

Jeffery Schmitt, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member
Michael Santulli, Board Member
Matthew Hoffman, Alternate Member
Michael Walpole, Alternate Member

Town of Duanesburg
Planning Board Minutes
May 20th, 2021
Final Copy

RECEIVED

JUN 21 2021

TOWN OF DUANESBURG
TOWN CLERK

MEMBERS PRESENT: Jeffery Schmitt Chairman, Joshua Houghton, Michael Harris, Thomas Rulison, Michael Santulli. Also, in attendance Matthew Hoffman Alternate Member, Michael Walpole Alternate Member, Planning Board Attorney Teresa Bakner, Town Planner Dale Warner and Clerk Melissa Deffer.

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Chairman Schmitt welcomed the two new alternate members Matthew Hoffman and Michael Walpole and asked the Planning Board members to introduce themselves to the public:

Jeff Schmitt Hello, Michael Harris Hello, Thomas Rulison Hello, Joshua Houghton Hello, Michael Santulli Hello, Michael Walpole Hello, Matthew Hoffman Hello, Dale Warner Hello, and Teresa Bakner Hello.

OPEN FORUM:

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

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

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

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

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

PUBLIC HEARINGS:

None

OLD BUSINESS:

#20-21 Kagas, Spiro: SBL#53.00-1-29.21, (C-1) located at 9938 Western Turnpike is Site Plan Approval for accessory use under section 5.2.2 of the Town of Duanesburg Zoning Ordinance. Representing Mr. Kagas is land attorney Donald Zee. Chairman Schmitt explained that they did get the information submitted to the Clerk but because it was submitted two days before the

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Over→

meeting, the board needs time review the revisions made. Also, Chairmen Schmitt stated that the board is still looking for a topo map of the parking area that Engineer Brett Steenburgh agreed he would submit for the next meeting. Mr. Steenburgh explained he uses the program hydro cad and he did show the topography of the parking lot and that there is not much in the way of grading that is going to be necessary because of the parking lot it naturally to where they think the water should go. Creating the swale and adding 8 inches of crush and run and fabric will divert the storm water. The storm water that runs off now onto the abutting property on the southern side will be routed to the new proposed swale that will be created down along the driveway into the roadside drainage. The board would like to see the run on and run off the proposed pad and a diversion swale. Also, a cross-section of the construction of the parking pad. Chairman Schmitt would like a side view drawing of the pad showing the crush and run and fabric they will be using. Attorney Donald Zee explained the signs that will be posted stating no over night parking along with a gate that will be shut over night to ensure no trucks will be there. 14 white pine trees will be planted starting at 4 feet to create a buffer.

Schmitt/Rulison made a motion to table the #20-21 Kagas, Spiro application until the June 17th, 2021 meeting.

Schmitt yes, Rulison yes, Houghton yes, Harris yes, Walpole yes, Santulli yes, Hoffman yes.

Approved

#20-01 Casale Group LLC: SBL# 25.00-2-1.311, (R-2) located at 1485 Mariaville Scotch Church is seeking a Special Use Permit under section 3.5.3; section 8.4(1) and section 14.6.2 of the Town of Duanesburg Zoning Ordinance. Darryl gave the board the update with DOH. Mr. Casale gave the Planning Board a copy of the DOH application that he filed and just waiting a response.

Board Member Harris Read the #20-01 Casale Group LLC Resolution into the record. (Please see attachment)

Harris/Rulison made a motion to approve the resolution for the #20-01 Casale Group LLC application

Harris yes, Rulison yes, Houghton yes, Hoffman yes, Santulli yes, Walpole yes, Schmitt yes.

Approved.

#20-17 Gemmiti, Paul: SBL#52.00-1-12.221, (R-2) located at 1756 McGuire School Rd is seeking a 3 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Land surveyor Mark Blackstone is representing. The 30 days have lapsed on the lead agency letters and Mark has submitted all necessary paperwork to the board. The County Planning only stated that a county permit will be needed for driveways.

Board Member Harris read the SEQRA determination for the #20-17 Gemmiti, Paul application. (Please see attachment)

Harris/ Rulison made a motion that 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 purpose of Article 8 of the Environmental Conservation Law

Harris yes, Rulison yes, Houghton yes, Hoffman yes, Santulli yes, Walpole yes, Schmitt yes.

Approved.

Schmitt/Santulli made a motion to hold a public hearing on June 17th, 2021 for the **#20-17 Gemmiti, Paul** application.

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

NEW BUSINESS:

#20-05 Green, William: SBL# 75.00-3-23.1, (R-2) located at 10966 Duanesburg Rd is seeking a Special Use Permit under Local Law No.5 of 2017 known as agritourism and the operation of a farm brewery, distillery, winery and cidery. Attorney Joseph Villano of Villano Law Firm PLLC represents Mr., William Green. Mr. Green owns 68 acres with 1000 feet of frontage. There is currently a single-family residence with a detached garage on a gravel driveway and a couple agricultural buildings. One of the buildings is a single use 16X26 agricultural building stick built, wood construction and it is used to in Mr. Greens farm operation (a honeybee farm). William harvests honey and bottles it for sale. There is not a lot of profit from bottling and making honey. To create more income and maintain the agricultural nature of the farm William is looking to add a farm meadery. A meadery is simply a honey wine product that is fermented and is 14 percent alcohol. The plan is to not only use his honey but to also purchase other honey from New York farms to use as well. The mead will be produced and fermented on premises, but no sales will be made at 10966 Duanesburg Rd. Mr. Green will be selling his product at liquor stores, local bars, county and state fairs and farmers markets. There will be no signage or tasting rooms, William is looking to keep it simple. A well is already on site it produces 6 gallons per minute for over 2 hours and a septic system. Any waste that will be generated by this product is all natural and simple sugars that can be treated by the current septic system. Mr. Villano states this is a low impact proposal that will enhance the agricultural use of the existing farm. A federal permit has been issued they are waiting on the state permit approvals. The honey winery is starting small with 1500 gallons, done in 20-gallon installments. They will be bottling in 375ML and 750 ML bottles. Once there is a demand created, they may be coming back to the Planning Board to maybe expand if all goes well.

Schmitt/Houghton made a motion to approve holding a public hearing on June 17th, 2021 for the application of **#20-05 Green, William** which is a SEQRA Type II action.

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

SKETCH PLAN REVIEW:

#21-02 Weakly, Dennis, SBL# 35.06-2-48.1, (R-1) Located at 156 Hillside Rd is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Dennis has received his area variances from the ZBA and is now back in front of the Planning board to seek approval to split his land to settle an estate. Dennis explains that the property use to be separate but his father merged the parcels together in the early 2000's. Now that his parents have passed, he would like to subdivide and keep one lot with the single-family residence for himself and the other lot left to his brother that has they garage. The two parcels are across the street from each other, and Mr. Weakly is using the road as a natural divider.

Harris/Santulli made a motion that the Planning board determines that the proposed action **#21-02 Weakly, Dennis** 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 lot line adjustment. 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, Santulli yes, Walpole yes, Schmitt yes, Rulison yes, Houghton yes, Hoffman yes.
Approved.

#21-04 Weaver, Rita: SBL#54.00-2-2.121, (R-2) located at 4894 Skyline Drive is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Rita Weaver explained to the board that they would like to split 9.49-acre parcel that her daughter is currently building a house on. They plan on using an existing stone wall as a natural line meeting all the current zoning setbacks to build. 1 lot will be 5 acres, and the remaining 4.49 acres for Rita and her husband Carl to build on the second lot.

Harris/Santulli made a motion that the Planning board determines that the proposed action **#21-04 Weaver, Rita** 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 lot line adjustment. 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, Santulli yes, Walpole yes, Schmitt yes, Rulison yes, Houghton yes, Hoffman yes.
Approved.

#21-06 Tidball, Roger: SBL# 43.01-1-4, (H) Located at 280 Braman Corners Rd is seeking a Lot Line Adjustment under section 9.9.6(2) of the Town of Duanesburg Subdivision Ordinance. Mr. Tidball explained to the board that he owns 2 parcels next to each other on Braman Corners Rd. Mr. Tidball would like to take 18 feet from 248 Braman Corners Rd and add it to 280 Braman Corners Rd. The Septic is on the opposite sides of the houses and the wells will not be affected at all as well. Adding the 18 feet does meet the zoning requirements for the Hamlet district.

Harris/Santulli made a motion that the Planning board determines that the proposed action **#21-06 Tidball, Roger** 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 lot line adjustment. 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, Santulli yes, Walpole yes, Schmitt yes, Rulison yes, Houghton yes, Hoffman yes.
Approved.

OTHER:

Town Attorney addressed the two new local laws and wanted to make sure the Planning Board Members do not have any more input to add.

MINUTES APPROVAL:

Harris/Houghton made the motion to approve April 15th, 2021 Planning Board minutes with no correction.

Harris yes, Houghton yes, Rulison Abstained, Schmitt yes, Walpole Abstained, Santulli yes, Hoffman Abstained. **Approved.**

ADJOURNMENT:

Santulli/Hoffman made the motion to adjourn at 8:19pm.

Santulli yes, Hoffman yes, Houghton yes, Rulison yes, Harris yes, Schmitt yes, Walpole yes.

Approved.

PO Box 160
Quaker Street, NY 12141

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

Transmitted via email: jhowe@duanesburg.net, mdeffer@duanesburg.net

May 20, 2021

Re: Open Meeting Law, Battery Storage at Oak Hill Solar, and Change Orders at Oak Hill Solar

Dear Supervisor Roger Tidball and Chairman Jeffery Schmitt,

Lynne Bruning 13388 Duanesburg Road. Please include this letter in the official record of the planning board meeting minutes as posted on the town website.

1. Planning Board's lack of transparency, accountability and possible violation of New York State Open Meeting Law

The April 15, 2021 planning board meeting minutes were posted to the town website May 19, 2021. Open meeting law requires minutes be posted within 14 days. It appears that the town is in violation of Open Meeting Law. The lack of digital date and time stamp on the meeting minutes may open the door to fraud permitting the town to rewrite history.

The planning board's May 20, 2021 agenda is posted on the town website. Exhibit A.
<https://www.duanesburg.net/planning-board/agenda/may-20-2021-agenda-updated-may-19-2021>

This webpage provides the agenda's digital date and time stamp indicating it was "Submitted on May 11, 2021 -1:10PM" and "Revised on May 18, 2021 - 8:11AM" and "Revised on May 19, 2021 -3:03PM". Providing digital date and time stamps affords the town accountability and provides the tax payers with full transparency and equal access to town information.

The town's automated notification system sent from "cmsmailer@civicplus.com" provides an email when the planning board's agenda is submitted as well when its revised. This provides an additional layer of accountability. Exhibit B

Bruning May 20, 2021

On May 18, 2021 at 8:07AM MDT the "2021 Planning Board Meeting Minutes" webpage documents that the minutes were posted through "March 28, 2021 Draft". Exhibit C

On May 19, 2021 at 12:47PM MDT the "2021 Planning Board Meeting Minutes" webpage documents that the minutes were posted through "April 15, 2021 Draft". Exhibit D

Unlike the agenda, the planning board minutes do not provide a digital date and time stamp. Also different from the agenda, I do not receive an automated email notification when the minutes are posted. This lack of accountability and transparency opens the door to fraud.

The April 15, 2021 meeting minutes show a rubber stamp mark "RECEIVED APR 20 2021 TOWN OF DUANESBURG TOWN CLERK". The rubber-stamp date found on the minutes is more than 30 days prior to the date the minutes appear on the town website. Exhibit E

The "Planning Board Meeting Videos" webpage provides links to January 18, 2018 through October 18, 2018 (Part3) videos posted on the Town of Duanesburg YouTube channel. A recording for the April 15, 2021 planning board meeting video is not provided either on the town website or on the Town of Duanesburg YouTube channel. Exhibit F.

This appears to be in violation of Open Meeting Law. The town's failure to provide a digital date and time stamp on meeting minutes opens the door to fraud and provides the town with a loophole to rewrite history.

August 26, 2020 I wrote to Supervisor Tidball that "I am informing you that the approved minutes for the July 2020 Planning Board meeting as found on the Town website at 11:00AM EDT Friday August 21, 2020 is not the same document as found on the website at 4:30 PM EDT the same day." Failure to provide digital date and time stamps allows the town change documents without the taxpayers knowledge.

At the October 15, 2020 planning board meeting I informed the board that there were two listings for the August 2020 meeting minutes each with a different file name. As of today, May 20, 2021 the 2020 planning board minutes webpage still contains two entries for August 2020 meeting minutes. Exhibit G. Which one is correct?

Please post meeting minutes within 14 days of the meeting, provide digital date and time stamps on the planning board meeting minutes and post the meeting recordings to the planning board meeting videos webpage.

2. Battery Energy Storage at Eden Renewables application documents for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the Project)

At the April 15, 2021 planning board meeting the board review of the draft solar law with the town attorney Terresa Bakner. The town attorney claimed that the Project site plan includes battery energy storage. The state, county and abutting landowner do not see 11,790 mWh of

battery energy storage per project in the approved documents or on the approved site plan. I request that the town attorney clarify the location of battery energy storage in the approved resolution and site plan. This information should be included in the official project record.

At the April 15, 2021 planning board meeting the town attorney walked the planning board through the changes of the draft solar law. Review of the draft solar law was not on the agenda and the document reviewed was not provided to the public.

During this review the town attorney provided the definition of Solar Storage Battery stating "This is not a [garbles] not the big containers full of lithium batteries where they dump power from a substation in it. We're not talking about that. This is just same stuff that was shown on the Oak Hill Plans which were approved by you all. All the storage was carefully noted on the plans that were approved."

New York State Energy Research and Development Authority NYSEERDA documents obtained through Freedom of Information include, but are not limited to, an October 1, 2019 email between NYSEERDA and the Projects developer, Eden Renewables. The October 1, 2019 email reflects that NYSEERDA can not find 11,790mWh in AC of battery energy storage per solar array mentioned in the approved resolution or negative declaration. Additionally, NYSEERDA can not locate battery energy storage, a combined 23,580 mWh, on the approved site plan. Exhibit H

On May 14, 2021 I emailed with Schenectady County Commissioner of Economic Development, Ray Gillian. Exhibit I. He confirmed that the County does not identify battery energy storage on the Project's March 2019 site plan as provided by the Town of Duanesburg to his office. He signed the County Planning Approval documents for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC on July 11, 2019.

April 15, 2020 my attorney, Douglas Zamelis, submitted a letter to the town that the Project's approved resolution and site plan do not include battery energy storage. Exhibit J. The town did not reply. I resubmitted this correspondence and supporting exhibits at town and planning board meetings. As of today the town has not replied.

I request clarification for the discrepancy between the town attorney's claim that battery energy storage is carefully noted on the Project's approved site plan as opposed to correspondence from NYSEERDA, the County, my attorney and myself documenting that battery energy storage is not found on the Project approved resolution and site plan.

3. The last item discussed at the April 15, 2021 planning board meeting were changes orders for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the Project). This topic was spontaneously raised by the town building inspector/planner Dale Warner (the Planner). Oak Hill solar was not on the meeting agenda and no documents were provided at the meeting. Public comment was not invited.

The Planner informed the board of his Tuesday video call with the owner of the Project. The Planner informed that board that there are three changes which he believes fall within the existing special use permit; a. Removal of seven utility poles at the interconnection point on Duanesburg Road will require that transmission lines be buried; b. The west access road will be extended; and c. Electrical infrastructure will be moved to a more central location on the site.

These changes will likely increase the Project's site disturbance which is already close to one acre. Any Project with site disturbance greater than one acre requires a full stormwater pollution prevention plan (SWPPP). If the Project increases its site disturbance in excess of one acre then it may require permit review by the Department of Environmental Conservation (DEC) and Army Corps of Engineers (ACoE). Planning Board member Martin Williams stated at multiple planning board meetings that stormwater runoff would likely be a problem on this site. Did the town recalculate the site disturbance to add the change orders site disturbance?

Prior to issuing a building permit I request that the town give careful consideration of these, as well as any additional or future, changes in relation to site disturbance and SWPPP runoff. The Project's Full Environmental Assessment Form Part 1 documents that 100% of the Project site is poorly drained and that 10% of the site is on a 10-15% slope. The Project's steepest slope drains into Biggs and Rowlands abutting parcels.

During the public hearings Biggs, Bruning, Rowland and Johnson submitted numerous statements of concern about stormwater pollution and run off damage to their parcels. Johnson and Rowland were particularly concerned about the Project's drainage into their hayfields. Four out of five abutting property owners expressed concern about the Project's use of herbicide. They requested that the owner/operator be prohibited from use of herbicides. Harry Lopes, director of Eden Renewables, stated at the public hearing that he would not agree to a condition prohibiting herbicides and pesticides.

The following narrative specifically addresses each of three requested change orders.

a. Removal of seven utility poles at the interconnection point will require that transmission lines be buried. Trenching for the transmission lines should be added to the Project's overall site disturbance.

The access road is 1,500 feet from the fence to the interconnection point at Duanesburg Road. Site Plan sheet 10 of 11 details a trench dimensions to be 3.94 feet deep and 2.62 feet wide.

$3.94 \times 2.62 \times 1,500 = 15,484$ feet disturbance = 0.36 acre

Is there one trench for both solar arrays? Or will transmission lines be combined in one trench?

Additionally, it appears that the town engineer and the town failed to include site disturbance for trenching the CCTV cable along the perimeter fence for two solar arrays. Site plan sheet 10 of 11 details that the CCTV cable is underground. Exhibit L. The decommissioning plan Appendix 2 documents 7,618 linear feet of fence and CCTV for each solar array.

$3.94 \times 2.62 \times 7,618 = 78,639$ sq ft disturbance = 1.8 acres x 2 power plants = 3.6 acres disturbed for CCTV trenching.

Please verify the Project's site disturbance calculations from this trenching and submit these numbers to the official project record. The owner/operator should not be permitted to skirt site disturbance regulations by submitting anticipated change orders after Project approval. Site disturbance of more than one acre may require additional review by the DEC and ACoE.

b. West access road extension should be added to the overall site disturbance calculations. The Planner did not provide details, a sketch or site plan documenting the request to extend the west access road. The planning board did not ask questions.

Please clarify if a second access road has been added to the Project. Or, is this a change to the west side of the existing access road shown on the approved site plan? Please define "a little". What is the length and width of this proposed change? Will it require clear cutting mature growth trees that are more than six inches in diameter at breast height? The impact on site disturbance caused by this change order should be accounted for in the overall site disturbance calculations.

The approved site plan contains one 10 foot wide access road that is 1,500 feet long without concrete washouts, turn outs or snow dumps. Any expansion or improvements of the access road will increase site disturbance. The approved site plan reflects a site disturbance just under 1 acre. Any changes may require a full stormwater pollution prevention plan and additional review by DEC and ACoE. I request that the site disturbance be recalculated and that the DEC and ACoE be informed if the site disturbance is more than one acre.

Prior to the planning board's September 19, 2019 Project approval residents repeatedly cautioned the planning board and developer about the safety of a 10 foot wide access road for the lifetime of the project. My own driveway is 10 feet wide and a cargo van barely fits this width. Exhibit K.

The developers failure to consider that the access road needs to withstand more than 70 semi truck loads of photovoltaic panels, an untold number of semi-truck loads of metal racking, the delivery of close to 4,000 metal posts, four transformers, spare part containers, more than 15,000 linear feet of fence and construction machinery does not eliminate the town's responsibility for environmental protection, wetland protection, SWPPP regulations, DEC permits, ACoE permits, and consideration of the abutting land owners. Their failure to plan should not become our problem.

During the public hearing I informed the board that Eden Renewables Securities and Exchange Commission Form D documents that Eden is a real estate developer not classified as energy industry specialist. Eden's knowledge of development, construction and operation of a solar energy resource may be limited. Oak Hill Solar is Eden's first experience permitting and developing a solar energy resource in New York State.

Eden's failure to plan for an adequate road which allows for significant construction transportation should not burden the town and abutting landowners. The Project must adhere to state SWPPP regulations, DEC permits, ACoE permits and local law. The developer's inadequate site plans should not place a last minute burden on the abutting residents and town.

c. Electrical infrastructure will be moved to a more central location on the site.

The approved site plan Sheet 10 of 11 shows that transformers, spare parts containers and other electrical equipment is placed directly on the earth. The town engineer, Planner and planning board failed to correct Eden's omission of concrete pads that mechanical equipment rests on. As part of the change order I request that the site disturbance for all concrete pads at the new central locations be added to the overall site disturbance.

The Project began with the omission of the nearest residence which is less than 650 feet from the solar array fence. The town engineer stated there was no construction on the parcel. The Project engineer stated that the nearest residence is over 1,600 feet away.

Over the past two months I have submitted Freedom of Information requests, 103(e)s and emails requesting information and documents for the Project's building permit application. The town has informed me that Oak Hill has not applied for a building permit. The town has not provided me with any documents as requested.

The current, and subsequent, owner/operator's failure to do their due diligence should not unfairly burden the residents. According to the state, county and abutting landowner battery energy storage is not documented in the application, SEQRA, decommissioning plan, approved resolution, approved site plan, negative declaration or the Department of Environmental Conservation Environmental Notice Bulletin.

The approved site plan documents a 10 foot wide access road without turn outs. This width afforded Eden a site disturbance of under one acre. An anticipated change order should not permit the Project to move forward without recalculating the overall site disturbance and SWPPP.

The town should not throw good money after bad. Please clarify battery energy storage and recalculate the overall site disturbance before issuing a building permit.

Thank you for your time and consideration.

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

Enc: Exhibits A through L

EXHIBIT

A

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May 20, 2021 Agenda (Updated May 19, 2021)

SUBMITTED ON MAY 11, 2021 - 1:40PM
REVISED ON MAY 18, 2021 - 8:11AM
REVISED ON MAY 19, 2021 - 3:03PM

Upload file:☒ [may 20 2021 planning board agenda zoom revised 2.pdf](#)**Date:** Thursday, May 20, 2021 - 7:00pm

Contact Info

Phone:

(518) 895-8920

Address:

Planning Board
5853 Western Turnpike
Duanesburg, NY 12056
United States
[See map: Google Maps](#)

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NEW YORK

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EXHIBIT

B



lynne bruning <lynnebruning@gmail.com>

May 20, 2021

1 message

Duanesburg NY <cmsmailer@civicplus.com>
Reply-To: cmsmailer@civicplus.com
To: Lynnebruning@gmail.com

Tue, May 11, 2021 at 11:10 AM

May 20, 2021

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5/20/2021

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lynne bruning <lynnebruning@gmail.com>

May 20, 2021 Agenda (Updated May 19, 2021)

1 message

Duanesburg NY <cmsmailer@civicplus.com>
Reply-To: cmsmailer@civicplus.com
To: Lynnebruning@gmail.com

Wed, May 19, 2021 at 1:03 PM

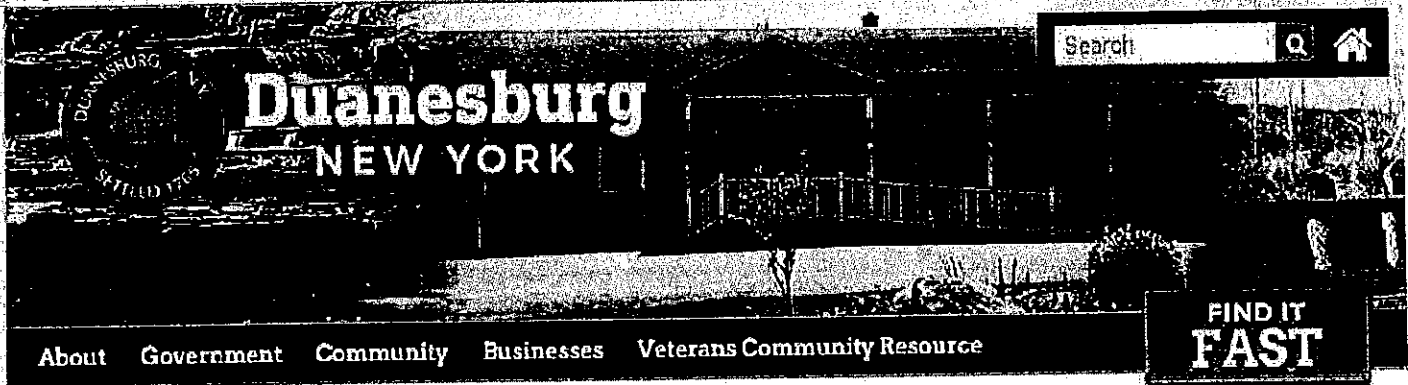
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EXHIBIT

C



April 15, 2021 Casal Public Hearing

Kagas Continuation of Public Hearing April 15, 2021

March 18, 2021 - Public Hearing Kagas

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2021 Planning Board Meeting Minutes

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March 18, 2021

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February 18, 2021

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NEW YORK

5853 Western Turnpike, Duanesburg, New York 12056 | Phone: (518) 895-8920

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2021 Planning Board Meeting Minutes

April 15, 2021 - Draft

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NEW YORK

5853 Western Turnpike, Duanesburg, New York 12056 | Phone: (518) 895-8920

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EXHIBIT

E

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Thomas Rulison, Board Member
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APR 20 2021

TOWN OF DUANESBURG
TOWN CLERK

Town of Duanesburg
Planning Board Minutes
April 15th, 2021
Draft Copy

MEMBERS PRESENT: Jeffery Schmitt Chairman, Joshua Houghton, Michael Harris, Elizabeth Novak, Michael Santulli. Also, in attendance Planning Board Attorney, Terresa Bakner, Town Planner Dale Warner and Clerk Melissa Deffer.

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Chairman Schmitt asked the Planning Board members to introduce themselves to the public.

Jeff Schmitt Hello, Elizabeth Novak Hello, Michael Santulli Hello, Josh Houghton Hello, Michael Harris Hello, Terresa Bakner Hello, Dale Warner Hello.

OPEN FORUM:

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

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

Lynne Bruring located at 19388 Duanesburg Rd (Please see attachment)

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

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

PUBLIC HEARINGS:

#20-21 Kagas, Spiro: SBL #53.00-1-29.21, (C-1) located at 9938 Western Turnpike is Site Plan Approval for accessory use under section 5.2.2 of the Town of Duanesburg Zoning Ordinance. Representing Mr. Kagas is land attorney Donald Zee.

Chairman Schmitt stated that the board has received two photos submitted by Pat Wren of the water runoff. The Board also received a sketch plan drawn up by Engineer Brett Steinberg.

Schmitt/Novak made a motion to open the public hearing for the **#20-21 Kagas, Spiro** application.

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

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EXHIBIT

F

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- April 19, 2018 Part 1
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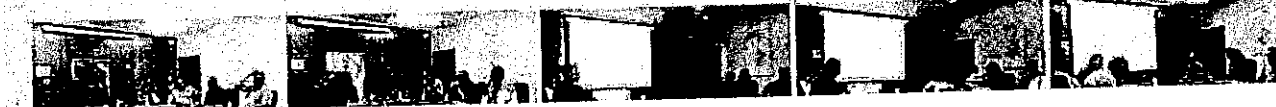
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EXHIBIT

G



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[February 20, 2020](#)

[January 16, 2020](#)

[January 16, 2020](#)

EXHIBIT

H

From: [Stephanie Pullafico](#)
To: [erda.sm.energystorage](#); [Gillian Black](#)
Subject: Fwd: Application 214683 - 13590 Duanesburg Rd - Retail Storage
Date: Tuesday, October 1, 2019 4:12:30 PM
Attachments: [Eden_OH1_E-101-SLD.pdf](#)
[Eden_OH2_E-101-SLD.pdf](#)
[Eden_OH2_Dynapower BTM enclosure 600kWh.pdf](#)
[Eden_OH2_xgi_1500_datasheet_rev_1_december_2018.pdf](#)
[Eden_OH2_SDI_ME2_286s_Technical_Specs.pdf](#)
[Eden_OH2_Dynapower DPS-500 cut sheet.pdf](#)
[Eden_OH2_Dynapower DPS-500 Specification January 2019.pdf](#)
[Eden_ELMBROOK_E-101-SLD.pdf](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Ben,

See attached, corrected SLD, apologies for uploading the wrong ones. Also attached are the equipment cut sheets. I also uploaded the SLD for Brookview Road just in case you need that one too.

I am working with the towns to get minutes for you.

Thanks,
Stephanie

On Tue, Oct 1, 2019, 2:56 PM Retail Energy Storage <energystorage@nyserda.ny.gov> wrote:

Stephanie,

Provide the following 2 items within the next 24 hours to prevent your application from being rejected:

- Hardware specification documents. The zoning application form is helpful, though we also require the hardware specification documents for the application.
- Zoning board meeting minutes. The zoning and planning form is missing the storage capacity value and I see it does include a note on storage. However, we require the zoning board meeting minutes as well.

Can you confirm that the 11790 kWh is the usable installed energy storage capacity in kilowatt hours (kWh) measured in AC power? I'm not seeing this clearly labeled on the design drawing or site plan.

Thank you,

Ben

Application Number 0000214683

EXHIBIT

I



lynne bruning <lynnebruning@gmail.com>

RE: Oak Hill Solar

1 message

Fri, May 14, 2021 at 11:36 AM

Ray Gillen <RGillen@schenectadymetroplex.org>
To: lynne bruning <lynnebruning@gmail.com>
Cc: Jesse McGuire <jesse.mcguire@schenectadycounty.com>

We did not see battery storage on the plans submitted to the County Planning office for this project.

Ray Gillen, Chair
Schenectady County
Metroplex Development Authority
433 State Street
Schenectady, NY 12305
(518) 377-1109, ext.1

From: lynne bruning <lynnebruning@gmail.com>
Sent: Friday, May 14, 2021 1:33 PM
To: Ray Gillen <RGillen@schenectadymetroplex.org>
Cc: Jesse McGuire <jesse.mcguire@schenectadycounty.com>
Subject: Oak Hill Solar

Dear Commissioner Gillian,

Please accept the attached four page PDF correspondence requesting clarification of battery energy storage at Oak Hill Solar located at 13390 Duanesburg Road, Delanson, NY 12053.

Please confirm receipt to lynnebruning@gmail.com

Thank you for your time and attention to this matter.

Respectfully,

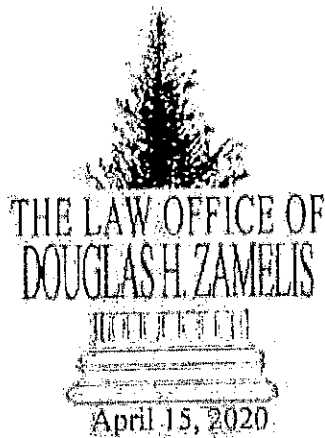
Lynne Bruning

720-272-0956

lynnebruning@gmail.com

EXHIBIT

J



Hon. Richard F. Kauffman, Chair
& Members
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, New York 12203-6399

Re: Oak Hill 1 Solar LLC and Oak Hill 2 Solar LLC, Duanesburg (T), Schenectady County

Dear Chairman Kauffman and Members of the Authority:

This office represents Ms. Susan Biggs and Ms. Lynne Bruning in connection with two community solar projects identified as Oak Hill 1 Solar and Oak Hill 2 Solar (the "Projects") in the Town of Duanesburg, Schenectady County, with listed addresses at 13590 Oak Hill Road and 13686 Duanesburg Road, Delanson, New York, respectively. Ms. Biggs and Ms. Bruning reside at 13388 Duanesburg Road, adjacent to the Projects, and are petitioners in a proceeding pursuant to CPLR Article 78 entitled *Biggs, et al. v. Eden Renewables LLC et al.* presently pending in Schenectady County Supreme Court (Index Number 2019-2217) which seeks invalidation and annulment of the Projects' local land use approvals.

The Authority has awarded funds for the Projects totaling \$7,713,456.00 based on representations by Eden Renewables LLC (and/or a successor-in-interest) concerning the size and capacity of the Projects approved by the Town of Duanesburg Planning Board, and the purported approval of energy storage facilities by that Planning Board. This correspondence clarifies that the combined size and capacity of the Projects approved by the Town of Duanesburg Planning Board is only 65.2 acres and 10 MW, not 95 acres and 15 MW as reportedly represented to the Authority. This correspondence further confirms that, notwithstanding what has been represented to the Authority, the Town of Duanesburg Planning Board did not actually review or approve any energy storage facilities in connection with the Projects.

The Duanesburg Planning Board's September 19, 2019 "Resolution Approving Special Use Permit and Subdivision and Site Plan Approval for the Eden Renewables Oak Hill Solar Energy Projects - 1206 Oak Hill Road" (the "Local Approval Resolution"), a copy of which is attached herewith as Exhibit "A", purported to approve the two 5 MW Projects, for a combined generation capacity of 10 MW. Because Ms. Biggs and Ms. Bruning brought to the Duanesburg

Planning Board's attention that the Local Approval Resolution overstated the size of the Projects, the Local Approval Resolution was amended by resolution embodied in the minutes of the Duanesburg Planning Board's October 17, 2019 meeting, a copy of which are attached herewith as Exhibit "B", which set forth the correct "coverage" for the Projects as "32.8 acres" and "33 acres" for a combined total of 65.8 acres. The Duanesburg Planning Board therefore approved two solar projects with a combined generation capacity of 10 MW to cover a combined +/-65.8 acres.

The combined coverage of +/-65.8 acres for the Projects is consistent with the "Proposed Site Plan for Oak Hill Solar 1&2, Sheets 1 through 11" dated February 8, 2019 (the "Approved Site Plan") prepared by Environmental Design Partnership, LLC resubmitted to the Duanesburg Planning Board on June 6, 2019 which indicates "proposed coverage" of "32.2 acres" and "33 acres" for a combined coverage of +/-65.2 acres.

Sheets 9 and 10 of the Approved Site Plan show site plan details for limited use pervious access roads, limited use pervious wetland crossings, solar field fences, silt fences, construction entrance, trenches, spare parts containers, DC to DC converters, PV tracker systems, CCTV poles, transformer stations, and inverters on poles, the Approved Site Plan does not provide any details for any type battery or energy storage system facilities. Likewise, neither the State Environmental Quality Review Act Full Environmental Assessment Form, Negative Declaration, nor the Local Approval Resolution, as amended, references battery storage anywhere in their texts. The only reference to battery storage in the record of the Duanesburg Planning Board's proceedings is in the minutes of the board's March 21, 2019 meeting where it is indicated "There will be battery storage proposed in ten (10) small enclosures with containment and fire protection". Such facilities were never actually proposed or reviewed though, and both the Approved Site Plan and the Local Approval Resolution, as amended, fail to show, discuss or approve any energy storage facilities in connection with the Projects.

Notwithstanding the omission of energy storage facilities from the Approved Site Plan and absence of any mention of energy storage facilities in the SEQRA documents or Local Approval Resolution, Town of Duanesburg Planner/Building Inspector/Code Enforcement Officer Dale R. Warner somehow acknowledged and confirmed to the Authority on "Confirmation of Local Land Use Approval" forms dated September 23, and 26, 2019 copies of which are attached herewith as Exhibit "C", that "Required Energy Storage Land Use Approvals" had in fact been granted on September 19, 2019, i.e., the date of the Local Approval Resolution which makes no mention of energy storage facilities. Thereafter, Officer Warner acknowledged and confirmed to the Authority on "Presentation to Planning/Zoning Board for Energy Storage" forms dated October 4, 2019 attached herewith as Exhibit "D" which provide "NYSERDA respectfully requests that the municipality sign a copy of this form acknowledging receipt of the below information as part of the Applicant's presentation to the Planning/Zoning Board" for projects of "Energy Storage Size, MW (AC): 5MW AC" and "Solar Project Size, MW (DC) (if applicable): 7.5MW DC". Officer Warner, who is not a member of the Duanesburg Planning Board or Zoning Board of Appeals, acknowledged and confirmed the Authority's "Presentation to Planning/Zoning Board For Energy Storage Facilities Forms" despite the clear indication on the form that they were to be "ACKNOWLEDGED & CONFIRMED BY

MUNICIPALITY Planning/Zoning Board Member". The Duanesburg Planning Board approved no energy storage facilities, and approved only two 5 MW DC community solar projects.

Records obtained from the Authority pursuant to the Freedom of Information Law and filed on the New York State Department of Public Service Document and Matter Management system for matter number 17-02273 indicate that substantial financial incentives by the Authority were contingent and conditioned upon the a) Projects actually comprising a total of 15 MW; and b) approval of associated commercial battery storage facilities by the Duanesburg Planning Board.

By way of demonstration, correspondence from the Authority to Oak Hill Solar 1, LLC dated October 31, 2019 attached herewith as Exhibit "E" states that "Your award in the amount of \$1,498,728 is contingent upon the installation and grid interconnection of a 7,493.64 kW solar electric system for: Oak Hill Solar 1, LLC at 13590 Duanesburg Rd., Delanson, NY 12053 as outlined in the project application. Virtually identical correspondence for Oak Hill Solar 2 LLC of the same date which states that "Your award in the amount of \$1,498,728 is contingent upon the installation and grid interconnection of a 7,493.64 kW solar electric system for: Oak Hill Solar 2, LLC at 13686 Duanesburg Rd., Delanson, NY 12053 as outlined in the project application" is also included herewith as Exhibit "E". Therefore, while awards by the Authority totaling \$2,997,456.00 are contingent on the interconnection of a combined 15 MW of solar electrical systems, the Duanesburg Planning Board's Local Approval Resolution only authorizes the construction of a combined 10 MW.

The "Salesforce" printout for Oak Hill Solar 1, LLC filed with the Authority, a copy of which is attached as Exhibit "F", represents that Oak Hill Solar 1 "Total System Size" is "7,493.640" kW and indicates "Total Number Acres: 46.00". The "Salesforce" printout for Oak Hill Solar 2, LLC filed with the Authority, a copy of which is included in Exhibit "F", represents that Oak Hill Solar 2 "Total System Size" is also "7,493.640" kW and indicates "Total Number Acres: 49.00". These records, filed *after* the issuance of the Duanesburg Planning Board's Local Approval Resolution which authorized a combined 10 MW on only +/- 65.2 acres, purport to represent to the Authority that the Projects would have a combined generation capacity of 15 MW on 95 acres.

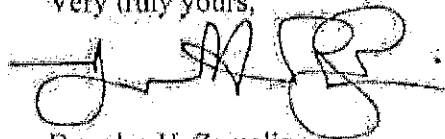
In addition to the \$2,997,456.00 awarded by the Authority for the Projects under the "NY-Sun Program", according to correspondence from the Authority dated October 28, 2019 attached herewith as Exhibit "G" indicates the Authority awarded \$2,358,000.00 each for Oak Hill 1 Solar and Oak Hill 2 Solar under the "Retail Energy Storage Incentive Program" which funds were "contingent upon the installation and grid interconnection of a 5,000.00 kW/11,790.00 kWh (useable installed energy capacity measured in AC) energy storage system". However, as established above, neither the SEQRA EAF, Negative Declaration, Approved Site Plan, nor the Local Approval Resolution reference any energy storage facilities in connection with the Projects, and therefore such storage facilities were never in fact reviewed or approved by the Duanesburg Planning Board. The Authority has therefore granted \$4,716,000.00 in incentives for energy storage systems for the Projects when Eden Renewables LLC never obtained approval from the Duanesburg Planning Board for any energy storage facilities in connection with the Projects.

Please be advised Ms. Biggs and Ms. Bruning reserve all their statutory and common law rights and remedies to enforce the Town of Duaneburg Zoning Law and Final Approval Resolution in a Declaratory Judgment Action in Schenectady County Supreme Court in the event Eden Renewables LLC (or its successor-in-interest) constructs the Projects in excess of 10 MW, 65.8 acres, and/or attempts to install any energy storage facilities.

On behalf of Ms. Biggs and Ms. Bruning, we respectfully request that this matter be investigated, and if the Authority determines that the Projects do not satisfy the contingencies of the \$7,713,456.00 in incentives as set forth above, that it revoke or withhold such incentives as appropriate.

Thank you very much for the Authority's careful consideration of this important matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. H. Zamelis', with a stylized flourish at the end.

Douglas H. Zamelis

cc:

Alicia Barton, NYSEDA President & CEO
Hon. Letitia James, NYS Attorney General
Hon. Letizia Tagliaferro, NYS Inspector General
Hon. Thomas DiNapoli, NYS Comptroller
Hon. Roger Tidball, Supervisor, Town of Duaneburg
Teresa M. Bakner, Esq., Counsel to Town of Duaneburg
Daniel A. Spitzer, Esq., Counsel to Eden Renewables LLC

EXHIBIT

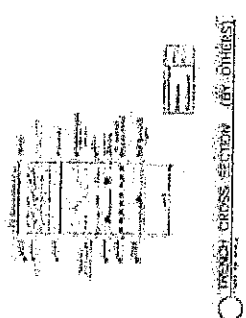
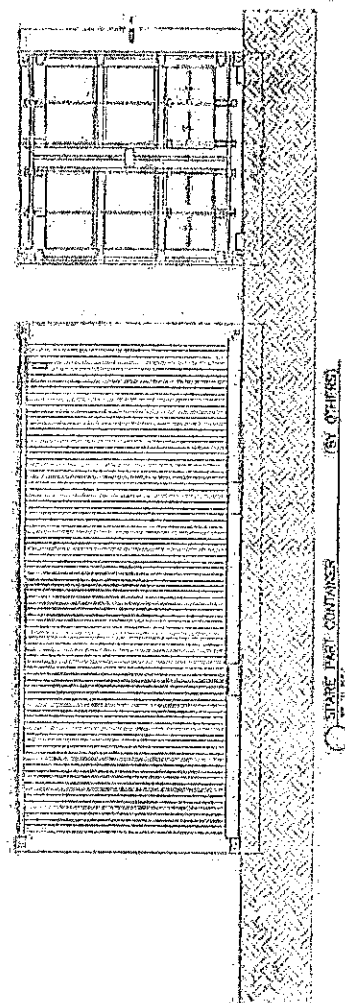
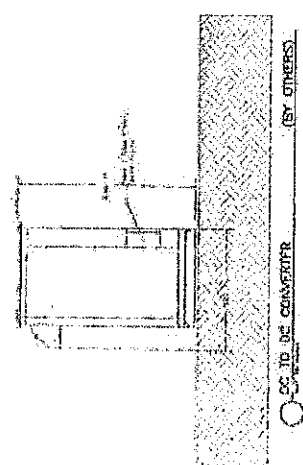
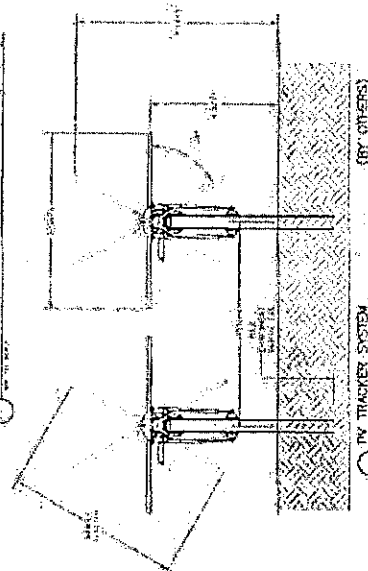
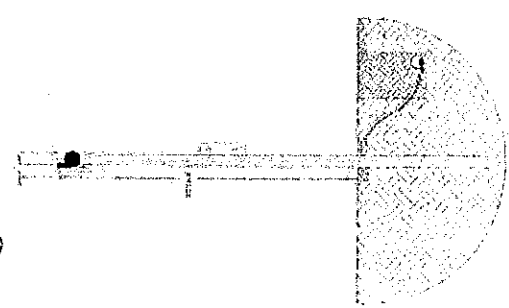
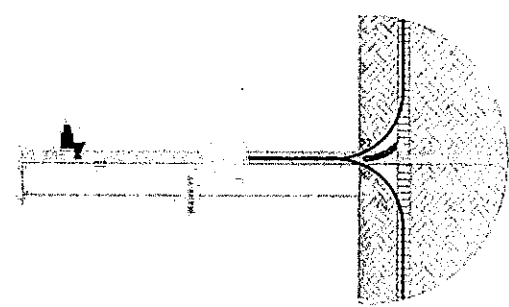
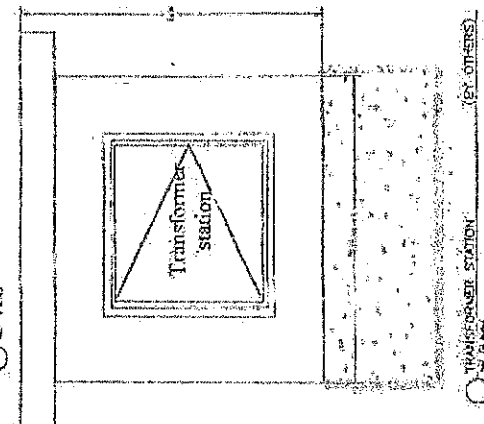
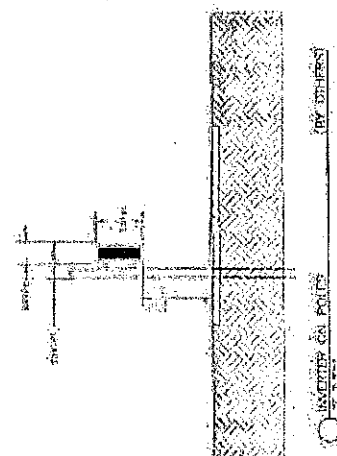
K





EXHIBIT

L



Town of Duanesburg Planning Board Resolution 01-2021

Date of Planning Board meeting May 20, 2021

Resolution moved by Harris and seconded by Rulison

WHEREAS, the Casale Group LLC applied for a special use permit for a senior assisted living facility at an existing group home, owned and formerly operated by ARC, located at 1485 Mariaville Scotch Church Road (SBL #25.00-2-1.311), located within the R-2 Zoning District in the Town of Duanesburg;

WHEREAS, the application for a special Use Permit was made under section 3.43; section 8.4(l) and section 14.6.2 of the Town of Duanesburg Zoning Ordinance on December 10, 2020;

WHEREAS, the Building Inspector of the Town determined that the assisted living facility is allowed in the R-2 Zoning District upon the issuance of a special use permit;

WHEREAS, the Town Planning Board determined pursuant to the NYS Environmental Quality Review Act that the proposed reuse of the property as an assisted living facility was a type II action as the property was previously used for a similar purpose and no changes are proposed to the exterior of the facility beyond maintenance and repair;

WHEREAS, the Town Planning Board reviewed the application and asked questions and requested additional information concerning the sufficiency of the septic system and the water supply system, both of which are private and on-site systems, and the Applicant provided information concerning the water and sewer showing how the original systems had been approved by Schenectady County Department of Environmental Health (sewer) and the NYSDOH (water);

WHEREAS, the Applicant provided its business plan and numerous updates to the Town Planning Board on the status of the application being submitted to the NYSDOH for approval of the assisted living facility;

WHEREAS, the complete application was referred to Schenectady County Planning pursuant to the NYS General Municipal Law and on April 13, 2021, Schenectady County Planning recommended approval subject to a condition requiring the approval of the NYSDOH and the Schenectady County Department of Environmental Health;

WHEREAS, a duly noticed public hearing was held on April 15, 2021 at the regularly scheduled Planning Board meeting and no one commented on the project;

NOW, THEREFORE, BE IT RESOLVED that the Town Planning Board hereby approves the application seeking a special use permit for the operation of a senior assisted living facility at 1485 Mariaville Scotch Church road where the existing owner ARC operated a group home for many years; subject to the following conditions:

1. NYSDOH approvals for the operation of the Assisted Living Facility shall be provided to the Town of Duanesburg Building Inspector prior to the issuance of a certificate of occupancy for the Assisted Living Facility;
2. Schenectady County Department of Environmental Health approvals for the operation of the sewage disposal system for the assisted living facility shall be provided to the Town of Duanesburg Building Inspector prior to the issuance of a certificate of occupancy for the Assisted Living Facility; and
3. Any necessary approvals for the operation of the potable water system shall be provided to the Town of Duanesburg Building Inspector prior to the issuance of a certificate of occupancy for the Assisted Living Facility.

By (unanimous/majority) vote of the Planning Board of the Town of Duanesburg at its regular meeting of May 20th, 2021.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Jeff Schmitt	x		
Elizabeth Novak			x
Michael Harris	x		
Thomas Rulison	x		
Joshua Houghton	x		
Michael Santulli	x		
Matthew Hoffman	x		
Michael Walpole	x		

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 Duanesburg Planning Board has completed an environment assessment of the proposed 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 consisting of three lots. Lot #1 consists of 2.35 acres; Lot #2 has an existing single family dwelling and is 2.54 acres; Lot #3 will consist of 7.71 acres. The proposal is consistent with the Town Comprehensive Plan and compliant with the Zoning Ordinance for the (R-2) Agricultural and Residential Zoning District.

It is anticipated that single family dwellings may be built in the future on lots 1 and 3 and will be consistent with the existing community character with no aesthetic impacts anticipated. The proposed action will not have an impact on the environmental characteristics that would cause the establishment of a Critical Environmental Area. The proposed action will have no impact or any adverse change to the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway. The proposed action will have little to no increase in energy usage, any outdoor lighting is for residential purposes, any noise or odors associated with construction activities will be temporary. The proposed action will require the drilling of private wells and private septic systems which will require approvals from the NYS Department of Health. It is anticipated minimal disturbance of soil for construction which will require temporary soil erosion control measures to 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 Howard Homestead is approximately 2000 feet from the site because construction is anticipated then SHPO may wish to evaluate for any possible direct or indirect impacts. The proposed Subdivision is not in a 100 year Flood Plain or remediation site. This Action will not result in any impacts to agricultural resources although the parcels are surrounded by Schenectady County agricultural districts and are subject to odors and noise associated with farming activities.

Therefore 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

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Gemmiti Major Subdivision

Name of Lead Agency: Town of Duanesburg Planning Board

Name of Responsible Officer in Lead Agency: Jeffrey Schmitt

Title of Responsible Officer: Planning Board Chairperson

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Dale Warner

Address: 5853 Western Turnpike Duanesburg, NY 12056

Telephone Number: 518-605-9425

E-mail: dale@duanesburg.net

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM