

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

Town of Duanesburg
Planning Board Minutes
December 17th, 2020
Final Copy

RECEIVED
FEB 01 2021
TOWN OF DUANESBURG
TOWN CLERK

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

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting at 7:01. 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, Houghton yes, Rulison yes, Williams yes, Harris yes, Santulli yes.

Approved.

Lynne Bruning located at 13388 Duanesburg Rd (**Please see attachment**)

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

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

Approved.

PUBLIC HEARINGS:

#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 Denny's.

Schmitt/Harris made a motion to open the Public Hearing for the **#20-18 Iseman Re-Subdivision** application

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Over➔

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

There was no public comment

Harris/Novak made a motion to close the Public Hearing for the **#20-18 Iseman Re-Subdivision** application.

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

Novak/Williams made a motion to reaffirm our preliminary SEQRA finding of a negative impact declaration for the **#20-18 Iseman Re-Subdivision** application. (Please See Attachment)
Novak yes, Williams yes, Schmitt yes, Harris yes, Houghton yes, Rulison yes, Santulli yes.
Approved.

Novak/Houghton made a motion to approve the application for **#20-18 Iseman Re-Subdivision**.

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

#20-22 Dixon, Stephanie: SBL#55.00-4-27.2, (C-1) Located at 6404 Duanesburg Rd is seeking a Special Use Permit under section 11.4(10) of the Town of Duanesburg Zoning ordinance to construct a single-family home in a (C-1) Commercial zoning district.
Stephanie Dixon and Mark Brown are representation for the application.

Novak/Rulison made a motion to open the Public Hearing for the **#20-22 Dixon, Stephanie** application.

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

There was no public comment.

Schmitt/Harris made a motion to close the Public Hearing for the **#20-22 Dixon, Stephanie** application.

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

This is a SEQRA Type II action no further action is required.

Schmitt/ Novak made a motion to approve the Special Use application for **#20-22 Dixon, Stephanie.**

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

OLD BUSINESS:

#20-21 Kagas, Spiro: SBL#53.00-1-29.21, (C-1) located at 9938 Western Turnpike is Site Plan Approval for accessory use under section 5.2.2 of the Town of Duanesburg Zoning Ordinance. **No representation was present.**

The board explained to the Clerk that they would like to see a better sketch plan with a more invasive description along with number of vehicles that will be parked there along with a screening buffer.

Harris/Rulison made a motion to table the **#20-21 Kagas, Spiro** application until January 21st, 2021 meeting.

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

NEW BUSINESS:

#20-23 Hickok, Richard: SBL# 26.00-2-16.111, (R-2) located at 974 Mariaville Scotch Church Rd is seeking a Special Use Permit under section 8.4(5); section 3.5.34 camp; and section 14.6.2 of the Town of Duanesburg Zoning Ordinance. Mr. Hickok explained to the board that he has just bought the property on Mariaville Scotch Church rd. Currently there is a home that is occupied by Richards family on the property along with a barn and an existing pump house. Richard would like to put a 14X36 recreational cabin on the 35-acre parcel. The cabin will be used for hunting season and a place for Mr. Hickok's friends to stay. The cabin will have a kitchen, bathroom, and bedroom in it. There is electric and water already at the spot he would like to but the cabin. A pump out septic will be put in. for the next meeting the board would like to see from Mr. Hickok:

1. Drawings of the camp
2. Conditions on it not being a full-time residence
3. Description on septic
4. Show where and how big the road will be so a commercial vehicle can access.
5. Plot plan with distances

Schmitt/Rulison made a motion to approve holding a public hearing on January 21st, 2021 for the application of **#20-23 Hickok, Richard** which is a SEQRA Type II action.

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

SKETCH PLAN REVIEW:

None

MINUTES APPROVAL:

Williams/Rulison made the motion to approve the November 19th, 2020 Planning Board minutes with no corrections

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

OTHER:

Everyone thanked Board Member Martin Williams for his service on the Planning Board as this is his last meeting. He will be missed!

Town attorney explained that the draft comprehensive plan update will be put on the website on the news page on 12/18/2020. If you do not have access to the internet there will be copies at the town hall available as well and you can write to the Town and request a paper copy. Comments will be accepted at the public hearing during the regular Planning Board hearing on January 21, 2021 at 7 p.m. which will be held via zoom and written comments will be accepted through January 31, 2021. Please submit all comments to mdeffer@duanesburg.net or mail them to the Town Offices to Melissa Deffer's attention.

Novak/Williams made a motion to set a public hearing at 7:00 p.m. on January 21st, 2021, the regular Town Planning Board meeting, for the draft Comprehensive Plan Update, with written comments being accepted through January 31, 2021.

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

Approved.

ADJOURNMENT:

Schmitt/Rulison made the motion to adjourn.

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

Approved.

PO Box 160
Quaker Street, NY 12141

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

Transmitted via email: town clerk jhowe@duanesburg.net

December 17, 2020

Re: Energy Storage Moratorium and Wind Law Review

Dear Chairman Schmitt and the Planning Board,

Please read my letter during privilege of the floor at tonight's Planning Board meeting and include it in the official minutes of the meeting as found on the town website.

Thank you for including my November 19, 2020 two page letter and Susan Biggs two page letter and exhibits (43 pages) in the November 19, 2020 Planning Board Draft minutes.

Has a building permit been issued for Oak Hill Solar 1 and 2, LLC at 13590 Duanesburg Road?

At the December 10, 2020 Town Board meeting Supervisor Tidball said that the Planning Board would review the solar law and present any proposed revisions to the Town board in January 2021. Has the Planning Board met outside of your regularly scheduled monthly meeting to review the solar law? When can the public expect to see your comments and read your proposed draft solar law? How will this information be provided to the public?

Gov. Cuomo's administration has set ambitious renewable energy goals and provided generous subsidies to solar and wind speculators. Solar and wind developers have inundated New York State with applications for both state mandated projects of 20 MWac and larger as well as smaller community utility scale projects. I hope that your review of the solar law is taking both types of power plants into consideration. Please also consider that these power plants will require internet connectivity. A communication tower may need to be constructed on site. This should be considered in the revised law.

My research shows that the Town of Duanesburg Wind Facilities Energy Law was approved in 2008. New York State Energy Research and Development Authority (NYSERDA) provides a wind guidebook which can be found on their website <https://www.nyseda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Wind-Guidebook> . For the protection of the town and residents I request that the town place a moratorium on wind power plants until the 13 year old law can be reviewed and brought up-to-date.

Energy Storage Solutions (ESS) are just entering the market. NYSERDA guidelines can be found on their webpage <https://www.nyseda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Battery-Energy-Storage-Guidebook> . The town has not addressed battery storage, siting ESS facilities, and public safety. NYSERDA funds ESS as individual projects. They provide model law and model permits in the guidebook. For the protection of the town and residents I request that the town place a moratorium on ESS until the town has provided an ESS law, permitting and safety regulations for the protection of the town and the residents.

I look forward to your response.

Thank you for your time and consideration.

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

Cc: Roger Tidball, Supervisor Town of Duanesburg

Project: Iseman

Date: 8/25/20

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: **Iseman**Date: **8/25/20**

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 has completed an environment assessment of the proposed major subdivision consisting of four lots. Lot #1 consists of 14.59 Acres; Lot #2 has an existing home (Denny) and is 7.76 Acres; Lot #3 will consist of 4.65 Acres (future construction) Lot #4 has an existing home (Iseman) and is 6.21 Acres. The proposal is consistent with the Town Comprehensive Plan and compliant with the Zoning Ordinance for the Hamlet (H) and the Agriculture Residential (R-2) Zoning District. The anticipation of a single family dwelling to be constructed on Lot #3 will be consistent with existing community character with no aesthetic impacts anticipated. The proposed action will not have an impact on the environmental characteristics that would cause the establishment of 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 walkway. The proposed action will have little impact or increase in the use of energy. The proposed action will require the drilling of a well to service any proposed construction and Lot # 3 can connect to municipal sewer. A portion of the subdivision does fall within a historic district on the National Register of Historic Places, however, the area of the new lots fall outside of the district boundaries and should have no impact on the historic resources. There are no known archaeological sites. Lot #1 has NYSDEC regulated wetlands (G-103) on the northern border of this parcel, there is no anticipated construction for this lot, however there is sufficient acreage to construct a single family dwelling without any impact to the wetland or 100 ft. buffer. The subdivision is not in a 100 year flood plain or remediation site. The proposed action should not increase any potential erosion or flooding future construction will have limited disturbance, include appropriate stormwater controls. The proposed Action should not create a hazard to environmental resources or human health, NYSDEC has records of rare, threatened and endangered plants in the general vicinity of Delanson and Threatened or endangered species, primarily the Northern Long Eared Bats have been identified. Any tree removal activities must occur between October 31st and March 31st. If these dates can not be accommodated, an on-site assessment by the DEC staff will be required.

Therefore based on this information, the Planning Board has determined that the proposed Major Sub division 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.

- ☐ 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.
- ☒ 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

Jeffrey Schmitt

Date

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)

PRINT FORM