

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



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

TOWN OF DUANESBURG
SCHENECTADY COUNTY

Town of Duanesburg
Planning Board Minutes
November 17th, 2022
Final Copy

RECEIVED
DEC 28 2022
TOWN OF DUANESBURG
TOWN CLERK

MEMBERS PRESENT:

Jeffery Schmitt- Chairperson, Elizabeth Novak, Joshua Houghton, Matthew Hoffman, Michael Walpole, Planning Board Attorney Teresa Bakner, Town Planner Dale Warner, and Planning Board Clerk Melissa Deffer.

INTRODUCTION:

Chairperson Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Mr. Schmitt would like to thank Michael Santulli for his time that he has served on the Planning Board, and good luck with his new position on the Town Board.

Chairperson Schmitt asked the Board to introduce themselves to the public. Jeff Schmitt- Chairperson, Elizabeth Novak- Board Member, Teresa Bakner- Planning Board Attorney, Matt Hoffman- Board Member, Mike Walpole- Planning Board Member, Josh Houghton- Planning Board Member.

OPEN FORUM:

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

Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes. **Approved.**

Susan Biggs located at 13388 Duanesburg Rd (**Please See Attachment**)

Lynne Brunings located at 13388 Duanesburg Rd (**Please See Attachment**)

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

Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes. **Approved.**

SKETCH PLAN REVIEW:

None

NEW BUSINESS:

None

OLD BUSINESS:

#21-21 Serth, Joseph: SBL# 35.05-1-19.2, (R-1) located at 216-218 Batter St is seeking a Special Use Permit for use for an event venue under Local Law #1 2021 of the Town of Duaneburg Zoning Ordinance. Chairperson Schmitt explained to Mr. Serth that the Board has determined the application is an Unlisted action under SEQRA. The Planning Board Clerk has sent out coordination letters on Friday October 21st (the coordination period is not up). Using a full EAF part 1 for the event, parts 2 and 3 still need to be filled out. Schenectady County Planning has sent a response back on the new information that was sent to them. They did have conditions that will be attached to the permit if approved. A no impact letter was received from NYSOPRHP. The Board Received 2 comment letters from Mr. Segrue (**Please See Attachment**) The Mariaville Fire Chief submitted a sign off for the access driveway. The Board still needs to review the new information, County Planning recommendation, the local law and performance standards for special use permits. Mr. Serth explained to the Board what he has submitted everything that the Board has asked for. Mr. Serth brought his sound technician Mr. Burchhardt to the October meeting and explained his findings. Mr. Serth also explained that he has started to construct a driveway for the property with the Bed and Breakfast on it. Board Members Hoffman and Houghton stated that Mr. Serth has submitted an actual site plan and it has come a long way but there are things that have been added to the site plan and or taken off. The Board explained to Mr. Serth that they can either approve or deny the application and that the following items are what the Board still needs for the application.

1. Show all existing impervious areas on the plan
2. Show all proposed impervious areas on the plan with some type of distinctive hatch or shading
3. Provide a limits of disturbance (LOD) boundary line on the plan for all proposed disturbances associated with this site plan
4. Provide in tabular format the following items, proposed LOD in acres, existing impervious area in acres, proposed impervious area in acres
5. Provide a photometric plan for the proposed lighting including pole heights and light fixture models to ensure compliance with town lighting requirements
6. Remove the alternate driveway through the neighboring property
7. Revise the note and leader for the sound dampeners to 6' high stockade fencing
8. Provide locations of potential temporary sound dampeners
9. provide cut sheets or details of proposed sound dampeners including material type height and width
10. Show the location of the proposed temporary fencing at the eastern property line in the front yard
11. Show the location of the temporary sign with contact information during an event
12. Show the minimum setback requirements for the proposed parking in accordance with Town Code
13. Revise the handicap parking spaces to include the required number of van accessible parking with hatched no parking areas including all required stripping and signage
14. provide a letter from Schenectady County Department of public works that both driveway curb cuts following county design standards. If the curb cuts are not in compliance with county standards the plans shall be revised, including layout and details as needed.
15. Add a note to the plan that no trees or vegetation around the perimeter of the property shall be removed

16. Add a note to the plan that all amplified music shall be located within the Barn

Mr. Serth asked for all the comments from Board Member Hoffman and Houghton in writing so he could start working on them with his engineer.

Novak/Walpole made a motion to table the #21-21 Serth, Joseph application until the December 15th, 2022, meeting.

Novak yes, Walpole yes, Houghton yes, Hoffman yes, Schmitt yes. **Approved.**

#22-11 Primax Properties, LLC c/o Bohler; SBL# 55.00-4-11.6, (C-2) located at Rt 7 are seeking a Special Use Permit under section 12.4(28) of the Town of Duanesburg Zoning Ordinance. Caryn Mlodzianowski with Bohler Engineering who representing Primax Properties, LLC was present at the meeting. Caryn explained Bohler has provided a new set of plans was submitted with the corrections that were asked to be done regarding to the landscaping, and new building plans with a more aesthetic Dollar General model that looks more like the community character of Duanesburg.

Houghton/Hoffman made a motion to approve the #22-11 Primax Properties, LLC c/o Bohler application as read in the resolution with the conditions as written. **(Please See Attachment)**

Houghton yes, Hoffman yes, Novak yes, Schmitt yes, Walpole. **Approved.**

PUBLIC HEARINGS:

None

OTHER:

Board Member Houghton would like to know the Code Enforcement Officer went out to Pat Waltz business to check out the status of the landscaping plan.

MINUTES APPROVAL:

Schmitt/Novak made the motion to approve October 20th, 2022, Planning Board minutes with no corrections

Schmitt yes, Novak yes, Hoffman yes, Walpole yes, Houghton yes. **Approved.**

ADJOURNMENT:

Hoffman/Walpole made the motion to adjourn at 9:07pm.

Hoffman yes, Walpole yes, Houghton yes, Schmitt yes, Novak yes. **Approved.**

Melissa Deffer

From: Susan Biggs <azurevista@hotmail.com>
Sent: Friday, November 18, 2022 7:58 AM
To: Melissa Deffer
Cc: Lynne Bruning
Subject: November 17, 2022 Planning Board

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

Dear Jeffery Schmitt, Chair Town of Duanesburg Planning Board,

Susan Biggs 13388 Duanesburg Road. Please include my privilege of the floor statement in tonight's official meeting minutes as posted on the town website.

Please provide in writing what lawsuits the town of Duanesburg planning board has been involved in during 2022 or may currently be involved in.

Thank you for your time and consideration.

Please confirm receipt to azurevista@hotmail.com

Susan Biggs
azurevista@hotmail.com

PO Box 160
Quaker Street, NY 12141

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

Transmitted via email: jhowe@duanesburg.net

November 17, 2022

Re: Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC site plan compliance: tree planting

Dear Jeffery Schmitt,

Lynne Bruning 13388 Duanesburg Road. Please include my privilege of the floor statement in tonight's official meeting minutes as posted on the town website.

At the October 20, 2022 planning board meeting Susan Biggs and I submitted a letter and color annotated photographs to the board detailing Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC, (the "Project") possible lack of compliance with tree planting shown on Drawing C5.02 Sheet 21 of 30 "EVERGREEN TREE PLANTING" detail.

At this meeting the town/board attorney replied that a meeting was scheduled with the Project management to review site plan compliance for tree plantings. The attorney also said that town code inspector, Dale Warner, may contact me for an affidavit stating that the Project worked on Saturdays and Sundays.

On Friday October 21, 2022 Bruning received an email from the town/board attorney reiterating what was said at the planning board meeting.

On November 3, 2021 I received an email from Supervisor Wenzel that representatives of Prime AE and ENCON have looked into areas of concern and that the issues are in the process of being addressed.

The very next day, November 4, 2022 the Project removed additional existing trees and vegetation along the Project's eastern property line. This tree removal is not shown on the approved site plan Drawing C1.02 Sheet 6 of 30 "EXISTING CONDITIONS & DEMOLITION PLAN OAK HILL 2."

After this tree removal the Project planted some evergreen trees. As with all other plantings, these trees do not appear to be planted compliant with the site plan. Bruning submitted an email to the town on November 4, 2022 documenting the recent tree removal and plantings.

As of today, November 17, 2022, the town and the code inspector have not updated me about the Project's compliance for tree planting, an affidavit or any other matters concerning the Project.

As of Sunday November 13, 2022 the tree planting had not been brought to compliance to meet site plan requirements shown on Drawing C5.02 Sheet 21 of 30 "EVERGREEN TREE PLANTING" detail:

- "TOP OF HOLE SHALL EQUAL 3x THE ROOTBALL DIA."
- "12" MIN." shown between rootball and side of hole
- Rootball shown flush with finish grade
- "REMOVE TOP ONE-THIRD OF BURLAP AND WIRE BASKET FROM ROOTBALL"
- "2" - 3" DEEP MULCH"
- "SOIL SAUCER OR BERM (APPROXIMATELY 3" DEEP TYP.)
- "TREES SHALL BE STAKED AT LEAST ONE HALF AND NO MORE THAN TWO THIRDS OF THE WAY UP THE TREE USING NYLON BELT LIKE MATERIAL OR APPROVED EQUAL."

It is unknown if the other details meet compliance because they are out of sight.

- "A MIN. OF 12" SHALL BE PROVIDED AT THE BASE OF THE ROOTBALL
- "COMPACT PLANTING MIX UNDER ROOTBALL AND SLOPE TOWARDS PERIMETER OF PIT"
- "DEPTH OF THE HOLE SHALL EQUAL THE HEIGHT OF THE ROOTBALL"
- "SCARIFY & BREAK UP SIDES OF PLANTING HOLE THAT ARE GLAZED OR HARDENED"
- "BACKFILL WITH EXISTING SOIL OR AMENDED PLANTING MIX (ONLY IF SPECIFIED/RECOMMENDED)"

It is unknown if at time of planting the Project complied with Drawing C5.02 "WATER THOROUGHLY TO HELP ENSURE REMOVAL OF AIR POCKETS AND PROPERLY SET THE TREE."

The Project's March 7, 2022 Stormwater Pollution Prevention Plan (the "SWPPP") page 711 "Post Construction Operation and Maintenance (O&M) Manual for Stormwater Management Facilities Section 3.0 First Year Maintenance" states "Water vegetation once every three days for the first month, then provide a half inch of water per week during the first year."

Daily observation from Biggs property indicated that there were no signs of watering all, if any, of the evergreen tree plantings at time of planting. There was no visible evidence of trees being watered every three days for the first month.

Additionally, page 712 Section 3.0 First Year Maintenance Plan states "Keep site free of vehicular and foot traffic and other weight loads." Bruning has documented to the town that all terrain vehicles carrying construction workers and hunters regularly traverse the Project's eastern property line near the tree plantings. This frequent vehicular traffic is creating a dirt road. The compaction of soils may increase stormwater erosion and prevent tree growth.

Again, I request that the town hire a new inspector for this Project. Prime AE did not inform the board that the May 7, 2018 site plan was not compliant with the town Solar Law 3.f limiting tree clearing to 20,000 square feet. September 19, 2019 they claimed to review a glare study that was not provided to the board. They approved a site plan that was not to scale, omitted neighboring houses and was not stamped by an engineer. Prime AE may have a conflict of interest.

I request that the planning board and or town board direct the attorney to provide Susan Biggs an update in writing detailing what steps the town has taken to bring the Project's evergreen plantings into compliance with the site plan and the SWPPP.

Additionally, please provide in writing the town's next steps and timeline of action to protect the Biggs property from industrial views, increased noise levels at the property line, and increased stormwater pollution.

We look forward to your prompt response.

Thank you for your time and consideration.

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

Cc: William Wenzel, Supervisor Town of Duanesburg
Jamie Malcolm, NYS Department of Environmental Conservation

Enc: Image 1 November 12, 2022 color annotated view from Biggs property to the Project
Image 2 November 12, 2022 color annotated view from Biggs property to the Project
Drawing C1.02 Sheet 6 of 30 Existing Conditions & Demolition Plan for Oak Hill 2
Drawing C5.02 Sheet 21 of 30 Landscaping Notes and Details
Page 711 and 712 of the Project's SWPPP Stamped and Signed on March 7, 2022



Oak Hill Solar 2, LLC

Image 1
Bruning to Planning Board November 17, 2022

October 12, 2022 7:50 AM

View from Biggs property towards the south west and Oak Hill Solar 2, LLC

Apx. 2,200 feet north of Duaneburg Road

The contractor removed existing stand of trees on or about November 4, 2022.

Request that town code enforcement officer and a town board member
verify compliance of tree plantings with Drawing C5.02 for:

Hole 3x width of rootball

12" minimum between rootball and side of hole

Remove top one-third of burlap from rootball

Remove wire cage from rootball

Soil saucer or berm around tree approximately 3" deep

2" - 3" mulch around tree

Depth of hole should equal height of rootball

Tree stakes two thirds up the tree with nylon belt material or equivalent

Tree is not straight

Tree is not staked

Stormwater erosion

N



Image 2

Bringing to Planning Board November 17, 2022

October 12, 2022 8:04 AM

View from Biggs property towards the south west and Oak Hill Solar 2, LLC
Apx. 2,700 feet north of Duanesburg Road

Request that town code enforcement officer and a town board member verify compliance of tree plantings with Drawing C5.02 for:

Hole 3x width of rootball

12" minimum between rootball and side of hole

Remove top one-third of burlap from rootball

Remove wire cage from rootball

Soil saucer or berm around tree approximately 3" deep
2" - 3" mulch around tree

Depth of hole should equal height of rootball

Tree stakes two thirds up the tree with nylon belt material or equivalent

Oak Hill Solar 2, LLC

Tree is not staked

Stormwater erosion

Rootball is wrapped in burlap and the wire cage is visible.
The rootball is exposed to air, is not covered in soil, is not covered with mulch and is not level with the existing grade.

N

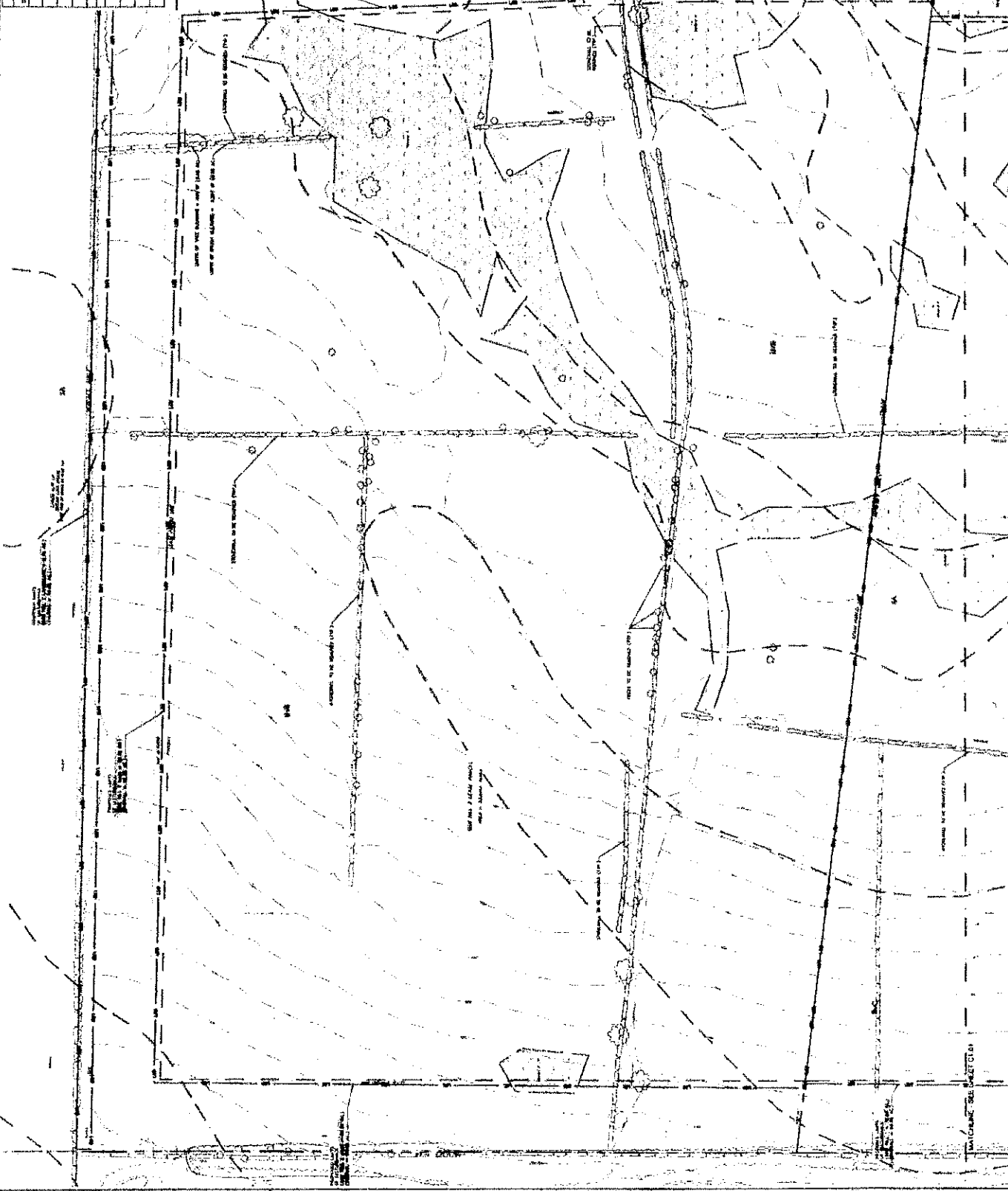
[illegible]

2023 年 10 月 20 日
 2023 年 10 月 20 日
 2023 年 10 月 20 日

GREENCELLS
USA INC.
3417 Redwood Road
Suite 1100
Durham, CA 94598

ERDANTERRA
ON THE MOUNTAINS OF THE
CATHEDRAL OF THE
THE MOUNTAINS
THE MOUNTAINS

ISSUED FOR CONSTRUCTION

[illegible][illegible]



1.0 Introduction

The stormwater management system for the Oak Hill 1 & 2 Solar Farm project consists of shallow infiltration trenches along the perimeter of the equipment pads. The following O&M Manual outlines the minimum requirements for maintaining the stormwater management facilities, as required in Section 3.5 of the New York State Stormwater Management Design Manual (SMDM).

1.1 Purpose of the Manual

This manual is intended to outline the requirements for proper maintenance and operation of the stormwater management facilities associated with the Oak Hill 1 & 2 Solar Farm. Proper maintenance ensures the following:

- Stormwater facilities operate as they were designed;
- Stormwater facilities remain free of sediment, debris, and potential pollutants; and
- Stormwater facilities do not result in adverse downstream impacts to environmentally sensitive areas.

Oak Hill 1 & 2 Solar Farm will be solely owned, operated, and maintained by Greencells USA, Inc. (the Owner). The Owner is responsible for ensuring that the stormwater management facilities installed on the Project Site are properly maintained and that they function as designed. In some cases, the maintenance responsibility may be assigned to others through special maintenance agreements. Stormwater management practice schematics for the Project Site are provided in Appendix A. Maintenance agreements associated with this Project shall be included in Appendix D of this Manual.

This Manual details the various stormwater facility components and the general operation and maintenance activities required for each component. Additional operation and maintenance information may be found in the SMDM and the New York State Standards and Specifications for Erosion and Sediment Control.

2.0 Inspection and Maintenance Schedule

The stormwater management systems shall be inspected and maintained regularly to ensure proper site function. Inspection frequency may depend on the stormwater management systems and facilities present at the Project Site.

A Maintenance Inspection Form shall be completed during each inspection to document the Site conditions and required maintenance activities. Maintenance activities may include, but are not limited to, removal of sediment, trash, or debris; vegetation management; erosion repair; and revegetation of exposed soils. A blank sample Maintenance Inspection Form has been included in Appendix B. Completed Maintenance Inspection Forms shall be incorporated into Appendix C.

3.0 First Year Maintenance

The following maintenance activities are required during the first year following Project completion:

- Water vegetation once every three days for the first month, then provide a half inch of water per week during the first year.



- Fertilization may be needed in the fall after the first growing season to increase plant vigor. Fertilizer application and use should be in accordance with local, state, and federal laws and regulations.
- Keep the site free of vehicular and foot traffic and other weight loads.

4.0 General Site Maintenance

Site cover and associated structures should be inspected periodically for the first few months following construction and then on a bi-annual basis. Site inspections should also be performed following major weather events such as, but not limited to, major storm events, thunderstorms, and significant snow melt.

Items to inspect for include, but are not limited to:

- Differential settlement of embankments, cracking, or erosion.
- Lack of vegetative cover density.
- Sediment accumulation on the ground surface or within stormwater management practices or conveyance systems.
- Accumulation of debris, litter, or pollutants such as oil or grease on the ground surface or within stormwater management practices or conveyance systems.
- Damage to or weakness of stormwater management practices or conveyance systems.

4.1 Site Restoration

Areas within a Project Site that have undergone site restoration should be inspected periodically for the first six months and once after each storm event greater than a half-inch.

Items to inspect for include, but are not limited to:

- Checking embankments for subsidence, erosion, cracking, undesirable tree and shrub growth, and the presence of burrowing animals.
- Health and vigor of vegetation such as trees, shrubs, grass, and flowers.
- Accumulation of sediment or vegetative debris such as leaves and branches.

4.2 Tree Planting/Preservation

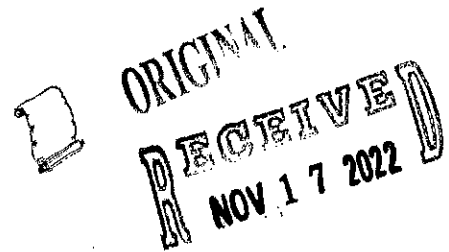
During the first three years, mulching, watering and protection of young trees is necessary. Inspection of trees should be performed every three months and within the one week of ice storms and high wind events, reaching speeds of 20 mph, until trees have reached maturity. As a minimum, inspection should include assessment of tree health, inspection for evidence of damage or disease, and determining the survival rate of damage and diseased trees. Trees shall be pruned and treated as necessary, and dead trees shall be replaced.

5.0 Winter Maintenance

To prevent impacts to stormwater management facilities, the following winter maintenance limitations, restrictions, and/or requirements are recommended:

November 17, 2022

Terresa Bakner
Town of Duaneburgh



My reading of the ordinance for a special permit for a wedding venue grandfathered in the existing Bed and Breakfast. It does not address the issue of an new bed and breakfast. With the closing of the grandfathered facility any new operation is not eligible to benefit from these provisions. Applicants cannot bootstrap exemptions to circumvent the prohibition against business activities in the Lake district.

Simply saying that an existing rental property is now a bed and breakfast does not change the ordinance and allow large events because on occusaion you rent one bedroom. That does not make it exempt from the prohibitions listed in the ordinance. To date we have nothing more than the applicant's word that this exists. Where are the business documents that shows it to be true.

Is it registered with the State? Does it have a certificate of authority to collect sales tax? Who are the daily operators who will reside in the B&B? What is their status as it relates to the business?

Simply put saying you are now a B&B is not sufficient! Especially in light of community opposition to proposed facility.

A review of submissions by the applicant reveals:

1Excessive times for the removal of waste and cleaning of porta pottys.

2 Notice of events should be provided to the Mariaville Civic Association a minimum of 21 days prior to the event date.

3Nothing to do with this wedding venue should be discretionary. If screening is required it must be installed.

4What defines a neighbor? Do they have to just have to live in the lake district?

5 This insurance requirement should be determined by the Town and not the applicant. \$500,000 is way to low given the many million dollar jedgements that are being issued .

James Segrue
PO Box 1552
Schenectady NY

CC Planning Board

November 15, 2022

 ORIGINAL

Proposed restrictions on wedding venue permit.

1. Annual review for renewal. Notification sent to the Mariaville Civic Association with a 15 day public comment period.
2. Violations of ordinance will be reviewed by Town Zoning officer. The applicant agrees that his decisions are not subject to judicial review.
3. Penalty for violations will be a minimum of \$500. Repeated violations will result in the revocation of permit.
4. Notice of events will be provided 30 days in advance to the Mariaville Civic Association.
5. All events with alcohol require a permit from the State Liquor Authority.
6. Security in the form of an off duty law enforcement shall be provided .
7. No activity shall occur in the Lake District

There should be a requirement that a licensed professional provide a written evaluation of the structure confirming that it complies with the mass gathering statutes.

Resolution

Town of Duanesburg Town Planning Board

November 17, 2022

RECEIVED
NOV 18 2022
TOWN OF DUANESBURG
TOWN CLERK

Moved by Joshua Houghton and seconded by Matt Hoffman

WHEREAS, in June of 2022, Primax Properties, LLC submitted an application to the Town of Duanesburg Planning Board (TDPB) for site plan and special use permit for a 10,696 +/- square foot, one story, retail facility for Dollar General (the Project) to be located within the C-2 Commercial and Manufacturing Zoning District off NYS Route 7 immediately adjacent to the lot containing the Pine Ridge Dental Offices and on the same side of the road as the Valero gas station and Dunkin Donuts;

WHEREAS, the TDPB declared its intent to be lead agency for this unlisted action pursuant to the NYS Environmental Quality Review Act (SEQRA) and coordinated with all the involved agencies;

WHEREAS, the involved agencies did not object to the TDPB being lead agency for the unlisted action;

WHEREAS, the TDPB resolved to be lead agency and commenced the SEQRA review of the application, seeking comments from NYSDOT on the impacts to NYS Route 7, from NYSDEC on the presence of protected natural resources on the site and from the NYS Office of Parks Recreation and Historic Preservation on any impacts to resources eligible for or listed on the State or National Registers of Historic Places;

WHEREAS, the TDPB also retained as its consulting engineer for the review of the project, Dave Ingalls of Ingalls, LLP;

WHEREAS, the TDPB referred the application to Schenectady County Planning pursuant to the requirements of the NYS General Municipal Law and received a response on August 17, 2022 indicating that the Project was approved with the following conditions or modifications: "County Department of Environmental health approval for a non-community public water supply, NYSDEC approval of wastewater treatment system, and NYS DOT approval for highway access. The applicant should provide the boundary description and language for the proposed easement to ensure control of the appropriate setback area from the well as required by NYS DOH. The Book and Page for the filed easement should be provide on the final site plan. The site plan should depict the entire area of the easement and indicate how the boundary will be marked in the field for future identification."

WHEREAS, the notice of public hearing was duly published and was provided to adjoining landowners as required by the Town Zoning Ordinance, and a public hearing was held on September 15, 2022 at 7 p.m. for the purpose of receiving public comments on the project both

orally and in writing and the public hearing was closed, however, members of the public were allowed and encouraged to submit written comments for the TDPB's consideration;

WHEREAS, the TDPB has carefully considered all the comments that it has received on the Project;

WHEREAS, the Applicant has responded to all of the substantive public comments in its submissions to the TDPB following the public hearing and these responses and all comments are on file with the Town;

WHEREAS, the NYSOPRHP issued a letter dated June 27, 2022 finding that the Project will have no impacts on historic or archeological resources eligible for or listed on the State or National Registers of Historic Places;

WHEREAS, the NYSDOT has reviewed the project and has issued a phase 1 approval of the proposed location of the access road and has made several comments on the project which have been addressed by the Applicant and some of which will result in conditions;

WHEREAS, the TDBP along with the consulting engineer carefully reviewed the Project and requested many changes to the plans including the following: one access to NYS Route 7 and no access to Depot Road; improved architectural details including clapboard and stone on all sides of the building; no outdoor display or storage of retail items for sale or storage of shopping carts, with the exception of propane rental and ice machine, enhanced landscaping, particularly in the front of facility to address car headlines shining across NYS Route 7; and dark sky compliant lighting; improvements to the stormwater pollution prevention plan; extensive coordination with NYSDOT on the traffic issues including adequate site distances, widening the access road to account for truck turning movements, connecting to the Town Sewer District no. 3, banking parking to reduce impervious surfaces on the site; and installation of a warning sign, among others;

WHEREAS, the final 13 sheets of site plans are dated last revised 10/20/22 and the final 5 sheets of elevations are dated October 27, 2022, and were all submitted under cover of letter dated November 4, 2022;

WHEREAS, the landscaping plan shall be revised to replace the proposed blue spruces with another zone appropriate, comparable evergreen species;

WHEREAS, the Town's consulting engineer has provided a final letter commenting on the Project and suggesting conditions of approval;

WHEREAS, the TDPB previously issued a negative declaration of environmental significance on this unlisted action finding that the Project will not result in a significant adverse environmental impact;

NOW, THEREFORE BE IT RESOLVED, that the Town Planning Board has carefully reviewed all of the comments, responses, correspondence from other agencies and all of the application documents, including the Part 1 and 2 of the Short EAF (attached hereto) and reaffirms

and reissues a negative declaration of environmental significance for this Project, finding that no Environmental Impact Statement will be required, and that the Project will not result in a significant adverse environmental impact;

BE IT FURTHER RESOLVED, that the TDPB has reviewed the requirements of the site plan review and finds that the final site plans and other application documents establish that the requirements of site plan review have been met taking into account the conditions of approval set forth below;

BE IT FURTHER RESOLVED, that the TDPB has reviewed the standards for a special use permit set forth in the Town Zoning Ordinance and has determined, taking into account the conditions of approval set forth below, that the Project meets the standards for a special use permit;

BE IT FURTHER RESOLVED, that the TDPB imposes the following conditions all of which must be satisfied prior to the issuance of a building permit to Primax and to Dollar General by the Town of Duanesburg Building Inspector and no land clearing or construction may commence until the building permit has been issued:

1. A SWPPP and NOI acceptable to the NYSDEC must be provided to the NYSDEC and to the Town Building Inspector;
2. Provide a final sign-off from NYSDOT, including the NYSDOT commercial driveway work permit as well as the utility work permit for the proposed sewer line extension within the NYSDOT ROW;
3. Provide the necessary Town approvals for the proposed sewer line extension and escrow sufficient to cover the costs of the Town sewer engineers, Delaware Engineering, reviewing the sewer extension plans;
4. Provide correspondence with the Schenectady County Environmental Health Department and a copy of the SCEHD approval of the non-community public water supply for the store;
5. Provide easements for the well and its buffer and for the sewer line which are acceptable to the SCEHD and the Town Attorney;
6. All signage shall be submitted for Building Department approval and comply with Town of Duanesburg Zoning Ordinance Section 13.4.7, "Commercial (C-1) and Light Industrial (C-2) sign regulations;
7. Provide NYSDEC approval of the proposed sewer extension of approximately 215 feet of 8-inch sewer line and sanitary manholes along NYS Route 7;
8. Add Driveway Warning Sign WB prior to entrance;
9. All Schenectady County Planning conditions shall be fully satisfied
10. the landscaping plan shall be revised to replace the proposed blue spruces with another zone appropriate, comparable evergreen species;

BE IT FURTHER RESOLVED, that the TDPB imposes the following post building permit conditions:

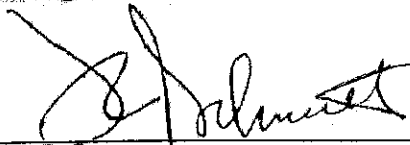
1. No clearing of trees greater than three inches diameter at breast height can occur except from November 1 through March 31 of any given year;

2. No outside storage or display of retail goods is permitted, no outside storage of shopping carts is permitted, only propane rental and an ice machine are allowed;
3. In the event the Building Department determines that the parking is insufficient then the Applicant shall expand the parking lot as directed in the banked parking area, if the Applicant and Building Department cannot agree the issue should be brought back to the Planning Board for a site plan amendment;
4. All landscaping shall be installed in accordance with the approved plans and the Applicant shall be responsible for maintaining the landscaping and for replacing any dead trees, shrubs and vegetation at the applicant's or tenant's or landowner's expense for the life of the project at no cost to the Town;

By (unanimous/majority) vote of the Planning Board of the Town of Duanesburg at its regular meeting of November 17, 2022.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Jeffrey Schmitt, Planning Board Chair	X		
Elizabeth Novak, Board Member	X		
Michael Harris, Board Member			X
Joshua Houghton, Board Member	X		
Matt Hoffman, Board Member	X		
Michael Walpole, Board Member	X		

Planning Board of the Town of Duanesburg



 Jeffrey Schmitt, Planning Board Chair

Date: November 17, 2022

Short Environmental Assessment Form

Part 1 - Project Information

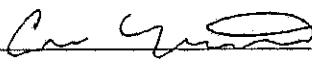
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Name of Action or Project: Proposed subdivision & Dollar General Retail Store							
Project Location (describe, and attach a location map): Route 7 (Duanesburg Road)							
Brief Description of Proposed Action: A 2.5 acre parcel has been subdivided out of an 106.2 acre parcel. The remaining lands will remain with the current owner and are not a part of this project. A Dollar General retail store is proposed on the 2.5 acre parcel along with an access to NYS Route 7, parking, landscaping, utilities, lighting, and storm water management.							
Name of Applicant or Sponsor: Primax Properties, LLC c/o Bohler Engineering MA, LLC		Telephone: (518) 438-9900 E-Mail: cmlodzianowski@bohlereng.com					
Address: 17 Computer Drive West							
City/PO: Albany	State: NY	Zip Code: 12205					
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Schenectady County Planning, Duanesburg Building Dept, NYSDOT, NYSDEC, Schenectady County DOH, SHPO			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? 2.5 acres b. Total acreage to be physically disturbed? 1.5± acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 106.2 acres							
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ An on-site well is proposed. _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ An on-site septic system is proposed. _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ There are no wetlands on the proposed site. It appears there may be wetlands on a property nearby. _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Northern Long-eared Bat	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
There is an existing drainage ditch along New York State Route 7.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Primax Properties, LLC c/o Bohler Engineering</u> Date: <u>6/2/2022</u> Signature: <u></u> Title: <u>PROJECT MANAGER</u>		

PRINT FORM

Project:	Dollar General
Date:	6/10/22

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Dollar General

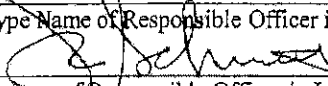
Date: 6/10/22

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Town of Duanesburg Planning Board has completed an Environmental assessment of the proposed Special Use Permit for a Retail business located on Duanesburg Rd. tax map # 55.00-4-11.62 in the C-2 Manufacturing & Light Industrial Zoning District. The proposal is consistent with the Town Comprehensive Plan and compliant with the Zoning Ordinance and will be consistent with the existing community character with no aesthetic impacts anticipated. The proposal is not in a Critical Environmental Area. The proposed action will have no impact or any adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkways. The proposed action will have little impact or increase in the use of energy. The proposed action will require the drilling of a private well and is within Sewer District #3. The proposal does not fall within a historic district or on the National or State Register of historic places, it does however fall within the NY State historic Preservation Office (SHPO) archaeological site inventory. There are no wet areas or mapped wetlands, the proposal is not within the 100 year Flood Plain or remediation site. The proposed action should not create a hazard to environmental resources or human health, there are no records of rare, threatened or endangered plants but, the site has been identified as having endangered species the 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 will be required. Soil erosion control measures will be required to be installed prior to any construction activities and maintained during any construction activities. Any planned access will require DOT permit for work in the ROW. The total acreage of disturbance is anticipated to be greater than one acre but, less than five acres. A copy of the storm water control plan is on file at the Town of Duanesburg.

Therefore based on this information, the Planning Board has determined that the proposed special use permit 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.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
11-18-2022	
Name of Lead Agency	Date
JEFFREY E SCHMITT	Chair - Town of Duanesburg Planning Bd
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

APPLICATION FOR THE PLANNING BOARD
TOWN OF DUANESBURG
*****FOR OFFICE USE ONLY*****

Revised 06/02/2020 -MD

CHECKLIST OF REQUIRED INFORMATION:

- ☒ Title of drawing.
- ☒ Tax Map ID #
- ☒ Zoning district
- ☒ Current Original Deed
- ☒ NYS Survey (L.S. & P.E.)
- ☒ North Arrow, scale (1"=100')
- ☒ Boundaries of the property plotted and labeled to scale.
- ☒ School District/Fire District
- ☒ Green area/ landscaping
- ☒ Existing watercourses, wetlands, etc.
- ☒ Contour Lines (increments of 10ft.)
- ☒ Easements & Right of ways
- ☒ Abutting Properties Wells/ Sewer Systems within 100ft.
- ☒ Well/ Water system.

- ☒ Septic system: Soil investigation completed?
- ☒ Sewer System: Which district?
- ☐ Basic SWPPP (12)
- ☐ Full Storm Water Control Plan (More than an acre)
- ☒ Other (Building Set Backs)
- ☐ Storm Water Control Plan
- ☒ Short or long EAF www.dec.ny.gov/efm/efmappet/
- ☐ Street pattern: Traffic study needed?
- ☐ All property Mergers **REQUIRE** both owners Signatures on the Application

Additional Requirements for Special Use Application:

- ☒ New or existing building
- ☒ Business Plan, Hours of operation, & number of employees,
- floor plan, uses, lighting plan/ landscaping/signage
- Parking, Handicap Spaces, & lighting plan

Date 5/25/22

Application type: ☐ Major Subdv ☐ Minor Subdv ☒ Special Use Permit ☐ Site/ Sketch Plan Review ☐ Lot Line Adjust
Proposal: A 10,640 SF+ square foot retail store is proposed on a 2.5+ acre parcel of land. Associated access, utilities, signage, storm water and lighting are proposed.

Section 12.4 (28) of Zoning Ordinance.

Valley Mobile Home Court, LLC

Present Owner: (Primax Properties under contract) (AS APPEARS ON DEED!)

Address: P.O. Box 130, Horse Cave, NY Zip code: 12092

Phone # (required) 518 296 8373

Primax Properties, LLC

Applicants Name (if different): c/o Bohler Phone# (required) (518) 438-8900

Location of Property (if different from owners) NYS Route 7 (East of 6296 NYS Route 7)

Tax Map # 33-00-4-11.1 Zoning District C-2

[Signature] owner Valley mobile Home Court LLC

Signature of Owner (S) If different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS)

Signature of receiving Property Owner (AS APPEARS ON DEED!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he/she is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the Town of Duaneburg to walk the property for the purposes of conducting a site review.

[Signature] owner Valley mobile Home Court Date 5/27/22

Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

(For office use only)

Application fee paid: _____ Check# _____ Reviewed By: _____ Date: _____

Approved ☐ Disapproved ☐ Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

[Signature]
Planning Chairperson

11/10/2022
Date

Code Enforcement

Date

RECEIVED
JUN 06 2022

FILED
JUN 06 2022

TOWN OF DUANESBURG

Application# _____

Agricultural Data Statement

Date: 5/31/22

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: <u>Primax Properties, LLC c/o Bohler</u>	Name: <u>Valley Mobile Home Court LLC</u>
Address: <u>17 Computer Drive W</u>	<u>P.O. Box 130</u>
<u>Albany, New York 12205</u>	<u>Howes Cave, New York 12092</u>

1. Type of Application: Special Use Permit Site Plan Approval Use Variance;
Area Variance; Subdivision Approval (circle one or more)
2. Description of proposed project:
The existing site is proposed to be developed with a 10,640± square-foot retail store. Lighting, landscaping, utilities, storm water management, etc., are proposed as part of the project.
3. Location of project; Address: NYS Route 7 (Duanesburg Road)
Tax Map Number (TMP) 55.00-4-11.6.2
4. Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
5. If YES, Agricultural District Number _____
6. Is this parcel actively farmed? YES NO
7. List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: <u>Potnam # 114</u>	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? <u>YES</u> NO	Is this parcel actively farmed? YES NO
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO

Signature of Applicant: CARIN MLODZIANOWSKI - BOHLER
Signature of Owner (if other than applicant): [Signature]
Reviewed by: [Signature] Date: 4/22/22
Dale R. Warner

Revised 4/4/17

FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.