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



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

RECEIVED

AUG 29 2022

TOWN OF DUANESBURG

Town of Duanesburg Planning Board Minutes July 21st, 2022 **Final Copy**

<u>MEMBERS PRESENT:</u> Jeffery Schmitt- Chairperson, Michael Harris-Vice Chairperson, Joshua Houghton, Michael Santulli, Michael Walpole, Planning Board Attorney Terresa Bakner, Town Planer Dale Warner, and Clerk Melissa Deffer.

<u>INTRODUCTION:</u> Chairperson Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Schmitt asked for the board to introduce themselves to the public: Jeff Schmitt- Chairman, Mike Santulli- Planning Board Member, Terresa Bakner- Legal Counsel for the Planning Board, Mike Walpole- Planning Board Member, Josh Houghton-Planning Board, Mike Harris- Vice Chairperson, Dale Warner- Town Planner, Melissa Deffer-Planning Board Clerk.

OPEN FORUM:

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

Schmitt yes, Houghton yes, Harris yes, Santulli yes, Walpole yes. Approved.

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

Chairperson Schmitt explained that the open forum is strictly for items that are not on the agenda.

Jeffery Cohen located at 578 Spring Rd is extremely opposed to the Serth application as well for multiple reasons such as safety, traffic, noise, sanitary, parking, and quality of life.

Chairperson Schmitt explained that the Serth application is on the agenda for tonight's meeting, if there is anyone else who would like to speak to please keep it to items that will not be discussed later in the meeting.

Lynne Bruning located at 13388 Duanesburg Rd (Please See Attachment)

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

Schmitt yes, Harris yes, Houghton yes, Walpole yes, Santulli yes. Approved.

PUBLIC HEARINGS:

None

NEW BUSINESS:

#22-09 Dunnsville Rod and Gun Club: SBL#68.00-1-14, (C-1) located at 3081 Western Turnpike is seeking a Lot line Adjustment under Local Law #2 of 2017 of 2017 of the Town of Duanesburg Subdivision Ordinance. Rick Peterson is representing Dunnsville Rod and Gun Club. The Town of Duanesburg ZBA has Granted a 30ft road frontage variance to meet the requirements for a flag lot under section 3.5.93(B); section 14.5.2(B) of the Town of Duanesburg Zoning Ordinance. This is making the lot more conforming.

Harris/Houghton made a motion that the proposed action is a type 2 action under SEQRA and that Planning board determines that the proposed action_neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels, that no additional lots will be created as a result of the proposed action. The Planning Board declares the proposed action to be further exempt from any further subdivision review pursuant to this article and refers the application to the Code Enforcement Officer to complete administration of the same.

Harris yes, Houghton yes, Walpole yes, Santulli yes, Schmitt yes. Approved.

#21-11 Breitenstein, Carl: SBL# 66.00-4-2.31, (R-1) located on the south side of Route 7 just west of the Duanesburg Fire Department and is seeking a major subdivision under section 13.5.2 of the Town of Duanesburg Zoning Ordinance. Lance Manus is representing Carl for this application. Carl owns 27 acres between Route 7 and I88. He is looking to develop the land into 10-1 acre building lots. The R-1 zoning district does allow smaller more compact lots. The Board had asked at the last meeting to see a wetland delineation report, Full SWPPP, the drainage of I 88, and for Lance to touch base with DOT. Lance reached out to DOT and received a letter stating they have no issues with the 2 locations of the driveways with their site distances and did recommend applying for a permit. The access roads to the lots will be built to the Town Highway standards. Lance explained that when doing a delineation report for the wetlands it did show a little bit of the wetland touching the storm water pond, but it will not affect any of the residential lots. The 10 lots will hook into the sewer district 3 and will have a pump station and will be gravity fed.

For the next meeting the Board would like to see a Preliminary Plat.

#22-12 Clark, Todd: SBL#32.00-1.6.11, (R-2) located at 167 Mill Point Rd is seeking a Special Use Permit for a two-family dwelling under section 3.5.60; section 8.4(8) of the Town of Duanesburg Zoning Ordinance. Mr. Clark explained to the Board that he would like to put in a in-law apartment to take care of his mother-in-law. It will be 2 bedrooms with 1 and a half baths. A new septic tank will be put in and will be 120 ft away from the well. The new tank will tie the leach lines together from Todd's house to the in-law apartments. The Driveway to the Apartment will be off Bramans Corners Rd and a driveway permit was issued form the County.

Based on the discussion of the Planning Board the action is a Type II action pursuant to SEQRA and exempt from further review.

Santulli/Houghton made a motion to set a public hearing for the #22-12 Clark, Todd application to be held at the August 18th, 2022, meeting.
Santulli yes, Houghton yes, Harris yes, Schmitt yes, Walpole yes. Approved.

OLD BUSINESS:

#22-01 Valley Mobile Home Court, LLC: SBL#55.00-4-11.6, (C-2) located at 6204 Duanesburg Rd is seeking a Special Use Permit for 10 storage units under section 12.4(33) and a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Chris Longo from Empire Engineering is representing the owner Eric Dolan-applicant for Valley Mobile Home Court. Mr. Longo explained the project and how it is broken down into phases and another subdivision with respect to the barn and the house. The single-family house is still located on the property next to the barn. There is an offer on the property, so there was a subdivision application submitted to put the barn, house, and western most field on a separate parcel. The parcel is currently 103.76 acres, the proposed subdivision consists of lot 1 being 93.5 acres and lot 2 being 10.24 acres. Prime AE has been appointed as the TDE. Doug Cole from Prime AE's last comment letter to Chris Longo the comments were minor and now are down to the final test pits for the SWPPP, Lighting and landscaping, and clarified on the plans the Phasing 2,3, and 4 for the project. There are three ponds designed to take all the impervious from all 4 phases. Mr. Longo explained that Mr. Dolan knows that he must come back to the Planning Board to get approvals for the last 3 phases.

Board Member Santulli read into the recorder Part 2 of the EAF (**Please See Attachment**) **Houghton/Harris** made a motion do declare the Town of Duanesburg Planning Board lead agency in the SEQRA review process and no DEIS is required for the #22-01 Valley Mobile Home Court, LLC application and set a public hearing to be held at the August 18th, 2022, meeting.

Houghton yes, Harris yes, Schmitt yes, Santulli yes, Walpole yes. Approved.

<u>#**22-10 Kagas, Spiro**</u>: SBL# 53.00-1-29.21, (C-1) located at 9938 Western Turnpike is seeking an amendment to add an additional bay to the Ultimate Wishy Wash under section 14.6.2.5 of the Town of Duanesburg Zoning Ordinance. Also, seeking a site plan approval for accessory parking under section 5.2.2 of the Town of Duanesburg Zoning Ordinance. He is also seeking approval for a food truck. Joe Bianchine, P.E from ABD Engineering is representing Spiro and his wife Alicia. Two TDE quotes came back. First one from Ingalls is \$2,500 and includes one meeting. The Second quote is from Prime AE for \$3,375 and includes 2 meetings. Chairperson Schmitt explained that previously the work that had been done to the parcel was not what was approved by the Board, the parking lot was constructed wrong, and the storm water runoff was diverted to the neighbor's property. A full SWPPP was submitted with a designed bioretention area in the southeast corner of the property that will drain back down the entrance driveway that you enter at. Higher flows such as 100-year flows will continue to flow to the east. Joe explained that they are draining the water to the natural pathway but with a lower flow rate than it was before the construction of the parking pad. The realistic plan is to go with the natural path with an interception ditch. A berm was installed with about 2 ft height with a 4 ft fence on top to total 6 ft in height to screen the parking area and once the trees fully grow you will not see the trailers. According to Joe DOT stated that they are aware of the DOT ditch that needs repair and will be going out to investigate the ditch. The applicant still plans on paving the back of the car wash and there is a change on the plans to the entrance road, it is not crush and run it is actual millings. Mr. Bianchine explained that he is a different engineer and he is going with the natural path of the water, the way it has always gone.

Schmitt/Santulli made a motion to appoint Prime AE as the Town Designated Engineer (TDE) review the Site Plan review and SWPPP for the #22-10 Kagas, Spiro application. Schmitt yes, Santulli yes, Walpole yes, Houghton yes, Harris yes. Approved.

Schmitt/Santulli made a motion to table the #22-10 Kagas, Spiro application until the August 18th, 2022, meeting.

Schmitt yes, Santulli yes, Walpole yes, Houghton yes, Harris yes. Approved.

#22-11 Primax Properties, LLC c/o Bohler: SBL# 55.00-4-11.6, (C-2) located at Rt 7 are seeking a Special Use Permit under section 12.4(28) of the Town of Duanesburg Zoning Ordinance. Caryn Mlodzianowski with Bohler Engineering who representing Primax Properties, LLC was not in present at the meeting. Chairperson Schmitt explained that the town did receive Two TDE quotes came back. First one from Ingalls is \$2,600 and includes one meeting. The Second quote is from Prime AE for \$3,975 and includes 2 meetings.

Walpole/Santulli made a motion to appoint Ingalls as the Town Designated Engineer (TDE) review the Site Plan review and SWPPP for the #22-11 Primax Properties. LLC c/o Bohler application.

Walpole yes, Santulli yes, Schmitt yes, Harris yes, Houghton yes. Approved.

Harris/Santulli made a motion to table the <u>#22-11 Primax Properties</u>, <u>LLC c/o Bohler</u> application until the August 18th, 2022, meeting.

Harris yes, Santulli yes, Walpole yes, Houghton yes, Harris yes. Approved.

SKETCH PLAN REVIEW:

#22-13 Bennett, Trent: SBL# 66.00-3-4.1, (R-2) located at 1052 Gage is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Joe Bianchine, P.E from ABD Engineering is representing Trent Bennett the applicant. Joe explained that Trent just purchased this property a little bit about and its roughly 167 acres and he would like to split it into two parcels using the National Grid Power Line property as a property divider. 130 acres will be on the North side and build his plans are to build his house on it next to his cousins. A septic plan has been drawn up and submitted to the county. The remaining 30 acres currently has a house on it that is inhabitable and Trent plans to fix it up and sell the property.

Harris/Houghton made a motion that the proposed action is a type 2 action under SEQRA and that Planning board determines that the proposed action_neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels. The Planning Board declares the proposed action to be further exempt from any further subdivision review pursuant to this article and refers the application to the Code Enforcement Officer to complete administration of the same.

Harris yes, Houghton yes, Walpole yes, Santulli yes, Schmitt yes. Approved.

Legal Counsel for the Planning Board recused herself from this application due to an attorney/client relationship with one of the Mr. Deforest on a subjected not related to the Town of Duanesburg.

#22-14 DeForest/Mayo: SBL#53.00-1-10.11, (R-2) located at 876 McGuire School Rd is seeking a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Mr. DeForest and Mr. Mayo were both present at the meeting. Mr. DeForest explained that he owns 91 acres on McGuire School Rd and would like to purchase about 30 acres of vacant land from his neighbor Mr. Mayo who owns roughly 88 acres.

Harris/Walpole made a motion that the Planning board determines the proposed action_neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels. The Planning Board declares the proposed action to be further exempt from any further subdivision review pursuant to this article and refers the application to the Code Enforcement Officer to complete administration of the same.

Harris yes, Walpole yes, Santulli yes, Schmitt yes, Houghton yes. Approved.

OTHER:

#21-21 Serth, Joseph: SBL# 35.05-1-19.2, (R-1) located at 8496 Mariaville Rd is seeking a Special Use Permit for use for an event venue under Local Law #1 2021 of the Town of Duanesburg Zoning Ordinance. Mr. Serth started off thanking the Board for everything that they have brought up that needs to be corrected with his application but does not agree with as he feels somethings are not factually correct on what the event law says and doesn't say. Mr. Serth stated that he has a lot of money wrapped into this project and he will follow Local Law #1 like he is supposed to do and if he fails to comply the permit can be revoked. At the last meeting Mr. Serth would like clarification on the noise level whether it is at the nearing residential receptor or the property line. According to the Local Law 1 of 2021 it is at the choice of the Planning Board. Board Member Josh Houghton explained to Mr. Serth that there are 5 sections in the Local Law that refer to parking and read each section to Joe.

- 1. Section 4.1.3.A.4
- 2. Section 4.2.1D
- 3. Section 4.2.1.G
- 4. Section 4.2.4.4
- 5. 4.2.1.0

Board Member Houghton continued with the issues that he has with the following list:

- 1. Parking- on the application there it states will only use non lake district to park.
- 2. Access- the second driveway will be blocked by parking and only goes halfway to the barn/ wedding venue
- 3. Tents- need to be shown on plan per section 4.2.1.K
- 4. Event Management Plan- Requirement Section 4.2.1.L
- 5. Plan for Barn- drawn by a Registered licensed design professional and must be submitted as mart of the Special Use Permit application. Section 4.2.3.B
- 6. Barn Setbacks- C.O. and Building Permit with Date and setbacks at the time the C.O was given.
- 7. Noise- Sections 4.1.3.2, 4.2.1.1 and 4.2.4.4

Board Members Harris, Santulli, Walpole, and Houghton explained that they would like to see a real Noise analyst because the one that was submitted was a table not done by a professional that was asked.

For the next meeting the Board would like to see from Mr. Serth the following:

- 1. Engineer Drawn and Stamped Site Plan showing sound receptors, access roads, screening, parking, sanitary structures, tent locations, barn location.
- 2. Sound Report (noise analysis)
- 3. Building Plans for assembly
- 4. Picture of the trees that will be taken down

Schmitt/Harris made a motion to table the <u>#21-21 Serth</u>, Joseph application until the August 18th, 2022, meeting.

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

Residences who have shown up to speak about the Serth application are very upset because they were under the impression that they were going to be able to speak regarding this application. The Board explained that the public hearing was closed at the June 16th meeting. The advised the concerned residence to submit all their concerns to the Planning Board Clerk -Melissa Deffer in writing. Please know that all questions, comments and concerned do not go unnoticed,

MINUTES APPROVAL:

Harris/ Santulli made the motion to approve June 16th, 2022, Planning Board minutes with one minor corrections.

Harris yes, Santulli yes, Schmitt yes, Houghton yes, Walpole yes. Approved.

ADJOURNMENT:

Santulli/Walpole made the motion to adjourn at 10:06 pm.

Santulli yes, Walpole yes, Houghton yes, Harris yes, Schmitt yes. Approved.

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

June 16, 2022

Re: Public Comment June 16, 2022 Planning Board

Dear Jeffery Schmitt and the Planning Board,

Lynne Bruning 13388 Duanesburg Road, Delanson, NY 12053.

Please accept my Privilege of the Floor comments as read into the June 16, 2022 planning board meeting minutes. I request that my comments and supporting documents are included in the official minutes as published on the town website.

1. The approved Oak Hill Solar site plan sheets 1 through 30 dated March 28, 2022 drawing C2.00 Overall Site Plan revision J signed by the planning board chair on April 15, 2022 reflects that the access road is 10 feet width outside the fence and 14 feet wide inside the fence. See attached Figure 1. It appears that construction for the access road is 20 feet wide both inside and outside the fence. See attached drone image Figure 2. Additional information for the access road, including the geogrid detail, is found on drawing C5.00. See Figure 3.

I request that the town engineer, Doug Cole, and town inspector, Dale Warner, perform a site visit to determine if the construction is in compliance with the approved site plan. Doubling the access road width may increase stormwater pollution. The construction may be in violation with the stormwater pollution prevention plan as approved by the New York State Department of Environmental Conservation. Lack of compliance may result in unwanted stormwater runoff into the abutting parcels.

Please perform a site visit to determine compliance and if necessary remedy the road width to meet the approved site plan of 10 feet width outside the fence and 14 feet width inside the fence.

- 2. Request that the approved Oak Hill Solar site plan sheets 1 through 30 of 30 dated March 28, 2022 revision J signed by the planning board chair on April 15, 2022 be provided on the town website or in Amp's online public drop box. The cost of \$37 per sheet to obtain a hard copy of the 30 page site plan is an unreasonable expense for the taxpayers.
- 3. The April 2022 NYSIR queue shows additional solar facilities for Duanesburg. The street addresses are not provided. https://www3.dps.ny.gov/W/PSCWeb.nsf/All/286D2C179E9A5A8385257FBF003F1F7E
- 4. Please review the attached "Draft Spreadsheet Review Solar Facility." This spreadsheet is derived from the documents, questions and comments encountered during the review of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC between 2018 to 2022. This draft spreadsheet may assist the board to be accountable and transparent with the taxpayers when reviewing a solar application's compliance with local law. This spreadsheet was provided to the Solar Law Review Committee at their June 14, 2022 meeting.

If such a spreadsheet had been utilized during the 2018 and 2019 review of Oak Hill Solar facilities the town engineer and the planning board may have identified that the approved site plan sheets 1 through 10 of 10 dated June 6, 2019 and submitted to the board on September 17, 2019, See Figure 5, was not drawn to scale, did not provide an engineers stamp, omitted neighboring houses, omitted fence height, was not oriented with north to the top of sheet, did not provide all equipment, did not provide measurements for the equipment provided, and did not provide equipment pads. It may have helped the town engineer and the planning board identify that the SWPPP discharged stormwater "offsite" and that the National Wetland Inventory on the site and abutting parcels was omitted. It may have helped the town engineer and the board identify that more than 10 acres of forest would be removed to construct the solar facilities, See Figure 6 the May 7, 2018 site plan treeline.

A spreadsheet, similar to what is enclosed, may provide the board an easy to understand way to track project compliance. I urge the board to include such a spreadsheet in the updated solar law.

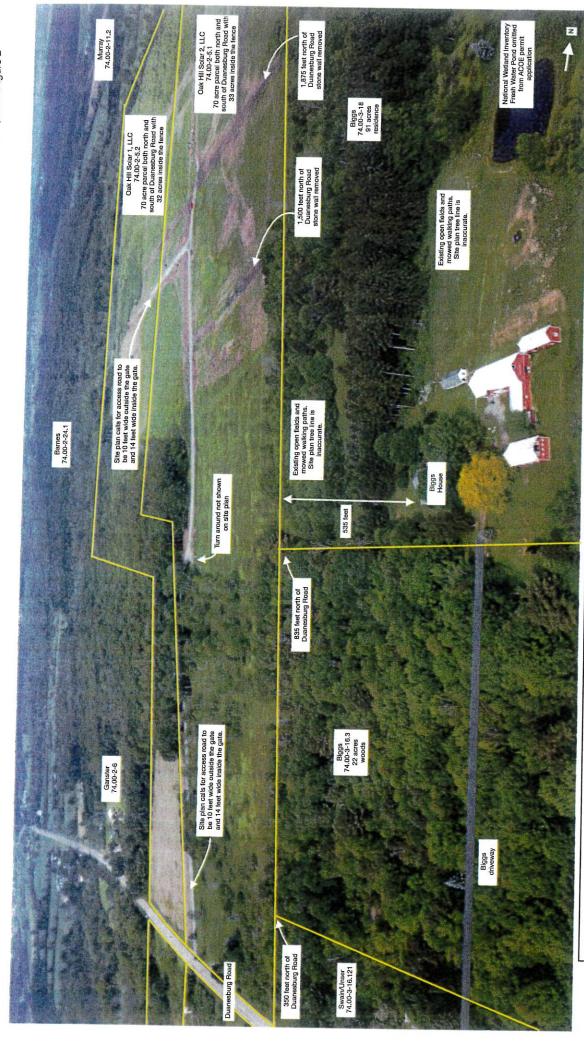
I will submit my statement in writing with supporting documents to the planning board clerk. Thank you for your time and consideration.

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

Enc: March 28, 2022 Site Plan drawing C2.00 signed by planning board chair April 15, 2022
Drone image with annotations Oak Hill Solar
March 28, 2022 Site Plan drawing C5.00 Access Road detail and geogrid

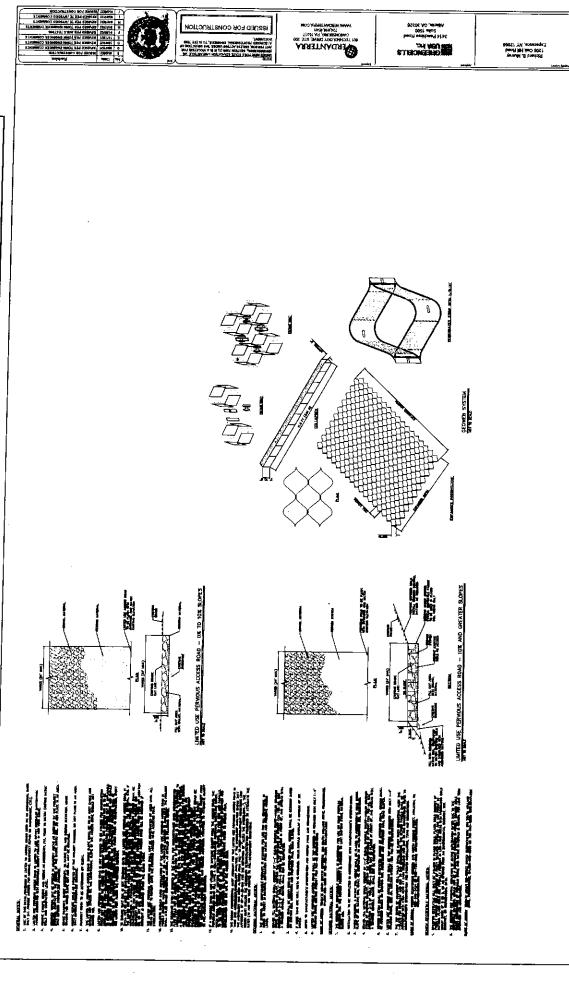
Draft spreadsheet Solar Facility Review
June 6, 2019 Oak Hill Solar site plan sheets 1 through 10 of 10 submitted to the board on September 17, 2019
May 7, 2018 Oak Hill Solar Site Plan

Cc: Dale Warner, code inspector William Wenzel, Supervisor



Drone image June 2, 2022 from Biggs tax (d parcel 74,00-3-16 with view to west toward Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC
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The approved site plan and the south east corner fence post with GPS coordinates in degree, minute, second format.



C5.00

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Battery Storage MWh		Combine MWh
Number of Solar Panels		
Solar Panel Watt		Will footprint be reduced with higher wattage panels?
Panel Orientation		
Fixed or Tracking		
Height of Panels at		Local Law Height?
Maximum Tilt Parcel Acres		
		Require a lot line adjustment?
Solar Coverage Acres		Combine acres?
Acres Inside the Fence		Combined acres?
Acres Outside the Fence	·	Combined acres?
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Set Back Side		
Set Back Rear		
Set Back Residential		
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Application Documents	Subdivision, Site Plan, Special Use Permit, Paper documents only through Freedom of Information Request	

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Local Noise Ordinance	Website		
Local Storage Ordinance	Website		
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Zoning Variance	Website		
Local Code Of Ethics	Website		
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Testing Point-3		1	
Location GPS			
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Equipment Pad		Ţ.	
Testing Point-3			1
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Change Equipment			Ì
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Engineer		·	
Scale	**************************************	<u> </u>	
North Arrow	**************************************		
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Direct Current		:	ļ
Alternating Current			
Number and Type of			
Modules			
Panel Module Dimensions	į	·	· .
Racking			
Tilt Angle	**************************************	**************************************	
Max Shade Angle			1
Azimuth from South			
Pitch Distance			
			
Row to Row distance			
Number of Inverters			
inverter			
Power Ratio			
A CONTRACTOR OF THE PARTY OF TH			
Number of AC Combiners			· ·
Number of Transformers			
Acres Inside the Fence			
Fence Length			
Parcel Acres			
GPS Fence Corner Post		······································	
GPS Fence Corner Post		***************************************	
GPS Fence Corner Post			1
GPS Fence Corner Post			
GPS Dividing Fence			
Corner Post	ì		•
GPS Dividing Fence	ţ		Table Control of the
Corner Post			*
Switchgear	**************************************		
DC - DC Converters			
		7-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	
Number of Motors			
Motor Locations			
Motor			
Drawing of Motor			
Drawing of Wiring			
Harness	į	İ	
Specification Sheet for			
motors	İ		1
Are Neighboring House		1	
Shown			

Access Road		
Width Inside fence		
Length inside fence	1.00 3 1.00 1.00 1.00 1.00 1.00 1.00 1.0	
Width outside fence	Mandam Managara patricular con la di Mismana pangara pada and mininternancion que managara particular de la pangara pangara de servicio de la consensación de la pangara pangara de la pangara dela pangara de la pa	
Length outside fence		
Depth		
How many tons of rock		
How many truckloads		
Linear Feet of Trenching		
Linear Feet of Wires		
In Ground		
Linear Feet of Wires		
Above Ground		
Dimensions of Equipment Pads		
2.14 Sec. 15 (100 C. 20) 10 10 10 10 10 10 10 10 10 10 10 10 10		
How many equipment pads		
What equipment is on		
equipment pads		
Equipment pads for Major		
Switchgear	1	
Wet Lands		
National Wetland		
Inventory	j	, i
A CONTROL OF THE PROPERTY OF THE PARTY OF TH		
Dilapidated of Structures		
on the Project Site		İ
Security Fence		
Security Vehicle Gate		
Gravel Access Drive		······································
Infiltration Trench		
Level Spreaders		·
Stabilized Construction		
Access	-	ĺ
Slit Fence		
Rock Filters		
18* Compost Filter Sock		
Concrete Washout		
Timber Mat		
Racking Steel in Pounds		
Number Panels		
A STATE OF THE STA		
Number Posts		
Number Utility Power Poles		
Cables in pounds		
Above ground cables		
Underground cables		
Roads square feet		
Turnarounds		
Fence Height		Proposed Fence Height?
		Compliant with Local Law?
	l	National Electric Code
Linear Feet Fence		requirements?
Number of Fence Posts		
Number Fence Posts in Concrete		
majarjahananaka Liotatara :		
Fence Material		
Fence Material Posts feet on center		
Fence Material Posts feet on center CCTV		
Fence Material Posts feet on center		

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	link to documents online	
Report to/from USACE	Freedom of Information	**************************************
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Acres Forest Removed		
Local Law Acres of		
Forest Removed?	· · · · · · · · · · · · · · · · · · ·	
Acres Grassland		
Removed		
Acres Agriculture Removed		
Wetlands Removed		
Acres Solar Coverage		
CLEAR CUTTING	·	
Fixed or Tracking		How many motors?
		How many gears?
企用等的		How much noise?
Number of Panels		
Width of Panels		May 2022 Virginia declared
		solar panels impervious
Width of Panels Between		surfaces.
Rows		15 feet width? Are panels considered impervious
		surfaces?
Type of Panels	· · · · · · · · · · · · · · · · · · ·	
Capacity of PV Array DC		**************************************
Manufacturer of Panels		
Dimensions of Panel		
Watts of Panel		
Height of Panels		How tall are the panels?
Parallel to the Ground	···	9 feet?
Height of panels at full tilt	1	How tall are the panels?
		15 feet?
Rotation	·	
Tracking Motor How Many Motors		Decibel level?
and the second s		Decibel level?
Tracking Gear How Many Gears		Decibel level?
		Decibel level?
		DODD! ICTOIL
Warranty Glass		Decipe Navon
Warranty Glass Warranty Panel		
Warranty Glass		1,500 per project?
Warranty Class Warranty Panel How many Posts		1,500 per project?
Warranty Glass Warranty Panel		1,500 per project? FAA Navigational Studies
Warranty Class Warranty Panel How many Posts Date		1,500 per project?
Warranty Glass Warranty Pariel How many Posts Date		1,500 per project? FAA Navigational Studies
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Battery Storage MWh	
Battery Storage	
Containers	
Battery Type	
Battery Manufacture	**************************************
Al Platform	
Emergency Notification	
System	
Dimensions of Stack	
Battery operating	
temperature	
HVAC	Noise?
Number of Batteries	
MWh	
Weight of Batteries	
HVAC for Batteries	
Height of Containers	Battery Containers may b
	11 to 13 feet height.
Height of Equipment Pads	Combined Height?
Volume of Buildings to	
Climate Control	
Distance between BESS	
containers Set back of container	
from solar panels	
Back-up generators	
Generator Fuel Source	Are there size Hudranta in
Generator Fuel Source Water source on site for	Are there Fire Hydrants in this neighborhood?
Generator Fuel Source	Are there Fire Hydrants in this neighborhood?
Generator Fuel Source Water source on site for	
Generator Fuel Source Water source on site for fire fighting Solar Law	
Generator Fuel Source Water source on site for fire fighting Solar Law Zoning Ordinance	
Generator Fuel Source Water source on site for fire fighting Solar Law	
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Generator Fuel Source Water source on site for fire fighting Solar Law Zoning Ordinance GPS of Equipment Pad Number 1 Distance Nearest Property Lines Distance Nearest Property Lines GPS of Equipment Pad Number 2 Distance Nearest Property Lines GPS of Equipment Pad Number 2 Distance Nearest Property Lines	
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Generator Fuel Source Water source on site for fire fighting Solar Law Zoning Ordinance GPS of Equipment Pad Number 1 Distance Nearest Property Lines Distance Nearest Property Lines GPS of Equipment Pad Number 2 Distance Nearest Property Lines GPS of Equipment Pad Number 2 Distance Nearest Property Lines GPS of Equipment Pad Number 3 Distance Nearest Property Lines GPS of Equipment Pad Number 3 Distance Nearest Property Lines GPS of Equipment Pad Number 4 Distance Nearest Property Lines GPS of Equipment Pad Number 4 Distance Nearest Property Lines GPS of Equipment Pad Number 4 Distance Nearest Property Lines	

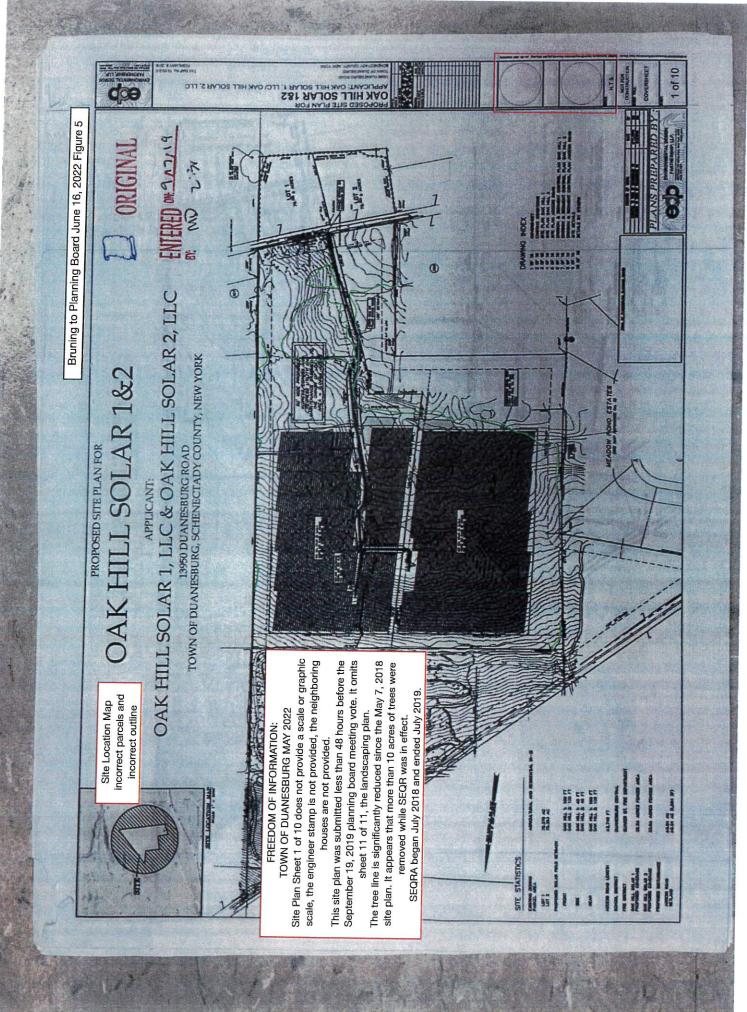
How Many Gearing	naagust felici 1944 (1800) 1800 (1800) 1800 (1800) 1800 (1800) (1800) (1800) (1800) (1800) (1800) (1800) (1800)	man in manuscript of the control of	THE PERSON NAMED OF THE PE
Systems?			
GPS of Tracking Motors	446 - April 100 -	This is the third the translated that the translation of the part is treated in an above apid the count of an incompa by a man, an	
GPS of Equipment at Curry Road	March 1966 (1966 to 1966 The state of the s	Switchgear	
Distance Nearest Property Lines			
Distance Nearest Property Lines	9445664-194-1959-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-		**************************************
Applicant Noise Analysis			PROVIDE FULL LIST
Tracker Motor	**************************************		OF EQUIPMENT. 70 dB @ 3 feet
Tracking Gear			
DC to DC Converter	**************************************		85 dB @ source
Switchgear		 	100 dB @ source
BESS	14 - 14 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 	· · · · · · · · · · · · · · · · · · ·	100 dB @ source
Transformer	1400 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		62 dB @ 3 feet
Inverter	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		79 dB @ 3 feet
HVAC Air Conditioner			89 dB @ 3 feet
HVAC Heat	****		
Emergency Generator	- (,		
Ground Factor	# ************************************		
Summer			1
Winter			
Pitch			
Tone	**************************************		
Noise pattern steady or intermittent	represe contracto - edigital y militaria, prosesso esta para de secuencia esta esta esta esta esta esta esta e		ls noise continuous 24/7/365 for lifetime of
Day	THE THE RESIDENCE OF THE PROPERTY OF THE PARTY	Project?	
Night	<u> </u>		
Noise at 100 feet			
Noise at 500 feet	,		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Noise at 1000 feet	esta anti anti anti anti anti anti anti an		
Noise at Property Lines	**************************************		
North			
South	***************************************	-	-,
East	**************************************		
West			
Transformers	· · · · · · · · · · · · · · · · · · ·		
Major Switch Gear			
Racking			
Gears			
Tracking Motors			8,3-MWdc array may have 215 motors
Posts for Array			May have 1,500 posts
Depth of Posts			
Height of Posts			May be 9 feet tall posts
Height of Tracker Module			Up to 20 feet
String Inverter, Storage and DC Converters			
Central Inverter			
Underground Wire Linear Feet			All of the wire - 3 to 4 types per 3' deep trench per
		;	Project. Wires have plastic coating that contains PFAS. Site is located above primary aquifer
Above Ground Wire	are the professional contract to the contract		printary aquitor
Linear Feet Site Restoration			
Access Road Length	ingenight stage of the humber of the control of the control of the stage of the sta	and the second s	
Gravel Access Road	Mg, Might complete and an annual section of the complete section of the comple	appear of the special control	one and the state of the state
Tons of Rock			and the state of t
			:

	And the second of the second of the second second (1900) and (1900		
How many Truck loads			
DC-DC Converters	4		
Utility Power Poles			
Spare Parts Storage			
Racking Steel in pounds			May be 584,000 pounds per 8.3-MWdc Project.
Racking Aluminum			May be 880,000 pounds per 8.3-MWdc Project.
Cables in pounds			May be 37,966 pounds per 8.3-MWdc Project.
Roads square feet			0.0 11111001110,001.
Length of road			
Width of Road			
Depth of Road			Minimum depth of rock to withstand weight of emergency vehicle equipment.
Site Restoration			
Square Footage of Road			
Road earthwork for			
access drive and turn around			
Decom Amount for	Freedom of Information	1	
Entire Project	date link to documents online		
Panala Sar Asia	ALIA CO GOCCIMENTS DITANTA		
Decom for Array Decom for BESS			
Decom for Access Road			
Recycle Panels			
Recycle Battery			***************************************
Waste Disposal			
Waste Location			
Utility Power Poles		<u> </u>	
Resecting			
Pollinator Goals			Required by Law?
Vegitation maintenance			
vegitation mantierance			Sheep? Can sheep be used with tracking solar panels?
			Provide an Animal
			Husbandry Plan as
			Approved by
		i	Ag and Markets?
Biodiversity			Required by Law?
Lease area			nequired by caw:
Inside fence			
Outside fence			Who is required to maintain?
	C	1	
Visual Analysis	Freedom of Information date		
	link to documents online	ĺ	
	ink to documents billine		
Screening	······································		
Number of trees			
Maintenance Agreement			
for lifetime of Project	11-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1		***************************************
	-		
Location Of			
Lay-Down Yard			
How Many Truck Loads Of Grave?			
TO BE A STATE OF THE STATE OF T	***************************************		
How Many Pleces Of Heavy Machinery			
Noise Level From			
Equipment in Decibels At Source			
the state of the s	**************************************	-	
Excavator	Hall the property of the production and project for the first product (participate) to the production of the production		halfert Australia (1974) in 1984 and the Albert Albert Albert Albert Albert Albert Albert Albert Albert Albert

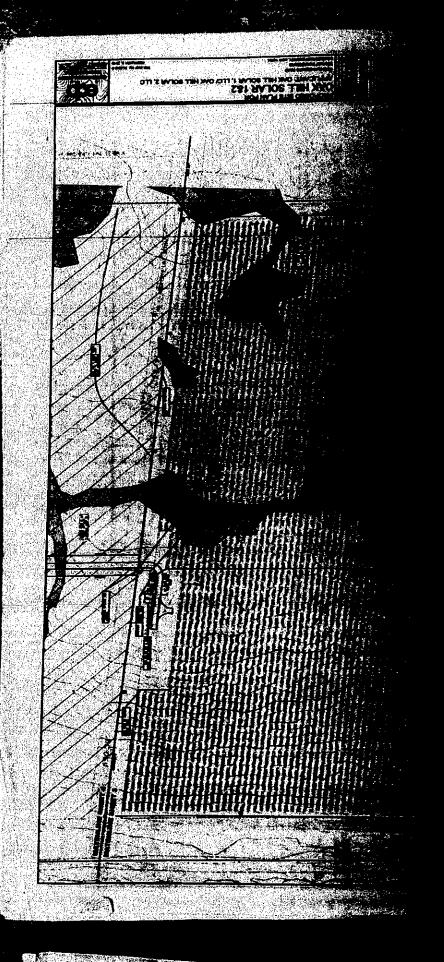
Grader		
Dump Truck		
Skidsteer		
- Story Charles Care Control of the		
Atv		
Trencher		
Pounder		
Construction Trailer		
Construction Generator		
Fuel Source		
How Many Spools Of Wire		Is underground wire removed at time of decomissioning?
Sani-Huts		
TRAFFIC		以他们是他们的"一个"。
DOT Permit Application	Freedom of Information date	
	link to documents online	
Sight Distance Requirements		
Trucks		Per day per project
Heavy Machinery on Site		Per day per project
Workers Vehicle		Per day per project
Construction Traffic Plan		What roads?
CONTAMINANTS	STATE OF THE REAL PROPERTY.	
Precautionary Pricipal	BOOK MAN DECIDE OF REPORT OF THE POST OF T	
Water Test		
Soil Test		
Letters PFAS		
Letters PFAS		
Letters PFAS		
HEAT GENERATED	CARL CONTRACTOR OF THE STREET	
Study for Heat Generated		https://physicsworld.com/a/
From Project		solar-panels-can-heat-the- local-urban-environment- systematic-review-reveals/
WHO IS BUYING THE ENERGY		
Operating Tarrif		
REC Sold to		
Power Purchase		
Agreement		
COMPANY SELLING COMMUNITY SOLAR		
SUBSCRIPTION	《 图》的第三人称形式,是有一种	
Name		
Website		
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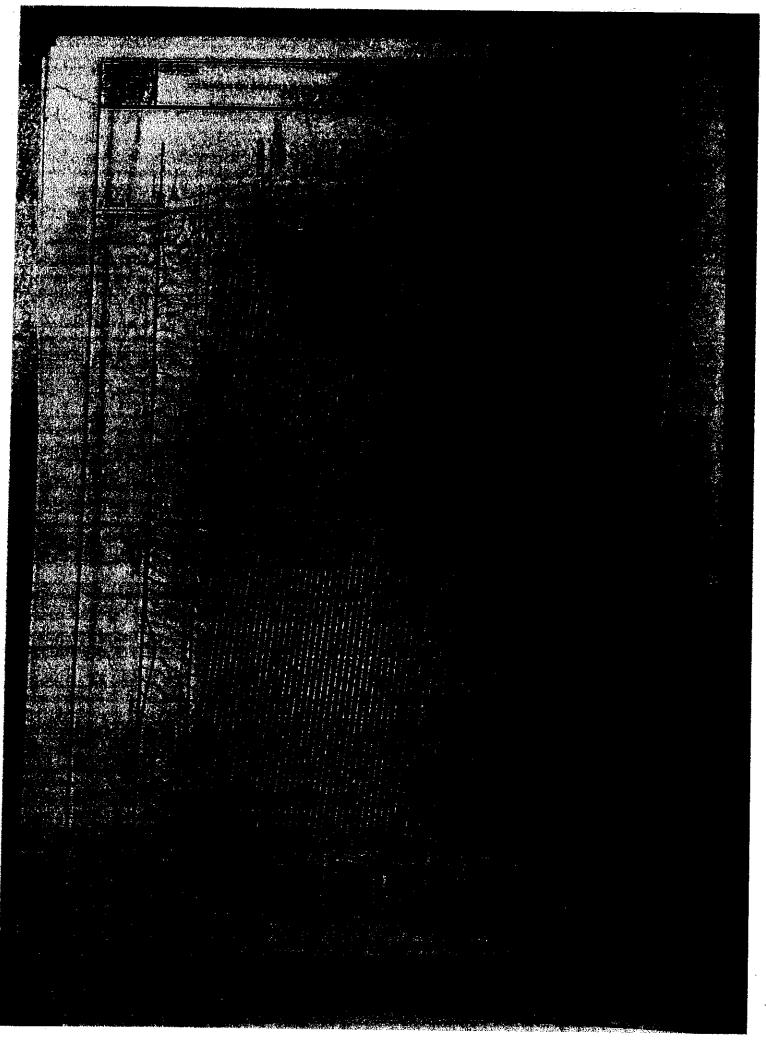
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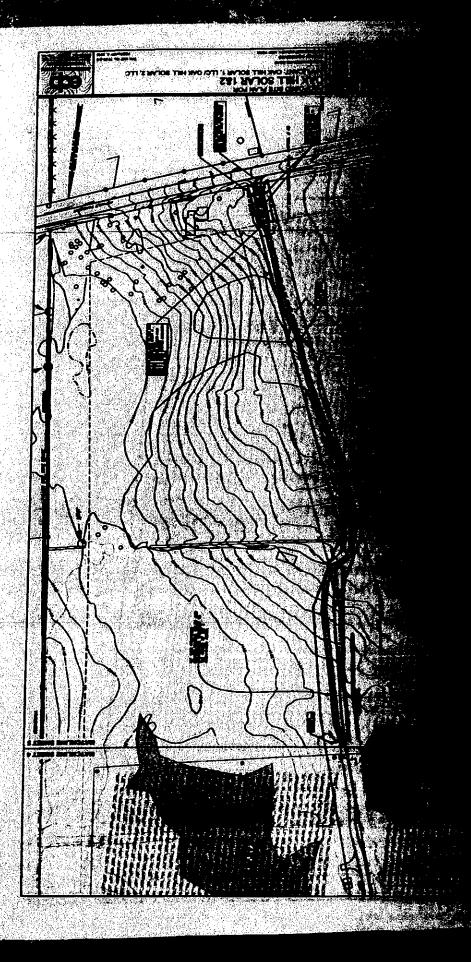
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Switch Gear	manufacturer, location, warrenty		
Battery	manufacturer, location, warrenty		
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Generators	manufacturer, location, warrenty		
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DATA.NY.GOV		(4) 美国电影	https://data.ny.gov/
Number		A CASE TO A STATE OF THE DESCRIPTION OF THE SALES SEEDING.	
Purchase Type			
Date Application Received			
Contractor	- Indiana in the second in the		
Total Nameplate kW DC			
Expected Annual			A
Production kWh			
Solar Panel			
Number of Panels			
Inverter			
GPS			
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Community Distributed Generation			
NY Green Job Participation			

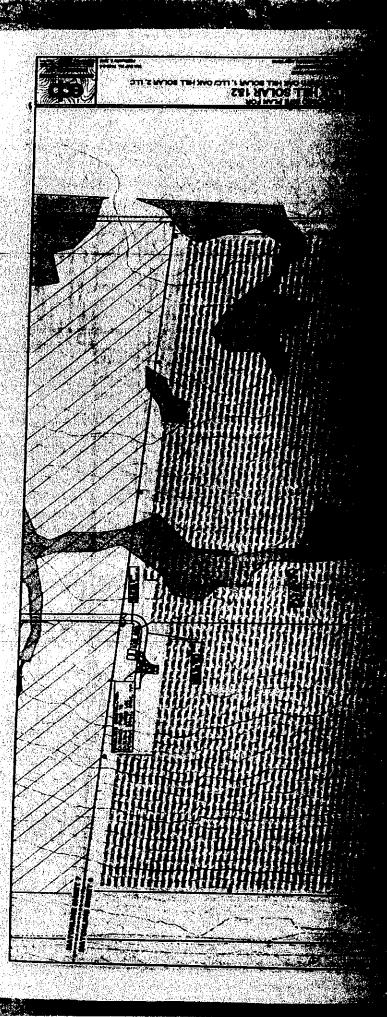










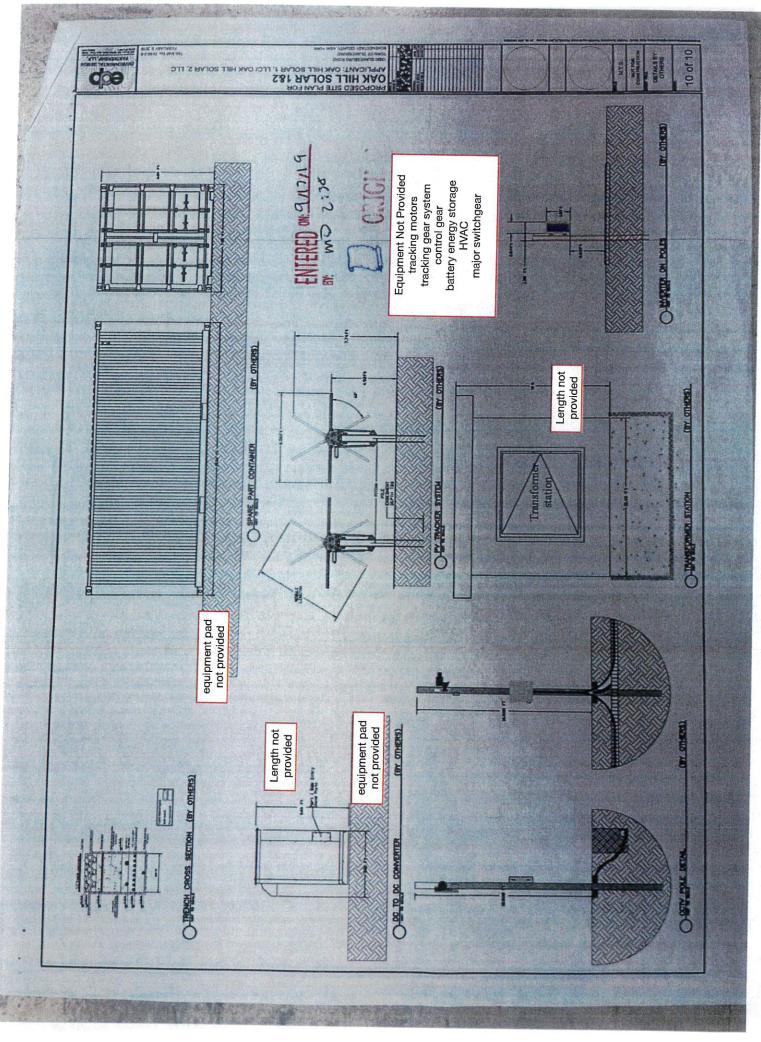


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Fence Height of 6' is not compliant with National Electric Code which requires a Town engineer did not inform the board of NEC requirements. Applicant did not request zoning variance until April 2022 7' in height fence.



The are two issues with this special use permit.

First the ordinance is defective. It is vague and allows discretionary decisions. Renewals cannot be done on a maybe we will or maybe we will not. Requirements for approval must specified before the permit is issued not after. ie. Amount of insurance.

The second issue is compliance with building codes. Mr Serth has a history of doing what he wants and then asking for forgiveness later. This barn was put up without a permit and does not comply with set back requirements To solve his problem with bathrooms Mr Serth has constructed bathrooms in another building again without a permit. This has to stop. If permits and required variances are not issued prior to construction penalties must be applied and certificate of occupancy certificates denied.

We also note that bathrooms in another building expands the scope of this so called project and all requirements, approval must be complied with

History. The building was put up without following the correct procedures. The was no public hearing that allowed input from neighbors. Now it is being compounded by this proposed commercial intrusion into a residential neighborhood.

This application is deficient in several areas. First the ordinance requires a plan prepared by a licensed design professional to obtain a certificate of occupancy for a assembly area.

Second The requirement for a certificate of insurance has not been complied.

It is noted that the requirement for a certificate of insurance is vague. No minimum amount is specified. A minimum of one million dollars should be required. A requirement that the operator hold the town harmless for any actions arising out of this venue should be included.

Thirdly permit renewal should be done on a yearly basis It should not be left of the discretion of any unnamed individual.

Fourth. There is nothing in the application to insure that only the applicant will hold events

Fifth. Section on water usage is incomplete Boxes not checked.

Section 1. The applicant proposes to limit the scope of this special use permit to only commercial events. He asserts that this building has been used for large scale non commercial events. If this is designated a commercial entity then all events held there should fall under this permit. To do otherwise would allow commercial events to be called non commercial to avoid the requirements of this proposed permit. To our knowledge no large scale gathering have occurred in this building since its construction

Section 3. The existing building photo shows that does not have a fire suppression system. Other building requirements such as lighted exit signs, Handicapped access and bathrooms The requirements for a building of mass gathering is significantly different from that for a barn.

Section 4 1.1 What provisions will preclude the Lake District property from being used for commercial purposes Will la buffer be required.

The application states that the building occupancy is 99, Yet the application calls for events of 150 people. What will insure that the occupancy level will not be exceeded. What penalties if any would be enacted to insure that violations do not occur.

Section 4 2.1 The minimum width for egress is 60 ft. the driveway does not meet this requirement.

There is no contractual basis that guarantees that the neighbors driveway will be available for use by the applicant if required. This means of egress is in the lake district, Does not meet the minimum width requirements. It may be subject to sale by the present owner. It is also directly next to the applicants driveway and as such should be part of one exit. Without a deeded easement it should not be considered as a means of egress. The attached photo shows that access to the driveway is blocked by a building and would preclude vehicles from using it.

The applicant needs to have his own traffic study done, This is a different location with different parameters. Our concerns are not only traffic count but the boat launch traffic and access to the lake. Pedestrian traffic on the roadway is a great concern. The letter January 14, 2022 from VHB is not deemed a traffic study.

The Mariaville Civic Association limits activity on the lake from 12 pm to 8 pm. The applicant proposes to operate between the hours of 9 am to 10. This is a Hugh increase in operating hours over what currently exists and will be a detriment to our peaceful neighborhood

Mass meeting requirements are different from commercial code.

Other concerns

What would preclude the applicant for leasing/renting or otherwise allowing another entity from being an event operator at the facility? If violations occurred who is responsible. What is the penalty for not complying with permit?

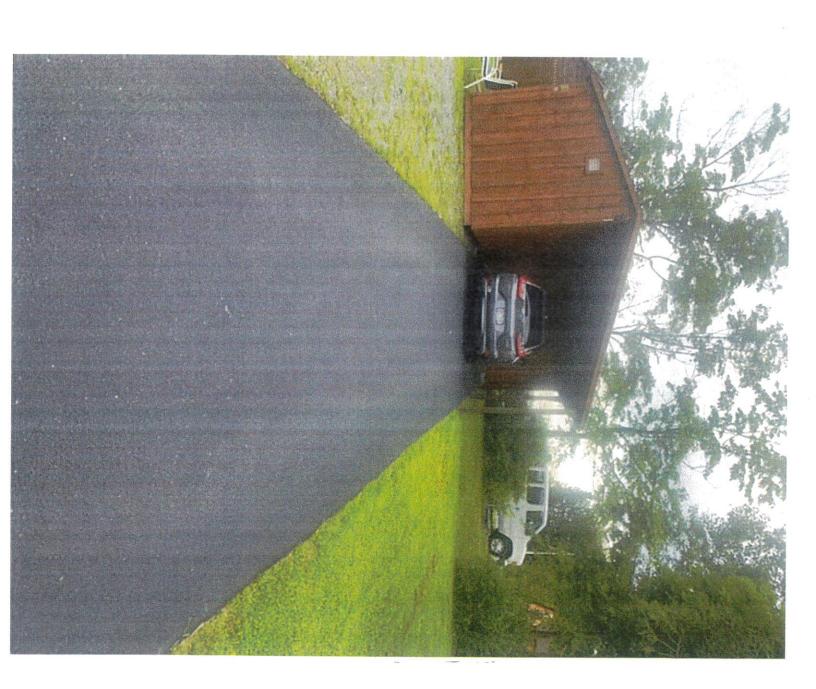
Would a additional approval be required? A public hearing held?

There are no provisions to provide barriers to protect the neighbors from noise, traffic etc.

Elderly neighbor on dialysis.

Compliance with State/County permits etc. Health Sales Tax etc

Site plan is not by a licensed professional.





Melissa Deffer

From:

lynne bruning <lynnebruning@gmail.com>

Sent:

Thursday, June 16, 2022 10:33 PM

To:

Melissa Deffer

Subject:

June 16, 2022 Bruning to Planning Board Public Hearing Serth

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Dear Planning Clerk,

Please include this comment in the June 16, 2022 Planning Board meeting minutes for the Serth 216 Batter Street Public Hearing.

Please confirm receipt of this comment to lynnebruning@gmail.com

Thank you for your time and consideration.

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

June 16, 2022

Re: Public Hearing Comments for Joseph Serth 216 -218 Batter Street Special Use Permit - Event Venue

Dear Jeffery Schmitt,

Lynne Bruning 13388 Duanesburg Road, Delanson, NY 12053

I'll submit my comments in writing to the planning board clerk.

A list of considerations that board may answer tonight or in writing:

1. Does the permit run with the land?

When lands are sold will the permit transfer to the new owner?

2. Applicant stated that a baseline noise level test was conducted.

Is this noise analysis provided in the Application?

Was the noise analysis conducted by a New York State licensed sound engineer used?

Was the noise analysis conducted by the Applicant?

What equipment was used? What time of day? What location of the testing equipment?

Was the noise analysis conducted when an amplified sound system was operating?

If the abutters complain of excessive noise how will complaints be documented and recorded by the town?

Does the Department of Environmental Conservation regulate noise levels?

If the noise level exceeds 70 decibels at the property line or residential receptor permitted by local zoning ordinance how will the Project be brought into compliance?

- 3. Has the Board performed a site visit?
- 4. Request that a third party independent sound engineer be used. While the Applicant may have sound analysis qualifications there appears to be a conflict of interest for the Applicant submitting the noise analysis for their own Project.
- 5. Has the board considered overnight parking of campers, mobile homes, travel trailers? What about for multiple nights?

The Applicant's property rights end where the abutter's property rights begin.

The neighbors shouldn't suffer the Project's lack of compliance. The neighbors use, enjoyment and future development of their lands should be protected.

I request that the Planning Board be fair and square for all taxpayers property rights. and is upholding the local law and consider future conflict resolution

This Permit will be the first event permit issued. It may set precedent. I request that the board delay any action on the Project until a written list of conditions are provided to the taxpayers for review. I request that the resolution include conditions including a detailed baseline noise analysis, steps for conflict resolution and that if noise levels are in excess then the Special Use Permit is revoked.

I encourage the board to take their time and do it right.

Thank you for your time and consideration.

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

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