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Michael Harris, Vice Chairman  
Chris Parslow, Town Planner  
Coryn VanDeusen, Clerk  
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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

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Town of Duanesburg  
Planning Board Minutes  
March 21, 2024  
**Draft Copy**

**Introduction by Chairperson Jeffery Schmidt:**

Good evening everyone we're ready to start tonight's meeting and we welcome everyone to the town of Duanesburg planning board meeting I'm the chairperson of the plan board. Mike Harris is not here tonight and is the vice chair and Elizabeth Novak will not be here tonight she has been a board member for a long time and very good one. Planning Board members present are Jeffrey Schmidt, Joshua Houghton, Michael Walpole, Matthew Hoffman, also present Town Counsel Teresa Bakner and Town Planner and Code Enforcement Officer, Chris Parslow. Town Counsel commented that there is a quorum of four Board members present but all four will need to vote in favor to take any action on a project.

Chair went over changes to the agenda and opened the Open Forum portion of the meeting after all Planning Board members voted in favor. No one had any comments during the Open Forum so that Open Forum was closed upon a unanimous vote of the Planning Board members.

**FUSCO SKETCH PLAN REVIEW**

First item: Sketch Plan review for Al Fusco for property located at 756 Wells Road, a minor subdivision. This is a change to a major subdivision approved earlier this year, seeking to add an additional lot. It was described as follows by Mr. Fusco: I had the 76 Acres broken up last year to create four lots and I live on the remaining lot with only 5 Acres right now I'm asking the town to create another lot which was previously shown on the original major subdivision plat last year and I removed it. But it is just over a 7 acre parcel with an existing old dairy barn. This is pretty straight forward all the setbacks are met and all the paperwork addressed the environmental issues from last year. There were also two old small barn barns that have been demolished on the property. Planning Board member asked counsel how the application should be handled procedurally especially given this is a re-subdivision or amendment and he recalled that during the course of the review of the major subdivision application there were quite a few

comments from some members of the public expressing concern about the proposed lots and that there were some changes made to mitigate the concerns.

Counsel recommended due to the fact that the application is coming so close on the heels of the review of the major subdivision that the Planning Board process the request as an amendment to the major subdivision approval. The applicant had questions regarding it being processed as a major subdivision amendment as opposed to a minor subdivision and was assured that the process, including the public hearing is substantially the same. The Planning Board asked that the plan be updated to show the barns that were demolished and the location of the new building envelope, septic and well.

Motion to table the subdivision request until the April 18 meeting approved by all Planning Board members present, no abstentions.

### **JOHN JAMES MINOR SUBDIVISION**

The applicant described the location of the project on Chadwick Road. The purpose of the subdivision is to create a lot for his granddaughter.

The Board asked if this is a minor subdivision given the number of lots created “administratively” previously. Board counsel advised that it is up to the Planning Board and that they have the discretion to require it be processed as a minor subdivision rather than as a referral to the Building Inspector to be handled administratively.

The Planning Board decided with a unanimous vote to require the Applicant to submit a minor subdivision application and made a motion to table the application until the next meeting.

### **Brietenstein Trust Major Subdivision application**

Joanne Darcy Crumb is representing the trust in seeking a major subdivision for property located on Mud Road and Skyline Drive. She described the history of the property and its characteristics as well as past subdivisions. She discussed the EAF and its identification of federal wetlands on the property.

The Planning Board members had some questions regarding the property but generally found the lot layout acceptable. The Planning Board tabled the discussion until the April 18 meeting by a unanimous vote.

### **Putnum Major Subdivision Public Hearing.**

Putnum is proposing a major subdivision converting one lot into five lots. The public hearing was opened by the Planning Board, a unanimous vote.

John Hitchcock of ABD Engineering did a presentation on the major subdivision consisting of 200 acre lot zoned R1 and Commercial bisected by North Mansion Road.

The smallest new lot is 2.3 acres and the largest new lot is 3.5 acres. OPRHP signed off on the project finding no impacts to historic or archeological resources—a copy is in the town files.

Deborah White who resides at 39 North Mansion Road and shares a

property line with the land proposed to be subdivided. She said she visited the Town Hall and reviewed the plans and also reviewed the Town zoning code and comprehensive plan on the Town website. She encountered multiple references to preservation of the rural character of the Town and found two major headings preservation of community and preservation of natural resources within the context of Natural

Resources reference is made to large trees and the need to safeguard such trees and for the developers to justify their removal. She also commented that the portion of the comprehensive plan entitled preservation of community, describes efforts to coordinate subdivision and development with existing nearby neighborhoods and requires consideration of views from nearby properties. She stated that she wanted to highlight these provisions for the Board and asked the Board to keep them top of Mind as the town Planning Board considers the subdivision and the eventual development of this area. She urged the Board to be guided by respect for current residents and to make every effort to blend new development with the existing landscape. No other comments were received. The Planning Board approved the public hearing being closed unanimously.

Matt Hoffman requested a copy of the SWPPP from the Applicant's engineer. The Application was tabled until the next meeting for consideration of the public comments and completion of SEQRA review in light of the submittal of the OPRHP sign off and other information requested by the Planning Board, such as showing the limits of disturbance and clearing on the plans and confirmation that the driveway locations are acceptable to the County DPW.

### **Thomas Samuelson Application**

Mr. Samuelson described the application in front of the Planning Board to convert a structure into a two family dwelling and to provide for sufficient off street parking that does not encroach on the NYSDOT ROW or the Town Park. The Town Planning Board members expressed concerns regarding the fact that the property is already listed for sale on Zillow as a two family structure when it has not been approved by the Planning Board and that the applicant is building the parking and renovating the structure before approval has been granted by the Planning Board. Both the Board Chair and Board Counsel advised the applicant to stop installing the parking and making other property changes before it was approved by the Planning Board.

There was extensive discussion about the proposed parking and retaining wall and numerous suggestions by the Board concerning other locations on the property where parking could be provided. The Board directed that a fence or railing be placed at the top of the retaining wall.

Concern was also expressed on how snow would be removed from the parking spaces and where it would be stored. The Board was very skeptical that the parking as proposed would be sufficient for a two family structure in the limited space available.

The applicant represented that he would stop his crew from going ahead this weekend with the parking spaces so that the plan could be revised to address the Planning Board's concerns regarding the proposed parking.

The Board unanimously resolved to table the application until the next meeting and both Jeff and Chris planned to go out and view the property.

### **John Heebner Application for lot line adjustment**

Jeff stated that the Zoning Board of Appeals granted the area variance to the Martin's so that they do not have to meet the side setback. The purpose of the lot line adjustment is to correct a situation where the Martin's have placed items on his property and within the setback to his property. The applicant explained that the area in yellow is an area that I'm going to sell to the Martins so that their three sheds, their LP gas tank and their wood fired boiler will be on their property and not on his property.

The property owner asked that the Planning Board specifically condition any approval on the ZBA approval of the area variance which stated that if any of the items that are within the setback are replaced in the future they must be moved so that they comply with the setbacks required in the Zoning Law. The Planning Board unanimously voted to refer the application for lot line adjustment to the CEO to be handled administratively with the following conditions: that the limitations on the area variance be a condition of this approval as well and that the decision of the ZBA be placed in the notes on the plat so future purchasers are aware of the limitations.

### **Application by Krueger Energy LP for a Utility Scale Solar Facility**

The Applicants and their counsel were present at the meeting to argue for a lot line adjustment to all of the lots along the subdivided lots on Alexander Road so that the smaller lots would allow the solar facility to comply with the setbacks in the solar law. There was substantial discussion of the type of subdivision process that would occur and the Planning Board indicated that the process would be handled as part of the overall approval for the project which was subject to public hearing so that procedurally it the subdivision application was processed administratively or as a minor subdivision the process would be the same, i.e. involve a public hearing and, of course, compliance with SEQRA. The Planning Board declared its intent to be lead agency for the review of the action and directed that the Town Staff circulate a notice of intent, the EAF and the application (or a link thereto) to the involved and interested agencies. The vote by the Planning Board was unanimous.

The Applicant's attorney mentioned the ZBA interpretation in their favor with respect to the previous tree clearing. The Board's attorney notified the Applicant's attorney that the Town Board was contemplating some amendments to the Solar Law to address that interpretation and the intent of the Town Board when the tree clearing restriction was developed.

### **Parkview Subdivision and Special Use Permit Application**

The applicant presented where it is in the process of developing the subdivision. The Applicant answered questions by neighbors who were present. These questions had to do with the residential lots proposed on Gage and the fact that the commercial subdivision would only have an emergency access on Gage with its primary access points being off of NYS Route 20. There were questions about fire fighting on site and whether any of the proposed warehouses would have hazardous Materials. The Applicant responded to all the questions. The Planning Board voted unanimously to table the application until the next meeting.

### **The Dekise Subdivision application off Depot Road**

The Applicant described the status of the project and addressed the Planning Board's questions concerning the project. The Planning Board unanimously decided to be SEQRA lead agency for the review of this unlisted action; the Planning Board also directed that the intent to be lead agency be distributed to the involved and interested agencies with the plans and the Short EAF. Matt Hoffman is also going to look at the basic SWPPP and provide any comments to ABD Engineers. Any other action on the subdivision was tabled by unanimous decision of the Planning Board.

The Planning Board could not approve the February meeting minutes as they were not complete.

The Planning Board unanimously voted to adjourn the meeting.