

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  
Matthew Hoffman, Board Member  
Michael Walpole, Board Member

Town of Duanesburg  
Planning Board Minutes  
December 15<sup>th</sup>, 2022  
**Final Copy**

RECEIVED

**JAN 25 2023**

TOWN OF DUANESBURG  
TOWN CLERK

**MEMBERS PRESENT:**

Jeffery Schmitt- Chairperson, Elizabeth Novak, Joshua Houghton, Matthew Hoffman, Michael Walpole, Michael Harris, Planning Board Attorney Teresa Bakner, and Planning Board Clerk Melissa Deffer.

**INTRODUCTION:**

Chairperson Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Schmitt congratulated Dale Warner on his retirement and thanked him for his many years of service to the Town of Duanesburg. Chairperson Schmitt asked the Board to introduce themselves to the public. Jeff Schmitt- Chairperson, Elizabeth Novak-Board Member, Teresa Bakner- Planning Board Attorney, Matt Hoffman- Board Member, Mike Walpole- Planning Board Member, Josh Houghton- Planning Board Member and Michael Harris Vice Chairperson.

**OPEN FORUM:**

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

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

Lynne Brunings located at 13388 Duanesburg Rd (**Please See Attachment**)

Greg Harkenrider Chair of the solar committee introduced himself to the Board and asked if they had any questions, comments, or suggestions for the solar committee.

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

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

**SKETCH PLAN REVIEW:**

**#22-20 Whipple, Henry:** SBL PT/O#64.00-1-4.3, (C-1) located at Youngs Rd and St Hwy 30 is seeking a Major Subdivision under Section 3.5 of the Town of Duanesburg Subdivision Ordinance. Mr. Whipple explained that he just purchased the land and would like to subdivide the parcel into 7 lots. Lot 1 will have road frontage on Rt 20. Lots 2 and 3 will be front Highway Rt 30. Lots 4,5,6, and 7 will have frontage on Youngs Rd. Mr. Whipple said that he is making the lots large because the land is Commercial. Legal Counsel explained to Mr. Whipple that the

first subdivision map (Florio's subdivision) that was filed to the County was not what the Planning Board approved to be deferred to Code Enforcement. The Planning Board was under the impression that it was going to be 2 lots not 3. Mr. Whipple explained that his surveyor stated he could not cross a major highway that he had to make it 3 lots instead of 2 with a Z hook. Legal Counsel would like for Mr. Whipple's surveyor to come to the next meeting and explain why he drew the map the way he did. The Board cannot move forward with this application until the previous subdivision is fixed and filed with the County. The Board members also had comments and questions on the layout of the subdivision and the presence of the stream and wetlands, as well as frontage on roadways.

**Schmitt/Hoffman** made a motion to table the #22-20 Whipple, Henry application until the January 19<sup>th</sup>, 2023, Meeting.

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

#### **NEW BUSINESS:**

None

#### **OLD BUSINESS:**

**#21-21 Serth, Joseph:** SBL# 35.05-1-19.2, (R-1) located at 216-218 Batter St is seeking a Special Use Permit for use for an event venue under Local Law #1 2021 of the Town of Duaneburg Zoning Ordinance. Mr. Serth explained that he talked to the Schenectady County Highway Dept and received a letter stating that no curb cut was needed for the driveway. DEC came out and did a site visit and nothing is needed. DOH provided a letter stating no permits were needed as well. Mr. Serth explained that the secondary entrance is the 10ft glass lane that is already cleared. The bed and breakfast have been issued a certificate of occupancy and Mr. Serth has gone to DOH, Tax department, Building Dept and the County Highway Dept. Board Member Hoffman would like to know if there is anything in the Town Code stating that a grass driveway is acceptable. Mr. Serth explained that he is starting out small and if down the road he feels he needs a gravel driveway he will come back to the Planning Board for approval. The lighting plan that was submitted, and the Board said it was acceptable. Board Member Hoffman would like to know if there were additional sound barriers placed on the property. Mr. Serth explained that if there is a need to put more sound barriers up, he will do so, but what he has now shows that it is a sound dampener. Board Member Hoffman Suggest note number 2 to impervious, for the benefit of the applicant. The Board had found 4 changes that needed to be addressed on the Site Plan:

1. Take off sound damping
2. Add "im" in front of the word pervious in 2 locations on the plan
3. The porta potties to be emptied within 3 days

Board Member Hoffman signed the changes made on the Site Plan discussed by the Board. The Board and Mr. Serth went over the requirements of the Event Venue Law, Mr. Serth has 6.7-6.8 ac, so he meets the criteria. 2 means of egress has been met. 150 maximum number of attendees

Parking is 79 spaces, Mr. Serth did not agree, Board Member Houghton explained there is 68 parking spaces with 3 Handicap spaces shown on the site plan. The Board agreed with 71 parking spaces.

Mr. Serth submitted a traffic study.

Mr. Serth demonstrated that there is adequate water and sanitation facilities.

There is no off-site parking for the venue.

Trees are shown between your neighbor and the parking area. Board Member Hoffman stated that there is a note on the Site Plan explaining that the trees shall not be cut down. Mr. Serth asked if a tree needs to be cut down for safety in the future how should he go about it.

Events may only take place 9am and 10pm.

At no time can the noise level exceed 70 decibels measured at any of the property boundaries or at the closest residential receptors.

Measurements of the sound needs to be done by a sound meter.

Seating may occur outdoors under a fabric structure, that is temporary. With location shown on the site plan.

Mr. Serth submitted a generic event venue plan.

Certificate of insurance, the Board understands that the insurance certificate cannot be given to the Town until January 5<sup>th</sup> or before the first commercial event. Mr. Serth agreed.

The use of structures.

The barn has a limit of 99 max people.

Mr. Serth explained that the trash proposal is in cans that are covered with a 10X20 Garbage storage.

Board Member Harris read into the record as requested via zoom from Tony Tenicela that stated for the record- approximately 50 Mariaville Lake residents submitted a letter of concern regarding the proposed Serth wedding venue. We have not yet received confirmation of receipt despite the numerous concerns outlined in the petition. In addition, many of the issues have been disregarded or glossed over.

Board Member Harris stated that the Board has done very well with reviewing concerns and responding to letters from the residences. There is nothing new that has been discussed.

Board Member Novak stated that the public comment was closed and continued to take written comments, and acknowledged them, and discussed among the Board. The Board has done their best to take into consideration all the concerns expressed by the residents.

**Novak/Harris** made a motion to adopt a negative declaration of environmental significance for the project and to approve the completed SEQRA forms (Parts 2 and 3) for the unlisted action--the **#21-21 Serth, Joseph** application. **(Please See Attachment)**

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

**Hoffman/Walpole** made a motion to approve the **#21-21 Serth, Joseph** special use permit for a commercial event venue, along with site plan approval for the venue, as shown on the site plan marked up by the Planning Board **(Please See Attachment)** and read in the resolution with the conditions as written following conditions as written:

1. (No change by the Board) No more than 150 people shall be on the property during an event, this includes employees;

2. No more than 20 events shall be held in a year and a letter shall be sent to the Building Inspector each time an event is being held and the letter shall be sent at least 5 days before the event; Chairperson Schmitt asked to add at least 5 days before the event.
3. (No change by the Board) Each event shall last no more than one day and shall only occur between the hours of 9 a.m. to 10:00 p.m.;
4. (No change by the Board) No camping or overnight accommodations, with the exception of the existing bed and breakfast, shall be allowed;
5. (No change by the Board) All sanitary waste (porta-johns) shall be pumped out within three business days of each event;
6. (No change by the Board) All garbage and recyclables shall be removed within one business day of each event;
7. All amplified music shall be within the existing barn without or with having the barn doors open. Board Suggested a change stating that All amplified music shall end at 9:00p.m. and shall not occur more than 5 hours per event; Mr. Serth asked if he could have 15 mins during the wedding ceremony stating that the sound meter will be on.
8. The Boarded added Unamplified music only may be outside the barn except for 15 minutes during the ceremony;
9. (No change by the Board) All sound from the event must not exceed the 70 dB limit at any property boundary and noise must be monitored by a qualified individual throughout the event and the noise values recorded and maintained on site for inspection by the Building Inspector;
10. (The Board added performers due to the change and adding condition number 8) Vendors playing amplified music must be approved by the owner. All DJ's or performers must meet with the owner prior to any event. (Board Member Hoffman and Houghton suggested that The owner or a qualified representative must do a sound check with the vendor prior to the event to ensure that the vendor will not violate sound rules. The owner or a qualified representative must do periodic monitoring necessary to ensure sound limits are met.) Any contract for an event must include a clause that the owner reserves the right to shut off all power to amplified music if they do not meet the sound limits.
11. (No change by the Board) All lighting shall comply with the photometric plan submitted as part of the Application and no light shall spill over onto adjoining properties. A legible, full scale photometric plan shall be submitted within 30 days of this approval;
12. (No change by the Board) No outdoor lighting shall be added that is not shown on the approved site plan, with the exception of low lighting on tables or low lighting on string type lights, i.e. Christmas type light strings;
13. (No change by the Board) Existing vegetative buffers and fences shall be maintained between the Venue property and adjoining properties;
14. (No change by the Board) Cars shall be parked in the parking areas shown on the approved site plan only and a maximum of 71 cars may be parked in connection with each event;

15. (No change by the Board) General Liability Insurance from an A-rated insurance company shall be maintained by the Applicant for the Commercial Event Venue with coverage in the amount of at least \$500,000 and shall name the Town of Duanesburg as an additional insured—the certificate of insurance shall be submitted to the Town's Insurance Company and the Building Inspector for approval;
16. (No change by the Board) No preparation of food shall occur on-site but food shall be catered and the companies providing the catering service shall have all required County and NYS DOH permits and approvals;
17. On at least an annual basis (i.e. no later than December 31 of each year after the special use permit is granted) the Applicants shall meet with the Town Building Inspector and the Mariaville Volunteer Fire company to review the operation of the commercial event venue and to address any issues that have arisen in connection with the operation, including any public complaints; Mr. Serth did ask for clarification on the dates and Board Member Walpole suggest an annual report.
18. While an event is being held at the property, a sign shall be posted giving the name of the contact person for the venue and a telephone number so that the venue owner or their representative is available to address any issues that arise; The Board asked to have the provision out that has to do with the 6ft fence between the barn and the property to the east be taken out because it is already noted on the site plan and will add confusion.

Board Member Harris requested the removal provision number 19 “The special event venue shall use acoustical panels and other appropriate means to control noise from the events as necessary to meet the 70 dB level limits at the property boundaries; “

19. (No change by the Board) After the first year of operation of the special event venue the Building Inspector shall provide a report to the Planning Board on the compliance of the owners with the limitations set forth in this resolution; Board Member Houghton would like to keep this provision because it will be helpful if it is being monitored.
20. (No change by the Board) The applicants are required to obtain all other permits and approvals from all other governmental agencies that are required to set up and operate the venue;
21. (No change by the Board) In the event the applicants cease to continuously operate a commercial bed and breakfast at the property, the operation of the venue shall be only authorized in the R-1 District and shall be prohibited in the L-1 District, except as allowed by the Local Law 1 of 2021, i.e. only access through the L-1 District zoned portion of the property shall be allowed.

Mr. Serth stated he understands and appreciates everything and the only thing he asks is that through trial and error and from what he has learned music is going to be shut off at 9pm, and Mr. Serth requests that instead of 4 hours of music to be allowed 5 hours to include the ceremony as well. Board Member Houghton stated that if the music will still end at 9pm there doesn't seem to be a problem. The rest of the Board agreed that it was a reasonable request. Board Member

Hoffman stated that it will need to be changed in the Neg Dec as well. Mr. Serth also asked if in the Neg Dec it was read that events are usually on Sundays, can it be switched to mostly on weekends.

Hoffman yes, Walpole yes, Harris yes, Schmitt yes, Novak yes, Houghton yes. **Approved.** (See attached resolution issuing the negative declaration and approving the site plan and SUP for the event venue).

**PUBLIC HEARINGS:**

None

**OTHER:**

**Novak/Harris** made a motion to reaffirm and reestablish that all materials required to be reviewed be in by 10 days in advance of the Planning Board meeting in order for the Board to address those materials at the next Planning Board meeting.

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

**MINUTES APPROVAL:**

**Novak/Schmitt** made the motion to approve November 17<sup>th</sup>, 2022, Planning Board minutes with no corrections

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

**ADJOURNMENT:**

**Houghton/Hoffman** made the motion to adjourn at 9:15pm.

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

PO Box 160  
Quaker Street, NY 12141

Jeffery Schmitt, Chair  
Planning Board  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12056

Transmitted via email: [jhowe@duanesburg.net](mailto:jhowe@duanesburg.net)

December 15, 2022

Re: December 15, 2022 planning board meeting privilege of the floor: solar

Dear Jeffery Schmitt and the planning board,

The town of Duanesburg 2023 Draft Solar Law may be found in the December 8, 2022 town board meeting minutes. The public hearing is January 26, 2023 at 7:00 PM at Duanesburg Town Hall. If you're a land owner that wants solar, you should review the law. If you're a neighbor that doesn't want solar, you should review the law. The 2016 law is 3 1/2 pages. The draft law is 22 pages.

Last night Rotterdam Town Board adopted a 12 month moratorium on solar facilities. The town attorney explained that East Light Partners has only submitted documents for ELP Rotterdam Solar, LLC to be located on Sandbourne Road. As soon as the town attorney knew of the draft moratorium on solar they informed ELP. ELP chose to continue to submit documents to the town and participate in town meetings. The town has not approved ELP Rotterdam Solar, LLC. Therefore, the moratorium will include ELP's project. It appears that ELP Rotterdam Solar LLC is not able to move forward for at least 12 months.

Thank you for your time and consideration.

Respectfully,  
Lynne Bruning  
720-272-0956  
[lynnebruning@gmail.com](mailto:lynnebruning@gmail.com)

PO Box 160  
Quaker Street, NY 12141

Jeffery Schmitt, Chair  
Planning Board  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12056

Transmitted via email: jhowe@duanesburg.net

December 15, 2022

Re: request noise analysis for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC

Dear Jeffery Schmitt,

Susan Biggs and I request that the planning board direct the town code enforcer, Dale Warner, to conduct a baseline noise analysis at the property lines for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project".)

Once operational the Project will generate noise continuously 24/7/365. A baseline noise test must be done before the project is operational. All equipment will operate throughout the night. The 210 tracker motors powering the 3,010 camber locking gears may move every 20 minutes throughout the night to return the 20 feet in height solar panels to the easterly position. A baseline noise analysis should be done at night.

I request that the planning board inform Mrs. Biggs in writing of the code enforcers analysis and if the noise analysis submitted by Pam Rowling and by Lynne Burning in 2021 are satisfactory evidence of the baseline noise at the Oak Hill Solar 2, LLC eastern property line. If Rowling's and Bruning's submitted noise analysis are not sufficient please provide what the planning board requires.

The November 15, 2022 planning board meeting minutes pages 61 - 122 contain a noise analysis for Joseph P. Serth's event special permit application. Page 123 is "Report from sound check performed by Dale Warner at the Serth event barn on June 22, 2022." Pages 124 - 128 is a Memo and supporting documents dated June 27, 2022 from Dale Warner, Code Enforcement Officer to Jeffery Schmitt, Planning Board Chairman and Planning Board Members for a sound check at 216/218 Batter Street.

The planning board and the town code enforcement officer has assisted Mr. Serth to confirm compliance. If the town code enforcement officer provides a noise analysis and report for one project then the town should provide it for all projects. Assisting some taxpayers, but not all



taxpayers, may be biased and may be seen as improper. The planning board and town should protect all taxpayers property rights fairly and squarely.

### HISTORY

The Town of Duaneburg Solar Facilities Law adopted July 15, 2016 section 3.j. states: "Noise. Substations and inverters shall be set back a minimum distance to achieve no discernible difference from the existing noise levels at the property line." We request that the planning board uphold the law and enforce the Project's compliance.

The Applicant's August 25, 2021 "SOLAR FARM NOISE ANALYSIS REPORT" provided decibel ratings for only three pieces of equipment

- Eaton CA202003EN 2001-2500 kVA Three Phase Transformer = 62 dB @ 3 ft
- HEMK600V Inverter=79dB@3ft
- ICE ECUA150ACD Air Conditioner = 89 dB @ 3 ft (interpolated from 84 dB @ 5 ft)

The site plan shows significantly more noise generating equipment than the transformer, inverter and HVAC system. It appears that this report does not provide all equipment.

The town engineer, Doug Cole of Prime AE, did not request further information or clarification.

The Applicant's November 8, 2021 FEAF Section D.2. m.i. "Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation or both?" The Applicant replied "YES."

The FEAF continues - "Provide details including sources, time of day and duration."

The Applicant replied "Inverters and BESS < 79dBA at equipment (similar to dishwashers), very low dBA at property lines - 24 hour per day duration / heavy machinery during construction."

Very low dBA is not a quantifiable measurement. The town engineer did not request clarification.

The August 25, 2021 Report and the November 8, 2021 FEAF did not provide noise generating equipment shown on the site plan:

(20) DC-DC Converters

(4) Transformers

(4) Control Gear

(4) Generators

(8) HVAC

(2) Major Switchgear

(225) Tracking Motors

(3,013) Tracking Gears with locking cambers - one attached to every post

Biggs and Bruning submitted multiple requests for clarification on the noise generating equipment and noise levels at the property line to the planning board.

On February 7, 2022 the Applicant provided the "SUPPLEMENTAL SOLAR FARM NOISE ANALYSIS REPORT" which provided some, but not all, equipment:

- (225) Schletter Single-Access Tracker Motor – 70 dB @ 3 ft
- (4) DC – DC Converters (Assumed 85 dB @ source)
- (2) Major Switchgear (Assumed 100 dB @ source)
- (4) Battery Energy Storage Systems (Assumed 100 dB @ source)
- \*(4) Eaton CA202003EN 2001-2500 kVA Three Phase Transformer = 62 dB @ 3 ft
- \*(4)HEMK600VInverter=79dB@3ft
- \*(4) ICE ECUA150ACD Air Conditioner = 89 dB @ 3 ft (interpolated from 84 dB @ 5 ft) \*Included in previous report analysis

Additionally, the report contained a Drawing Sheet Title "NOISE ANALYSIS" Fig. 1. This drawing shows noise levels at the eastern property line abutting Biggs parcel:

- 1,500 north of Duanesburg Road to be 37 dB
- 2,900 feet north of Duanesburg Road to be 36 dB
- Biggs residence to be 31 dB

It appears that the construction of the Project is not compliant with the approved site plan. The increase in solar panel height may negatively impact the noise analysis and make the Project non-compliant with Solar Law 3.j.

### CONCLUSION

The town's solar law limits noise levels to no discernible difference at the property line. Neighbors submitted baseline noise levels at the property line during and after project review. The board made no comment on the neighbors noise level studies. The planning board affords other taxpayers guidance for noise studies and has the town code enforcement officer participate in the noise studies.

We request that the planning board inform Biggs in writing if the neighbors 2021 noise studies are adequate. And we request the board to direct the town code enforcer, Dale Warner, to conduct a baseline noise analysis at the property lines for the Project and provide a written report to the planning board.

We look forward to your written response.

Thank you for your time and consideration.

Respectfully,  
Susan Biggs  
Lynne Bruning  
720-272-0956  
lynnebruning@gmail.com

RECEIVED

DEC 28 2022

**TOWN OF DUANESBURG PLANNING BOARD**

TOWN OF DUANESBURG  
TOWN CLERK

**SERTH APPLICATION FOR A COMMERCIAL EVENT VENUE**

**Resolution**

Moved by Matt Hoffman; Seconded by Mike Walpole.

**WHEREAS**, Joseph and Christine Serth (the "Applicants") have applied for a special use permit and site plan approval for a Commercial Event Venue (hereinafter "Venue") pursuant to the Zoning Ordinance of the Town of Duanesburg and to Town of Duanesburg Local Law 1 of 2021 to use their property and barn as a commercial event venue; and

**WHEREAS**, the property is located within the L-1 and the R-1 Zoning Districts and is known as SBL #35.05.1-19.2 with the address of 216 Batter Street consisting of 6.7 +/- acres; and

**WHEREAS**, the property contains an approved bed and breakfast with a certificate of occupancy issued by the Town of Duanesburg Building Inspector; and

**WHEREAS**, the Office of Parks, Recreation and Historic Preservation provided a letter dated December 9, 2021, stating that the project will have no impact on archeological or historical resources that are eligible for and/or listed on the State and/or National Registers of Historic Places; and

**WHEREAS**, Schenectady County Department of Engineering and Public Works has confirmed in a letter dated December 5, 2022, that no highway work permit is required for the Venue; and

**WHEREAS**, Schenectady County Department of Health has confirmed that no public water supply permit is required for a Venue where it operates for less than 60 days in a calendar year and the Serth letter indicated that the Venue would operate only 20 days within a calendar year and with no more than 150 attendees; and

**WHEREAS**, the Schenectady County Planning Department pursuant to the NYS General Municipal Law referral in a report dated November 1, 2022, recommended approval of the application with certain modifications/conditions including the following: "A permit for a non-community public water supply must be obtained from the County Health Department. The County Department of Engineering and Public Works should review the access plan to Batter Street (CR94). Improvements may need to be made since the driveway will not be servicing a commercial business with parking for over 80 vehicles and not a residence," and with an advisory note "The applicant should be aware that any on-site caterers will need to be licensed by the Schenectady County Department of Health if any food preparation is to be conducted on site a food service permit and food service plan review may be required by the County Health Department. The proposed surface (gravel/paved) to be used for the parking should be identified along with the limits of disturbance for the project. The parking should be shown in relation to the existing tree

line and any areas of tree clearing identified. A detailed lighting plan should be provided. Each handicapped parking space needs to have an accessible aisle"; and

**WHEREAS**, the Town of Duanesburg Planning Board held a duly noticed public hearing and has considered all oral and written comments submitted on the Application; and

**WHEREAS**, the Town of Duanesburg Planning Board reviewed the Full EAF Part 1 submitted by the Applicants and determined that the venue was an unlisted action pursuant to the NYS Environmental Quality Review Act; and

**WHEREAS**, the Town of Duanesburg Planning Board conducted a coordinated review of its intent to be SEQRA lead agency and no agency has objected to the Town of Duanesburg Planning Board being SEQRA lead agency for the review of the venue;

**WHEREAS**, all information required to be produced pursuant to Local Law 1 of 2021 or by the Zoning Ordinance has been provided by the Applicants to the satisfaction of the Planning Board including the items requested at the Planning Board meeting in November of 2022;

**NOW THEREFORE BE IT RESOLVED**, that the Town of Duanesburg Planning Board declares itself lead agency for the SEQRA review of this action, approves and incorporates herein Parts 2 and 3 of the Full EAF and issues a negative declaration of environmental significance finding that the Special Event Venue does not require the preparation of an Environmental Impact Statement as set forth in greater detail in Part 3 of the Full EAF;

**BE IT FURTHER RESOLVED**, that a special use permit for a commercial event venue, along with site plan approval for the venue, as shown on the site plan marked up by the Planning Board and attached hereto at the Planning Board meeting on December 15, 2022, is granted subject to the following conditions:

1. No more than 150 people shall be on the property during an event, this includes employees;
2. No more than 20 events shall be held in a year and a letter shall be sent to the Building Inspector each time an event is being held and the letter shall be sent at least 5 days before the event;
3. Each event shall last no more than one day and shall only occur between the hours of 9 a.m. to 10:00 p.m.;
4. No camping or overnight accommodations, with the exception of the existing bed and breakfast, shall be allowed;
5. All sanitary waste (porta-johns) shall be pumped out within three business days of each event;
6. All garbage and recyclables shall be removed within one business day of each event;

7. All amplified music shall be within the existing barn without or with having the barn doors open. All amplified music shall end at 9:00p.m. and shall not occur more than 5 hours per event;
8. Unamplified music only may be outside the barn except for 15 minutes during the ceremony;
9. All sound from the event must not exceed the 70 dB limit at any property boundary and noise must be monitored by a qualified individual throughout the event and the noise values recorded and maintained on site for inspection by the Building Inspector;
10. Vendors playing amplified music must be approved by the owner. All DJ's or performers must meet with the owner prior to any event. The owner or a qualified representative must do a sound check with the vendor prior to the event to ensure that the vendor will not violate sound rules. The owner or a qualified representative must do periodic monitoring necessary to ensure sound limits are met. Any contract for an event must include a clause that the owner reserves the right to shut off all power to amplified music if they do not meet the sound limits.
11. All lighting shall comply with the photometric plan submitted as part of the Application and no light shall spill over onto adjoining properties. A legible, full scale photometric plan shall be submitted within 30 days of this approval;
12. No outdoor lighting shall be added that is not shown on the approved site plan, with the exception of low lighting on tables or low lighting on string type lights, i.e. Christmas type light strings;
13. Existing vegetative buffers and fences shall be maintained between the Venue property and adjoining properties;
14. Cars shall be parked in the parking areas shown on the approved site plan only and a maximum of 71 cars may be parked in connection with each event;
15. General Liability Insurance from an A-rated insurance company shall be maintained by the Applicant for the Commercial Event Venue with coverage in the amount of at least \$500,000 and shall name the Town of Duaneburg as an additional insured—the certificate of insurance shall be submitted to the Town's Insurance Company and the Building Inspector for approval;
16. No preparation of food shall occur on-site but food shall be catered and the companies providing the catering service shall have all required County and NYS DOH permits and approvals;
17. On at least an annual basis (i.e. no later than December 31 of each year after the special use permit is granted) the Applicants shall meet with the Town Building Inspector and the Mariaville Volunteer Fire company to review the operation of the commercial event venue

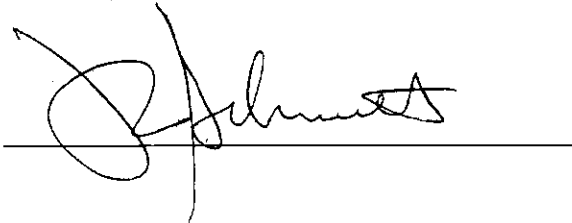
and to address any issues that have arisen in connection with the operation, including any public complaints;

18. While an event is being held at the property, a sign shall be posted giving the name of the contact person for the venue and a telephone number so that the venue owner or their representative is available to address any issues that arise;
19. After the first year of operation of the special event venue the Building Inspector shall provide a report to the Planning Board on the compliance of the owners with the limitations set forth in this resolution;
20. The applicants are required to obtain all other permits and approvals from all other governmental agencies that are required to set up and operate the venue;
21. In the event the applicants cease to continuously operate a commercial bed and breakfast at the property, the operation of the venue shall be only authorized in the R-1 District and shall be prohibited in the L-1 District, except as allowed by the Local Law 1 of 2021, i.e. only access through the L-1 District zoned portion of the property shall be allowed.

By (unanimous/majority) vote of the Planning Board of the Town of Duanesburg at its regular meeting of December 15, 2022.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Jeffrey Schmitt, Planning Board Chair	X		
Elizabeth Novak, Board Member	X		
Michael Harris, Board Member	X		
Joshua Houghton, Board Member	X		
Matt Hoffman, Board Member	X		
Michael Walpole, Board Member	X		

Planning Board of the Town of Duanesburg



Date: December 15, 2022

## 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.

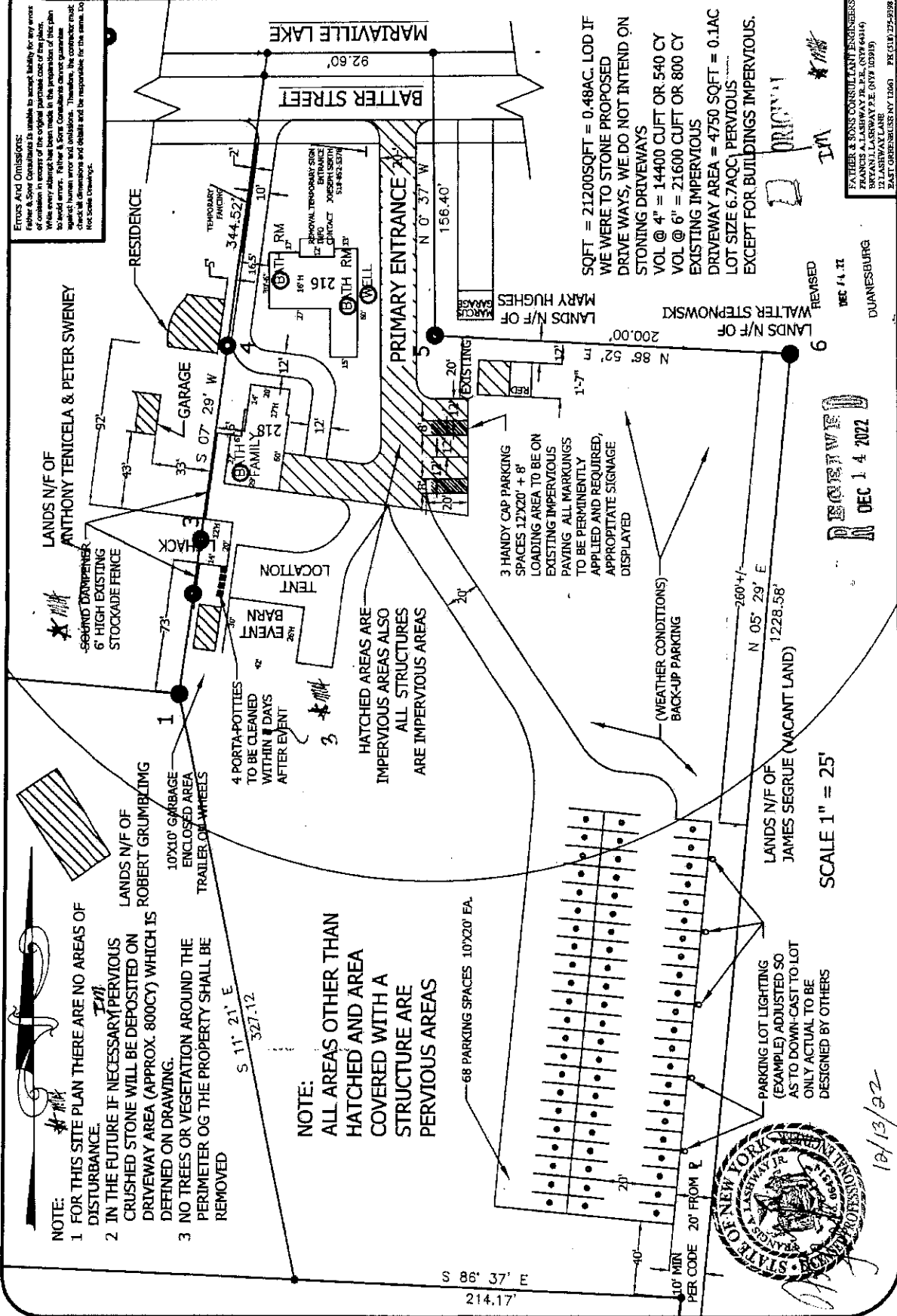
The Town of Duaneburg Planning board has completed an environment assessment and evaluation for environmental impacts in accordance with SEQRA, including receiving of Part 1 and completing Parts 2, and 3 of a Full Environmental Assessment Form, for the proposed Unlisted Action seeking a Special Use Permit for a Commercial Event Venue located at 216 Batter St. tax map # 35.05-1-19.2 in the R-1 Residential Zoning District. The proposal is compliant with the Town Comprehensive Plan, Zoning Ordinance, and Local Law #1 from the year 2021 Regulating Commercial Event Venues.

The project includes no construction activities other than the placement of gravel for access ways and installation of lights as shown on the site plan. The events held will be held in existing structures and tents, to be erected on site. Events will be limited to 20 events annually, held seasonally, mostly on weekends, and limited to 150 people. All parking will occur on site and events will end by 10pm. Amplified sound will be permitted to a maximum of four hours per event, ending by 9pm and will not exceed 70 decibels at the property line. There are no impacts anticipated on land (No. 1 of Part 2) at this time. If there are any future impacts they are anticipated to be minimal. There are no impacts on Geological Features (No. 2 of Part 2) as there are none on the site. No potential impacts are anticipated to surface water (No. 3 of Part 2) or ground water (No. 4 Part 2) as all activities will be hosted on the existing site. Portable toilet facilities will be utilized for the events to augment existing facilities, as needed. There are no anticipated impacts on flooding (No. 5 Part 2). There are no anticipated impacts on Air (No. 6 Part 2). Emissions from vehicles will be minimal. There are no anticipated impacts on plants or animals (No. 7 Part 2). There is no anticipated effect on Agricultural Resources (No. 8 Part 2). There are no significant adverse impacts anticipated to Aesthetic Resources (No. 9 of Part 2) as any event will be temporary and utilize existing facilities. There are no impacts on Historic and Archaeological Resources (No. 10 of Part 2) as none have been identified. The State Historic Preservation Office's December 9, 2021 letter stated they had no concerns with the project. The Proposed project will have no significant adverse effect on Open Space and Recreation (No. 11 of Part 2) as all events will be hosted on site, will be temporary and no, to very little, construction is occurring. The Parcel is not located in a Critical Environmental Area (No. 12 of Part 2). The proposal will have little to no impact to the existing transportation system (No. 13 of Part 2). A traffic evaluation performed by VHB Engineering determined the maximum level of anticipated traffic can be accommodated for on the existing roadway network and no project-related mitigation is required. Impact on Energy will be minimal and temporary in nature, utilizing existing utilities on site (No. 14 of Part 2). Any potential noise will be short term, lighting will be directed downward as to prevent sky-glow and light shining on adjacent properties (No. 15 of Part 2). A visual sound meter will be utilized for measuring the decibel level of amplified sound during any event and sound will not exceed 70 decibels at the property line. There are no known contaminants on site, the site is not a former remediation site and no impacts are anticipated on Human Health (No. 16 of Part 2). Access to the site for emergency services was determined to be adequate by the Mariaville Volunteer Fire Department. The project is consistent with the Town Zoning Ordinance and Local Law from 2021 regulating Commercial Event Venues and is consistent with Community Plans (No. 17 Part 2) and Community Character (No. 18 of Part 2). Based on this information, the Town of Duaneburg Planning Board has determined the Project will have no significant adverse environmental impact and therefore issues a negative declaration in accordance with Article 8 of the Environmental Conservation Law.

### Errors And Omissions:

Father & Sons Consultants is unable to accept liability for any errors or omissions in excess of the original purchase cost of the plans. While every attempt has been made in the preparation of this plan to avoid errors, Father & Sons Consultants cannot guarantee against human error and omissions. Therefore, the contractor must check all dimensions and detail and be responsible for the same. Do Not Scale Drawings.

FATHER & SONS CONSULTANT ENGINEERS  
FRANCIS A. LASHWAY JR. P.E. (NY# 64314)  
BRYAN J. LASHWAY P.E. (NY# 103919)  
12 LASHWAY LANE  
EAST GREENBUSH NY 12061 PH (518) 275-9398



DEC 14 2022

SCALE 1" = 25'

12/13/22