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**TOWN OF DUANESBURG PLANNING BOARD
RESOLUTION APPROVING AMENDED SPECIAL USE PERMIT AND AMENDED SITE
PLAN
FOR TWO 5 MW SOLAR PROJECTS BY OAK HILL SOLAR 1 LLC and OAK HILL SOLAR
2 LLC**

Moved by: Jeff Schmitt; Seconded by: Matt Hoffman

Date: March 17, 2022

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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 two 5 MW solar projects proposed as Oak Hill Solar Energy Projects 1 and 2 (collectively, the "Projects") to be located at 1206 Oak Hill Road in the Town of Duanesburg, Schenectady County, New York on the lands then owned by Richard Murray and now owned by the heirs of Richard Murray (SBL# 74.00-2-5) ("Property") pursuant to leases with the Property Owner; and

WHEREAS, the Property to be used for the solar facility is located in the Town's Agricultural-Residential zoning district where Major Solar Energy Systems are permitted subject to special use permit and site plan approval from the Town Planning Board pursuant to Local Law No. 1 of 2016 and the Town Zoning Ordinance; 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 declared its intent to be SEQRA Lead Agency, declared the proposed action as a Type 1 action and conducted a coordinated review; and

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 October 17, 2018, and on September 5, 2018, the Applicant received determinations of no hazard to air navigation from the Federal Aviation Administration for Oak Hill Solar 1 and 2 respectively; 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, by letter dated June 4, 2019, the New York State Historic Preservation Office ("SHPO") confirmed that the project will have "no Adverse Effect"; and

WHEREAS, on August 2, 2019, the Applicant received correspondence from the New York State Department of Environmental Conservation ("NYSDEC") stating that due to the presence of the northern long-eared bat, all tree clearing activities will need to take place between November 1 and March 31; 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; and

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; and

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; and

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 at its Planning Board meeting on September 19, 2019 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 and approved the Project subject to the following findings and conditions:

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 determined that the Project will not have a significant adverse impact on the environment (as duly noted in the Full EAF) and, therefore, hereby confirmed and issued 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 required 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;

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- 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 demonstrated that proposed construction of the Project, a Solar Energy System (Major), at the Property satisfied 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% (this finding was subsequently corrected at the Planning Board meeting in October 17, 2019 providing that "The projects are located on parcels in excess of 70.378 acres (lot 1) and 70.353 acres (lot 2) and when constructed will have a lot coverage of 32.8 acres which is 46% and a lot coverage of 33.0 acres which is 47% , 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 found 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 demonstrated that the Project:

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- 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 minimized 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 was approved and the Planning Board required 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 was 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 the resolution and negative declaration adopted on September 19, 2019 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; and

WHEREAS, the Planning Board unanimously approved the Project; and

WHEREAS, subsequent to the issuance of Planning Board approvals, the Town Board of the Town of Duanesburg entered into agreements with Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC and the new owner of the LLC entities, AMP who had purchased Eden Renewable's interest in the LLCs and the Project, these agreements included the Payment In Lieu of Taxes Agreement, the Visual Screening Agreement, and the Decommissioning Agreement – all of the Agreements are on file with the Town of Duanesburg Town Clerk's office and the Visual Screening Agreement is also on file with the Schenectady County Clerk; and

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WHEREAS, after the Projects were approved by the Planning Board, Ms. Lynn Bruning and Ms. Susan Biggs who own and/or reside on an adjoining property commenced a lawsuit in Schenectady County Supreme Court seeking that the Planning Board's decision be overturned by the Courts, the lawsuit was sent to the Appellate Division Third Department by the Supreme Court Justice and the Town of Duanesburg Planning Board's decision was upheld by the Appellate Division Third Department; and

WHEREAS, due to the litigation and the covid pandemic, the Oak Hill Solar Projects were unable to proceed in a timely matter and two extensions of time to obtain building permits were granted by the Planning Board to Oak Hill Solar 1 and 2 LLC; and

WHEREAS, Applications for Building permits for the Projects were submitted to the Town Building Inspector in June of 2021 and upon review of the Applications the Town Building Inspector determined that the Projects had been changed in several respects: 1) consolidated battery energy storage was shown on the plans rather than the batteries previously shown; 2) the height and size of the solar panels increased; 3) the amount of soil disturbance increased; 4) an internal access road with turnaround area was added; and, generally, greater detail was provided on the Building Permit Plans than had been provided in the approved site plan;

WHEREAS, Many significant elements of the Projects did not change such as the size and location of the area of the solar panels and the exterior fencing running around the two projects, the solar projects are no closer to any adjoining properties or buildings on those properties than the originally approved projects, the visual screening remains the same as that approved previously and the access onto NYS Route 7 remains unchanged; and

WHEREAS, the Town Building Inspector made a determination dated July 14, 2021 that an amendment to the existing approvals was necessary due to the Projects plans being revised based upon the Building Permit Application by Greencells USA on behalf of AMP, the new owner of the Oak Hill LLCs; and

WHEREAS, the revised drawings and information were referred back to the Planning Board for further review by the Building Inspector and the Planning Board was to determine if the changes to the Projects and the Plans are consistent with the previous approvals granted, comply with the requirements of the Town of Duanesburg Solar Facilities Law, Local Law 1 of 2016 and the Town of Duanesburg Zoning Ordinance, and to make a determination, as the SEQRA lead agency for this Type 1 Action, if the negative declaration of environmental significance previously issued pursuant to SEQRA was still supported by the record; and

WHEREAS, Oak Hill Solar 1 and 2 LLC applied for amendments to their existing approvals on July 25, 2021 (with the exception of the subdivision which was previously approved, signed and filed in the Schenectady County Clerk's office) and have submitted substantial, new site plans and application documents, including a new full EAF and supporting environmental reports; and

WHEREAS, these application documents have been made available to the public via a share site, the link to the share site can be found on the Town's website—a list of the documents comprising the application are attached hereto as Exhibit A; and

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WHEREAS, all public comments submitted to the Planning Board have been attached to the minutes of the Planning Board meeting and are also available in the Town Clerk's office—a list of the public comments are attached hereto as Exhibit B; and

WHEREAS, although the public hearing was held on August 19, 2021 and the time for public comments was long passed the Planning Board has continued to review the public comments, many of which are repetitive or relate to the project that was originally approved and litigated, and to ensure that the Planning Board's consultants, PRIME AE and ESRG, address all such public comments in their review of the application materials; and

WHEREAS both firms were retained by the Town Planning board to assist the Planning Board in the review of the Projects, especially the consolidated Battery Energy Storage, consisting of phosphorus lithium ion battery cells which had not been part of the original Projects and required substantial expertise in the review of this relatively new technology; and

WHEREAS, on July 23, 2021, the Applicant submitted a Solar Farm Glare Analysis Report that concluded "no glare" is predicted at any of the observation points over the course of the year; and

WHEREAS, on July 26, 2021, the Application was referred to the Schenectady County Planning Board pursuant to NYS General Municipal Law Sections 239-l and 239-m, and the County responded on August 12, 2021, the County Planning Board reviewed the Project materials and determined it to "defer to local consideration (no significant county-wide or inter-community impact)" and also added an advisory note that "The Applicant should provide a visual impact assessment or line of sight profile to ensure that the proposed landscaping and/or existing vegetation will screen the facility for neighboring residences"; and

WHEREAS, the Town Planning Board scheduled a public hearing on the Application for August 19, 2021; and

WHEREAS, official notice of the public hearing was properly published as required by the NYS Town Law and the Town of Duanesburg Zoning Ordinance and mailed out to adjacent landowners; and

WHEREAS, the Planning Board held a public hearing on the Project on August 19, 2021 and during the hearing, the Planning Board heard all comments from members of the public, the Applicant, and any interested parties regarding the pending Application; and

WHEREAS, the Town Planning Board directed the applicant to respond in writing to the public comments and the Applicant submitted multiple responses; and

WHEREAS, as noted above the Town Planning Board continued to allow the public to submit comments after the public hearing was closed and even after the Town Planning Board determined that it would entertain no more comments in November of 2021, nonetheless continued to receive and review public comments and reports as they came in and to have any issues raised addressed in the record by the Town Planning Board consultants and the Applicant; and

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WHEREAS, on August 18, 2021, the Town Planning Board received correspondence from Couch White, LLP, attorneys to the Applicant, that confirmed the Access and Utility Easement between the Owner and the Applicant; and

WHEREAS, on August 25, 2021, the Applicant responded to residential comments regarding the potential noise level of the Project by submitting a Solar Farm Noise Analysis Report concluding that the noise levels at the neighboring property lines would be 40 dB and 42 dB, similar to the noise level of a library, and roughly 30 dB below the 70 dB limit established in § 14.3.6.1 of the Zoning Ordinance; and

WHEREAS, on August 25, 2021, the Applicant submitted a Revised Glare Analysis that came to the same conclusion as the July 23, 2021 Initial Glare Analysis, that "no glare" is predicted at any of the observation points over the course of the year; and

WHEREAS, on August 26, 2021, AMP Solar Development ("AMP") provided the Town Planning Board an update on the changes from the original September 19, 2019 approval; and

WHEREAS, on September 8, 2021, the Applicant submitted a Visual Assessment that concluded, among others, 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; and

WHEREAS, on October 1, 2021, the Applicant submitted an updated Stormwater Pollution Prevention Plan ("SWPPP") that addressed comments provided by PRIME AE and among others, revised the amount of the soils proposed to be disturbed on the Properties; and

WHEREAS, the Applicant provided additional information on the battery energy storage system from Powin, the manufacturer, and submitted a Energy Storage System Risk Mitigation Strategy; and

WHEREAS, on October 19, 2021, the Applicant submitted a Pervious Road Assessment that concluded the Limited Use Pervious Access Road detail identified in the Oak Hill Solar plan set is "capable of carrying the load of local fire equipment in the event they are required to access the site"; and

WHEREAS, in response the Planning Board requested the information of the Applicant and as with all information submitted by the Applicant made it available to the public, the report submitted by the Applicant was also reviewed by the Planning board and by the Planning Board's consultants; and

WHEREAS, the Planning Board has discussed the Applications, technical documentation and public comments at the July, August, September, October, November, December, February and now March meeting of the Planning Board and a workshop meeting was held in October to focus on the environmental review of these Projects;

WHEREAS, the Planning Board invited and NYSERDA personnel came to the Town of Duanesburg Planning Board meetings on at least two occasions to address any questions that the Planning Board members had concerning the Projects, such as the safety of the proposed BES system and the toxicity, if any, of the solar panels and whether the panels could leach toxic chemicals over the life of the Project ;

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WHEREAS, the Planning Board's experts, PRIME AE and ESRG prepared and submitted reports and letters reviewing the Projects—in the case of PRIME AE, over 8 letters, dated August 14 & 19, September 15, October 15, November 18, December 7 all in 2021 and January 13, 2022 and March 15, 2022 reviewing the project were prepared and all comments and concerns raised by PRIME AE and ESRG have been addressed by the Applicant and its consulting engineers;

WHEREAS, ESRG in particular is going to continue on with the Town to assist in the review of the health, safety and fire training that the Applicant will be providing for the Village of Esperance Volunteer Fire Company and other mutual aid VFCs in the Town; and

WHEREAS, since the Village of Esperance Volunteer Fire Company is the VFC responsible for providing fire fighting and emergency services in the Town of Duaneburg Fire Protection District No. 3, the Planning Board and ESRG actively worked with the Fire Chief, Matt Deffer, and he attended several meetings of the Planning Board to participate in the review of the Projects and has signed off on the access roads as modified; and

WHEREAS, ESRG submitted its final report to the Town Planning Board on November 16, 2021 and in the report it contained several recommendations, all of which have been adopted by the Applicant, with the exception of providing water for fire fighting purposes at the site of the Projects; and

WHEREAS, the VFC advised ESRG and the Planning Board that it was not necessary to have a water source for fire fighting at the site because they had a source of such water nearby the Project Site; and

WHEREAS, the Planning Board has carefully reviewed this issue and agrees that there is not a need to have a water source for fire fighting at the site at this time, however, in the event that this changes in the future or if the fire fighting needs are greater at the Project Site than currently anticipated, the Planning Board is conditioning any approval on providing an appropriate water source at or near the Project Site in the future as the Applicant may be directed by the Town Building Inspector; and

WHEREAS, a new noise study was prepared by the Applicant due to the Projects changes related to the additional equipment at the site, including the consolidated Battery Energy Storage, all other sources of operational noise were considered and studied as well including, but not limited to, inverter noise and tracking panel noise, after the Planning Board received comments on the new noise study from a noise consultant who did not visit the site or conduct any independent analysis or modeling hired by the adjoining neighbors, the Planning Board requested that the Applicant address the comments made by the consultant and which response PRIME AE has reviewed and found acceptable; and

WHEREAS, a revised decommissioning statement dated November 23, 2021 was submitted for the projects; and

WHEREAS, the new estimated decommissioning costs are \$372,527.46 for Oak Hill 1 and \$372,296.32 for Oak Hill 2; and

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WHEREAS, numerous issues have been raised by project neighbors concerning stormwater flow, concentration and treatment, PRIME AE and the Planning Board have carefully reviewed the SWPPPS and the information on the soils on site, moreover, PRIME AE has worked with the Applicant and the reviewing authority, the NYSDEC, in the review of the many changes to the SWPPP that have been made to date and has advised the Planning Board that the SWPPP dated March 7, 2022 meets the requirements of the NYSDEC program; and

WHEREAS, a Notice of Intent to discharge stormwater pursuant to GP -0-20-001_ has been filed by the Applicant with NYSDEC and the five day period has passed; and

WHEREAS, on October 15, 2021, the US Army Corps of Engineers confirmed that the Projects are authorized under the nationwide permit program due to the minor impacts on Waters of the United States that will occur as a result of the Projects stating that the revised impacts are less than what was previously approved and therefore "no authorization is necessary", and the Applicant has designed the project to qualify for a blanket Water Quality Certification from the NYSDEC; and

WHEREAS, the NYSDOT previously issued the necessary Commercial highway work permit for the Projects and the permits will need to be renewed; and

WHEREAS, the Visual Screening Plan and Agreement is already in place for the Projects and the area within the fences containing the Projects has not changed so that any additional landscaping would be necessary; and

WHEREAS, the Planning Board is limited by the Solar Law to approving only a Six Foot high fence and the Applicant may, if it is otherwise required by the National Energy Code to construct a higher fence, need to obtain an area variance from the Zoning Board of Appeals; and

WHEREAS, the Planning Board reviewed, with the assistance of PRIME AE, a glare study undertaken by the Applicant on the Projects and PRIME AE has concurred with the study; and

WHEREAS, the Planning Board has reviewed and considered every part of the record in this matter and has carefully examined the Projects application documents and studies, the advice of its consultants, PRIME AE and ESRG, and the extensive public comments on these Projects; and

WHEREAS, the Town Planning Board has taken into consideration the special use and site plan permit criteria contained in § 14.6.2.4 and § 14.6.3.1 of the Town of Duaneburg Zoning Ordinance, § 4(3)(a)-(g) of the Solar Energy Facilities Law respectively, including, but not limited to, the location, arrangement, size, design, and general compatibility of the Project to surrounding uses; the potential glare and noise impacts; the adequacy of stormwater and drainage facilities; the adequacy of landscaping affecting visual and noise buffers; and the overall impact on the neighborhood; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board, as SEQRA lead agency, for this Type 1 Action, hereby approves Parts 2 and 3 of the full EAF (attached hereto as Exhibit C) which the Planning Board discussed and carefully reviewed at several Planning Board meetings;



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BE IT FURTHER RESOLVED, that having received and reviewed the amended application materials submitted by the Applicant, including but not limited to, revised site plans, revised application for a special use permit, revised decommissioning plans and estimates, revised construction level detail plans, a Full Environmental Assessment Form Part 1, last updated 3/7/22, a revised Stormwater Pollution Prevention Plan last revised March 7, 2022, and having completed Parts 2 and 3 of the Full EAF, hereby reaffirms the previous negative declaration issued on September 19, 2019, and determines after a full review of the revised Project that the revised Project will not have a significant adverse impact on the environment and that no Environmental Impact Statement will be prepared and therefore issues a Negative Declaration as set forth in the EAF Part 3 and its attached reasons supporting the determination set forth in Exhibit D and incorporated herein as 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 are covered by the ACOE nationwide permit program which has been confirmed by the US ACOE, 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, and that 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 may continue to be used for limited agricultural purposes;
- 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 and subsequent letters dated September 21 signing off on the additional archaeological work and September 29, 2021 finding that "we have reviewed the recent submission, dated September 8, 2021 for this project. This submission includes revised project site plans for the proposed solar installations. We note that the proposed project is located adjacent to the National Register listed Sheldon Farmstead. Based on this review, it is the opinion of the SHPO that the proposed project will have no effect to historic and cultural resources";
- 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, the implementation of the vegetation screening plan, and will not create any impacts from glare as demonstrated by the Applicant;
- f. The Planning Board notes that the Project must implement the approved 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. As noted above the maintenance and replacement agreement for the screening plan is already approved and on file with the Town and requires no modifications ;
- 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

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- pursuant to a 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 may continue to have the property in agricultural uses which also makes it consistent with the community which contains agricultural uses.
- (2) The Planning Board's findings set forth below demonstrate the proposed construction of the Project, a Major Solar Energy System, at the Property satisfies the requirements of the Town of Duanesburg Solar Law:
- a. The Project is in the Agricultural-Residential 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 meet the lot coverage limitation of 60%;
 - c. The Projects provide 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. The Planning Board is approving a fence that is six feet in height only and the Applicant is free to apply to the Zoning Board of Appeals if the Applicant is required to construct higher fences due to State or National Electrical Codes requirements;
 - 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—this issue was decided back in 2019 by the Planning Board and was upheld by the Appellate Division Third Department, no comments provided since 2019 have changed the conclusion of the Planning Board with respect to this requirement;
 - 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 as set forth above;
 - 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 previously 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 a vacant hay field which in the past has been periodically cut by the property owner and may have been historically used for more intensive agricultural purposes;
 - i. Native grasses and vegetation, i.e. meadows, will be maintained below the arrays;
 - j. The site plans demonstrate that the Project:
 - i. Provides through its siting and through the implementation of the evergreen



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landscaping plan, a project design that minimizes visual impacts from public roads and existing residential dwellings on contiguous parcels to the satisfaction of the Planning Board;

- ii. The 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 maximum height of the solar panels are below the 20' height limitation; and
- viii. All disturbed areas shall be restored in accordance with the zoning law's requirements and the SWPPP.

(3) That the Project meets the requirements for the issuance of special use permits set for the Duaneburg Zoning Ordinance including the following findings:

a. that the use is reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community—the Duaneburg Solar Law was specifically adopted to allow compliant solar facilities to be built in the Town and the goal of the Law was to encourage the installation of renewable energy systems,

b. the 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—no potable water or sewer is required for the proposed facility with the exception of fire water which is discussed below and the facilities are being constructed on an existing access point on a New York State Road near to an interstate road, I-88, and

c. the character of the neighborhood and values of surrounding property is reasonably safeguarded—bare allegations have been made that the solar facility will decrease property values, no such proof, however, was offered by Project Neighbors only a letter from a real estate agent with no appraisal or other documentation beyond his personal opinion, the Planning Board consulted with NYSEDA and reviewed several comparisons of property values in other municipalities and states before and after construction of solar facilities of this size and type and those studies have found that those expert reports show little to no impact on property values, moreover, based on the record and the Planning Board's experience with other solar projects and familiarity with property in the Town, the Planning Board finds that with the design of the project, the traffic and the landscaping, the Project will reasonably safeguard the value of the surrounding properties;

(4) That the Planning Board has conducted a formal review of the site plan pursuant to the criteria set forth in 14.6.1.5 of the Zoning Ordinance prior to action on the Special use Permit and has reviewed the specific requirements pertaining to solar facilities in Local Law no. 1 of 2016, and has also found that the proposed use will

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- a. not have a significant negative effect on existing adjacent land uses;
 - b. the arrangement of pedestrian traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic control is adequate,
 - c. the location arrangement, appearance and sufficiency of off-street parking and loading is satisfactory,
 - d. the location, arrangement, size, design and general site compatibility of the buildings, lighting and signage is satisfactory,
 - e. the stormwater and drainage facilities are adequate,
 - f. the water supply and sewage disposal facilities are adequate,
 - g. 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;
 - h. performance standards, if necessary have been imposed to ensure protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
 - i. the fire access and the availability of water for fire fighting, as discussed in more detail above, are adequate, and
 - j. building appearance is compatible with existing neighboring structures. (See Section 14.6.2.4 of the Zoning Ordinance).
- (5) That the Planning Board finds that the Projects meet the specific performance standards set forth in Section 14.6.3.1 of the Zoning Ordinance as set forth below and that the use meets State environmental standards and will not, based upon the record before the Planning Board;
- a. Emit noise in excess of 70 decibels, dBA scale, of a standard sound level meter based on the sound studies prepared by EDP for the Applicant and reviewed by the Town Planning Board's consultant PRIME AE--the Planning Board specifically finds that the peer review study submitted by Ms. Bruning, was not credible and ignored the information on the equipment that was part of the EDP evaluation, the Planning Board also finds that the responses of EDP to the peer review report were credible and were confirmed by the Planning Board's consultant PRIME AE in its last review letter dated March 15, 2022;
 - b. Emit odor, which is considered offensive, the Planning Board finds that there is no indication that the proposed solar facility will emit any offensive odors;
 - c. Emit dust or dirt, the Planning Board finds that the implementation of the SWPPP will ensure that no dust or dirt is emitted beyond the property boundaries and that furthermore the emission of dust or dirt with the development of such a project is well within what would be anticipated from typical agricultural practices;
 - d. Cause, as a result of normal operation, a vibration, which creates displacement of 0.003 of one inch at the property line, the Planning Board finds no evidence that the Projects will create any vibration at the property boundaries given the setbacks proposed for the Projects and the nature of the solar project;
 - e. Create glare by lighting or signs which could impair a driver's vision, the Planning Board finds that the glare study prepared by the Applicant and reviewed by PRIME AE demonstrates that no glare will be produced in NYS Route 7 that could impair a driver's vision, moreover, no outdoor lighting or signs along NYS Route 7 are proposed for the Projects;
 - f. Cause a fire, explosion or safety hazard, the Planning Board finds that after a thorough review by its expert ESRG and the Planning Board itself that the Project, including the consolidated BESS.

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- g. As designed and as it is proposed to be implemented, monitored, and maintained will reduce the risk of such a hazard;
 - h. To ensure that the BESS is being appropriately monitored and inspected the Planning Board requires that quarterly reports be submitted to the Town Building Inspector demonstrating that appropriate monitoring, maintenance and repair of the BESS is occurring;
 - i. The Planning Board has ensured that the BESS has been thoroughly reviewed with the Esperance Volunteer Fire Company and that the Applicant will be required to provide training to the VFC, as well as any mutual aid responders who wish to participate, prior to the operation of the solar facility and after such training in writing annually thereafter. The Town Planning Board finds that the Applicant is required to pay ESRG for this training and, if the training does not take place in a timely fashion, this special use permit may be revoked by the Town Planning Board and that a record of each training event and the substantive materials provided at the event shall be provided to the Town Building Inspector; and
 - j. Cause harmful waste to be discharged into sewer, streams, or bodies of water, or to be stored on said property, the planning board finds that no harmful waste is proposed to be stored on the property and that the SWPPP addresses any discharge of sediments during construction and the management of any spills that may accidentally occur during construction ensuring that no harmful waste will leave the site or be stored on the site; and
- (6) That the revised decommissioning statement dated November 23, 2021 with the revised decommissioning estimate and increased amount of the decommissioning financial security is approved and the Planning Board requires that financial security be provided at least 30 days prior to the commencement of construction of the solar panels or installation of the BESS to the Town Clerk by the Applicant in the form of a bond or letter of credit 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 that the decommissioning agreement with the Town Board be amended to reflect the new decommissioning estimates and changes to the Decommissioning Statement dated November 23, 2021; and
- (7) That the 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

BE IT FURTHER RESOLVED, in accordance with § 14.6.2.4 and § 14.6.3.1 of the Zoning Ordinance, the Town Planning Board hereby grants the special use permit and site plan approval requested by the Applicant subject to the following conditions:

- (1) Approval of the Amendment to the Decommissioning Agreement, which is related to the revised Decommissioning Plan and the revised amount of the associated financial security for the implementation of the Agreement, by the Town Board prior to the commencement of construction of the solar panels and Battery Energy Storage;
- (2) Submission of an acknowledgment of receipt by the New York State Department of Environmental Conservation ("NYSDEC") of the NOI and the final Stormwater Pollution Prevention Plan ("SWPPP") to the Building Inspector by the Applicant, prior to commencing construction.
- (3) The Applicant shall provide payment for all outstanding fees, including any invoices by Town Planning Board consultants for review and the first annual training prior to commencing construction;

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- (4) The Applicant shall provide the Building Inspector with copies of all other approvals issued for the Project, including the renewed or reissued New York State Department of Transportation ("NYSDOT") Highway Work Permit and sign-off by New York State Energy and Research Development Authority ("NYSERDA"); and
- (5) After completion of the Project and prior to commencing operation, the Applicant must meet with emergency responders at the Property to discuss the procedures to be followed in the event of fire and other emergencies. Within five (5) days of the meeting, the Applicant must provide the Town Planning Board with hard copies of the meeting minutes. The site specific emergency plan must be presented to the Building Inspector and to the VFC prior to that training by the Applicant and a copy must be kept on file with the Town Clerk. The meeting minutes must indicate the name and contact information for each of the attendees and provide a detailed description of the procedures that will be followed by the emergency responders in the event of a fire or other emergency; and
- (6) In the event the Building Inspector finds that the existing sources of off-site water are insufficient for firefighting purposes for any reason as confirmed in writing by the VFC having responsibility for the Fire Protection District, Applicant will be responsible for providing a sufficient water source; and
- (7) After completion of the Project and prior to the commencement of operation, the Applicant shall retain the services of a New York State licensed professional engineer to provide post-construction certification that the Project complies with applicable codes and industry practices and has been constructed according to the approved special use permit and site plans; and
- (8) After commencement of operations, the Applicant shall monitor noise levels at the property boundary to ensure that the levels from the solar facility are within those predicted in the sound study submitted by the Applicant; and
- (9) Prior to the commencement of construction, the Applicant shall attend a pre-construction meeting with the Building Inspector and the Town Designated Engineer to confirm the completion of the completion of the pre-construction conditions; and
- (10) All SWPPP inspections and reporting during construction will be undertaken by a Qualified inspector. Copies of the inspection reports shall be submitted to the Town Building Inspector within five (5) days of the inspection.
- (11) The Decommissioning Cost Estimate shall be updated every 5 years by a N.Y.S. licensed P.E. and be provided to the Town for review and approval and for the security for the decommissioning to be adjusted accordingly.

BE IT FURTHER RESOLVED, 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 and interested agencies and that it be filed as required by SEQRA.

The foregoing resolution was voted upon with members of the Town of Duanesburg Planning Board as follows:

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Jeffrey Schmitt	X		
Elizabeth Novak	X		
Joshua Houghton	X		
Matt Hoffman	X		

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Michael Santulli
Michael Walpole

X
X

Michael Harris recused himself from the review of the project, was absent from this meeting, and did not participate in this decision.

3/18/2022

JEFFREY SCHMITT, CHAIR, DUANESBURG(T)
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**Exhibit A to 3.17.22
Resolution on Oak Hill Projects**

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Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC
Amendment Application Documents

Site Plans

- 2021-06-21_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2021-08-27_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2021-10-01_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2021-11-12_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2021-11-23_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2022-01-06_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2022-01-17_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2022-02-16_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings
- 2022-03-07_Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC – Issued for Construction Drawings

SWPPP

- 2021-06-11_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2021-08-27_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2021-10-01_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2021-11-12_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2022-01-06_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2022-01-17_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2022-02-16_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2

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- 2022-03-07_Stormwater Pollution Prevention Plan (SWPPP) Oak Hill Solar 1 & 2
- 2021-12-06_SOIL INVESTIGATION REPORT OAK HILL SOLAR 1 & 2

EAF

- 2021-07-28: EAF Summary of Changes
- 2021-07-28: Environmental Assessment Form – Part 1
- 2021-08-27: Environmental Assessment Form – Part 1
- 2021-10-01: Environmental Assessment Form – Part 1
- 2021-10-18: Environmental Assessment Form – Part 1
- 2021-10-18REV1: Environmental Assessment Form – Part 1
- 2021-11-08: Environmental Assessment Form – Part 1
- 2022-03-07: Environmental Assessment Form – Part 1

Module Information:

- Anti-Glare Glass Specifications
- Anti-Glare ARC Solar Glass and Application in Module
- Vikram Solar Somera P-Duplex Half-Cell 144 (current cut sheet)
- Stave 5BB-Polycrystalline PV Module (historic cut sheet)

Presentations

- 8/19/2021 Board Meeting Presentation
- 9/8/2021 Board Meeting Presentation
- 9/16/2021 Board Meeting Presentation

DC-DC Converter Cut Sheet

- Dynapower DPS – 500 Cut Sheet

Battery Information

- Amp – Storage System Risk Mitigation Strategy
- Powin Smart Enclosures Cut Sheet
- Powin Battery Energy Stack Product Line
- StatX Aerosol Fire Suppression

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- UL 9540a Test Report
- Draft Amp Solar Development, Inc. Oak Hill Solar Sire Specific Safety Plan
- 2021-11-16_Energy Safety Response Group – Oak Hill BESS FCNYS 1206.8 Peer Review
- Various Images

Prime AE Review Specific Documents

- Oak Hill 1 Mechanical IFC Drawing
- Oak Hill 2 Mechanical IFC Drawing
- Water Quality Analysis Breakdown
- Memo Letter: Wolf Engineering LLC
- Design method for geogrid reinforced unpaved roads: i development of design method
- Schletter Tracking System Assembly And Installation
- Oak Hill USACE Permit Correspondence
- ASSESSMENT: LIMITED USE PERVIOUS ACCESS ROAD
- OAK HILL - EAF VS DRAINAGE AREA BREAKDOWN
- 2021-08-10_Oak Hill DOT Permit
- FIG-1 EAF VS SWPPP AREA - PREDEVELOPMENT
- FIG-2 EAF VS SWPPP AREA - POSTDEVELOPMENT

Decommissioning

- 2021-07-30 Summary of Changes: Decomissioning
- 2021-07-30 Revised Oak Hill Community Solar 1 and 2 Decommissioning Statement
- 2021-11-23 Revised Oak Hill Community Solar 1 and 2 Decommissioning Statement
- Revised Appendix2-8/26/2021 Breakdown of Decommissioning Costs
- Revised Appendix2-9/28/2021 Breakdown of Decommissioning Costs
- Revised Appendix2-11/11/2021 Breakdown of Decommissioning Costs
- Battery Energy Storage System-Specific Decommissioning Plan – Oak Hill Solar 1 LLC & Oak Hill Solar 2 LLC – Revised September 2021
- Battery Energy Storage System-Specific Decommissioning Plan – Oak Hill Solar 1 LLC & Oak Hill Solar 2 LLC – Revised November 2021
- NYSEDA: Decommissioning Solar Panel Systems: Information for local governments and landowners on the decommissioning of large-scale solar panel solar systems

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- 2022-02-07: Draft Decommissioning Performance Bond-Oak Hill 1
- 2022-02-07: Draft Decommissioning Performance Bond-Oak Hill 2

Real Estate Studies

- CohnReznick: Impact study of Property Values Adjacent to Solar: A Study of Nine Existing Solar Facilities
- Policy Research Project (PRP), LBJ School of Public Affairs at the University of Texas: An Exploration of Property-Value Impacts Near Utility-Scale Solar Installations

SHPO Letters

- 2021-09-29-Parks, Recreation and Historic Preservation No Effect Letter
- 2021-09-21-Parks, Recreation and Historic Preservation Response Letter

Module Testing

- SGS: Test Report (SVHC)
- SGS: Test Report

Prime AE Letters

- 2021-08-14: Oak Hill 1 and 2 Solar Project Review
- 2021-08-19: Oak Hill 1 and 2 Solar Project Review
- 2021-09-15: Oak Hill 1 and 2 Solar Project Review
- 2021-09-21: Oak Hill 1 and 2 Solar Project Review
- 2021-10-15: Oak Hill 1 and 2 Solar Project Review
- 2021-11-18: Oak Hill 1 and 2 Solar Project Review
- 2021-12-07: Oak Hill 1 and 2 Solar Project Review
- 2022-01-13: Oak Hill 1 and 2 Solar Project Review
- 2022-03-03: Oak Hill 1 and 2 Solar Project Review

Prime AE Response Letters

- 2021-08-27_Town Engineer Response Letter
- 2021-10-10_Town Engineer Response Letter #2
- 2021-10-20_Town Engineer Response Letter #3

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- 2022-03-07_Town Engineer Comment Response Letter – Stormwater Design

Amp Letters

- 2021-07-19_Oak Hill Solar 1 LLC & Oak Hill Solar 2 LLC's Energy Storage Projects Clarification
- 2021-07-28_Summary of Plan Changes
- 2021-07-30_Special Use Permit Amendment Cover Letter
- 2021-08-26_Amp Responses to August 19th Meeting Question
- 2021-09-15_AmpSeptember9, 2021 Special Meeting & WorkshopFollow Up
- 2021-10-18_Public Comment Responses
- 2021-11-15_Amp Response to October 21, 2021 Planning Board Meeting
- 2022-02-25_NYDEC Request for Response to Comments

Project Analysis

- 2021-07-23_SOLAR FARM GLARE ANALYSIS REPORT FOR OAK HILL 1 & 2 SOLAR FARM
- 2021-08-25_SOLAR FARM GLARE ANALYSIS REPORT FOR OAK HILL 1 & 2 SOLAR FARM _ Revised August 25, 2021
- 2021-08-25_SOLAR FARM NOISE ANALYSIS REPORT FOR OAK HILL 1 & 2 SOLAR FARM
- 2022-02-07_SUPPLEMENTAL SOLAR FARM NOISE ANALYSIS REPORT FOR OAK HILL SOLAR FARM 1 & 2
- 2022-03-07 EDP Response to Noise Memo
- 2021-09-08_SUPPLEMENTAL VISUAL IMPACT ASSESSMENT

Miscellaneous

- 2021-07-22_Agricultural Data Statement
- Application for the Planning Board Town of Duaneburg

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**Exhibit B to 3.17.22
Resolution on Oak Hill Projects**

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Oakhill 1&2 Public Comment List:

Lynne Bruning's Comments:

- 1) July 15, 2021, Email Subject (Public Comment Planning Board July 15, 2021) with PDF attachment Re: Privilege of the Floor: Battery Energy Storage
- 2) July 16, 2021, Email Subject (Please hire an unbiased independent engineer) with PDF attachment Re: Independent Engineer Review of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 3) July 16th, 2021, Email Subject (Please distribute: Doug Cole conflict of interest) with PDF Attachment Re: Independent Engineer Review of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 4) July 20th, 2021 Email Subject (July 20, 2021, Zoning Board Meeting) With PDF Attachment Re: Draft Solar Law and Battery Storage
- 5) October 12th, 2021, Email Subject (Bruning Comments Oak Hill Solar 1 Drawings) Sent VIA email with 1 PDF Labeled "Mechanical Signed- Compressed".
- 6) October 12th, 2021, Email Subject (Bruning Comments Oak Hill Solar 2 Drawings) Sent VIA email with 1 PDF Labeled "Mechanical Signed- Compressed".
- 7) October 12th, 2021, Email Subject (Bruning to Planning Board: Oak Hill FEAF) with PDF Attachment Re: Oak Hill Solar Full Environmental Assessment Form dated October 1, 2021
- 8) October 12th, 2021, Email Subject (Bruning to Planning Board Comments on Oak Hill Solar Decommissioning Plan) - Sent VIA email with 3 PDF Labeled "Oakhill Revised, BESS Decom Plan", (Flint Min Decom Plan", "NYSERDA Battery Storage Guidebook".
- 9) October 12th, 2021, Email Subject (Planning Comments on Tracking System)- sent VIA email with 2 PDF Labeled "Schletter Tracking System Part 1", "EDP to DEC Tracker Panels".
- 10) October 12th, 2021, Email Subject (Bruning to PB Decom Estimate Appendix 2)- Sent VIA email with 2 PDF Labeled "Flint Mine Decom Plan", "Chart Decom Statement Oakhill Entered June 18, 2021".
- 11) October 12th, 2021, Email Subject (Fwd.: Biggs to Planning Board Oak Hill Solar Amendment) Enc in email was Color photos views from second floor of residence and Color photos of trees of tress on Biggs parcel
- 12) October 13th 2021- Email Subject (Request for Site Visit)- sent VIA email with 1 PDF Labeled "Tom Aultia to P.B".
- 13) October 18th, 2021 – Email Subject (Bruning to Town and Planning Boards PrimeAE October 15, 2021, letter omits costs and risks) and a PDF- RE: Doug Cole of Prime AE October 15, 2021 Letter, Decommissioning of Batteries at Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 14) October 19, 2021, Email Subject (Solar Panel PFAS and request Town enforce the Precautionary Principle) RE: Precautionary Principle for PFAS at Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC. Sent VIA email with 4 PDF Labeled "FINAL Bruning to Duaneburg Planning Board", "Bruning to Town and Planning PFAS Research", "Saving Greene Cover Gmail", "Saving Greene PFAS Report".
- 15) October 19th, 2021, Email Subject (Response to Verdanterra October 20, 2021 letter Item #5 tree clearing) with PDF Attachment RE: Verdanterra October 20, 2021 Letter to Town of Duaneburg Item #5 Tree Clearing

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- 16) October 21st, 2021, Email Subject (Comments on Dr. Varun Rai, "An Exploration of Property-Value Impacts) sent VIA email with 1 PDF Labeled "Property Value Impacts near utility-scale solar installation".
- 17) October 21, 2021 (Cohn Reznick)-Email
- 18) October 21, 2021 (Bruning to Planning Board Privilege of the Floor October 21 2021)- Email
- 19) October 25, 2021 (Fwd.: Request witness at Oak Hill Solar Perc Tests)- Email
- 20) November 8th, 2021, Email Subject (Oak Hill Solar: Mortgage and long-term risk to the town) Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Mortgages Filed at Schenectady County Clerk October 20, 2021
- 21) November 8th, 2021, Email Subject (Oak Hill Solar may be visible from Duanesburg Road - request GPS coordinates of south fence) with PDF Attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC visible from Duanesburg Road
- 22) November 8th 2021 Email subject (Oak Hill Solar: PFAS solar panels, anti-reflective coating and lithium ion batteries) with PDF Attachment Re: PFAS Concerns at Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 23) November 8th, 2021, Email subject (Oak Hill Solar: Deny Amendment for BESS and the BESS Decommissioning estimate omits battery waste disposal) with PDF Attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Battery Energy Storage
- 24) November 8th, 2021, Email subject (Oak Hill Solar Amendment - Biggs home is still omitted from consideration" with PDF Attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC omission of the Biggs home
- 25) November 8th 2021 Email subject (Bruning Oak Hill Site Images Storm Water and Maryland Guidelines) with PDF Attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Site Photos
- 26) November 8th, 2021, Email subject (Oak Hill Solar Amendment - Visual Maintenance Agreement is not filed with the County) with PDF attachment Re: Filing Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Visual Screening Maintenance Agreement with the Schenectady County Clerk
- 27) November 8th, 2021, Email Subject (Oak Hill Construction Traffic)
- 28) November 8th, 2021, Email Subject (Oak Hill Solar: How Tall is 14.5 feet? It's a single-story house)
- 29) November 9th, 2021, Email Subject (Oak Hill Solar: Bruning Water Test Results) with PDF Attachment Re: Water test results Biggs 13388 Duanesburg Road collected on October 21, 2021
- 30) November 15th 2021 Email Subject (Oak Hill Solar Comments on Revised FEAF, 100% poorly drained soils and Stormwater damage) with PDF Attachment RE: Revised Full Environmental Assessment Form November 8, 2021 and Stormwater
- 31) November 15th, 2021, Email Subject (Oak Hill Solar Comments on November 12 Revised Site Plan) with PDF Attachment RE: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC revised site plan "E" submitted to Amp Drop Box on November 12, 2021
- 32) November 15th, 2021, Email Subject (Oak Hill Solar Revised Decommissioning and BESS Decommissioning) with PDF Attachment RE: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC revised BESS submitted by Applicant to Amp Drop Box on November 11, 2021
- 33) November 15th 2021 Email Subject (Oak Hill Solar Noise Analysis omits equipment) with PDF attachment Re: Oak Hill Solar Noise Analysis

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- 34) November 18th, 2021, Email Subject (Oak Hill Solar Amp update on Historic Preservation - Sears Archeological Collection) -Email with PDF Attachment "Sears Archeological Tim Llyod Gmail RE. arrowheads".
- 35) November 18th, 2021, Email Subject (Bruning Privilege of the Floor Planning Board November 18, 2021) PDF attachment RE: Privilege of the the Floor Planning Board November 18, 2021
- 36) November 24th, 2021, Email Subject (Thank you for providing Oak Hill Solar's application online)-Email
- 37) November 26th, 2021, Email Subject (Oak Hill Solar Department of Transportation Permit) PDF attachment Re: Bruning to Planning Board DOT FOI-merge
- 38) November 29th, 2021, Email Subject (Oak Hill Solar: multiple drawing sets labeled with the same revision date - request correction)-Email
- December 16th, 2021, Email Subject (Oak Hill solar foot print has increased) PDF attachment RE: 2021 Application the Oak Hill Solar southern Project boundary is 800 feet north of Duanesburg Road. In 2019 it was 1,500 feet another of Duanesburg Road. The Project is
- 39) significantly changed its foot print.
- 40) December 27th, 2021, Email Subject (Biggs to Town and Planning Board - Noise Peer Review) PDF attachment Re: Oak Hill Solar Noise Analysis
- 41) December 31st, 2021, Email Subject (Oppose appointment of PrimeAE as a town engineer) PDF attachment Re: Oppose the appointment of PrimeAE as a town engineer
- 42) January 3rd, 2020, Email Subject (Request the town appoint a new attorney specializing in municipal and marijuana law)- Email
- 43) January 10th, 2022, Email Subject (Oak Hill Solar Noise Analysis) -Email with PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Noise Analysis
- 44) January 10, 2022, Email subject (Oak Hill Solar: USACOE Freedom of Information Response dated January 6 2022) PDF attachment Re: United States Army Corps of Engineers Freedom of Information for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 45) January 10th, 2022, Email Subject (Oak Hill Solar Comments from Concerned Citizens) PDF attachment Re: Oak Hill Solar Concerned Citizen Comments
- 46) January 11th, 2022, Email Subject (Hard copies of Bruning correspondence to the planning and town boards)- Email
- 47) January 12th, 2022, Email Subject (Re: Oak Hill Solar Noise Analysis) with email and PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Noise Analysis
- 48) January 17th, 2022, Email Subject (Planning Board Agenda omits some color images that were provided to the Board) PDF attachment RE: Agenda's failure to include all color images for all projects
- 49) February 7th, 2022, Email Subject (Concerned Citizen's comments on Oak Hill Solar For the Next Planning Board Meeting)-Email with PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
- 50) February 7th, 2022, Email Subject (Biggs and Bruning comment on Oak Hill Solar's lack of compliance.) PDF attachment Re: Fence, Noise and the application document to date as provided through Amp's drop box the Amendment for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC should be denied due to lack of compliance with the town's comprehensive plan, zoning ordinance and solar law. I request that the planning board perform a site visit and gather more data before taking any action on the Project.

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- 51) February 7th, 2022, Email Subject (Oak Hill Solar October 1, 2021 EAF v SWPPP Area Post Development Figure 2) PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC and SWPPP
- 52) February 16th, 2022, Email Subject (Oak Hill Solar - Planning Board February 17 2022) PDF attachment RE: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC and noise
- 53) February 17th, 2022, Email Subject (Bruning Privilege of the Floor February 17, 2022) PDF attachment Re: Privilege of the Floor February 17, 2022 Planning Board and SWPPP
- 54) February 16th, 2022, Email Subject (copy of Biggs/Bruning correspondence with the DEC) - Email with PDF attachment "Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Stormwater Pollution Prevention Plan" and "Biggs and Bruning ATTACHMENTS to DEC.
- 55) February 21st, 2022, Email Subject (request for Amp to update drop box) PDF attachment Bruning to Board request upload documents.
- 56) February 25th, 2022, Email Subject (Oak Hill Solar - Peer Review Noise Analysis) PDF attachment Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Peer Review Noise Analysis
- 57) March 7th, 2022, Email Subject (Oak Hill Solar Bruning Comments March 7, 2022) PDF attachment Re: the town and planning boards considered if the application for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC is fraudulent? Has the town and planning board considered that the town engineer may have a conflict of interest?
- 58) March 14th, 2022, Email Subject (Re: Bruning Privilege of the Floor) PDF attachment Re: Privilege of the Floor Town Board Meeting.
- 59) March 16th, 2022, Email Subject (E-Cooustic response to EDP Noise Comments) PDF attachment Re: Response to March 7th, 2022, Statement by EDP, To E-CS's Feb. 24, 2022, Review of EDP Noise Impact Statement for Oak Hill Solar I and II March 16, 2022, By: Richard R. James, Principal, E-Cooustic Solutions, LLC (ECS)
- 60) March 17th, 2022, Email Subject (Existing Conditions Biggs two parcels 13388 Duanesburg Road) PDF attachment RE: Existing Conditions 13388 Duanesburg Road, Delanson, NY 12056 Tax Parcels 74.00-3-18 and 74.00-3-16.3
- 61) March 17th, 2022, Email Subject (Omission of nearest neighboring house, switchgear,) - Email and PDF attachments "Sheet 27 Landscape Oak Hill IFC Plans Stamped and Sign", "Powin HVAC", "Switch Gear 117 Bliss Rd NY" "AMP uploads".
- 62) March 17th 2022, Email Subject (Is the Oak Hill Solar Resolution missing pages? Please provide the board all pages prior to taking any action.) - Email appears that the Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC Resolution as provided on the Town website may be missing a page from the FEAF Part 3. Specifically is page 1 of the FEAF Part 3 omitted from the Resolution?

Pamela Rowling:

1. September 16, 2021, Email Subject (Planning board Meeting Scheduled for 16 September 2021, Oakhill Solar 1&2) Letter discussing issues with SWPPP, along with correction from previous letter sent on September 15, 2021.
2. October 12th, 2021, Email Subject (Oak Hill Solar 1, LLC and Oak Hill Solar, 2 LLC), Request to Deny and list of questions.
3. November 8th, 2021, Email Subject (Oak Hill Solar) 4 PDF attachments "Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC", "Contour Map 1", "13 Screen Shot", "Picture of Drainage"

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6. March 3rd, 2022, Email subject (Oak Hill Solar 1, LLC, Oak Hill Solar 2, LLC SWPPP revised)- Email
7. March 7th, 2022, Email subject (Oak Hill Solar 1, LLC, Oak Hill Solar 2, LLC) word doc Re: In anticipation of the upcoming meeting of the Planning Board scheduled for 17 March 2022 I would like to continue to express my overall opposition to approval of the Oak Hill Solar 1, LLC and Oak Hill 2, LLC Amendments for on site battery storage.
8. March 17th, 2022, Email Subject (Oak Hill 1, LLC, Oak Hill 2, LLC) word doc RE: Existing Conditions Tax Parcel 74.00-3-19 and PDF attachment with pictures to descriptions.

Susan Biggs:

1. July 5, 2020, Subject: Eden Renewables request for extension of Oak Hill Special Use Permit
2. October 25th, 2021, Email Subject (Request witness at Oak Hill Solar Perc Tests)- Email

Illegible name???:

October 4, 2021, Illegible letter, but they individual lives on 14339 W Beacon Rd.

Wallace Johnson:

February 7th, 2022, Email Subject (Oak Hill Solar 1 and 2) word document attachment Re: having significant concerns regarding run off water management during the construction and post construction phases of the project.

Marcelline Fusiler:

1. January 9th, 2022, Email Subject (Oak Hill Solar)- Email expressing her concerns
2. February 7th, 2022, Email Subject (Oak Hill Solar) – Email expressing her concern about the noise.

Elizabeth Barnes:

October 12th, 2021, Email Subject (QUESTIONS FOR OAK HILL SOLAR 1, LLC and OAK HILL SOLAR 2, LLC) with a list of over 100 questions.

Leila Otis:

October 11, 2021, Email Subject (Oak Hill Solar Amendment, Duanesburg Town Board Meeting), requesting the denial of the BESS.

Danielle and Robert Swain:

August 9, 2021, Email Subject (Oak Hill Solar) discussing BESS.

Leonard M. Van Buren:

November 15, 2021, Letter regarding (Oak Hill Solar Project), Uncomfortable with Lack of Biggs Involvement

Josh Barnes:

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October 12th, 2021, Email Subject (Please distribute to Planning Board) with a letter and attached NYSERDA BESS Study

Kyle Tice:

February 26th, 2022, Email Subject (Town of Duanesburg-February 24th, 2022)- Email with PDF attachments of Storm water runoff.

Kris Martin and Kim Rose:

October 11, 2021, Email Subject (Oak Hill solar plants: PFAS and the precautionary principle (report attached), Saving Greene.

People Who Sent Emails and Letters of concern of the project for Public Hearing:

Susan Biggs- August 12th, 2021
Daniel Bernhard- August 13th, 2021
Patty Barnes Bernhard- August 13th, 2021
Nick plant- August 13th, 2021
Wallace I. Johnson- August 13th, 2021
Justin Dykeman- August 14th, 2021
Laurie Dykeman- August 14th, 2021
Linda Walbridge- August 14th, 2021
Bob Bernhard- August 15th, 2021
Matthew Ferri- August 15th, 2021
Barton D MacDougall- August 16th 2021
Anna & Dave Denney -August 16th, 2021
Lenny Van Buren- August 16th, 2021
Elizabeth Barnes- August 18th, 2021
Josh Barnes- August 18th, 2021
Matthew Ganster- August 19th, 2021
Nancy Harm- August 19th, 2021
Lynne Burning- August 19th, 2021
Susan Biggs- August 19th, 2021
Pamela Rowling- August 19th, 2021
Colleen & Jay Affinito- August 19th, 2021

People who spoke at the Public Hearing 8-19-2021 with their questions comments and concerns:

Pamela Rowling located at 82 Maple St in CT
Matthew Ganster located at 13818 Duanesburg Rd
Susan Biggs located at 13388 Duanesburg Rd
Julie from Schoharie
Lynn Bruning 13388 Duanesburg Rd
Past Town Supervisor Tidball
Council Member Ganther
Town Supervisor Wenzel
Bill Fairchild from Schenectady
Josh Barnes located at 14314 Duanesburg Rd

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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)

☐ NO

☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	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"/>

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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 - l. 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"/>

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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.

☒ NO

☐ 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.

☒ NO

☐ 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 type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input 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?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

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)

☒ NO☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	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 hydrochloroflourocarbons (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.)

☐ NO☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	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"/>

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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: _____	E1b	<input checked="" type="checkbox"/>	<input 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.)
If "Yes", answer questions a - h. If "No", move on to Section 9.

☐ NO

☒ YES

	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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>



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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 1. E.1.a, E.1.b, E.3.h.)

☐ NO☒ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	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 1/2 -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 1. E.3.e, f. and g.)

☐ NO☒ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	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"/>

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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 checked="" 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 checked="" 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 checked="" 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.	D2e, 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"/>

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13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO☐ 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.

☒ NO☐ 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.

☐ NO☒ 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"/>



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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.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	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: _____			



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17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

☐ NO

☒ YES

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 type="checkbox"/>	<input checked="" 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.
(See Part 1. C.2, C.3, D.2, E.3)

☐ NO

☒ YES

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 type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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Project: Oak Hill Solar 1 and 2 LLC
Date: 11/18/2021

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 Reasons Supporting This Determination Attached

Determination of Significance - Type 1 and Unlisted Actions

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SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

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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
Town of Duanesburg Planning Board _____ as lead agency that:

☒ 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.

☐ 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 617.7(d)).

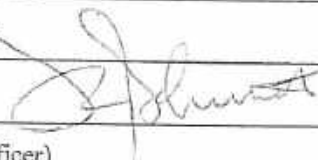
☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Oak Hill Solar 1 and 2 LLC

Name of Lead Agency: Town of Duanesburg Planning Board

Name of Responsible Officer in Lead Agency: Jeffrey Schmitt

Title of Responsible Officer: Planning Board Chairperson

Signature of Responsible Officer in Lead Agency: 

Date: 3/12/2022

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Dale Warner

Address: 5853 Western Turnpike Duanesburg, NY 12056

Telephone Number: 518-895-2040

E-mail: dale@duanesburg.net

For Type 1 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>



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Oak Hill Solar 1 & 2, LLC

Full Environmental Assessment Form

Part 3 — Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

mentioned in Part 1 of the FEAF, there are no other surface water bodies on the site or directly adjacent to the site. Sediment control practices to be employed during and post construction will help mitigate impacts to surface water (No. 3 of Part 2).

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. Additionally, the clearing of wooded or meadowed areas during construction may have a small impact on plants and animals that are "of least concern" but impact will not be substantial (No. 7 of Part 2). The action will not result in any impacts to agricultural resources as the property is not actively farmed with cropland (No. 8 of Part 2).

It has been deemed that the proposed project may create a small impact to aesthetic resources, but this will not be significant. The main object of concern of the SEQR process regarding aesthetic resources are officially designated scenic views or aesthetic resources. The properties are not within view of many "publicly accessible vantage points". A small portion of the proposed facility may be visible from Duanesburg Road, Route 7. However, visual window will be small and most noticeable during the winter months when deciduous vegetation lose their leaves (No. 9 of Part 2).

The State Historic Preservation Office (SHPO) has reviewed the project and the report entitled "Phase I Archaeological Investigation, Oak Hill Solar Farms, NY-7/Duanesburg Road, Town of Duanesburg, Schenectady County, New York". No archaeological resources were identified during the survey. SHPO has noted that the proposed project is located adjacent to the National Register listed Sheldon Farmstead, however, SHPO has made the determination that the project will have "No Effect" to historical or cultural resources (No. 10 of Part 2).

The development of the proposed lot will eliminate the opportunity for the properties to be used for recreational resources for the foreseeable future. However, the properties are not actively used for recreation at this time anyway. The applicant identified that the site is periodically used for hunting. The impact on Open Space and Recreation has been determined to be minimal (No. 11 of Part 2).

Any potential noise impacts will be short term during construction activities. Noise produced by proposed equipment will be in compliance with the Town noise ordinance (No 15 of Part 2). A revised noise study was provided by the Applicant for the Projects. There were comments, characterized as a Peer review, on the noise study by a consultant acting on behalf of the neighboring property owners. The applicant's consultants produced a follow up report responding to the comments. The Planning Board has reviewed these documents and finds that any noise level at the property line during operation of the facility will be quiet with no discernable change in sound levels.

The Planning Board has requested and reviewed revised visual Impact Assessment, a revised Decommissioning plan, updated Stormwater Pollution Prevention Plan, revised SEQR Long Form, all revised changes to original plan including roadway and battery storage location changes for any potential impacts.

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The Planning Board determines that the Projects and the changes to the Projects will not result in a significant adverse environmental impact.

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Exhibit D

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**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION**

**NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3 EVALUATION
OF THE MAGNITUDE AND IMPORTANCE OF PROPOSED ACTION IMPACTS AND
DETERMINATION OF NON-SIGNIFICANCE**

**For the Oak Hill Solar 1, LLC and 2, LLC Solar Projects by the Town Planning Board of
the Town of Duanesburg**

March 17, 2022

This Notice is issued pursuant to Article 8 of the Environmental Conservation Law and Title 6 NYCRR Part 617, the implementing Regulations pertaining to said Article, together known as the State Environmental Quality Review Act ("SEQRA")

The Planning Board of the Town of Duanesburg ("Planning Board") acting as Lead Agency in a Coordinated Review, previously undertook an environmental review of the proposed Type 1 action, 2, 5 Megawatt Solar Facilities, known as Oak Hill Solar 1 and 2 and owned by two LLC's Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Applicants"). The Planning Board's review commenced in 2018 after the submission of the application by Eden Renewables, owner of the two LLCs.

After a thorough and careful review, the Town Planning Board issued a negative declaration and proceeded to approve the site plan, special use permit and subdivision plat in September of 2019. Immediately after the issuance of the negative declaration and the approvals, a neighbor, Ms. Briggs and her daughter Ms. Bruning, commenced an Article 78 proceeding against the Town Planning Board, Eden Renewables and the property owner alleging that the granting of the approvals was arbitrary and capricious. The Court that heard the case, the NYS Appellate Division Third Department, upheld the issuance of the negative declaration and the approvals.

While the subdivision plat was signed by the chairman of the Planning Board and filed in the Schenectady County Clerk's office, the project itself was substantially delayed by the pandemic. During the pandemic, Oak Hill Solar 1 LLC and Oak Hill Solar 2 LLC sought two extensions of its approvals which were granted by the Planning Board.

In June of 2021, Oak Hill Solar 1& 2 LLC submitted plans seeking building permits for the two solar arrays and appurtenant structures. The Building Inspector carefully reviewed the building plans and found that there were several changes to the Project that necessitated its review by the Planning Board to determine if the Project as revised meet the standards for site plan and special use permit, as the original project had done. The Project remained a type 1 action pursuant to SEQRA and in addition to reviewing the project changes to determine if they were consistent with the Town requirements for solar facilities, the Town Planning Board, as lead agency, also re-examined the SEQRA record to see if with the changes, the Project still would not result in any significant adverse environmental impacts or if an EIS would be prepared.

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In making the determination below the Town Planning Board is reaffirming its existing negative declaration, adopted in 2019, and with respect to the revisions to the Projects, is reissuing the negative declaration after having carefully reviewed the changes to the Projects. These changes include, but are not limited to, an increase in the height of the solar panels due to a change in the design and make of the solar panels, an increase in the amount of soil that will be directly and indirectly disturbed by the project through grading, installation of foundation footers for structures and by having heavy equipment operated in the vacant fields which may result in rutting or other temporary soil disturbance even where grading is not taking place. Another change to the project involved the addition of a second internal access road with turnaround area to assist in building and maintaining the solar array. Yet another change is the replacement of the distributed batteries shown on the original site plan with four steel containers with lithium phosphorus ion batteries that are installed in cabinets with monitoring, fire safety and security measures incorporated in each cabinet.

In evaluating the potential environmental impacts of these changes to the Project, the Town Planning Board carefully studied the building permit plans—which provided a greater amount of detail than the original site plans. The Planning Board retained specialists to assist it in this review including Prime AE who provided eight (8) comment letters on the application with input from the Planning Board, the Town Building Inspector and the Volunteer Fire Chief, as well as the members of the public who commented on the Project. The Planning Board also retained ESRG, experts in the review of battery energy storage projects using the lithium phosphorous ion battery storage. ESRG also provides safety training for fire companies for fighting fires and life safety in responding to incidents involving such battery storage and will do so at Applicant's expense for the Village of Esperance Volunteer Fire Company as well as those VFCs that provide mutual aid upon request.

After an exhaustive review of the application materials including the documents responding to comments by Prime AE and by ESRG, the Planning Board members and the public by the Oak Hill 1 & 2 Solar LLC and their experts, the Planning Board closed the public record at its meeting of November 18, 2021. Subsequent to that meeting, members of the public continued to provide comment letters including a peer review of the sound study undertaken by the Applicants and numerous comments on the Stormwater Pollution Prevention Plan or SWPPP that has been prepared for the Project and extensively reviewed several times. The NYSDEC has participated in the review of the SWPPP along with the Town Planning Board. The NYSDEC has primary jurisdiction over the SWPPP.

To ensure that all comments were addressed even those submitted months after the close of the official comment period, the Town Planning Board asked the Applicants to address these comments, the Planning Board members have also reviewed the comments and the responses to the comments and any information in relation thereto provided by the Planning Board's consultants, AE Prime and ESRG. In particular, the battery energy storage, their containers, their monitoring and their operation were reviewed with the advice of ESRG and determined to be an acceptable and safe (with respect to fire safety and with the appropriate training of the Volunteer Fire Companies) way to provide battery storage for the Solar Arrays. Many questions were raised concerning the safety of the batteries and the potential for harmful chemicals to leach from the

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solar panels themselves. The Applicant provided test results concerning the alleged toxicity of the solar panels showing that such toxicity did not exist. After a thorough review, the Planning Board has concluded that none of these changes give rise to a significant adverse effect given the design of the proposed solar arrays and the battery storage particularly when taking into account the siting of the Project. The Planning Board also sought guidance from NYSERDA who provided information and staff to attend and to discuss the issues raised with the Planning Board.

After months of meetings, extensive public comment and review, the Town Planning Board has determined that the Proposed Action described continues to be a Type I action under SEQRA and, after evaluating the record has determined that no significant adverse environmental impacts will result from the construction and operation of the proposed facility and has determined that a Draft Environmental Impact Statement will not be prepared. The Planning Board therefore issues this Negative Declaration for the reasons described below.

Name of Action: Oak Hill Solar 1, LLC & Oak Hill Solar 2, LLC solar projects

Location: 13590-13592 Duanesburg Road
Town of Duanesburg, Schenectady County, New York 12053
Tax IDs: 74.00-2-52 and 74300-2-5.1

SEQRA Status: Type I Action

**Conditioned
Negative Declaration:** No

Lead Agency: Town of Duanesburg Planning Board

Description of Proposed Action:

The Applicants have applied to the Town Board for an amended site plan approvals and an amended special use permits under the Town's Local Law no. 1 of 2016 and the Town's Zoning Ordinance in connection with the proposed construction of two 5-megawatt community solar power generation facilities (the "Proposed Action") at 13590 and 13592 Duanesburg Road, in the Town of Duanesburg, Schenectady County, New York (Tax IDs: 74.00-2-5.2 and 74.00-2-5.1) (the "Properties") and associated Battery Energy Storage. The Proposed Action will operate twenty-four hours a day, seven days a week. The Proposed Action will be owned, operated, and maintained by the Applicants who entered into a lease with the owner of the property (the "Owner") for use of the Properties as solar facilities. The Property is located in the Town's Agricultural-Residential zoning district where solar energy facilities are permitted subject to special use permit and site plan approval from the Town Planning Board.

The Proposed Action is a Type I action under SEQRA as greater than 10 acres will be disturbed. The Planning Board has served as lead agency for the review of the Projects and is continuing in that role to review the amended site plan.

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The Proposed Action is consistent with the current Agricultural-Residential zoning designation, and the Proposed Action is an allowable use under current zoning.

All of the application documents are on file at the Town of Duanesburg Town Hall and all of the application documents were uploaded to a file sharing site so that all of the documents were available to the Town Planning Board members and to the Public remotely.

Also important to the review of the amended Projects were the Public Comments that were submitted to the Town Planning Board, including the minutes of the Public Hearing which was held on the amended Applications. All of these comments are on file with the Town of Duanesburg at Town Hall.

Lastly, the review letters prepared by both Prime AE and ESG were of great assistance to the Town Planning Board and a list of those letters, which are also on file with the Town and which were made available to the public. Of particular note are the two final letters by Prime AE and by ESG noting that the Applicants have made the requested changes in the Projects and the plans for the project so that there are no further open issues. In particular, Prime AE and the Applicant, with the participation of the Planning Board has carefully examined the SWPPP and its various iterations to ensure that the SWPPP meets NYSDEC requirements for such a document and to ensure that any stormwater that falls on the site during construction or operation will not adversely affect any surrounding properties.

The Planning Board, with the advice of its consultants also carefully reviewed the EAF Part 1 and completed the EAF Part 2 and Part 3 after thoroughly reviewing these documents at several meetings. The EAF Part 1, prepared by the Applicant and dated last revised March 7, 2022, and the EAF Parts 2 and 3, prepared by the Planning Board and discussed in open planning board meetings are attached to this document as Exhibit D.

Reasons Supporting this Determination

The Planning Board has carefully considered the criteria for determining significance as set forth in the SEQRA regulations at 6 NYCRR § 617.7 and has thoroughly evaluated the Proposed Action's potential environmental impacts as identified in the full EAF Parts 1, 2 and 3. A majority of the potential project impacts have been identified as having no impact at all on potential resources. The following potential resources were deemed by the Town of Duanesburg Planning Board to be impacted by the Project: Impact on Land, Impact on Surface Water, Impact on Plants and Animals, Impact on Agricultural Resources, Impact on Noise, Odor, and Light, and Consistency with Community Plans, and Consistency with Community Character. However, of those resources, the Project's impact is classified as having either "No, or small impact". The Planning Board does not believe that the identified potential impacts associated with the proposed solar facilities are of such significance that the preparation of an Environmental Impact Statement ("EIS") is required.

This project is also aligned with New York State goals to obtain 70 percent of the State's electricity from renewable sources by 2030, as codified by the Climate Leadership and Community Protection Act. Renewable projects such as the ones proposed here are also aligned with the State

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mandate for a 100 percent carbon-free electricity sector by 2040. The goal of the Town's Local Law no. 1 of 2016 was, among others, to encourage the construction and operation of renewable energy facilities in the Town.

Discussion of Potential Environmental Impacts

The Planning Board has carefully considered all potential environmental impacts associated with the Proposed Action. Below is a discussion of those potential impacts, set forth in the order in which they appear in the NYSDEC SEQRA Full EAF Part 2.

The Proposed Action is a SEQRA Type I action. NYSDEC's SEQRA Handbook specifically addresses whether an environmental impact statement ("EIS") is always required for a Type I action. According to NYSDEC, "the lead agency must evaluate information contained in the EAF, and additional applications, filings or materials, against the criteria in [6 NYCRR] 617.7 to make a determination of significance for each Type I action. SEQR responsibilities for Type I actions may be met by a well-documented, well-reasoned negative declaration."

The materials submitted in support of the Project Sponsor's applications were generated by licensed engineers and qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established principles, industry standards, NYSDEC and technical data. The Application materials have been carefully reviewed by the Town Building Inspector and the Town's consultants, Prime AE and ESG. The Planning Board members, several of whom are consultants and engineers, also reviewed the application and the EAF, including the technical reports.

During the course of the Proposed Action's SEQRA review, the Planning Board, the public, and the Project Sponsor's representatives engaged in an active and comprehensive evaluation of the submissions. As stated by the NYSDEC SEQR Handbook, "the lead agency may make a request for any additional information reasonably necessary to make its determination." Questions were asked, clarifications were requested, and responses were provided.

The Planning Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude, and determined the potential impact's importance.

Lastly, the Planning Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the Full EAF, confirms the Planning Board's conclusion that a Negative Declaration of Significance should be issued for the Proposed Action.

Discussion of 6 NYCRR Part 617 Criteria For Determining Significance

The Planning Board has evaluated the Proposed Action using the criteria for determining significance identified in 6 NYCRR part 617.7(c)(1) and in accordance with 6 NYCRR Part 617.7(c)(2) and (3). NYSDEC's SEQR Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored."

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As indicated below in the discussion of each criterion specified in 6 NYCRR Part 617.7(c)(1), the Proposed Action will not have a significant adverse impact on the environment.

6 NYCRR 617.7(c)(1) Criteria

(i) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The Planning Board finds that the Proposed Action, i.e. the construction and operation of two, five megawatt, solar energy projects with battery energy storage is not likely to cause significant adverse changes to existing air quality, ground or surface water quality/quantity, noise levels, level of solid waste production, and potential for erosion, flooding, leaching or drainage problems.

The Project Sponsor has coordinated with the New York State Department of Transportation ("NYSDOT") to obtain a Commercial Access Highway Work Permit Application. Additionally, the access road widths were approved by the Duaneburg Fire Code Official on August 18, 2021 under the § 503.1.1 Exception 2. The width of the access roads were also found acceptable by the Village of Esperance Volunteer Fire Company fire chief, who participated in the review of the Projects.

The Project drainage was previously examined as an element of the 2019 Project approval. The Oak Hill project's impervious surface has increased due to the inclusion of engineered foundations for the centralized battery storage enclosures and central inverters. The Project Sponsor also recognized in its SWPPPs that the total amount of disturbed soils may be substantially higher than previously estimated because driving the construction equipment through the fields may cause compaction or rutting to 69.75 acres. The amount of impervious surfaces to be added, however, is still very low at under one acre of the total Project Site. NYSDEC compliant stormwater measures have been designed to treat stormwater from the Projects. NYSDEC has developed guidance for solar facilities which have limited impervious surfaces compared to many other types of facilities. The expanded access roads will be constructed with a pervious gravel access road material. NYSDEC staff directly reviewed the SWPPP for these Projects as did Prime AE and the Planning Board. The Notice of Intent has been filed with NYSDEC for the SWPPP dated last revised March 7, 2022.

The Project Sponsor coordinated with Environmental Design Partnership, LLP to conduct a Solar Farm Noise Analysis on August 25, 2021. Based on the distance between the neighboring properties, 950 feet and 750 feet from the nearest centralized equipment pad, the sound levels are expected to be 40 dB and 42 dB respectively. A level of 40 dB is commonly associated with that of a library or residential neighborhood. This is also roughly 30 dB less than the 70 dB limit in § 14.6.3.1 of the Duaneburg Zoning Ordinance. Arguments have been made that the noise study was somehow deficient, however, no evidence of this was presented by the project opponent's consultant, who purported to do a peer review of the EDP study but provided no data himself and did not visit the site. As is detailed in the response by EDP, that consultant apparently did not have

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or was not given a copy of the cut sheets providing the detailed sound information on the components of the project. He also misconstrued the standard for noise for such projects in the Town of Duanesburg. In any event the Planning Board specifically finds that the operation of the Projects will not result in a significant adverse environmental impact related to noise.

(ii) The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Due to the existing nature of the Property, the Proposed Action will not have a significant impact on the environment including large quantities of vegetation or fauna, interference with the movement of any resident or migratory fish, significant habitat areas, or other natural resources.

The Proposed Action will not impact the northern long-eared bat indicated by NYSDEC, because all tree clearing of trees greater than 3" dbh will take place between November 1 and March 31, pursuant to NYSDEC's recommendation for the species.

(iii) The impairment of the environmental characteristics of a Critical Environmental Area.

The Proposed Action will not cause impairment to the characteristics of a Critical Environmental Area as designated under 6 NYCRR Part 617.14(g) because the Property is not located in a NYS Critical Environmental Area.

(iv) The creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Proposed Action does not present a conflict with the Town of Duanesburg's Comprehensive Plan or Residential-Agricultural zoning district. The Proposed Action is also in compliance with the Town's Solar Energy Facilities Law passed in 2016.

(v) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The Proposed Action will not impact the character or quality of historical, archeological, architectural, or aesthetic resources. The NYSOPRHP signed off on the project back in 2019.

The site plan shows a proposed fence height which meets the National Electrical Code ("NEC") standards. The Town Planning Board is only approving a fence height of 6 feet as it lacks the authority to approve a fence that is higher, however, the Planning Board finds that a higher fence up to 8 feet as shown on the site plan would not result in any significant adverse impacts given the location of the fence and its agricultural design.

The solar panels, which are higher than originally proposed when fully extended, have a tilt and height that will change throughout the day as the single-axis tracker design follows the sun to

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maximize clean energy production. The modules will be at a 2.754 meter height when angled horizontal to the ground. The height will increase to 4.431 meters or approximately 14.5 feet at the upper edge when positioned at maximum tilt. This height complies with the Solar Energy Facilities Law's § 3(g) requirement that "ground mounted arrays shall not exceed 20 feet in height when oriented at maximum tilt."

Also, in a Supplemental Visual Impact Statement dated September 8, 2021, Environmental Design Partnership, LLP concluded 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. The Planning Board agrees with this finding and determines that the Projects will not cause a significant adverse environmental impact on visual resources.

(vi) A major change in the use of either the quantity or type of energy.

The Proposed Action will not create a major change in the quantity of electricity or natural gas to be used in the region and will not affect the community's sources of fuel or energy supply. As renewable energy projects, the Projects are being proposed in compliance with the NYS energy goals to increase the availability of renewable energy and decrease dependence of fossil fuels. The adoption of local law 1 of 2016 by the Town specifically encouraged the development of solar energy resources in the Town.

(vii) The creation of a hazard to human health.

The Proposed Action will not create a hazard to human health.

The Project Sponsor submitted a Energy Storage System Risk Mitigation Strategy in June 2021 that stated that the risk of a fire caused by the battery energy storage system is "very low." The batteries are contained in a National Electrical Manufacturers Association ("NEMA")-rated enclosure, so the possibility of damage to the batteries and catching fire is very low. The product manual from Powin, sets forth the risks related to BES and describes how the risks have been addressed through the design of the systems and the remote 24, 7 monitoring of the systems by Powin.

The Project Sponsor submitted a peer review report from the Energy Safety Response Group (ESRG) on November 16, 2021 that concluded that the project is largely compliant with FCNYS § 1206, with the exception of UL 9540 certification that should be provided to the local fire code official having jurisdiction for approval prior to commissioning of the system. ESRG is also, at the Applicants expense going to ensure adequate training of the Village of Esperance Volunteer Fire Company that provided fire services to this area of the Town, as well as any other VFCs who may provide mutual aid to this area if they chose to participate in the training. ESRG raised one concern regarding the availability of on-site water to fight fires, the VFC has determined that it has sufficient water resources near the property and that an on-site source is not required.

(viii) A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The Proposed Action will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The fields being used for solar are vacant former hayfields. Solar facilities are being built throughout New York State on fields such as this. This is a rural area with houses placed at a substantial distance from the solar facilities. The solar facilities are proposed to be accessed off a NYS Road. Once constructed the solar facilities are periodically mowed and maintained but there is very little human activity at the facilities.

(ix) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The Proposed Action will attract a small amount of people for a limited period of time for the purposes of construction, but this construction will not result in a significant increase of the area population. The Proposed Action will not create a substantial adverse change in traffic volume in the surrounding area either due to the fact that the Projects Site is located off of NYS route 7 and will not use any Town or County roads. Once the construction is complete, the only traffic that will follow appear at the Proposed Action will be for the infrequent instances of mowing, maintenance and repair. Therefore, no substantial adverse impact is expected related to attraction of people to the area.

(x) The creation of a material demand for other actions that would result in one of the above consequences.

The Proposed Action is not expected to create any significant increased demand for other actions (e.g., additional public services) that would result in significant adverse consequences as described by the above criteria. In evaluating the Proposed Action, the Planning Board determined that a development such as the Proposed Action is appropriate for the area in which it is being proposed, and that the uses will not result in a material demand for other actions that might result in adverse environmental impacts.

(xi) Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The Planning Board finds that the Proposed action does not create impacts to two or more elements of the environment that, collectively, would result in substantial adverse impact to the environment. The Planning Board has conducted a full review of all elements and the potential impacts from the Proposed Action, and has been informed by its consulting professional engineers as to the coordination of those elements. The Planning Board has, for example, evaluated the combined effects of: (i) traffic in relation to noise, glare, and community character; (ii) storm water management, lighting, and safety; and (iii) community character in relation to noise, glare, and aesthetics.

This list is by no means an exhaustive of the potential impacts/ changes considered in tandem with other impacts/changes during the Planning Board's consideration of the Proposed

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Action over the past several months but is only provided as an example of the hard look taken by the Planning Board to ensure that the potential effects of the Proposed Action, considered individually or together, would not result in a substantial adverse impact.

(xii) Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Proposed Action did not show the potential for cumulative effects based on the Planning Board's comprehensive review of the entirety of the Proposed Action, it should be noted that the Planning Board has always reviewed the two proposed Solar Projects together and their combined impacts rather than segmenting the actions.

Conclusion

In conclusion, based on a review of all available information, the Planning Board has determined that the solar projects 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.

Lead Agency:

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

For Further Information:

Contact Person: Jeffery Scmitt, Chairman of the Planning Board for the Town of Duanesburg
Address: 5853 Western Turnpike Duanesburg, NY 12056
Telephone: 518-895-2040

Copies of this Notice have been sent to:

Town of Duanesburg Town Board
Schenectady County Planning Board
New York State Department of Environmental Conservation
New York State Department of Transportation
New York State Historic Preservation Office
U.S. Army Corps of Engineers

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