

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member
Christopher Shoemaker, Board Member
Michael Santulli Alternate Board Member

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TOWN OF DUANESBURG
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Town of Duanesburg
Planning Board Minutes
August 20th, 2020
Final Copy

MEMBERS PRESENT: Jeffery Schmitt Chairman, Elizabeth Novak, Thomas Rulison, Joshua Houghton, Michael Harris, Martin Williams, and alternate member Michael Santulli. Also, in attendance Planning Board Attorney Teresa Bakner, Dale Warner Town Planner and Melissa Deffer Clerk.

Roll Call: Jeffery Schmitt yes, Elizabeth Novak yes, Marty Williams yes, Josh Houghton yes, Thomas Rulison yes, Mike Harris yes, Christopher Shoemaker yes, Mike Santulli yes

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting. Jeffery welcomed everyone to tonight's Planning Board meeting.

OPEN FORUM:

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

Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes.
Approved.

Lynne Bruning Located at 13388 Duanesburg Rd (Please see attachment)

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

Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes.

PUBLIC HEARINGS:

Schmitt/Novak motion to open the public hearing for the **#20-03 Stewarts Shops Corp** application.

Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes.
Approved.

#20-03 Stewarts Shops Corp: SBL#64.00-2-26.1, (C-1) located at 4032 State Highway 30 is seeking a Special Use Permit under section 11.4(7) of the Town of Duanesburg Zoning ordinance for a convenience store with motor vehicle fuel sales and retail business. Dave Ingalls Town Designated Engineer and Stewarts representative James Gillespie commented on the application. The Planning Board is waiting on the TDE's final comments on the SWPP and DOT's comments and or concerns.

No public comments were received on the application during or preceding the public hearing.

Schmitt/Harris made a motion to close the public hearing for the **#20-03 Stewarts Shops Corp** application.

Schmitt yes, Harris yes, Shoemaker yes, Novak yes, Williams yes, Houghton yes, Rulison yes.
Approved.

Novak/ Rulison made a motion to declare the Town of Duanesburg Planning Board lead agency in the SEQR review process.

Novak yes, Rulison yes, Harris yes, Shoemaker yes, Schmitt yes, Williams yes, Houghton yes.
Approved.

Schmitt/Harris made a motion to table the **#20-03 Stewarts Shops Corp** application until September 17, 2020.

Schmitt yes, Harris yes, Shoemaker yes, Novak yes, Williams yes, Houghton yes, Rulison yes.
Approved.

#20-10 Papa, Daniel: SBL# 35.10-2-3, (L-1) located at 228 Lake Rd is seeking a Special Use Permit for a two- family dwelling under the Town of Duanesburg Zoning Ordinance adopted 6/11/15 under section 15.4(I); section 7.1.4(1); of the Town of Duanesburg Zoning Ordinance. Mr. Papa gave his presentation to the Public.

Mr. Papa wanted to put in the record that there is a duplex on Spring Rd which everyone can see from Lake Ave.

Harris/Houghton made a motion to open the public hearing for the **#20-10 Papa, Daniel** application.

Harris yes, Houghton yes, Rulison yes, Williams yes, Novak yes, Schmitt yes, Shoemaker yes.
Approved.

Christina Loukides 1320 Alexander Rd wanted to know if the 3rd bedroom in the basement had a separate entrance from the outside. Christina also asked the Planning Board if this timeline is unusual for the application?

Mr. Papa responded to the board and answered the question.

Town Attorney assured Mrs. Loukides that the timeline is not unusual for a Type II action.

Gerald Carvin located at 208 Lave Ave asked how many people will be living in the house and how long have they been living in the residence? Gerry is very opposed to this application.

Mr. Papa responded to the board and answered the question.

Donald Russo located at 238 Lake Ave stated that on his deed it says residential and that's why they moved out here.

John DeVre located at 120 Lake Ave is concerned about setting a bad precedence to start on the lake. If you give to one you must give to all.

Ruth located at 238 Lake Ave is worried about the residential area on Lake Ave. Ruth had to called 911 years ago and it was very hard for the police, ambulance, and fire apparatus to come down her road so, with more people on the road means more cars. The Town needs to take more care of the road. Mr., Papas roommates have a dog that does not go on a leash. When they have parties there are lights that shine in their window.

Paul Goska located at 198 Lake Ave Paul has lived up here for 18 years. He came out here for peace and quiet and he does not like having additional people on the street.

Lynne Bruning located at 13388 Duanesburg Rd has not seen the application online. Lynne thinks that all applications should be posted online for people to view.

Board Member Harris read into the record comments and a petition that were submitted to the board from Lake Ave residences. (Please see attached).

Johnathan Desrochers located at 152 Lake Ave has noticed increased traffic on Lake Ave. Speeding on road has gone up and the quality of life has gone down. He is concerned there will be an incident.

Mr. Papa responded to the board with he has raised the value of his house tremendously which makes the people on Lake Aves value go up more as well. Dans roommates/friends do like to have fun but never get carried away.

Teo Daley located at 148 Lake Ave stated that there is a rapid flow of cars on Lake Ave. This will set a precedent on their road. How do we know its going to be long term rentals? Teo bought her land for peace and tranquility.

Schmitt/ Novak made a motion to hold open the public hearing and to table the application for **#20-10 Papa, Daniel**

Application until September 17th, 2020.

Schmitt yes, Novak yes, Harris yes, Shoemaker yes, Williams yes, Houghton yes, Rulison yes.
Approved.

NEW BUSINESS:

#20-15 Drexel, Michael: SBL#52.00-1-40, (R-2) located at 452 Eaton Corners 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. Drexel lives at 319 Turnbull Rd in Delanson and owns 29.4 acres at 452 Eaton Corners Road. Mike explained to the board that he would like to get approval to convert an already built workshop/Garage to include and in-law apartment and later down the road build a 3-bedroom house on the property as well. The utilities and well will be shared by

both dwellings. The Septic and propane would be separate. For the in-law apartment Mike would like to have a 2-bedroom 1 bath apartment. Mike plans on staying in the apartment while his house is being constructed. Once the house is constructed, he plans on most likely having family members stay in the apartment. This project started in October of 2019 when he got the proper building permit to construct the workshop/Garage. The board would like Mr. Drexel to present to the board for the next meeting.

1. Copy of the well report
2. County Referral
3. Survey done on the property with both structures, Driveways, well, septic locations.

Novak/Williams made a motion to table the **#20-15 Drexel, Michael** application until September 17, 2020.

Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes, Schmitt yes.
Approved.

OLD BUSINESS:

#20-09 Conway, Adam: SBL# 67.00-3-19.3, (R-2) located at 3882 Western Turnpike is seeking an amendment of his Special Use Permit under section 14.6.2.5 of the Town of Duanesburg Zoning Ordinance. Mr. Conway explained to the board that he would like to expand to 300 units from 150 on a 5-acre parcel. Mr. Conway filled out a full application along with submitting a short EAF. Adam also provided a better plot plan, basic description of the business, and sample of what the actual storage units will look like.

Novak/Schmitt made a motion to Declare the Town of Duanesburg Lead agency in the SEQR review process for the application of **#20-09 Conway, Adam.**

Novak yes, Schmitt yes, Harris yes, Shoemaker yes, Rulison yes, Houghton yes, Williams yes.
Approved.

Novak/ Williams made a motion to approve holding a public hearing on September 17, 2020 for the application on **#20-09 Conway, Adam. Approved.**

Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes, Schmitt yes.
Approved.

#20-14 Lands of Carlie Coolidge: SBL# 66.00-3-4.1, (H) located at 5434 Western Turnpike is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Frederick Metzger is representing Bruce O'Dea. Fred noted that there was a shed that will be removed on the plans. The location of both wells is on the plans and the board did receive the information stating Bruce has letters testamentary for the property. The board would like from Fred for the next meeting

1. Draft paperwork for the 2 wells
2. Note the wet area on the plat
3. A larger map-10 copies
4. Find out which house numbers go with which parcel
5. Both well located on the map
6. County Referral

Schmitt/Novak made a motion to hold a public hearing on September 17th, 2020 for the application of **#20-14 Lands of Carlie Coolidge**.

Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes.
Approved.

#20-11 Moen, Randi: SBL# 75.00-3-24.14, (R-2) located at 730 Thousand Acre Rd is seeking a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Randi explained to the board that she would like to buy land from her neighbor to merge onto her lot. Randi provided the board with a better plot plan showing both houses well, house, septic.

Harris/Rulison made a motion to refer the application of **#20-11 Moen, Randi** to Code Enforcement Officer for administrative action/lot line adjustment approval.

Harris yes, Rulison yes, Houghton yes, Williams yes, Novak yes, Schmitt yes, Shoemaker yes.
Approved.

SKETCH PLAN REVIEW:

#20-18 Iseman Re-Subdivision: SBL#75.12-1-5.12 and 75.12-1-5.11, (H and R-2) located at 2300 Main St and 10284 Duanesburg Rd is seeking a Minor Subdivision under section 3.4 and a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Joseph Bianchine from ABD Engineering is representing the Iseman's and Dennys. Joe explained that they are going to divide an existing lot into 3 portions and a boundary line move for 75.12-1-5.11. Four years ago, the Iseman's subdivided their 33-acre lot giving the Dennys 7.76 acers. The Iseman's would like to subdivide another 4.65 acres out for their son John Iseman. The Dennys would like to keep 7.76 acers, so they are adjusting their lot line to keep that acreage. The Iseman's will be keeping the remaining land. The 4.65 acre will be on both H and R-2 zoning and will hook into the main force. Joe stated that they are creating 2 new lots that are not linking. The board would like to have for the next meeting:

1. Full EAF
2. Full application
3. Coordinative review sent to DOT, DEC, SHPO.
4. County Referral

Michael Harris recused himself from the next application.

#20-19 Rhoades, Charles: SBL#65.00-2-45, (R-2) located at 1367 Alexander Rd is seeking a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Joseph Bianchine from ABD Engineering is representing Charles Rhoades. Joe explained that Charlie is looking to sell lot 4 to Steve Perillo. It will be a lot line between lot 4 and the remaining lands. Lot 4 which consists of 8.71 acres will be reduced to 6.03 and the frontage is reduced by 200 feet. Charlie may put a driveway in. Joe did go out and assess the situation and it is adequate for what he wants to do. Steve has started to cut the trees and vegetation down to begin the process of building his house. On lot 4 there is a driveway and well already put in. The board would like to see from Joe for the next meeting a letter from Town

Highway Superintendent Reed signing off on the new driveway stating it is acceptable to the town for site distance purposes and meets Town Highway requirements.

Novak/Houghton made a motion to approve holding a public hearing on September 17th, 2020 for the application of **#20-19 Rhoades, Charles.**

Novak yes, Houghton yes, Harris Recused, Rulison yes, Shoemaker yes, Santulli yes, Schmitt yes, Williams yes. **Approved.**

#20-17 Gemmiti, Paul: SBL#52.00-1-12.221, (R-2) located at 1756 McGuire School Rd is seeking a 4 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Mark Blackstone is representing Paul Gemmiti. Mark explained to the board it will be a 3-lot subdivision. The board would like to see for the next meeting:

1. Full application
2. Short EAF
3. See if it is in a historic district
4. DEC and County Referral

#20-16 Gray, Scott and Bonnie: SBL#66.00-1-22&23.1, (R-2) located at 230 Overlook Heights Rd is seek a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mr. Gray owns three parcels on the corner of overlook heights and route 20. Parcel number 66.00-1-21 is where Scotts house is will remain the same. Parcels number 66.00-1-22& 23.1 when the Router family broke it up for the development of the overlook cul-de-sac it was broken up differently because of the powerlines that goes through. For parcel 66.00-1-23.1 it use to have one deed but is now split into three separate parcels. Scott explained to the board that he wants to rearrange parcels to keep the same number of lots but in different acreage and boundaries. Scott then would like to sell about 3.7 acres to Mr. Farnum and the merged with parcel 66.00-1-2.1. The board would like to see for the next meeting:

1. Deeds
2. Survey with where the lines are now and an explanation as to why you want them there
3. Title Report

#20-12 Tazin, Sergei: SBL#52.00-1-20.1, (R-2) located at 5442 State Hwy 30 is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Sergi explained to the board that he would like a minor subdivision. He would like to use Route 30 as the line to subdivide. Lot 1 is vacant land and lot 2 will be about 3 acres and has a preexisting house, well and septic.

Harris/Williams made a motion to refer the application of **#20-12 Tazin, Sergei** to Code Enforcement Officer for administrative action/subdivision plat review approval.

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

MINUTES APPROVAL:

Schmitt/Rulison made the motion to approve the July 16th, 2020 Planning Board minutes with one minor correction.

Schmitt yes, Rulison yes, Harris yes, Shoemaker yes, Novak yes, Williams yes, Houghton yes.
Approved.

OTHER:

Purposed 911 Schenectady County Communication Tower 7745 Western Turnpike, SBL# 66.00-2-1.

The Code Enforcement Officer is going to contact the Mayor of Delanson and see if the location has changed.

ADJOURNMENT:

Williams/Harris made the motion **to adjourn at 10:11pm.**

Williams yes, Harris yes, Shoemaker yes, Santulli yes, Schmitt yes, Novak yes, Houghton yes, Rulison yes. **Approved.**

PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chairman
Duanesburg Planning Board
5853 Western Turnpike
Duanesburg, NY 12056

August 20, 2020

Dear Chairman Schmitt and the Planning Board,

Please read my comments at the August 20, 2020 Planning Board meeting and include this document with the official meeting minutes.

At the June 18, 2020 Planning Board meeting I submitted a letter requesting information about why the Negative Declarations for Eden Renewables Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC were not published in the Department of Environmental Conservation Environmental Notice Bulletin as required by law.

I have not received a reply.

I look forward to learning why this Project was not published as required.

Thank you for your time and attention.

Regards,

Lynne Bruning

Cc: Roger Tidball, Supervisor Town of Duanesburg

PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chairman
Duanesburg Planning Board
5853 Western Turnpike
Duanesburg, NY 12056

August 20, 2020

Dear Chairman Schmitt and the Planning Board,

Please include this letter and supporting document with tonight's official meeting minutes.

The Planning Board is a critical tool for the long term success of our community. The Board's level of accountability and transparency is directly tied to the town's financial stability and neighborhood harmony. Therefore the Planning Board's actions, documentation and communications should be impeccable. The purpose of this letter is to document the Board's communications methods and a request that the Chairman please investigate and rectify these matters so that the residents can freely and fully participate with the Planning Board.

In 2019 I enrolled in the automated notifications for the Planning Board agenda and minutes as provided by the "Alert/E-Notification" button found on the town's homepage. Exhibit "A". Since then notifications from "cmsmailer@civicplus.com" have been occasionally received for Planning Board documents. More often than not there is an absence of E-Notifications but, when I search the town website the Planning Board agenda and minutes are posted. For example, E-Notice for the August agenda was not received, but the August agenda was posted on Town website August 13, 2020 at 11:25AM. Additionally, an E-Notice for tonight's Public Hearings on Case 20-03 and Case 20-10 as listed on the Agenda was not received and is not posted on the town homepage "Legal and Public Notices" button. Exhibit "B". Please investigate if E-Notifications from the Planning Board are being sent to subscribers in a consistent, reliable and timely fashion.

The town website's Calendar page does not contain dates for the Planning Board meetings. Exhibit "C"

The town's website Legal and Public Notices page does not contain Public Hearing information for the Planning Board. In fact, this page has not been updated since October 2018. Exhibit "B"

Due to COVID emergency requirements for remote meetings residents have submitted letters to the Planning Board with the request that the documents are read into the minutes during Privilege of the Floor. Similar reading of resident letters has been standard protocol for Town

Board meetings since April 2020. However, resident's letters to the Planning Board have not been read into the minutes. This omission prevents viewers of the Planning Board meetings timely access to information and resident concerns. This omission delays residents access to information until the Planning Board meeting minutes are posted which maybe months after a letter is submitted to the Planning Board. Why has the Planning Board chosen not to read residents letters during Privilege of the Floor? I request that the Planning Board please follow precedent as set by the Town Board and read resident letters during Privilege of the Floor.

The town website does not contain the Planning Board draft minutes. Exhibit "D". In 2019 Planning Board draft minutes were posted on the town hall lobby bulletin board. Since April 2020 the Town Board draft minutes have been posted on the town website within two weeks of the meeting as in accordance with the New York State Open Meeting Law. Why isn't the Planning Board posting draft minutes on the town website? Failure to do so prevents the residents from freely and fully participating with their town's planning meetings.

Since July 2019 I have submitted multiple letters to both the Town and Planning Boards outlining these concerns. Why hasn't the Planning Board made changes that promote their transparency and accountability to the residents of Duanesburg? Will the Planning Board's actions lead to potential lawsuits and unnecessary expense of taxpayer money?

I look forward to your reply.

Thank you for your time and consideration.

Regards,

Lynne Bruning

Cc: Roger Tidball, Supervisor Town of Duanesburg

EXHIBIT

A



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NOTICE OF REMOTE ACCESS FOR TOWN BOARD MEETING ON
August 13, 2020 at 7:00 p.m. »

NOTICE OF REMOTE ACCESS FOR TOWN BOARD MEETING ON August 13, 2020 at 7:00
p.m.

NOTICE OF REMOTE ACCESS FOR TOWN BOARD MEETING ON July
23, 2020 at 7:00 p.m. »









NOTICE OF REMOTE ACCESS FOR TOWN BOARD MEETING ON July 23, 2020 at 7:00
p.m.

NOTICE OF REMOTE ACCESS FOR TOWN BOARD MEETING ON July
9, 2020 at 7:00 p.m. »

NOTICE OF REMOTE ACCESS FOR TOWN BOARD MEETING ON July 9, 2020 at 7:00
p.m.

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Legal Notices and Public Notices

October 2018

- October 30, 2018 Public Hearing for Cable Agreement
- October 25, 2018 Public Hearing for Preliminary Budget and LL# 7 of 2018
- October 25, 2018 Sewer District Assessment Roll Public Hearing
- October 4, 2018 Town Board Special Meeting

September 2018

- September 27, 2018 Special Town Board Meeting Budget Workshop
- September 22, 2018 Special Town Board Meeting
- Instructions for Spectrum Broadband cost aid in construction
- Seebold/Livingston Public Notice
- Schworm/BEB Drilling Public Notice

August 2018

- Dog Control Law Amendment
- Zoning Board of Appeals Public Hearing

July 2018

- Public Hearing on the proposed improvements to Mariaville Lake Sewer District #2 pursuant to Town law §202-b.

June 2018

- Hawes Major subdivision Public Hearing
- Hawes Special Use Public Hearing

May 2018

Town Board Supplemental bond Resolution Legal Notice

Town Board Local Law #3 of 2018 Legal Notice

DiCaprio Planning Board Legal Notice

Schworm Planning Board Legal Notice

Schworm #2 Planning Board Legal Notice

April 2018

Residents may now connect to Sewer District #3

Sewer District 1 & 3 Legal Notice

March 2018

Unserviced Roads- Please confirm your road is listed. If it is not let us know so we can update our records.

February 2018

Fire Protection District #3 Contract Public Hearing

January 2018

- Schenectady County Recreational Facilities Closure Notice

June 2017



Dear Sewer Users

All Users should be aware that they cannot put baby wipes, women sanitary products, grease, clothing, diapers or any other item which can't be ground and pumped. Even if the package of the container says it is sewer friendly it generally is designed not for grinder pumps and gravity sanitary systems. These products can cause damage and clogs at pump stations which add to the cost of Maintenance and your Sewer Tax. This is a problem occurring now on this street. Thank you in advance for your anticipated cooperation. Any questions you can contact 925-0713 Cory.

Sewer Department
Town of Duaneburg

- Sewer User Public Notice

Archived Legal Notices

- View Older Public Notices and Announcements

Broadband Program Office (BPO) Map

Duaneburg Broadband Committee Shared Google Map

Duaneburg Broadband Initiative

Duaneburg Broadband Initiative Powerpoint Presentation

Legal Notice for Entering and Terminating Fire Contracts Public Hearing Oct 25, 2018

NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

Resolution 161-17 Gazette Publication Sewer District 3

The Town amending Sewer Use Law section 605

News & Announcements

Town of Duaneburg Broadband Public Hearing



Duaneburg
NEW YORK

5853 Western Turnpike, Duaneburg, New York 12056 | Phone: (518) 393-8920

Hours: Monday - Friday: 8am to 4pm (*closed: 12pm to 1pm)

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EXHIBIT

C

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August 20, 2020 Planning Board Public Hearing

Planning Board Meeting Videos

State Environmental Quality Review Act (SEQR) Forms



Duaneburg
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5853 Western Turnpike, Duaneburg, New York 12056 | Phone: (518) 895-8920

Hours: Monday - Friday: 8am to 4pm (*closed: 12pm to 1pm)

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