

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, Alternate Board Member

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JUL 21 2020

Town of Duanesburg
Planning Board Minutes
June 18th, 2020
Final Copy

TOWN OF DUANESBURG
TOWN CLERK

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

Roll Call: Jeffery Schmitt yes, Josh Houghton yes, Tom Rulison yes, Mike Harris yes, Elizabeth Novak yes. Marty Williams yes.

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting at 7:10pm. Jeffery welcomed everyone to tonight's Planning Board meeting.

OPEN FORUM:

Schmitt/Harris made a motion to open the open forum at 7:12
Schmitt yes, Harris yes, Williams yes, Novak yes, Houghton yes, Rulison yes. **Approved.**

Clerk Deffer stated that she received 4 letters that was forwarded by email to the Planning Board members with some questions, comments, and concerns. Also, all applicants must submit applications 10 days prior to the meeting along with anything that needs to be forwarded to the board.

Schmitt/Williams made a motion to close the open forum at 7:14
Schmitt yes, Williams yes, Harris yes, Novak yes, Houghton yes, Rulison yes. **Approved.**

PUBLIC HEARINGS:

Schmitt/Rulison motion to open the public hearing for the **#20-02 Ayers, Jacob** application at 7:14.

#20-02 Ayers, Jacob: SBL#67.00-3-1.33,(C-2) Located at 5544 Duanesburg Rd is seeking a Special Use Permit under section 12.4(11) of the Town of Duanesburg Zoning ordinance to construct a single family home in a (C-2) manufacturing and light industrial zoning district.

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

Novak/Houghton made a motion to close the public hearing for the **#20-02 Ayers, Jacob** application at 7:20.

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

Novak/Rulison made a motion to approve the Special Use Permit for the **#20-02 Ayers, Jacob** application.

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

NEW BUSINESS:

#20-01 Whittaker, Lisa: SBL# 75.00-3-11.3, (H) located at 10534 Duanesburg Rd is seeking a 4 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Luigi Palleschi from ABD engineers, LLP is representing Mrs. Whittaker. Mr. Palleschi explained to the board that the front portion of the property is zoned (H) hamlet about 170 feet back from Duanesburg Rd is zoned (R-2) agricultural and Residential. The parcel is approximal 32.45 acres. There are already several homes on the parcel. On the east side is proposed lot 1 with 14.89 which has an existing single-family home with a well and sewer system. If you move to the west there will be lot 2 which is 1.5 acres with an existing single-family home and garage with a private well and connected to the sewer. The applicant Lisa Whittaker lives there currently. Further to the west lot 3 is about 6.3 acres and has and preexisting apartment duplex on top of a garage. The duplex is also hooked into the town sewer system and has its own well. Lot 4 will be 9.67 acres which is vacant and open fields it does have access to the sewer system and a new well must be drilled. Lot number 2 the existing garage is within 15foot side set back. Luigi revised the plan, to adjust the lot line to avoid any variances.

Novak/Rulison made a motion to declare the Town of Duanesburg Planning Board lead agency in the SEQR Review process for**#20-01 Whittaker, Lisa** subdivision.

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

Novak/Harris made a motion to declare the preliminary Negative Declaration SEQRA Determination with no other involved agencies.

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

Schmitt/Houghton made a motion to **hold a Public Hearing for the Major Subdivision application for #20-01 Whittaker, Lisa July 16, 2020 at 7:00 p.m.**

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

#20-03 Stewarts Shops Corp: SBL#64.00-2-26.1, (C-1) located at 4032 State Highway 30 is seeking a Special Use Permit under section 11.4(7) of the Town of Duanesburg Zoning ordinance for a convenience store with motor vehicle fuel sales and retail business. Jim Gillespie

representing Stewarts gave his presentation to the board. Stewarts is proposing to demolish the existing Stewarts and to replace it with a new Stewarts building and gas pump plaza on the adjacent parcel of land. A new wastewater treatment system will be installed in along with new underground tanks adding kerosene and diesel, new lighting, and landscaping. The Board would like to see a lighting plan showing that the light will not spill of the site and generally following the approach used by Hannaford. Mr. Ingalls is still waiting on SWPP. Stewarts will need to apply for a sign variance and an area variance for a front yard setback.

Schmitt/Rulison made a motion to declare the Town of Duanesburg Planning Board lead agency in the SEQRA review process as an Unlisted Action for the Stewarts shop redevelopment and coordinate with the Zoning Board of Appeals, DEC, DOT and Schenectady County DOH.

Approved.

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

OLD BUSINESS:

#19-14 Perog, Steven and Cheryl: SBL#43.00-2-28, (R-2) located at 21 Lea Drive is seeking a Special Use Permit for a multi- family dwelling under the Town of Duanesburg Zoning Ordinance adopted 6/11/15 under section 15.4(I); section 8.4(7); section 13.2.1; section 3.5.60. Steven Explained that nothing has changed on his end and he is just awaiting the board's decision.

The purposed action is a Type II action and no further compliance with SEQRA is necessary and based on the information provided by the Building Inspector the Planning Board makes the following findings:

- 1) The proposed action is a type II action and no further compliance with SEQRA is necessary; and
- 2) Based on information provided by the Building Inspector to the Town Planning Board there are a small number of major residential subdivisions in the Town designed specifically for single-family residences, in addition to Sage Hill, these include the following: Woodlands North (Gutha Rd.) Highlands/Arquette (Mountain View, Arquette Way) Pine Ridge (Evergreen Pl.) Chestnut Hills (Delevan Rd.) and Wendy Ln., in these subdivisions it is not uncommon to find an additional family unit most often used for extended family, however, in none of these subdivisions have any owners of single-family residences sought or been granted site plan approval and special use permit for two such units; and
- 3) The character of the subdivision is such that the subdivision consists of large lots with only single-family residences and accessory structures used for accessory purposes such as garages, potting sheds and the like; and
- 4) Allowing one additional unit to the single-family residence is supportable and consistent with other similar subdivisions in the Town. Two additional units would not be consistent with the character of the subdivision and would not safeguard the values of the surrounding properties; and
- 5) Based on the Planning Board's familiarity with the Sage Hill subdivision and the testimony by those that live in Sage Hill with respect to the difficulty obtaining potable groundwater from wells in sufficient quantity, the Planning Board determines two units as opposed to one additional unit would not be suitably located in relation to the proposed use and that

- the Perogs have provided insufficient evidence to demonstrate that adequate groundwater exists for two such units in addition to their single-family residence; and
- 6) The location of a second unit in the garage on the third floor would also require substantial effort on the part of the Perogs to obtain a building permit and later a certificate of occupancy due to the need for a fire sprinkling system or equivalent; and
 - 7) In light of the above the Planning Board hereby grants a special use permit to the Perogs at 21 Lea Drive to allow them to have ONE Additional unit in the garage that accompanies their existing single-family residence and specifically finds that the application is denied with respect to the applied for second unit in the garage and the Planning Board directs that the kitchen on the third floor be removed.
 - 8) The following conditions are imposed in connection with this approval: a) the Town Building Inspector shall inspect the garage and the approved single apartment unit on at least two occasions throughout the year and if the terms and conditions of the special use permit are not being complied with the Building Inspector is hereby authorized to revoke the special permit; b) a water quality and quantity test shall be undertaken at the Applicant's expense by a duly licensed professional, in the presence of the Town Building Inspector, to demonstrate that the quantity and quality of the existing potable water well at the garage will meet the needs of one apartment unit with a maximum of three bedrooms; c) the Building Inspector shall examine the Schenectady County Department of Health approval for the septic system and the septic system when constructed to make sure that it has been built according to the approved specifications.

Novak/Harris made a motion to adopt the resolution for the **#19-14 Perog, Steven and Cheryl** application of the Special Use permit.

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

SKETCH PLAN REVIEW:

#20-07 Sarchioto, John: SBL#68.00-1-23.1, (R-2) located at 1339 Suits Rd is seeking a Minor Subdivision and Lot Merge under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mr. Sarchioto explained to the Board he was looking to eliminate the land locked Parcel 68.00-1-25.1. A boundary line for 68.00-1-24 taking 2.52 acers. He then wants to merge it with his parcel of 68.00-1-23.1.

Novak/Houghton made a motion to refer the application of **#20-07 Sarchioto, John** to Dale Warner for administrative action/subdivision plat review approval.

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

#20-06 Sisson, Joseph: SBL# 26.00-2-16.112, (R-2) located at 978 Mariaville Rd is seeking a 4 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Mr. Sisson Gave his presentation to the Board. Joe is looking to subdivide his property to make three lots to build two new single-family homes for his children. The Board decided that there was nothing they could do for Joe as of right now. Dale Warner asked Mr. Sisson to make and appointment to meet with him to discuss his options.

MINUTES APPROVAL:

Harris/Schmitt made the motion to approve the May 21st, 2020 Planning Board minutes with minor corrections.

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

Approved.

OTHER:

Eden Renewables is seeking an extension for another year on their approved special use permit that runs out in September, but they wanted to be timely on the matter. The Board decided to table their request until the July 16th, 2020 meeting.

ADJOURNMENT:

Rulison/Williams made the motion to adjourn at 8:45pm.

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

ENTERED ON 6/17/2020
BY: [signature]

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June 14, 2020

Dear Members of the Planning Board,

I attended the May 21 Planning Board meeting via Zoom. At that meeting, I had a few remarks to share during the Public Comment portion of the meeting. Given some absences of board members, I would like to review some of those comments.

I have expressed my concerns re: the original Rhoades Special Use Permit where he requested to build apartments and my skepticism about his new proposal to divide the property to 5 lots on Alexander Road. My skepticism is warranted given that he has been blasting on the 47 acre lot and built a road to access that lot.

I mention the above as you prepare to make your decision about the Perog Special Use Permit to allow for multi-tenant apartments on his property. I am sure that a builder like Mr. Rhoades is waiting to hear your decision about building apartments on residential properties. Granting permission for that kind of building will allow Mr. Rhoades (or any builder or resident) to proceed with his own plans for apartments.

I was a member of the Duanesburg Board of Education for 9 years. I know that these Board positions are thankless jobs so I will thank you for taking the time to serve the community. Having a position on a Board like this means you have the responsibility to make decisions for the good of the community. That also means having a vision for the community that best serves the interests of the stakeholders. For the Planning Board, those stakeholders are the residents who have invested in their homes with the expectation that their neighbors will also be invested in creating a stable neighborhood, safe roads, predictable water availability and property values that reflect these quality of life issues. Allowing multi-tenant apartments to be built on any property gives that vision to people who simply want to make money for themselves with no regard for the community good. I ask that you consider who owns that vision for Duanesburg: is it you, the members of the Planning Board or will it be handed to a builder like Mr. Rhoades or Mr. Perog?

I approached the Planning Board when Mr. Rhoades presented his original request to build a 4-unit apartment building on a single acre of a 74 acre lot; he expressed that he had no other plans in mind for the remaining 73 acres. I presented the Planning Board with information regarding the impact of a shifting student population on small schools – a shift that occurs when rental units are built over entire lots or on any property the district. Fluctuating student populations are costly to small districts for the following reasons: increased costs associated with staffing as the population expands and contracts as families rent then move on, increased costs associated with records management as students enter and leave, and negative impact on test scores due to gaps in the sequence of learning as students enter at various times of the

ENTERED ON: 6/17/2020
BY: [Signature]

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year. That impact then lowers a school's rating which affects property values as the district becomes less desirable. I mention this again for the new Planning Board members and for your consideration as you make your determination for the vision of the community good.

It is my sincere hope that you do not grant Mr. Perog his Special Use Permit to build multi-tenant apartments due to what that may mean for my road, my home as well as all homeowners in Duanesburg. A limit to a single, one-bedroom apartment allows Mr. Perog to house his family member and also adheres to the precedent already set within Duanesburg. Making this decision will also define what the Board will allow for any future requests to build apartments in neighborhoods throughout Duanesburg. Again, I thank you for your service to our community and for your time in considering this request.

Sincerely,
Christina Loukides
1320 Alexander Road

PO Box 160
Quaker Street, NY 12141
azurevista@hotmail.com

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

June 17, 2020

Dear Chairman Schmitt and the Planning Board,

Please read my statement during Privilege of the Floor and include it in the official meeting minutes.

At the June 11, 2020 Town Board meeting Lynne Bruning requested the Town enact a moratorium on Energy Storage Solutions ("ESS"), utility scale battery storage for solar and wind power plants.

New York Standardized Interconnection Requirements ("NYSIR") reflects that Ralph Schiffman's, CEC Development, LLC, application for 15MWAC of ESS was reviewed by National Grid February 2020 and is on the queue for the Delanson 269 substation. NYSERDA is allowed to fund any 5MWAC ESS project up to \$2,300,000 and reviews each ESS as an individual project separate from wind or solar power plants.

Please see attached images of what ESS projects may look like.

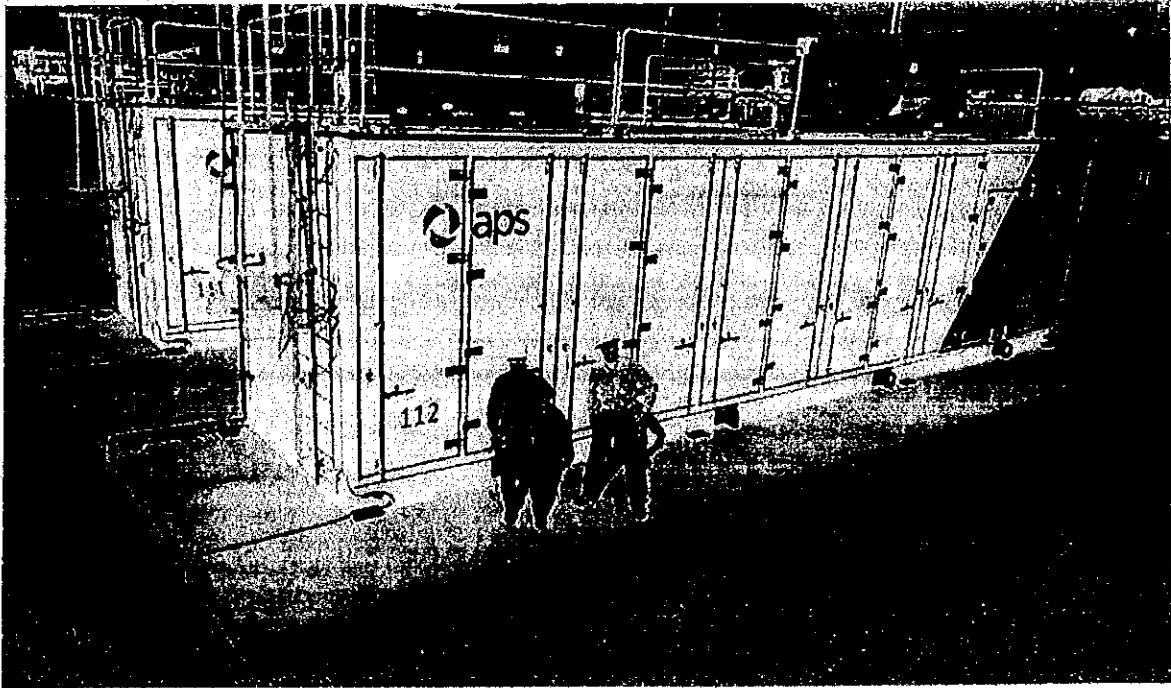
Please place a moratorium on ESS until the both the town and planning board understand the implications of these industrial projects on Duanesburg's land use planning, health and safety of residents and the liability to our emergency responders.

Until we write a comprehensive law for this technology the town is at risk for negatively impacting the health, safety and prosperity of the residents.

Thank you for your time and attention.

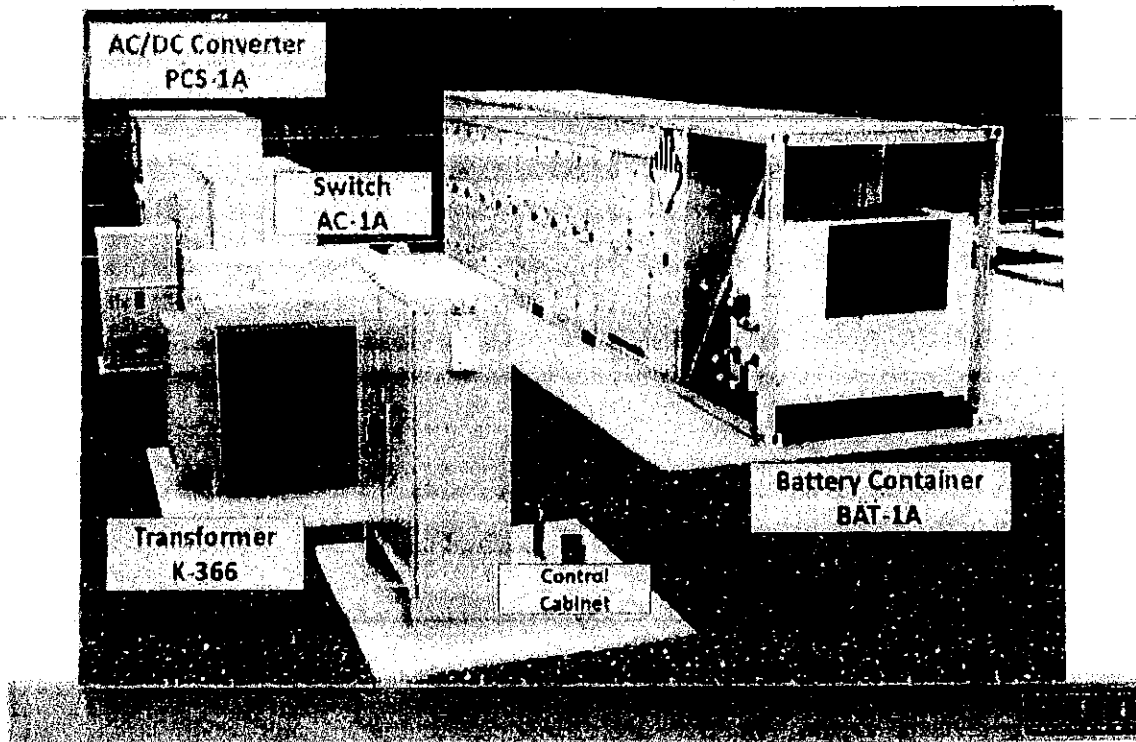
Regards,

Susan Biggs



Technicians stand in front of APS' Punkin Center Battery Storage Project in Gila County, Ariz. The utility plans to soon restart battery deployments after a 2019 fire at another project.
Source: Arizona Public Service Co.

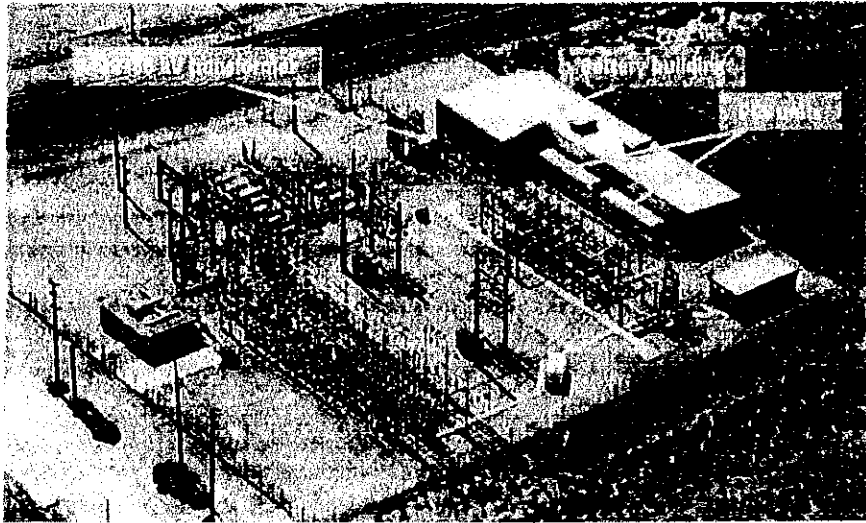
MESA 1a Equipment



ABB

ABB Energy Storage Experience

Tehachapi – USA 8 MW

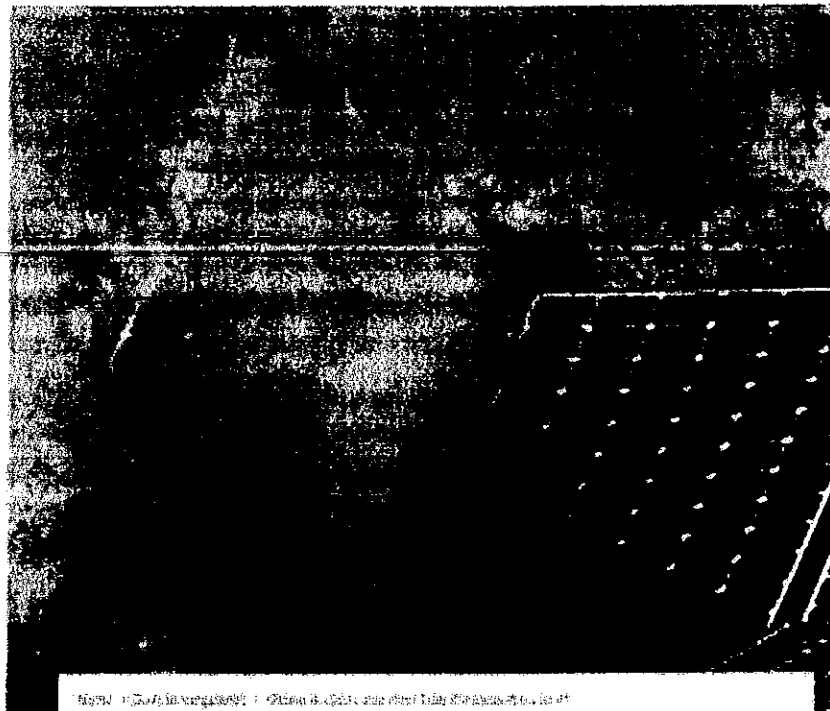


ABB

ABB Energy Storage

ABB Energy Storage

ABB



Obama-backed solar plant literally incinerates itself

Obama-Backed Solar Plant Literally Incinerates Itself

By [Name] and [Name]

Melissa Deffer

From: Sherry Schrade <sschrade@outlook.com>
Sent: Thursday, June 18, 2020 11:28 AM
To: Roger Tidball; Jennifer Howe; Melissa Deffer; Jeffery Schmitt
Subject: Moritorium

Please consider the implications of your actions with regard to the application to expand the Alexander Road substation. In the last months, the attention of all town residents has been on Covid 19. Even if we have not been touched by a loved one having contracted the disease, we are all concerned about the future and how it may change our lives. With this in mind, I please ask your attention to the fact that a halt must be called to all of solar development and resulting changes to the town. We live in a small, beautiful area. Planning for these projects must be long term and thoroughly considered. Yes, I know, change is inevitable, but to agree to pollute the environment, and expose the town population to health risks is irresponsible. We seem to have weathered the storm with one health problem, let's not add another to our future.

Sherry Schrade

PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chairman
Town of Duanesburg Planning Board
5853 Western Turnpike
Duanesburg, NY 12141

June 18, 2020

Re: Eden Renewables Oak Hill Solar, 13590 Duanesburg Road, Delanson, failure to publish finding in the Environmental Notices Bulletin

Dear Chairman Schmitt and the Planning Board,

Please read my statement during Privilege of the Floor and included it in tonight's official meeting minutes.

Why wasn't Eden Renewables Oak Hill Solar 1 & 2 SEQR Type I Negative Declaration published in the Department of Conservation ("DEC") Environmental Notice Bulletin ("ENB") as required by Part 617.12 State Environmental Quality Review?

"(c) Publication of notices.

(1) Notice of a Type I negative declaration, conditioned negative declaration, positive declaration, draft and final scopes and completion of an EIS must be published in the Environmental Notice Bulletin (ENB) in a manner prescribed by the department. Notices must be submitted by the lead agency to the Environmental Notice Bulletin by e-mail to the address listed on the ENB's webpage or to the following address: Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750. The ENB is accessible on the department's website."

January 2020 I spoke with Patricia Gabriel at DEC Region 4 and she confirmed that Oak Hill Solar was not published in the ENB.

Did the town provide the DEC with Oak Hill Solar ENB publication information?

How does this lack of publication impact the legitimacy of Oak Hill Solar SEQR findings?

Laws are made to protect the residents. Failure of town officials to uphold these laws erodes resident's trust in the planning board, building department, town and state. Failure to publish SEQR findings makes a mockery of the entire process.

Please investigate this matter and hold the appropriate parties responsible.

I look forward to hearing from you about this very important matter.

Thank you for assistance.

Regards,

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

cc: Commissioner Basil Seggos, NYS Department of Conservation
Hon. Letitia James, NYS Attorney General
Alicia Barton, NYSERDA President and CEO

Melissa Deffer

From: lynne bruning <lynnebruning@gmail.com>
Sent: Thursday, June 18, 2020 12:42 PM
To: Melissa Deffer
Cc: Jennifer Howe
Subject: comments for Stewarts review June 18 Planning Board Meeting

Ms. Deffer,

Please include my comments during tonight's review of Stewarts gas station/convenience store proposal.

Stewarts - 64.00-2-26.1, (C-1) located at 4032 State Highway 30

Are site plans and application materials posted online for public review?
How do residents access this information?
What is the square footage of the proposed building?
How many gas pumps?
Will Stewarts provide covered outdoor seating allowing appropriate social distancing?
Can indoor booth seating be dispersed allowing for social distancing?
Where is stormwater detention?
Will Route 30 be adequately protected from water sheeting off of the parking area?
Is a flower and tree buffer provided?
Have the residential neighboring parcels been screened from this commercial gas station?
How will this expansion impact the adjacent parcel's property values?

Stewarts located at 94 Park Street in Elizabethtown opened December 2019.

This store has a covered picnic area providing patrons with a place to eat.

https://www.pressrepublican.com/news/local_news/elizabethtown-to-receive-north-country-s-newest-stewart-s-shop/article_613efa97-a720-5931-8bft-a378d99aa275.html

Thank you for your assistance.

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



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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 environmental assessment of the proposed Lisa Whittaker Major Subdivision. The Project's environmental impacts have been evaluated in accordance with the SEQRA Full Environmental Assessment Form, Part 2 - Identification of Potential Project Impacts. None of the potential project impacts have been identified as "Moderate to Large". The proposed Major Subdivision will consist of 32.45 Acre Parcel divided into 4 portions Lot #1 14+ acre parcel, Lot #2 1.5+ acre parcel, Lot #3 6.3+ acre parcel and Lot #4 9.6+ acre parcel. Lots 1,2,3 have existing structures Lot 1 and 2 single family dwellings, Lot 3 two family dwelling. Lot #4 has the potential for future construction.

Any future construction will be consistent with the character of the community and surrounding area, it will also require the drilling of a well which will require approval from NYS Department of Health and connection to the Town of Duaneburg Municipal Sewer which will require a permit to connect. It is anticipated there will be minimal disturbance of soil during construction. Temporary soil erosion control measures will be installed and maintained during any future construction activities.

Should there be any potential impacts to (federal or state) wetland resources, the US Army Corps of Engineers or NYSDEC will be contacted to determine if any permits or approvals are required. Permits and/or approvals will be secured prior to any work occurring which could impact wetland resources.

The site has been identified as having Northern Long-Eared Bats, all tree removal activities must occur between October 31st and March 31st. If these days can not be accommodated, an on-site assessment by the DEC staff may be required.

The State Historic Preservation Office has reviewed the project and it is their opinion that they have no concerns with potential impacts to the historic district resulting from the property subdivision only. If the proposed project will include any building construction, then they will address possible direct and indirect impacts to the historic district. In addition, any ground disturbing activities, such as building and road construction, should be evaluated for impacts to archaeological resources.

Based on this information, the Planning Board has determined that the proposed Major subdivision 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.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

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**TOWN OF DUANESBURG
RESOLUTION NO. 01-2020
Project #19-14**

June 18, 2020

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TOWN OF DUANESBURG
TOWN CLERK

WHEREAS, Steven and Cheryl Perog (the "Perogs") own a single-family residence located at 21 Lea Drive, Tax Map parcel # 43.00-2-28 in the Sage Hill subdivision, a major real estate subdivision approved by the Town of Duanesburg Town Planning Board in the 1990s;

WHEREAS, the Perogs applied for and obtained a building permit and certificate of occupancy for a garage to be located at 21 Lea Drive as an accessory structure to their single-family residence;

WHEREAS, without obtaining a special use permit, building permit or certificate of occupancy the Perogs constructed two apartments inside the garage on the second and third floors of the garage and advertised the apartments for rent;

WHEREAS, an enforcement proceeding was commenced against the Perogs who pleaded guilty and paid a fine in the Town of Duanesburg Town Court for failing to obtain any approvals from the Town for the two apartments that were constructed in the garage;

WHEREAS, the Perogs have applied after the fact for a special use permit from the Town of Duanesburg Planning Board;

WHEREAS, the construction of two apartments within the existing garage is a Type II action under 6 NYCRR Section 617.5 (c)(11) which provides that construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith is a Type II action;

WHEREAS, the Town Planning Board duly scheduled and noticed a public hearing on the application for a special use permit and site plan approval and said public hearing was held on January 16, 2020;

WHEREAS, the Town Planning Board has also received letters from members of the public commenting on the application and has reviewed and carefully considered the letters which are on file with the Town;

WHEREAS, a number of nearby residents of the Sage Hill subdivision were present and commented at the public hearing and provided written correspondence; the residents expressed concerns regarding the availability of water for the two apartments because of water shortages that they have experienced in their single-family residences in Sage Hill and concerns regarding the single-family residential nature of the Sage Hill subdivision which currently does not have any

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multi-family units such as the two apartments proposed by the Perogs in addition to their single-family residence;

WHEREAS, the property is not located within 500 feet of a State or County road and therefore is not subject to referral to Schenectady County Planning pursuant to the General Municipal law; and

WHEREAS, the property is not located within a County certified Agricultural District; and

WHEREAS, the Zoning Code provides at Section 14.6.2 that "[n]o special use permit shall be granted until the Planning Board shall find and determine that: a) Such use is reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community; b) Such use is suitably located in relation to transportation, water and sewerage requirements of this Ordinance or, where not specifically required, that such facilities are otherwise adequate to accommodate anticipated use; c) The character of the neighborhood and values of surrounding property is reasonably safeguarded;

NOW THEREFORE BE IT RESOLVED, the Planning Board makes the following findings:

- 1) The proposed action is a type II action and no further compliance with SEQRA is necessary; and
- 2) Based on information provided by the Building Inspector to the Town Planning Board there are a small number of major residential subdivisions in the Town designed specifically for single-family residences, in addition to Sage Hill, these include the following: Woodlands North (Gutha Rd.) Highlands/Arquette (Mountain View, Arquette Way) Pine Ridge (Evergreen Pl.) Chestnut Hills (Delevan Rd.) and Wendy Ln., in these subdivisions it is ~~not uncommon to find an additional family unit most often used for extended family~~ however, in none of these subdivisions have any owners of single-family residences sought or been granted site plan approval and special use permit for two such units; and
- 3) The character of the subdivision is such that the subdivision consists of large lots with only single-family residences and accessory structures used for accessory purposes such as garages, potting sheds and the like; and
- 4) Allowing one additional unit to the single-family residence is supportable and consistent with other similar subdivisions in the Town. Two additional units would not be consistent with the character of the subdivision and would not safeguard the values of the surrounding properties; and
- 5) Based on the Planning Board's familiarity with the Sage Hill subdivision and the testimony by those that live in Sage Hill with respect to the difficulty obtaining potable groundwater from wells in sufficient quantity, the Planning Board determines two units as opposed to one additional unit would not be suitably located in relation to the proposed use and that the Perogs have provided insufficient evidence to demonstrate that adequate groundwater exists for two such units in addition to their single-family residence; and
- 6) The location of a second unit in the garage on the third floor would also require substantial effort on the part of the Perogs to obtain a building permit and later a certificate of occupancy due to the need for a fire sprinkling system or equivalent; and

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- 7) In light of the above the Planning Board hereby grants a special use permit to the Perogs at 21 Lea Drive to allow them to have ONE Additional unit in the garage that accompanies their existing single-family residence and specifically finds that the application is denied with respect to the applied for second unit in the garage and the Planning Board directs that the kitchen on the third floor be removed.
- 8) The following conditions are imposed in connection with this approval: a) the Town Building Inspector shall inspect the garage and the approved single apartment unit on at least two occasions throughout the year and if the terms and conditions of the special use permit are not being complied with the Building Inspector is hereby authorized to revoke the special permit; b) a water quality and quantity test shall be undertaken at the Applicant's expense by a duly licensed professional, in the presence of the Town Building Inspector, to demonstrate that the quantity and quality of the existing potable water well at the garage will meet the needs of one apartment unit with a maximum of three bedrooms; c) the Building Inspector shall examine the Schenectady County Department of Health approval for the septic system and the septic system when constructed to make sure that it has been built according to the approved specifications.

By (unanimous/majority) vote of the Planning Board of the Town of Duanesburg at its regular meeting of June 18, 2020.

| <u>Roll Call Vote:</u> | <u>Yes</u> | <u>No</u> | <u>Abstain/Absent</u> |
|------------------------|------------|-----------|-----------------------|
| Chris Shoemaker | | | X |
| Jeff Schmitt | X | | |
| Elizabeth Novak | X | | |
| Michael Harris | X | | |
| Thomas Rulison | X | | |
| Joshua Houghton | X | | |
| Martin Williams | | | X |