

Jeffery Schmitt, Planning Board Chair  
Michael Harris, Vice Chairman  
Dale Warner, Town Planner  
Melissa Deffer, Clerk  
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG  
SCHENECTADY COUNTY

Elizabeth Novak, Board Member  
Joshua Houghton, Board Member  
Michael Santulli, Board Member  
Matthew Hoffman, Board Member  
Michael Walpole, Board Member

Town of Duanesburg  
Planning Board Minutes  
August 19<sup>th</sup>, 2022  
**Final Copy**

RECEIVED  
SEP 29 2022  
TOWN OF DUANESBURG  
TOWN CLERK

**MEMBERS PRESENT:** Jeffery Schmitt- Chairperson, Michael Harris-Vice Chairperson, Elizabeth Novak, Joshua Houghton, Matthew Hoffman, Michael Santulli, Michael Walpole, Planning Board Attorney Teresa Bakner, Town Planer Dale Warner, and Planning Board Clerk Melissa Deffer.

**INTRODUCTION:** Chairperson Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Schmitt asked for the board to introduce themselves to the public: Jeff Schmitt- Chairman, Elizabeth Novak- Planning Board Member, Matthew Hoffman- Planning Board Member, Mike Walpole- Planning Board Member, Michael Santulli- Planning Board Member, Josh Houghton- Planning Board, Mike Harris- Vice Chairperson, Melissa Cherubino- Legal Consul, Dale Warner- Town Planner, Brandy Fall- Deputy Clerk.

**OPEN FORUM:**

**Schmitt/Novak** made a motion to open the open forum.

Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes, Santulli yes, Harris yes.

**Approved.**

James Segreue located at 274 Batter St. (**Please See Attachment**)

**Novak/Walpole** made a motion to close the open forum.

Novak yes, Walpole yes, Schmitt yes, Hoffman yes, Houghton yes, Santulli yes, Harris yes.

**Approved.**

**PUBLIC HEARINGS:**

**#22-12 Clark, Todd:** SBL#32.00-1.6.11, (R-2) located at 167 Mill Point Rd is seeking a Special Use Permit for a two-family dwelling under section 3.5.60; section 8.4(8) of the Town of Duanesburg Zoning Ordinance.

Mr. Clark gave his presentation to the Public

**Houghton/Santulli** made a motion to open the public hearing for the **#22-12 Clark, Todd** application.

Houghton yes, Santulli yes, Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Harris yes.

**Approved.**

**No public comment was made.**

**Santulli/Harris** made a motion to close the public hearing for the #22-12 Clark, Todd application.

Santulli yes, Harris yes, Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes.

**Approved.**

**Novak/Hoffman** made a motion to approve the #22-12 Clark, Todd application for a special use permit.

Novak yes, Hoffman yes, Schmitt yes, Walpole yes, Houghton yes, Santulli yes, Harris yes.

**Approved.**

#22-01 Valley Mobile Home Court, LLC: SBL#55.00-4-11.6, (C-2) located at 6204 Duanesburg Rd is seeking a Special Use Permit for 10 storage units under section 12.4(33) and a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

**Novak/Santulli** made a motion to reaffirm the preliminary SEQRA finding of a negative impact declaration.

Novak yes, Santulli yes, Schmitt yes, Hoffman yes, Walpole yes, Houghton, Harris yes.

**Approved.**

**Schmitt/Harris** made a motion to open the public hearing for the #22-01 Valley Mobile Home Court, LLC application.

Schmitt yes, Harris yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes, Santulli yes.

**Approved.**

Chris Longo from Empire Engineering is representing the owner Eric Dolan-applicant for Valley Mobile Home Court, Mr. Longo gave his presentation to the Public.

**No public comment was made.**

**Harris/Schmitt** made a motion to close the public hearing for the #22-01 Valley Mobile Home Court, LLC application.

Harris yes, Santulli yes, Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes.

**Approved.**

**Harris/Houghton** made a motion to approve the Special use permit application for #22-01 Valley Mobile Home Court, LLC with the following conditions:

1. NYS DOT approval
2. NYS DEC wetland delineation
3. Future phases that will be done, brought back to the Planning Board for approval

Harris yes, Houghton yes, Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Santulli yes.

**Approved.**

#### **NEW BUSINESS:**

None

#### **OLD BUSINESS:**

#22-11 Primax Properties, LLC c/o Bohler: SBL# 55.00-4-11.6, (C-2) located at Rt 7 are seeking a Special Use Permit under section 12.4(28) of the Town of Duanesburg Zoning Ordinance. Chairperson Schmitt explained that the Board has received from Ingalls the TDE

their comment letter on August 16<sup>th</sup> and the Board has not had time to review the letter. Caryn Mlodzianowski with Bohler Engineering who representing Primax Properties, LLC was present at the meeting. Caryn explained that not much has changed as far as the layout. A plan was developed fully and includes a purposed design set from demo to erosion, utilities, storm water, lighting and landscaping, and construction details. 25 land banked parking spaces has been added as well. Tress have been added with landscaping to wrap around the front of the building and out by the road as well. NYS DOT approvals have been submitted and they are reviewing the foot plan. A wooden post and rail fence will be around the storm water area. There will be no septic system area anymore, now a proposal to hook up into the town sewer. Board Member Hoffman made a request for the next meeting:

1. The Town Planner to look into the sewer use law.
2. County Referral

**Novak/Walpole** made a motion to declare the Town of Duanesburg Planning Board lead agency in the SEQRA review process.

Novak yes, Walpole yes, Schmitt yes, Hoffman yes, Houghton yes, Santulli yes, Harris yes.

**Approved.**

**Novak/Hoffman** made a motion to reaffirm the preliminary SEQRA findings of a negative impact declaration for the **#22-11 Primax Properties, LLC c/o Bohler** application that is considered an Unlisted Action. **(Please See Part 3 of the FEAF Attachment)**

Novak yes, Hoffman yes, Schmitt yes, Walpole yes, Houghton yes, Santulli yes, Harris yes.

**Approved.**

**Harris/Santulli** made a motion to set a public hearing for the **#22-11 Primax Properties, LLC c/o Bohler** application to be held at the September 15<sup>th</sup>, 2022, meeting.

Harris yes, Santulli yes, Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes.

**Approved.**

#### **SKETCH PLAN REVIEW:**

None

#### **OTHER:**

Chairperson Schmitt explained that there are still multiple concerns with the Serth application and if anyone would like to do a site visit to get in contact with Legal Counsel and have it set up with other members. The Board Discussed all the issues that were brought up at the previous meeting and the common issues are the noise and the following of the Local Law 1 that was specifically put in place for an event venue.

#### **MINUTES APPROVAL:**

**Houghton/ Walpole** made the motion to approve June 16<sup>th</sup>, 2022, Planning Board minutes with one minor correction.

Houghton yes, Walpole yes, Schmitt yes, Novak abstained, Hoffman abstained, Santulli yes, Harris yes. **Approved.**

#### **ADJOURNMENT:**

**Harris/Hoffman** made the motion to adjourn at 8:06 pm.

Harris yes, Hoffman yes, Schmitt yes, Novak yes, Walpole yes, Houghton yes, Santulli yes.  
**Approved.**

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Town of Duanesburg Planning Board has completed an Environmental assessment of the proposed Special Use Permit for a Retail business located on Duanesburg Rd. tax map # 55.00-4-11.62 in the C-2 Manufacturing & Light Industrial Zoning District. The proposal is consistent with the Town Comprehensive Plan and compliant with the Zoning Ordinance and will be consistent with the existing community character with no aesthetic impacts anticipated. The proposal is not in a Critical Environmental Area. The proposed action will have no impact or any adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkways. The proposed action will have little impact or increase in the use of energy. The proposed action will require the drilling of a private well and is within Sewer District #3. The proposal does not fall within a historic district or on the National or State Register of historic places, it does however fall within the NY State historic Preservation Office (SHPO) archaeological site inventory. There are no wet areas or mapped wetlands, the proposal is not within the 100 year Flood Plain or remediation site. The proposed action should not create a hazard to environmental resources or human health, there are no records of rare, threatened or endangered plants but, the site has been identified as having endangered species the Northern Long - Eared Bats, all tree removal activities must occur between October 31st and March 31st. If these days can not be accommodated, an on-site assessment by the DEC staff will be required. Soil erosion control measures will be required to be installed prior to any construction activities and maintained during any construction activities. Any planned access will require DOT permit for work in the ROW. The total acreage of disturbance is anticipated to be greater than one acre but, less than five acres. A copy of the storm water control plan is on file at the Town of Duanesburg.

Therefore based on this information, the Planning Board has determined that the proposed special use permit 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.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Duanesburg Planning Board	
Name of Lead Agency	Date
Jeffrey Schmitt	Planning Board Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

August 18, 2022

At your last meeting you used protocols to limit what could have been meaningful input from the public and allowed an applicant to ramble on for over 40 minutes as to why his interpretation of the ordinance was the correct one. When asked for specifics you allowed him to deflect his answers. Town employees have what you want so he does not have to comply.

More importantly I determined through town records that you were incorrectly advised regarding the original building permit for the barn. Given that it did not comply with building requirements at the time issued is a serious defect for this proposed special use permit. As you were notified in writing about this and other issues one has to ask why anyone on the board did not raise on the record this issue at your July meeting.

In other correspondence with the board I have quantified other deficiencies in your process. The items specified are sufficient to reject the application in its entirety. The application has many pages of checked boxes and no specifics as to what exists and what requirements have to be complied with for the application to proceed. We are therefore requesting that this application be rejected in its entirety and any future applications be held in abeyance until all the issues raised are resolved.

Regardless of your decision we ask for a written response to our aforementioned request.

James Segrue