

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
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
January 21st, 2021
Final Copy

RECEIVED

FEB 23 2021

TOWN OF DUANESBURG
TOWN CLERK

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

Roll Call: Novak present, Houghton present, Harris present, Santulli present, Rulison present, Schmitt present.

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

OPEN FORUM:

Schmitt/Harris made a motion to open the open forum at 7:09.

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

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

Schmitt/Novak made a motion to close the open forum at 7:13.

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

PUBLIC HEARINGS:

#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 spoke with DOH and they will not approve a 1000 gallon holding tank for the septic system that he has submitted. Mr. Hickok would now like to put in an incinerator toilet. Chairman Schmitt recommended to Richard that the board table his application until February's meeting so the board can further look into the legitimacy of a incinerator toilet on a camp in the woods.

Town Hall • 5853 Western Turnpike • Duanesburg, NY 12056 • (518) 895-8920

Over➔

Schmitt/Houghton made a motion to open the public hearing for the #20-23 Hickok, Richard application.

No Public Comment was made.

Schmitt/Novak made a motion to extend the public hearing for the #20-23 Hickok, Richard application until February 18th, 2021 meeting.

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

Draft Comprehensive Plan

Schmitt/Houghton made a motion to open the public hearing for the Town of Duanesburg Draft Comprehensive Plan.

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

Phil Sexton gave his power point presentation to the public (**Please See Attachment**)

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

Annabell Felton who is the head of the Broadband Committee explained that more residence have been fortunate enough to get internet and hopefully more to come.

Schmitt/Rulison made a motion to close the public hearing for the Town of Duanesburg Draft Comprehensive Plan.

Schmitt yes, Rulison yes, Harris yes, Houghton yes, Novak 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. Alisha and Spiro Kagas explained that they would like to put a 20X8 portable concession trailer on the property of the car wash they currently own on Route 20. The concession trailer will be on wheels so it will be removeable. Their plan is to be open 7 days a week with the business hours of 7:00 am to 7:00 pm. There is 1.36 acres that they own to the right that they would like to have overflow parking on. If you are pulling into the carwash on the first bend is where they would like to have the trailer. Mrs. Kagas would like to use the overflow parking for someone to park the car, order their food and get back to the car and leave. there will be nobody leaving their cars there for long periods of time. Just a quick bite to eat and leave. for the next meeting the board would like to see:

1. A better map of where the parking will be with a numbers of parking spots how many car spots vs how many tractor trailer spots
2. Distances away from the adjacent properties
3. What kind of power will be used?
4. Will there be lighting
5. Will propane be stored on the truck

Schmitt/Harris made a motion to table the #20-21 Kagas, Spiro application until February 16, 2021 meeting.

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

NEW BUSINESS:

#20-01 Casale Group LLC: SBL# 25.00-2-1.311, (R-2) located at 1485 Mariaville Scotch Church is seeking a Special Use Permit under section 3.5.3; section 8.4(1) and section 14.6.2 of the Town of Duanesburg Zoning Ordinance. Darryl Casale explained that the house located at 1485 Mariaville Scotch Church Rd is in contract pending approval of a special use permit for adult care. The house used to be a NYS ARC home and has the perfect set up already in for an adult care facility. There are currently a total of 6 bedrooms and 2 wheelchair accessible bathrooms. A fire suppression system is already in the home along with an alarm system, back up generators. Mr. Casale is also waiting to hear back from Schenectady County DOH on approval from the County as well. They have not yet received conformation on their application. For staffing they would like to have 1 manger of the house and about 2-3 caretakers. There will be no live-in staff. The parking lot is already set up for wheelchair vans and there is plenty of parking as it was an ARC home before.

Schmitt/Harris made a motion to table the **#20-01 Casale Group LLC** application until February 16, 2021 meeting.

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

SKETCH PLAN REVIEW:

None

MINUTES APPROVAL:

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

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

OTHER:

None

ADJOURNMENT:

Schmitt/Novak made the motion to adjourn at 8:43pm.

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

PO Box 160
Quaker Street, NY 12141

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

Transmitted via email: town clerk jhowe@duanesburg.net

January 21, 2021

Re: Privilege of the Floor: Moratorium on Wind Energy Resources and on Battery Energy Storage

Dear Chairman Schmitt,

Please include my comments in official Planning Board meeting minutes as recorded on the town website.

Thank you for posting the draft December 17, 2020 Planning Board minutes on the town website within two weeks of the meeting in accordance with New York State Open Meeting Law.

I request that the town place a moratorium on wind power resources. Current law was approved 2008 and is 15 pages. While the wind law is more comprehensive than the town's 2017 Solar Law which is only 4 pages, the wind law is over 13 years old and may need to be evaluated for accuracy with today's wind power technology and land use regulations.

I request that the town place a moratorium on battery energy storage so that the town can develop a new town policies and development standards governing this new energy resource and generator of hazardous waste. The New York State Energy Research and Development Authority (NYSERDA) Guidelines state that battery energy storage must follow New York State Fire Code even if it is more restrictive than the municipal code.

My requests are supported by the December 2, 2020 draft Comprehensive Plan page 49 which states that "The results of questionnaires show that an overwhelming majority of town residents support the Town's land use goal of maintaining a rural atmosphere." It goes on to specifically

state "Develop and/or expand supplementary regulations for uses with unique land use characteristics such as telecommunications facilities, wind turbines, home occupations, etc. to clarify town policies and development standards."

Please place moratoriums on wind energy and battery energy storage so that the town can review and write a new law.

Thank you for your time and consideration,

Respectfully,

Lynne Bruning

720-272-0956

lynnebruning@gmail.com

Town of Duaneburg

Comprehensive Plan Update

Purpose / Process / Summary

1 January Planning Board Public Hearing

Purpose

The purpose of the comprehensive plan is to provide a unified vision for the future of our town.

The updated plan will be a used as broad and inclusive **policy guide** that is referenced for future decisions made by all town boards and officials.

Why an Update is Needed?

- We were overdue (last updated adopted July 2006)
- Changes to the town since 2006;
 - Commercial development
 - Sewer districts
 - DACC / Y
 - Hannaford
 - Solar
- Need for an inclusive and forward-thinking vision for the town

Timeline

- 1991 (December) – When the original plan was approved and adopted
- 2006 (July) – When the first (and only) update was completed
- 2017 (September) – When the need for an update was proposed to the Town Board
- 2018 (April); Public survey mailed to all residents
- 2018 (August); 668 public survey results published
- 2018 (November); Town planning board develops update process
- 2018 (December); Planning board first update meeting
- 2020 (June); Planning board final update meeting #8
- 2020 (September); Town board draft update review workshop
- 2020 (Mid December) ; Public comment period open through January '21
- 2021 (January); Public hearing held by planning board (21 January '21)
- 2021 (TBD); Public hearing held by town board (time to be proposed)
- 2021 (TBD); **Town board adopts the update plan** (proposed goal by the end of March '21)

The Process

- Committee recruitment – Planning board
- Stakeholder engagement
- Public (household) survey
- Meeting cadence and update process management (planning board)
- Draft of updates and revisions completed by planning board
- Town board reviews/revises the updated draft (September - November 2020)
- Planning Board announces public comment period (December 2020), and incorporates pertinent feedback recommendations to the Town Board
- Town Board reviews and revises planning board recommendations
- Town Board sets public hearing to approve final version of update (Date TBD)
- EAF Part 1- town board determination / declaration (Date TBD)
- Update adoption by town board (Goal: by end of March 2021)

Vision Statement (new)

The Town of Duanesburg is a proud community of strong heritage and rural character. We encourage the preservation of our attractive and cultural landscape. We provide economically vibrant commercial and retail zones, and a variety of quality housing, cultural and recreational options. We are committed to sustaining our valuable economic and natural resources, particularly agricultural land use, open spaces, natural habitats, and fresh watersheds. We support thoughtful growth and development that enable affordable taxes, enhances the character of commercial and residential zones, improves our schools, and provides local business and employment opportunities.

PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chairman
Town of Duaneburg Planning Board
5853 Western Turnpike
Duaneburg, NY 12056

Transmitted via email: jhowe@duaneburg.net

January 21, 2021

Re: Comprehensive Plan Draft Comments

Dear Chairman Schmitt,

Please include my comments in official Planning Board meeting minutes as recorded on the town website.

~~My name is~~ Lynne Bruning 13388 Duaneburg Road, Delanson. I have two items I would like to bring to the Planning Boards attention:

~~1. The Draft Comprehensive Plan page 8 Section: The Comprehensive Planning Process states that the review began November 2018. The November 8 and November 20, 2018 minutes as found on the town website do not contain any information on the Comprehensive Plan. Review of the Planning Board and Town Board minutes reflect~~

May 19, 2016 Planning Board Minutes

"James Donnelly of 1953 Main Street asked if any revisions to the Comprehensive plan are being considered. "

September 7, 2017 Town Board Minutes

"Supervisor Tidball would like to schedule a meeting Oct/Nov and get residents input via mailing/social media for the Review of the Comprehensive Plan. "

November 2, 2017 The Town held a Comprehensive Plan Public Meeting
<https://www.duaneburg.net/home/events/8473>

April - March 2018 The Comprehensive Plan Survey was mailed to the taxpayers

August 2018 The Planning Board Meeting Minutes addressed the Comprehensive Plan.

There is no record of the Comprehensive Plan in the Planning Board or Town Board minutes after August 2018.

I request that the Draft Comprehensive Plan be corrected to reflect the accurate dates.

2. Draft Comprehensive Plan page 57 states: "Presently, the National Grid substation in town does not have any available room for the Town to hook any potential solar power generation into."

I ask that the town consider that solar and wind power resources can be built in one town and connect to a substation in another town. For example New York State Interconnection Review (NYSIR) webpage contains the current National Grid queue which reflects that Michael Whigham has submitted a 2MWac solar power resource and a 5MWac battery energy storage facility in the Town of Sprakers. Both facilities are documented as connecting to the Delanson 269 substation.

When reviewing the Comprehensive Plan it is important to note that neighboring substations in Albany, Schoharie, Montgomery counties may have capacity and could be an interconnection point for a solar or wind power resource constructed within the Town of Duanesburg.

Substations can be improved to enlarge capacity at any time and new substations can be constructed. March 4, 2020 LSPower's hosted a public information session at Duanesburg Town Hall where they shared the construction plans for the new Rotterdam substation near the intersection of Reynolds and Houghton Roads. Further information is found in the March 5, 2020 Schenectady Gazette: <https://dailygazette.com/2020/03/05/power-line-upgrade-will-address-bottleneck/>

And the Draft Comprehensive Plan fails to address Article 10 and Section 94-c legislation for solar and wind power resources that are 20MWac and larger. These power plants may connect into other transmission resources that bypass the Delanson 269 substation or even construct their own substation.

Simply stating that there is no room at the Delanson 269 substation therefore there is no need to consider the construction of wind and solar energy resources in the Comprehensive Plan is shortsighted and possibly negligent.

3. Battery energy storage is not found in the Draft Comprehensive Plan. Governor Cuomo's ambitious renewable energy plans call for extensive battery energy storage. Why has the town failed to include this in the Draft Comprehensive Plan?

Thank you for your time and consideration,

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