delanson NY.

Thank you for holding tonight's public hearing about the proposed Oak Hill Solar Farm at 13390 Duanesburg Road.

I learned of this project on July 11, 2019 and have questions for the Town Planning Board:

1. My great-grandfather purchased our homestead in 1867. My ancestors cleared the land with hand plows and oxen while discovering arrowheads that, as a little girl, I took to school for show & tell. Artifacts found on my property are likely to be also found on the proposed project site. What on-site evaluations has the State of New York Environmental Conservation and Archeological departments made?
2. My great-grandfather raised sheep. The proposed project states that they will use sheep to control ground vegetation, but the town documents do not explain who will care for the sheep where they are housed, and most importantly - if the sheep don't control the ground vegetation will pesticides be used? What happens when the west wind blows these cancer causing chemicals onto my property? Will my land become contaminated?

ENTERED ON: 8/15/19
BY: [signature]

While we are speaking of sheep and the west wind. They stink and this will negatively impact the value and enjoyment of my property. I will submit to the Planning Board a letter from Century 21 indicating a decrease in value of my property due to this project.

3. In the past 150 years my family has done much to support our community including donations of land, financial support of Grove Cemetery, and the hiring of many contractors. How is this proposed solar farm supporting our community? I would like to know the Town's and Mr. Murrays financial gain and how many long term jobs this project will provide our community?

4. The Planning Department is fully aware of my property layout, yet my 1820's home and barns are not even shown on the sketch Eden Renewables has distributed. This is a newly formed business in 2017 with a parent company in the United Kingdom. Eden Renewables has not completed a single project. This omission of neighbors is unacceptable and should have been identified long before tonight. Why didn't the Board, Eden Renewables, and Mr Murray include our community and the immediate neighbors in the planning process? Why did you wait till July 11, 2019 to notify only the legally required neighbors, or about 5 out of 6,300 residents.

In closing, I am 83 years old. My heart and soul are in this land and community. I am deeply distressed that all members of the Town Board and Planning department have allowed this project to proceed to this point without community involvement.

ENTERED ON 8, 5, 19
BY: JW

With this is mind I ask the Board to deny the special use permit to Eden Renewables and Mr. Murray.

Thank you for your time and attention. I request my comments and letter of Century 21 to be recorded in its entirety in tonight's minutes and the project record.



Rural Estates

323 Main Street
P.O.Box 609
Schoharie, NY 12157

Office (518) 295-8547
Fax (518) 295-8691

ENTERED 08/15/19
BY: DW

- The proposed solar farm project at 13390 Duaneburg Road Delanson, NY limits Mrs. Biggs and her daughter Lynne's ability to redevelop both parcels of their property to the full potential. Because the project's visual impact mitigation strategy relies upon natural screening located on Mrs. Biggs' property, Mrs. Biggs cannot remove the vegetative screening without drastically amplifying the visual impact she would endure.
- Based on the text of section 14.6.2 © of Town of Duaneburg's Zoning Code, the Applicant must quantitatively demonstrate the project will not lower property values. Based on my 30 years, experience as a realtor I am concerned that the project could adversely affect Mrs. Biggs' property values.
- Prior to Town of Duaneburg granting a special use permit and issuing site plan approval, the Planning Board must issue a written findings statement documenting how the project would not adversely affect community character. The location of the proposed project, in such close proximity to Mrs. Biggs could limit the enjoyment of her property.

Regards,

Dean Nunamann
Broker/Owner
Century 21 Rural Estates

18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 1

ENTERED ON: 8/15/19
BY: DW

Dear Chairman Sexton and members of the Planning Board,

Thank you for this opportunity to speak tonight regarding the Site Plan Review / Special-Use Permit Application regarding the Oak Hill Solar Project (hereinafter referred to as the Project) located at 13390 Duanesburg Road. My name is Lynne Bruning and I live at 13388 Duanesburg Road, Delanson, NY 12053.

I would like this letter and attached photos to be entered into the official record for the project.

We received notice of this project on July 11, 2019 via USPS mail, with a single page notice announcing tonight's public hearing. Neither my family nor the other neighbors received a copy of the application package. This one-page notice effectively introduced us to the proposed project. Since then, I have consulted with local experts and legal counsel, reviewed the project documents at the Planning Office, and consulted with neighbors—encouraging them to attend this meeting.

My family farm and residence shares a 3,500 feet common property line with the project. I was granted a copy of the application package on July 16, 2019—leaving approximately 48 hours to review an application that has been under discussion for a year.

Based on my initial review of the project file, I am requesting that the Planning Board postpone tonight's votes on the Special-Use Permit and Site Plan Review for the following five reasons.

18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 2

1. The New York State Environmental Quality Review Act (SEQRA) Process is Not Complete

ENTERED ON: 8/15/19
BY: DW

Based on my review of the record related to the proposed project, a formal SEQRA determination has not been issued. According to the minutes from the June 20, 2019 Planning Board meeting, a "preliminary negative declaration" was affirmed. The negative declaration was dated June 7, 2019. Part 617.7 of SEQRA governs the determination of significance with respect to the environmental impacts of an action. For a Type 1 Action, the Lead Agency may either issue a "Positive Declaration" or a "Negative Declaration." There is no provision discussing a "preliminary" negative declaration in the SEQRA regulations.

Further, according to correspondence between Town Planner Dale Warner and the Appointed Engineering Consultant Douglas Cole dated July 9, 2019, it appears that the Applicant is still making revisions to the full EAF. As stated in Part 617.3(a) of SEQRA, "no agency involved in an action may undertake, fund or approve the action until it has complied with the provisions of SEQR." Part 617.3(c) provides further clarification stating that an application for agency funding or approval for a Type 1 action will not be complete until either a Negative Declaration has been issued or a draft Environmental Impact Statement has been accepted by the lead agency as adequate. Therefore, since a formal Negative Declaration has not been issued, I contend that the public hearing on the Special-Use Permit for the proposed project is premature. I recommend that the public hearing be postponed until the SEQRA review process is completed.

2. The Site was physically disturbed prior to the completion of the SEQRA process

According to Part 617.3(a) of SEQRA, "...a project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been complied with." I have photographic evidence which I am submitting into the record

18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 8

ENTERED ON 8/15/19
DW

showing that tree clearing on the project site occurred starting in the summer of 2018 and continuing through summer of this year. As noted below, aside from Part E.1b of the Full EAF, the tree clearing related to the project does not appear to have been factored into the review of the proposed project. **Without a revised SEQRA analysis, I am concerned that the Applicant may have violated Part 617.3(a) of SEQRA.**

3. The project may not comply with the following provisions of the Town of Duanesburg Zoning Code

Section 3.3 of the Town of Duanesburg's Solar Law (Local Law #7 2017) establishes requirements for the installation of major solar energy systems. In particular, Section 3.3 subpart C requires a minimum 25-foot perimeter buffer consisting of natural and undisturbed vegetation to provide screening to minimize visual disturbances to surrounding property owners. Additionally, subpart e of the same section states that evergreen tree plantings may be required to provide additional screening.

The preliminary negative declaration that was affirmed in June, 2019 indicates that the project will rely on natural vegetation to address all issues related to the visual impact of the proposed project. The entire western side of my property borders the project site. Trees on my property provide the screening for the proposed project. However, the Applicant has failed to consider the fact that the trees bordering my property are deciduous. The leaves from the trees fall off during the winter, leaving the sightline on the western side of my property open. As such, during winter months, the project will not be screened from my property. **Without an additional evergreen buffer surrounding the project site, I am concerned that the proposed project may not be consistent with Section 3.3 subparts C and E of the Town's Solar Law and Section 14.6.2 subpart C8 of the Town Zoning Code all of which consider landscaping/screening requirements.**

18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 4

Section 14.6.2 subpart C2 of the Town Zoning Code requires the Applicant to demonstrate that the proposed use will not have a negative effect on surrounding properties prior to action being taken on a special-use permit. While I recognize the expertise of the planning board to make this determination, I contend that this process should involve some level of public engagement to obtain site-specific input in that regard. Each landowner surrounding the site has a specific connection to their individual piece of property, and as such, they may be sensitive to the location of two five mega-watt solar arrays being located in close proximity to their property lines. **At a minimum, the record should show how the Applicant, the Town Planner, or the Planning Board sought to engage the public and whether mitigation measures were identified and implemented to address potential negative impacts to landowners surrounding the project site.**

ENTERED ON 8/15/19
DW

Similarly, Section 14.6.2 subpart C11 of the Town Zoning Code requires the Planning Board to determine whether the Applicant has successfully demonstrated that the design of the proposed use does not conflict with the architectural characteristics of surrounding properties. Eden Renewables never sought access to my property and home which is set back 800 feet from the road. **Without specific analysis of the architectural characteristics of the structures surrounding the project site being entered into the record, I argue that the Planning Board cannot rationally determine that the project complies with the aforementioned requirement.**

4. The discrepancies in the Long-Form Environmental Assessment Form may warrant a rescission of the Negative Declaration issued June 20, 2019

According to Part 617.7(f) of SEQRA, Negative Declarations can be rescinded for three reasons: 1) changes are proposed for the project; 2) new information is discovered; or 3) changes in circumstances related to the project arise; that were not previously considered and the lead agency determines that a significant environmental impact

18 July 2019 Duaneburg Planning Board Hearing: Comments of Lynne Bruning page 5

may result. As evidenced in Part E.1b of the Full EAF, it is stated that approximately 21.94 acres of forested land will be removed as a result of the project. It is not clear how the trees will be removed and what the resultant physical disturbance to the land will be. According to the July 3, 2019 correspondence between Mr. Warner and Mr. Cole, it is stated that the physical disturbance related to this project will be 0.89 acres. A loss of 21.94 acres of trees would result in a far greater physical disturbance related to the project must be considered during the SEQRA process.

ENTERED ON: 8/15/19
BY: [Signature]

Another reason this point is important for the Planning Board to consider is that the Stormwater Pollution Prevention Plan (SWPPP) prepared by the Applicant estimates that only 0.84 acres of land will be disturbed by the proposed project. That leaves 21.10 acres of forested land unaccounted for by the SWPPP. As evidenced in the SWPPP, the soils on the project site are largely within Hydrologic Soil Group D—the worst category of soils when it comes to managing stormwater runoff. An accurate SWPPP is necessary for making a SEQRA determination with well-reasoned explanations justifying the Planning Board's findings. **Therefore, I request that a revised SWPPP be prepared that accurately accounts for the loss of forested land.**

Regarding impacts to agricultural resources, the Applicant fails to recognize the presence of soils with U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Farmland Classifications of "Prime Farmland" and "Farmland of Statewide Significance." This is evidenced in Part E.3b of the Full EAF which notes that there are no highly productive agricultural soils on site. The Burdett Scriba soil series have a classification of "Prime Farmland if Drained" while the Illion Silt Loam series is classified as "Farmland of Statewide Significance."

According to Section 4 of the Decommissioning Plan, it is stated that the site consists of 65.2 acres of agricultural land. The Plan stresses that "the future use of the land for agricultural purposes would not be prejudiced." According to Part E.1b of the Full EAF, the project will result in the loss of 43.57 acres of agricultural land. It is my

18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 6

understanding that the Application does not commit to following the guidelines for siting solar facilities put forth by the New York State Department of Agriculture and Markets (NYSDAM). The guidelines stress the need for solar projects over a certain size to have an "Environmental Monitor" on site to ensure that agricultural soils are restored completely (https://www.agriculture.ny.gov/ap/agsservices/Solar_Energy_Guidelines.pdf). **Therefore, I request that the Full EAF is revised to reflect the presence of productive agricultural soils on site.**

ENTERED ON 8/15/19
BY DW

5. The lack of public engagement and outreach related to this project has deprived the public of the opportunity to participate meaningfully during the review process.

Public engagement represents a critical component of any planning project. Members of the public often have site specific knowledge that can help identify mitigation measures, protect sensitive resources and artifacts, and strengthen the overall quality of most applications. According to Part 14.6.2.4 subpart B of the Town Zoning Code, the Planning Board must notify all property owners within a 1,000-foot radius of the project site at least 10 days in advance of the meeting. I, and four other neighbors, received notice of tonight's public hearing on or after July 11, 2019, seven days prior to the public hearing.

This lack of notice has limited the ability of my neighbors and I to participate meaningfully in the review of the proposed project for several reasons. First, I did not receive access to the project files until July 16, 2019. I visited Town Hall on Monday July 15th but was denied access to the documents and my mother had to return the next day. These documents should have been posted online for public review. This is particularly problematic because the project has been under discussion by the Town for over a year. Did other members of the public have to undertake the same amount of work to get access to the project file? Given the size of the project file, I argue that 48-hours is not enough time to review the project's environmental impact and compliance with the Town's Zoning Code.

18 July 2019 Duanesburg Planning Board Hearing: Comments of Lynne Bruning page 7

ENTERED ON: 8/15/19
BK: DW

I would like it known on the record that the Applicant's past practice was to conduct community meetings to educate interested landowners and other concerned citizens about their respective projects. Indeed, an examination of local newspapers and applicants website shows that the Applicant conducted community meeting in July 2019 in the City of Gloversville to educate the public about a proposed solar array in Fulton County. I request clarification as to why this practice and media coverage was not employed in the Town of Duanesburg.

To close, I would like to make the following requests of the Planning Board:

1. The Planning Board should continue the public hearings related to the proposed project until the provisions of SEQRA have been complied with;
2. The Planning Board should require the Applicant to prepare a revised SWPPP that takes into account the clearing of 21.94 acres of trees and revise the Decommissioning Plan to include New York State Department of Agriculture and Markets (NYSDAM)-recommended guidelines for siting solar facilities; and
3. The Planning Board should continue the public hearings until the Applicant has conducted a community meeting to discuss the proposed project.

Respectfully Submitted,

Lynne Bruning

Cc: Danny Lapin, AICP

Doug Zamelis, Esq.

received 8/15/19 @ Planning Board Meeting
DCC
ORIGINAL

Chairman Sexton and the Planning Board. I am Lynne Bruning and I live at 13388 Duanesburg Road, Delanson, NY 12053. Thank you for holding the public hearing for the Special Use Permit and Subdivision for Eden Renewables proposal for Oak Hill Phase I and Oak Hill Phase II at 13590 Duanesburg Road hereafter referred to as the project.

I would like this letter to be entered into the official record for the project and will hand the clerk my statement and supporting paperwork this evening.

I come to you tonight not only as a fifth generation of Duanesburg but also as a professional who is concerned about the long-term planning and its impact on our entire community. Personally, I am a supporter of renewable energy. My computer keyboard is solar. My flashlights are all solar. I even have solar chargers for my cell phones. Not only is this the right thing to do, but it saves me the difficulty of disposing of environmentally unfriendly batteries.

Professionally, I have Masters in Architecture and I specialized in business development, including the marketing of projects, assembling the Request for Qualifications, identifying investment partners, and public engagement. I have valuable skills and knowledge that I would like to share with my community.

The most successful projects begin with a solid, accurate, concise marketing plan. This defines what you're selling, its what the public buys into, what the investors expect for their return, and most importantly what the land owner demands at the end.

It is important that we lay the initial building blocks of this project's foundation plumb and square. Tonight, I would like to take this opportunity to begin the discussion of how the developer, planning board, tax payers, and neighbors can reach agreement on the scope and breadth of the project. If we place this cornerstone accurately then we will have a successful decommissioning in 30 years.

 ORIGINAL

received 8/15/19 DW

With this unifying goal in mind I would like to use Eden's original marketing material as seen on their website, provided to the town in May 2018, and most recently presented at their public information session on July 31, 2019.

According to Eden Renewables this diagram shows the ecological land use of the project site, identifies surrounding residences, specifies set backs and property lines, and highlights the developers important marketing aspects used in all of their projects. This is a great starting point that allows for inclusion of additional details as the project develops. As a professional I would like to add some additional information:

1. Where are we? What is the address, scale and direction? 13590 Duanesburg Road, Delanson NY 12053. The site is off of Route 7 and Youngs Road is to the east. The North arrow faces top of presentation board and the scale is undetermined so I referred to the June 6, 2019 drawing set pages 1 of 10. Page 1 has a scale of 1" = 2,000 feet which would make the fence 20,000 feet x 25,000 feet. This drawing page also indicated Oak Hill I is 32 acres and Oak Hill II is 33 acres. These figures do not correlate and they do not match measurements found throughout the drawing. I ask the Planning Board to request that all drawings go back to the engineer and be checked for accuracy.
2. Where are the property lines and set backs? The presentation board indicates that the set back is 200 yards, which is 600 feet. The June 6, 2019 drawing set indicates a set back of 100' and reducing to 40' at certain locations. This discrepancy of measurements should be addressed.
3. Why is this road leading off Route 7? Where does it go? Google Satellite shows an 800 foot driveway to 13388 Duanesburg Road consisting of a house, five out building, and a pond. However, Eden Renewable's letter dated August 5, 2019 state that "Both layouts used google maps and show all houses around the project area." Additionally, Environmental Design Partnership letter March 11, 2019 discusses tax ID parcel 74.00.3.18 "no construction in this area" this statement is



ORIGINAL

received 8/15/19 JW

Inconsistent with Schenectady County Property Description Report for 13388 Duanesburg Road which has tax ID 74.00.3.18. The documentation of nearby residences should be rectified.

4. How close is the nearest neighbor? According to google maps this house is less than 700 feet from to the project property line. Environmental Design Partnership letter dated March 11, 2019 "The solar array is proposed to be installed nearly 1,500 feet north of Route 7 and 1,600 feet from the nearest neighbor..." This discrepancy in measurements should be rectified
5. Are there any the wet lands? The south east corner of the project site has a wetland that supports a thriving ecosystem, the western property line of 13388 Duanesburg Road floods in the winter and spring, and there is a seasonal stream along this property line which empties to the hay fields at the North. These wet lands should be addressed with particular attention to storm water planning and the final impact on the hay fields to the north east of the project.
6. Eden Renewables presentation board shows 8 circles highlighting benefits of the project. The majority of these could be updated to provide us with detailed information bringing further credibility to the project:
 - a. Security – Since CCTV cameras will be on the site, what are the implications, if any, on the neighbors?
 - b. Existing Trees - What is the tree inventory and on whose property are they located? The project file includes a letter from Environmental Design Partnership date June 6, 2019 states "The attached photographs and key map document the density of vegetation from the solar field looking east toward the existing residential properties. The existing homes are not visible." This does not address what the neighbors and greater community



ORIGINAL

8/15/19 DW

will see through out the year when we look towards apx 70 acres of solar arrays . This should be addressed in an updated submission.

- c. Solar Panels - This project will power 1,225 homes but what are the MW that are salable? Is there a letter of confirmation from National Grid approving the Interconnection Application Offer? This information should be included in the updated submission.

It is critical that the marketing and project documentation be in alignment so that we can all agree on what is being sold, what is being delivered, what will be decommissioned, and most importantly, how the property will be returned to the landowner in 30 years. I feel it is premature to hold a hearing for a special use permit and subdivision until there is accuracy and consistency between the drawings, documents, and marketing. I request that the Planning Board have the developer review their entire application for accuracy so that they do not misrepresent the project to the town, neighbors, investors, and most importantly the landowner.

Reaching consensus on a development project is hard work and I am thankful that Eden provided a starting point because I support New York State's renewable energy goals and my family welcomes responsible sound investments which are in alignment with our town's Comprehensive Plan and Zoning Ordinances.

This proposal occupies over 100 acres for a 30 year lease and is estimated to cost between \$10 -\$15 million. This is a massive commitment for our town and I think it is prudent that we request easily obtainable assurances from Eden Renewables that our community will remain a successful symbol in upstate New York for responsible land use, preservation of our rural environment, and successful town planning. As residents who care about our community and the environment, we need to be assured that this will be a successful project. With this in mind we ask Eden Renewables to please address the following three assurances:



ORIGINAL

8/15/19 DW

1. Financial plan and demonstration of adequate funding. A filing with Securities and Exchange Commission shows that Eden has raised \$1.6 million from which \$200,000 is allocated to pay to related parties. An updated submission should address the total funding requirements for Oak Hill I, Oak Hill II and their other developments to demonstrate that this project will not fail due to inadequate long-term funding. The financial forecast should address expected total costs, the ramp up time to maturity, the rates that National Grid will pay and for what period. What are the developers plans in the event if they are unable to sell enough subscriptions to give their partners the projected 10% discount on their monthly bill? The updated submission should include this data to assure the Town that the project will be successful. Simply put, we want to be sure you're not welding a hockey stick.

2. We want your assurance that the principals will oversee this project to fruition and will remain accountable. Eden Renewables has not built nor maintained a solar project in the United States, an updated submission should address the history of your directors and investors for remaining owner/operator of previous solar projects. Please share with us how Eden will retain ownership if the project isn't generating your projected revenue.

3. I was at the dump today and saw a heap of electronics. This made me wonder, where are we on the solar technology wave? The majority of solar farms being installed in the Mohawk Valley are 20 MW or more. In 5 years will National Grid engage small solar companies? Please address this concern in an updated submission with adequate data to support the assertions.

It is important that our Planning Board, taxpayers, and neighbors fully investigate and complete our due diligence to avoid criticism and being seen as upstate rubes. This project will set the precedent for all other Duanesburg developments to follow, not just in clean energy, but with all proposed large industrial and commercial ventures.

8/15/19 DC

We cannot fail.

 ORIGINAL

I ask that the Planning Board to please delay the vote until we receive an updated submission from Eden that responds to the issues that I have described:

1. Accuracy of the drawings, documents, and marketing plan
2. Confirmation and clarification of neighboring residences and their proximity to the project site
3. Presence of wetlands on the eastern boarder of the project site and impact of these on the storm water plan
4. Confirmation of evergreen screening
5. Confirmation of National Grid acceptance of Oak Hill I and Oak Hill II
6. Financial plan and demonstration of adequate funding
7. Commitment of the principals to oversee this project to fruition and be accountable
8. Information on current solar trends, equipment obsolesces, and size of solar fields.

Once the planning board and community has reviewed this new information then we can move forward with a unified plan, accurate documentation, and a successful cornerstone in the growing solar market.

Please include this document in its entirety in the project file with the Planning Board. It is important that this become part of the permanent record. I made this request for my statement on July 18, 2019 and as of August 6 my statement was not included in the project file so I will hand this over to the Clerk as well.

Thank you.



North
Scale unknown

OAK HILL SOLAR FARMS NEW YORK
13590 and 13592 Duaneburg Road, Delanson NY 12053

EDUCATIONAL BENEFITS

We organize trips to the solar farm so children from local schools can learn about science, technology and energy generation.



SECURITY

Traditional rural fencing and discreet CCTV cameras will be used around the perimeter of the site to maintain security



SITE WORK

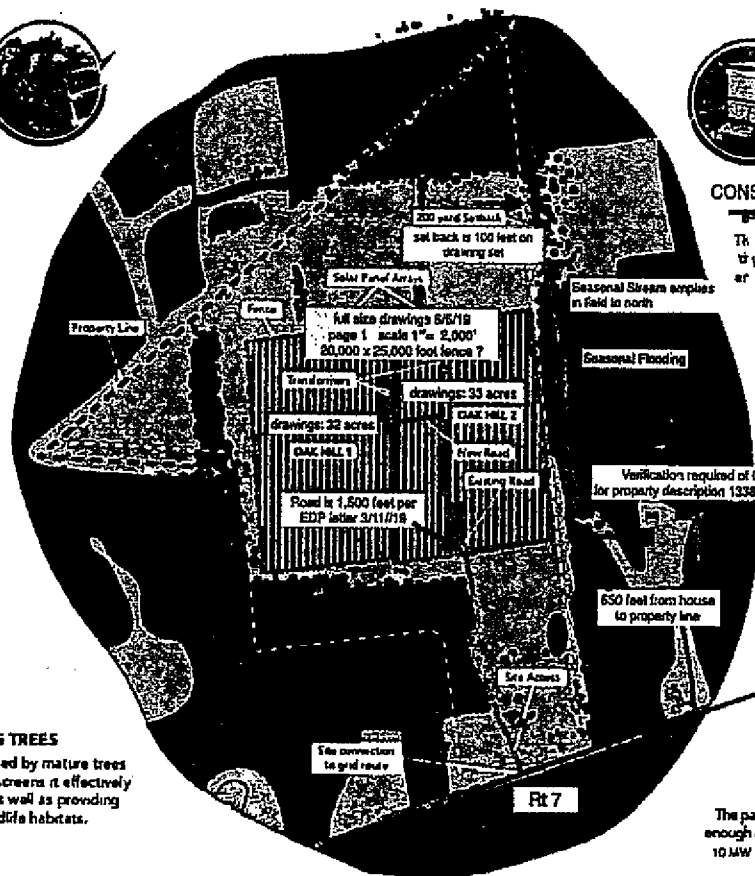
WILDFLOWER MEADOWS

What is acreage of site?
What are dimension of the fence?
How much acreage is excavated and seeded?
What are dimensions of the access road?

Uphold local and state regulations for evergreen screening
What is tree inventory?
How many trees are there on?

EXISTING TREES

The site is surrounded by mature trees and forestry, which screens it effectively from public view as well as providing important wildlife habitats.



ENVIRONMENT

Beehives on the solar farm will provide pollination services to support local farmers and agriculture

CONSTRUCTION PROCESS

What is construction time line?
How does it impact traffic?
What safety measures will be put in place on Rt 7?
birds to nest.



MAINTAINANCE

What does economically feasible mean?
What safety measures are enacted when herbicides are used?



SOLAR PANELS

The panel arrays are single axis trackers and will generate enough clean power for the equivalent of over 1,225 homes. 10 MW
What are panel measurements and how tall are they?

Youngs Road
Sheldon Road
1/1/19

**TOWN OF DUANESBURG
TOWN & COUNTY 2019 TAXES**

For Fiscal Year 01/01/2019 to 12/31/2019

Warrant Date 12/31/2018

8/15/19 DW

Bill No. 002946
Sequence No. 002414
Page No. 1 of 1

MAKE CHECK PAYABLE TO:
JENNIFER HOWE
RECEIVER OF TAXES
5853 WESTERN TURNPIKE
DUANESBURG, NY 12056

TO PAY IN PERSON:
5853 Western Turnpike
Duaneburg, NY 12056

ORIGINAL

Biggs Susan L
PO Box 160
Quaker Street, NY 12141

SWISS S/B/L ADDRESS & LEGAL DESCRIPTION

422089 74.00-3-18
Address: 13388 Duaneburg Rd
Muni: Town of Duaneburg
School: Duaneburg Csd 422001
NYS Tax & Finance School District Code: 153
Property Class: Rural res Roll Section: 1
Property Acreage: 91.00
Account No.
Bank Code:
Mortgage No.
Estimated State Aid: CNTY 45567529
TOWN 20653
SCHL 0
VILL 0

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimates the Full Market Value as of 07/01/2017 289329.00
The Total Assessed Value of this property is: 94900
The Uniform Percentage Value used to establish assessments in your municipality was: 32.80

If you feel the assessment on your property is too high, you have the right to file a grievance to lower it for future tax bills. For information, please contact your assessor for the booklet "How to File a Complaint on Your Assessment" and to inquire about exemptions. Any reduction in assessment will NOT be reflected on this bill.

Exemption	Value	Full Value	Tax Purpose	Exemption	Value	Full Value	Tax Purpose
CW_15_VET/	3936.00	12000.000	CT				

PROPERTY TAXES

Taxing Purpose	Total Tax Levy	% Change From Prior Year	Taxable Assessed Value or Units	Rates per \$1000 or per Unit	Tax Amount
NYS & FED MANDATES	3465837	0.7000	90964.00	21.09269500	1918.68
LECTION EXPENSE	86508	3.6000	90964.00	0.52343700	47.61
TOWN GENERAL	151000	4.7000	90964.00	0.91366300	83.11
HIGHWAY	315543	10.8000	90964.00	1.90929700	173.68
FIRE PROTECTION 3	199530	-2.7000	94900.00	3.80397100	361.00

PAID

JAN 25 2019

TOWN OF DUANESBURG
TAX COLLECTOR

Key Bank # 2756

Property Description(s):

Payments Received:

TOTAL TAXES DUE: \$2,584.08
Does not include penalty/interest
Original Bill Amount: \$2,584.08

* Indicates Payment made Under Protest

Apply For Third Party Notification By: 11/15/2019

**TOWN OF DUANESBURG: TOWN & COUNTY 2019 TAXES
RECEIVER'S STUB**

Bill No: 002946
422089 74.00-3-18

Municipality: Town of Duaneburg
School: Duaneburg Csd 422001
Property Address: 13388 Duaneburg Rd
Biggs Susan L
PO Box 160
Quaker Street, NY 12141

Pay By:	Penalty/Interest	Amount	Bank Code: Total Due	TOTAL TAXES
01/31/2019	0.00	2584.08	2584.08	\$2,584.08
02/28/2019	32.30	2584.08	2616.38	Original Bill Amount
03/31/2019	65.60	2584.08	2649.68	\$2,584.08
04/30/2019	97.90	2584.08	2681.98	

RECEIVER'S STUB MUST BE RETURNED WITH PAYMENT.
FOR A RECEIPT OF PAYMENT, PLACE A CHECK MARK
IN THIS BOX AND RETURN THE ENTIRE BILL WITH PAYMENT.





2/15/19 AW

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

ORIGINAL

No Photo Available

	Status:	Active
	Roll Section:	Taxable
	Swis:	422089
	Tax Map ID #:	074005-18
	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
	School District:	Duanesburg
	Total Assessment:	2019 - \$94,900 2018 - \$94,900
Total Acreage/Size:	91.00	
Land Assessment:	2019 - \$40,200 2018 - \$40,200	
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		

Taxes

8/15/19 DW

Year	Description	Amount
2019	County	\$2,584.08

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

 ORIGINAL

**TOWN OF DUANESBURG
TOWN & COUNTY 2019 TAXES**

For Fiscal Year 01/01/2019 to 12/31/2019

Warrant Date 12/31/2018

8/15/19 DW

Bill No. 002942
Sequence No. 002411
Page No. 1 of 1

MAKE CHECK PAYABLE TO:
JENNIFER HOWE
RECEIVER OF TAXES
5853 WESTERN TURNPIKE
DUANESBURG, NY 12056

TO PAY IN PERSON:
5853 Western Turnpike
Duanesburg, NY 12056

SWISS S/B/L ADDRESS & LEGAL DESCRIPTION

422089 74.00-3-16.3
Address: Duanesburg Rd
Muni: Town of Duanesburg
School: Duanesburg Csd 422001-
NYS Tax & Finance School District Code: 153
Property Class: Rural vac>10 Roll Section: 1
Property Acreage: 22.01
Account No.
Bank Code:
Mortgage No.
Estimated State Aid: CNTY 45567529
TOWN 20653
SCHL 0
VILL 0

Biggs Susan L
PO Box 160
Quaker Street, NY 12141

ORIGINAL

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimates the Full Market Value as of 07/01/2017 39634.00
The Total Assessed Value of this property is: 13000
The Uniform Percentage Value used to establish assessments in your municipality was: 32.80

If you feel the assessment on your property is too high, you have the right to file a grievance to lower it for future tax bills. For information, please contact your assessor for the booklet "How to File a Complaint on Your Assessment" and to inquire about exemptions. Any reduction in assessment will NOT be reflected on this bill.

Exemption	Value	Full Value	Tax Purpose	Exemption	Value	Full Value	Tax Purpose
-----------	-------	------------	-------------	-----------	-------	------------	-------------

PROPERTY TAXES

Taxing Purpose	Total Tax Levy	% Change From Prior Year	Taxable Assessed Value or Units	Rates per \$1000 or per Unit	Tax Amount
NYS & FED MANDATES	3465837	0.7000	13000.00	21.09269500	274.21
LECTION EXPENSE	86508	3.6000	13000.00	0.52343700	6.80
TOWN GENERAL	151000	4.7000	13000.00	0.91366300	11.88
HIGHWAY	315543	10.8000	13000.00	1.90929700	24.82
FIRE 1	127135	2.0000	13000.00	8.64127400	112.34

PAID

JAN 2 3.11.19

TOWN OF DUANESBURG
TAX COLLECTOR

PAID Key Bank #2880

Property Description(s): Some Wetlands

Payments Received:

TOTAL TAXES DUE: \$430.05
*Does not include penalty/interest?
Original Bill Amount: \$430.05

* Indicates Payment made Under Protest

Apply For Third Party Notification By: 11/15/2019

**TOWN OF DUANESBURG: TOWN & COUNTY 2019 TAXES
RECEIVER'S STUB**

Bill No: 002942
422089 74.00-3-16.3

Municipality: Town of Duanesburg
School: Duanesburg Csd 422001
Property Address: Duanesburg Rd
Biggs Susan L
PO Box 160
Quaker Street, NY 12141

Pay By:	Penalty/Interest	Amount
01/31/2019	0.00	430.05
02/28/2019	5.38	430.05
03/31/2019	11.75	430.05
04/30/2019	17.13	430.05

Bank Code:
Total Due
TOTAL TAXES \$430.05
Original Bill Amount \$430.05

RECEIVER'S STUB MUST BE RETURNED WITH PAYMENT.
FOR A RECEIPT OF PAYMENT, PLACE A CHECK MARK
IN THIS BOX AND RETURN THE ENTIRE BILL WITH PAYMENT.



8/15/19 vzw



Property Description Report For: Duanesburg Rd,
Municipality of Duanesburg

ORIGINAL

No Photo Available

Status: Active
Roll Section: Taxable
Swis: 422089
Tax Map ID #: ~~74:00:3:16:3:7~~
Property Class: 322 - Rural vac>10
Site: RES 1
In Ag. District: No
Site Property Class: 322 - Rural vac>10
Zoning Code: 02 - R-2
Neighborhood Code: 00004
School District: Duanesburg
Total Assessment: 2018 - \$13,000
 2017 - \$13,000
Property Desc: Some Wetlands
Deed Page: 151
Grid North: 1418362

Total Acreage/Size: 22.01
Land Assessment: 2018 - \$13,000
 2017 - \$13,000
Full Market Value: 2018 - \$39,634
 2017 - \$38,462
Equalization Rate: ----
Deed Book: 1959
Grid East: 560185

Area

Living Area: 0 sq. ft.	First Story Area: 0 sq. ft.
Second Story Area: 0 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: 0
Finished Rec Room: 0 sq. ft.	Finished Area Over Garage: 0 sq. ft.

Structure

Building Style: 0	Bathrooms (Full - Half): 0 - 0
Bedrooms: 0	Kitchens: 0
Fireplaces: 0	Basement Type: 0
Porch Type: 0	Porch Area: 0.00
Basement Garage Cap: 0	Attached Garage Cap: 0.00 sq. ft.
Overall Condition: 0	Overall Grade:
Year Built:	



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**
Shaping the physical environment

2/15/19 DW

900 Route 146 Clifton Park, NY 12085
(P) 518.371.7621 (F) 518.371.9540 edpllp.com

March 11, 2019

Mr. Phillip Sexton
Planning Board Chairman

 ORIGINAL

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

Regarding: Eden Renewables
Oak Hill Solar Projects 1&2
Duaneburg 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

8/15/19 DW

Mr. Phillip Sexton
March 11, 2019

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment. ORIGINAL

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.
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 45.63 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 ~~74.00-3-16127~~ 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.

8/15/19 DW

Mr. Phillip Sexton
March 11, 2019

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment

ORIGINAL

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.

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) 5 MW photovoltaic solar array located on Duaneburg 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

8/15/19 DW

Mr. Phillip Sexton
March 11, 2019

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment

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

Sincerely,

 ORIGINAL

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

cc. Giovanni Meruca, Applicant (via email)

PO Box 160
Quaker Street, NY 12141

 ORIGINAL

Chairman Sexton
Town of Duanesburg Planning Board
5852 Western Turnpike
Duanesburg, NY 12056

ENTERED on 9/14/19
MD 1120

September 9, 2019

Dear Chairman Sexton and Planning Board Members;

sent via duanesburg.net portal

I would like to share an open invitation with the Duanesburg Planning Board for tomorrow night, Tuesday 10 September 6:30 pm. at Sablewood, 5038 NY-30, Schoharie, NY 12157.

Bill Bichteman from Westerlo is meeting with a group of concerned citizens to share his first hand experience about Westerlo's solar facilities. The short notice is because the Schoharie Town Board votes on a 50 acre 7MW facility Wednesday night. The quest for knowledge is on!

I will be attending this meeting and hope that the Town of Duanesburg takes advantage of this generous opportunity to learn how solar has impacted Westerlo, why they placed a moratorium on solar development, and how they are improving their ordinances to support their comprehensive plan.

I hope that someone from the Planning Board joins us tomorrow night as our communities come together to learn how to best support our neighborhoods rural landscape and comprehensive planning.

Thank you for your time.

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

 ORIGINAL

PO Box 160
Quaker Street, NY 12141
lynnebruning@gmail.com

ENTERED on 9/21/2019
MD - 1:20

Chairman Sexton
Town of Duanesburg Planning Board
5852 Western Turnpike
Duanesburg, NY 12056

September 11, 2019

Dear Chairman Sexton,

I would like to share valuable information with the Duanesburg Planning Board that was discussed last night with Westerlo Supervisor Bill Bichteman, a Schoharie Town Board Member, and concerned citizens about how solar facilities can be responsibly built within our communities.

Bill Bichteman focused on the lessons Westerlo has learned with it's five solar facilities:

- ✦ The Town's Comprehensive Plan is the backbone for all of the town's decisions
- ✦ Decommission cost for a 2MW solar facility is approximately \$140,000. Supervisor Bichteman says Eden Renewables's proposed \$200,000 for a 10 MW facility is inadequate and that he suggests that the money should only be held as 5 year bonds to ensure responsibility of decommissioning.
- ✦ The majority of solar facilities are sold before construction even begins. Frequently they are sold multiple times leaving the Town questioning who is responsible for the facility.
- ✦ Advanced planning for placement of berms and trees between the panels avoids erosion and preserve views, but he stresses this must be accomplished in the planning phase
- ✦ A listing of conditions can and should be added to the Special Use Permit approval to protect the Town
- ✦ Why and how the Town decided to enact a moratorium on all development for one year
- ✦ The importance of using the escrow to verify the developers documentation with outside professionals in erosion, glare, traffic, maintenance, and safety to protect the Town
- ✦ Decommission cost for Schoharie proposed 7MW facility is \$600,000 please see attached

Please reach out to Bill, who has a wealth of information to share about the lessons Westerlo has learned. We can, and should, learn from their mistakes and in the process make Duanesburg the best it can be. westsuper@mhcable.com or (518) 797-3010 <https://www.townofwesterlo.ny.com/>

Please reach out to other town leaders and use the escrow to hire professionals to review Eden Renewables proposal for accuracy and completeness before the Planning Board sets presidents for all future development in Duanesburg.

I am eager to share my expertise and knowledge with the Town to help make Duanesburg better for all of us. Please contact me at any time 720-272-0956.

I look forward to hearing from you.

Regards,



Lynne Bruning
720-272-0956

ENTERED ON 9/19/19
BY MD 8:30

Melissa Deffer

ORIGINAL

From: wallace johnson <wallacej@hotmail.com>
Sent: Wednesday, September 18, 2019 5:13 PM
To: Dale Warner; Jennifer Howe; Melissa Deffer
Cc: Lee and Leila Otis; wallace johnson; Joshua Barnes; lynne bruning; Pamela Rowling
Subject: Eden Renewables Solar Project at 13590 Duanesburg Road Delanson, NY 12053

Chairman Saxton and The Town of Duanesburg Planning Board Members:

As a resident of the Town of Duanesburg for 37 years, and property owner and resident of Youngs Road Delanson, NY 12053, I respectfully request that the Board refuse the Special Use Permit for the above listed solar project at 13590 Duanesburg Road, Delanson, NY.

The reasons for my request are as follows.

- 1 - Full screening of the array must be provided as required by Solar Law 3 (c) and (e). Partial screening must not be permitted as that will not only affect property values and quality of life issues of adjacent property owners, but will also set a precedent for future solar projects throughout the Town of Duanesburg.
- 2 - In non-compliance with the Town of Duanesburg Solar Law 3 (D), the applicant has not produced a glare study. This must be accomplished before the application is completed.
- 3 - Request and/or require, as is appropriate, that the Duanesburg Fire Department review the emergency plan, roads, critical electrical equipment, and that fire suppression equipment is in compliance with NFPA requirements. This is a major safety issue and must be done before approval.
- 4 - I request that the Planning Board review Solar law 3 (f) limiting clearing to 20,000 s.f.. We have concerns that this project is in possible violation due to clear cutting of acreage over the past year.
- 5 - SEQRA is in possible violation due to clear cutting and there is concern that the tree cutting occurred during times prohibited, due to the presence of the endangered long eared bat.
- 6 - The decommissioning estimate of \$211,381, when compared to similar projects in New York State, is substantially insufficient. The decommissioning estimate must be recalculated, and resubmitted to reflect the true cost of the process of removal. Decommissioning funds should be held as a bond written and guaranteed by a domestic surety listed by A.M. Best with an A+ rating, made payable to The Town of Duanesburg, New York.

Please enter this into the minutes of the meeting on the date of September 19, 2019.

Thank you for your service, time, and consideration of our concerns in this project.

Respectfully submitted,

Wallace I. Johnson
1204 Youngs Road
Delanson, NY 12053

ORIGINAL

Melissa Deffer

From: Elizabeth Barnes <liz.vennard@gmail.com>
Sent: Wednesday, September 18, 2019 4:13 PM
To: Jennifer Howe; Melissa Deffer
Subject: Eden Renewables Oak Hill Solar Farm

ENTERED ON: 9/19/19
BY: WTD 8:36

To whom it may concern, regarding the proposed Eden Renewables Oak Hill solar farm.

I am writing to address and request a few items.

I am requesting a full screening of the array as required by Solar Law 3 (c) and (e) along with compliance for Solar Law 3(d) for glare, as far as I am aware the applicant has not provided a glare study.

I ask that the Duanesburg Fire Department review the emergency plan, roads, and fire suppression equipment is in compliance.

I ask the Planning Board to please review Solar law 3 (f) limiting clearing to 20,000. I have concerns that this is in possible violation due to clear cutting of acreage over the past year.

SEQRA is in possible violation due to clear cutting and there is concern that the tree cutting occurred at times prohibited due to the presence of the endangered long eared bat.

Lastly the decommissioning estimate of \$211,381 is insufficient. This should be substantially increased. Decommission funds should be held as a bond not a lien of credit.

I am asking the Planning Board to review other solar projects for best practices.

Thank you in advance for your time and consideration of all requests.

Regards,

Josh Barnes

ENTERED: AUG 21 2019

RE: MD 10:00

GREENE COUNTY

Sexton

Dear Chairman Sexton and members of the Planning Board,

On August 22, 2019 I approached the Town Board requesting information on how to strengthen our Solar Law. Supervisor Tidball referred me to Chairman Sexton and the Planning Board.

September 11, 2019 I provided you with a review of a meeting with concerned citizens of Schoharie, councilman Ben Overing and Superintendent of Westerlo Bill Bichteman.

Last evening, September 18, 2019, I attended a special legislative session between Greene County and Citizens for Sensible Solar where they discussed:

- county wide moratorium on commercial solar facilities
- hosting county wide information sessions allowing the towns to meet, share resources and learn how strengthen their solar laws
- current and upcoming Article 10 Projects

Of particular concern was decommissioning as small rural towns learn that the escrows, bonds, and letters of credit are not as strong as they anticipated, and in some cases, unenforceable.

According to the ISO and SIR Utility queues more solar facilities are coming to Schenectady County and the Delanson 269 substation. attachment 1

The time to act is now.

Please consider placing a moratorium on commercial solar development in Duanesburg while we review our legislation in relation to current solar construction trends. During the moratorium I will help organize informational sessions with town leaders, concerned citizens, and legislative bodies to reach consensus on a strong responsible Solar Law which will enhance and protect our residents quality of life, our towns rural character, and our environment.

Suggestions for projects over 1M may include:

- applicants provide escrow used for an additional planning clerk responsible for scanning all documents and maintaining public engagement
- notify property owners within 1 mile of the project when SEQR begins
- post project updates on the websites home page for easy community access
- coordinate with neighboring towns whose sight lines and vistas may be impacted

Enclosed are examples of legislation towns have passed during their own moratoriums.

Greenville's Solar Law

<https://www.ecode360.com/attachment/GR2967/LL%202018.pdf>

Town of Florida

<https://www.townofflorida.com/index.php/document-center/zoning/47-amended-updated-solar-ordinance-local-1-2019/file>

Please review these documents, speak with our neighboring town superintendents, and then provide our town with the opportunity to strengthen our solar legislation.

If you have questions or concerns please do not hesitate to contact me.

I look forward to working with you.

Thank you



Lynne Bruning

720-272-0956

lynnebruning@gmail.com

ENTERED ON 9/19/19
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Attachment I

NYISO Interconnection Queue September 2019

<https://www.nyiso.com/interconnections>

Queue	Company	Project Name	Size (MW)	Year	Priority	Location	Substation	Notes
618	North Park Energy, LLC	High River Solar	3/27/17	80	B	Schenectady, NY	F	Stoner-Rotterdam 115KV
780	Hacate Energy Johnstown LLC	Johnstown Solar	1/9/18	20	2D	Schenectady, NY	F	Stoner-Rotterdam 115KV
858	SED NY Holdings LLC	Limousin Solar	3/25/18	20	2D	Schenectady, NY	F	Stoner-Rotterdam 115KV
584	Rock District Solar, LLC	Rock District Solar	7/28/16	20	2D	Schoharie, NY	F	Sharon-Cobleskill 89KV
819	North Park Energy, LLC	East Point Solar	3/27/17	50	60	Schoharie, NY	F	Sharon-Mansfield 89KV
841	TJA Clean Energy, LLC	Sharon Springs	5/10/18	20	2D	Schoharie, NY	F	Sharon-Cobleskill 89KV Substation

Utility Interconnection Queue Data for National Grid Delanson Substation July 2019

<http://www3.dps.nv.gov/W/PSCWeb.nsf/A11/286D2C179E9A5A8385257FBBF003F1F7E?OpenDocument>

Company	Project Name	Applicant / Address	Division	City/Town	Zip Code	Size (MW)	Substation	Priority	Notes
1842	New Power Co Inc - Eden One Co LP	0214418	017 - Cobleskill	Delanson	13822	36.37, 31451	DELANSON 269	H	3829
1843	Hydrex Solar Renewables LLC	0209401	017 - Cobleskill	Delanson	13823	34.37, 31451	DELANSON 269	H	3829
1844	Servpro Solar Systems, Inc	0214424	017 - Cobleskill	Delanson	13823	29.37, 31451	DELANSON 269	H	3829
1845	Servpro Solar Systems, Inc	0214427	017 - Cobleskill	Delanson	13823	29.37, 31451	DELANSON 269	H	3829
1846	Central Electric International Inc	0214433	017 - Cobleskill	Delanson	13823	36.37, 31451	DELANSON 269	H	3829
1847	Central Electric International Inc	0414426	017 - Cobleskill	Delanson	13823	34.37, 31451	DELANSON 269	H	3829
1848	Central Electric International Inc	0414429	017 - Cobleskill	Delanson	13823	34.37, 31451	DELANSON 269	H	3829
1849	Orin Renewable Partners	0214430	017 - Cobleskill	Delanson	13823	34.37, 31451	DELANSON 269	H	3829
1850	Central Electric International Inc	0214434	017 - Cobleskill	Delanson	13823	34.37, 31451	DELANSON 269	H	3829
1851	Central Electric International Inc	0214435	017 - Cobleskill	Delanson	13823	34.37, 31451	DELANSON 269	H	3829
1852	Hydrex Solar Systems, LLC	0214437	017 - Cobleskill	Delanson	13823	34.37, 31451	DELANSON 269	H	3829

ENTERED ON 9/19/19
BY: WJD 10:00

Local Law No. 1 of the year 2019
~~Town of Florida~~ County of Montgomery
A local law amending the Town of Florida Zoning Ordinance by
amending provisions relating to solar energy systems

Section 1. Legislative Intent

It is the intent of this local law to amend the Town of Florida Zoning Ordinance, as may have been amended from time to time, to include provisions that address the installation of solar energy systems, as defined in this law, within the municipal boundaries of the Town of Florida.

Section 2. Authority

This local law is adopted by the Town Board of Town of Florida (hereinafter referred to as the "Town Board") pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; and Article 16 of the Town Law, particularly sections 261 and 263 which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

Section 3. Amendment

(A) Article VIII of the Town of Florida Zoning Ordinance is hereby amended by repealing and replacing the section, designated as "Section 45.5", to said Article VIII to read as follows:

Section 45.5: Solar Energy Systems and Equipment

A. Town Policy Statement

1. Introduction:

The following policy statement regarding solar energy systems is in addition to, and does not necessarily supersede, the general land use policies set forth in the Zoning Ordinance. Where policies conflict, the policies set forth in this section control only as they pertain to solar energy systems.

2. In General:

The Town of Florida supports sustainable renewable energy sources such as solar energy and does not seek to discourage such energy sources to be installed in the Town. However, like any land use, solar energy systems have impacts on the community and neighboring properties which the Town seeks to mitigate so as not to adversely effect the Town's unique character nor impinge on properties within the Town. As such, the Town finds that small scale solar energy systems which are accessory to the primary use of the parcel and are installed for the primary purpose of

supplying electricity to the buildings located on that parcel is in keeping with the Town's Comprehensive Plan and land use policies. Such accessory systems are to be encouraged so long as they do not impact neighboring properties, are safely installed, do not impair emergency access and are removed when no longer used.

3. Specific Policies:

With respect to what is defined herein as Large Scale Solar Energy Systems, the Town is concerned with the potential scale and location of such Systems not fitting in with the existing community character. However, with proper guidelines, criteria and planning, Large Scale Solar Energy Systems of a limited size (see Section C below) may be appropriate but would have to be reviewed on a case by case basis. These Systems are to be encouraged and allowed so long as they fit in with the Town's community character, do not impact neighboring properties, are safely installed and operated, and do not impair scenic views or vistas, future growth, or economic development of the Town, and are appropriately and promptly removed upon decommissioning. Placement of Large Scale Solar Energy Systems in existing fields or areas that do not require significant deforestation or clearcutting and are well-screened from public views as well as nearby properties would increase the possibility of compatibility with the Town's community character and decrease the possibility of significant adverse impacts. It is recognized by the Town that certain scenic views and vistas are important to the Town and should be preserved since they significantly contribute to the Town's rural residential character. The layout of the solar panels and equipment should utilize existing natural features for screening and should avoid detrimental impacts to important natural resources such as wetlands, streams and other surface waters, prime agricultural soils, areas important for outdoor recreation and tourism, historic districts and buildings, home and property values, and the aesthetics of the Town's natural environment. The following regulations are intended to ensure that Large Scale Solar Energy Systems are only allowed of a scale, location and plan that appropriately recognizes the aforementioned land use policies, as well as the policies set forth in the Town's Comprehensive Plan and Zoning Ordinance.

B. Small-Scale Solar Collector System - Solar as an Accessory Use/Structure

1. Solar: Roof-Mounted Energy Systems.

a) Roof Mounted Solar Energy Systems that use the electricity onsite are permitted as an accessory use in all zoning districts of the Town of Florida when attached to any lawfully permitted building or structure.

b) Height. Solar Energy Systems when mounted to a roof shall not exceed maximum height restrictions within the zoning district it is located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

c) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirement: Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the

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roof and highest edge of the system. All Solar Panels and Solar Equipment shall be made of such materials so as to not create or be conducive to glare.

d) Roof-Mounted Solar Energy Systems that use the energy onsite shall be exempt from site plan or special permit review and shall be allowed upon issuance of a building permit by the Town's Code Enforcement Officer/Building Inspector.

e) Plans prepared in accordance with the New York State Building Code shall be submitted to the Town's Code Enforcement Officer/Building Inspector and a permit issued prior to the commencement of installation. All electrical work shall be performed and/or inspected by an electrician or an electrical inspector licensed in New York State.

2. Ground-Mounted Solar Energy Systems.

a) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures subject to issuance of a special use permit and site plan review, through the Planning Board, in all zoning districts of the Town of Florida.

b) Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district in which they are located.

c) All such Systems shall be installed in side or rear yards at an adequate distance from adjacent properties and in no case less than 20 feet from all property lines.

d) All such Systems shall be located in such a manner so that the System is adequately screened with respect to neighboring properties so that the views of the System from neighboring properties, particularly residences, are not a significant detraction. Screening can be accomplished by utilizing existing buildings and vegetation as well as deer resistant evergreen plantings when necessary. Any screening which is proposed by the applicant as part of the application or required by the Town Board as part of the approval shall be fully installed prior to the issuance of a certificate of compliance and prior to any operation of the System. All Solar Panels and Solar Equipment shall be made of such materials so as to not create or be conducive to glare.

e) The location of Ground-Mounted Systems shall not interfere with adequate parking or with ingress and egress to the property on which it is located. Ground-Mounted Solar Energy Systems in all districts must allow room for emergency services access to all buildings on the property or neighboring properties. The systems must be at least 20 feet from any existing structures and must not block any existing roadways, lanes or other pathways to buildings. The intent of this section is to ensure adequate emergency access.

f) Once site plan approval is received, plans prepared in accordance with the New York State Building Code shall be submitted to the Town Code Enforcement Officer/Town Building Inspector and a permit issued prior to the commencement of installation. All electrical work shall be performed and/or inspected by an electrician or an electrical inspector in New York State prior to final approval.

3. General Directions for Accessory Solar Energy Systems.

a) Roof-Mounted Solar Energy Equipment such as batteries and control panels (except individual on/off switches) shall be installed inside walls and attic spaces to reduce their visual impact. Ground Mounted Solar Energy Equipment shall be located in out-buildings where feasible or otherwise in such a manner to reduce their visual impact. Electric lines or wires from the System or Equipment to buildings should be installed below ground.

b) Decommissioning: If the Solar Energy Equipment is no longer in use for more than 18 months or becomes obsolete, the property owner shall remove the Solar Energy Equipment and restore the property within a reasonable time-period after non-use. Failure to do so shall constitute a zoning violation and may be enforced pursuant to Article XI of the Zoning Ordinance.

C. Solar – Large/Utility Scale

Large Scale Solar Energy Systems are permitted only in the C-1 Commercial, C-2 Commercial, Industrial Business Parks, and Natural Products zoning districts of the Town of Florida and only upon issuance of a special use permit and site plan approval and compliance with the general standards and requirements in these regulations as well as the following requirements and standards. As is set forth below, the size of a Large Scale Solar Energy System is restricted in the Town of Florida. The reason for restriction is that the Town's current community character and economic well-being is dependent upon its natural resources and setting, its scenic views, its historic places and buildings, its agricultural history and its outdoor recreation and tourism opportunities. The future of the Town in terms of both its economy and the welfare of its residents depends on the continual preservation and promotion of such vital aspects of the Town. In this regard, the Town Board specifically finds that any Large Scale Solar Energy System greater in size than what is allowed by special use permit or otherwise as is set forth herein will be contrary to the community character and the future economic viability of the Town and would unreasonably burden the residents, taxpayers and the electric rate payers of the Town of Florida. The aforementioned policies and findings are based upon, supported by, and consistent with the Town of Florida's Comprehensive Plan.

1. Application Requirements.

Large Scale Solar Energy Systems are permitted through the issuance of a special use permit within the C-1 Commercial, C-2 Commercial, Industrial Business Parks, and Natural Products Districts, subject to the requirements set forth in this section, including site plan approval by the Planning Board. Applications for a special use permit shall be submitted to the Town Board for an initial review of completeness; once the Town Board determines that an application is complete, it will refer the application to the Planning Board for a report and recommendation; the Planning Board shall submit its report and recommendation to the Town Board within forty five days after receiving the referral; the Town Board will then commence its review and action, which can include approval, approval on conditions, or denial; following approval, or approval on conditions, the application will be subject to site plan review by the Planning Board.

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a) Special Use Permit Application Requirements. For a Large Scale Solar Energy System, both the site plan and special permit applications, and required application materials, fees and submissions, are to be used in keeping with the relevant Articles of this Law, and supplemented by the following requirements:

- 1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- 2) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
- 3) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- 4) A full environmental assessment form, with Part 1 completed, and the visual assessment form addendum.
- 5) Stormwater runoff calculations and drainage plan.
- 6) The location and extent of natural resources and other significant features of the site including but not limited to the following: streams, wetlands, ponds, prime agricultural soils, flood plain, rock outcroppings, extent of clearing of mature trees, existing or proposed easements or right-of-ways.
- 7) Landscaping/Screening Plan. Such plan shall describe the methods and types of screening that is proposed, including but not limited to existing vegetation, topography, fencing and structures, and also detailing the number, location, size and species of vegetation to be planted on site and the size and extent of berms. Such plan shall also include appropriate performance criteria specifying minimum vegetation sizes and measures to be taken in the event that the proposed vegetation fails to survive, flourish, or otherwise meet said performance criteria throughout the lifetime of the project.
- 8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep including landscaping, mowing and trimming as well as any agricultural operations that will occur on the site or property once the System is installed.
- 9) The Applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the proposed Large Scale Solar Energy System at its maximum peak design. A location map of the connection point to the grid shall be provided along with a description of any easements or

right-of-ways, clearing, infrastructure, appurtenances, and equipment that may be necessary or required to connect to the grid.

10) Decommissioning Plan. To ensure the proper removal of Solar Energy Systems and Equipment, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must identify who will be responsible for the removal of the System after the Large Scale Solar Energy System is no longer in use. The Decommissioning Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to installation. The Plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Solar Energy Systems must be completed in accordance with the Decommissioning Plan. The Town shall also require a decommissioning bond or other financial security in which to finance the cost of such removal and restoration if not removed by the party designated in the plan as the party responsible for removal of the System within the time specified for removal in the Decommissioning Plan.

2. Specific Standards for Large Scale Solar Systems as a Special Use.

a) Height and Setback. The Solar Energy System shall have a maximum height of twenty (20) feet from ground elevation and shall be setback at a minimum of five hundred (500) feet from all of the parcel's boundary lines and two hundred (200) feet from all wetlands, ponds and streams. Buildings and accessory structures other than Solar Energy Equipment, if any, shall adhere to the height and setback requirements of the underlying zoning district.

b) Lot and System Size. Large-Scale Energy Systems shall only be located on lots with a minimum lot size of ten (10) acres. The size of the Solar Energy System shall be limited to a maximum of 5 MW of electrical energy generation per design at peak levels of operation or the land surface area covered by the Solar Energy System including internal access roads, Solar Panels and all System components and Solar Equipment, shall not encompass more than twenty-five (25) acres of the lot regardless of whether the System is contiguous or noncontiguous.

c) Lot Coverage. For purposes of this section, the surface area covered by Solar Panels, Solar Equipment and all System components including internal access roads, shall be included in total lot coverage. If the area in which the Solar Energy System is to be placed is leased, then the terms "lots" and "entire lot size" shall mean the land area that is leased. A Large Scale Solar Energy System shall not exceed the maximum lot coverage of the lot on which it is installed as follows:

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- For lots consisting of 10 to 15 acres, the maximum total lot coverage shall be 1/3 (33/3%) of the entire lot size.
- For lots consisting of 15 to 25 acres, the maximum total lot coverage shall be 2/5 (40%) of the entire lot size.
- For lots greater than 25 acres, the maximum total lot coverage shall be 1/2 (50%) of the entire lot size with a maximum system size as set forth in subsection b above.
- d) No part of a Large Scale Solar Energy System shall be located above the elevation of 700 feet, along ridgelines, on hilltops, or on slopes greater than 12%.
- e) All Solar Energy Systems shall be sited and screened in such a manner to have the least possible visual effect on neighboring properties, public roads and recreational areas, important scenic vistas and the general aesthetic environment. Screening by existing topography, trees and vegetation shall be incorporated to the maximum extent practicable and where not practicable screening must be installed such as vegetative berms or deer resistant evergreen plantings or a combination thereof.
- f) Significant clearing of mature tree growth and hedgerows should be avoided to the maximum extent possible. Installation of Large Scale Solar Energy Systems on fields or land areas which do not require significant clearcutting is preferred. In no case shall the Solar Energy System require clearcutting of more than 9 acres. Once the land is cleared and the Solar Energy System is installed, the land disturbed must be reseeded or replanted with a combination of native plant species and native grass. Ground cover of gravel or other non-vegetative cover should only be used for access and internal roads to the maximum extent practicable.
- g) Installation of Large Scale Solar Energy Systems on land areas which contain prime agricultural soils shall be avoided to the maximum extent possible. In no case shall the Solar Energy System cover more than 5 acres of prime agricultural soils.
- h) The materials used for the Solar Energy System shall not be conducive to glare visible from beyond the lot's boundary lines. The Solar Energy System shall not generate noise or heat detectable from beyond the lot's boundary lines.
- i) All Large-Scale Solar Energy Systems shall be enclosed by fencing no less than 8 feet in height to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Town Board or Planning Board. The fencing may need to be setback from boundary lines and roads and further screened by any landscaping needed to avoid adverse aesthetic and safety impacts.
- j) Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of

high visibility, and the same shall be noted in the Site Plan. Where feasible, all utilities serving the site shall be underground.

k) If solar storage batteries are included in the Solar Energy System, the batteries must be placed in a secure container or enclosure meeting the requirements of the International Building Code, International Fire Prevention Code and NFPA 70. When the batteries are no longer in use, they shall be disposed of in accordance with the International Building Code, International Fire Prevention Code and NFPA 70 as well as the local laws of the Town, and any other applicable laws or regulations.

l) No artificial light is permitted, unless the same is required by a federal, state or local authority or regulation. Exterior lighting may be provided for associated accessory structures and access entrances as may be determined appropriate for security purposes only. If lighting is proposed a lighting plan shall be included with the Site Plan that is compliant with lighting standards set forth in the Zoning Ordinance.

m) Roadways within the site for solar access shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction, while providing sufficient ability, including but not limited to load bearing ability, to accommodate fire and other emergency apparatus. The layout, location, and number of access roads will be subject to site plan review.

n) Roadways must be properly maintained and kept free of debris and snow. Snow removal shall be within 24 hours of accumulation of a minimum of 6" of snow.

o) Review and approval of the application by the nearest fire department for accessibility of emergency vehicles and equipment is required prior to site plan review.

p) Any application under this Section shall meet any provisions, requirements and standards contained in the Zoning Ordinance that, in the judgment of the Town Board and Planning Board pursuant to their respective jurisdictions, are applicable to the Large Scale Solar Energy System Solar Energy System being proposed. If none of such requirements are applicable, the reviewing Boards may waive certain of the requirements under their respective review jurisdictions.

q) The Town Board may impose conditions on its approval of any special use permit and the Planning Board may impose conditions on its approval of any site plan under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

3. Additional Requirements.

a) The owner or operator shall maintain general liability insurance coverage on any solar energy system in the amounts of \$1,000,000 for injuries and \$500,000 for property damages, naming the Town of Florida as additional insured.

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BY: MD 18108

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b) If in the course of the delivery, installation, maintenance, dismantling, removal or transport of the solar energy system or any components thereof the property of the Town of Florida, including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc., is damaged by the efforts of the applicant or any agents thereof, the applicant shall, within 30 days of the damage, completely replace or repair all damage to the satisfaction of the Town.

c) Any damaged or unused components of the system shall be removed from the premises within 30 days and disposed of legally. All maintenance equipment and spare parts shall be kept in a designated storage area which is fenced and screened.

d) If the ownership of a solar energy system changes, the special use permit and site plan approvals shall remain in full force and effect providing all the conditions of the special use permit, including bonding, letters of credit or continuing certification requirements or obligations, including maintenance, continue to be obligations of successor owners. The change in ownership shall be registered with the Town Clerk with a copy to the Code Enforcement Officer/Building Inspector within 30 days of the change taking effect. The Town Clerk shall notify the Town Board of such change.

e) Any and all modifications, additions, deletions, or changes to the Solar Energy System, whether structural or not, shall be subject to the Town Board's approval as an amendment of the special use permit and/or site plan, except that such amendment shall not be required for repairs which become necessary in the normal course of use of such system.

f) An inspection report prepared by a duly qualified engineer licensed in the State of New York shall be required at the time of installation and every three years thereafter. The cost for this inspection shall be borne by the applicant and/or the current owner. The inspection report is required at the time of installation and in advance of powering the system for use. Thereafter, it shall be done to inspect all components of the solar energy system to ensure proper operation. The inspection report must be filed with the Code Enforcement Officer/Building Inspector. All recommendations for maintenance and repair contained in said inspection report shall be completed at the expense of the applicant/owner and shall be conducted within a written scheduled time frame agreed upon by the Code Enforcement Officer/Building Inspector.

g) No part of the Solar Energy System, including area of lot coverage, shall be used for the display of any advertising, decorative flags, streamers, or any other decorative items.

h) When any Solar Energy System is installed and before it becomes active, the owner of the site and/or the Solar Energy System must contact the Town's emergency responders departments to make arrangements for a meeting at the site to review the components of the array and to be educated on safety issues and procedures for emergency response. This shall include detailed discussion related to the location of labeled warnings, access to the site and information on emergency disconnection of the system. In addition, the Town Board may require a plan for installation regarding the location of placards which

provide mutual aid responders with sufficient information to protect them when responding to calls on site.

i) Native grasses and vegetation shall be maintained below the arrays and shall not include use of herbicides.

j) Decommissioning: Large Scale Solar Energy Systems are considered abandoned after 18 months without electrical energy generation and must be removed from the property. Applications for extensions may be submitted to and are reviewed by the Town Board for a period of additional 6-month periods not to exceed a total of 18 additional months. The owner of a solar energy system shall annually, by January 15, file a declaration with the Town of Florida certifying the continuing safe operation of said system installed subject to these regulations, as well as the status notification set forth in subsection f above. Failure to file a declaration shall mean that the system is no longer in use and shall be considered abandoned. At the time that a system owner plans to abandon or discontinue operation of a solar energy system, such owner must notify the Town, in writing, of the proposed date of abandonment, or discontinuance of operations. In the event that a system owner fails to give notice, the system shall be deemed abandoned upon such discontinuance of operations. In any event, a Solar Energy System shall also be considered abandoned when it has not been used for the purpose for which it was permitted, for a period of 18 months. Upon abandonment or discontinuance of use, the system owner or operator shall in addition to complying with the decommissioning plan, assure, if not part of the approved decommissioning plan, physical removal of the Solar Energy System, and all accessory structures and/or equipment within 90 days from the date of abandonment or discontinuance of use. "Physically remove" shall include, but shall not be limited to: (i) removal of panels, collectors, support units (including all underground wiring), mounts, equipment shelters and security barriers from the property; (ii) proper disposal of the waste material from the site in accordance with local and state solid waste disposal regulations; and (iii) restoring the land area where the Solar Energy System was located to its natural condition, except that any landscaping and grading may remain in the "after" condition. If the owner of the system fails to properly remove said Solar Energy System and associated structures and equipment within 90 days from the date of abandonment, the Town may exercise its option to remove said system at its own discretion upon notification to the owner of the system and the property owner, at the expense of the owner or owners for which the surety, as described below, shall be used. The applicant must provide the Town with written authority from the owner or owners of record for the subject property where the Large Scale Solar Energy System is located to bind successors and assigns to allow the Town to enter onto the subject property to physically remove the system in the event that the party identified as the party responsible for removal of the System fails to timely remove the system in accordance with the requirement of this Section and the special use permit. Prior to commencement of construction of the approved Solar Energy System, the applicant shall provide the Town with a bond or other acceptable security in an amount determined by the Town Board, but in no case less than 125% of the cost for the removal of the system and remediation of the landscape, in the event the Town must remove the facility. The terms of the bond or other security shall be clear as to who is responsible for removal of the

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BY: MD 0100

System, the time in which removal must occur, and when or upon what circumstances the security is to be transferred to the Town. The bond or security instrument shall also be in a form acceptable to the Town's legal counsel, which includes but is not limited to letter of credit, perpetual bond, or any combination thereof. The amount of the bond or security shall be reviewed from time to time by the Town Board and shall be adjusted if deemed necessary by the Town Board. If the amount of the bond or security is adjusted, the applicant shall have 90 days from the date of the notice that adjustment is required to provide an adjustment bond or security in a form acceptable to the Town's legal counsel.

(B) Article III, Section 4 of the Town of Florida Zoning Ordinance is hereby amended to add the following terms and accompanying definitions to said Article, pursuant to their alphabetical placement in said Article, as follows:

PRIME AGRICULTURAL SOILS as defined and designated by the Montgomery County Agricultural and Farmland Protection Program and the Agriculture and Markets Law Article 25-AAA.

PRIMARY USAGE (e.g. "use the electricity primarily onsite" or "produces energy primarily for", "for power generation primarily for") shall equal no more than 110% of onsite electrical usage on average over the preceding 12 months as demonstrated on utility bills.

SOLAR - LARGE SCALE: An installation of Solar Panels and Solar Equipment that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption. Any installation producing electricity greater than 110% of onsite electrical usage on average over the preceding 12 months as demonstrated on utility bills is considered Large Scale Solar. It is a use allowed upon issuance of a special use permit and site plan approval only in the C-1 Commercial, C-2 Commercial, Industrial Business Parks, and Natural Products Town Zoning Districts.

SOLAR: ROOF-MOUNTED SYSTEM: Any solar collector, solar energy device or structure which is attached to the roof of a building or structure and whose primary usage and purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation primarily for the buildings and structures located on the same parcel as the solar energy system. This type of system requires a permit as an accessory use in all Town Zoning Districts prior to installation.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

END OF LAW

ENTERED ON 9/19/19
BY: MD 10:00

ARTICLE V.L. Commercial Solar Facilities

A. Purpose, Intent and Applicability

1. The purpose of these regulations is to provide for the development of commercial solar facilities through performance criteria that are consistent with the ~~Town of Greenville~~'s commitment to protect and enhance the quality of life of all residents, and to protect its natural resources, including but not limited to streams, wetlands, and woodlands; its historic resources; and its rural character. As such and in accordance with 6 NYCRR 617.4(a)(2) any application made hereunder shall be declared to be a Type-I action for the purposes of the New York State Environmental Review (SEQR) performed.
2. Commercial solar facilities are allowed by special use permit in all zoning districts except the Hamlet (H) zoning district.
3. In any instance where specific uses, area, or height standards, development guidelines, and/or review procedures specifically set forth in this section conflict with any other general provisions or requirements of the Zoning Law, the particular provisions set forth herein shall take precedence and control.
4. This amendment to the Town of Greenville Zoning Law shall be applicable to applications for approval of a Commercial Solar Facility filed subsequent to the enactment hereof and to all pending applications filed with the Town, except for those which the Planning Board has completed a public hearing, in which case such application shall be completed in accordance with the prior adopted zoning law amendment known as Local Law #1 of 2016 but shall also comply with the requirements set forth in this Local Law contained in paragraphs C.2.(a) and (b); E.1.(a)(6); and E.14 hereinafter.

B. Definitions

Commercial Solar Facility: The components and subsystems required to convert solar energy into electric energy suitable for use which generates in excess of 25 kw of electricity. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a Commercial Solar facility includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment.

Facility Owner: The person or entity which is proposed to own the commercial solar facility.

Glare: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

Impervious Surface: Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas (paved or gravel), sidewalks, patios and paved recreation areas but shall not include solar panels.

Land Owner: The person or entity having fee title to land on which a commercial solar facility is proposed to be located.

Site Plan Review: Town of Greenville application process set forth in Article IX of the Greenville Zoning Law.

Solar Panel: A photovoltaic device capable of collecting and converting solar energy into electricity.

Special Use Permit: Town of Greenville application process set forth in Article X of the Greenville Zoning Law.

- C. Bulk and area requirements. The following dimensional requirements shall apply to all commercial solar facilities:
1. Size
 - (a) No individual commercial solar facility shall exceed twenty-five (25) acres in size.
 - (b) The total commercial solar energy production in the Town of Greenville shall not exceed 75% of the existing total electric substation capacity. Total capacity shall be based upon the calculations of the local utility. At all times, 25% of total input capacity shall be reserved for private residential use.
 2. Materials
 - (a) All commercial solar facilities shall be constructed with glare-resistant solar panels.
 - (b) All commercial solar panels should be constructed with a minimum of toxic and/or hazardous materials, free of heavy metals and utilizing halogen-free cables, if such cables are available.
 - (c) All commercial solar panels shall be constructed in accordance with the requirements set forth hereinafter at Section E. 1. (a) (6).
 3. Height
 - (a) All commercial solar facility panels shall have a maximum height of 15 feet from ground elevation.
 - (b) All buildings and accessory structures associated with the commercial solar facilities shall have a maximum height of 26 feet excluding the solar array.
 4. Setback and Separation

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- (a) All commercial solar facilities and associated buildings, accessory structures and equipment shall have a minimum front yard setback from the centerline of the road of 100 feet and a side and rear yard setback of 75 feet, provided that all such structures are located at least 500 feet from any neighboring residence.
- (b) Where commercial solar facilities and associated buildings, accessory structures and equipment and shade buffer clearing, excluding access roads are within 100 feet of a property line of a neighboring occupied residential property, a 75 foot width of uncleared vegetation buffer shall be preserved or established outside of the development area (e.g. 75 feet width). In areas where cleared land already exists on a proposed commercial solar development property, a vegetation buffer area shall be planted or allowed to grow wild while the solar array exists. The Planning Board shall have the discretion to reduce the required vegetation buffer width based upon the topographic and/or geographic conditions found on the proposed site.
- (c) A commercial solar facility shall not be located within 2,640 linear feet (1/2 mile) of another commercial solar array

5. Impervious Surface Lot coverage

- (a) All commercial solar facilities and associated structures and equipment, excluding panels, shall utilize a maximum of 20% impervious lot coverage.
- (b) The Planning Board shall have the discretion to reduce such percentage based upon the topographical and/or geographic conditions found on the proposed site.

D. Adverse Environmental Impacts

- 1. All commercial solar facilities shall be sited so as to have minimal adverse impact upon the natural, environmental, and historic resources of the town.
 - (a) No commercial solar facility shall be sited within 500 feet of a DEC Protected watercourse or wetland;
 - (b) No commercial solar facility shall be sited in locations comprised of erodible slopes and soils, as identified in section C.3.(a)(5) of the site plan review;
 - (c) No commercial solar facility shall be sited on property designated a historic landmark by any federal, state or local agency, unless it is sited in a manner that all panels, structures, fencing and access roads shall be unseen from any buildings and/or public areas on the property;
 - (d) Clear-cutting of trees by a commercial solar developer shall not involve a taking of more than 30% of the area of the parcel to be utilized for the facility (areas where trees larger than a 6-inch trunk caliper exist). Areas cleared by a land owner or owner entity may not be submitted for commercial solar facility use until after a period of 3

years from the date of the last completed tree clearing. To the extent possible, the same number of trees cut with a 6-inch trunk caliper or greater shall be replaced either on the site, on neighboring properties or elsewhere in the Town with deciduous or conifer native species trees with a 2-inch trunk caliper.

- (e) Neighboring properties with active homeowners shall be entitled to request trees (deciduous or conifer native species, 2-inch trunk caliper) planted at a commercial solar developer's expense. Trees shall be installed on the neighboring property (at owner's direction) or the solar development property. If installed on a neighboring property, tree care and replacement shall be the sole responsibility of the land owner.
- (f) No commercial solar facility shall be sited on lands which will require excavation in excess of 10% of the total project acreage;
- (g) No commercial solar facility shall be sited on lands which will require the destruction of any protected wildlife habitats or wetlands;
- (h) No commercial solar facility shall be sited on land containing known historical, cultural or archeological resources;
- (i) No commercial solar facility shall be sited within visual corridors or prominent scenic viewsheds upon the creation and definition thereof by the Town Board.

E. General Provisions.

1. Site Plan

- (a) All commercial solar facilities shall provide a site plan in accordance with Article IX of this Zoning Law, to include the following specific information:
 - (1) The distance from each boundary line to all neighboring dwellings;
 - (2) Copy of letter notifying all neighboring parcel owners of the filing of the application for approval of a commercial solar facility with the Planning Board, by certified mail, return receipt requested;
 - (3) In the event that a potential negative impact to a neighboring resident is reported, when it is determined by the neighboring resident that such impact can be mitigated by means of landscaping, screening or earth berming on the solar property, or if necessary on the impacted property, a written statement shall be provided which clearly delineates the proposed plan for mitigation;
 - (4) A diagram which outlines all existing physical characteristics of the proposed site, including the identification and location of, and measures to preserve, all trees with a diameter of 18" or more;

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- (5) A detailed description of any proposed changes to the landscape of the site, to include grading, vegetation clearing and planting, exterior lighting and screening vegetation and/or structures.
- (6) A Material Safety Data Sheets (MSDS) shall be submitted. Where components include toxic and/or hazardous materials, the commercial solar owner or applicant is required to submit a safety plan addressing the management and accident containment of these materials for Planning Board approval. If after approval and construction, solar array equipment be damaged in a way that allows hazardous material to be released, the solar developer shall address the condition within 10 days by means of equipment removal and/or replacement or be subject to a daily fine in the amount of \$500 per day, after failure to make such corrections within 5 days of written notification thereof, to be calculated cumulatively until the matter is resolved. At any time, the Town's Code Enforcement Officer shall be granted prompt access to inspect the commercial solar facility for compliance. Damaged and/or discontinued commercial solar array equipment may not be kept at a commercial solar development property and shall be promptly disposed of off-site in accordance with local, state and federal law.

2. Signage

- (a) One sign of 8.5 square feet or less shall be allowed at the primary point of entrance to the solar facility.
- (b) Commercial solar facilities shall not display advertising, except for the purpose of identifying the facility owner/operator and their contact information, which shall be required.

3. Visual

- (a) Commercial solar facilities shall be sited in a manner to have minimal visual effect on the environment and neighboring properties.
- (b) A visual environmental assessment form (Visual EAF), landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints, including all neighboring dwellings identified in the Visual EAF, existing tree lines, surrounding topography, and proposed elevations shall be required.
- (c) Landscaping, screening and/or earth berming shall be provided to minimize the potential visual impacts associated with any commercial solar facility.
- (d) Additional landscaping, screening, and/or earth berming may be required by the Planning Board to mitigate visual and aesthetic impacts.

- (e) Any associated structures shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.

4. Lighting

- (a) A Lighting plan shall be required.
- (b) No commercial solar facility shall be artificially lighted unless explicitly required by a federal, state or local authority for safety and security purposes only.
- (c) Lighting, if required, shall be downward focused and the light source not visible to neighboring residences.
- (d) Motion activated lighting shall be prohibited.

5. Utilities

- (a) The applicant shall provide written confirmation that the proposed facility will result in the occupation of no more than 75% of the utility capacity, aggregated with other existing facilities in the Town in accordance with Section C.1. above.
- (b) All electrical and land-based telephone utilities installed and extended to serve the site, including those between banks of solar panels, interconnections with buildings, and to electric substations, shall be buried underground.

6. Access

- (a) The applicant shall indicate on a site plan all existing and proposed access to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location.
- (b) Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through the site plan review.
- (c) The applicant shall provide safe entrance to, and exit from, the site during construction and operation.

7. Glare and Heat

- (a) No glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which the solar facility is situated.
- (b) Any impact to neighboring properties shall be evaluated and addressed both prior to and after the array is sited.

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8. Ownership

- (a) In the case of an application for a commercial solar array to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be filed with the Building Department.
- (b) Both the property owner and the facility owner are required to notify the Town Board in writing of any change in ownership of the property or the facility within 10 days of such change.

9. Proof of Insurance

The applicant or the owner of the property where the commercial solar facility is to be located shall file with the Building Department proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.

10. Security Provisions

Each site shall have an eight-foot security fence to prevent unauthorized access and vandalism to the commercial solar facility.

11. Noise

- (a) Construction noise impacts shall be mitigated, and no excessive noise shall be generated outside the hours of 8:00 a.m. and 5:00 p.m.
- (b) A sound level assessment both before and after array construction shall be conducted to determine that the routine operational noise impact is below the background property line sound levels.
- (c) Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review.
- (d) In the event that a neighboring property owner submit a complaint regarding equipment noise level involved with commercial solar facility operation, the Town Code Enforcement Officer shall have the right to require that the commercial solar developer address noise concerns with abatement to the satisfaction of the Town Board.

12. The owner of the commercial solar facility shall attend a Town Board meeting in January of each year and provide written evidence that the facility is continuing to be operational and generating electricity.

13. Construction and Maintenance

(a) Required Sureties for Construction and Maintenance

- (1) Prior to the issuance of a building permit for a commercial solar facility and any associated accessory structures, the applicant shall post a surety in an amount and form acceptable to the Town for the purposes of ensuring permit compliance and shall be in the amount recommended by the engineer retained by the Town to review the project.
- (2) Acceptable forms shall include, in order of preference: cash, irrevocable letter of credit, a bond that cannot expire, or a combination thereof.
- (3) Such surety will be used to guarantee compliance with the conditions of the approval for the commercial solar facility.
- (4) If the owner of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs of the Town incurred to comply with the conditions of the approval shall be paid using the surety provided by the applicant.
- (5) Failure to comply with the conditions of the approval or to maintain an acceptable level of surety will result in revocation of the certificate of compliance.

(b) Time Limit on Completion

- (1) After the granting of a special permit and site plan approval for a commercial solar facility, the building permit shall be obtained within six weeks and the project shall be completed within the following twelve months.
- (2) If construction is not substantially completed within the allowed time frame, the special permit and/or site plan approval shall automatically lapse and the owner shall be required to submit a new application.

(c) The commercial solar facility owner or operator shall maintain the facility in good condition.

- (1) A maintenance plan shall be submitted which addresses the maintenance needs of the facility, the frequency of specified tasks, and the entity responsible for completing said tasks.
- (2) Maintenance shall include, but not be limited to: painting, landscaping, snow removal and structural repairs.
- (3) Every effort shall be made and documented to employ companies based in the Town of Greenville for the purpose of meeting the maintenance needs of the facility.

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- (4) Site access, including the provision of keys to any locks or gates to the facility, shall be maintained at a level acceptable to the Fire Chief.
- (5) The owner or operator shall be responsible for the cost of maintaining the solar installation and any access roads, unless accepted as a public way.
- (6) The site shall be inspected at periodic intervals at least four times per year by the Town Code Enforcement Officer to ensure maintenance plan compliance.

14. Abandonment, Decommissioning and Removal

- (a) The solar facility owner/operator shall provide a Decommissioning Plan, which shall be recorded with the registrar of deeds.
- (b) Notification shall be provided to the town by the utility company in any case wherein power ceases to be produced by the facility for a period of thirty days. In such event, the Town Code Enforcement Officer shall investigate the circumstances and report the matter to the Town Board.
- (c) In the event that the facility fails to provide power for a consecutive period of twelve months (as evidenced by twelve non-production notices), the facility shall be considered abandoned. Once determined abandoned, the facility owner shall be notified in writing and instructed to remove all aspects of the solar facility within six months.
- (d) Removal and Decommissioning shall include
 - (1) Physical removal of all solar electric systems, panels, buildings, cabling, electrical components, roads, fencing, foundations, pilings, and any other associated equipment;
 - (2) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations;
 - (3) Disturbed earth shall be graded, stabilized, re-vegetated and seeded as necessary to return the property to its optimal original condition.
 - (4) Upon consultation with the property owner and approval by the Town Code Enforcement Officer, the Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations and cables in order to minimize erosion and disruption to vegetation. The operator or owner shall provide a map delineating the location of any below grade materials which are intended to remain on the property.
- (e) Required Surety for Removal and Decommissioning

- (1) As a condition of the certificate of compliance, applicants shall post a surety in an amount and form acceptable to the Town for the purposes of removal or abandonment.
- (2) The amount of such surety shall be sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal, in a form acceptable to the attorney for the Town or the Town Engineer. The amount of the bond or security shall be 125 % of the cost of removal of the commercial solar facility and restoration of the property with an escalator of 2% annually for the life of the commercial solar facility.
- (3) Acceptable forms shall include, in order of preference: cash, irrevocable letter of credit, a bond that cannot expire, or a combination thereof.
- (4) Such surety will be used to guarantee removal of the commercial solar array should the system be abandoned.
- (5) The Town Code Enforcement Officer shall provide written notice to the owner to remove the commercial solar array, and the owner shall have six months from written notice to remove the commercial solar array, in the manner described above.
- (6) If the owner, applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Planning Board, all costs of the Town incurred to comply with this condition shall be paid using the surety provided by the applicant.

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Eden Renewables Solar Project at 13590 Duanesburg Road Delanson, NY 12053
Yahoo/Archive

- pamelarowling@yahoo.com

To: dale@duanesburg.net, jhowe@duanesburg.net, mdeffer@duanesburg.net

Cc: Lee and Leila Otis, Wallace Johnson, Joshua Barnes, Lynne Bruning, Pamela Rowling

19 September 2019

Chairman Saxton and The Town of Duanesburg Planning Board Members:

My name is Pamela Rowling of 82 Maple Street, East Haven, CT. I am owner of a 71.40 acre parcel of land located on Youngs Road (722089 74.00-3-19) adjacent to the property which is being considered for installation of a Solar Farm by Eden Renewables. I have attended the past two Duanesburg Planning Board meetings and have expressed my concerns related to moving forward with this project approval. At this time I respectfully request that the Board refuse the Special use Permit for the above listed Solar Project at 13590 Duanesburg Road, Delanson.

Wallace Johnson of 1204 Youngs Road, Delanson has my permission to express his opinions of the impact of this project due to long standing shared interests in the above referenced property.

- The reasons for my request are as follows:

1 - Full screening of the array must be provided as required by Solar Law 3 (c) and (e). Partial screening must not be permitted as that will not only affect property values and quality of life issues of adjacent property owners, but will also set a precedent for future solar projects throughout the Town of Duanesburg.

2 - In non-compliance with the Town of Duanesburg Solar Law 3 (D), the applicant has not produced a glare study. This must be accomplished before the application is completed.

3 - Request and/or require, as is appropriate, that the Duanesburg Fire Department review the emergency plan, roads, critical electrical equipment, and that fire suppression equipment is in compliance with NFPA requirements. This is a major safety issue and must be done before approval.

4 - I request that the Planning Board review Solar law 3 (f) limiting clearing to 20,000 s.f.. We have concerns that this project is in possible violation due to clear cutting of acreage over the past year.

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BY MD 1.10

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5 - SEQRA is in possible violation due to clear cutting and there is concern that the tree cutting occurred during times prohibited, due to the presence of the endangered long eared bat.

6 - The decommissioning estimate of \$211,381, when compared to similar projects in New York State, is substantially insufficient. The decommissioning estimate must be recalculated, and resubmitted to reflect the true cost of the process of removal. Decommissioning funds should be held as a bond written and guaranteed by a domestic surety listed by A.M. Best with an A+ rating, made payable to The Town of Duanesburg, New York.

7. In addition there is significant concern regarding water management, which to my knowledge has not been addressed, specifically storm water and snow melt runoff. My property is typically damp and extensive drainage (both underground and surface contouring) has been installed in the past to increase viable agricultural use of the property. Wallace Johnson, who has an extensive knowledge of the property as well as engineering expertise, is preparing a document detailing our concerns regarding management of water in relation to the above mentioned proposed project. This document will be forwarded to the Board prior to the meeting scheduled for this evening.

I will not be able to attend the Planning Board Meeting scheduled for 19 September 2019 and therefore request that the above request is entered into the official minutes of the meeting.

Thank you for your service, time, and consideration of our concerns in this project.

Respectfully submitted,

Pamela H. Rowling
82 Maple Street
East Haven, CT 06512
203-444-2535

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1. INTRODUCTION
2. DECOMMISSIONING PLAN
3. COST OF DECOMMISSIONING
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5. DEMOLITION INSTRUCTIONS

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APPENDIX 2:	BREAKDOWN OF DECOMMISSIONING COSTS
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ENTERED ON 9/5/19
BY: DW 3:35

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").

4. ESTABLISHMENT OF DECOMMISSIONING FUND

The Decommissioning Fund will be funded with either (i) a surety bond (the "Bond") or (ii) an irrevocable standby Letter of Credit (the "LC") that is solely for the benefit of the Town. No other entity, including Applicant, shall have the ability to demand payment under the Decommissioning Fund. A draft LC form is attached to this Plan as Appendix 4. The LC or other Board-approved financial security, shall be in place and filed with the Board prior to commencement of construction.

Every five years and for the Project's life, Applicant shall file a report with the Board on the effect of the annual inflation adjustment, as noted above, including a Revised Estimated Decommissioning Cost. If the Revised Estimated Decommissioning Cost exceeds the then current Estimated Decommissioning Cost, Applicant shall create a new or amended Bond (or other appropriate financial security) to be Issued to reflect the Revised Estimated Decommissioning Cost. In the event the CPI has a negative value at the time the annual adjustment is calculated, the value of the Bond (or other appropriate financial security) shall not be reduced.

At the end of the Project's useful life, and in the event Applicant does not seek Board approval to repower the Project, Applicant will decommission the Project as required under the Board's Solar Bylaw. Upon completion of decommissioning, Applicant shall seek a certification of completion from the Board. The certification will be provided to the Issuing bank with instructions to terminate the LC (or another appropriate financial security).

The Board shall have the right to draw on the LC (or other appropriate financial security) to pay the costs of decommissioning in the event that Applicant (or its successor) is unable or unwilling to commence decommissioning due to dissolution, bankruptcy, or otherwise. Prior to the Board drawing on the LC (or other appropriate financial security), Applicant shall have a reasonable period of time to commence decommissioning, not to exceed ninety days following issuance of a Board order requiring decommissioning of the Project.

5. DEMOLITION INSTRUCTIONS

The following list is the sequential procedure that should be followed by the town for removal of the system pursuant to this plan:

a. **Project Component Removal**

All control cabinets, electronic components, and internal cables will be removed along with the panels, racks, and inverters. These components will be lowered to the ground where they will be transported whole for reconditioning and reuse, or disassembled/cut into more easily transportable sections for salvageable, recyclable, or disposable components.



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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.tekoverly.com/>

<http://www.morgenindustries.com/index.html>

<https://echoenvironmental.com/solar-panel-recycling/>

<http://www.qirnnow.com/>

<http://www.intercotradingco.com/usa-solar-panel-recycling/>

<https://silrec.com/>

<http://www.solarsilicon.com/>

c. Electric Wire Removal

The copper and aluminum electric wires have a value for recycling. The DC wiring can be removed manually from the panels to the inverter. Underground wire in the project will be pulled and removed from the ground. Overhead cabling for the interconnection will be removed from poles. All wire will be sent to an approved recycling facility.

d. Racking and Fencing removal

All racking and fencing material like posts that were driven into the ground will be pulled, broken down into manageable units, removed from the facility and sent to an approved recycler.

e. Concrete Slab Removal

Concrete slabs used as equipment pads will be broken and removed to a depth of two feet below grade. Clean concrete will be crushed and disposed of off-site and/or recycled and reused either on or off-site. The excavation will be filled with subgrade material of quality and compacted density comparable to the surrounding area.

f. Access Road

The last structure to be removed is the access roads. They will be stripped exposing the geotextile beneath. The geotextile will then be removed and disposed of revealing the original soil surface. The compacted soil beneath the road fill might require ripping with a subsoiler plow to loosen it before it can be returned to crop production. Some of the access road might be retained by the landowner as it will be an improvement for their farm access.

g. Site Restoration Process

The site consists of 65.2 acres of agricultural land. Following the decommissioning activities, the sub-grade material, and topsoil from affected areas will be de-compacted and restored to a density and depth consistent with the surrounding areas. All unexcavated areas compacted by equipment used in decommissioning shall be de-compacted in a manner to adequately restore the topsoil and sub-grade material to the proper density consistent and compatible with the surrounding area.

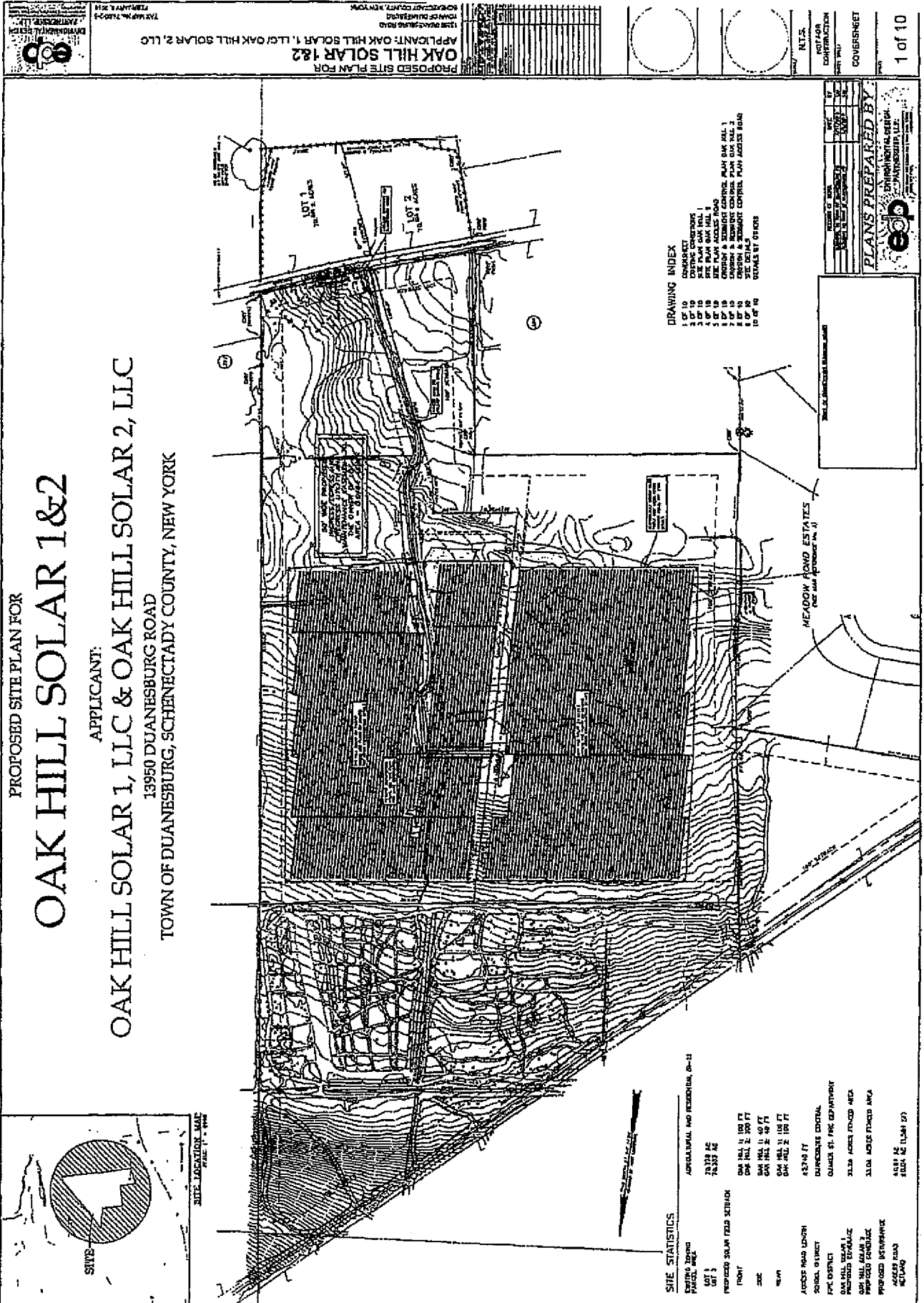
If the subsequent use for the Project site will involve agriculture, a deep till of the project site will be undertaken. The affected areas will be inspected, thoroughly cleaned, and all construction-related debris removed. Disturbed areas will be reseeded to promote the re-vegetation of the area unless the area is to be immediately redeveloped. In all areas restoration shall include, as reasonably required, leveling, terracing, mulching, and other necessary steps to prevent soil erosion, to ensure the establishment of suitable grasses and forbs, and to control noxious weeds and pests. The future use of the land for agricultural purposes would not be prejudiced.



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Appendix 1
Site Location Plan

ENTERED ON: 9/15/19
BY: DW 3:35



Appendix 2
Breakdown of Decommissioning Costs

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 ENTERED ON 8/16/19

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 Massachusetts 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	7,618	\$4.50	\$34,281.00
Remove Transformers & Concrete Pads	Each	2	\$5,000.00	\$10,000.00
Remove Major Switch Gear & Concrete Pad	Each	1	\$5,000.00	\$5,000.00
Remove Modules and Racking	\$/MWac	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	60	\$300.00	\$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	624	\$25.00	\$15,600.00
Current Total:				\$211,381.00
Total after 25 years of inflation (2.5% inflation rate)				\$346,372.98
Detailed Salvage Value				
	Solar Panels	45,455	\$6.60	\$300,003.00
	Racking Steel (lbs)	1,168,100.00	\$0.05	\$58,405.00
	Racking Aluminum (lbs)	1,760,000.00	\$0.25	\$264,000.00
	Project Cabling (lbs)	75,931.00	\$0.73	\$55,429.63
Total Salvage Value				\$677,837.63
Proposed decommissioning fund				\$211,381.00

Appendix 3

NYSERDA Fact Sheet



ORIGINAL

FACT SHEET

DECOMMISSIONING SOLAR PANEL SYSTEMS



NY-Sun

ENTERED ON: 9/5/19
BY: JW 3:35

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.

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 governments 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 reevaluation 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	\$2,459
Remove Panels	\$2,450
Dismantle Racks	\$12,350
Remove Electrical Equipment	\$1,850
Breakup and Remove Concrete Pads or Ballasts	\$1,500
Remove Racks	\$7,800
Remove Cable	\$8,500
Remove Ground Screws and Power Poles	\$13,850
Remove Fence	\$4,950
Grading	\$4,000
Seed Disturbed Areas	\$250
Truck to Recycling Center	\$2,250
Current Total	\$60,200
Total After 20 Years (2.5% Inflation Rate)	\$96,900

¹ Town of Geneva, N.Y. CODE § 130-4(D)(5) (2016):



NYSERDA

Appendix 4
IRREVOCABLE STANDBY LETTER OF CREDIT
DATE:

Applicant:

Beneficiary:

Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Dear Sir or Madam:

By order of _____ (“Applicant”), we, [insert name of issuing bank] (“Issuing Bank”), have established this irrevocable Standby Letter of Credit (this “Letter of Credit”) in favor of the Town of Duanesburg (“Beneficiary”), , for an aggregate amount of up to \$ _____, (as reduced pursuant to this Letter of Credit, the “Maximum Stated Amount”) effective [insert initial date of this Letter of Credit] and expiring [insert date which is 364 days after the initial date of this Letter of Credit] as may be extended in accordance with the terms hereof (the “Expiration Date”). We are informed by the Applicant that this Letter of Credit is provided in connection with the Payment in Lieu of Taxes Agreement (the “Agreement”), dated [insert date of agreement], as amended from time to time, by and between Beneficiary and Applicant and is for the benefit of the Town of Duanesburg and Duanesburg Central School District.

The Maximum Stated Amount at the time of any drawing hereunder shall be immediately and permanently reduced by the amount of such drawing and otherwise as set forth herein.

Funds hereunder are available to Beneficiary, providing all terms and conditions of this Letter of Credit are strictly complied against Beneficiary’s sight draft drawn on Issuing Bank in the form of Annex A and when accompanied by Beneficiary’s statement purportedly signed by Beneficiary and reading as follows:

Either:

“An Event of Default under Section 6(a)(1) of the Agreement with respect to Applicant’s due but unpaid PILOT Payments (as defined in the Agreement) has occurred, and the amount that Beneficiary is drawing under this Letter of Credit is due and owing

 ORIGINAL

ENTERED 09/15/19
BY: DW 335

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

Beneficiary is entitled and able to do so on or before the Expiration Date, but in no event shall the Expiration Date of this Letter of Credit be extended.

Issuing Bank has no duty or right to inquire into the validity of, or the basis for, any draw.

This Letter of Credit shall permit multiple partial drawings.

As used herein, "Business Day" means any day on which (A) commercial banks are not closed, or authorized or required to close, in New York City or (B) with respect to a certain drawing request, the bank to which funds are requested to be transferred hereunder as set forth in such drawing request is not closed, or authorized or required to close, and may receive such funds by wire transfer as requested hereunder.

Should Beneficiary have occasion to communicate with Issuing Bank regarding this Letter of Credit, kindly direct the communication to the attention of [insert Issuing Bank address/department] mentioning the Letter of Credit number [insert letter of credit number].

This Letter of Credit, together with sight drafts submitted in accordance with the terms hereof, sets forth in full the terms of our undertaking and this undertaking shall not in any way be modified, amended, limited or amplified by reference to any document, instrument or agreement referred to herein, and any document, instrument or agreement referred to herein, and any such reference shall not be deemed to incorporate herein by reference any document or agreement.

Except as far as otherwise expressly stated herein this Letter of Credit is subject to the International Standby Practices (ISP98), International Chamber of Commerce Publication No. 590 (the "ISP"), and as to matters not governed by the ISP, shall be construed in accordance with the laws of the state of New York without regard to principles of conflicts of law that may result in the application of the laws of another jurisdiction.

As allowed by law, any payments hereunder shall be made free and clear of, and without deduction or set off for or on account of any present or future taxes, duties, charges, fees, deduction or withholding of any nature and by whomever imposed.

The Expiration Date of this Letter of Credit will be automatically extended without amendment for a period of one (1) year from the Expiration Date, or any future Expiration Date, unless at least sixty (60) days prior to the then current Expiration Date Issuing Bank sends notice to Beneficiary by overnight courier at Beneficiary's address shown above, that Issuing Bank elects not to extend the Expiration Date of this Letter of Credit for any such additional period.

ISSUING BANK

Authorized Signature

ANNEX A



ORIGINAL

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER _____

Date _____

ENTERED ON: 9/15/19
BY: DW 3:55

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 Duanesburg

By:

Name:

Title:

cc:

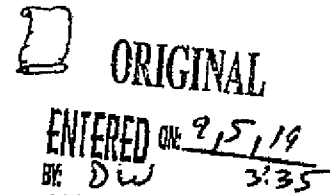
ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment

900 New York 146 Clifton Park, NY 12065
(P) 518.371.7621 (F) 518.371.9540 edplp.com

The photographs obtained from each of the requested vantage points were studied for potential visual impact and photo editing software was used to superimpose a graphical representation of the potential array visibility within each photograph

In addition, Google Earth was used to generate a ground surface profile from each of the vantage points to the array.

VISUAL ASSESSMENT RESULTS



Biggs Residence

The attached illustration identified as Figure 1 represents an aerial view (google earth) in the vicinity of the proposed solar farm with a profile (USGS topographic data) generated from the Biggs Residence through the solar array. The Biggs residence is depicted on the plan and profile by the red house symbol. As noted and demonstrated more clearing in Figure 5, there exists significant vegetation both evergreen and deciduous between the Biggs residence and the proposed solar array. In addition, the topography is such that the solar array is lower in elevation than the Biggs residence and, in fact, a significant portion of the array would be limited from view even if no vegetation existed between the Biggs residence and the solar array.

The attached illustration identified as Figure 3 depicts the location of two photographs and the location of balloons flown at the time of the photographs at specific locations on the proposed solar array. Photograph 1 was taken at ground level looking northwest toward the future solar array. Photograph 2 was taken from an aerial drone looking toward the Biggs and Otis residences.

The attached illustration identified as Figure 4 represents the location of the future solar array superimposed on Photograph 1. As noted on the photograph the 20 ft high helium balloons are visible in the photograph.

The attached illustration identified as Figure 5 is an aerial photograph taken from a drone looking to the southeast from a position near the proposed solar array toward the Biggs and Otis residences. The photograph clearly shows the significance of vegetation, both evergreen and deciduous, and distance between the existing residences and the property of the future solar array.

The attached illustration identified as Figure 6 is a series of photographs taken from the property of the proposed solar farm looking east toward the Biggs residence. These photographs are included to further document the density of the existing vegetation.

The visual assessment supports the conclusion that 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.

Otis Residence

The attached illustration identified as Figure 2 represents an aerial view (google earth) in the vicinity of the proposed solar farm with a profile (USGS topographic data) generated from the Otis Residence through the solar array. The Otis residence is depicted on the plan and profile by the red house symbol. As noted and demonstrated more clearing in Figure 5, there exists significant vegetation both evergreen and deciduous between the Otis residence and the proposed solar array. In addition, the topography is such that a significant natural berm exists between the Otis residence and the solar array that prevents the array from being visible from the Otis residence even if no vegetation existed.

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.
Shaping the physical environment

900 New York 146 Clifton Park, NY 12065
(P) 518.371.7621 (F) 518.371.9540 edpllp.com

The attached illustration identified as Figure 3 depicts the location of two photographs and the location of balloons flown at the time of the photographs at specific locations on the proposed solar array. Photograph 1 was taken at ground level looking northwest toward the future solar array. Photograph 2 was taken from an aerial drone looking toward the Biggs and Otis residences.

The attached illustration identified as Figure 4 represents the location of the future solar array superimposed on Photograph 1. As noted on the photograph the 20 ft high helium balloons are visible in the photograph.

The attached illustration identified as Figure 5 is an aerial photograph taken from a drone looking to the southeast from a position near the proposed solar array toward the Biggs and Otis residences. The photograph clearly shows the significance of vegetation, both evergreen and deciduous, and distance between the existing residences and the property of the future solar array.

The visual assessment supports the conclusion that 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.

 ORIGINAL

ENTERED ON: 9/5/19
BY: DW 9:35



- Eden Renewables - Oak Hill Solar Projects 1 & 2 -
- In response to questions received from town re construction/O&M activities -

Construction Phase:

Eden Renewables solar project construction typically lasts three to four months. Work is limited to the hours of 7am to 6pm. Lights will not be used between the months of April and October. Should construction occur between November and March, we will likely employ some form of concentrated lighting to allow work between the hours of 7am to 6pm. In terms of traffic during construction months we expect 25 - 30 cars daily. Additionally, we expect 50 - 60 truck deliveries and 10 onsite machines operating over the course of construction.

Ongoing Operations and Maintenance Phase (O&M):

On an annual basis, we expect 4 to 5 visits to the site by a maintenance vehicle. Ongoing maintenance includes: standard mechanical/electrical inspections, solar module cleaning, minor repairs and grass cutting as required. Typically solar modules are cleaned only once each year using water. O&M work is limited to the hours of 7am to 6pm.

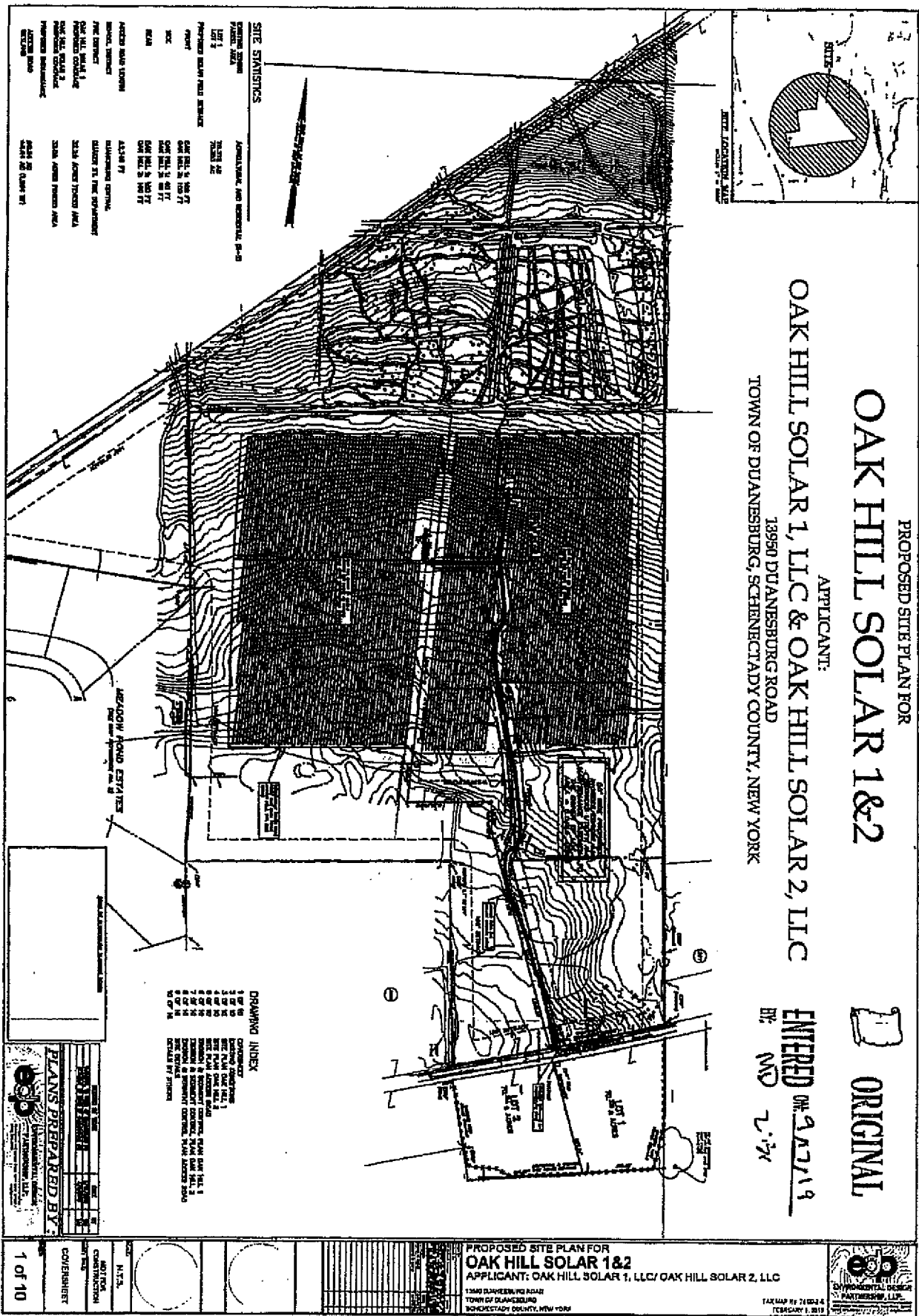
As part of the ground maintenance, there will be additional traffic from the annual movement of livestock, daily sheep farmer visits, annual visits from an ecologist and occasional visits from beekeepers. Any actual impacts will be minimal to unnoticeable for the community.

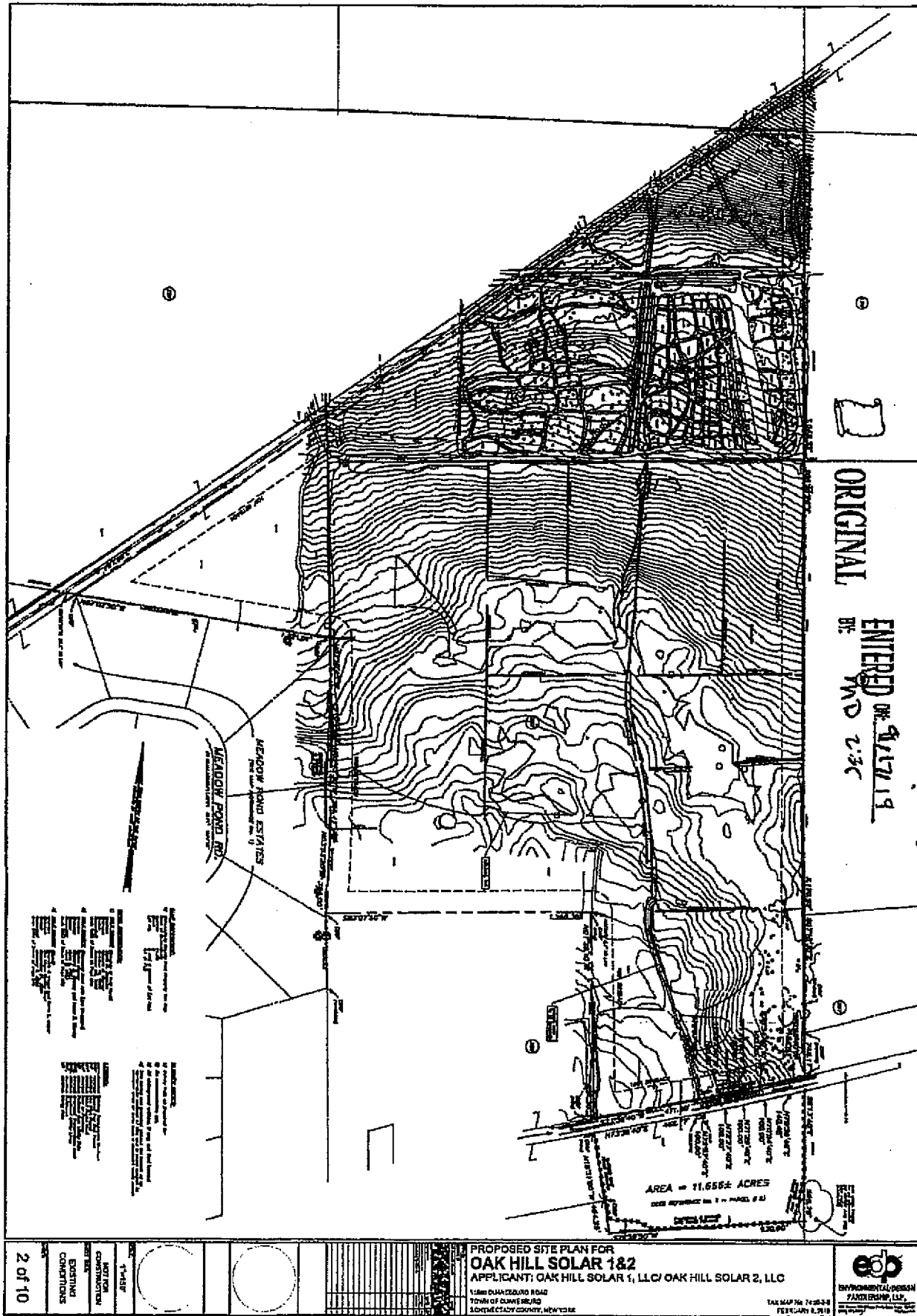
+1 (518) 326-0259

info@edenrenewables.com

www.edenrenewables.com

Eden Renewables is the trading name of Eden Renewables LLC, a Delaware incorporated company with a place of business at 333 Broadway, Suite 450, Troy, NY, 12180.





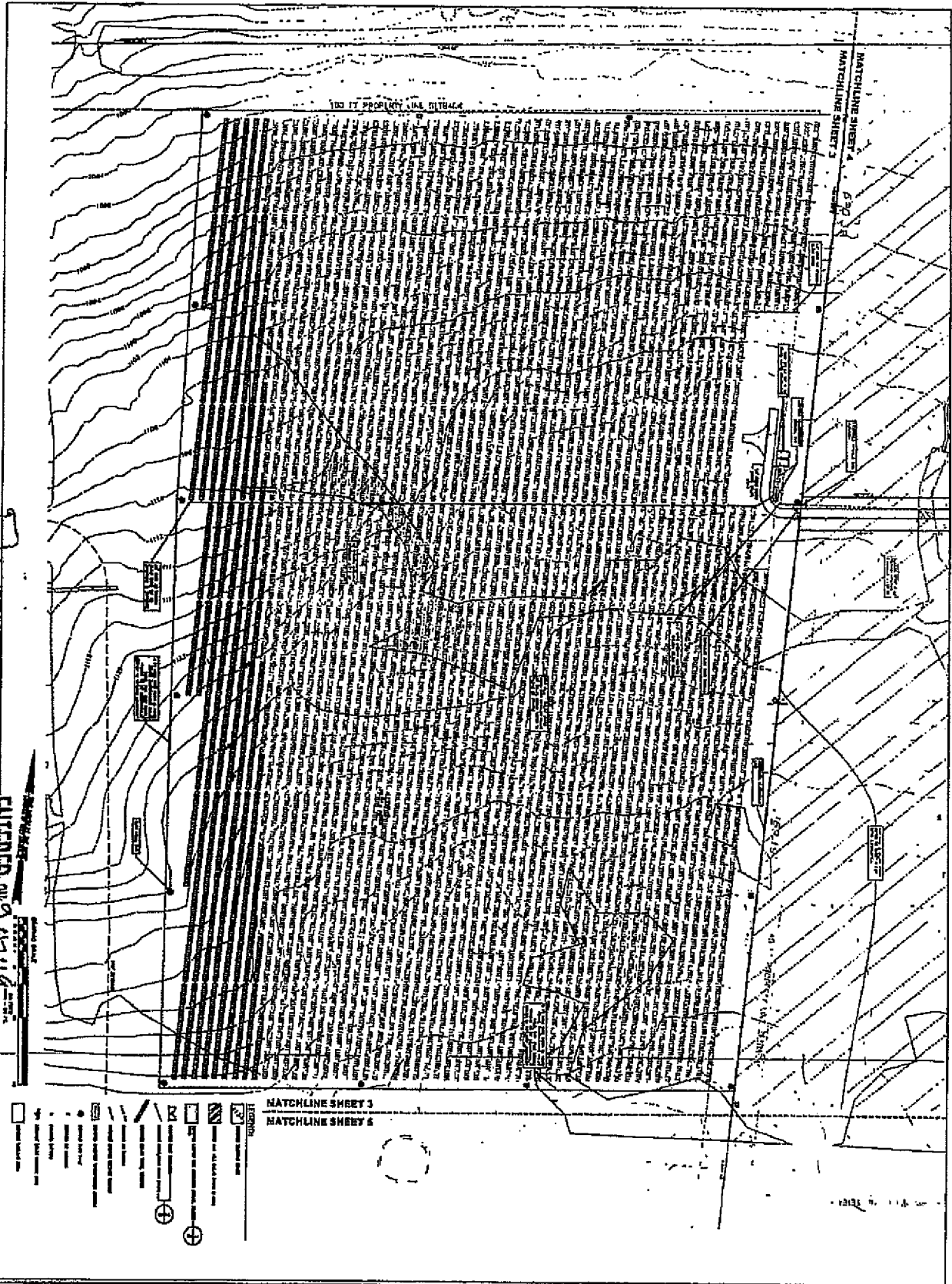
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 ENTERED BY: 4/17/19
 BY: M.D. 23C

2 of 10

PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
 APPLICANT: OAK HILL SOLAR 1, LLC/ OAK HILL SOLAR 2, LLC
 1380 QUAKER ROAD
 TOWN OF CLARE BURG
 ADAMS COUNTY, WYOMING

edp
 ENVIRONMENTAL DESIGN
 PARTNERS, LLC
 1000 WEST 10TH AVENUE
 DENVER, CO 80202
 TEL: 303.733.8888
 FAX: 303.733.8889
 FEBRUARY 8, 2019

P. 3



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ENTERED BY: *AVALL*
 DATE: *7-30*

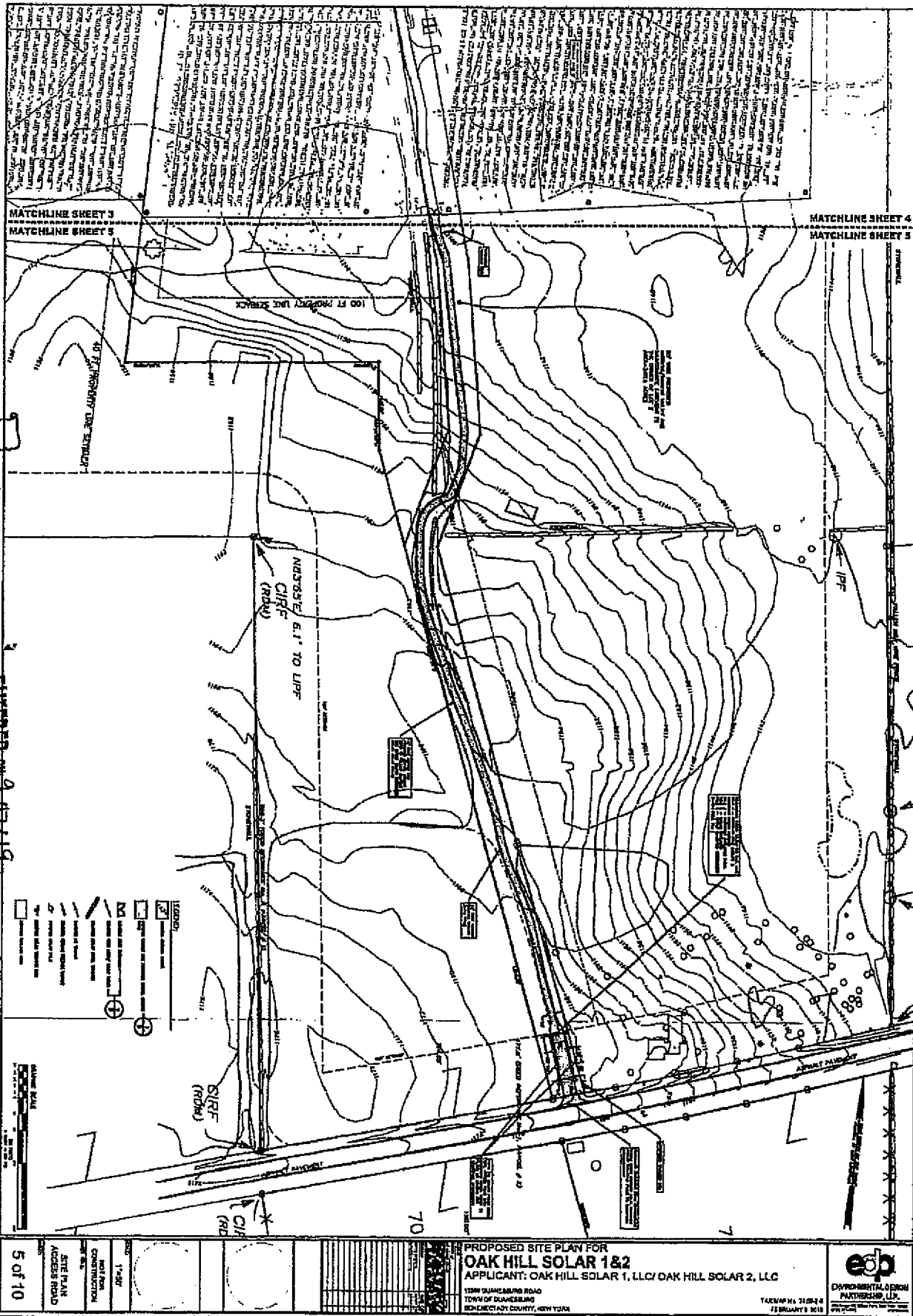
- LEGEND**
- SOLAR PANEL ARRAY
 - ACCESS ROAD
 - EASEMENT
 - UTILITY LINE
 - STRUCTURE
 - BOUNDARY
 - CONTOUR LINE
 - SPOT ELEVATION
 - PROPOSED STRUCTURE
 - PROPOSED ACCESS ROAD
 - PROPOSED EASEMENT
 - PROPOSED UTILITY LINE
 - PROPOSED BOUNDARY
 - PROPOSED CONTOUR LINE
 - PROPOSED SPOT ELEVATION

3 of 10

PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
 APPLICANT: OAK HILL SOLAR 1, LLC / OAK HILL SOLAR 2, LLC
 6300 DUNES DRIVING ROAD
 TOWN OF DUNES
 SCHOENHARDT COUNTY, NEW YORK



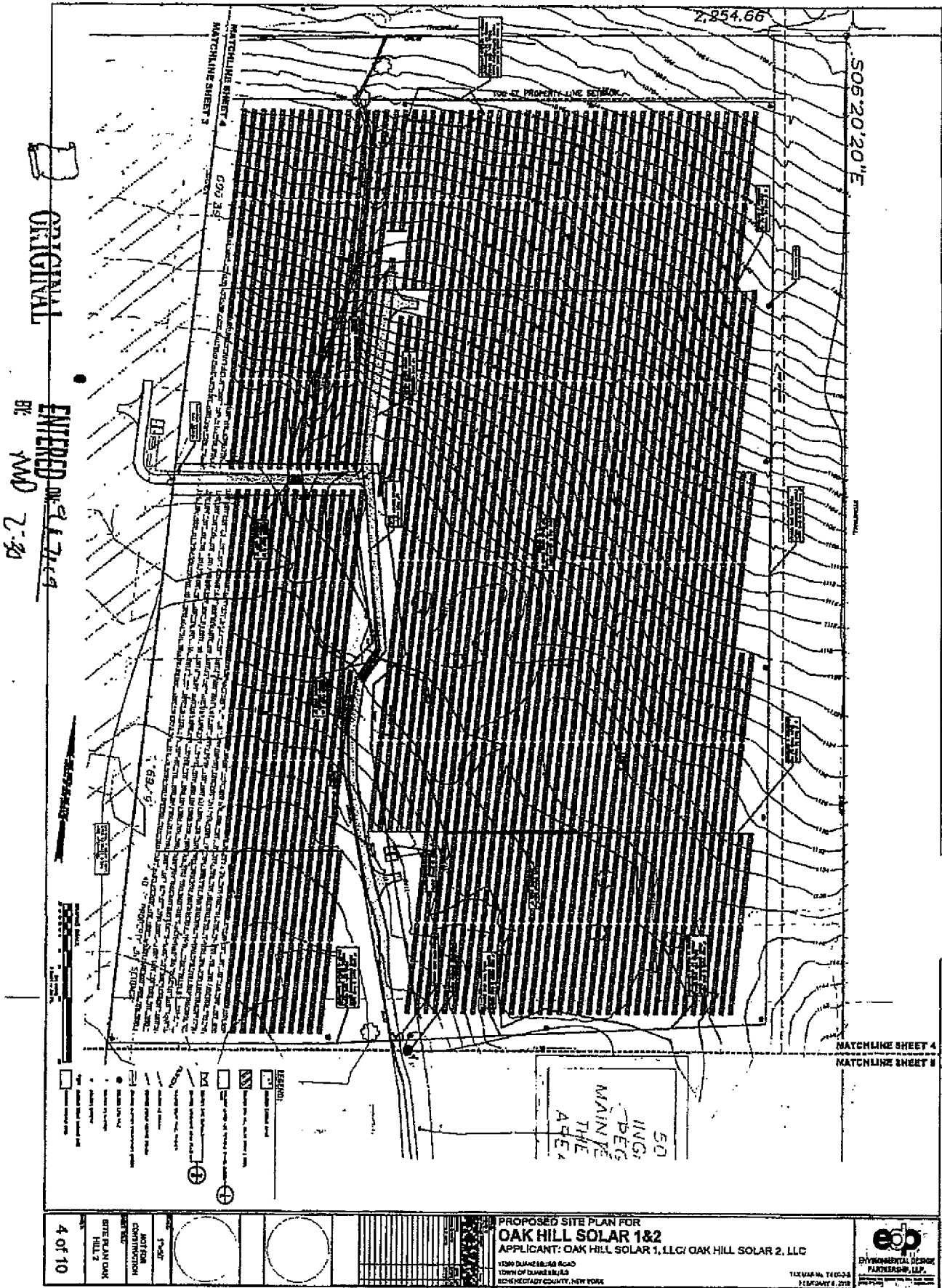
TAX MAP No. 710024
 FEBRUARY 8, 2018



ORIGINAL

ENTERED ON 2/27/19
BY: MGD 2:30

5 of 10	SITE PLAN ACCESS ROAD	1" = 80'	PROPOSED SITE PLAN FOR OAK HILL SOLAR 1&2 APPLICANT: OAK HILL SOLAR 1, LLC / OAK HILL SOLAR 2, LLC 1500 QUAMBERS ROAD TOWN OF DANIELS BENEDICT COUNTY, NEW YORK	 ENVIRONMENTAL DESIGN PARTNERSHIP, LLC TACOMA WA 98501 25 BRANTY'S RD
		LEGEND		
		[Symbol] Solar Panel [Symbol] Access Road [Symbol] Property Line Struck [Symbol] Creek [Symbol] Contour Line [Symbol] Elevation Point		



ORIGINAL

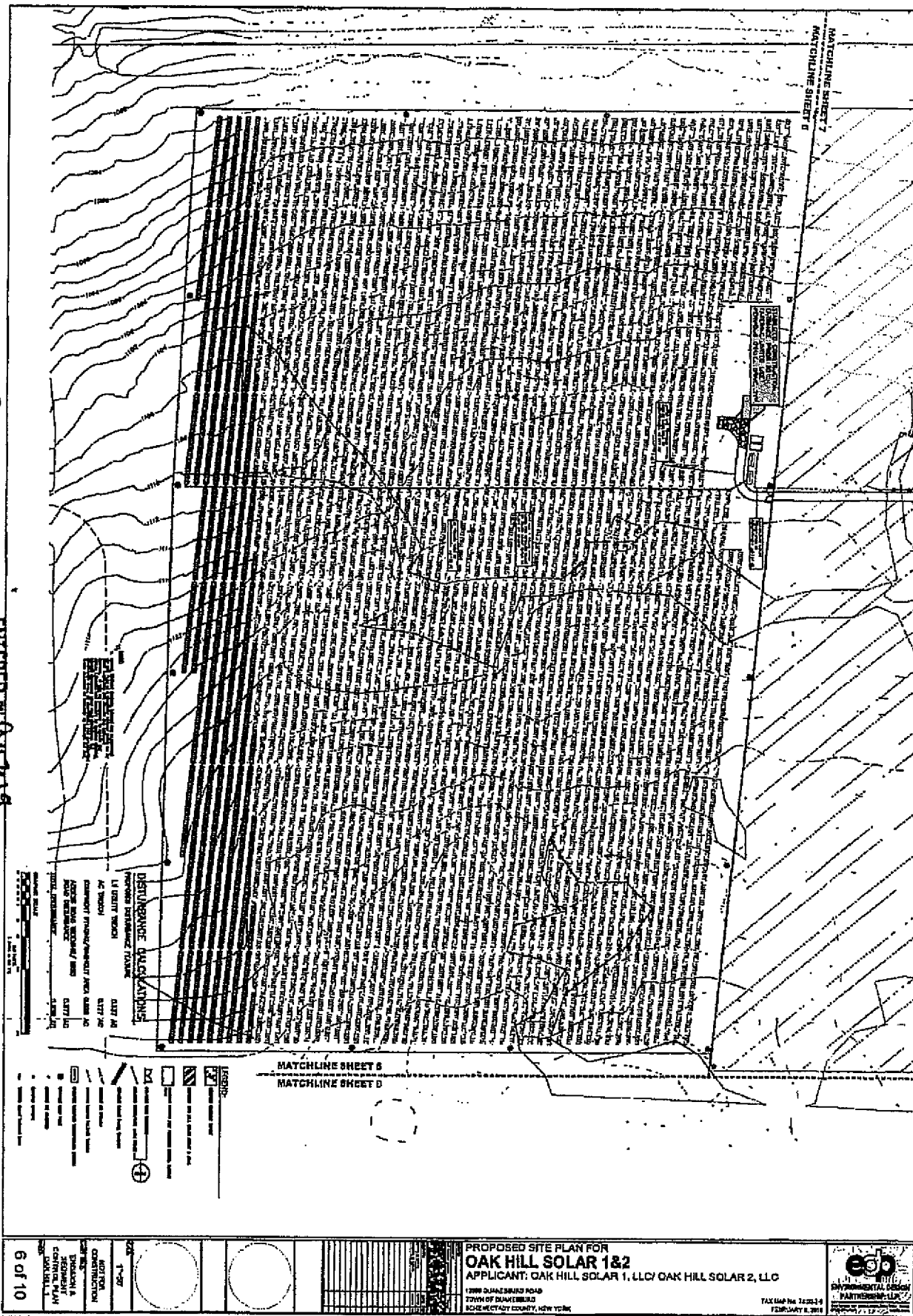
ENTERED BY WMD 2-20

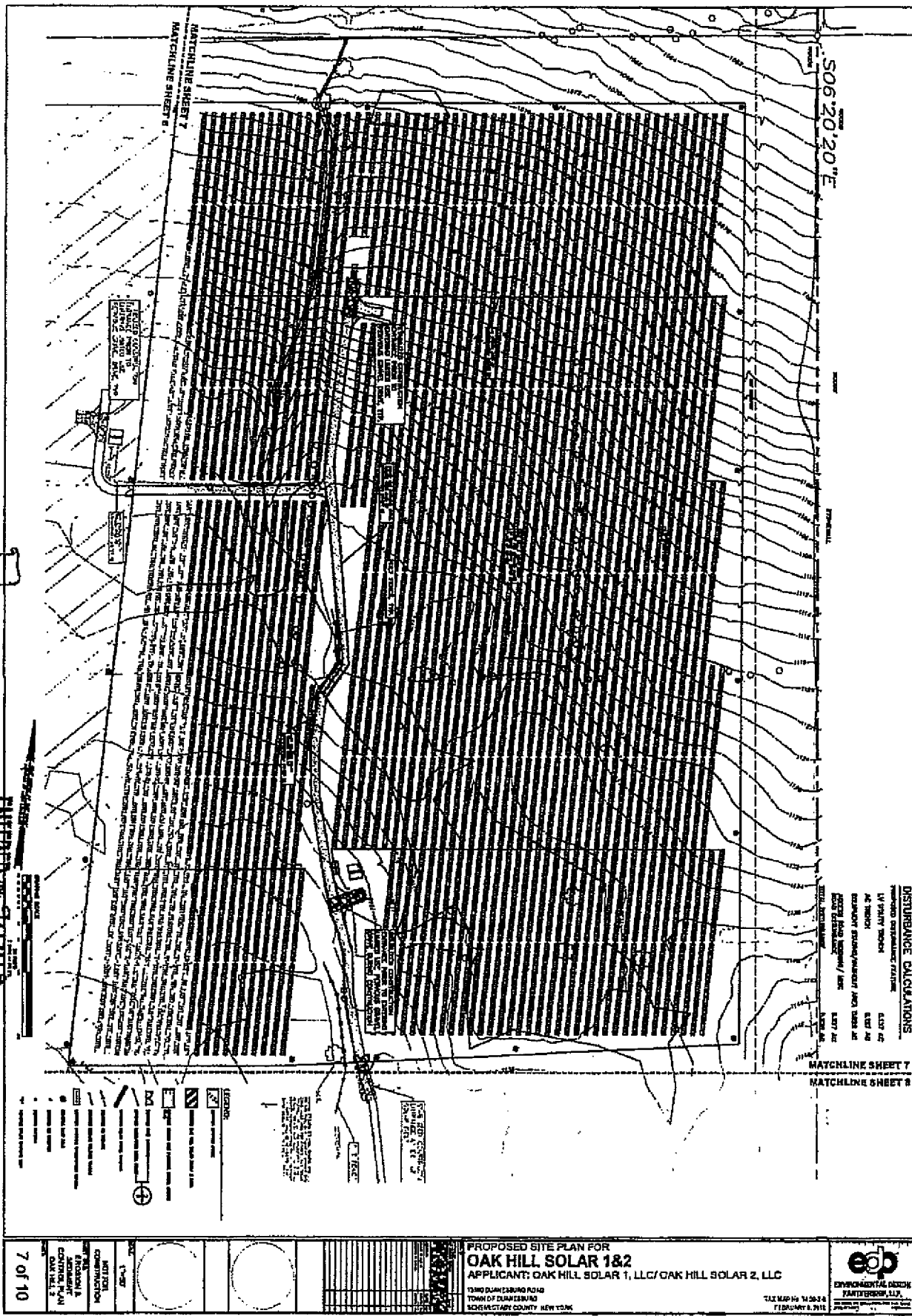
4 of 10

PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
 APPLICANT: OAK HILL SOLAR 1, LLC/ OAK HILL SOLAR 2, LLC
 1500 DUANE BRIDGE ROAD
 TOWN OF DUANE BRIDGE
 ROCKEFORD COUNTY, NEW YORK

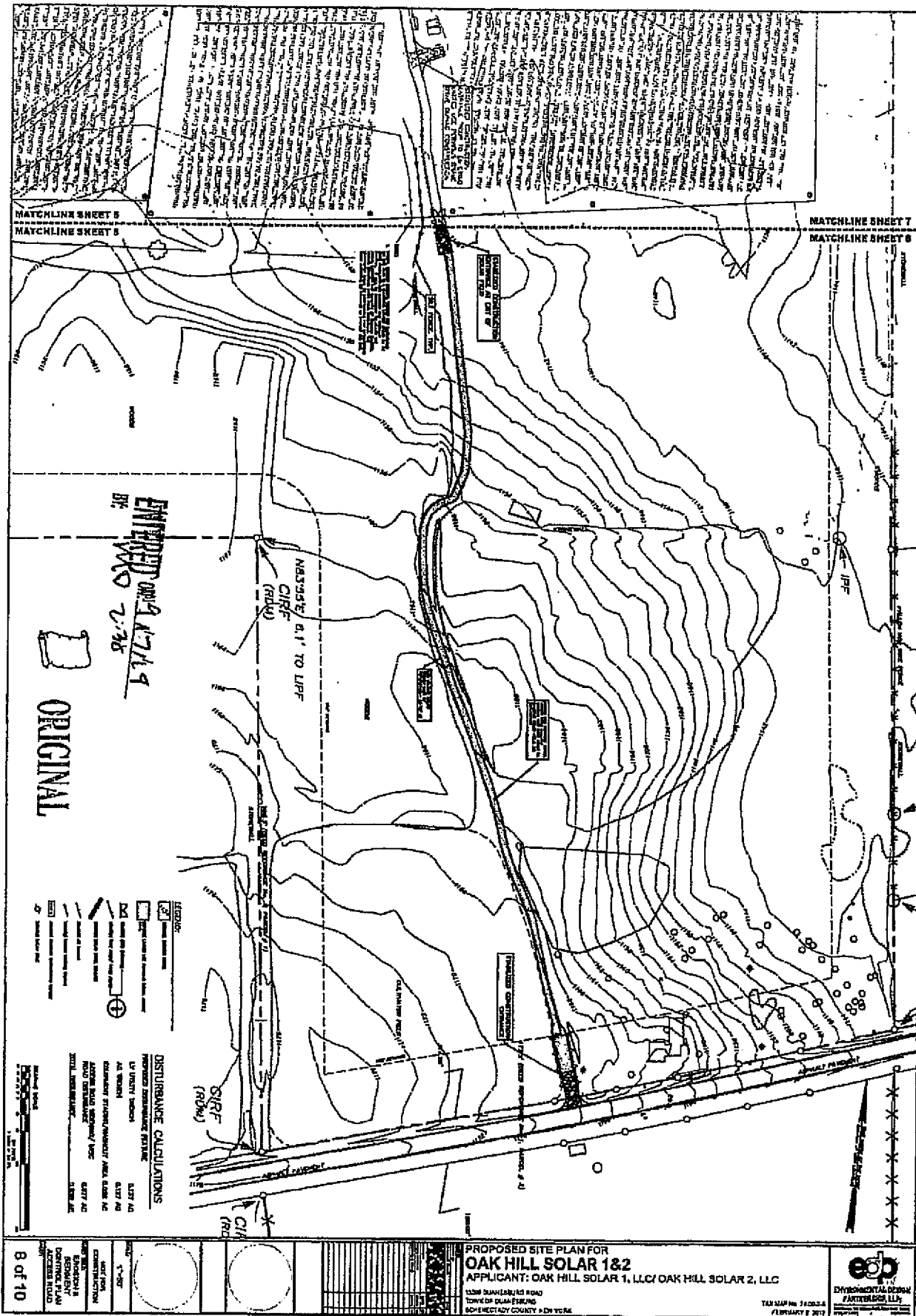


ORIGINAL
ENTERED ON 8/17/19
BY WJD 2/AS





ORIGINAL
 ENTERED BY: WWD
 2/19



PROPOSED SITE PLAN FOR OAK HILL SOLAR 1&2
APPLICANT: OAK HILL SOLAR 1, LLC/ OAK HILL SOLAR 2, LLC
 1380 DANEBURG ROAD
 TOWN OF DANBURY
 CONNECTICUT COUNTY, NEW YORK

ENTERED 08/21/19
DR: WJD 2:36

STABILIZED CONSTRUCTION ENTRANCE

SOLAR BELT FENCE

WINDUP USE PERMANENT SOLAR ACCESS ROAD

SOLAR PANELS

STABILIZED CONSTRUCTION ENTRANCE

SOLAR BELT FENCE

WINDUP USE PERMANENT SOLAR ACCESS ROAD

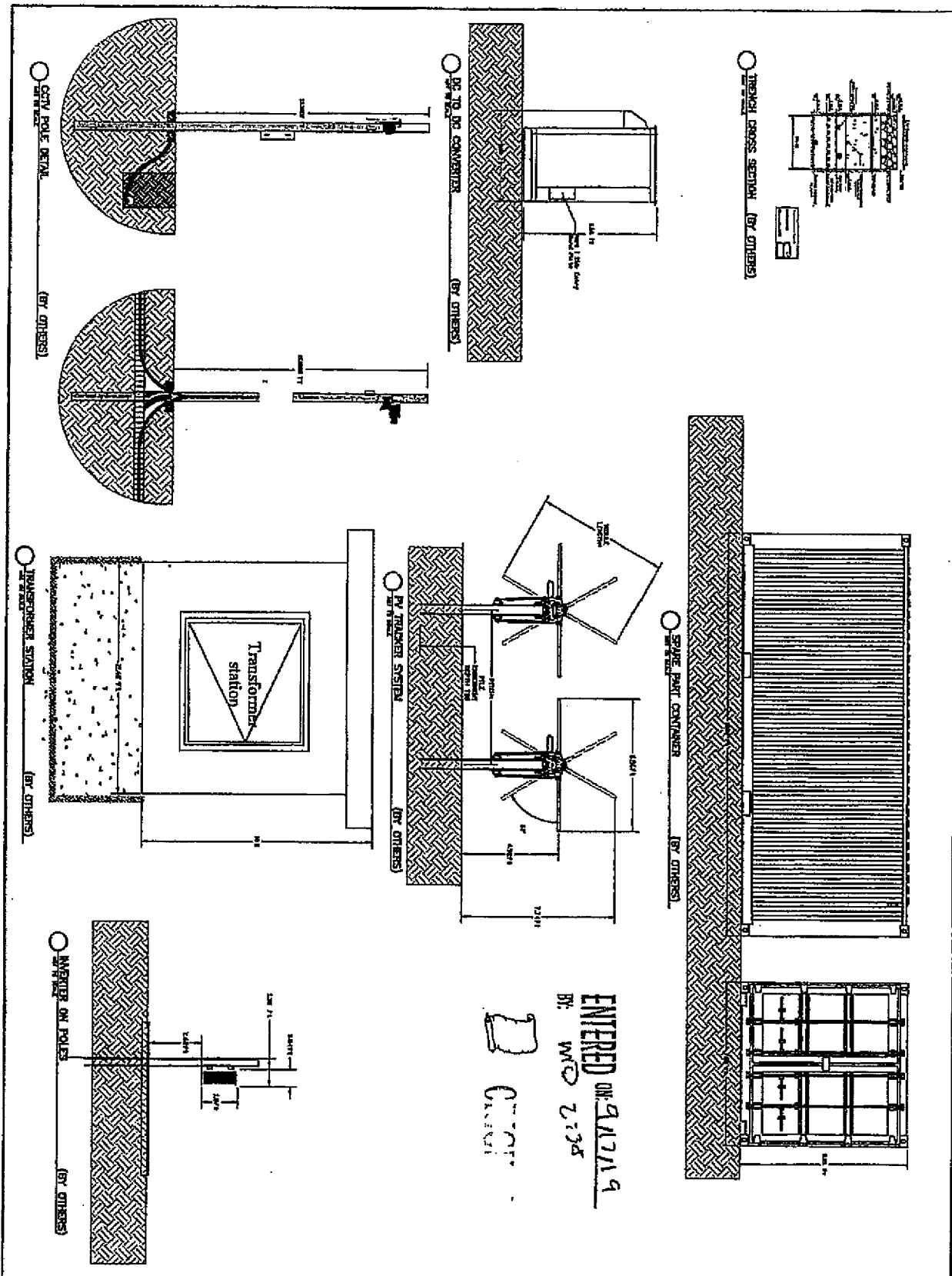
SOLAR PANELS

STABILIZED CONSTRUCTION ENTRANCE

SOLAR BELT FENCE

WINDUP USE PERMANENT SOLAR ACCESS ROAD

SOLAR PANELS



ENTERED ON 9/12/19
 BY WFO 2.734
 CANCEL

<p>10 of 10</p>	<p>APPLICANT: OAK HILL SOLAR 1, LLC/OAK HILL SOLAR 2, LLC</p>	
	<p>PROPOSED SITE PLAN FOR OAK HILL SOLAR 1&2</p>	
<p>DATE: 08/15/19</p>	<p>TOWN OF SHARPSBURG</p>	<p>TAX MAP No. 11 000-4</p>
<p>DATE: 08/15/19</p>	<p>SCHENECTADY COUNTY, NEW YORK</p>	<p>FEBRUARY 6, 2019</p>



BORREGO SOLAR

Decommissioning Estimate/Plan

Date: 06/04/19

117 Bliss Road
Schoharie, NY 12157

This Decommissioning Estimate has been prepared by Borrego Solar in an attempt to predict the cost associated with the removal of the proposed solar facility. The primary cost of decommissioning is the labor to dismantle and load as well as the cost of trucking and equipment. All material will be removed from the site, including the concrete equipment pads, which will be broken up at the site and hauled to the nearest transfer station.

No salvage values have been assumed in this calculation.

The following values were used in this Decommissioning Estimate:

System Specifications		Equipment & Material Removal Rates	
Number of Modules	30,082	Module Removal Rate (min/module)	1
Number of Racks	1,157	Rack Wiring Rem. Rate (min/mod)	0.5
Number of Inverters	4	Racking Dismantling Rate (min/rack)	30
Number of Transformers	2	Inverter Removal Rate (units/hr)	0.5
Electrical Wiring Length (ft)	9,871	Transformer Removal Rate (units/hr)	1
Number of Foundation Screws	4,628	Rack Loading Rate (min/Rack)	20
Length of Perimeter Fence (ft)	8,544	Elect. Wiring Removal Rate (min/LF)	3
Number of Power Poles	12	Screw Rem. Rate (screws/day)	400
Access Rd Material Volume (YD)	2,659	Fence Removal Rate (min/LF)	0.5
Total Disturbed Area (SF)	114,770	Days req. to break up concrete pads	7
Total Fence Weight (lbs)	6,066	Days req. with Rough Grader	2
Total Racking Weight (lbs)	983,450	Days req. with Fine Grader	3
Total Foundation Screw Weight (lbs)	186,120	Total Truckloads Required	56
		Round-Trip Dist. to Trans. Sta.(miles)	11
		Round-Trip Time to Trans. Sta. (hr)	0.4

Labor and Equipment Costs	
Labor Rate (\$/hr)	\$ 28.00
Bobcat Cost (\$/hr)	\$ 125.00
Front End Loader Cost (\$/Day)	\$ 1,000.00
Excavator Cost (\$/Day)	\$ 1,000.00
Trucking Cost (\$/hr)	\$ 130.00
Backhoe Cost (\$/hr)	\$ 245.00
Power Pole Removal Cost (\$/pole)	\$ 1,500.00
Grader Cost (\$/day)	\$ 1,800.00
Gravel Export Cost (\$/YD)	\$ 8.00
Loam Import Cost (\$/YD)	\$ 20.00
Seeding Cost (\$/SF)	\$ 0.10
Fuel Cost (\$/mile)	\$ 0.50

 ORIGINAL

ENTERED ON: 9/17/19
BY: WND 270



117 Bliss Road
Schoharie, NY 12157

Labor, Material, and Equipment Costs

1. Remove Modules

The solar modules are fastened to racking with clamps. They slide in a track. A laborer needs only unclamp the module and reach over and slide the module out of the track.

$$\text{Module Removal Rate} \cdot \text{Total Number of Solar Modules} \cdot \text{Labor Rate} = \text{Module Removal Cost}$$

Total = \$ 14,038.27

2. Remove Rack Wiring

The modules are plugged together in the same manner as an electrical cord from a light is plugged into a wall socket. The string wires are in a tray. A laborer needs only unplug the module, reach into the tray and remove the strands of wire.

$$\text{Wire Removal Rate} \cdot \text{Total Number of Solar Modules} \cdot \text{Labor Rate} = \text{Rack Wiring Removal Cost}$$

Total = \$ 7,019.13

3. Dismantle Racks

The racking is supported by screw foundations. The racking will be disconnected from the foundation and removed separately.

$$\text{Number of Racks} \cdot \text{Rack Dismantling Rate} \cdot \text{Labor Rate} = \text{Rack Dismantling Cost}$$

Total = \$ 16,198.00

4. Remove and Load Electrical Equipment

Electrical equipment includes transformers and inverters.

$$(\text{Number of Inverters} \cdot \text{Inverter Removal Rate} + \text{Number of Transformers} \cdot \text{Transformer Removal Rate}) \cdot (\text{Labor Rate} + \text{Bobcat Cost}) = \text{Electrical Equipment Removal Cost}$$

Total = \$ 612.00

5. Break Up Concrete Pads

Concrete pads are broken up using an excavator and jackhammer.

$$\text{Number of Demolition Days} \cdot (\text{Excavator Cost} + \text{Labor Cost}) = \text{Total Concrete Pad Removal}$$

Total = \$ 8,568.00



ORIGIN

2

ENTERED ON: 9/17/19
BY: WWO Z: 3A



117 Bliss Road
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6. Load Racks

Once the racks have been dismantled, they will be loaded onto trucks for removal from the site. The trucking cost associated with this line item represents the additional time a truck will be needed during loading. Please see item # 13 for additional trucking costs.

$$\text{Number of Racks} \cdot \text{Rack Loading Rate} \cdot (\text{Labor Cost} + \text{Front End Loader Cost} + \text{Trucking Cost}) = \text{Total Rack Removal Cost}$$

Total = \$ 109,143.67

7. Remove Electrical Wiring

Electrical wiring will be removed from all underground conduits.

$$\text{Cable Length} \cdot \text{Cable Removal Rate} \cdot (\text{Labor Cost} + \text{Backhoe Cost}) = \text{Total Cable Removal Cost}$$

Total = \$ 134,739.15

8. Remove Foundation Screws

Foundation screws will be backed out of the ground and loaded onto a truck to be removed from site.

$$(\text{Total Number of Screws} / \text{Daily Screw Removal Rate}) \cdot (\text{Labor Rate} + \text{Excavator Cost}) = \text{Total Screw Removal Cost}$$

Total = \$ 14,161.88

9. Remove Fencing

Fencing posts, mesh, and foundations will be loaded onto a truck and removed from site. Trucking costs included in this line item are for the removal process. Trucking to a recycling facility are included in item #13.

$$(\text{Total Length of Fence} \cdot \text{Fence Removal Rate}) \cdot (\text{Labor Rate} + \text{Bobcat Cost} + \text{Trucking Cost}) =$$

Total = \$ 20,149.60

10. Remove Power Poles

Power poles will be removed and shipped off site.

$$\text{Number of Power Poles} \cdot \text{Pole Removal cost} = \text{Total Power Pole Removal Cost}$$



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Total = \$ 18,000.00

11. Gravel Road Reclamation

Reclamation of the gravel access road will entail removing the gravel material and exporting it off site. The area will then be backfilled with loam and graded.

$$(Days\ with\ Rough\ Grader + Days\ with\ Fine\ Grader) \cdot Grader\ Cost\ per\ Day + [Roadway\ Material\ Volume \cdot (Gravel\ Export\ Cost + Loam\ Import\ Cost)] = Gravel\ Road\ Reclamation\ Cost$$

Total = \$ 83,454.99

12. Seed Disturbed Areas

Seeding cost includes labor and materials for reseeding all disturbed areas including the reclaimed gravel road area, former electrical areas, and areas disturbed by racking foundation removal.

$$Seeding\ Cost \cdot Disturbed\ Area = Total\ Seeding\ Cost$$

Total = \$ 11,477.04

13. Truck to Transfer Station

All material will be trucked to the nearest Transfer station that accepts construction material. The nearest transfer station is Casella Waste Systems

$$(Total\ Truckloads \cdot Roundtrip\ Distance \cdot Fuel\ Cost) + (Total\ Truckloads \cdot Round\ Trip\ Time \cdot Trucking\ Cost) = Total\ Trucking\ Cost\ to\ Transfer\ Station$$

Total = \$ 3,220.00

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Summary of Decommissioning Costs and Salvage Values

Line Item	Task	Cost
1	Module Removal	\$ 14,038.27
2	Rack Wiring Removal	\$ 7,019.13
3	Rack Dismantling	\$ 16,198.00
4	Electrical Equipment Loading and Removal	\$ 612.00
5	Break Up Concrete Pads	\$ 8,568.00
6	Load Racks	\$ 109,143.67
7	Electrical Wiring Removal	\$ 134,739.15
8	Foundation Screw Removal	\$ 14,161.68
9	Fence Removal	\$ 20,149.60
10	Power Pole Removal	\$ 15,000.00
11	Gravel Road Reclamation	\$ 83,454.99
12	Seed Disturbed Areas	\$ 11,477.04
13	Trucking to Transfer Station	\$ 3,220.00

Subtotal = \$ 440,781.52

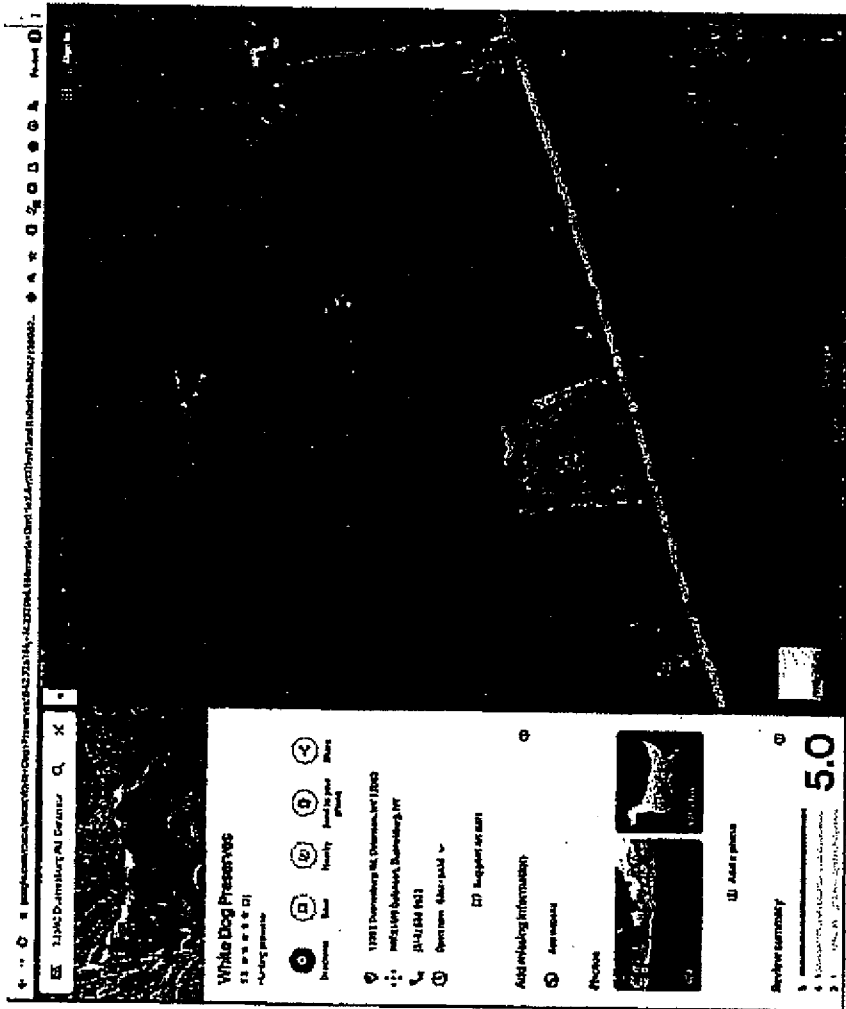
Present Value Total = \$ 440,781.52

<p>Total after 20 years @ 2% Inflation</p> <p><i>Present Value * (1+ Inflation Rate)^{Number of Years} = Future Value</i></p> <p>Grand Total = \$654,978.16</p>
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**Exhibit 16: Letter from EDP to the Planning Board,
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September 5, 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:

The Oak Hill Solar Projects 1 & 2 last appeared before the Town of Duanesburg Planning Board during your August 15, 2019 meeting at which time the Public Hearing was closed. During the Public Hearing the Planning Board received written comments which were subsequently forwarded to the applicant by Mr. Dale Warner. On behalf of the Applicant, EDP has reviewed the written comments and offers the following relative to questions and comments raised within these written comments that are under the purview of the Planning Board.

We note that a revised Site Plan has been enclosed which includes the addition of a Planting Plan as discussed below relative to visual screening. Other than the addition of the Planting Plan, Sheet 11, the Site Plan remains the same that the Planning Board previously reviewed.

Letter from the Otsego County Conservation Association, Inc. dated August 15, 2019

Relative to Part E.1.b of the EAF relative to land cover type. The applicant submitted an initial draft Part 1 EAF with the initial submittal to the Planning Board on May 7, 2018. Since that initial submittal the proposed project layout was modified at least five times during the Site Plan review process. As a result the land cover types also changed, the Applicant offered a revised EAF with their August 5, 2019 submittal that includes an update to the land cover type table reflecting the Final Site Plan configuration. The Final Site Plan and EAF accurately reflects a change in Forested land cover type from 24.98 acres to 24.74 acres or a loss of only 0.24 acres.

Relative to the visual impact and deciduous nature of vegetation on the eastern boundary of the adjacent properties (13392 and 13388 Duanesburg Road). The applicant has prepared a Supplemental Visual Impact Assessment (attached) relative to the visual impact of the project from these two properties. The Supplemental Visual Impact Assessment supports the previous conclusion that the existing residences will be adequately screened by a combination of existing vegetation, distance and topography such that the proposed solar array will not be visible. See response to visual screening requirements on Page 2 of this letter for additional information.

Relative to the Planning Board's June 20, 2019 action on SEQRA. After careful consideration of the SEQRA Long EAF, the Planning Board, with advice from their legal counsel, issued a SEQRA Negative Declaration on June 20, 2019.

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Mr. Phillip Sexton
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Relative to the Planning Board's requirement to take a hard look at the environmental impacts of the proposed project. The Planning Board, with advice from their legal counsel, conducted a detailed review of the proposed project's environmental impacts and issued a SEQRA Negative Declaration.

Relative to clarification of future expansion plans. The Applicant has no plans for future expansion of the proposed solar farm.

Letter from Mr. Wallace E. Johnson dated August 1, 2019

Relative to Stormwater Runoff from the project. The proposed project has been designed in compliance with New York State Department of Environmental Conservation requirements and guidelines relative to stormwater runoff. The Town Designated Engineer has reviewed the applicability of stormwater design requirements and guidelines and determined that the proposed project is in compliance with the same.

Relative to herbicide usage. As previously noted, the Applicant plans to create a biodiverse, wildflower abundant habitat for pollinators and other wildlife, restoring organic processes. That means avoiding chemical pesticides wherever possible. If any pesticides are occasionally required (for example to control an invasive species like Japanese Knotweed) they will be applied in accordance with all rules and regulations.

Relative to visual screening. The Applicant has complied with all required setbacks, including a 100 ft buffer around the perimeter of the solar farm, and all other zoning requirements. Pursuant to Section 4, paragraph 3.e of the Town of Duanesburg Solar Energy Facilities Law, the Planning Board *may* require evergreen tree planting to screen *portions* of the site from nearby residential property, public roads, and from public sites known to include important views or vistas. The Code does not unilaterally require evergreen screening regardless of the situation. The Applicant has provided a Supplemental Visual Impact Assessment supporting the conclusion that the proposed solar array will be adequately screened from neighboring residences.

Although the Supplemental Visual Impact Assessment concludes that the proposed solar array will be adequately screened from neighboring residences, the Applicant understands through discussions with Ms. Bakner (Attorney for the Planning Board) that the Planning Board may wish to consider additional evergreen screening. It is the Applicant's understanding that the additional screening under consideration would include evergreen tree planting on the Applicant's property to screen visibility of the solar array from neighboring residences if all existing vegetation between the neighboring residence and the property line were removed. This potential screening situation applies only to the Biggs residence (13388 Duanesburg Road) east of the solar farm as all other neighboring residences are screened either by existing topography or vegetation on property controlled by the Applicant. Please see attached Planting Plan.

The Applicant has provided the Planning Board with a revised Site Plan which includes a Planting Plan depicting the view limits of the solar array from the neighboring Biggs residence and a potential evergreen tree screening consisting of 107 western arborvitae trees installed along a 1,375 +/- ft length of the eastern property line within the view limits.

While the Applicant has provided the Planting Plan as requested, the Applicant maintains that the evergreen screening is entirely un-necessary, as supported by the Supplemental Visual Impact Assessment, and will

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Mr. Phillip Sexton
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result in an extra project expenditure that will reduce the cost effectiveness of the clean energy brought to market by the proposed solar farm. As supported by the Supplemental Visual Impact Assessment, the proposed solar array would only be visible from the Biggs residence if a substantial stand of existing evergreen and deciduous vegetation were removed from the Biggs residence. Based on the expressed desire of the owners of this property to maintain their privacy, the removal of any existing vegetation would appear to be extremely unlikely. Furthermore, the 100 ft buffer provided between the solar array and the property line will be left in a natural state with existing and new vegetation able to mature thereby enhancing the available screening.

Notwithstanding the above, the Applicant is willing to provide the evergreen screening as depicted on the enclosed Planting Plan. If the Planning Board continues to believe the evergreen screening is necessary, the Applicant would ask the Planning Board to consider establishing an escrow account, or similar means of financial security, such that the evergreen screening could be installed at a later date if and when it was deemed necessary.

Letter from Ms. Biggs dated August 15, 2019

Relative to construction noise. The Applicant will comply with the Town's Solar Law relative to limiting noise at the property line. Enforcement of the Town's Zoning Ordinance will be provided by the Town's Zoning Code Enforcement Officer.

Relative to screening. As noted, the applicant has provided the Planning Board with a documentation to illustrate that the solar farm will be adequately screened from the existing roadway and neighboring residences by the existing vegetation and topography of the site.

Letter from Ms. Bruning dated August 15, 2019

Relative to the Applicant's marketing plan versus Site Plan under review by the Planning Board. Several of the comments in Ms. Bruning's letter are related to a conceptual landscaping and habitat creation plan. The Applicant has provided a Site Plan in accordance with the Town of Duanesburg Site Plan Review requirements. The conceptual plan referenced by Mr. Bruning during her presentation and in her letter is just that, a conceptual plan and is not part of the formal Site Plan under consideration by the Planning Board. The Site Plan under consideration by the Planning Board has been reviewed by the Town's Code Enforcement Officer and Town Designated Engineer for compliance with the requirements of the Town's Zoning Code.

Relative to the location of neighboring residences. The Site Plan submitted to the Planning Board accurately depicts the location of neighboring residences.

Regarding presence of wetlands. The Site Plan submitted to the Plan Board includes a complete wetland delineation and the Applicant is the process of working with the Army Corps of Engineers to obtain any necessary permits.

Regarding evergreen screening. See above.

Regarding confirmation of Nation Grid acceptance. The Applicant has included National Grid's Coordinated

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dated September 5, 2019**

Mr. Phillip Sexton
September 5, 2019

Electrical System Interconnection Review (CESIR) for Oakhill Solar 1 & 2.

Regarding financial plan and demonstration of adequate funding. The Applicant has previously provided to the Planning Board all requirements of the Site Plan application process.

In addition to the above comments, the Applicant has included an updated Decommissioning Plan which includes a step by step removal process, additional decommissioning costs, and recycling details.

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)
Doug Cole, Prime AE (via email)



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SUPPLEMENTARY VISUAL IMPACT ASSESSMENT

Date: August 29, 2019

Project: Oak Hill Solar Farms 1 & 2

BACKGROUND

Eden Renewables is proposing the development of two PV solar generation projects in Duanesburg, New York. Each solar farm will be rated at 5 MWAC. The project site is located approximately 0.4 miles west of the intersection of Duanesburg Road and Youngs Road. The project site includes frontage on Duanesburg Road; however, the proposed solar field will be located more than 1,000 feet from Duanesburg Road.

During the initial Site Plan review process the Applicant discussed the potential visual impact of the project with the Planning Board and the Planning Board agreed that given the distance of the proposed solar field from the adjoining highway, site topography and existing vegetation that the visual impact would be minimal. It is important to note that the proposed project meets or exceeds all the bulk area requirements for utility scale solar projects found within the Town of Duanesburg's Solar Use Law.

During the Public Hearing phase of the Site Plan review process the visual impact of the proposed project was questioned and the Applicant commissioned a supplementary visual impact assessment. This Supplementary Visual Impact Assessment includes photographs taken from the ground surface and using a drone. Prior to taking the photographs helium balloons were fixed at 10 ft and 20 ft in elevation at the corners of the proposed solar array. Using these photographs a visual simulation of the proposed solar farm was generated from specific key vantage points. These vantage points were selected based on proximity to the neighboring landowners questioning the future visual impact. In addition to the photographic simulations, available USGS topography was used to generate surface topography profiles from the neighboring homes toward and through the solar farm and drone photography was used to help document the nature of existing vegetation between the neighboring residences and the proposed solar farm.

The following discussion and attached illustrations document the findings of the Supplemental Visual Impact Assessment.

VISUAL ASSESSMENT VANTAGE POINTS

The Supplemental Visual Impact Assessment was focused on two neighboring properties to the east that are situated closest to the proposed solar farm referred to herein as the Biggs Residence and the Otis Residence (located approximately 800 ft and 1,200 ft respectively from the edge of the solar array to nearest residential structure).

VISUAL ASSESSMENT METHODS

The proposed solar arrays will include solar panels installed with a maximum height above existing grade of approximately 8.5 ft. In an effort to assess the potential visual impacts a set of two 3 ft diameter balloons were flown at each of the primary corners of the array, to act as visual sight beacons, and photographs were obtained looking toward the array from the requested vantage points. One of the two balloons was installed at a maximum height of 8.5 ft to represent the height of the solar array and the second balloon, installed on the same tether, was installed at a maximum height of 20 ft to provide a location reference in the event the 8.5 ft high balloon could not be observed from the various vantage points.

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The photographs obtained from each of the requested vantage points were studied for potential visual impact and photo editing software was used to superimpose a graphical representation of the potential array visibility within each photograph.

In addition, Google Earth was used to generate a ground surface profile from each of the vantage points to the array.

VISUAL ASSESSMENT RESULTS

Biggs Residence

The attached illustration identified as Figure 1 represents an aerial view (google earth) in the vicinity of the proposed solar farm with a profile (USGS topographic data) generated from the Biggs Residence through the solar array. The Biggs residence is depicted on the plan and profile by the red house symbol. As noted and demonstrated more clearing in Figure 5, there exists significant vegetation both evergreen and deciduous between the Biggs residence and the proposed solar array. In addition, the topography is such that the solar array is lower in elevation than the Biggs residence and, in fact, a significant portion of the array would be limited from view even if no vegetation existed between the Biggs residence and the solar array.

The attached illustration identified as Figure 3 depicts the location of two photographs and the location of balloons flown at the time of the photographs at specific locations on the proposed solar array. Photograph 1 was taken at ground level looking northwest toward the future solar array. Photograph 2 was taken from an aerial drone looking toward the Biggs and Otis residences.

The attached illustration identified as Figure 4 represents the location of the future solar array superimposed on Photograph 1. As noted on the photograph the 20 ft high helium balloons are visible in the photograph.

The attached illustration identified as Figure 5 is an aerial photograph taken from a drone looking to the southeast from a position near the proposed solar array toward the Biggs and Otis residences. The photograph clearly shows the significance of vegetation, both evergreen and deciduous, and distance between the existing residences and the property of the future solar array.

The attached illustration identified as Figure 6 is a series of photographs taken from the property of the proposed solar farm looking east toward the Biggs residence. These photographs are included to further document the density of the existing vegetation.

The visual assessment supports the conclusion that 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.

Otis Residence

The attached illustration identified as Figure 2 represents an aerial view (google earth) in the vicinity of the proposed solar farm with a profile (USGS topographic data) generated from the Otis Residence through the solar array. The Otis residence is depicted on the plan and profile by the red house symbol. As noted and demonstrated more clearing in Figure 5, there exists significant vegetation both evergreen and deciduous between the Otis residence and the proposed solar array. In addition, the topography is such that a significant natural berm exists between the Otis residence and the solar array that prevents the array from being visible from the Otis residence even if no vegetation existed.

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The visual assessment supports the conclusion that 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.

**OAK HILL COMMUNITY SOLAR 1 AND 2
DECOMMISSIONING STATEMENT**

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.tekoverly.com/>

<http://www.morgenindustries.com/index.html>

<https://echoenvironmental.com/solar-panel-recycling/>

<http://www.glnow.com/>

<http://www.intercotradlndco.com/usa-solar-panel-recycling/>

<https://silrec.com/>

<http://www.solarsilicon.com/>

Appendix 1
Site Location Plan

**Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 2019**

**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 Massachusetts 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	7,618	\$4.50	\$34,281.00
Remove Transformers & Concrete Pads	Each	2	\$5,000.00	\$10,000.00
Remove Major Switch Gear & Concrete Pad	Each	1	\$5,000.00	\$5,000.00
Remove Modules and Racking	\$/MWac	5	\$9,000.00	\$45,000.00
Removal of Posts	Each	1,975	\$28.00	\$59,500.00
Remove & Dispose String Inverters, Storage and DC Converters	Each	60	\$300.00	\$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	624	\$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	\$300,003.00
	Racking Steel (lbs)	1,168,100.00	\$0.05	\$58,405.00
	Racking Aluminum (lbs)	1,760,000.00	\$0.15	\$264,000.00
	Project Cabling (lbs)	75,931.00	\$0.73	\$55,429.63
Total Salvage Value				\$677,837.63
Proposed decommissioning fund				\$211,381.00

FACT SHEET

DECOMMISSIONING SOLAR
PANEL SYSTEMS



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.

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 governments 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 reevaluation 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
Breakup and Remove Concrete Pads or Ballasts	\$1,500
Remove Racks	\$7,800
Remove Cable	\$5,500
Remove Ground Screws and Power Poles	\$13,850
Remove Fence	\$4,950
Grading	\$4,000
Seed Disturbed Areas	\$250
Truck to Recycling Center	\$2,250
Current Total	\$60,200
Total After 20 Years (2.5% Inflation Rate)	\$68,600

¹ Town of Geneva, N.Y. CODE § 130-4(D)(5) (2016);



NYSERDA

Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 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 Duanesburg

By:

Name:

Title:

cc:

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For
Interconnection Customer: Oakhill Solar 1 LLC
Applicant: New PowerCo Inc.
5,000 kW Photovoltaic Generator System
13590 Duaneburg Delanson, NY 12053

Interconnection to National Grid
NY Eastern Division
Northeast Region
Cobleskill District
Delanson #269 Substation
13.2 kV Feeder 26951

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1.0 INTRODUCTION

This report presents the analysis results of the Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid" or the "Company") interconnection study based on the proposed interconnection and design submittal from the Interconnection Customer in accordance with the National Grid electric System Bulletin No. 75, Appendix B 'Distributed Generation Connected To National Grid Distribution Facilities Per The New York State Standardized Interconnection Requirements'. The intent of this report is to assess this project's feasibility, determine its impact to the existing electric power system (EPS), determine interconnection scope and installation requirements, and determine costs associated with interconnecting the Interconnection Customer's generation to the Company's Electric Power System (EPS). This Coordinated Electric System Impact Review (CESIR) study; according to the NYSSIR Section I.C Step 6; identifies the scope, schedule, and costs specific to this Interconnection Customer's installation requirements.

2.0 EXECUTIVE SUMMARY

The total estimated planning grade cost of the work associated with the interconnection of the Interconnection Customer is \$283,066.

The interconnection was found to be feasible with modifications to the existing Company EPS and operating conditions, which are described in detail in the body of this Study.

The ability to generate is contingent on this facility being served by the interconnecting circuit during normal Utility operating conditions. Therefore, if the interconnecting circuit is out of service, or if abnormal Utility operating conditions of the area EPS are in effect National Grid reserves the right to disengage the facility.

No future increase in generation output beyond that which specified herein for this interconnection has been studied. Any increase in system size and/or design change is subject to a new study and costs associated shall be borne by the Interconnection Customer. An increase in system size may also forfeit the Interconnection Customer's existing queue position.

3.0 COMPANY EPS PARAMETERS

Substation	Delanson 269
Transformer Name	TB1
Transformer Peak Load (MW)	8.6
Contingency Condition Load, N-1 Criteria (MW) (as applicable)	3.4
Daytime Light Load (MW)	2.1
Generation: Total, Connected, Queued (MW)	8.1, 3.1, 5.1
Contingency Condition Generation: Total, Connected, Queued (MW)	7.6, 2.6, 5.0
Supply Voltage (kV)	13.2

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Transformer Maximum Nameplate Rating (kVA)	14
Distribution Bus Voltage Regulation	Yes
Transmission GFOV Status	Installed
Bus Tie	None
Number of Feeders Served from this Bus	2

Connecting Feeder/Line	26951
Peak Load on feeder (kW)	5.2
Daytime Light Load on Feeder (MW)	1.3
Feeder Primary Voltage at POI (kV)	13.2
Line Phasing at POI	3
Distance to nearest 3-phase, (if applicable)	n/a
Line/Source Grounding Configuration at POI	effective
Other Generation: Total, Connected, Queued (kW)	7.6, 2.6, 5.0

System Fault Characteristics without Interconnection Customer DG at POI	
Interconnection Customer POI Location	P182-1 (Duanesburg Rd.)
I 3-phase (3LLL)	1,303 Amps
I Line to Ground (3I0)	894 Amps
Z1 (100 MVA base)	1.0860 + j3.1946 PU
Z0 (100 MVA base)	2.7636 + j7.5176 PU

4.0 INTERCONNECTION CUSTOMER SITE

The Interconnection Customer is proposing a new solar photovoltaic primary service connection with Account No. 2858968039.

This location is presently served via National Grid 13.2kV feeder 26951 from Delanson Substation.

The proposed generating system consists of:

- One hundred-eleven HUAWEI SUN2000-45KTL-US, 45kW, 600VAC, 3-Phase Inverters connected to
- Nine 800A, 3-Phase Powerboards, having a 800A main circuit breaker, through a 70A circuit breaker (1 per inverter x 11 per powerboard),
- Two 600A, 3-phase Powerboards, having a 450A main circuit breaker, through a 70A circuit breaker (1 per inverter x 6 per powerboard.)
- Two 2500kVA 2 Winding Design 600V - 13.2kV step-up transformers
- The outputs of both transformers are then connected to a customer-owned riser pole. This then continues on to
- A customer-owned primary service that consists of a customer-owned gang operated air break switch.

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- A 75kVA, 3-Phase grounding transformer with Z= 5% and X/R = 6 configured wye-ground/delta is connected on the primary side of the step-up transformers utilizing a 51G ground overcurrent relay through a customer owner recloser

5.0 SYSTEM IMPACT ANALYSIS

Category	Criteria	Limit	Result
Voltage	Overvoltage	< 105% (ANSI C84.1)	Fail
With the addition of the subject generator the maximum voltage as modeled on the Feeder is 106% of nominal. To alleviate the overvoltage with the addition of the subject generator, the bank of 3-76.2kVA regulators on P.170 Duanesburg Rd would need to be replaced with 3-333kVA 7.62kV regulators with bi-directional controls and relocated to on or near Pole 115 Duanesburg Rd.			
Voltage	Undervoltage	> 95% (ANSI C84.1)	Pass
With the addition of the subject generator the minimum voltage as modeled on the Feeder is 95% of nominal.			
Voltage	Substation Regulation for Reverse Power	Reverse Power on LTC	Pass
The total generation on Feeders 26951 and 26952, is 8.1 MW. The total minimum load on these Feeders is 2.15 MW. Therefore, the generation to load ratio is 376% and reverse power can flow through TB2 onto the transmission system. TB2 already has a LTC with bi-directional controls and no further action is required.			
Voltage	Feeder Regulation for Reverse Power	Minimum load to generation ratio	Fail
The total generation downstream of voltage regulator P.170 is 5.08 MW. The minimum load downstream of the voltage regulator is 0.217 MW. Therefore, the generation to load ratio is 2341%. Bi-directional controls will be needed on the distribution voltage regulator.			
Voltage	Fluctuation	<3% steady state from proposed generation on feeder	Pass
The greatest voltage fluctation on the feeder occurs at P.170 Duanesburg Rd The resulting fluctuation at the feeder location is 3% due to the proposed generation.			
Voltage	Flicker	Screen H Flicker	Pass
The Pst for the location with the greatest voltage fluctuation is 0.256 and the emissions limit is 0.35.			
Equipment Ratings	Thermal (continuous current)	thermal limits	Fail
The subject generator's full output current is 219 A. The total full output current of all DER downstream of the regulators at P.170 is 222A. The 3-76.2kVA regulators on P.170 thermal capabilities are 100A. Regulators on P.170 would need to be increased in size to accommodate the full output current of all DER downstream.			

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Equipment Ratings	Withstand (fault current)	<90% withstand limits	Pass
The additional fault current contribution from the generation does not contribute to interrupting ratings in excess of existing EPS equipment.			
Protection	Unintentional Islanding	Unintentional Islanding Document & Company Guidelines	Fail
The subject generator is a 5 MW PV generation system. The subject generation exceeds the Company's criteria for islanding a distributed resource under light load conditions and will require a National Grid protection and control package.			
Protection	Protective device coordination	Company Guidelines	Fail
There are two reclosers between the subject generator POI and the substation. Recloser R99541 on Alexander Road and recloser R99543 on Duaneburg Road. The subject generator exceeds the Company's criteria for islanding a distributed resource, necessitating the replacement of the R99543 recloser to enable voltage supervised reclose on the DER side of the recloser. The R99541 recloser is already equipped with this functionality and does not need to be replaced, however setting changes are required to maintain coordination with the R99543 recloser.			
The proposed customer owned recloser for site overcurrent protection will provide adequate coordinate with upstream devices on the Company's EPS. Settings for the 51 and 51G protection shall be submitted to the Company for acceptance review.			
Protection	Fault Sensitivity	Rated capabilities of EPS equipment	Pass
Fault studies show that contribution from the subject generator for faults on the feeder will not have a significant increase in fault current seen by utility equipment. Aggregate source fault contribution with the addition of the subject generator is within the rated capabilities of EPS equipment.			
Protection	Ground Fault Detection	Reduction of reach > x% (by Utility)	Fail
The Interconnection Customer has proposed a 13.2kV connected 75kVA grounding bank with an impedance of 5% and X/R ratio of 6. To be within Company guidelines the grounding bank shall have an impedance of 33.686 ohms for a voltage base of 13.2kV. With this grounding bank in place the Interconnection Customer will contribute approximately 76A of 3I0 current to remote bolted line to ground faults and 328A to faults at the PCC.			
Protection	Overvoltage - Transmission System Fault	Company 3V0 criteria	Pass
The generation to load ratio on the serving distribution system has failed the Company's planning threshold in which transmission ground fault overvoltage become an electrical hazard due to the distribution source contribution. An evaluation of the existing EPS has been performed and it has been determined that protection mitigation methods are required. However, a 3V0 protection scheme has already been installed and no further action is required			
Protection	Overvoltage - Distribution System Fault	< 125 % voltage rise	Pass
With subject generator interconnected the modeled voltage rise on the unfaulted phases of the system is 121%.			

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Protection	Effective Grounding	R0/X1 < 1 and X0/X1 < 3	Pass
With subject generator interconnected the modeled R0/X1 is 0.527 PU and the X0/X1 is 2.0577 PU			
SCADA	Required EMS Visibility for Generation Sources	Monitoring & Control Requirements	Fail
The 5 MW subject generator triggers the requirement for SCADA reporting to the Utility.			
Other			

6.0 MITIGATIONS FOR SYSTEM IMPACT ANALYSIS FAILURES

Detail below is intended to provide sufficient information and clarity to give the Interconnection Customer an understanding to the relationship of costs and scope associated with the DER interconnection and the system modifications due to the DER impact. Where scope items are identified, associated labor, equipment rentals and indirect project support functions (such as engineering and project management) are intended and implied.

Upgrade Required	Option 1	Failures Addressed
3VO Substation cost sharing mechanism	\$0	Overvoltage - Transmission System Fault
National Grid protection and control package	\$102,518	Unintentional Islanding
Recloser R95543 on P95 Duaneburg Rd— Full Replacement	\$70,183	Lack of voltage supervised reclosing
Removal of existing 3-phase regulator bank and installation of 3-phase regulator bank on P115 Duaneburg Rd	\$85,518	Overvoltage - Distribution
SCADA Integration	\$6,848	Required EMS Visibility for Generation Sources

Additional details on the scope of each option can be found below:

Option 1:

The substation upgrades required to facilitate the proposed installation include the following:

- LTC bi-directional control capability is already incorporated in TB 1 at Delanson
- A 3VO protection scheme is already incorporated at Delanson station

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The Distribution upgrades required to facilitate the proposed installation include the following:

- National Grid Protection and Control Package
- SCADA Integration (equipment integrated into the PCC recloser)
- The R95543 recloser on pole 95 Duaneburg Road will be replaced in its entirety to enable voltage supervised reclosing on the DER side of the recloser.
- Replacing 3-76.2kVA regulators P.170 Duaneburg Rd with 3-333kVA 7.62kV regulators cluster mounted on or near P.115 Duaneburg Rd

7.0 CONCEPTUAL COST ESTIMATE

The following items are a good faith estimate for the scope and work required to interconnect the project estimated under rates and schedules in effect at the time of this study in accordance with the most recent version of the New York State Standardized Interconnection Requirements ("SIR").

Planning Grade Estimate

Table 7-1: Estimate

National Grid Work Segment	Planning Grade Cost Estimate not including Tax Liability				Capital portion for calculating tax liability	Tax Liability Applied to Capital	Customer Cost Totals
	Material	Labor	Overheads	Pre-Tax Total	Capital Costs	Rate	Total
Distribution System Modifications						14.14%	
National Grid Protection and Control Package <i>(Recloser, Switches, and Poles)</i>	\$ 40,289	\$ 20,573	\$ 29,344	\$ 90,205	\$ 87,075	\$ 12,312	\$ 102,517
SCADA Integration (equipment integrated into PCC Recloser)	\$ 4,000	\$ -	\$ 2,000	\$ 6,000	\$ 6,000	\$ 848	\$ 6,848
New Mid-Line Recloser in the vicinity of P149 Riverview Road	\$ 41,083	\$ 11,985	\$ 8,485	\$ 61,553	\$ 61,033	\$ 8,630	\$ 70,183
Removal of existing 3-phase regulator bank and installation of 3-phase regulator bank on P115 Duaneburg Rd	\$ 36,675	\$ 9,595	\$ 30,844	\$ 77,114	\$ 59,431	\$ 8,404	\$ 85,518
Substation Modifications						14.14%	
Non-System Costs						0%	
Customer Documentation Review, Field Verification and Witness Testing		\$ 12,000	\$ 6,000	\$ 18,000	\$ -	\$ -	\$ 18,000
Total Project Costs:	\$ 122,047	\$ 54,153	\$ 76,673	\$ 252,872	\$ 213,539	\$ 30,195	\$ 283,066
Dline Summary	\$ 122,047	\$ 54,153	\$ 76,673	\$ 252,872	\$ 213,539	\$ 30,194	\$ 283,066
Station Summary	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

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Notes:

1. These estimated costs are based upon the results of this study and are subject to change. All costs anticipated to be incurred by the Company are listed.
2. The Company will reconcile actual charges upon project completion and the Interconnection Customer will be responsible for all final charges, which may be higher or lower than estimated according to the SIR I.C step 11.
3. This estimate does not include the following:
 - additional interconnection study costs, or study rework
 - additional application fees,
 - applicable surcharges,
 - property taxes,
 - overall project sales tax,
 - future operation and maintenance costs,
 - adverse field conditions such as weather and Interconnection Customer equipment obstructions,
 - extended construction hours to minimize outage time or Company's public duty to serve,
 - the cost of any temporary construction service, or
 - any required permits.
4. Cost adders estimated for overtime would be based on 1.5 and 2 times labor rates if required for work beyond normal business hours. Per Diems are also extra costs potentially incurred for overtime labor.

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For
Interconnection Customer: Oakhill Solar 2 LLC
Applicant: New PowerCo Inc.
5,000 kW PV Generator System

Interconnection to National Grid
NY East
Northeast Region
Cobleskill District
Delanson Substation
13.2 kV Feeder 26951

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1.0 INTRODUCTION

This report presents the analysis results of the Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid" or the "Company") interconnection study based on the proposed interconnection and design submittal from the Interconnection Customer in accordance with the National Grid electric System Bulletin No. 75, Appendix B 'Distributed Generation Connected To National Grid Distribution Facilities Per The New York State Standardized Interconnection Requirements'. The intent of this report is to assess this project's feasibility, determine its impact to the existing electric power system (EPS), determine interconnection scope and installation requirements, and determine costs associated with interconnecting the Interconnection Customer's generation to the Company's Electric Power System (EPS). This Coordinated Electric System Impact Review (CESIR) study; according to the NYSSIR Section I.C Step 6; identifies the scope, schedule, and costs specific to this Interconnection Customer's installation requirements.

2.0 EXECUTIVE SUMMARY

The total estimated planning grade cost of the work associated with the interconnection of the Interconnection Customer is \$153,177.

The interconnection with the Company EPS was found to not be feasible unless the following modifications to the Interconnecting Customers system are completed, which are described in further detail in the body of this Study.

The interconnection was found to be feasible with modifications to the existing Company EPS and operating conditions, which are described in detail in the body of this Study.

The proposed Energy Storage System (ESS) in combination with the generation component of this project shall at no time exceed the generation component of this project or 5,000 kW. The ESS is approved to release energy to the EPS 24 hours a day.

The ability to generate is contingent on this facility being served by the interconnecting circuit during normal Utility operating conditions. Therefore, if the interconnecting circuit is out of service, or if abnormal Utility operating conditions of the area EPS are in effect National Grid reserves the right to disengage the facility.

No future increase in generation output beyond that which specified herein for this interconnection has been studied. Any increase in system size and/or design change is subject to a new study and costs associated shall be borne by the Interconnection Customer. An increase in system size may also forfeit the Interconnection Customer's existing queue position.

3.0 COMPANY EPS PARAMETERS

Substation	Delanson 269
Transformer Name	TB1
Transformer Peak Load (MW)	8.6

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Contingency Condition Load, N-1 Criteria (MW) (as applicable)	3.4
Daytime Light Load (MW)	2.1
Generation: Total, Connected, Queued (MW)	13.1, 3.1, 10.0
Contingency Condition Generation: Total, Connected, Queued (MW)	12.6, 2.6, 10.0
Supply Voltage (kV)	13.2
Transformer Maximum Nameplate Rating (MVA)	14
Distribution Bus Voltage Regulation	Yes
Transmission GFOV Status	Installed
Bus Tie	None
Number of Feeders Served from this Bus	2

Connecting Feeder/Line	26951
Peak Load on feeder (MW)	5.2
[Daytime, 24 hour] Light Load on Feeder (MW)	1.3
Feeder Primary Voltage at POI (kV)	13.2
Line Phasing at POI	3
Distance to nearest 3-phase, (if applicable)	n/a
Line/Source Grounding Configuration at POI	effective
Other Generation: Total, Connected, Queued (MW)	12.6, 2.6, 10.0

System Fault Characteristics without Interconnection Customer DG at POI	
Interconnection Customer POI Location	P182-2 Duaneburg Rd.
I 3-phase (3LLL)	1,425 Amps
I Line to Ground (3I0)	1,116 Amps
Z1 (100 MVA base)	1.4877 + j2.7113 PU
Z0 (100 MVA base)	1.4289 + j5.5790 PU

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4.0 INTERCONNECTION CUSTOMER SITE

The Interconnection Customer is proposing new solar photovoltaic primary service connection with Account No. 1638576030

This location is presently served by the Company's 13.2kV radial distribution feeder 26951 from Delanson Substation.

The proposed generating system consists of:

- One hundred-eleven HUAWEI SUN2000-45KTL-US, 45kW, 600VAC, 3-Phase Inverters connected to
- Nine 800A, 3-Phase Powerboards, having a 800A main circuit breaker, through a 70A circuit breaker (1 per inverter x 11 per powerboard),
- Two 600A, 3-phase Powerboards, having a 450A main circuit breaker, through a 70A circuit breaker (1 per inverter x 6 per powerboard.)
- Two 2500kVA 2 Winding Design 600V - 13.2kV step-up transformers
- The outputs of both transformers are then connected to a customer-owned riser pole. This then continues on to
- A customer-owned primary service that consists of a customer-owned gang operated air break switch.
- A 75kVA, 3-Phase grounding transformer with Z= 5% and X/R = 6] configured wye-ground/delta is connected on the primary side of the step-up transformers utilizing a 51G ground overcurrent relay through a customer owner recloser

5.0 SYSTEM IMPACT ANALYSIS

Category	Criteria	Limit	Result
Voltage	Overvoltage	< 105% (ANSI C84.1)	Fail
With the addition of the subject generator the maximum voltage as modeled on the Feeder is 105.27% of nominal.			
Voltage	Undervoltage	> 95% (ANSI C84.1)	Pass
With the addition of the subject generator the minimum voltage as modeled on the Feeder is 98.7% of nominal.			
Voltage	Substation Regulation for Reverse Power	Reverse Power on LTC	Pass
The total generation on Feeders 26951 and 26952 is 13.1 MW. The total minimum load on these Feeders is 2.15 MW. Therefore, the generation to load ratio is 609% and reverse power can flow through TB2 onto the transmission system. TB2 already has a LTC with BI-directional controls and no further action is required.			
Voltage	Feeder Regulation for Reverse Power	Minimum load to generation ratio	Fail

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The total generation downstream of 3-333kVA voltage regulator on P.115 Duanesburg Rd is 10.08 MW. Due to downstream DG in queue, the subject voltage regulators will have bi-directional controls installed and will experience reverse power flow.

Voltage	Fluctuation	<3% steady state from proposed generation on feeder	Pass
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The greatest voltage fluctuation on the feeder occurs at P.23 Old HWY 30 Tax District 7225, Line #86. The resulting fluctuation at the feeder location is 2.1% due to the proposed generation and < 1% on the substation bus due to the aggregate generation.

Voltage	Flicker	Screen H Flicker	Pass
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The Pst for the location with the greatest voltage fluctuation is 0.178 and the emissions limit is 0.35.

Equipment Ratings	Thermal (continuous current)	< 100% thermal limits	Fail
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The subject generator's full output current is 219 A. The total full output current of all DER downstream of 3-333kVA regulators on P.115 Duanesburg Rd is 441 A. The 3-333kVA regulators thermal capabilities are 437 A.

Additionally, the Delanson substation getaway conductor consists of 4/0 Bare conductor which has a thermal capability of 440 A. Due to the proposed generation, approximately 200' of conductor must be replaced with 366.4 SAL.

Equipment Ratings	Withstand (fault current)	<90% withstand limits	Pass
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The additional fault current contribution from the generation does not contribute to interrupting ratings in excess of existing EPS equipment.

Protection	Unintentional Islanding	Unintentional Islanding Document & Company Guidelines	Fail
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The subject generator is a 5 MW PV generation system. The subject generation exceeds the Company's criteria for islanding a distributed resource under light load conditions and will require a National Grid protection and control package.

Protection	Protective device coordination	Company Guidelines	Fail
------------	--------------------------------	--------------------	------

There are two reclosers between the subject generator POI and the substation. Recloser R99541 on Alexander Road and recloser R99543 on Duanesburg Road. The subject generator exceeds the Company's criteria for islanding a distributed resource, necessitating the replacement of the R99543 recloser to enable voltage supervised reclose on the DER side of the recloser. The R99541 recloser is already equipped with this functionality and does not need to be replaced. Setting changes to the R99541 recloser are required to maintain coordination with the R99543 recloser. However the replacement of R99543 and setting changes for R99541 are already planned under an in-process DER project higher in the queue.

The proposed customer owned recloser for site overcurrent protection will provide adequate coordinate with upstream devices on the Company's EPS. Settings for the 51 and 51G protection shall be submitted to the Company for acceptance review.

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Protection	Fault Sensitivity	Rated capabilities of EPS equipment	Pass
Fault studies show that contribution from the subject generator for faults on the feeder will not have a significant increase in fault current seen by utility equipment. Aggregate source fault contribution with the addition of the subject generator is within the rated capabilities of EPS equipment.			
Protection	Ground Fault Detection	Reduction of reach > x% (by Utility)	Fail
The Interconnection Customer has proposed a 13.2kV connected 500kVA grounding bank with an impedance of 5%. To be within Company guidelines the grounding bank shall have an impedance of 33.686 for a voltage base of 13.2kV. With this grounding bank in place the Interconnection Customer will contribute approximately 60A of 3I0 current to remote bolted line to ground faults and 308A to faults at the PCC.			
Protection	Overvoltage - Transmission System Fault	Company 3V0 criteria	Fail
The generation to load ratio on the serving distribution system has failed the Company's planning threshold in which transmission ground fault overvoltage become an electrical hazard due to the distribution source contribution. An evaluation of the existing EPS has been performed and it has been determined that protection mitigation methods are required. However, 3V0 is already incorporated at Delanson Station.			
Protection	Overvoltage - Distribution System Fault	< 125 % voltage rise	Pass
With subject generator interconnected the modeled voltage rise on the unfaulted phases of the system is 124%.			
Protection	Effective Grounding	R0/X1 < 1 and X0/X1 < 3	Pass
With subject generator interconnected the modeled R0/X1 is 0.3874 PU and the X0/X1 is 1.9712 PU			
SCADA	Required EMS Visibility for Generation Sources	Monitoring & Control Requirements	Fail
The 5 MW subject generator triggers the requirement for SCADA reporting to the Utility.			
Other			

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6.0 MITIGATIONS FOR SYSTEM IMPACT ANALYSIS FAILURES

Detail below is intended to provide sufficient information and clarity to give the Interconnection Customer an understanding to the relationship of costs and scope associated with the DER Interconnection and the system modifications due to the DER Impact. Where scope items are identified, associated labor, equipment rentals and indirect project support functions (such as engineering and project management) are intended and implied.

Upgrade Required	Option 1	Failures Addressed
3VO Substation cost sharing mechanism	\$0	Overvoltage - Transmission System Fault
National Grid protection and control package	\$102,518	Unintentional Islanding
Reconductor ~ 200ft of primary overhead 4/0 CU conductor	\$25,812	Thermal Limits
SCADA Integration	\$6,848	Required EMS Visibility for Generation Sources

Additional details on the scope of each option can be found below:

The Distribution upgrades required to facilitate the proposed installation include the following:

- National Grid Protection and Control Package
- SCADA Integration (equipment integrated into the PCC recloser)
- Reconductor ~ 200ft of primary overhead 4/0 CU conductor from the Delanson Substation to P.11. Replace 4/0 CU with 336.4 SAL.

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7.0 CONCEPTUAL COST ESTIMATE

The following items are a good faith estimate for the scope and work required to interconnect the project estimated under rates and schedules in effect at the time of this study in accordance with the most recent version of the New York State Standardized Interconnection Requirements ("SIR").

Planning Grade Estimate

Table 7-1: Estimate

National Grid Work Segment	Planning Grade Cost Estimate not Including Tax Liability				Capital portion for calculating tax liability	Tax Liability Applied to Capital	Customer Cost Totals
	Material	Labor	Overheads	Pre-Tax Total	Capital Costs	Rate	Total
Distribution System Modifications						14.14%	
National Grid Protection and Control Package (Recloser, Switches, and Poles)	\$ 40,289	\$ 20,573	\$ 29,344	\$ 90,205	\$ 87,075	\$ 12,312	\$ 102,517
SCADA Integration (equipment integrated into PCC Recloser)	\$ 4,000	\$ -	\$ 2,000	\$ 6,000	\$ 6,000	\$ 848	\$ 6,848
Reconductor ~200' of primary overhead	\$ 2,832	\$ 10,168	\$ 10,605	\$ 23,605	\$ 15,605	\$ 2,207	\$ 25,812
Substation Modifications						14.14%	
Non-System Costs						0%	
Customer Documentation Review, Field Verification and Witness Testing		\$ 12,000	\$ 6,000	\$ 18,000	\$ -	\$ -	\$ 18,000
Total Project Costs:	\$ 47,121	\$ 42,741	\$ 47,949	\$ 137,810	\$ 108,680	\$ 15,368	\$ 153,177
Dline Summary	\$ 47,121	\$ 42,741	\$ 47,949	\$ 137,810	\$ 108,680	\$ 15,367	\$ 153,177
Station Summary	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Notes:

1. These estimated costs are based upon the results of this study and are subject to change. All costs anticipated to be incurred by the Company are listed.
2. The Company will reconcile actual charges upon project completion and the Interconnection Customer will be responsible for all final charges, which may be higher or lower than estimated according to the SIR I.C step 11.
3. This estimate does not include the following:
 - additional interconnection study costs, or study rework
 - additional application fees,
 - applicable surcharges,
 - property taxes,
 - overall project sales tax,
 - future operation and maintenance costs,
 - adverse field conditions such as weather and Interconnection Customer equipment obstructions,
 - extended construction hours to minimize outage time or Company's public duty to serve,

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- the cost of any temporary construction service, or
 - any required permits.
4. Cost adders estimated for overtime would be based on 1.5 and 2 times labor rates if required for work beyond normal business hours. Per Diems are also extra costs potentially incurred for overtime labor.



PHASE I ARCHEOLOGICAL INVESTIGATION
Oak Hill Solar Farms

NY-7/ Duanesburg Road
Town of Duanesburg
Schenectady County, New York

HAA # 5379-31
OPRHP 18PR02968

Submitted to:
Giovanni Maruca
Eden Renewables
333 Broadway, Suite 460
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Prepared by:
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May 2019


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dated September 5, 2019

Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation

MANAGEMENT SUMMARY

SHPO Project Review Number: 18PR02968
Involved State and Federal Agencies: NYSDEC
Phase of Survey: LA/IB

LOCATION INFORMATION

Municipality: *Town of Duaneburg*
County: *Schenectady*

SURVEY AREA

Length: *Approximately 2,750 feet*
Width: *Approximately 1,900 feet*
Acres: Phase IB Survey Area: *3.6 acres*
APE: *66.6 acres*

ARCHEOLOGICAL SURVEY OVERVIEW

Number and Interval of Shovel Tests: *114 shovel tests at 50-ft (15 m) intervals*
Number and Size of Units: *None (0)*
Width of Plowed Strips: *None (0)*
Surface Survey Transect Interval: *None (0)*

RESULTS OF ARCHEOLOGICAL SURVEY

Number and Name of Precontact Sites Identified: *None (0)*
Number and Name of Historic Sites Identified: *None (0)*
Number and Name of Sites Recommended for Phase II or Avoidance: *None (0)*

RECOMMENDATIONS

No cultural materials were recovered in any tests within the Project. No historic or precontact archeological sites were identified during the Project. No further work is recommended for the Project.

Report Authors: *Elizabeth Gregory, Matthew J. Kirk, RPA*
Date of Report: *May 2019*



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Exhibit 16: Letter from EDP to the Planning Board,
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Oak Hill Solar Farms, Town of Duanesburg, Schenectady County, New York
Phase I Archeological Investigation

ABSTRACT

Hartgen Archeological Associates, Inc. (Hartgen) conducted a Phase I archeological investigation for the proposed Eden Renewables Solar Farm project (Project) located in the Town of Duanesburg, Schenectady County, New York. The Project is located north of NY-7 W/ Duanesburg Rd, in the Town of Duanesburg, Schenectady County, New York. It is located in agricultural fields, in a rural area approximately 0.4 mile west of the intersection of Youngs Road and Duanesburg Road.

The Project entails the development of two solar arrays, Oak Hill #1 and Oak Hill #2. The Project will also entail the construction of a 20-ft wide gravel access road with turnaround areas, totaling approximately 2,750 linear feet, along existing farm paths. An additional 500 linear feet of new paths will also be installed. Additionally, approximately 3,125 linear feet of trenching will be conducted for the placement of electrical lines, and this trench will be within 25 feet of the access road centerlines. Finally, the Project also entails storm water management areas totaling approximately 0.75 acre. The entirety of the Project is situated within a 184.42-acre property, which fronts on NY-7. One house is located within the property boundaries, but is outside of the APE and the Phase IB Survey Area, and will not be impacted by the proposed Project.

Correspondence with SHPO indicated that the Project was located in an archeologically sensitive area, and recommended a Phase I archeological survey. A Phase IA archeological literature review and sensitivity assessment indicated that the Project has a low to moderate precontact archeological sensitivity, a moderate to high historic archeological sensitivity, and a high archeological potential. As such, shovel testing was completed at standard 50-ft intervals within the designated Phase IB Survey Area. A total of 114 shovel tests were excavated throughout the Phase IB Survey Area. No cultural materials were recovered during shovel testing. No precontact or historic archeological sites were identified during this survey. No further work is recommended for this Project.

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Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation

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Appendix 1: Shovel Test Records



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Phase I Archeological Investigation

Map List

- Map 1. Project Location (USGS 2015)
- Map 2. Project Map (ESRI 2018)
- Map 3. Soil Map (USDA NRCS 2018)
- Map 4. (Anonymous 1756; Beers and Beers 1866; Pagan 1856; USGS 1943; USGS 1980)

Photograph List

- Photo 1. Archeologists excavate tests in the southernmost portion of the Project, near NY-7/Duaneburg Road. Areas of standing water are visible to the left of the photo. View looking north.
- Photo 2. A portion of the existing farm road was slightly built up and graveled, as visible near the pile of logs in this photo. View looking north.
- Photo 3. This stone foundation, associated with a former horse barn on the property, was located to the south and east of the Area of Potential Effects. It will not be impacted by the Project.
- Photo 4. View looking southwest towards the existing farm path. Test 37 is visible in the foreground.
- Photo 5. A delineated wetland in the central-eastern portion of the Project is visible in this photo. This wetland, located within a slight depression in the field, intersected the transect numbered Tests 40-48. View looking east.
- Photo 6. View looking east towards the tree line near the center of the Phase IB Survey Area. Test 54 is visible in the foreground.
- Photo 7. The remnants of a stone farm field wall are visible in the foreground of this photo. Remnants of these short stone walls were observed in each brushy area dividing each smaller field section within the Project (Map 2). View looking southwest.
- Photo 8. Standing water was observed in several areas of the Phase IB Survey Area, including the westernmost portion of the Project. View looking east near Tests 87 and 88.
- Photo 9. Archeologists excavate Tests 99-101, near the northernmost section of the Phase IB Survey Area. View looking north.
- Photo 10. View looking west along the northeastern transect of the Project. Test 113 is visible in the foreground.

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Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation

PHASE I CULTURAL RESOURCES SURVEY

1 Introduction

Hartgen Archeological Associates, Inc. (Hartgen) conducted a Phase I archeological investigation for the proposed Eden Renewables Solar Farm project (Project) located in the Town of Duaneburg, Schenectady County, New York. The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has requested a Phase I archeological survey for the Project.

This investigation was conducted to comply with Section 14.09 of the State Historic Preservation Act and will be reviewed by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The investigation was conducted according to the New York Archaeological Council's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* (1994), which are endorsed by OPRHP. This report has been prepared according to OPRHP's *State Historic Preservation Office (SHPO) Phase I Archeological Report Format Requirements* (2005).

2 Project Information

2.1 Project Location

The Project is located north of NY-7 W/ Duaneburg Rd, in the Town of Duaneburg, Schenectady County, New York. It is located in agricultural fields, in a rural area approximately 0.4 mile west of the intersection of Youngs Road and Duaneburg Road.

2.2 Description of the Project

The Project entails the development of two solar arrays, Oak Hill #1 and Oak Hill #2. The Project will also entail the construction of a 20-ft wide gravel access road with turnaround areas, totaling approximately 2,750 linear feet, along existing farm paths. An additional 500 linear feet of new paths will also be installed. Additionally, approximately 3,125 linear feet of trenching will be conducted for the placement of electrical lines, and this trench will be within 25 feet of the access road centerlines. Finally, the Project also entails storm water management areas totaling approximately 0.75 acre. The entirety of the Project is situated within a 184.42-acre property, which fronts on NY-7.

One house is located within the project parcel boundaries, but is outside of the APE and the Phase IB Survey Area, and will not be impacted by the proposed Project.

2.3 Description of the Area of Potential Effects (APE) and Phase IB Survey Area

The area of potential effects (APE) measures approximately 66.6 acres and encompasses the proposed solar arrays, access road, electrical lines, and storm water management areas.

Comments issued by OPRHP in regards to the Project state, "only the significantly ground disturbing aspects of the proposed solar project would need to be archaeologically tested (grading, trenching, staging areas, access roads, etc.)." OPRHP also noted that "the installation of panel support structures by driving or screwing the support structures into the ground is not a project component that needs to be included in the testing protocol." As such, the Phase IB survey area comprises approximately 3.6 acres of the total APE.

3 Environmental Background

The environment of an area is significant for determining the sensitivity of the Project for archeological resources. Precontact and historic groups often favored level, well-drained areas near wetlands and waterways. Therefore, topography, proximity to wetlands, and soils are examined to determine if there are landforms in the Project that are more likely to contain archeological resources. In addition, bedrock formations may contain

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Phase I Archaeological Investigation

chert or other resources that may have been quarried by precontact groups. Soil conditions can provide a clue to past climatic conditions, as well as changes in local hydrology.

3.1 Present Land Use and Current Conditions

A site visit was conducted concurrent with fieldwork by Elizabeth Gregory on April 16 and 17, 2019 to observe and photograph existing conditions within the Project.

The land consists of agricultural fields (primarily for hay production), brushlands, and secondary growth woodlands with wetlands scattered throughout. The land is currently used agriculturally and recreationally, for activities such as cross country skiing and pheasant hunting.

There is an extant house and barn within the property line of the Project, but these are located outside the APE, along NY-7. These will not be impacted by the proposed Project. Additionally, the stone foundation of a barn was observed southeast of the APE, east of the access road. A neighbor mentioned it had served as a horse barn, and was still in use when he was younger. This foundation was also located outside of the APE and will not be impacted by the current Project.

3.2 Soils

Soil surveys provide a general characterization of the types and depth of soils that are found in an area. This information is an important factor in determining the appropriate methodology if and when a field study is recommended. The soils within the Project are poorly to somewhat poorly drained silt loam, with an approximately 9-inch deep plowzone.

Table 1. Soils in Project

Symbol	Name	Depth	Textures	Slope	Drainage	Landform
BvA	Burdett-Scriba channery silt loams	0-23 cm (0-9 in) 23-41 cm (9-16 in) 41-112 cm (16-44 in) 112-152 cm (44-60 in)	Channery silt loam Channery silt loam Very gravelly silt clay loam Very gravelly silt clay loam	0-3%	Somewhat poorly drained	Drumlinoid ridges, hills, till plains
BvB	Burdett-Scriba channery silt loams	0-23 cm (0-9 in) 23-41 cm (9-16 in) 41-112 cm (16-44 in) 112-152 cm (44-60 in)	Channery silt loam Channery silt loam Very gravelly silt clay loam Very gravelly silt clay loam	3-8%	Somewhat poorly drained	Drumlinoid ridges, hills, till plains
BvC	Burdett-Scriba channery silt loams	0-23 cm (0-9 in) 23-41 cm (9-16 in) 41-112 cm (16-44 in) 112-152 cm (44-60 in)	Channery silt loam Channery silt loam Very gravelly silt clay loam Very gravelly silt clay loam	8-15%	Somewhat poorly drained	Drumlinoid ridges, hills, till plains
BxB	Burdett-Scriba association, extremely stony, gently sloping	0-23 cm (0-9 in) 23-41 cm (9-16 in) 41-112 cm (16-44 in) 112-152 cm (44-60 in)	Channery silt loam Channery silt loam Very gravelly silt clay loam Very gravelly silt clay loam	0-15%	Somewhat poorly drained	Drumlinoid ridges, hills, till plains
IIA	Illion silt loam	0-23 cm (0-9 in) 23-36 cm (9-14 in) 36-99 cm (14-39 in) 99-152 cm (39-60 in)	Silt loam Silty clay loam Channery silty clay loam Gravelly silt loam	0-3%	Poorly drained	Depressions

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Phase I Archeological Investigation

3.3 Bedrock Geology

The bedrock within the Project is Upper Ordovician age Schenectady Formation sandstone, siltstone, graywacke, and shale, of the Lorraine, Trenton, and Black River Groups (Osc). This bedrock formation is not known to be chert bearing in Schenectady County.

3.4 Physiography and Hydrology

Steeply sloped areas are considered largely unsuitable for human occupation. As such, the standards for archeological fieldwork in New York State generally exclude areas with a slope in excess of 12% from archeological testing (NYAC 1994). According to the most recent USGS topographic map, there do not appear to be any steeply sloped areas within the Project.

The APE is located approximately 1.75 miles south of the Schoharic Creek, and approximately 0.56 mile south and 0.38 mile east of an unnamed tributary of the Normans Kill. Another tributary and associated wetlands are located approximately 0.16 mile southeast of the APE.

4 Documentary Research

Hartgen conducted research using the New York State Cultural Resource Information System (CRIS), which is maintained by the New York SHPO and the Division for Historic Preservation DHP within OPRHP. CRIS contains a comprehensive inventory of archeological sites, State and National Register (NR) properties, properties determined eligible for the NR (NRE), and previous cultural resource surveys.

4.1 Archeological Sites

An examination of CRIS identified four reported archeological sites within one mile (1.6 km) of the Project (Table 2). Previously reported archeological sites provide an overview of both the types of sites that may be present in the Project and relation of sites throughout the surrounding region. The presence of few reported sites, however, may result from a lack of previous systematic survey and does not necessarily indicate a decreased archeological sensitivity within the Project.

Table 2. Archeological sites within one mile (1.6 km) of the Project

OPRHP Site No.	NYSM Site No.	Site Identifier	Description	Proximity to Project
09301.000042		SUBI 552- Kling	Historic site identified by PAF in 1976	4,900 feet southwest
09301.000041		SUBI 552- Seuling	Historic site identified by PAF in 1976	5,000 feet southwest
09301.000040		SUBI- Westfall	Site identified by PAF in 1976	5,100 feet southwest
	7494	Unnamed site	Precontact site reported by S. Bruning in 1992; site identified originally by landowner while plowing; artifacts collected included 2 Otter Creek, 1 Brewerton, 2 Levanna projectile points, 1 serrated knife, 1 ovate knife, and 1 large biface blade	2,100 feet east

4.2 Historic Properties

An examination of CRIS identified one NR property, no NRE properties, one property previously determined to be ineligible, and one property of undetermined status in the vicinity of the Project. Although the northern and eastern boundaries of the NRL Sheldon Farmhouse (90NR02640) appear to intersect the project parcel boundaries (Map 2), it is located on a separate parcel. It is likely these boundaries were incorrectly drawn on CRIS. There are no structures within the Project (Table 3).

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Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation

Table 3. Inventoried properties within the Project

USN	Property Name	Status	Description	Location and Proximity to Project
90NR02640	Sheldon Farmhouse	NRL	Constructed c. 1795, this vernacular Federal style dwelling is two-story, five-bay frame and sits on a limestone foundation; originally owned by the Wing family who were early prominent Quaker settlers to the area	200 feet west
09301.000191	13590 Duaneburg Road	Not eligible	Residence constructed c. 1860	100 feet east
09301.000190	13998 Duaneburg Road	Undetermined	Residence constructed c. 1927	2,000 feet southwest

4.3 Previous Surveys

A review of CRIS identified no previous surveys within the immediate vicinity of the Project.

5 Historical Map Review

Maps dating between 1756 through the present were reviewed for this Project.

5.1 Map-Documented and Existing Structures

As evidenced by the extant Sheldon Farmhouse (90NR02640), located southwest of the Project, there was some development in the vicinity by the late 18th century. The house at 13590 Duaneburg Road (09301.000191), located just outside the current Project, was constructed c. 1860. Other nearby development is evident on historic maps (Map 4).

The 1856 Fagan map appears to show two structures within the APE, although these do not appear on any other historic map. As the scale of older historic maps frequently differ from present-day maps, it is possible these structures were not within the APE at all. One of these could be associated with the horse barn foundation noted outside of the APE during the site visit. It is also possible that these were short-lived outbuildings, as no homeowner name is associated with these on the map. There was no evidence of these structures within the APE during the site visit.

The remainder of the historic maps do not show any development within the Project. It appears the property has remained largely undeveloped, consisting of small second-growth woodlands and agricultural fields. There are no extant structures within the Project.

6 Archeological Sensitivity Assessment

The New York Archeological Council provides the following description of archeological sensitivity:

Archaeologically sensitive areas contain one or more variables that make them likely locations for evidence of past human activities. Sensitive areas can include places near known prehistoric sites that share the same valley or that occupy a similar landform (e.g., terrace above a river), areas where historic maps or photographs show that a building once stood but is now gone as well as the areas within the former yards around such structures, an environmental setting similar to settings that tend to contain cultural resources, and locations where Native Americans and published sources note sacred places, such as cemeteries or spots of spiritual importance (NYAC 1994:9).



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Phase I Archeological Investigation

6.1 Precontact Archeological Sensitivity

The precontact sensitivity of an area is based on proximity to previously documented precontact archeological sites, known precontact resources (e.g. chert outcrops), and physiographic characteristics such as topography and drainage. Generally, areas in the vicinity of streams and wetlands are considered to have elevated sensitivity for sites associated with Native American use or occupation because they presented potential food and water sources as well as transportation corridors.

There is one precontact archeological site within one mile of the current Project. The bedrock in this area is not chert-bearing. The Project is, however, in close proximity to the Schoharie Creek and several smaller water sources. The precontact archeological sensitivity for the Project is low to moderate.

6.2 Historic Archeological Sensitivity

The historic sensitivity of an area is based primarily on proximity to previously documented historic archeological sites, map-documented structures, or other documented historical activities (e.g. battlefields).

There are two historic archeological sites within one mile of the Project. Although settlement in this vicinity began as early as the mid- to late-18th century, historic maps indicate that there has not been any settlement within the current APE. There are, however, two historic structures nearby the southern end of the Project, fronting NY-7/Duanesburg Rd. The overall historic sensitivity for the Project is low to moderate. However, the historic archeological sensitivity in the southernmost portion of the Project, adjacent to historic development (including two extant structures) is moderate to high.

7 Archeological Potential

Archeological potential is the likelihood of locating intact archeological remains within an area. The consideration of archeological potential takes into account subsequent uses of an area and the impact those uses would likely have on archeological remains.

Historic maps indicate that little or no development has occurred within the boundaries of the current Project, and historic aerial images indicate that little to no disturbance has occurred here. It appears the property has been only been used agriculturally, and consists of woodlands and agricultural fields. As such, the archeological potential of the current Project is high.

8 Archeological Survey

Correspondence from SHPO indicated that the Project was located in an archeologically sensitive area, and recommended a Phase I archeological survey.

The Phase IA literature review and archeological sensitivity assessment indicated that the Project has a low to moderate precontact archeological sensitivity, a moderate to high historic archeological sensitivity, and a high archeological potential.

SHPO has specific recommendations for solar projects, including Phase IB archeological testing "for the locations of proposed roads, facilities, retention ponds, staging areas, utility trenches over a foot wide, drainages over a foot wide, and areas of grubbing and grading." The Phase IB Survey Area was designated according to these guidelines.

With all the above information under consideration, shovel testing was completed at standard 50-ft intervals within the designated Phase IB Survey Area.

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dated September 5, 2019

Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation

8.1 Methodology

8.1.1 Shovel Testing

Shovel tests were excavated at a standard interval of 15 meters (50 ft) throughout the Phase IB Survey Area. Each shovel test was 40 centimeters (16 in) in diameter. All excavated soil was passed through 0.25-inch hardware mesh and examined for both precontact (Native American) and historic artifacts. The stratigraphy of each test was recorded including the depth, Munsell color, soil description, and artifact content (Munsell Color 2000). The location of each shovel test was plotted on the project map. Test excavation was photographed.

8.1.2 Artifacts and Laboratory

As general procedure, all precontact (Native American) cultural material identified during the fieldwork are collected. Significant historic artifacts such as glass, ceramics, food remains, hardware, and miscellaneous items are collected. Coal, ash, cinder, brick, and modern materials are noted. Any artifacts collected are placed in paper or plastic bags labeled by provenience and inventoried in a bag list. Bags are numbered in the field and transported to the Hartgen laboratory in the Town of North Greenbush, Rensselaer County, New York, for processing.

Shovel test records and other provenience information were entered into a Microsoft *Access* database (Appendix 1).

8.2 Results

The Phase IB archeological field reconnaissance was conducted on April 16 and 17, 2019. The field crew consisted of Cindy Jackson, Adam Gersten, and Ben Heckman. Elizabeth Gregory served as Project Director. Matthew J. Kirk, RPA was the Principal Investigator. The weather was very windy but sunny and clear on April 16th, and sunny, clear, and warm on April 17th. The weather had no effect on visibility or artifact recovery.

According to available soil survey information, all soils within the Project are somewhat poorly drained to poorly drained. This was very evident throughout the Project, with numerous areas of standing water and several delineated wetlands (Map 2; Photos 1, 5, and 8).

A total of 114 shovel tests were excavated at 50-ft (15 m) intervals throughout the Phase IB Survey Area during the Phase IB survey. No cultural materials were recovered in any tests within the Project. The typical soil profile consisted of a brown to dark grayish brown silty loam or silty clay plow zone to a depth between 21 and 32 cm, underlain by a yellowish brown and pale brown silty clay or silty loam subsoil. A number of tests throughout the Project were terminated due to water, and a few others were terminated due to rock impasses. However, the majority of shovel tests reached subsoil. Most tests contained gravel, cobbles, and roots.

A neighbor was helping to cut and clear brush and trees throughout the APE with a compact track loader, and was seen clearing brush during archeological fieldwork (Photos 7-9). No ground disturbance was observed during or after these brush clearing activities.

The remnants of short stone farm walls were observed in the brushy areas dividing the farm field into smaller sections within the Project (Map 2; Photo 7). The Phase IB Survey Area crossed small segments of these walls in several areas. Additionally, during the site visit, a stone foundation was observed to the south and east of the APE/Phase IB Survey Area (Photo 3). The neighbor working to clear brush on the property stated that it the structure had once served as a horse barn, and was still standing when he was younger. The foundation is well outside of the Area of Potential Effects (Map 2) and will not be impacted by this Project. No cultural materials were recovered within the APE near these foundation remains, or anywhere else within the Phase IB Survey Area.



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**Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 2019**

Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation

9 Recommendations

No cultural materials were recovered in any tests within the Project. No historic or precontact archeological sites were identified during the Project. No further work is recommended for the Project.

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Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 2019

Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation

10 Bibliography

Anonymous

1756 *A "map of the County of Albany: with a continuation of the Mohawk River... down to the Oswego" about 1756.* On file at the New York State Manuscripts and Special Collections in the Crown Collection.

Beers, S.N. and D.G. Beers

1866 *New Topographical Atlas of the Counties of Albany and Schenectady.* Stone & Stewart, Philadelphia.

ESRI, Inc. (ESRI)

2018 World Imagery (Sources: Esri, DigitalGlobe, GeoEye, i-cubed, USDA FSA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community).

Fagan, L.

1856 *Map of Schenectady County.* L. Fagan.

Munsell Color

2000 *Munsell Soil Color Charts.* GretagMacbeth, New Windsor, New York.

New York Archaeological Council (NYAC)

1994 *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State.* NYAC, n.p.

Office of Parks, Recreation and Historic Preservation (OPRHP)

2005 *New York State Historic Preservation Office (SHPO) Phase I Archaeological Report Requirements.* OPRHP, Waterford, New York.

United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS)

2018 Soil Survey Geographic (SSURGO) Database. USDA NRCS. Electronic document, <https://websoilsurvey.sc.egov.usda.gov/>.

United States Geological Survey (USGS)

1943 *Schoharie, New York Topographic Quadrangle Map, 1:24,000 scale.* USGS Historical Topographic Map Explorer, Reston, Virginia, <http://historicalmaps.arcgis.com/usgs>.

1980 *Schoharie, New York Topographic Quadrangle Map, 1:24,000 scale.* USGS Historical Topographic Map Explorer, Reston, Virginia, <http://historicalmaps.arcgis.com/usgs>.

2015 USGS The National Map Topo Base Map - Small Scale. USGSTopo (MapServer), The National Map Seamless Server, USGS, Sioux Falls, South Dakota, <http://basemap.nationalmap.gov/arcgis/rest/services/USGSTopo/MapServer>.

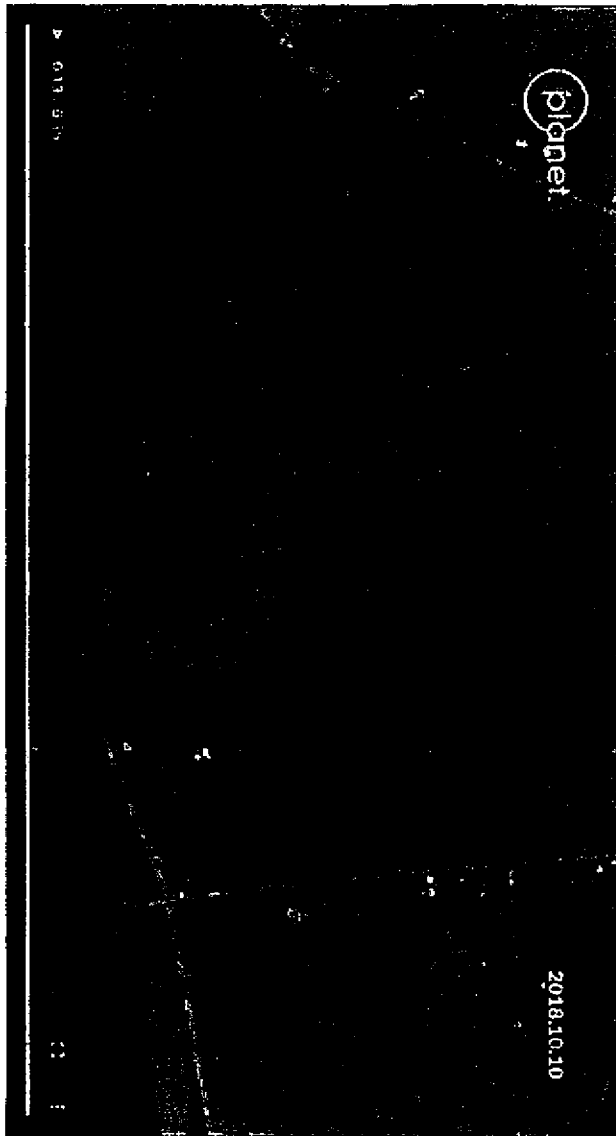
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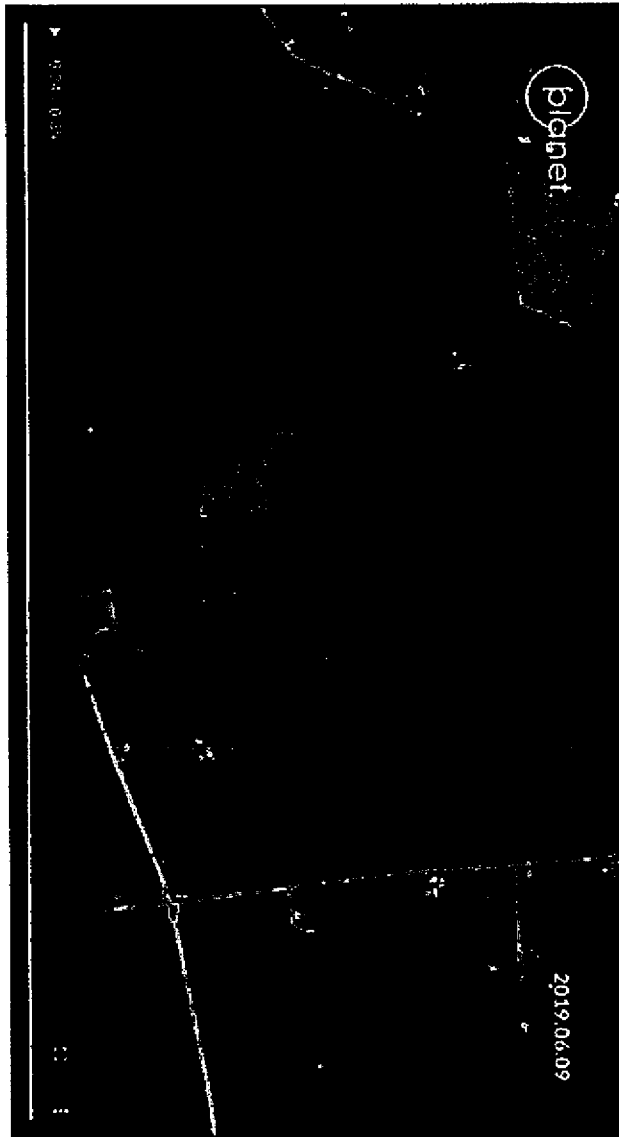
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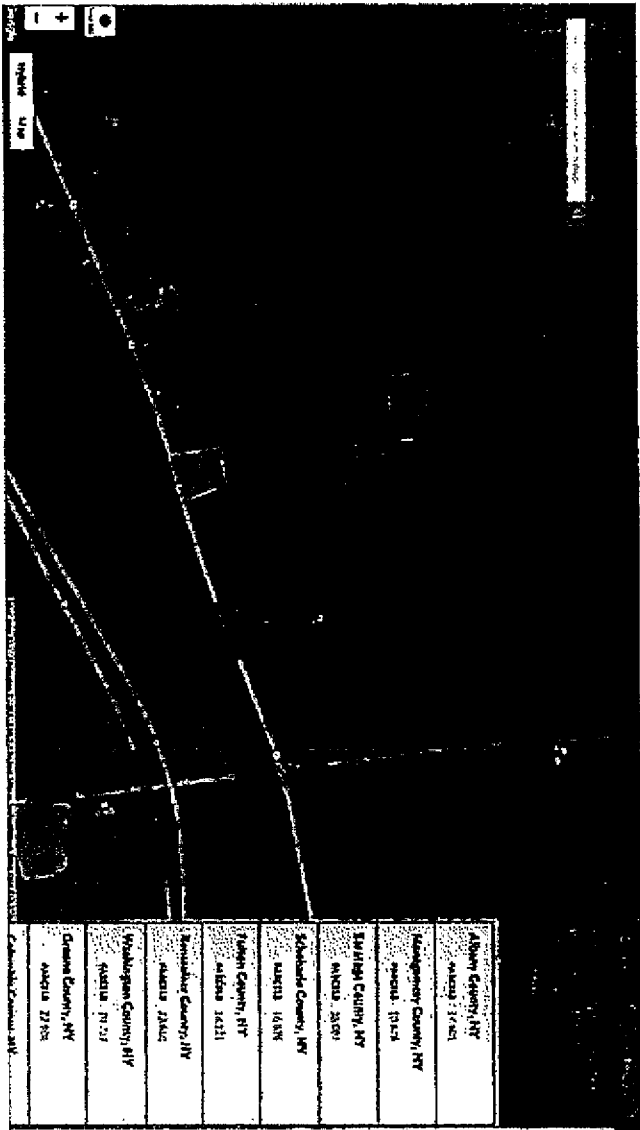
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**Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 2019**

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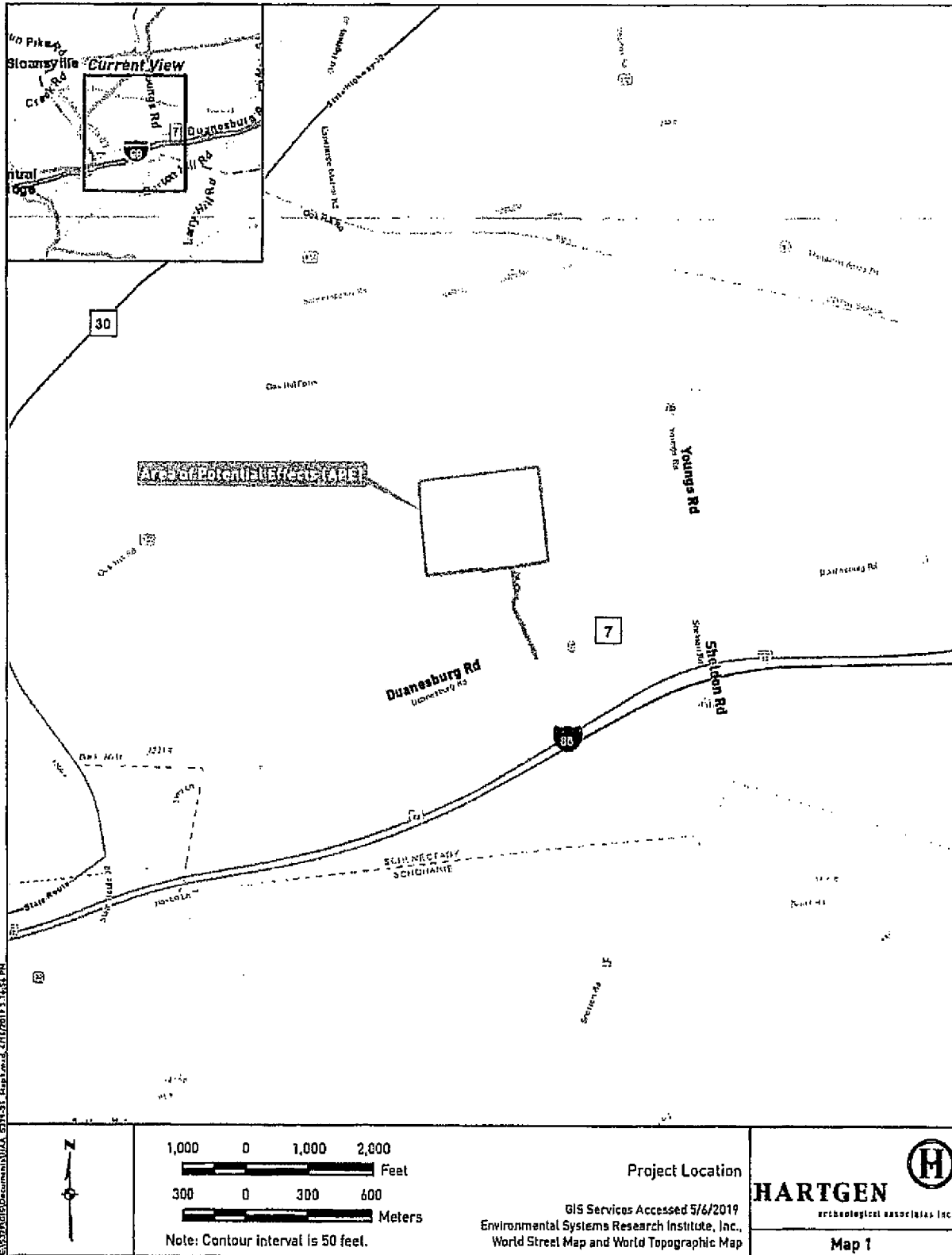


Legend

Albany County, NY	Albany 1600
Hamilton County, NY	Hamilton 1124
Saratoga County, NY	Saratoga 2400
Schoharie County, NY	Schoharie 1600
Warren County, NY	Warren 1621
Rensselaer County, NY	Rensselaer 2100
Washington County, NY	Washington 1700
Greene County, NY	Greene 2700

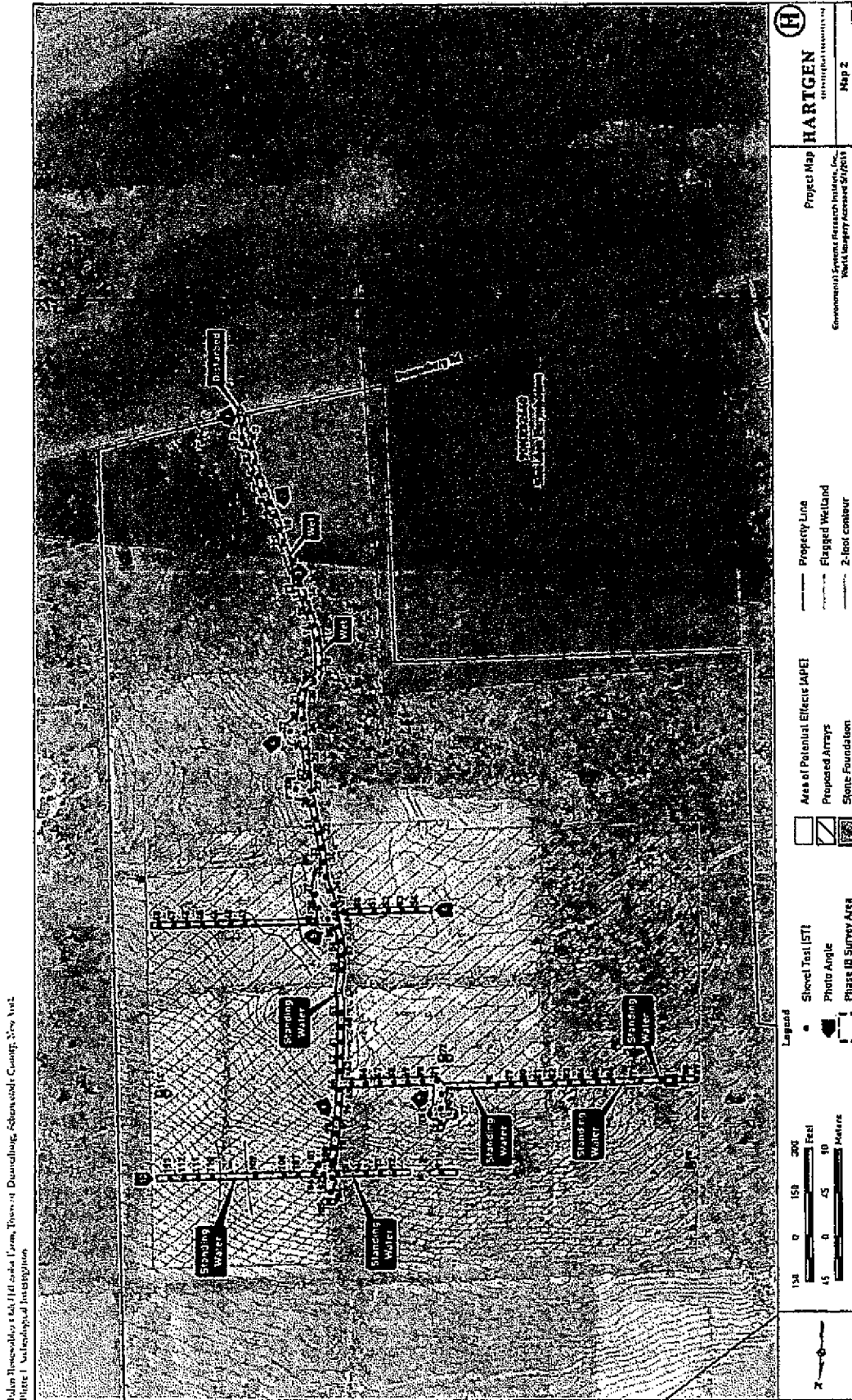
**Exhibit 16: Letter from EDP to the Planning Board,
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Eden Renewables Oak Hill Solar Farm, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation



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John Thompson & Associates, Inc. 11/1/19
Figure 1: Aerial map showing the location of the proposed arrays and stone foundations.

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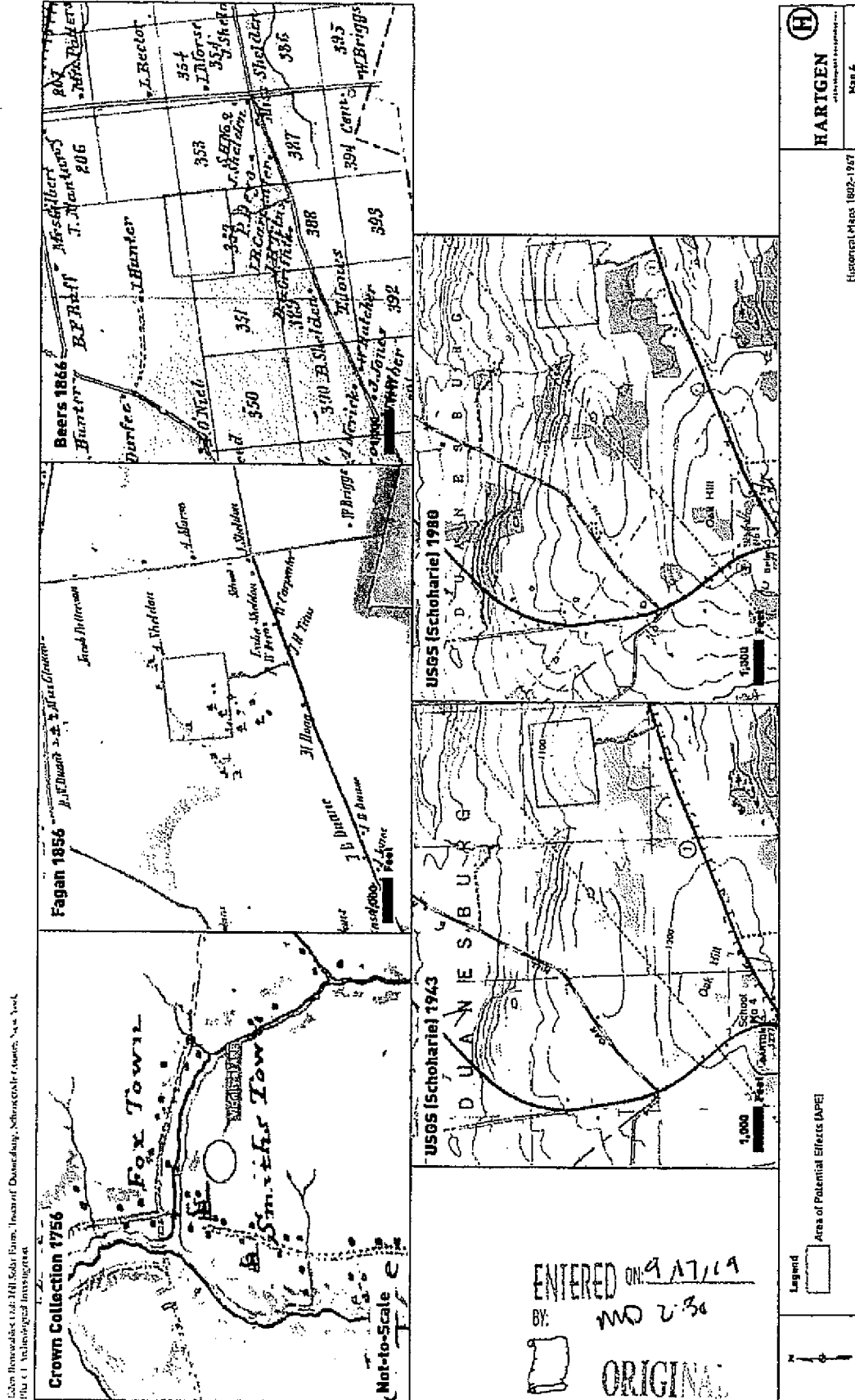
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Ióden Renewables Oak Hill Solar Farm, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation



	250 0 250 500 Feet	Soil Map Environmental Systems Research Institute, Inc., World Imagery Accessed 4/16/2019; U.S. Department of Agriculture, Natural Resources Conservation Service Soil Survey Geographic Database 2017	HARTGEN archeological associates inc
	75 0 75 150 Meters		

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**Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 2019**

Oak Hill Solar Farms, Town of Duanesburg, Schenectady County, New York
Phase I Archeological Investigation

Photographs

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Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 2019

Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation



Photo 1. Archeologists excavate tests in the southernmost portion of the Project, near NY-7/Duaneburg Road. Areas of standing water are visible to the left of the photo. View looking north.



Photo 2. A portion of the existing farm road was slightly built up and graveled, as visible near the pile of logs in this photo. View looking north.

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Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 2019

Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation



Photo 3. This stone foundation, associated with a former horse barn on the property, was located to the south and east of the Area of Potential Effects. It will not be impacted by the Project.



Photo 4. View looking southwest towards the existing farm path. Test 37 is visible in the foreground.



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Oak Hill Solar Farms, Town of Duaneburg, Seneca County, New York
Phase I Archeological Investigation



Photo 5. A delineated wetland in the central-eastern portion of the Project is visible in this photo. This wetland, located within a slight depression in the field, intersected the transect numbered Tests 40-48. View looking east.



Photo 6. View looking east towards the tree line near the center of the Phase IB Survey Area. Test 54 is visible in the foreground.

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Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation



Photo 7. The remnants of a stone farm field wall are visible in the foreground of this photo. Remnants of these short stone walls were observed in each brushy area dividing each smaller field section within the Project (Map 2). View looking southwest.



Photo 8. Standing water was observed in several areas of the Phase IB Survey Area, including the westernmost portion of the Project. View looking east near Tests B7 and B8.



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Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 2019

Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation



Photo 9. Archeologists excavate Tests 99-101, near the northernmost section of the Phase IB Survey Area. View looking north.

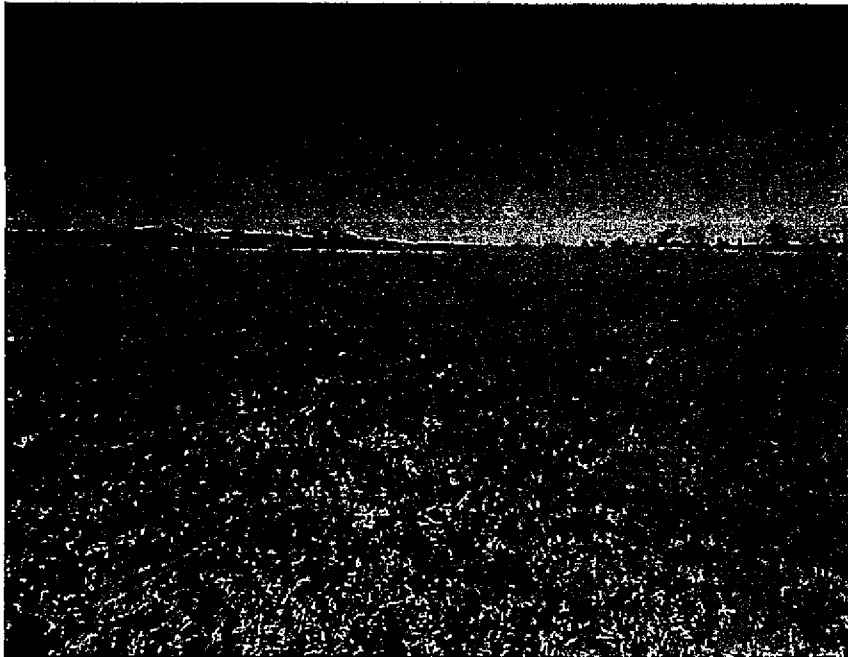


Photo 10. View looking west along the northeastern transect of the Project. Test 113 is visible in the foreground.



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**Exhibit 16: Letter from EDP to the Planning Board,
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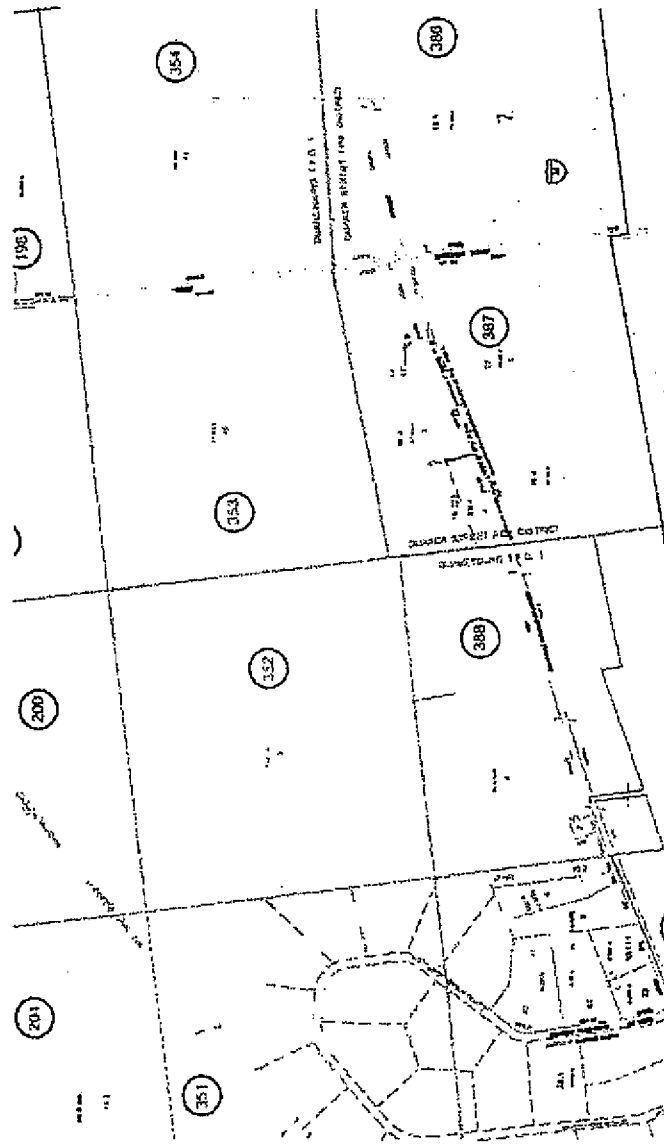
Oak Hill Solar Farms, Town of Danesburg, Schenectady County, New York
Phase I Archeological Investigation

Appendix 1: Shovel Test Records

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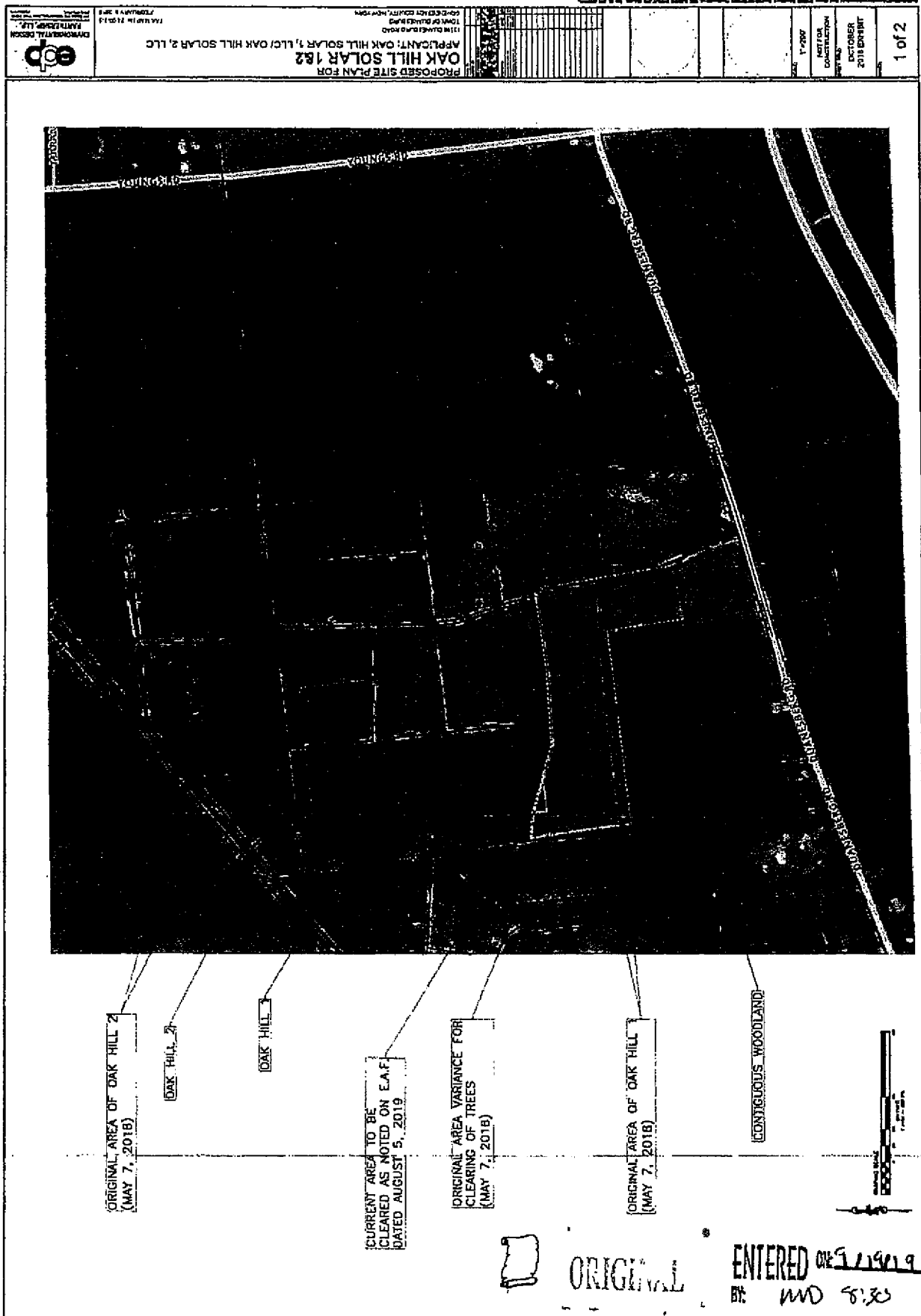
Exhibit 16: Letter from EDP to the Planning Board,
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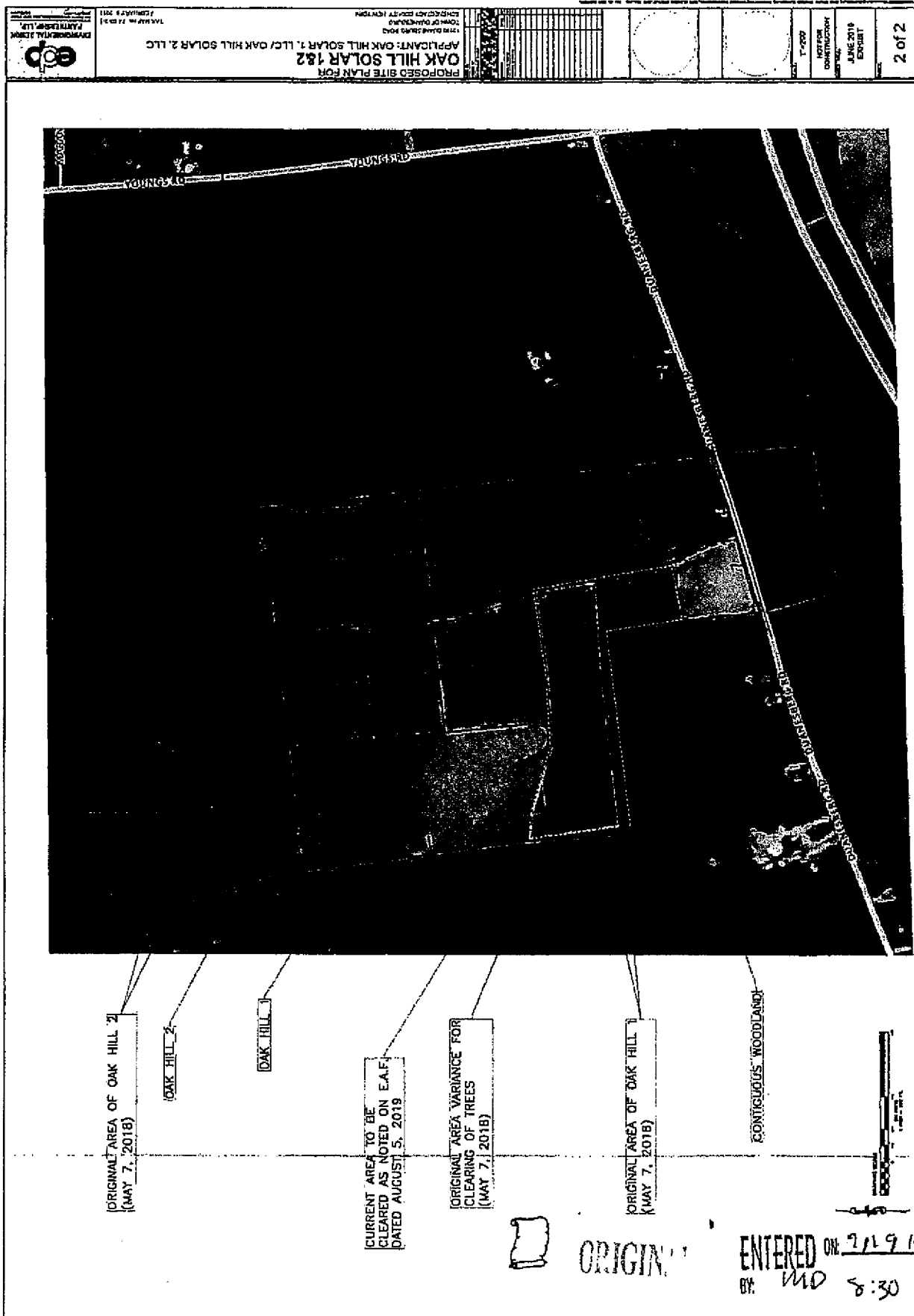
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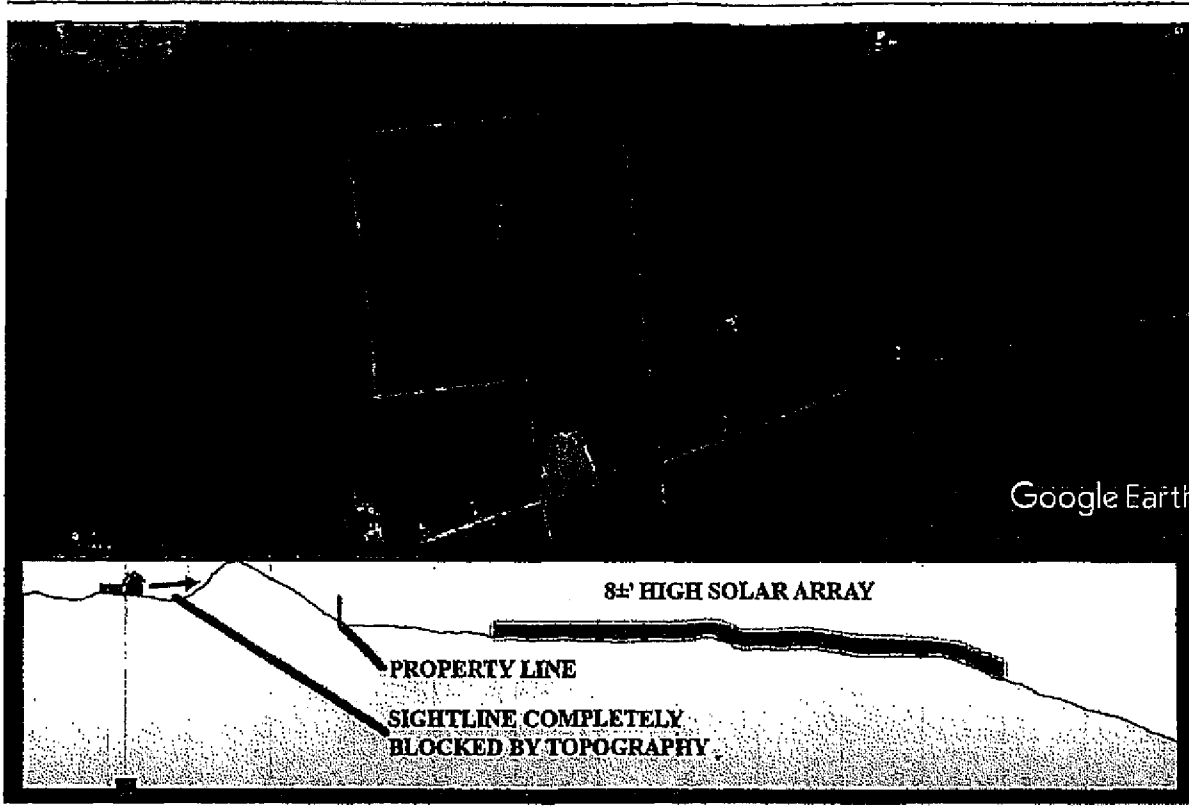
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Exhibit 16: Letter from EDP to the Planning Board,
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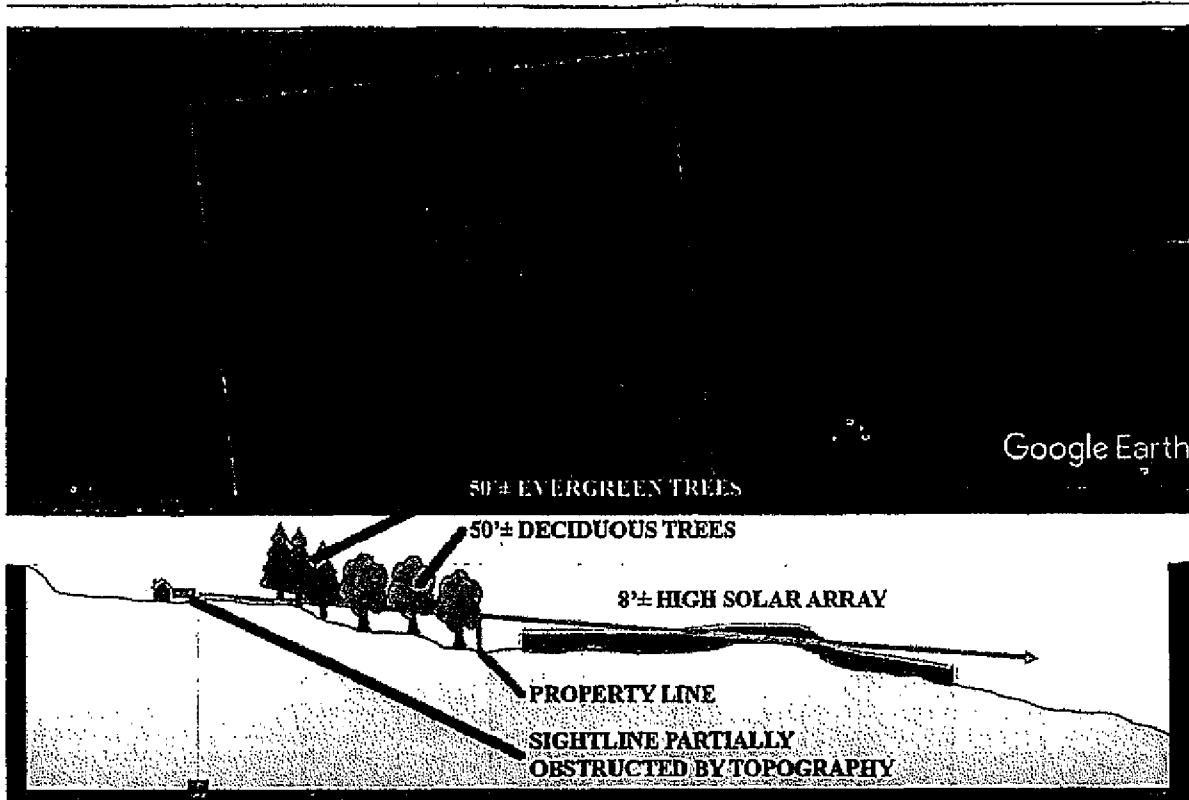
**Exhibit 16: Letter from EDP to the Planning Board,
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EDP PROJECT 08/13/2019	Figure: 2
Oak Hill Solar Project Visual Impact Assessment	Schenectady County, NY August 13, 2019
Town of Duaneburg Source: Google Earth 2019	
edp ENVIRONMENTAL DESIGN PARTNERS	

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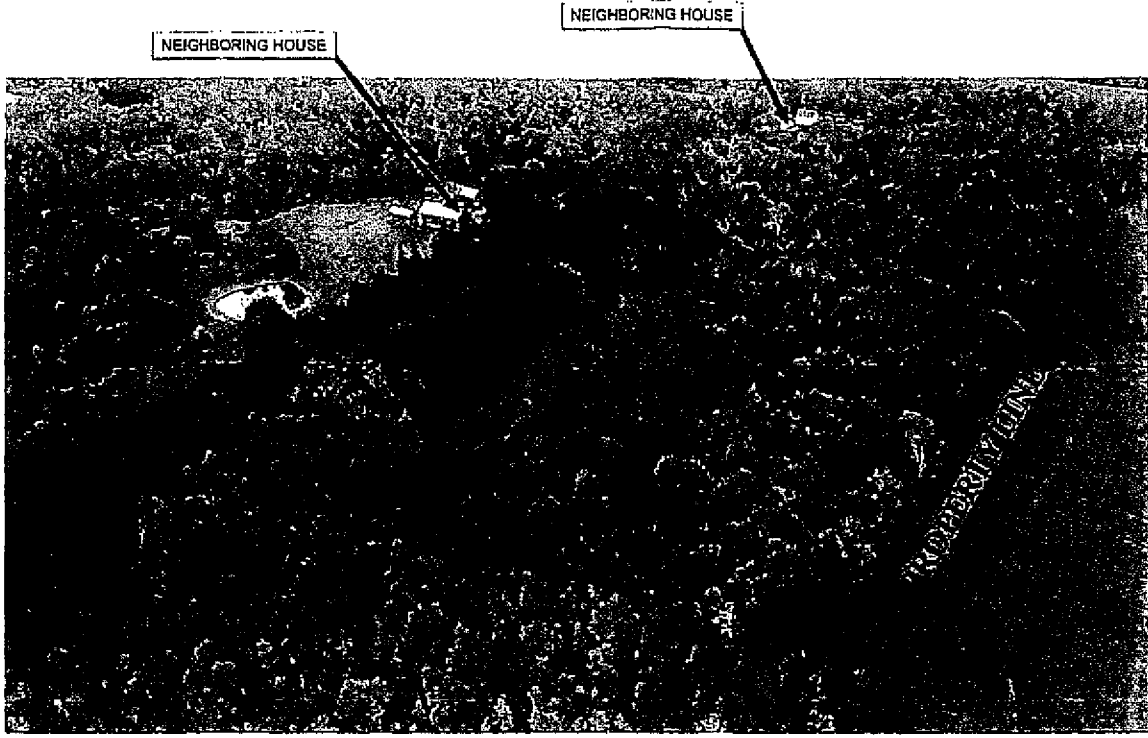
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Schenectady County, NY
August 13, 2019

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

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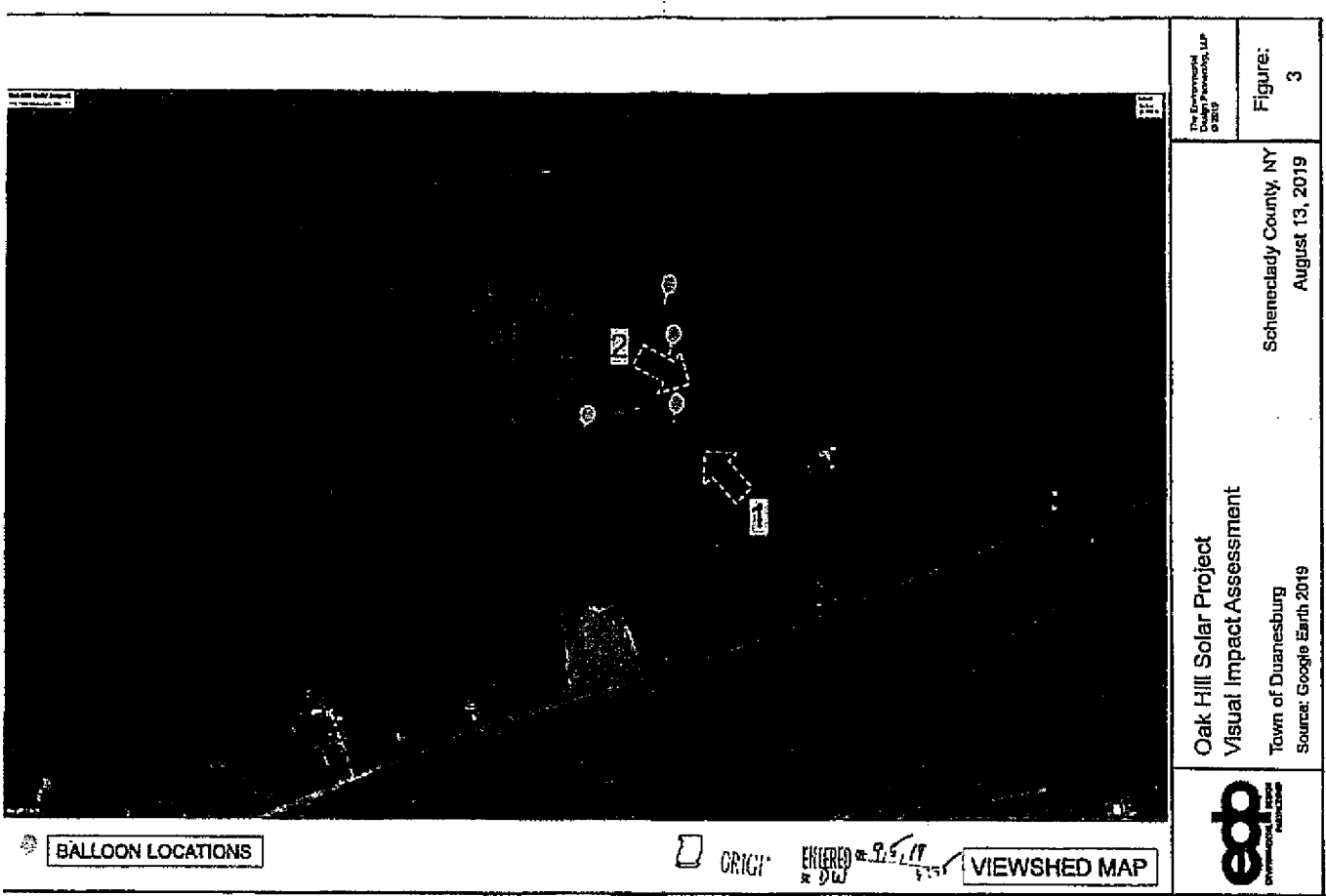


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PHOTO 2: LOOKING SOUTHEAST ACROSS PROPERTY LINE

The Environmental Design Partnership, LLP
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Oak Hill Solar Project
Visual Impact Assessment
Town of Duaneburg
Source: Google Earth 2019
Schenectady County, NY
August 13, 2019





**Exhibit 16: Letter from EDP to the Planning Board,
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Oak Hill Solar Farms, Town of Duaneburg, Schenectady County, New York
Phase I Archeological Investigation

Maps



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**Exhibit 16: Letter from EDP to the Planning Board,
dated September 5, 2019**

Oak Hill Solar Farms, Town of Duaneburg, Seneca County, New York
Phase I Archeological Investigation

Map 1. Project Location (USGS 2015)

Map 2. Project Map (ESRI 2018)

Map 3. Soil Map (USDA NRCS 2018)

Map 4. (Anonymous 1756; Beers and Beers 1866; Fagan 1856; USGS 1943; USGS 1980)

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537931: Phase I Archeological Investigation, Oak Hill Solar

Shovel Test Records

	<u>Ending Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>	<u>Munsell Color</u>	<u>Termination Reason</u>
1	18	1	loam	gravel, cobbles	10yr 4/2	dark grayish brown
	31	2	silt loam	gravel, cobbles	10yr 5/4	yellowish brown subsoil
2	28	1	silt loam	rocks	10yr 4/2	dark grayish brown
	43	2	silt loam clay	rocks	10yr 5/6	yellowish brown subsoil
					10yr 3/6	dark yellowish brown
3	26	1	loam	cobbles	10yr 4/1	dark gray
	47	2	sand loam	cobbles	10yr 6/1	gray subsoil
					10yr 6/4	light yellowish brown
4	20	1	loam clay	gravel, cobbles	10yr 4/2	dark grayish brown
	34	2	loam clay	gravel, cobbles	10yr 5/4	yellowish brown subsoil
5	29	1	silt loam	rocks	10yr 5/2	grayish brown
	46	2	silt loam clay	rocks	10yr 5/6	yellowish brown subsoil
					10yr 6/3	pale brown
6	18	1	loam	cobbles	10yr 5/1	gray
	34	2	sand loam	gravel, cobbles	10yr 6/1	gray impasse (rocks)
					10yr 6/4	light yellowish brown
7	29	1	silt loam clay	gravel, rocks	10yr 5/3	brown
	45	2	silt clay	gravel, rocks	10yr 6/4	light yellowish brown subsoil
8	28	1	sand clay	gravel, cobbles	10yr 4/2	dark grayish brown
	48	2	loam	gravel, cobbles	10yr 5/4	yellowish brown subsoil
9	10	1	sand loam	cobbles	10yr 4/1	dark gray
	38	2	sand loam	cobbles	10yr 6/4	light yellowish brown impasse (rocks)
					10yr 6/1	gray
10	27	1	loam clay	gravel, cobbles, crushed stone	10yr 4/2	dark grayish brown
	43	2	silt clay	gravel, cobbles	10yr 5/4	yellowish brown subsoil
				10yr 6/3	pale brown	
11	32	1	silt loam	rocks	10yr 4/2	dark grayish brown
	47	2	silt loam clay	rocks	10yr 5/6	yellowish brown subsoil
					10yr 6/3	pale brown

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537931: Phase I Archeological Investigation, Oak Hill Solar

Shovel Test Records

	<u>Ending Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>		<u>Munsell Color</u>	<u>Termination Reason</u>
12	25	1	loam	cobbles, roots	10yr 4/1	dark gray	
	32	2	sand loam	cobbles	2.5y 6/4	light olive brown	water
13	34	1	loam clay	gravel, cobbles, roots	10yr 3/2	very dark grayish brown	Impasse (rocks)
14	25	1	silt loam	gravel, rocks	10yr 5/2	grayish brown	
	46	2	silt clay	cobbles	10yr 5/8 10yr 6/3	yellowish brown pale brown	subsoil
15	13	1	loam		10yr 4/1	dark gray	
	29	2	silt loam		2.5y 5/4	light olive brown	water
16	17	1	loam clay	gravel, cobbles, roots	10yr 3/2	very dark grayish brown	
					10yr 4/6	dark yellowish brown	
	36	2	sand clay	gravel	10yr 4/4 10yr 6/2	dark yellowish brown light brownish gray	subsoil
17	22	1	silt loam		10yr 4/2	dark grayish brown	
	30	2	silt loam clay		10yr 6/2 7.5yr 4/4	light brownish gray brown	
	53	3	silt clay		10yr 5/8 10yr 6/3	yellowish brown pale brown	subsoil
18	16	1	loam	roots	10yr 4/1	dark gray	
	38	2	loam clay		2GLE 6/6PB 10yr 5/8	bluish gray yellowish brown	water
19	17	1	silt loam	rocks	10yr 4/2	dark grayish brown	
	38	2	silt loam clay	large rocks	10yr 5/6 10yr 6/3	yellowish brown pale brown	subsoil
20	28	1	loam	gravel, roots	10yr 3/3	dark brown	water
21	27	1	loam clay	gravel, cobbles, roots	10yr 4/2	dark grayish brown	water
22	28	1	silt loam	rocks	10yr 4/2	dark grayish brown	
	43	2	silt loam clay	gravel, rocks	10yr 5/6 10yr 6/3	yellowish brown pale brown	subsoil
23	24	1	sand loam	gravel	10yr 4/3	brown	
	40	2	loam clay	gravel	10yr 5/6	yellowish brown	subsoil

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537931: Phase I Archeological Investigation, Oak Hill Solar

Shovel Test Records

	<u>Ending Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>	<u>Munsell Color</u>	<u>Termination Reason</u>
24	22	1	loam		10yr 4/1	dark gray
	30	2	sand loam	cobbles	2.5y 5/4	light olive brown water
25	25	1	silt loam	rocks	10yr 4/2	dark grayish brown
	44	2	silt loam clay	rocks	10yr 5/6	yellowish brown subsoil
					10yr 6/3	pale brown
26	30	1	silt loam	rocks	10yr 4/2	dark grayish brown
	43	2	silt clay	rock	10yr 5/6	yellowish brown water
					10yr 6/3	pale brown
27	29	1	loam	gravel	10yr 4/3	brown
	38	2	loam		10yr 5/4	yellowish brown subsoil
28	21	1	sand loam	gravel, cobbles	10yr 4/3	brown
	40	2	loam	gravel	10yr 5/4	yellowish brown subsoil
29	20	1	loam	cobbles	10yr 4/1	dark gray water
30	26	1	silt loam	gravel, rocks	2.5y 4/1	dark gray
	40	2	silt loam		2.5y 5/4	light olive brown subsoil
31	21	1	silt loam	rock	10yr 4/2	dark grayish brown
	43	2	silt loam clay	rock	10yr 5/6	yellowish brown subsoil
					10yr 6/3	pale brown
32	25	1	loam		10yr 4/1	dark gray
	36	2	silt sand	cobbles	10yr 5/1	gray Impasse (rocks)
					10yr 6/4	yellowish brown
33	26	1	sand loam	gravel	10yr 3/2	very dark grayish brown
	41	2	silt loam	gravel	10yr 6/3	pale brown subsoil
				10yr 5/6	yellowish brown	
34	26	1	silt loam	rock	10yr 4/2	dark grayish brown
	42	2	silt loam clay	rock	10yr 5/6	yellowish brown subsoil
				10yr 6/3	pale brown	
35	24	1	silt loam	rocks	2.5y 4/1	dark gray
	37	2	silt loam		2.5y 5/4	light olive brown subsoil
36	36	1	loam	gravel	10yr 4/2	dark grayish brown water

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**537931: Phase I Archeological Investigation, Oak Hill Solar
Shovel Test Records**

	<u>Ending Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>		<u>Munsell Color</u>	<u>Termination Reason</u>
37	20	1	loam	cobbles	10yr 4/1	dark gray	
	41	2	sand loam	cobbles	2.5y 5/4	light olive brown	water
38	25	1	silt loam	rocks	10yr 4/3	brown	
	47	2	silt loam clay	rocks	2.5y 4/4	olive brown	subsoil
39	24	1	sand loam	gravel	10yr 4/3	brown	
	40	2	loam	gravel	10yr 5/4	yellowish brown	subsoil
40	27	1	silt loam	gravel, rocks	2.5y 4/1	dark gray	
	36	2	silt loam	rocks	2.5y 5/4	light olive brown	subsoil
41	32	1	silt loam	rock	10yr 4/2	dark grayish brown	
	48	2	silt loam clay	rock	10yr 5/6 10yr 6/3	yellowish brown pale brown	subsoil
42	36	1	silt loam	rock	10yr 4/2	dark grayish brown	
	47	2	silt loam clay	rock	10yr 5/6 10yr 6/3	yellowish brown pale brown	subsoil
43	20	1	loam	cobbles, roots	10yr 4/2	dark grayish brown	
	41	2	sand loam	cobbles	2.5y 5/4	light olive brown	water
44	21	1	silt loam	roots, rock	10yr 4/2	dark grayish brown	
	44	2	silt loam clay	cobbles	2.5y 5/6 10yr 6/3	light olive brown pale brown	subsoil
45	32	1	silt loam	roots, rock	10yr 4/2	dark grayish brown	
	47	2	silt loam clay	cobbles	2.5y 5/4	light olive brown	subsoil
46	21	1	loam	cobbles	10yr 4/2	dark grayish brown	
	35	2	sand loam	cobbles	2.5y 5/4	light olive brown	water
47	34	1	silt loam	roots, rocks	10yr 4/2	dark grayish brown	
	48	2	silt loam clay	cobbles	10yr 5/6 10yr 6/3	yellowish brown pale brown	subsoil
48	32	1	loam	cobbles	10yr 4/1	dark gray	
	45	2	sand loam	gravel, cobbles	2.5y 5/4	light olive brown	subsoil
49	31	1	sand loam	gravel, cobbles, roots	10yr 4/3	brown	water

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**537931: Phase I Archeological Investigation, Oak Hill Solar
Shovel Test Records**

	<u>Ending Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>		<u>Munsell Color</u>	<u>Termination Reason</u>
50	25	1	sand loam	gravel	10yr 4/3	brown	
	47	2	sand loam	gravel	2.5y 5/6	light olive brown	subsoil
51	28	1	loam	gravel	10yr 4/3	brown	
	41	2	sand loam	gravel	2.5y 5/6	light olive brown	subsoil
52	28	1	loam	gravel, cobbles	10yr 4/3	brown	
	48	2	sand loam	gravel	10yr 5/6	yellowish brown	subsoil
53	18	1	loam	gravel, cobbles	10yr 4/3	brown	
	28	2	sand loam	gravel	10yr 5/6	yellowish brown	
	45	3	silt sand	gravel	2.5y 6/3	light yellowish brown	subsoil
					10yr 4/6	dark yellowish brown	
54	30	1	sand loam	gravel	10yr 3/2	very dark grayish brown	water
55	21	1	loam	cobbles	10yr 4/1	dark gray	
	33	2	sand loam	cobbles	10yr 5/1	gray	water
					10yr 5/6	yellowish brown	
56	22	1	silt loam	gravel	2.5y 4/1	dark gray	
	35	2	silt loam		2.5y 5/4	light olive brown	subsoil
57	34	1	silt loam	gravel	2.5y 4/1	dark gray	
	45	2	loam		2.5y 5/4	light olive brown	subsoil
58	32	1	silt loam	gravel	2.5y 4/1	dark gray	
	44	2	loam clay		2.5y 5/4	light olive brown	subsoil
					2.5y 5/1	gray	
59	28	1	silt loam	gravel	2.5y 4/2	dark grayish brown	
	41	2	loam clay		2.5y 5/3	light olive brown	subsoil
60	25	1	sand loam	gravel	10yr 4/3	brown	
	41	2	sand loam	gravel	2.5y 5/6	light olive brown	subsoil
61	28	1	silt loam	rocks	10yr 5/2	grayish brown	
	44	2	silt loam clay	rocks	10yr 6/2	light brownish gray	subsoil
					10yr 5/6	yellowish brown	

Hartgen Archeological Associates, Inc.

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ORIGINAL

4/22/2019
ENTERED ON: 9/17/19
BY: MD 2:50

**537931: Phase I Archeological Investigation, Oak Hill Solar
Shovel Test Records**

	<u>Endline Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>	<u>Munsell Color</u>		<u>Termination Reason</u>
62	28	1	loam	cobbles	10yr 4/2	dark grayish brown	
	48	2	sand loam	cobbles	2.5y 5/4	light olive brown	subsoil
63	28	1	loam	gravel	10yr 4/3	brown	
	45	2	sand loam		2.5y 5/6	light olive brown	subsoil
64	33	1	silt loam	rock	10yr 4/2	dark grayish brown	
	38	2	silt loam clay	cobbles, rock	10yr 6/3 10yr 5/6	pale brown yellowish brown	water
65	21	1	loam		10yr 4/2	dark grayish brown	
	40	2	sand loam	gravel	10yr 5/1 10yr 5/6	gray yellowish brown	subsoil
66	32	1	silt loam	rocks	10yr 4/2	dark grayish brown	
	51	2	silt loam clay	rocks	10yr 6/3 10yr 5/6	pale brown yellowish brown	subsoil
67	34	1	sand loam	gravel, cobbles	10yr 3/3	dark brown	impassé (rocks)
68	20	1	loam		10yr 4/2	dark grayish brown	water
69	31	1	silt loam	rocks	10yr 4/2	dark grayish brown	
	48	2	silt loam clay	rocks	10yr 6/3 10yr 5/6	pale brown yellowish brown	subsoil
70	31	1	sand loam	gravel	10yr 4/3	brown	
	50	2	sand clay	gravel	10yr 5/3 10yr 6/3	brown pale brown	subsoil
71	28	1	loam		10yr 4/1	dark gray	
	41	2	sand loam	gravel	10yr 5/1 10yr 6/6	gray yellowish brown	water
72	31	1	sand loam	gravel, cobbles, rocks	10yr 3/2	very dark grayish brown	water
73	28	1	loam clay	rocks	10yr 5/3	brown	
	40	2	loam clay		10yr 7/6 10yr 5/2	yellow grayish brown	subsoil
74	15	1	loam clay	cobbles, roots	10yr 5/4	yellowish brown	
	43	2	silt loam	cobbles	10yr 6/3 10yr 7/6	pale brown yellow	subsoil

ORIGINAL

4/22/2019
ENTERED ON: 9/17/19
BY: MD 2:30

**537931: Phase I Archeological Investigation, Oak Hill Solar
Shovel Test Records**

	<u>Ending Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>		<u>Munsell Color</u>	<u>Termination Reason</u>
75	21	1	loam clay	cobbles, roots	10yr 5/4	yellowish brown	
	35	2	loam clay		10yr 7/4	very pale brown	subsoil
76	22	1	loam	cobbles	10yr 4/2	dark grayish brown	
	43	2	sand loam	gravel, cobbles	10yr 5/1 10yr 5/6	gray yellowish brown	subsoil
77	21	1	loam	roots	10yr 4/2	dark grayish brown	
	37	2	sand loam	gravel, cobbles	10yr 5/1 10yr 5/6	gray yellowish brown	water
78	28	1	silt loam	rocks	10yr 4/2	dark grayish brown	
	45	2	silt loam clay	rocks	10yr 6/3 10yr 5/6	pale brown yellowish brown	subsoil
79	20	1	loam	cobbles	10yr 4/2	dark grayish brown	
	38	2	sand loam	gravel, cobbles	10yr 5/6	yellowish brown	
	48	3	sand loam	gravel, cobbles	2.5y 5/4	light olive brown	subsoil
80	25	1	sand loam	gravel, roots	10yr 4/3	brown	
	43	2	loam	gravel	10yr 5/6	yellowish brown	subsoil
81	27	1	silt loam	rock	10yr 4/2	dark grayish brown	
	45	2	silt loam clay	rock	10yr 6/3 10yr 5/6	pale brown yellowish brown	subsoil
82	23	1	silt loam	roots, rock	10yr 4/2	dark grayish brown	
	47	2	silt loam clay	rock	10yr 6/4 10yr 5/6	light yellowish brown yellowish brown	subsoil
83	24	1	sand loam	gravel, cobbles, roots	10yr 4/3	brown	
	42	2	loam	gravel, roots	10yr 5/3	brown	subsoil
84	27	1	silt loam	roots, rocks	10yr 4/2	dark grayish brown	water
85	28	1	loam	gravel, cobbles, roots	10yr 4/2	dark grayish brown	Impasse (rocks, roots)
86	17	1	loam	gravel, cobbles, roots	10yr 4/2	dark grayish brown	Impasse (rocks, roots)

Hartgen Archeological Associates, Inc.

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ORIGINAL

4/22/2019
ENTERED ON: 9/17/19
 BY: MD 2:50

**537931: Phase I Archeological Investigation, Oak Hill Solar
Shovel Test Records**

	<u>Ending Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>		<u>Munsell Color</u>	<u>Termination Reason</u>
87	30	1	silt loam	roots, rocks, organics	10yr 3/2	very dark grayish brown	water
88	30	1	loam	gravel, cobbles, roots	10yr 4/2	dark grayish brown	impasse (rocks)
89	26	1	silt loam	roots, rocks	10yr 4/2	dark grayish brown	
	43	2	silt loam clay	rocks	10yr 6/4	light yellowish brown	subsoil
					10yr 5/6	yellowish brown	
90	18	1	sand loam	gravel, cobbles, roots	10yr 3/2	very dark grayish brown	impasse (rocks, roots)
91	22	1	loam	gravel, cobbles, roots	10yr 4/2	dark grayish brown	
	40	2	loam	gravel	10yr 6/4	light yellowish brown	subsoil
92	28	1	silt loam clay	roots, rocks	10yr 4/2	dark grayish brown	
	46	2	silt loam clay	rocks	10yr 5/3	brown	subsoil
93	26	1	silt loam	gravel, cobbles, roots	10yr 3/2	very dark grayish brown	
	38	2	silt loam	cobbles	10yr 4/3	brown	subsoil
94	23	1	loam clay	gravel, charcoal, cobbles, roots	10yr 3/2	very dark grayish brown	impasse (rocks)
95	29	1	silt loam	roots, rocks	10yr 4/2	dark grayish brown	impasse (roots)
96	19	1	loam	cobbles	10yr 4/2	dark grayish brown	
	40	2	sand loam	gravel, cobbles	10yr 5/1	gray	subsoil
					10yr 5/8	yellowish brown	
97	19	1	loam	cobbles	10yr 4/2	dark grayish brown	
	29	2	sand loam	gravel, cobbles	10yr 5/6	yellowish brown	
					10yr 5/1	gray	
36	3	sand loam	gravel, cobbles	10yr 4/1	dark gray	subsoil	
98	25	1	loam clay	cobbles, roots	10yr 4/2	dark grayish brown	
	40	2	silt loam	cobbles	10yr 5/4	yellowish brown	subsoil



ORIGINAL

4/22/2019

ENTERED ON: 9/17/19

76

537931: Phase I Archeological Investigation, Oak Hill Solar

Shovel Test Records

	<u>Ending Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>		<u>Munsell Color</u>	<u>Termination Reason</u>
99	24	1	loam	cobbles	10yr 4/2	dark grayish brown	
	42	2	sand loam	gravel, cobbles	10yr 5/6 10yr 5/1	yellowish brown gray	water
100	29	1	silt loam	gravel, cobbles	10yr 4/2	dark grayish brown	
	43	2	silt clay	gravel	10yr 5/2 10yr 5/6	grayish brown yellowish brown	subsoil
101	28	1	loam	cobbles	10yr 4/2	dark grayish brown	
	49	2	sand loam	gravel, cobbles	10yr 5/1 10yr 5/6	gray yellowish brown	subsoil
102	27	1	silt loam	rock	10yr 4/2	dark grayish brown	
	48	2	silt loam clay	rocks	10yr 6/2 10yr 5/6	light brownish gray yellowish brown	subsoil
103	20	1	loam	gravel, roots	10yr 4/3	brown	
	29	2	loam	gravel	2.5y 5/6	light olive brown	
	46	3	silt sand	gravel	2.5y 5/3 2.5y 5/4	light olive brown light olive brown	subsoil
104	28	1	sand loam	gravel, roots	10yr 4/2	dark grayish brown	
	47	2	loam	gravel, roots	10yr 6/4	light yellowish brown	subsoil
105	28	1	loam	gravel, cobbles, roots	10yr 4/3	brown	
	47	2	loam	gravel	2.5y 5/4	light olive brown	subsoil
106	29	1	silt loam	rock	10yr 4/2	dark grayish brown	
	51	2	silt loam clay	rock	10yr 6/2 10yr 5/6	light brownish gray yellowish brown	subsoil
107	31	1	silt loam	rock	10yr 4/2	dark grayish brown	
	53	2	silt loam clay	rock	10yr 6/2 10yr 6/6	light brownish gray yellowish brown	subsoil
108	27	1	silt loam	gravel, cobbles	10yr 4/2	dark grayish brown	
	44	2	silt loam	cobbles	10yr 5/3 10yr 5/6	brown yellowish brown	subsoil
109	29	1	silt loam	rock	10yr 4/2	dark grayish brown	
	52	2	silt loam clay	rock	10yr 6/2 10yr 5/6	light brownish gray yellowish brown	subsoil

ORIGINAL

ENTERED ON: 9/12/19
BY: MD 2:30

**537931: Phase I Archeological Investigation, Oak Hill Solar
Shovel Test Records**

	<u>Ending Depth (cm)</u>	<u>Level</u>	<u>Soil Type</u>	<u>Soil Inclusions</u>	<u>Munsell Color</u>	<u>Termination Reason</u>	
110	28	1	loam	cobbles	10yr 4/2	dark grayish brown	
	34	2	sand loam	cobbles	2GLEY 6/5PB	bitish gray	water
					10yr 5/8	yellowish brown	
111	23	1	sand loam	gravel, cobbles	10yr 4/3	brown	
	42	2	silt loam	gravel	10yr 6/3	pale brown	subsoil
					10yr 4/6	dark yellowish brown	
112	30	1	silt loam clay	gravel, cobbles	10yr 4/3	brown	
	45	2	loam clay	gravel, cobbles	2.5y 5/6	light olive brown	subsoil
113	26	1	silt loam	rocks	10yr 4/2	dark grayish brown	
	51	2	silt loam clay	rocks	10yr 6/2	light brownish gray	subsoil
					10yr 5/6	yellowish brown	
114	24	1	sand loam	gravel, cobbles	10yr 3/2	very dark grayish brown	
	46	2	loam	gravel	10yr 6/6 10yr 5/1	yellowish brown gray	subsoil



ORIGINAL

ENTERED ON: 9/17/19
BY: MD 2:30



Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

September 10, 2019

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

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

ORIGINAL

ENTERED on 9/12/2019
BY MD 8:09

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 Bliggs 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, PE
Director of Water and Wastewater

cc: Travis Mitchell, EDP



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Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Terresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

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

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

Over →

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.

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 August 15th, 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.**

Melissa Deffer

From: wallace johnson <wallacej@hotmail.com>
Sent: Thursday, September 19, 2019 12:09 PM
To: Dale Warner; Jennifer Howe; Melissa Deffer
Cc: Lee and Lella Otis; wallace johnson; Joshua Barnes; lynne bruning; Pamela Rowling
Subject: Eden Renewables Solar Project at 13590 Duanesburg Rd. Delanson, New York 12053

Follow Up Flag: Flag for follow up
Flag Status: Flagged

ENTERED 09/19/19
BY: MD 200

Wallace I. Johnson
1204 Youngs Road
Delanson, NY 12053

ORIGINAL

Chairman Saxton and The Town of Duanesburg Planning Board

In addition to the information that was forwarded to you yesterday September 18, 2019 via email, the following concerns must be added as reasons for denying the Special Use Permit for the Eden Renewables Solar Project at 13590 Duanesburg, New York 12053:

Property Tax Map Number 74.-0-19
Acreage: 71.40

Virtually the entire area proposed for the solar farm drains to the south and west borders of our property on Youngs Road, adjacent to the Murray/Eden Renewables property. Prior to any permit approvals, and any construction activity, a comprehensive plan addressing Storm Water Discharge must be in place to protect adjoining properties from storm water incursions from the Solar Project.

The following will address some of our concerns regarding the Stormwater Pollution Prevention Plan (SWPPP) as revised "JULY 2019".

Based on the information provided by Eden Renewables (ER) thus far, there appears to be no SWPPP that has been comprehensively planned and tailored to this site. The "Revised" plan dated July 2019 appears to be nothing more than a master copy encompassing the requisite New York State DEC regulations where one fills in the blanks for projects in NYS. The site plans prepared by The EDP Partnership appear to indicate that a topographic survey of the site has been accomplished. However, beyond the Revised SWPPP verbiage, we cannot find evidence that a completed SWPPP has been prepared, and submitted. This is a critical omission that leads to our concerns regarding stormwater run off from Edens project to our property.

In the last 30 years we have invested a great deal of time, effort, and money installing underground drainage system in concert with the Schenectady County Soil and Water Conservation District, as well as ground level re-contouring to properly manage run-off, and provide a more suitable environment for agricultural production. During seasonally wet periods, and high intensity summer thunderstorms, our current system of stormwater management is adequate for its intended purpose. Any increase in stormwater from the ER project will compromise our existing system, causing a substantial loss of agricultural suitability, and induce a financial hardship upon us.

Unless a comprehensive plan AND design are provided by ER, we the property owners and the Planning Board, have no way of knowing that our property will be protected from increased stormwater run-off caused by the proposed project. This a preventable, and unacceptable risk.

This cannot be left to chance.

We respectfully request that the Town of Duaneburg Planning Board deny approvals, and/or permits for this project prior to this critical information being provided by ER's Engineering firm, and then reviewed by the Planning Board and the town Engineer.

- We request that this correspondence be distributed to all member of the Planning Board, and entered into the minutes of the meeting.

Respectfully submitted,

Wallace I. Johnson/Pamela Rowling
1204 Youngs Road
Delanson, NY 12053

ORIGINAL

ENTERED SEP 19 2019
BY: MD 2100

ORIGINAL

Melissa Deffer

From: Otis, Leila <Leila.Otis@va.gov>
Sent: Thursday, September 19, 2019 1:27 PM
To: Dale Warner; Jennifer Howe; Melissa Deffer
Cc: Amedore@nysenate.gov; Santabarbara@nyassembly.gov
Subject: Eden Renewables project 13590 Duanesburg Road, Delanson NY

ENTERED ON 9/19/19
BY MD 2:00

Chairman Saxton and The Town of Duanesburg Planning Board Members:

My name is Leila Otis, myself and my husband Lee reside at 13392 Duanesburg Road, Delanson NY 12053 and own the property bordering the eastern line for this project. I have attended the planning board meetings, the Monthly board meeting and have expressed my concerns related to moving forward with this project approval. At this time I respectfully request that the Board refuse the Special use Permit for the above listed Solar Project at 13590 Duanesburg Road, Delanson.

- The reasons for my request are as follows:

1 - Full screening of the array must be provided as required by Solar Law 3 (c) and (e). Partial screening must not be permitted as that will not only affect property values and quality of life issues of myself and my family as adjacent property owners, and but will also set a precedent for future solar projects throughout the Town of Duanesburg.

2 - In non-compliance with the Town of Duanesburg Solar Law 3 (D), the applicant has not produced a glare study. This must be accomplished before the application is completed.

3 - Request and/or require, as is appropriate, that the Duanesburg Fire Department review the emergency plan, roads, critical electrical equipment, and that fire suppression equipment is in compliance with NFPA requirements. This is a major safety issue and must be done before approval.

4 - I request that the Planning Board review Solar law 3 (f) limiting clearing to 20,000 square feet.. We have concerns that this project is in possible violation due to clearing acreage of trees over the past year.

5 - SEQRA is in possible violation due to clear cutting and there is concern that the tree cutting occurred during times prohibited, due to the presence of the endangered long eared bat.

6 - The decommissioning estimate of \$211,381, when compared to similar projects in New York State, is substantially insufficient. The decommissioning estimate must be recalculated, and resubmitted to reflect the true cost of the process of removal. Decommissioning funds should be held as a bond written and guaranteed by a domestic surety listed by A.M. Best with an A+ rating, made payable to The Town of Duanesburg, New York.

7. In addition there is significant concern regarding water management, which to my knowledge has not been addressed, specifically storm water and snow melt runoff. My property is typically damp and extensive drainage (both underground and surface contouring) has been installed in the past to increase viable

agricultural use of the property. Wallace Johnson, who has an extensive knowledge of the property as well as engineering expertise, is preparing a document detailing our concerns regarding management of water in relation to the above mentioned proposed project. This document will be forwarded to the Board prior to the meeting scheduled for this evening.

I will not be able to attend the Planning Board Meeting scheduled for 19 September 2019 and therefore request that the above request is entered into the official minutes of the meeting.

Thank you for your service, time, and consideration of our concerns in this project.

Respectfully submitted,

Leila A. Otis
13392 Duaneburg Road
Delanson, New York 12053

ENTERED ON: 9/19/19
BY: MD 2:06

ORIGINAL

**OAK HILL COMMUNITY SOLAR 1 AND 2
DECOMMISSIONING STATEMENT**



ORIGINAL

ENTERED ON 9/15/19
BY: DW 3:35

**Exhibit 19: Town of Duanesburg Planning Board Resolution,
entered 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**

Date: September 19, 2019

WHEREAS, on or about May 7, 2018, Eden Renewables ("Eden Renewables" or the "Applicant") applied to the Town of Duanesburg Planning Board ("Planning Board") for a Special Use Permit and Site Plan Review pursuant to the Town of Duanesburg Local Law No. 1-2016, for the 5-MW Oak Hill Solar Energy Projects 1 and 2 (collectively, the "Project") to be located at 1206 Oak Hill Road in the Town of Duanesburg, Schenectady County, New York on the lands owned by Richard Murray (SBL# 74.00-2-5) ("Property"); and

WHEREAS, on or about May 17, 2018, the Applicant appeared before the Planning Board in furtherance of the proposed Project and the Planning Board requested that the Applicant meet with the Town Planner/Code Enforcement Officer to discuss the proposed application; and

WHEREAS, on or about July 18, 2018, the Applicant appeared before the Planning Board and requested a lot line adjustment and minor subdivision in order to install two 5-MW solar fields on each created parcel, in addition to the Special Use Permit sought pursuant to the Town of Duanesburg Local Law No. 1-2016; and

WHEREAS, on or about July 18, 2018, the Planning Board adopted a resolution pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively referred to as "SEQRA"] in which it assumed the role of SEQRA Lead Agency, declared the proposed action as a Type 1 action and conducted a coordinated review;

WHEREAS, on or about August 16, 2018, the Planning Board adopted a resolution appointing Doug Cole of Prime AE Group of NY as the Town Designated Engineer to assist in its review of the application from Eden Renewables; and

WHEREAS, on or about September 11, 2018, the Town's Designated Engineer provided written comments on the application; and

WHEREAS, on or about March 11, 2019, the Applicant submitted revised site plans, minor subdivision and lot line adjustment plans, revised applications, a revised Full Environmental Assessment Form ("Full EAF"), and a decommissioning plan, accompanied by a letter addressing comments from the Town's Designated Engineer; and

WHEREAS, on or about March 21, 2019, the Applicant appeared before the Planning Board in furtherance of the site plan review process, and the Planning Board requested receipt of additional information and other actions from the Applicant; and

WHEREAS, on or about June 5, 2019, the Applicant submitted additional information to the Planning Board and addressed the outstanding actions identified by the Planning Board; and

**Exhibit 19: Town of Duanesburg Planning Board Resolution,
entered September 19, 2019**

WHEREAS, on or about June 20, 2019, the Planning Board reviewed the materials submitted by the Applicant, issued a negative declaration of environmental significance for this Type 1 action, after reviewing Part 1 of the EAF and completing Parts 2 and 3 of the EAF, and scheduled the Public Hearing for July 18, 2019; and

WHEREAS, on or about July 11, 2019, acting on a referral of the application from the Planning Board pursuant to GML § 239-m, County Planning recommended approval of the Project;

WHEREAS, on July 18 and August 16, 2019, the Planning Board held two well-attended public hearings on the applications and heard comments for and against the Project;

WHEREAS, the Planning Board directed the applicant to respond in writing to the public comments and the applicant submitted two sets of responses after each public hearing;

WHEREAS, the Planning Board directed the Town Designated Engineer, Mr. Cole of Prime AE to review the responses to the public comments and the additional information submitted by the Applicant, all as set forth in Mr. Cole's letter of September 10, 2019 providing comments on the Applicant's materials and recommending that the Town should condition any approval on the Applicant obtaining a permit from the US Army Corps of Engineers, if one is required by the agency, advising that the supplementary Visual Impact Assessment demonstrates that the existing Biggs and Otis and any other nearby residences will be adequately screened by existing vegetation, distance and topography such that the solar array will not be visible; and finding that the revised Decommissioning Plan is reasonable for the proposed system; and

WHEREAS, the Planning Board has carefully considered the documentation in the record including the supplemental information provided by the Applicant, the comments by involved and interested agencies, the recommendation of County Planning and the comments, both oral and written, by the members of the public;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board as follows:

1. That the applications for Minor Subdivision, Site Plan Review and Special Use Permit submitted by the Applicant for the Project were determined to be complete under the Town of Duanesburg Solar Law, the Duanesburg Zoning Law, and the Town of Duanesburg Subdivision Regulations; and
2. That having received and reviewed the application materials submitted by the Applicant, including but not limited to, site plans, subdivision plans, lot line adjustment plans, decommissioning plans, a Full Environmental Assessment Form, statements of proposed construction impacts and ongoing operation and maintenance, and having completed Parts 2 and 3 of the Full EAF, hereby determines that the Project will not have a significant adverse impact on the environment (as duly noted in the Full EAF) and, therefore, hereby confirms and issues a Negative Declaration as set forth in the EAF Part 3 and its attached reasons supporting the determination read into the record and incorporated herein based on the following findings:
 - a. The Project will not have any significant impacts on federal wetlands or waterbodies as determined by the full wetland delineation conducted on the Project site, that any necessary approvals would be covered by the ACOE nationwide permit program, and that there are no impacts on State wetlands or streams;
 - b. The Project will not create any permanent impacts from odors, noise or traffic nor to groundwater and surface waters, there will only be insignificant and temporary impacts during construction;

Exhibit 19: Town of Duanesburg Planning Board Resolution,
entered September 19, 2019

- c. The Project avoids and/or minimizes impacts on plants and animals, due to the very limited vegetative clearing that will result from the Project, once construction is complete vegetation will cover the ground under the panels and the property will continue to be used for limited agricultural purposes, such as sheep grazing and bee keeping;
 - d. The Project will not create any impacts to historical or cultural resources as shown in the Letter of No Effect from the New York State Office of Parks, Recreation, and Historic Preservation dated June 4, 2019;
 - e. The Project will minimize any visual impacts due to the existing topography, the retention of existing vegetation as shown on the final site plans and will not create any impacts from glare as demonstrated by the Applicant;
 - f. The Planning Board hereby requires that the Project provide evergreen landscaping plan showing the establishment of a substantial evergreen buffer on the Applicant's property within 10 feet of the property boundary currently containing houses within approximately 600 feet of the project site boundary for a length of approximately 1600 feet at the back of the parcel with 2 staggered rows of trees planted 20 feet on center with the trees having the height at the time of planting of 6 to 7 feet and with the trees being species spruce and fir evergreens. The applicant shall also provide a maintenance and replacement agreement for the evergreen buffer to be planted;
 - g. The Project does not impact any Critical Environmental Areas and is not located in a flood zone;
 - h. The Project will have a positive economic benefit as it will result in revenue to the Town pursuant to a Payment-In-Lieu-Of-Taxes ("PILOT") Agreement and it will result in jobs during the construction and operation of the facility;
 - i. The Project will provide renewable energy in the production of electricity and will contribute to the State's goal of replacing fossil fuel generated electricity with renewable sources of electricity;
 - j. The Project will also not change the community character as it has been sited to not be visible to the maximum extent possible to surrounding homes and roadways, and an evergreen landscaped buffer will be created on the property containing the project as set forth above;
 - k. The Project is also a use of land that will be discontinued in the future and as such a decommissioning plan is in place to return the property to its current condition; and
 - l. The Applicant has indicated that it intends to continue to have the property in agricultural uses, such as sheep grazing and beekeeping, which also makes it consistent with the community which contains agricultural uses.
3. That Planning Board's findings set forth below demonstrate the proposed construction of the Project, a Solar Energy System (Major), at the Property satisfies the requirements of the Town of Duanesburg Solar Law:
- a. The Project is in the R-2 Zoning District and as such is a permitted use subject to Special Use Permit and Site Plan approval by the Planning Board;
 - b. The projects are located on parcels in excess of 97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 and 45.63 acres, respectively, thereby satisfying the lot coverage limitation of 60%;
 - c. The Project provides the required 100' setback between its components and the boundary of the Property, provides the required minimum of 25' buffer of vegetation to screen views of the Project and, in fact, that the Project exceeds this standard to address the concerns of adjoining property owners;
 - d. A fence meeting or exceeding the applicable requirements of the Zoning Law has been proposed;
 - e. The Project preserves existing on site vegetation to the maximum extent practicable and does not propose to clear cut all trees in a single contiguous area exceeding 20,000 square feet on the property;
 - f. The Town of Duanesburg Planning Board reviewed the plans showing brush hogging and tree clearing that had been undertaken by the property owner and determined such tree clearing did not exceed the above requirement;

**Exhibit 19: Town of Duanesburg Planning Board Resolution,
entered September 19, 2019**

- g. The SEQRA regulations require that a project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been complied with and 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 uses of the property and not directly related to the development of the solar farm;
 - h. The Project is not located within an active farm field but is vacant hay field periodically cut by the property owner and historically used for more intensive agricultural purposes;
 - i. Native grasses and vegetation will be maintained below the arrays;
 - j. The site plans demonstrate that the Project:
 - i. Provides through its siting and through the implementation of an evergreen landscaping plan to be approved by the Town of Duanesburg, a project design that minimize visual impacts from public roads and existing residential dwellings on contiguous parcels to the satisfaction of the Planning Board;
 - ii. layout ensures that the solar panels will not reflect solar radiation or glare onto adjacent buildings, properties and roadways and that the solar panels include a non-glare coating and are designed to absorb the maximum amount of solar rays such that the panels will not misdirect or reflect solar rays onto neighboring properties or public roads in excess of that which already exists;
 - iii. existing vegetation on the site is preserved to the maximum extent practicable;
 - iv. all transmission/interconnection lines on the Property shall be underground and within necessary easements and in compliance with applicable electrical and town codes excepting aboveground lines as required by National Grid;
 - v. no artificial lighting is proposed;
 - vi. that any signage will be in accordance with applicable town requirements and the manufacturers and/or installers identification and appropriate warning signage shall be posted;
 - vii. the average height of the solar panels are 8' feet above grade – below the 20' height limitation;
 - viii. all disturbed areas shall be restored in accordance with the zoning law's requirements.
4. That the decommissioning plan is approved and the Planning Board requires that financial security be provided at least 30 days prior to the commencement of construction to the Town Clerk by the Applicant in the form of a bond or letter of credit in the amount \$422,762.00 (\$211,381.00 per project) with the form of financial security acceptable to the Town's attorney, with such funds to be used for decommissioning of the Project in the event that the Project is not decommissioned by the Project owner or the landowner; and
5. That this project approval is conditioned upon the Applicant obtaining any other State or federal approvals required for the project including but not limited to any such permits required by the NYSDEC, the USACOE and the NYS DOT; and
6. That this resolution and negative declaration shall be filed in the office of the Town Clerk and shall take effect immediately and that the notice of negative declaration be published in the ENB, that the negative declaration be provided to all involved agencies and that it be filed as required by SEQRA.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Phillip Sexton	✓		
Jeffrey Schmitt	✓		
Elizabeth Novak	✓		
Martin Williams	✓		
Thomas Rullson	✓		

**Exhibit 19: Town of Duanesburg Planning Board Resolution,
entered September 19, 2019**

Michael Harris
Joshua Houghton

✓
✓

Agency Use Only (If Applicable)
Project: Oak Hill Solar
Date: 9/19/19

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

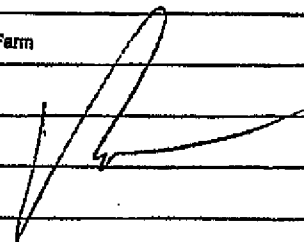
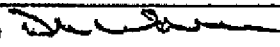
SEE ATTACHED

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

FEAF 2019


Upon review of the information recorded on this EAF, as noted, plus this additional support information	
and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:	
<input checked="" type="checkbox"/> A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.	
<input type="checkbox"/> B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:	
There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 61.7(d)).	
<input type="checkbox"/> C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.	
Name of Action: Oak Hill Solar Farm AKA Eden Renewables Solar Farm	
Name of Lead Agency: Town of Duaneburg Planning Board	
Name of Responsible Officer in Lead Agency: Philip Sexton	
Title of Responsible Officer: Planning Board, Chair	
Signature of Responsible Officer in Lead Agency: 	Date: 2 September 2019
Signature of Preparer (if different from Responsible Officer) 	Date: 9/19/19
For Further Information:	
Contact Person:	
Address:	
Telephone Number:	
E-mail:	
For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:	
Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)	
Other involved agencies (if any)	
Applicant (if any)	
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html	

PRINT FULL FORM



ENTERED ON: 9/19/19

BY: M.D. 2780

ORIGINAL

Oak Hill Solar

Reasons Supporting the SEQRA Determination:

The Project's environmental impacts have been evaluated in accordance with SEQRA, including completion of Parts 1, 2 and 3 of a Full Environmental Assessment Form. On Part 2 "Identification of Potential Project Impacts", none of the potential project impacts have been identified as "Moderate to Large" for the proposed minor subdivision, site plan and Special Use Permit for a Proposed Photovoltaic (PV) Solar Project located at 13590-13592 Duaneburg Rd. The Proposal is consistent with the Town Comprehensive Plan; and, the Town Zoning and Subdivision Ordinances; and, complies with the Town Law related to Solar Facilities. The parcels are not located in an Environmental Sensitive Area, are not in a Hazardous Waste Remediation Site and are not within the 100-year Flood Plain.

Both Parcels will be used for the construction of PV Solar Panels and Equipment. The project will not require the drilling of a well or a septic system. Approximately 550 sq ft. of utility trench and 2,100+ sq ft. of limited-use, pervious gravel access road is proposed to be installed. There are federally regulated wetlands identified on the parcels and a wetland delineation has been performed by the Applicant. All impacts on wetlands have been avoided to the maximum extent practical and any impacts would be within the limits set forth in the US Army Corps of Engineers nationwide permit program. No NYSDEC wetlands or their regulated adjacent area will be disturbed by the project. Temporary soil erosion control measures will be installed and maintained throughout any construction activities, in accordance with the NYSDEC Stormwater Management Design Manual. The Applicant has established through the use of an existing access road for the project that the total soil disturbance will be less than one acre for the project.

Threatened or Endangered Species, primarily the Northern Long-eared Bat, have been identified. To avoid and minimize any potential threat to the bats, all tree removal activities must occur between October 31st and March 31st. The State Historic Preservation Office has reviewed the project and the report entitled "Phase I Archaeological Investigation, Oak Hill Solar Farms, NY-7/Duaneburg Rd., Town of Duaneburg, Schenectady County, New York". No archaeological resources were identified during the survey. SHPO has no concerns regarding the projects potential to affect historic architectural resources. Therefore, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

All construction will be consistent with the character of the community and surrounding areas. No aesthetic impacts are anticipated as the project area will be largely screened from view by natural vegetation and evergreen plantings. Any potential noise impacts will be short term during construction activities.

The action will not result in any impacts to agricultural resources as the property is not actively farmed with row crops.

The Planning Board has reviewed additional comments and information provided on the Project submitted after June 7, 2019. Comments include but are not limited to those received during the Public

Hearings, July 18 and August 16, 2019, and correspondence received after those hearings. Additional information submitted by the Applicant include, but are not limited to, the: updated Part 1 of the Full Environmental Assessment Form; July 2019 Stormwater Pollution Prevention Plan; August 29th Visual Impact Assessment, Revised Decommissioning plan and utility interconnection study; and, September 5, 2019 responses to comments received after the August 16, 2019 Public Hearing.

Based on a review of all available information, the Planning Board has determined that the solar project will not have any significant adverse impacts on the environment and a Negative Declaration is made for the purposes of Article 8 of the Environmental Conservation Law.

ENTERED ON: 9/19/19
BY: MD 2:00

ORIGINAL

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Melissa Deffer

From: Phill Sexton <phills Sexton1@gmail.com>
Sent: Tuesday, September 24, 2019 1:48 PM
To: Bakner, Terresa
Cc: Dale Warner; Melissa Deffer; eknovak3@gmail.com; jvrjs1@aol.com; jhoughton1212@yahoo.com; Martin Williams; michaelgharris@gmail.com; unrulyhd@yahoo.com; dcole@primeeng.com
Subject: Re: EdenO

Thank you Terresa.

Melissa - I'm also responding to your earlier email asking when I'm available to come in to sign off on everything. It will need to wait until this information has been clearly verified.

Thanks,

Phill
240-405-4997

RECEIVED
SEP 24 2019
BY: M.....

On Tue, Sep 24, 2019 at 1:13 PM Bakner, Terresa <TBakner@woh.com> wrote:

It will have to wait until Monday

I am reasonably sure all the numbers are correct based on the review of the resolution by pretty much everyone

Sent from my iPhone

On Sep 24, 2019, at 12:05 PM, Phill Sexton <phills Sexton1@gmail.com> wrote:

Yes please take it from here Terresa. My only request is someone (Terresa and Dale) please send me an email clearly confirming what we documented in the resolution to approve is accurate. I need to make sure what I say approved and what I sign off to approve is accurate and confirmed.

I head out of town / country tomorrow through late Friday. If you need me to approve / sign anything you will need to have this confirmed for me by this afternoon for me to come to town hall or it will need to wait till Monday. I then head out of town / state the following week through Thursday.

Phill

On Tue, Sep 24, 2019, 11:11 AM Bakner, Terresa <TBakner@woh.com> wrote:

Dear all

Since Lynn is now speaking through her attorney I would respectfully suggest that you let me handle any discussions with Doug rather than communicating with Lynn. I intend to address the issue raised by tomorrow.

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

If anyone has any objections please let me know. I think we all agree that the site plans did not change the size of the facility between June and now.

Thanks
Terresa
Sent from my iPhone

Begin forwarded message:

From: "Douglas H. Zamelis, Esq." <dzamelis@windstream.net>
Date: September 24, 2019 at 11:04:40 AM EDT
To: "Bakner, Terresa" <TBakner@woh.com>
Subject: RE: Eden

Terresa,

I hope you are enjoying the conference and that attendance at your presentation is good.

We maintain that, according to the resolution as compared to the application materials, the project as described in the resolution is empirically larger than the project as described in the application materials. You will of course correct me if we are mistaken.

Thank you Terresa.

Doug

SEP 24 2019
BY: *M*.....

Douglas H. Zamelis, Esq.
The Law Office Of Douglas H. Zamelis
7629A State Highway 80
Cooperstown, New York 13326
Tel: (315) 858-6002
Fax: (315) 858-7111

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

RECEIVED
SEP 24 2019
BY: *W*

From: Bakner, Teresa <TBakner@woh.com>
Sent: Tuesday, September 24, 2019 10:55 AM
To: Douglas H. Zamelis, Esq. <dzamelis@windstream.net>
Subject: Re: Eden

Doug

I am the fall meeting as you know. I will get back to you on this issue. There were no changes related to the size of the facility between June 2019 and the approval.

Thanks!

Terresa

Sent from my iPhone

On Sep 24, 2019, at 10:47 AM, Douglas H. Zamelis, Esq. <dzamelis@windstream.net> wrote:

Terresa,

At the meeting on Thursday Lynne Bruning brought to my attention that she believed the project acreage stated in the resolution was substantially larger than shown on any previous site plan or discussed in any previous project documents. *She is correct, and it appears the resolution approved a project substantially larger than Eden actually applied for.* Specifically:

- In the resolution of approval for the Site Plan/Special-Use Permit Application item 3B, it is stated "the projects are located on parcels in excess of 97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 acres and 45.63 acres, respectively, thereby satisfying the lot coverage limitation of 60%." The total acreage of the solar array is 90.31 acres.

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

- Question E1.b of the Part One Full Environmental Assessment Form states that the acreage of the solar arrays will be 65.2 acres in size.
- The August 8, 2019 stamped Site Plan prepared by EDP clearly indicates that the combined acreage of the two arrays is 65.2 acres in size (33.2 and 32 acres respectively).
- Using the following formula $\% \text{ change} = \frac{x2-x1}{x1}$, we find that the discrepancy in what was proposed compared to what was approved equates to 40.09%.

Please let me know whether and how your client intends to address this matter. Ms. Bruning has already brought this to the attention of Chairman Sexton, but I wanted to provide you with the above references from the application materials compiled by Danny Lapin, environmental planner at the Otsego County Conservation Association, and also by the way a full-fledged member of the public entitled to comment on board matters. We would like to know who prepared the resolution and pursuant to Public Officers Law Article 6 I will file a request with the Town Records Access Officer.

At the meeting were were entitled to a copy of the SEQRA resolution in addition to the draft resolution. Here is a link to a COOG publication on 103(e) <https://www.dos.ny.gov/coog/QA-2-12.html>. The Town of Harpersfield in Delaware County refused to provide a record requested pursuant to 103(e) on the basis that it was only a draft. See 126 AD3d 1073 (let me know if you'd like to see a copy of the trial court decision).

My clients are understandably very frustrated, and rather shocked, by this last minute almost doubling of the project size, and we all remain hopeful judicial review can be avoided. I recall that you are at the section meeting, and I hope to hear from you soon in this regard.

Doug

Douglas H. Zamelis, Esq.

The Law Office Of Douglas H. Zamelis


RECEIVED
SEP 24 2019
BY: 

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

7629A State Highway 80

Cooperstown, New York 13326

Tel: (315) 858-6002

Fax: (315) 858-7111



Virus-free. www.avast.com

RECEIVED
SEP 24 2019
BY: *M*

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Melissa Deffer

From: Phill Sexton <phills Sexton1@gmail.com>
Sent: Tuesday, September 24, 2019 1:56 PM
To: Terresa Bakner
Cc: Melissa Deffer; Dale Warner; Jeff Schmitt; Roger Tidball
Subject: Fwd: PILOT

Further context for you Terresa.

Melissa. If Terresa determines this is something the entire planning board needs to be aware of, then please distribute to everyone. Otherwise we can keep it to the group I've included with this email so as not to distract everyone with it. I've also already forwarded Lynne's message to Frank Macri, the school Superintendent. My wife Jennifer serves on the school board as well.

P
240-405-4997

RECEIVED
SEP 24 2019
BY: M.....

----- Forwarded message -----

From: lynnbruning@gmail.com <lynnbruning@gmail.com>
Date: Tue, Sep 24, 2019 at 1:33 PM
Subject: PILOT
To: Phill Sexton <phills Sexton1@gmail.com>, <jvrjs1@aol.com>

Good Afternoon Phil and Jeff,

This is me being a tax payer writing to a town representative:

Are you aware of the PILOT that Eden negotiated with the School District on September 10th?

Oak Hill 1
\$8,127 in 2021 increasing to \$10,720 in 2035

Same numbers for Oak Hill 2
<https://www.duanesburg.org/board-of-education/board-meetings/> September 10 supplemental page 18

please compare it to:

Corona 18 MW In Washington County: \$6,000 per MW
https://www.heraldmillmedia.com/news/local/payment-in-lieu-of-taxes-approved-for-proposed-solar-project/article_2449fbcd-512a-5cd3-b1b8-41172ad7dc2a.html

**Exhibit 21: Additional Materials Received into the Record
after September 19, 2019**

Bluestone in Ulster County: \$3,700 per MW

https://www.dailyfreeman.com/news/local-news/amid-concerns-ulster-town-solar-developer-defends-drainage-plan/article_79bae21a-ecac-11e8-b27f-9fd4644c804a.html

The Town of Sharon agreement with Birdseye Solar for a 2 MW facility in 2017

<https://www.sharonsprings.org/wp-content/uploads/2017/08/07-06-17-Reorganizational-Meeting-Minutes.pdf>

"WHEREAS, the Developer has agreed to make annual PILOT payments to Sharon Springs Central School commencing in September 2018 starting at \$25,364.06 and then increasing by 5% per year; and

WHEREAS, the Developer has agreed to make annual PILOT payments to Schoharie County commencing in January 2019 starting at \$12,679.15 and then increasing by 5% per year; and

WHEREAS, the Developer has agreed to make annual PILOT payments to the Town of Sharon commencing in January 2019 starting at \$6,956.78 and then increasing by 5% per year; and

WHEREAS, the approximately 15 acres upon which the solar project will be built will remain fully taxable as unimproved vacant land and the PILOT payments will be paid in addition to those regular annual tax payments. Furthermore, annual payments will be made to the Special Districts in the Town such as the Fire District and Library District and will be paid in addition to the PILOT payments; and

WHEREAS, the Developer has provided a Decommissioning Bond to the Town of Sharon in the amount of \$50,571.00 which will cover the entire 30-year projected lifespan of the solar installation;"

To further place Eden's inadequate PILOT agreement in perspective, I pay \$6,400 in school taxes.

Our community has lost a valuable opportunity to have additional staff, teachers, and programs. The School Board has done a very serious long term disservice to our kids!

When does Eden go in front of the Town Board?

Duanesburg deserves better!

Regards,

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

RECEIVED
SEP 24 2019
BY: *M*

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Melissa Deffer

From: Phill Sexton <phills Sexton1@gmail.com>
Sent: Friday, October 4, 2019 12:52 AM
To: lynnebruning@gmail.com
Cc: Jeff Schmitt; Terresa Bakner; Melissa Deffer; Dale Warner
Subject: Re: Clarifications to the Draft Resolution

RECEIVED
OCT 04 2019
BY: *[Signature]*

Hi Lynne,

Thanks for your feedback. The correct acreage and lot coverage is what I approved on 2 October. The larger acreage quantities you continue to refer to were from the original application we requested Eden revise, nearly a year ago, so as not to exceed the maximum tree clearing and lot coverage allowed in the solar law. We plan to discuss the project resolution further at the next planning board meeting to ensure all information is correct.

I will look for your 103 request the next opportunity I'm at town hall which will be on or before Thursday 17 October. If you need something sooner than our next meeting, please ask for what you are looking for from Dale or Melissa at town hall or email us what you need.

For your future reference, please be aware that everyone on the planning board, including me, serve as volunteers for the community and typically provide a physical presence at town hall the third Thursday of each month for the planning board meeting. All other correspondence with town staff / employees is generally accomplished via email and phone, or special meeting requirement. Hopefully you recognize everyone you've engaged with the town government are graciously exceeding normal expectations, in order to help you and your numerous requests for information and attention of time.

Thank you for your input Lynne.

Phill
240-405-4997

----- Forwarded message -----

From: lynnebruning@gmail.com <lynnebruning@gmail.com>
Date: Thu, Oct 3, 2019, 12:19 PM
Subject: Clarifications to the Draft Resolution
To: Phill Sexton <phills Sexton1@gmail.com>, <jvris1@aol.com>

Chairman Sexton,

This morning I reviewed Eden Renewables site plan which you approved and signed on October 2, 2019.

This document Site Statistics Indicate Lot 1 is 70.378 acres and Lot 2 is 70.353 acres.

The September 19, 2019 Draft Resolution Section 3. b. state
"b. The projects are located on parcels in excess of 97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 and 45.63 acres, respectively, thereby satisfying the lot coverage limitation of 60%;"

Additionally, the Draft Resolution does not include a life span for this project. At many meetings Eden presented a 25- 30 year project. However in the past month Eden Renewables has changed their website to indicate a 40 year project. I realize what is on their website is marketing and not under the planning boards control however, it is wise to trust but

**Exhibit 21: Additional Materials Received into the Record
after September 19, 2019**

verify. The project lifespan is something I believe the Town of Duaneburg would want to clarify in their legislation.

I hope that the Resolution is amended in writing to reflect the parcel acreage, solar array coverage within the fence, and project lifespan as reflected in the application and approved site drawing.

Would you please let me know if a written amendment will be prepared before signing the Resolution.

I hope you received the 103(e) request that I left at Town Hall last week. If I need to submit a new request please let me know.

Thank you for your time.

Regards,

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

RECEIVED
OCT 04 2019
BY: *[Signature]*

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

To: Town of Duanesburg Planning Board
Re: Eden Renewables Solar Project
October 1, 2019

I consider the Murrays as friends and am not against their solar project.

What concerns me is the company, Eden Renewables.

Eden Renewables did admit that they did not send the 2018 mailing to Biggs' zip code 12141, thus leaving the Biggs unaware of what was going on until it was well under way. Were there others?

They did not properly represent the neighboring Biggs property in their paperwork and mappings.

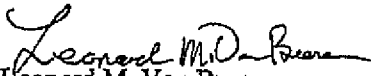
Mrs. Biggs' daughter, Lynne Bruning, has found many, many discrepancies in Eden Renewables' paperwork. Have you listened to and considered her research?

The Company's approach worries me -- and what do we know about their past work?

I'd hate to see the Murrays, the Biggs or the townspeople hurt because the paperwork was not thoroughly investigated.

I hope your board has done its homework because I am very uncomfortable with Eden Renewables and their way of doing business.

Please think long and hard and listen to those who have delved into Eden Renewables' history before you sign off on this project.


Leonard M. Van Buren
PO Box 114
148 Bull Street
Delanson, NY 12053


RECEIVED
OCT 02 2019
BY: 

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019



RECEIVED
SEP 27 2019
TOWN OF DUANESBURG
TOWN CLERK

Supervisor Rodger Tidball
Town Board
Planning Board
Duanesburg Town Board
5853 Western Turnpike
Duanesburg, NY 12056

RECEIVED
SEP 30 2019
M

September 27, 2019

re: Property values in relation to proximity to Solar Facilities and Decommissioning

Dear Chairman Sexton,

September 19, 2019 I spoke at the end of the Planning Board meeting about the negative impact solar facilities have on surrounding property values. I would like to share this information with the Town Board, Planning Board and with you.

Since March 2018, Saving Greene has worked to identify potential issues with siting commercial solar projects. We support solar development in places where it makes sense: brownfields, capped landfills, and previously disturbed land. In Coxsackie, solar developers have secured at least 2,700 acres east of the Thruway and proposed to install 600,000 panels on 1,000 acres of this total. These proposed plants would produce 165 megawatts of electricity.

Contrary to what the solar industry claims, we have found that solar plants do affect property values. Solar developers are quick to pin the "NIMBY" label on any local group concerned with property values. They offer data on wind farms as evidence that area values won't decline. This approach is unsupported by evidence or reason. In fact property owners in Coxsackie are already struggling with reduced values, canceled sales, and long periods on the market due to these proposed facilities.

PO Box 369, Coxsackie NY 12051
SavingGreene@gmail.com
SavingGreene.com

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

P.O. Box 160
Quaker Street, NY 12141

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

RECEIVED
SEP 27 2019
TOWN OF DUANESBURG
TOWN CLERK

September 26, 2019

re: 103(e) for October 2019 Planning Board Meeting

RECEIVED
SEP 27 2019
BY: *M*

Chairman Sexton,

Pursuant to Public Officers Law Section 103(e) I hereby request that I be provided with a copy of all records scheduled to be discussed at the Planning Board's October 17, 2019 concerning the Eden Renewables Solar project at or prior to the meeting. For your easy reference, a copy of section 103(e) is below:

(e) Agency records available to the public pursuant to article six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable as determined by the agency or the department, prior to or at the meeting during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision.

Thank you for your assistance.

Regards,


Lynne Bruning

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Jennifer Howe

From: cmsmailer@civicplus.com on behalf of Contact form at Duanesburg NY
<cmsmailer@civicplus.com>
Sent: Tuesday, September 24, 2019 11:19 AM
To: Jennifer Howe
Subject: [Duanesburg NY] Freedom of Information Law Request (Sent by Douglas Zamelis, dzamelis@windstream.net)

Hello jhowe,

Douglas Zamelis (dzamelis@windstream.net) has sent you a message via your contact form (<https://www.duanesburg.net/user/30/contact>) at Duanesburg NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.duanesburg.net/user/30/edit>.

Message:

Dear Ms. Howe, Pursuant to Public Officer Law Article 6 I hereby request access to all records received by the Town of Duanesburg Planning Board, or its agents and attorneys, from Eden Renewables, or its agents and attorneys, concerning the record entitled "Draft Town of Duaneburg Planning Board Resolution Issuing Negative Declaration, Approving Special Permit, Site Plan and Subdivision for the Eden Renewables Oak Hill Solar Energy Projects - 1206 Oak Hill Road". Specifically I seek access to any records by which the referenced draft resolution was transmitted to the Town of Duaneburg or its agents or attorneys by Eden Renewables or its agents or attorneys. If such records are not in the possession of the Town of Duaneburg or cannot be located after diligent search, kindly provide your certification to that effect as provided by Public Officers Law Section 89. Thank you for your assistance with this request and we look forward to your response in compliance with Public Officers Law Section 89.



Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Melissa Deffer

From: Phill Sexton <phills Sexton1@gmail.com>
Sent: Friday, September 20, 2019 2:15 AM
To: Susan Biggs
Cc: Dale Warner; Melissa Deffer; Doug Zamelis; Danny Lapin; lynnebruning@gmail.com
Subject: Re: Biggs to Town Planning Board

Hello Mrs. Biggs,

Thank you for your letter. Because it was sent while I was in route to the meeting, I hadn't received it till now. Luckily Melissa had caught it in time to print with a series of other letters sent late in the day for the meeting. I did happen to read it during the planning board discussions on the solar project. Sorry for the late reply as I had to drive 3 hours into Pennsylvania after the meeting. Now is my first chance to respond back to you.

Although the outcome of the solar project approval isn't everything you wanted, I do hope you recognize some of the conditions the board required of Eden Renewables is due in part from yours and Lynne's efforts and feedback. We are all neighbors and community members that essentially want the same things. Tonight was yet another example of balancing compromise this planning board tries to enable as fellow members of the community, while also carrying out the responsibilities of administering the laws of the town.


Please always feel comfortable to contact me if you have questions or future ideas or concerns. I am always willing to listen.

Thank you Mrs. Biggs for your long standing commitment, passion and contribution for our community.

Respectfully,

Phill Sexton

On Thu, Sep 19, 2019, 6:35 PM Susan Biggs <azurevlsta@hotmail.com> wrote:
My apologies 80 isn't as fast as it used to be, but she's spot on. As usual.

 ORIGINAL


 ENTERED
9-20-19
MD 8:16

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Melissa Deffer

From: Phill Sexton <phills Sexton1@gmail.com>
Sent: Friday, September 20, 2019 2:25 AM
To: lynnebruning@gmail.com
Cc: Dale Warner; Melissa Deffer; Doug Zamelis; Danny Lapin; Susan Biggs Bruning
Subject: Re: bruning Statement of conditions to planning board

Thanks Lynne for your letter and further documenting your list of concerns. I thank you again for inviting Jeff and to walk your property. Hopefully you recognized Teresa and I in particular did refer to this in last night's meeting.

Sorry for the late response as this is the first chance I've been able to.

As I wrote to your mother in my response to her email, I again thank you both for your level of commitment, passion and contribution to the community you've put forth with this project. I hope you recognize the balance we did try to insert for enabling a fair outcome.

Always feel comfortable to contact me if you have any questions or ideas for the planning board.

I wish you all the best for your future endeavors.

Respectfully,

Phill Sexton

On Thu, Sep 19, 2019, 5:04 PM lynnebruning@gmail.com <lynnebruning@gmail.com> wrote:
Chairman Sexton,

Please see attached 2 page PDF.

Its a sad day when a Town chooses not to uphold its own zoning ordinances and solar laws.

But thats not today, I have faith in all of you!

Regards,

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



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Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Chairman Sexton and the Planning Board,

I am bewildered, appalled, ashamed and angry.

It is the responsibility of the Planning Board to uphold our town's laws. While aspects of character may not be addressed by the law they should be considered when entering into a contract.

While reviewing Eden Renewables application I ask that the Planning Board contemplate the following definitions from American Oxford Dictionary:

<u>fraudulent</u>	involving deception, tended to result in financial or personal gain
<u>honest</u>	free of deceit, morally correct,
<u>deceit</u>	concealing, misrepresenting truth, deception
<u>trustworthy</u>	able to be relied upon as honest, factual

Would any of you enter into a construction contract for a new home if the builder had a history of or demonstrated misrepresentations and disregard for local law?

I have lived here for 80 years and I do not want to see this happen to the Town I love.

If the Special Permit is approved how will it set precedents for our future development? How will these precedents impact properties long after you have left the Board?

I believe Duanesburg deserves better.
Better than the bare minimum of the law,
Better than this proposal.

The courts have upheld rulings that the SEQRA lead agency should not defer analysis of the projects impact to professionals or agencies. (Bronder v Town Board of Town of Warren 2017).

You are ultimately responsible for the application's accuracy and completeness.

Are you confident that you have reviewed all information submitted by Eden Renewables? Do you believe that it is factual? Will you rest easy tonight knowing that your decision will protect the Town during decommissioning in 30 years?

I thank my daughter for inviting the board members to walk the property line on September 16, 2019. I understand that this was the first time any board member had visited the site since the application was filed May of 2018. I hope this visit was helpful to visualize the storm water erosion on my property, vista to Esperance, and the need for screening. I



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Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

invite all of you for a site visit, just as the Planning Board did for Onyx's project on Alexander Road.

I have reviewed documents and watched my daughter, Lynne ,meticulously research Eden Renewables, best solar practices, and reach out to community and state leaders. What I know has lead me to the conclude that the developer lacks the financial stability and knowledge to lead this project to successful construction, operation and decommissioning in 30 years.

I ask you to deny this Special Permit Application.

Additionally, our community deserves an immediate moratorium on all commercial solar development. This legislative pause will allow us to review our solar laws, meet with other communities facing similar challenges, and research current solar development trends.

Please assist us in protecting our lands, upholding our town laws, with a forward look to the future by establishing laws that will protect our citizens in times of change.

Thank you,

Susan Biggs
13388 Duanesburg Road, Delanson, NY 12053
19 September 2019



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9-20-19

MD 9:16

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

September 19 2019

Chairman Sexton and the Planning Board,

in reference to Eden Renewables application for Special use Permit I request that the Planning Board deny the application.

The project is not in compliance with the Comprehensive Plan

1. Property value will be negatively impacted.

Please see recent market analysis as provided by Sotheby's and statement of decreased property value from Tracy Boomhower President of the Columbia Greene Board of Realators. Local real estate agents are reluctant to provide information to me due to fear of retribution from the Town and Planning Board.

2. Applicant disregarded statements from Town Council the Planning Board concerning maximum tree clearing. Violation of SEQRA. Violation of Screening required by town solar law. Multitude of errors and omissions through out the entire application.

Postpone Vote

1. Fire Department is incorrect. Verification of compliance with Duanesburg Fire Department. The possible change in the road width may impact the overall site disturbance.

2. House on north side of Rt 7. Barn and Silo on south side need to be brought to property maintenance regulations or demolished. This may impact overall site disturbance and warrant a new SWPPP.

3. Army Corps of Engineers Full report needs to be reviewed for wet land impact. The applicant has demonstrated repeated disregard for Duanesburg regulations and town councils advice necessitating a full review of this document. I submitted a FOIL early September and expect the report the second week of October 2019.

4. Glare Study has not been provided. The applicant has not provided technical specifications for the panels, how they are installed, or how many there area.

3. Insufficient Decommissioning cost.

4. Lack of Insurance on the project site.



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5. Send the application to a 3rd party for review. This will protect the Town, neighbors, and landowner from future loss of property values, stormwater erosion, and decommissioning failure.

If it as approved I request the following Conditions:

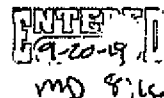
1. Professional survey of the property line
2. Spruce and Evergreen screening along entire property line apx. 2,500 feet. Plantings 25 feet off my property line and property owner rights to semi annual inspection for replanting
3. Assurance that there is not a perimeter road as noted in the applicants plans in the Archeological Survey and in Schenectady County email.
4. Construction hours 8 - 5 PM
5. Confirmation that the solar facility will not be used for hunting or other purposes
6. Property Value Guarantee Agreement (if the applicant is so positive about this not decreasing my property value then they should be willing to do this)
7. Improved SWPPP - there is significant storm water erosion on my property from the proposed project site. The applicant SWPPP contains pages for other projects. Its not accurate.
8. project owner/operator must have annual proof of insurance (other towns request this why isn't Duanesburg?)
9. Bring buildings to property maintain compliance or demolish them.
10. Property Value Guarantee to protect property owner from loss of value due to proximity of solar facility.

Thank you.

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



Handwritten signature





Columbia Greene Board of REALTORS®, Inc.

337 Fairview Avenue
Hudson, New York 12534
Tel: 518-828-7871
Fax: 518-828-6899

General office e-mail
office@columbiagreene.com
Association Executive
ae@columbiagreene.com



April 29, 2019

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza,
Agency Building 3
Albany, NY 12223-1350

Re: Opposition of an Article 10 declaration for Hecate Greene's proposed 50-megawatt solar facility located in the Town and Village of Coxsackie, Greene County, Master Matter case no. 17-F-0619

Dear Secretary Burgess:

The Columbia/Greene Board of REALTORS (CGBR) is the leading advocate of home ownership rights in the Upper Hudson Valley and Catskills. With hundreds of REALTORS and affiliates, the association serves its members and the public through a variety of means, including governmental advocacy. We advocate for property rights, increased homeownership, and smart land-use.

Throughout our existence, CGBR has developed relationships with local officials in Northern Dutchess, Columbia, and Greene counties. Over time many of our members have held volunteer positions on local planning and zoning boards, and some have even held elected office. We are strong proponents of local control, because we believe that those making the decisions should have a stake in their community.

That is why we are requesting that the proposed Greene County Solar Facility in the Town and Village of Coxsackie no longer be considered under the Article 10 designation. Several residents have expressed to REALTORS their concerns regarding this project, including potential health and environmental issues as well as the potential negative impacts this project could have on their ability to sell their home in the future. Many others are concerned about the potential damaging impact on the town's rural character, and bucolic setting that many desire when they buy a home in Coxsackie, as well as the impact on Coxsackie residents quality of life.



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Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

We are acutely aware of the need to diversify our energy supply; however this project has the potential to irreparably change Cocksackie. The residents and officials in the Town and Village of Cocksackie should be the ultimate arbiter of their own future. The Article 10 proceeding must be stopped, and local control must be returned.

Sincerely,



Tracy Boomhower
2019 President, Columbia/Greene Board of Realtors



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ENTERED
10-20-19

MD 2816

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

From: MaryLou Pinckney marylou.pinckney@selectsothebysrealty.com
Subject: Mary Lou/Sotheby's
Date: September 19, 2019 at 4:00 PM
To: lynnebrunhg@gmail.com



Hello Lynne,

I just sent you the 4 listings within proximity to your place that would be acceptable to use as comps. by bank appraisers.
The Scotch Church Rd. is the best comp. of all.
Based on this information, I suggest a list price of \$575,000.

Best regards,
Mary Lou

--

--

Mary Lou Pinckney
Associate Broker
Direct: 518-685-4118

[Download my Sotheby's International Realty Mobile App](#)
[Select Sotheby's International Realty](#)

270 Broadway, Saratoga Springs, NY 12866
Phone: 518-680-8500 | Fax: 518-680-8511

4587 Lake Shore Drive, Bolton Landing, NY 12814
Phone: 518-644-9500 | Fax: 518-644-9511

2573 Main Street, Lake Placid, NY 12946
Phone: 518-523-2560 | Fax: 518-523-2560

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INDEXED
9-20-19
MD 8/16

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Melissa Deffer

From: Phill Sexton <phillsexton1@gmail.com>
Sent: Thursday, September 19, 2019 5:00 PM
To: Danny Lapin
Cc: Melissa Deffer; Dale Warner; Douglas H. Zamelis, Esq.; lynnebruning@gmail.com
Subject: Re: Comments of the Otsego County Conservation Association

Hi Danny,

Thanks for submitting your comments. Letting you know I did receive them.

Phill
240-405-4997

On Thu, Sep 19, 2019 at 4:39 PM Danny Lapin <planner@occainfo.org> wrote:

Dear Ms. Deffer, Mr. Sexton, and Mr. Warner:

Please see attached for the comments of the Otsego County Conservation Association, Inc. (OCCA) regarding the proposed Site Plan and Special-Use Permit Application for the Eden Renewables, LLC Solar Project.

Best Regards,

Danny Lapin

Danny Lapin, AICP

Environmental Planner

Otsego County Conservation Association

7207 State Highway 80 | PO BOX 931

Cooperstown, NY 13326

607-547-4488 | planner@occainfo.org



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MD 4/12

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

1



Phillip Sexton, Chairman
Town of Duanesburg Planning Board
5853 Western Turnpike
Duanesburg, NY 12056

September 19, 2019

RE: Comments of the Otsego County Conservation Association, Inc. (OCCA) on the proposed 65.2-acre solar array proposed by Eden Renewables, LLC

Dear Chairman Sexton:

Thank you for the opportunity to provide written comments on behalf of adjacent property owners Susan Biggs and Lynne Bruning regarding the proposed Site Plan Review and Special-Use Permit Application put forth by Eden Renewables, LLC (hereinafter referred to as the "Applicant"). As proposed, the Applicant seeks to construct two five-megawatt (MW) solar arrays on 13590-13592 Duanesburg Road (Tax ID 74.00-2-5) totaling approximately 65.2 acres in size. In preparing these comments, the Otsego County Conservation Association, Inc. (OCCA) reviewed the Applicant's submissions including the September 5, 2019 response to comments, the decommissioning statement, the visual impact analysis, and the response from the New York State Historic Preservation Office (SHPO). New York State Environmental Quality Review Act (SEQRA) processes are meant to be iterative, with the best version of a submitted application being approved. In that regard OCCA thanks the Applicant for addressing comments submitted during the August 15, 2019 Planning Board Meeting.

With the passage of the New York State Climate Leadership and Community Protection Act, there will be a substantial need to plan for and site new renewable energy generating facilities. Each application to site such a facility requires a thorough, deliberate review. For the reasons stated above, OCCA requests that the Planning Board withhold Site Plan/Special-Use Permit approval until the abovementioned issues are addressed or consider denying the Application outright.

Upon close examination of the revised Site Plan/Special-Use Permit Application, OCCA has identified the following issues that are worthy of comment. These include:

- Evergreen screening should be added along the entirety of the Biggs' property line;
- The project may have violated Section 3(f) of the Town of Duanesburg's Solar Energy Facilities Law;
- The project site is not served by the Quaker Street Fire Department;



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9-20-19
MD 5116

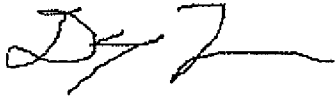
Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

2

- The property owner may have cleared trees during the month of April contradicting the provisions established in Part 3 of the June 20, 2019 Full Environmental Assessment Form; and
- The proposed hours of project construction should be revised to 8 A.M. to 5 P.M. to minimize noise impacts to adjoining property owners.

Founded in 1968, OCCA is Otsego County's oldest private, non-profit environmental conservation organization. OCCA is dedicated to promoting the appreciation and sustainable use of Otsego County's natural resources through research, education, advocacy, planning and resource management and practice. OCCA has been retained by Ms. Lynne Bruning of 13388 Duanesburg Road, Delanson, NY 12053 to review the proposed Site Plan/Special-Use Permit Application.

Respectfully Submitted,



Danny Lapin, AICP

Cc: Lynne Bruning, Douglas H. Zamelis, Esq



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9-20-19

MD 9/16

Comments of the Otsego County Conservation Association, Inc.

Evergreen screening should be added along the entirety of the Biggs' property line

According to a revised Site Plan dated September 9, 2019, the Applicant proposes to establish a 1,373-foot vegetative buffer along the eastern boundary of the project area adjoining the Biggs property. The Applicant will utilize Green Giant Arborvitae trees during buffer construction which are anticipated to be between four and five-feet tall at planting. The buffer is anticipated to block the field of view from the Biggs residence.

While it is commendable that the Applicant has proposed to construct a vegetative buffer, it does not fully satisfy Section 3.3(e) of the Town of Duanesburg's Solar Energy Facility Law. Page 11 of the September 9, 2019 Revised Site Plan shows more than half of the Biggs Property unscreened by Spruce and Fir trees. Ms. Bruning and Ms. Biggs both stated that they utilize their entire property for outdoor activities. In addition to the placement of a vegetative buffer the Applicant should include information about the growth rates of the Spruce and Fir trees and whether they would be susceptible to predation or disease. Therefore, OCCA requests that a vegetative buffer be erected along the entire 2,541-foot property line of the Biggs property, that the property lines be surveyed by a qualified professional, that the trees are planted with a 25-foot setback to allow for growth, and that semi-annual inspections are conducted to ensure the buffer's health.

The project may have violated Section 3(f) of the Town of Duanesburg's Solar Energy Facilities Law

According to page 11 of the Phase I Archaeological Report prepared by Hartgen Archaeological Associates, Inc., tree and brush clearing activities were observed during the April 16 and April 17, 2019 site visit. More specifically, the report reads as follows:

"A neighbor was helping to cut and clear brush and trees throughout the APE with a compact track loader, and was seen clearing brush during archaeological fieldwork. No ground disturbance was observed during or after these brush clearing activities."

Section 3.3(f) of the Town of Duanesburg's Solar Energy Facilities Law states, in part, that "clear cutting of all trees in a single contiguous area exceeding 20,000 square-feet shall be prohibited." In her July 18, 2019 submission, Ms. Bruning provided photographic evidence documenting tree clearing that occurred on the project site for consideration by the Planning Board.

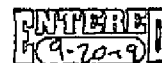
Since the project was under Planning Board review as of May 17, 2018, the Planning Board should verify the area of trees removed as part of the project to ensure compliance with Section 3.3(f) of the Solar Energy Facilities Law. It is also worth noting SEQRA §617.3(a) prohibits the physical disturbance of land prior to the provisions of SEQRA being met.

The project site is not served by the Quaker Street Fire Department

According to September 19, 2019 correspondence with Lynne Bruning, the Town of Duanesburg Planning Board's coordinated review list dated August 15, 2018 has the Quaker Street Fire Department listed as an involved agency. The site is served by the Duanesburg Fire



ORIGINAL



MTD 9.16

**Exhibit 21: Additional Materials Received into the Record
after September 19, 2019**

Department. The Applicant should verify that the access roads, ingress, and egress points are adequate to serve the Duaneburg Fire Department's trucks. **If widening of the access roads is required, then OCCA requests that the figures related to the physical disturbance of the site be revised. If the physical disturbance of the site is greater than one acre, then the Applicant will be responsible for obtaining coverage under the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity.**

The property owner may have cleared trees during the month of April contradicting the provisions established in the June 20, 2019 Part 3 Full Environmental Assessment Form

The negative declaration prepared on June 20, 2019 recognizes the possible presence of the Northern Long Eared Bat (NLEB) on the project site. The NLEB was listed as a threatened species by the U.S. Fish and Wildlife Service under the Federal Endangered Species Act on April 2, 2015. All federally threatened species are afforded the threatened status under the New York State Endangered Species Law and its implementing regulations.¹ As a condition of the negative declaration, the Planning Board required that all tree clearing must occur between October 31 and March 31. If those dates cannot be accommodated, then an onsite assessment from the New York State Department of Environmental Conservation (DEC) would be required. Page 11 of the Hartgen Archaeological Associates, Inc. report shows that tree clearing occurred outside of this time window.

As stated above, tree clearing on the project site was observed by Hartgen Archaeological Associates, Inc. personnel on April 16 and 17, 2019. It is worth noting that the project was under consideration for approximately 11 months by that date. Considering the sensitive nature of the NLEB, OCCA recommends that the Planning Board require an onsite assessment by DEC personnel to identify NLEB habitat be required prior to Site Plan/Special-Use Permit approval.

The proposed hours of project construction should be revised to 8 A.M. to 5 P.M. to minimize noise impacts to adjoining property owners

As shown on Part D.2.1 (i) of the Full Environmental Assessment Form (FEAF), the construction hours for the proposed project begin at 7 a.m. and end at 5 p.m. According to Part D.2.e of the FEAF, project construction will last approximately 12 months. Part D.2.m (i) of the FEAF indicates that noise from heavy machinery during construction will exceed existing ambient noise levels. While this impact will be temporary in nature, there are sensitive receptors whose bedroom is 750 linear feet away from the project site. The noise of heavy machinery emanating from the project site has the potential to negatively affect the quality of life of Ms. Bruning and Ms. Biggs. As such, OCCA requests that start of construction be adjusted to 8 a.m. in the morning to minimize quality of life impacts for the Biggs family.



ORIGINAL



MD 8:16

¹ <https://www.dec.ny.gov/animals/106713.html>

**Exhibit 21: Additional Materials Received into the Record
after September 19, 2019**

 ORIGINAL

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OCT 07 2019
BY:

NEW YORK
STATE OF
OPPORTUNITY.

NYSERDA

PRESENTATION TO PLANNING/ZONING BOARD FOR ENERGY STORAGE
Planning and Zoning Form


The New York State Energy Research and Development Authority (NYSERDA) developed the first comprehensive set of guidelines for reviewing and evaluating battery energy storage systems. The Battery Energy Storage System Guidebook helps municipalities develop a battery energy storage system permitting and inspection processes to ensure efficiency, transparency, and safety in their communities. Municipalities can download the New York Battery Energy Storage System Guidebook at <https://www.nyserdera.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Battery-Energy-Storage-Guidebook>.

NYSERDA offers continuing free technical assistance to local governments to help implement the best practices outlined in the Battery Energy Storage System Guidebook. Municipalities interested in free technical assistance may reach out to the NYSERDA Clean Energy Siting Team at cleanenergyhelp@nyserdera.ny.gov.

NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging receipt of the below information as part of the Applicant's presentation to the Planning/Zoning Board.

Applicant Information			
Company Name:	Oak Hill Solar 1, LLO		
Contact Name:	Stephanie Putaflo	Title:	Project Administrator
Email Address:	Stephanie.putaflo@edenrenewables.com	Telephone Number:	518-265-0258
Project Information			
Project Name:	Oak Hill Solar 1		
Project Address:	13580 Duaneburg Road Delanson, NY 12053		
Energy Storage Size, MW (AC):	0.07 MW AC		
Energy Storage Technology Type:	DC Coupled Lithium Ion		
Solar Project Size, MW (DC) (if applicable):	2.1 MW DC		
Municipality Information			
Municipality Name:	Town of Delansburg		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	dale@delansburg.net	Telephone Number:	518-491-2048

ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY Planning/Zoning Board Member


Signature

10-9-19
Date

Dale Warner
Print Name

Town Planner
Title

AUGUST 2019

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after September 19, 2019**

RECEIVED
OCT 07 2019

 ORIGINAL

BY:  **NEW YORK STATE OF OPPORTUNITY.** | **NYSERDA**

PRESENTATION TO PLANNING/ZONING BOARD FOR ENERGY STORAGE
Planning and Zoning Form


The New York State Energy Research and Development Authority (NYSERDA) developed the first comprehensive set of guidelines for reviewing and evaluating battery energy storage systems. The Battery Energy Storage System Guidebook helps municipalities develop a battery energy storage system permitting and inspection processes to ensure efficiency, transparency, and safety in their communities. Municipalities can download the New York Battery Energy Storage System Guidebook at <https://www.nyserdera.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Battery-Energy-Storage-Guidebook>.

NYSERDA offers continuing free technical assistance to local governments to help implement the best practices outlined in the Battery Energy Storage System Guidebook. Municipalities interested in free technical assistance may reach out to the NYSERDA Clean Energy Siting Team at cleanenergyhelp@nyserdera.ny.gov.

NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging receipt of the below information as part of the Applicant's presentation to the Planning/Zoning Board.

Applicant Information			
Company Name:	Oak Hill Solar 2, LLC		
Contact Name:	Stephanie Putarfo	Title:	Project Administrator
Email Address:	Stephanie.putarfo@oakhillrenewables.com	Telephone Number:	518-226-2228
Project Information			
Project Name:	Oak Hill Solar 2		
Project Address:	13686 Duaneburg Road Delanson, NY 12053		
Energy Storage Size, MW (AC):	5MW AC		
Energy Storage Technology Type:	DC Coupled Lithium Ion		
Solar Project Size, MW (DC) (if applicable):	7.5MW DC		
Municipality Information			
Municipality Name:	Town of Duaneburg		
Contact Name:	Dale Warner	Title:	Town Planner
Email Address:	dale@duaneburg.net	Telephone Number:	518-226-2240

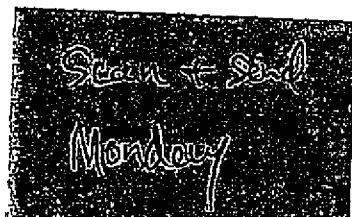
ACKNOWLEDGED & CONFIRMED BY MUNICIPALITY Planning/Zoning Board Member


Signature

10.4.19
Date

Dale Warner
Print Name

Town Planner
Title



AUGUST 2019

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Melissa Deffer

From: Phill Sexton <phills Sexton1@gmail.com>
Sent: Tuesday, September 24, 2019 1:48 PM
To: Bakner, Terresa
Cc: Dale Warner; Melissa Deffer; eknovak3@gmail.com; jvrjs1@aol.com; jhoughton1212@yahoo.com; Martin Williams; michaelgharris@gmail.com; unrulyhd@yahoo.com; dcole@primeeng.com
Subject: Re: EdenO

Thank you Terresa.

Melissa - I'm also responding to your earlier email asking when I'm available to come in to sign off on everything. It will need to wait until this information has been clearly verified.

Thanks,

Phill
240-405-4997

RECEIVED
SEP 24 2019
BY: *MA*

On Tue, Sep 24, 2019 at 1:13 PM Bakner, Terresa <TBakner@woh.com> wrote:

It will have to wait until Monday

I am reasonably sure all the numbers are correct based on the review of the resolution by pretty much everyone

Sent from my iPhone

On Sep 24, 2019, at 12:05 PM, Phill Sexton <phills Sexton1@gmail.com> wrote:

Yes please take it from here Terresa. My only request is someone (Terresa and Dale) please send me an email clearly confirming what we documented in the resolution to approve is accurate. I need to make sure what I say approved and what I sign off to approve is accurate and confirmed.

I head out of town / country tomorrow through late Friday. If you need me to approve / sign anything you will need to have this confirmed for me by this afternoon for me to come to town hall or it will need to wait till Monday. I then head out of town / state the following week through Thursday.

Phill

On Tue, Sep 24, 2019, 11:11 AM Bakner, Terresa <TBakner@woh.com> wrote:

Dear all

Since Lynn is now speaking through her attorney I would respectfully suggest that you let me handle any discussions with Doug rather than communicating with Lynn. I intend to address the issue raised by tomorrow.

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

If anyone has any objections please let me know. I think we all agree that the site plans did not change the size of the facility between June and now.

Thanks
Terresa
Sent from my iPhone

Begin forwarded message:

From: "Douglas H. Zamelis, Esq." <dzamelis@windstream.net>
Date: September 24, 2019 at 11:04:40 AM EDT
To: "Bakner, Terresa" <TBakner@woh.com>
Subject: RE: Eden

Terresa,

I hope you are enjoying the conference and that attendance at your presentation is good.

We maintain that, according to the resolution as compared to the application materials, the project as described in the resolution is empirically larger than the project as described in the application materials. You will of course correct me if we are mistaken.

Thank you Terresa.

Doug

SEP 24 2019
BY: M.....

Douglas H. Zamelis, Esq.
The Law Office Of Douglas H. Zamelis
7629A State Highway 80
Cooperstown, New York 13326
Tel: (315) 858-6002
Fax: (315) 858-7111

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

RECEIVED
SEP 24 2019

BY: 

From: Bakner, Teresa <TBakner@woh.com>
Sent: Tuesday, September 24, 2019 10:55 AM
To: Douglas H. Zamellis, Esq. <dzamellis@windstream.net>
Subject: Re: Eden

Doug

I am the fall meeting as you know. I will get back to you on this issue. There were no changes related to the size of the facility between June 2019 and the approval.

Thanks!

Terresa

Sent from my iPhone

On Sep 24, 2019, at 10:47 AM, Douglas H. Zamellis, Esq. <dzamellis@windstream.net> wrote:

Terresa,

At the meeting on Thursday Lynne Bruning brought to my attention that she believed the project acreage stated in the resolution was substantially larger than shown on any previous site plan or discussed in any previous project documents. ***She is correct, and it appears the resolution approved a project substantially larger than Eden actually applied for.*** Specifically:

- In the resolution of approval for the Site Plan/Special-Use Permit Application Item 3B, it is stated "the projects are located on parcels in excess of 97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 acres and 45.63 acres, respectively, thereby satisfying the lot coverage limitation of 60%." The total acreage of the solar array is 90.31 acres.

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

- Question E1.b of the Part One Full Environmental Assessment Form states that the acreage of the solar arrays will be 65.2 acres in size.
- The August 8, 2019 stamped Site Plan prepared by EDP clearly indicates that the combined acreage of the two arrays is 65.2 acres in size (33.2 and 32 acres respectively).
- Using the following formula $\% \text{ change} = \frac{x2 - x1}{x1}$, we find that the discrepancy in what was proposed compared to what was approved equates to 40.09%.

Please let me know whether and how your client intends to address this matter. Ms. Bruning has already brought this to the attention of Chairman Sexton, but I wanted to provide you with the above references from the application materials compiled by Danny Lapin, environmental planner at the Otsego County Conservation Association, and also by the way a full-fledged member of the public entitled to comment on board matters. We would like to know who prepared the resolution and pursuant to Public Officers Law Article 6 I will file a request with the Town Records Access Officer.

At the meeting were were entitled to a copy of the SEQRA resolution in addition to the draft resolution. Here is a link to a COOG publication on 103(e) <https://www.dos.ny.gov/coog/QA-2-12.html>. The Town of Harpersfield in Delaware County refused to provide a record requested pursuant to 103(e) on the basis that it was only a draft. See 126 AD3d 1073 (let me know if you'd like to see a copy of the trial court decision).

My clients are understandably very frustrated, and rather shocked, by this last minute almost doubling of the project size, and we all remain hopeful judicial review can be avoided. I recall that you are at the section meeting, and I hope to hear from you soon in this regard.

Doug

Douglas H. Zarnellis, Esq.

The Law Office Of Douglas H. Zarnellis

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SEP 24 2019
BY: VM

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after September 19, 2019

7629A State Highway 80

Cooperstown, New York 13326

Tel: (315) 858-6002

Fax: (315) 858-7111



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SEP 24 2019

BY: *[Signature]*

Exhibit 21: Additional Materials Received into the Record
after September 19, 2019

Melissa Deffer

From: Phill Sexton <phills Sexton1@gmail.com>
Sent: Tuesday, September 24, 2019 1:56 PM
To: Teresa Bakner
Cc: Melissa Deffer; Dale Warner; Jeff Schmitt; Roger Tidball
Subject: Fwd: PILOT

Further context for you Teresa.

Melissa. If Teresa determines this is something the entire planning board needs to be aware of, then please distribute to everyone. Otherwise we can keep it to the group I've included with this email so as not to distract everyone with it. I've also already forwarded Lynne's message to Frank Macri, the school Superintendent. My wife Jennifer serves on the school board as well.

P
240-405-4997

RECEIVED
SEP 24 2019
BY: *M*

----- Forwarded message -----

From: lynnebruning@gmail.com <lynnebruning@gmail.com>
Date: Tue, Sep 24, 2019 at 1:33 PM
Subject: PILOT
To: Phill Sexton <phills Sexton1@gmail.com>, <jvrls1@aol.com>

Good Afternoon Phil and Jeff,

This is me being a tax payer writing to a town representative:

Are you aware of the PILOT that Eden negotiated with the School District on September 10th?

Oak Hill 1
\$8,127 in 2021 increasing to \$10,720 in 2035

Same numbers for Oak Hill 2
<https://www.duanesburg.org/board-of-education/board-meetings/> September 10 supplemental page 18

please compare it to:

Corona 18 MW in Washington County: \$6,000 per MW
https://www.heraldmillmedia.com/news/local/payment-in-lieu-of-taxes-approved-for-proposed-solar-project/article_2449fbed-512a-5cd3-b1b8-41172ad7dc2a.html

**Exhibit 21: Additional Materials Received into the Record
after September 19, 2019**

Bluestone in Ulster County: \$3,700 per MW

https://www.dailyfreeman.com/news/local-news/amid-concerns-ulster-town-solar-developer-defends-drainage-plan/article_79bae21a-ecac-11e8-b27f-9fd4644c804a.html

The Town of Sharon agreement with Birdseye Solar for a 2 MW facility in 2017

<https://www.sharonsprings.org/wp-content/uploads/2017/08/07-06-17-Reorganizational-Meeting-Minutes.pdf>

"WHEREAS, the Developer has agreed to make annual PILOT payments to Sharon Springs Central School commencing in September 2018 starting at \$25,364.06 and then increasing by 5% per year; and

WHEREAS, the Developer has agreed to make annual PILOT payments to Schoharie County commencing in January 2019 starting at \$12,679.15 and then increasing by 5% per year; and

WHEREAS, the Developer has agreed to make annual PILOT payments to the Town of Sharon commencing in January 2019 starting at \$6,956.78 and then increasing by 5% per year; and

WHEREAS, the approximately 15 acres upon which the solar project will be built will remain fully taxable as unimproved vacant land and the PILOT payments will be paid in addition to those regular annual tax payments. Furthermore, annual payments will be made to the Special Districts in the Town such as the Fire District and Library District and will be paid in addition to the PILOT payments; and

WHEREAS, the Developer has provided a Decommissioning Bond to the Town of Sharon in the amount of \$50,571.00 which will cover the entire 30-year projected lifespan of the solar installation;"

To further place Eden's Inadequate PILOT agreement in perspective, I pay \$6,400 in school taxes.

Our community has lost a valuable opportunity to have additional staff, teachers, and programs. The School Board has done a very serious long term disservice to our kids!

When does Eden go in front of the Town Board?

Duanesburg deserves better!

Regards,

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

RECEIVED
SEP 24 2019
BY: *M*



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers, ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

SEP 26 2019

ORIGINAL
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OCT 02 2019
TOWN OF DUANESBURG
TOWN CLERK

Upstate New York Section

SUBJECT: Permit Application No. NAN-2019-01104-USH
by Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
Town of Duanesburg, Schenectady County, New York

Giovanni Maruca
Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
333 Broadway, Suite 460
Troy, New York 12180

RECEIVED
OCT 02 2019
M

Dear Mr. Maruca

On August 28, 2019, this office received your Joint Application Form dated August 16, 2019, and the attached drawings entitled "Proposed Site Plan for Oak Hill Solar 1 & 2", Sheet Nos. 6, 7, and 8 of 10, all prepared by Environmental Design Partnership, LLP, dated February 8, 2019, and last revised June 6, 2019. The submitted information describes a proposal that would consist of the following:

The discharge of fill material into approximately 0.02 acres of waters of the United States, including wetlands to facilitate the installation of an access road in association with the construction a ground mounted solar farm. In addition, approximately 0.06 acres of wetland will be temporarily impacted to facilitate the installation of underground utility cables. All temporary impacts will be restored to pre-existing contours and conditions.

Based upon the information provided, it appears that your proposed work may be authorized under Department of the Army nationwide general permit numbers: 12 and 14. The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated January 6, 2017 (82 FR 1860).

The work may be performed without further authorization from this office provided the activity complies with the terms and conditions of the Nationwide Permits (NWP) and the permit conditions listed in Section B, Nos. 12 and 14, Section C, any applicable New York District regional conditions, and any applicable regional conditions added by the State of New York. Please note that NWP General Condition No. 12 requires the installation and maintenance of proper soil erosion and sediment controls during construction.

The 2017 Nationwide Permits, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

<http://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/>

PLEASE USE THE ABOVE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE

Phillip Sexton, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney

Jeffrey Schmitt, Vice Chairperson
Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member

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NOV 22 2019

TOWN OF DUANESBURG,
TOWN CLERK



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Town of Duanesburg
Planning Board Minutes
October 17th, 2019
Final Copy

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

INTRODUCTION: Chairman Phillip Sexton opened the meeting at 7:00pm. Phillip welcomed everyone to tonight's Planning Board meeting.

PLEDGE OF ALLEGIANCE:

OPEN FORUM: Chairman Sexton opened the forum at 7:01

Bruce O'Day of 5394 Western Turnpike wanted to state on the record that he is supporting the Andrew Lucks application.

Lynn Bruning located at 13388 Duanesburg Rd wanted to know what the status of the Comprehensive Plan?
Chairmen Sexton explained to Lynn that they have been working on the Plan for just over a year now and how in the near future he will be asking the public for comments.

Harris/Rulison made the motion to close the open forum at 7:07.
Harris yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Sexton yes. **Approved.**

SKETCH PLAN REVIEW:

PUBLIC HEARINGS:

#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

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

Over →

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 public how he will upgrade the building with security Systems and bars on all doors and windows (as a smash and grab is one of their main concerns), fix the parking lot and eventually reface the building. All lights on the building will be down cast with some solar lights around the driveway. 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.

Cheryl Schrade 1619 Eaton Corners Rd asked Andrew if they will be test firing guns on the property. Andrew explained to Mrs. Schrade that with his business they do not test fire any weapons.

Harris/Rulison made a motion to close the Public Hearing for the **#19-13 Lucks Andrew** application at 7:09.

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

Novak/Sexton made a motion to approve the **#19-13 Lucks, Andrew** application for a Special Use Permit for a retail business under the Town of Duanesburg Zoning Ordinance adopted 6/11/15 under section 9.4.(15) contingent on down cast lighting.

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

New Business:

#19-14 Perog, Steven and Cheryl: SBL#43.00-2-28, (R-2) located at 21 Lea Drive is seeking a Special Use Permit for a two family dwelling adding a single apartment over an existing garage under the Town of Duanesburg Zoning Ordinance adopted 6/11/15 under section 15.4(1); section 8.4(8); section 13.2.1; section 3.5.60. Steven gave some of his presentation to the board. Due to not enough information the board decided to table it until the November 21st meeting.

Sexton/Harris made a motion to table the **#19-14 Perog, Steven and Cheryl** application to the November 21st meeting.

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

Old Business:

None

Sketch Plan Review:

#19-15 O'Neil, Paul/O'Neil, Gerald: SBL#43.00-1-14.31, (R-2) located at 327 Hardin Road is seeking a minor subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. They would like to divide an existing lot of 34.30 acres into two portions lot #1 located on Hardin Road is 6.82 (+-) lot #2 located on State Highway 30 is 27.475 acres. Shannon O'Neil gave her presentation on behalf of her father Paul O'Neil.

Sexton/Williams made a motion to exempt the minor subdivision application from further planning Board review and refer to the Code Enforcement Officer to complete administratively as the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels. Sexton yes, Williams yes, Rulison yes, Harris yes, Schmitt yes, Novak yes. **Approved.**

OTHER:

#19-12 Murray, Richard/Eden Renewables: SBL# 74.00-2-5, (R-2) located 1206 Oak Hill Rd Under Local Law # 1-2016 of the Town of Duanesburg Zoning Ordinance Resolution revision.

Sexton/Rulison made a motion to amend the resolution approving the project to show the correct amount of lot coverage as shown on the site plans which were approved for the solar project for the **#19-12 Murray, Richard/Eden Renewables** application. Bullet 3B will now show that Lot 1 contains 70.378 acres with 32.8 acres of coverage which is 46 percent and that Lot 2 contains 70.353 acres with 33.0 acres of coverage which is 47 percent.

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

MINUTES APPROVAL:

Novak/Harris made the motion to approve the September 19th, 2019 Planning Board minutes with minor corrections.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Rulison yes. **APPROVED.**

Sexton/Harris made a motion to go into **executive session to discuss the enforcement action with the CEO associated with #19-14 Perog, Steven and Cheryl** application. Sexton yes, Harris yes, Rulison 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, Schmitt yes, Williams yes, Novak yes. **Approved. NO ACTION WAS TAKEN BY THE BOARD DURING OR AFTER the EXECUTIVE Session.**

ADJOURNMENT:

Harris/Novak made the motion to **adjourn at 7:50pm.**

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

**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**

RECEIVED

SEP 20 2019

TOWN OF DUANESBURG
TOWN CLERK

Date: September 19, 2019

WHEREAS, on or about May 7, 2018, Eden Renewables ("Eden Renewables" or the "Applicant") applied to the Duanesburg Planning Board ("Planning Board") for a Special Use Permit and Site Plan Review pursuant to the Town of Duanesburg Local Law No. 1-2016, for the 5-MW Oak Hill Solar Energy Projects 1 and 2 (collectively, the "Project") to be located at 1206 Oak Hill Road in the Town of Duanesburg, Schenectady County, New York on the lands owned by Richard Murray (SBL# 74.00-2-5) ("Property"); and

WHEREAS, on or about May 17, 2018, the Applicant appeared before the Planning Board in furtherance of the proposed Project and the Planning Board requested that the Applicant meet with the Town Planner/Code Enforcement Officer to discuss the proposed application; and

WHEREAS, on or about July 18, 2018, the Applicant appeared before the Planning Board and requested a lot line adjustment and minor subdivision in order to install two 5-MW solar fields on each created parcel, in addition to the Special Use Permit sought pursuant to the Town of Duanesburg Local Law No. 1-2016; and

WHEREAS, on or about July 18, 2018, the Planning Board adopted a resolution pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively referred to as "SEQRA") in which it assumed the role of SEQRA Lead Agency, declared the proposed action as a Type 1 action and conducted a coordinated review;

WHEREAS, on or about August 16, 2018, the Planning Board adopted a resolution appointing Doug Cole of Prime AE Group of NY as the Town Designated Engineer to assist in its review of the application from Eden Renewables; and

WHEREAS, on or about September 11, 2018, the Town's Designated Engineer provided written comments on the application; and

WHEREAS, on or about March 11, 2019, the Applicant submitted revised site plans, minor subdivision and lot line adjustment plans, revised applications, a revised Full Environmental Assessment Form ("Full EAF"), and a decommissioning plan, accompanied by a letter addressing comments from the Town's Designated Engineer; and

WHEREAS, on or about March 21, 2019, the Applicant appeared before the Planning Board in furtherance of the site plan review process, and the Planning Board requested receipt of additional information and other actions from the Applicant; and

WHEREAS, on or about June 6, 2019, the Applicant submitted additional information to the Planning Board and addressed the outstanding actions identified by the Planning Board; and

WHEREAS, on or about June 20, 2019, the Planning Board reviewed the materials submitted by the Applicant, issued a negative declaration of environmental significance for this Type 1 action, after reviewing Part 1 of the EAF and completing Parts 2 and 3 of the EAF, and scheduled the Public Hearing for July 18, 2019; and

WHEREAS, on or about July 11, 2019, acting on a referral of the application from the Planning Board pursuant to GML § 239-m, County Planning recommended approval of the Project;

WHEREAS, on July 18 and August 16, 2019, the Planning Board held two well-attended public hearings on the applications and heard comments for and against the Project;

WHEREAS, the Planning Board directed the applicant to respond in writing to the public comments and the applicant submitted two sets of responses after each public hearing;

WHEREAS, the Planning Board directed the Town Designated Engineer, Mr. Cole of Prime AE to review the responses to the public comments and the additional information submitted by the Applicant, all as set forth in Mr. Cole's letter of September 10, 2019 providing comments on the Applicant's materials and recommending that the Town should condition any approval on the Applicant obtaining a permit from the US Army Corps of Engineers, if one is required by the agency, advising that the supplementary Visual Impact Assessment demonstrates that the existing Biggs and Otis and any other nearby residences will be adequately screened by existing vegetation, distance and topography such that the solar array will not be visible; and finding that the revised Decommissioning Plan is reasonable for the proposed system; and

WHEREAS, the Planning Board has carefully considered the documentation in the record including the supplemental information provided by the Applicant, the comments by involved and interested agencies, the recommendation of County Planning and the comments, both oral and written, by the members of the public;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board as follows:

1. That the applications for Minor Subdivision, Site Plan Review and Special Use Permit submitted by the Applicant for the Project were determined to be complete under the Town of Duanesburg Solar Law, the Duanesburg Zoning Law, and the Town of Duanesburg Subdivision Regulations; and
2. That having received and reviewed the application materials submitted by the Applicant, including but not limited to, site plans, subdivision plans, lot line adjustment plans, decommissioning plans, a Full Environmental Assessment Form, statements of proposed construction impacts and ongoing operation and maintenance, and having completed Parts 2 and 3 of the Full EAF, hereby determines that the Project will not have a significant adverse impact on the environment (as duly noted in the Full EAF) and, therefore, hereby confirms and issues a Negative Declaration as set forth in the EAF Part 3 and its attached reasons supporting the determination read into the record and incorporated herein based on the following findings:
 - a. The Project will not have any significant impacts on federal wetlands or waterbodies as determined by the full wetland delineation conducted on the Project site, that any necessary approvals would be covered by the ACOE nationwide permit program, and that there are no impacts on State wetlands or streams;
 - b. The Project will not create any permanent impacts from odors, noise or traffic nor to groundwater and surface waters, there will only be insignificant and temporary impacts during construction;

- c. The Project avoids and/or minimizes impacts on plants and animals, due to the very limited vegetative clearing that will result from the Project, once construction is complete vegetation will cover the ground under the panels and the property will continue to be used for limited agricultural purposes, such as sheep grazing and bee keeping;
 - d. The Project will not create any impacts to historical or cultural resources as shown in the Letter of No Effect from the New York State Office of Parks, Recreation, and Historic Preservation dated June 4, 2019;
 - e. The Project will minimize any visual impacts due to the existing topography, the retention of existing vegetation as shown on the final site plans and will not create any impacts from glare as demonstrated by the Applicant;
 - f. The Planning Board hereby requires that the Project provide evergreen landscaping plan showing the establishment of a substantial evergreen buffer on the Applicant's property within 10 feet of the property boundary currently containing houses within approximately 600 feet of the project site boundary for a length of approximately 1600 feet at the back of the parcel with 2 staggered rows of trees planted 20 feet on center with the trees having the height at the time of planting of 6 to 7 feet and with the trees being species spruce and fir evergreens. The applicant shall also provide a maintenance and replacement agreement for the evergreen buffer to be planted;
 - g. The Project does not impact any Critical Environmental Areas and is not located in a flood zone;
 - h. The Project will have a positive economic benefit as it will result in revenue to the Town pursuant to a Payment-In-Lieu-Of-Taxes ("PILOT") Agreement and it will result in jobs during the construction and operation of the facility;
 - i. The Project will provide renewable energy in the production of electricity and will contribute to the State's goal of replacing fossil fuel generated electricity with renewable sources of electricity;
 - j. The Project will also not change the community character as it has been sited to not be visible to the maximum extent possible to surrounding homes and roadways, and an evergreen landscaped buffer will be created on the property containing the project as set forth above;
 - k. The Project is also a use of land that will be discontinued in the future and as such a decommissioning plan is in place to return the property to its current condition; and
 - l. The Applicant has indicated that it intends to continue to have the property in agricultural uses, such as sheep grazing and beekeeping, which also makes it consistent with the community which contains agricultural uses.
3. That Planning Board's findings set forth below demonstrate the proposed construction of the Project, a Solar Energy System (Major), at the Property satisfies the requirements of the Town of Duanesburg Solar Law:
- a. The Project is in the R-2 Zoning District and as such is a permitted use subject to Special Use Permit and Site Plan approval by the Planning Board;
 - b. The projects are located on parcels in excess of 97.24 and 87.18 acres and when constructed will have a lot coverage of 45.71 and 45.63 acres, respectively, thereby satisfying the lot coverage limitation of 60%;
 - c. The Project provides the required 100' setback between its components and the boundary of the Property, provides the required minimum of 25' buffer of vegetation to screen views of the Project and, in fact, that the Project exceeds this standard to address the concerns of adjoining property owners;
 - d. A fence meeting or exceeding the applicable requirements of the Zoning Law has been proposed;
 - e. The Project preserves existing on site vegetation to the maximum extent practicable and does not propose to clear cut all trees in a single contiguous area exceeding 20,000 square feet on the property;
 - f. The Town of Duanesburg Planning Board reviewed the plans showing brush hogging and tree clearing that had been undertaken by the property owner and determined such tree clearing did not exceed the above requirement;

- g. The SEQRA regulations require that a project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been complied with and 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 uses of the property and not directly related to the development of the solar farm;
 - h. The Project is not located within an active farm field but is vacant hay field periodically cut by the property owner and historically used for more intensive agricultural purposes;
 - i. Native grasses and vegetation will be maintained below the arrays;
 - j. The site plans demonstrate that the Project:
 - i. Provides through its siting and through the implementation of an evergreen landscaping plan to be approved by the Town of Duanesburg, a project design that minimize visual impacts from public roads and existing residential dwellings on contiguous parcels to the satisfaction of the Planning Board;
 - ii. layout ensures that the solar panels will not reflect solar radiation or glare onto adjacent buildings, properties and roadways and that the solar panels include a non-glare coating and are designed to absorb the maximum amount of solar rays such that the panels will not misdirect or reflect solar rays onto neighboring properties or public roads in excess of that which already exists;
 - iii. existing vegetation on the site is preserved to the maximum extent practicable;
 - iv. all transmission/interconnection lines on the Property shall be underground and within necessary easements and in compliance with applicable electrical and town codes excepting aboveground lines as required by National Grid;
 - v. no artificial lighting is proposed;
 - vi. that any signage will be in accordance with applicable town requirements and the manufacturers and/or installers identification and appropriate warning signage shall be posted;
 - vii. the average height of the solar panels are 8' feet above grade -- below the 20' height limitation;
 - viii. all disturbed areas shall be restored in accordance with the zoning law's requirements.
4. That the decommissioning plan is approved and the Planning Board requires that financial security be provided at least 30 days prior to the commencement of construction to the Town Clerk by the Applicant in the form of a bond or letter of credit in the amount \$422,762.00 (\$211,381.00 per project) with the form of financial security acceptable to the Town's attorney, with such funds to be used for decommissioning of the Project in the event that the Project is not decommissioned by the Project owner or the landowner; and
 5. That this project approval is conditioned upon the Applicant obtaining any other State or federal approvals required for the project including but not limited to any such permits required by the NYSDEC, the USACOE and the NYSDOT; and
 6. That this resolution and negative declaration shall be filed in the office of the Town Clerk and shall take effect immediately and that the notice of negative declaration be published in the ENB, that the negative declaration be provided to all involved agencies and that it be filed as required by SEQRA.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Phillip Sexton	✓		
Jeffrey Schmitt	✓		
Elizabeth Novak	✓		
Martin Williams	✓		
Thomas Rullison	✓		

Michael Harris
Joshua Houghton

✓
✓

Certification Pursuant to CPLR § 2105

Supreme Court of the State of New York
Appellate Division - Third Judicial Department

In the Matter of the Application for a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules by:

SUSAN L. BIGGS and LYNNE A. BRUNING,

Petitioners-Appellants,

v.

EDEN RENEWABLES LLC, TOWN OF DUANESBURG PLANNING BOARD and
RICHARD B. MURRAY,

Respondents-Respondents.

Index No.: 2019-2217

Docket No.:

I, Douglas H. Zamelis, an attorney at law admitted to practice before the courts of the State of New York, hereby certify pursuant to CPLR § 2105 that the papers contained in the annexed Record on Appeal have been personally compared by me with the originals on file in the office of the clerk of the State of New York Supreme Court, Schenectady County, and that I found them to be true and complete copies of those originals.

Date:

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