



Albany Office
100 Great Oaks Boulevard, Suite 114, Albany, NY 12203
P: 1.833.723.4768

August 30, 2023

James A. Muscato II, Esq.
Jessica Ansert Klami, Esq.
Counsel for ConnectGen
Young/Sommer LLC
Executive Woods
5 Palisades Drive
Albany, NY 12205

**Re: Town of Glen
ConnectGen Mill Point Solar I Project
Our Project No. 19503-12**

Dear Mr. Muscato & Ms. Klami,

We are in receipt of your August 21, 2023 letter to Tom DiCaprio, Town of Glen Code Enforcement Officer requesting clarification on Subsection 5(2)(b) of Local Law #3 of 2022 relating to the setback requirements for Large Scale (Utility) solar energy systems. The Town has asked PRIME AE to review the code section and provide a response.

Upon our review of the code section referenced above, it is our opinion that Subsection 5(2)(b)(ii) which states in part; "Fencing, access roads, stormwater measures, electrical wiring and conduit (both above and below ground) and landscaping may occur within the setback." applies to both the 100-foot setback for wetlands, ponds and streams, and the 500-foot setback in a Rural Residential District for non-participating parcels. Conversely, this means that no equipment pads, solar panel installation or other permanent construction may occur in these setbacks.

Please feel free to call or email me with any questions.

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

A handwritten signature in purple ink that reads "Douglas P. Cole".

Douglas P. Cole, P.E.
Senior Director of Engineering

cc: Timothy Reilly, Supervisor
Tom DiCaprio, Code Enforcement Officer
William J. Mycek, Town Attorney
Teresa Bakner, Whiteman Osterman & Hanna, LLP