

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

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

Town of Duanesburg
Planning Board Minutes
November 18th, 2021
Final Copy

RECEIVED

DEC 17 2021

**TOWN OF DUANESBURG
TOWN CLERK**

MEMBERS PRESENT: Jeffery Schmitt Chairman, Michael Harris Vice Chairman, Elizabeth Novak, Joshua Houghton, Michael Santulli, Matthew Hoffman, Michael Walpole, Planning Board Attorney Teresa Bakner, and Clerk Melissa Deffer.

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Schmitt asked for the board to introduce themselves to the public: Jeff Schmitt- Chairman, Elizabeth Novak- Planning Board Member, Teresa Bakner- Legal Counsel for the Planning Board, Mike Walpole- Planning Board Member, Matt Hoffman- Planning Board Member, Josh Houghton- Planning Board Member, Mike Santulli- Planning Board Member, Mike Harris- Vice Chairperson and Melissa Deffer- Planning Board Clerk.

OPEN FORUM:

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

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

Approved.

Patrick Wren located at 9866 Western Turnpike went thru the Wishy Wash car wash approval and explained that the owner is not following the conditions that the Planning Board set for the Special Use permit for overflow parking area. **(Please see attachment)**

Heidi Chilton located at 9848 Western Turnpike is concerned with the amount of water on the back of her property that was never there before.

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

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

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

Approved.

PUBLIC HEARINGS:

#21-13 Obour, Jules: SBL# 74.00-2-9, (R-2) located at 13998 Duanesburg Rd is seeking a Special Use Permit for use of motor vehicle sales under Local Law #6 2017 of the Town of

Town Hall • 5853 Western Turnpike • Duanesburg, NY 12056 • (518) 895-8920

Over →

Duanesburg Zoning Ordinance Section 8.4(18). Attorney Gerald Dwyer is representing Mr. Obour and gave his presentation to the public. Jules does not want to do repairs to any vehicles, he will only be selling. If there is any work that needs to be done, he will outsource it.

Schmitt/Walpole made a motion to open the public hearing for the **#21-13 Obour, Jules** application.

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

Matthew Ganster located at 13818 Duanesburg Rd (**Please see attachment**)

Marcy Fusilier located at 13910 Duanesburg Rd (**Please see attachment**)

Lynne Bruning located at 13388 Duanesburg Rd request that the board gather more information before deciding on the project. Local Law #6 is found on the town website. The full application is also on the website. There is no proof that this is a NYS licensed dealer. Has the applicant provided one? The short EAF part 1 states the parcels acreage is 4.76 and it reflects 2.0 that will be physically disturbed. Lynne request clarification on number 15 and it be updated. Number 20 is there hazardous waste on the 2 parcels next to Jules, because there are storage containers located in what looks like a junk yard. Also. Request clarification on the applications compliance with the following ordinances, 3.5.101, 3.5.114, 3.5.126, 3.5.87 of 2016 Zoning Ordinance and local law #2 of 1981. On SIMS the image that is given has more than a dozen junk cars on the property. Is the parcel on an aquifer? Does it run with the land?

Susan Biggs located at 13388 Duanesburg Rd (**Please see attachment**)

Mr. Dwyer explained that Jules does not plan to have more than 2 cars to be sold on the property and will submit for the next meeting an updated copy of the Short EAF to change the disturbed number of acreages to 0.

Schmitt/Hoffman made a motion to close the public hearing for the **#21-13 Obour, Jules** application.

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

Harris/Novak made a motion to table the **#21-13 Obour, Jules** application until December 16th, 2021, meeting.

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

Due to a applicant who has just recently had surgery Chairperson Schmitt moved their application for new business.

NEW BUSINESS:

#21-21 Serth, Joseph: SBL# 35.05-1-19.2, (R-1) located at 8496 Mariaville Rd is seeking a Special Use Permit for use for an event venue under Local Law #1 2021 of the Town of Duanesburg Zoning Ordinance. Mr. Serth explained that the original barn had burnt down before when he bought the property and when he purchased the land, they still had local gatherings on the property. Last year Joe's family and neighbors took down a 100-year-old 1500 sqft barn and moved it to the property where the previous barn was. Mr. Serth would like to use the barn as an event venue site for weddings, family get together and small gatherings with no more than 99 people to start but would like to ask for a max of 150 people so there will be no need to come back if things start to pick up. Starting out Mr. Serth explained that he would be lucky to have 4-5 bookings but would like to put a cap at 20 bookings a year. Amplified music will be cut off at 9:00pm. It will be a 4-hour venue site and will mostly be done on the weekends. The renters will be responsible for providing water and a porter potty for every 50 people there. All the proper inspections have been done on the property

and the Town Code Enforcement Officer has been on the property. The local fire department has been contacted and the neighbor has offered to have her driveway used for emergency access. The Chief has inspected all the fire accesses to the property and is willing to sign off on them. the parking will be on-site parking on the lawn where they have never had an issue before. The back abutting neighbor has asked Joe to put up a property line marker because he does not want to have people walking on his land and Joe has agreed. There is a gravel area set up in front of the barn that be for wedding tents. A fire pit is also on the property for people to use. The local fire chief has inspected, and it is up to code. The board would like to see for the next meeting an agreement in writing for the usage of the neighbor's driveway and an updated traffic study to be done and a FEAF needs to be completed along with more information on the venue.

Harris/Houghton made a motion to table the **#21-21 Serth, Joseph** application until December 16th, 2021, meeting.

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

OLD BUSINESS:

The amendment of application **#19-12 Murray, Richard/Eden Renewables**; SBL#74.00-2-5. (R-2) located at 13590 Duanesburg Rd is seeking an amendment to an existing special use permit under local law #1-2016 of the solar energy facilities law and section 14.6.2.5 of the Town of Duanesburg Zoning Ordinance.

Bill Pederson a representative from AMP introduced himself and explained that since the October meeting AMP, Prime AE and BSRG has met, and Prime AE has submitted a letter this morning that says all their request have been met and closed out. BSRG has also submitted a repot earlier this week, also stating that AMP is compliant to their standards. Amp also submitted a letter with answers to some community questions. All associated paperwork that is not confidential and the BSRG report because it is not finalized yet and cannot be till it is, is on the Town website in the drop box under the Planning Board link.

Chairperson Schmitt stated that the Clerk has received numerous comment letters and explained that the board has had this project in front of them for a long time and has done the public hearing process which is now closed and even after the public comment was closed kept receiving letters from the public and took into consideration all of issues that were brought to the attention of the board. Chair Schmitt asked the Board if they are confident that they have all the public comments and information in front of them and on the record to make a decision. Board Member Houghton states that he feels that the board has given ample opportunities for written comments and now would like to take the next month to process everything they have received. Board Member Hoffman states that AMP has gone above and beyond with answering all the written comments even after the comment period was over with and tried to accommodate the residences on their concerns adequately, Board Member Novak agrees.

Hoffman/Santulli made a motion to indicated that the record is closed, and no additional written public comment documents will be accepted for the record for the amendment of application **#19-12 Murray, Richard/Eden Renewables**.

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

Jacquelynn Smith a design engineer for Prime AE gave a summary of where Prime AE is in the review of the application and went over and discussed with the Board the Part 2 and 3 of the FEAF (**Please See Attachment**)

Santulli/Houghton made a motion to table the amendment of application **#19-12 Murray, Richard/Eden Renewables** until December 16th, 2021, meeting.

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

NEW BUSINESS:

#21-03 Sisson, Joe and Debbie: SBL#52.00-1-41, (R-2) located at Braman Corners Rd is seeking a 3 lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Mr. Sisson explained that he did not come to the October meeting because he had not received all the information that was asked of him. Since then, he has received sign off from SHPO and From NYS DOT. Mr. Sisson would like to know does it matter if it isn't a access road it is being used as a driveway with the turnaround for the firetrucks? Town Attorney explained that it is a driveway, and the fire code states you need a turnaround in a driveway that is longer than 300 feet.

Novak/Santulli made a motion that the **#21-03 Sisson, Joe and Debbie** application is a Type I action, and 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 Environment Conservation Law.

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

Walpole/Hoffman made a motion to set a public hearing on December 16th, 2021, for the application of **#21-03 Sisson, Joe and Debbie.**

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

#21-16 Kirker, Richard: SBL#65.00-1-31.131, (R-2) located at 696 Gage Rd is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Project Manager John Hitchcock, Jr from ABD Engineers, LLP represent Mr. Richard Kirker. John explained that Mr. Kirker is purposing a 2-lot subdivision. Lot one to the North of the property will be 10.7 acre to build his house on. Lot 2 will be 5.61 acres. Last meeting the Board asked for an agreement and a turn around on the drawings. John explained he forwarded on the agreement to their lawyers and will put a turn around on the drawings. The Board would like for the approval of the Variances before the proceed.

Hoffman/Santulli made a motion to table the **#21-16 Kirker, Richard** application until December 16th, 2021, meeting.

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

#21-18 Armstrong, Glenn: SBL#44.00-1-12, (R-2) located at 2663 Duanesburg Churches Rd is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. David Bogardus is out of town so John Romeo from the Northeast Land Survey

& Land Development Consultants, P.C. representing the Armstrong estate. John explained that the Armstrong Property is a 39-acre parcel, and they would like to split it into two parcels one being 12 acres the other being 27 acres. last meeting the Board asked for Mr. Bogardus to provide a title search of the reservoir to see who has owner ship and the survey map has changed the Village of Delanson owns the whole reservoir and the property line goes around the body of water. The Board would like for Mr. Romeo to submit the deed that Mr. Bogardus went off for the record and a County Referral to be sent to the county.

Novak/Schmitt made a motion to table the #21-18 Armstrong, Glenn application until December 16th, 2021, meeting.

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

#21-14 Tazin, Sergei: SBL# 52.00-1-20.12, (R-2) located at State Route 30 is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mrs. Tazin explained that she and her husband would like to subdivide the land because the neighbor John Orlop would like to buy the land surrounding his property. Since the last meeting Irina had drawing submitted from Raymond A Koch P.L.S Land Surveying. The Town Planner has reached out and is waiting for a sign off from SHPO. The Board would like for the next meeting for Irina to try and reach out to John Orlop and find out if he is going to combine the land with his or keep it to separate parcels. It makes a difference in the process because if they keep it as two separate lots the project could be refer it to the Town Planner and not a full review from the Planning Board.

Schmitt/Novak made a motion to table the #21-14 Tazin, Sergei application until December 16th, 2021, meeting.

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

SKETCH PLAN REVIEW:

None

OTHER:

None

MINUTES APPROVAL:

Schmitt/ Hoffman made the motion to approve October 21st, 2021, Planning Board minutes with no corrections.

Schmitt yes, Hoffman yes, Houghton yes, Santulli yes, Harris abstained, Novak yes, Walpole yes. **Approved.**

ADJOURNMENT:

Harris/ Santulli made the motion to adjourn at 9:45 pm.

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

Date of Planning Board Meeting - June 17, 2021

Application of Spiros Kagas for Site Plan Approval for an Overflow Parking Area for the Existing Car Wash

Moved by E. Novak; Seconded by M. Harris

WHEREAS, Spiros Kagas has applied for site plan approval for the overflow parking area on SBL #53.00-1-29.21, the property, zoned C-1, is located at 9938 Western Turnpike in the Town of Duanesburg he is applying for site plan approval pursuant to Sections 5.2.2 and 14.6.1.1 et seq., of the Town of Duanesburg Zoning Ordinance;

WHEREAS, the site plan approval for the overflow parking area is as an accessory use to his existing car wash also located at 9938 Western Turnpike;

WHEREAS, the application was submitted on December 7, 2020 and was supplemented and revised over the course of many months;

WHEREAS, the Building Inspector made a determination on 12/7/2020 that additional accessory parking was allowed within the C-1 District for the existing car wash upon the issuance of site plan approval by the Town Planning Board;

WHEREAS, all application materials are on file with the Town and are available for public review and comment;

WHEREAS, the Planning Board determined at its meeting on February 18, 2021 that the application is a type 2 action under the State Environmental Quality Review Act;

WHEREAS, during the planning board meetings of February 18, 2021, March 18, 2021, and April 15, 2021, a public hearing was held on the site plan application and members of the public were given the opportunity to share any concerns regarding the project;

WHEREAS, letters and oral comments were received expressing concerns including the following: complaints concerning the existing facility, including but not limited to noise, trucks entering and exiting the facility, trucks using the facility for overnight parking, stormwater and dust being conveyed onto neighboring properties, and questions and issues raised concerning the proposed accessory use, including but not limited to truck usage of the facility, trucks using the overflow parking for overnight parking, use of the overflow parking for long term storage of vehicles, dust from the overflow parking, design of the parking particularly with respect to the discharge of stormwater, the existing and proposed conveyances of stormwater and the aesthetic qualities of the overflow parking particularly in relation to the residential uses that front along NYS Route 20 and behind which the overflow parking is located;

WHEREAS, the Town Planning Board members considered each and every comment, concern and complaint in evaluating whether the site plan for the proposed accessory use met the standard for such site plans articulated in the zoning code;

WHEREAS, the Town Planning Board referred the application to Schenectady County Planning and Schenectady County Planning responded with the recommendation that the project comply with all NYSDEC requirements;

WHEREAS, the Town Planning Board at its meeting on May 20, 2021 and on June 17, 2021 considered the additional materials submitted by the Applicant to address the concerns set forth above including letters from the project counsel Donald Zee and plans and specifications prepared by the Project Engineer for the overflow parking, primarily related to stormwater and to visual screening;

WHEREAS, in accordance with applicable site plan general considerations the Planning Board has considered the location, appearance, arrangement, size, design and general site compatibility and sufficiency of the proposed overflow parking lot, the adequacy and arrangement of vehicular traffic access and circulation, the adequacy of stormwater and drainage facilities and the adequacy, type and arrangement of trees, shrubs and other landscaping as set forth in Section 14.6.1.5 of the Town Zoning Ordinance;

Now Therefore be it Resolved, that the Town Planning Board confirms the action is a Type 2 action under SEQRA; and

Be it Further Resolved, that the Town Planning Board hereby approves the site plan prepared by Brett L. Steenburgh, P.E. PLLC, entitled "Site Plan Ultimate Wish Wash Car/Truck", dated March 30, 2021, last revised June 2, 2021, supported by the signed and sealed letter from Mr. Steenburgh dated June 1, 2021 setting forth the stormwater drainage calculations and imposes the following conditions:

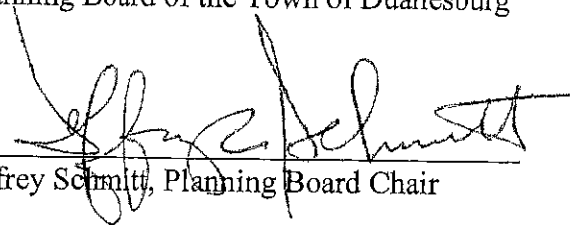
1. The planting and screening plan shall be undertaken at the same time as the construction of the overflow parking lot and that the landscaping planted, including the trees, be warranted by the supplier of the materials and that any dead or non-thriving trees shall be replaced over the life of the project by the Applicant at the Applicant's cost;
2. The Professional Engineer for the Project shall submit a certification to the Town that the overflow parking lot and the screening was constructed in accordance with the approved site plans and that the stormwater drainage is functioning as designed;
3. The existing Car Wash shall place a gate at the entrance to the overflow parking lot and ensure that trucks (or other vehicles) are not kept at the facility overnight but only in conjunction with using the services of the Car Wash;
4. The existing Car Wash shall place visible, long-lasting signs at the car wash and overflow parking lot per the design attached to Attorney Zee's May 14, 2021 letter indicating that trucks may not idle and that trucks may not park at the facility overnight;
5. The existing Car Wash shall remain in compliance with all NYSDEC requirements with respect to stormwater and to treatment of the effluent from the Car Wash;

6. The existing Car Wash shall ensure that any music is turned off between the hours of 9:00 p.m. and 9:00 a.m. and that dust is controlled on the access roads so that dust does not leave the property boundaries and go onto neighboring properties.
7. All local, state and federal permits shall be obtained that are required for the project.

By (unanimous/majority) vote of the Planning Board of the Town of Duanesburg at its regular meeting of June 17, 2021.

<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 Santulli, Board Member	X		
Thomas Rulison, Board Member	X		
Michael Harris, Board Member	X		
Joshua Houghton, Board Member	X		

Planning Board of the Town of Duanesburg



Jeffrey Schmitt, Planning Board Chair

6/21/21

Date

Car Wash Screening Photos

11/9/2021





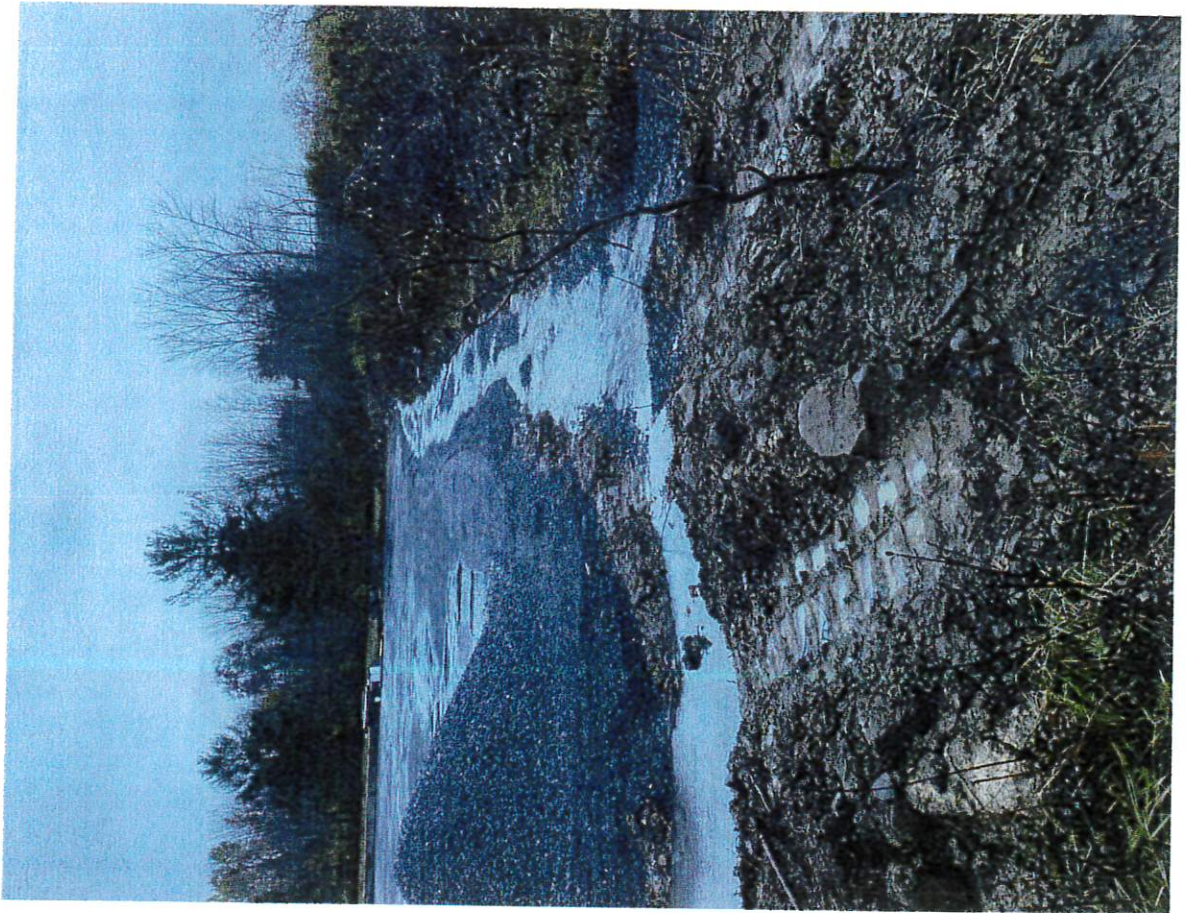






Storm Water Runoff

October 26, 2021









Storm Water Runoff

November 12, 2021





PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chair
Planning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12053

Transmitted via email: mdeffer@duanesburg.net

November 18, 2021

RE: Privilege of the the Floor Planning Board November 18, 2021

Dear Jeffery Schmitt and the Planning Board,

Please include my privilege of the floor comment and supporting documents in the official town minutes as posted on the town website.

On October 19, 2021 the Governor signed Assembly Bill A1288A which requires that certain documents, including proposed resolution, law, rule, regulation, policy or any amendment that is scheduled to be the subject of discussion by a public body during an open meeting to be made available at least 24 hours prior to the meeting. Documents should be posted on the town website.

I have attached the full Bill text and this can be read on the state website url:

https://www.nysenate.gov/legislation/bills/2021/A1228/amendment/A?utm_medium=email&utm_campaign=subscriptions&utm_content=SIGNED_BY_GOV&utm_source=ny_state_senate

The Board should be transparent and accountable to the taxpayers. The more eyes on a project the better the project may be for the town for years to come.

Thank you for your time and consideration.

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

Enc: Assembly Bill 1228A text in color with revisions

STATE OF NEW YORK

1228--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. PAULIN, GALLAGHER, SEAWRIGHT, JACKSON, GALEF --
read once and referred to the Committee on Governmental Operations --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to amend the public officers law, in relation to making certain
documents available for open meetings

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivision (e) of section 103 of the public officers law,
2 as added by chapter 603 of the laws of 2011, is amended to read as
3 follows:
4 (e) Agency records available to the public pursuant to article six of
5 this chapter, as well as any proposed resolution, law, rule, regulation,
6 policy or any amendment thereto, that is scheduled to be the subject of
7 discussion by a public body during an open meeting shall be made avail-
8 able, upon request therefor, to the extent practicable [~~as determined by~~
9 ~~the agency or the department,~~] at least twenty-four hours prior to [~~or~~
10 ~~at~~] the meeting during which the records will be discussed. Copies of
11 such records may be made available for a reasonable fee, determined in
12 the same manner as provided therefor in article six of this chapter. If
13 the agency in which a public body functions maintains a regularly and
14 routinely updated website and utilizes a high speed internet connection,
15 such records shall be posted on the website to the extent practicable
16 [~~as determined by the agency or the department,~~] at least twenty-four
17 hours prior to the meeting. An agency may, but shall not be required to,
18 expend additional moneys to implement the provisions of this subdivi-
19 sion.
20 § 2. This act shall take effect on the thirtieth day after it shall
21 have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

LBD02143-02-1

Wynde Ridge Farm
13818 Duanesburg Rd.
Delanson, NY 12053

18 November 2021

Planning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Dear Planning Board,

I am writing because I am concerned about the proposed sale of motor vehicles at 13998 Duanesburg Rd. The Notice of Public Hearing cites Local Law #6, 2017 of the Town of Duanesburg Zoning Ordinance Section 8.4(18). I see that this law would allow up to 6 vehicles to be sold, with a minimum lot size of 2 acres per vehicle. The property in question, SBL#74.00-2-9, is 4.30 acres, so does this mean that only two (2) vehicles will be permitted for sale at any given time? If the owner has more than two vehicles for sale, what repercussions will he face?

I find the sale of used automobiles to be very much out of character with R-2 zoning, and I feel that it would negatively impact the value of nearby properties.

I first became aware of the sale of vehicles from this property in the summer of 2018 when someone pulled into my driveway asking directions to the "used car dealer." After that encounter, I drove past my neighbor's house and noticed that a large number of vehicles had recently been parked there. I've since had several more visitors who were looking for this property.

Have the members of this board done a "drive-by" before this public hearing? If so, you're already aware that the house at 13998 Duanesburg Rd is in a state of advanced disrepair. I'm not aware of whether it is currently occupied or not, but it appears uninhabitable from the exterior. The owner has also had two decommissioned Wal-Mart tractor trailers parked on the property since the winter of 2018-2019. Please also see the attached satellite image, in which 23 automobiles are clearly visible. Since the time that that image was taken, more vehicles have been added to the property.

I would implore the Board not to approve this Special Use Permit.

Thank you,

Matthew D. & Rose F. Ganster

asburg Rd.

June 2018

Legend

139

13998 Duaneburg Rd



PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chair
Planning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12053

Transmitted via email: mdeffer@duanesburg.net

November 18, 2021

RE: Public Hearing for Jules Obour Tax ID 74.00-2-9 located at 13998 Duanesburg Road,
Delanson, NY 12053

Dear Jeffery Schmitt and the Planning Board,

Please include my Public Hearing comment and supporting documents in the official town minutes as posted on the town website.

I request that the Board gather more information before any action is taken.

Local Law #6 of 2017 is found on the town website:

https://www.duanesburg.net/sites/g/files/vyhlif4351/f/uploads/ll_6_of_2017_with_resolution_adopting_same_received_in_state_records_9_21_17_4843-9967-0360.pdf?fbclid=IwAR3O40TNRTVBtSft3XqwRPpwrpHxi_00YJaBc4MrZbkEzVHs0ziz3EgghlI

“[M]inor Motor Vehicle Sales,” to allow a New York State licensed dealer to offer up to six (6) used vehicles for sale on a particular lot, provided the used motor vehicles offered for sale meet New York State inspection requirements and the lot size is equal to, or greater than, two (2) acres per used motor vehicle offered for sale up to a total limitation of six (6) vehicles, and "Major Motor Vehicle Sales," to allow for a licensed dealer to offer used vehicles for sale, provided the used motor vehicles for sale meet New York State inspection requirements.”

Local Law 6 of 2017 permits sales of vehicles limited up to six (6) vehicles and the parcel must contain two (2) acres per vehicle. The Applicant's parcel is 4.76 acres. It appears that the Applicant is permitted to sell two (2) or fewer vehicles at any given time.

Supporting documents for the Special Use Permit are found in the November 18, 2021 Planning Board Meeting Minutes pages 58 through 65 which includes Public Hearing Notification, Short Environmental Assessment Form, and a letter from Mr. Dwyer, the Applicant's attorney. This information does not include proof of a NYS vehicle dealer license. Has the Applicant provided the Board a valid NYS license for selling vehicles?

Short EAF Part 1 August 6, 2021 states that:

3.a. Total acreage of the parcel is 4.76 acres.

3.b reflects 2.0 acres will be physically disturbed.

I request clarification on items:

15. The site may host the Northern Long Eared Bat -which is a threatened species. If the bat is on this site then I request that the EAF be updated.

20. Adjoining properties to the east are two parcels that are used as a junkyard. It is unknown if these parcels have a permit. It is possible that the numerous vehicles and other junk located on this site may contain hazardous waste. Should this information be included in the EAF to protect the town from any future liability?

Local Law #6 of 2017 does not appear to be incorporated in the Town of Duanesburg Zoning Ordinance 2015. I request clarification on the Applications compliance with the following zoning ordinances:

Is Local Law 6 of 2017 in conflict with Zoning Ordinance 3.5.101 Motor Vehicle Sales. "Any Place where *three* or more used motor vehicles in operating condition are offered for sale"?

Is Local Law 2 of 1981 for Junked and Abandoned Vehicles the most recent law pertaining to junk and abandoned vehicles? Has the Board reviewed this law in relation to the Applicants request for a Special Use Permit? Schenectady County SIMs shows more than a dozen vehicles behind the fence.

https://www.duanesburg.net/sites/g/files/vyhlf4351/f/uploads/1981_junked_and_abandoned_vehicles_law.pdf

Do the following Zoning Ordinances have anything to bear on the Application?

3.5.114 Parking Space. An off street space available for the parking of one motor vehicle. (See Section 13.2)

3.5.126 Salvage Yard. A facility for the dismantling and sale of motor vehicles or machinery or parts therefrom, having a NYS Dismantler License.

3.5.87 **Junk Yard.** Land, or part thereof, used for the collection, storage or sale of waste paper, rags, unregistered motor vehicles or parts thereof, scrap metal, scrap building materials, household appliances or discarded materials in excess of three (3) cubic yards. (Junk yards are prohibited by Local Law dated 6/11/53.) (See Salvage Yard , Section 3.5.126).

I request that the Board clarify:

How many vehicles are permitted to be stored on the lot?

How many vehicles that don't run are permitted?

How many unlicensed vehicles are permitted?

Can the applicant have 25 vehicles on the lot, but only "selling" 2 at a time?

Is the parcel over an aquifer?

What is being done to protect the soils and ground water from hazardous materials, fuel spills and other environmental concerns?

Does a Special use Permit run with the land? If Applicant sells, will the next owner be permitted to operate a used car sales lot?

Please clarify these details before any Board action.

Thank you for your time and consideration.

Respectfully,

Lynne Bruning

720-272-0956

lynnebruning@gmail.com

Enc: Schenectady County Tax Map color coded- Applicant is dark grey
Schenectady County Tax Map details for 74.00-2-6



Schenectady County SIMS map - November 18, 2021
Public Hearing for 74.00-2-9 Used Car Sales - parcel is dark grey



Schenectady County SIMS map - Parcel 74.00-2-9 Public Hearing November 18, 2021
How many vehicles are permitted to be stored on a parcel? How many un-operating?
How many unlicensed?

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Duaneburg

Town

Village

Local Law No. 2 of the year 19 81

A local law JUNKED AND ABANDONED MOTOR VEHICLES IN THE TOWN OF DUANEBURG
(Insert title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County

City

of DUANEBURG

Town

Village

as follows:

SECTION 1. The ordinance entitled "An Ordinance Regulating Abandoned Motor Vehicles within the Town of Duaneburg, Schenectady County, New York" and enacted by the Town Board on July 9, 1970, is hereby repealed.

SECTION 2. The storage or abandonment of dangerous, inoperable, or junked motor vehicles and component parts thereof on private or public property within the Town of Duaneburg is hereby declared to be detrimental to the public health, welfare, and safety of the residents of the Town of Duaneburg and to be aesthetically unattractive detracting from the enjoyment of the said residents of their environment, to be a factor in the depreciation of neighboring property values and an infringement upon the enjoyment of the homes and properties of neighboring residents. The purpose of this Local Law is to prohibit the placement, storage, abandonment, and accumulation of inoperable or dangerous motor vehicles and component parts on real property to the detriment of the environment and the enjoyment and the value of real property homes and businesses by the residents and property owners of this Town.

SECTION 3. As used in this Local Law, (a) "motor vehicle" shall mean every vehicle constructed to be operated or to be driven upon a public highway and which is propelled by any power other than muscular power (b) "junked" shall mean any motor vehicle which is unregistered and uninspected by the State of New York and is not operable; (c) "abandoned" shall mean any motor vehicle the ownership of which cannot be reasonably determined or of which the owner does not intend to recover possession and (d) "dangerous" shall mean any motor vehicle which has smashed and broken windows and/or areas of sharp and torn metal edges and points and which cannot be legally operated upon a public highway.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 4. No person, firm, association, or corporation, either as owner, lessee, occupant, or otherwise, shall store or place or cause or permit to be stored or placed a junked or abandoned or dangerous motor vehicle or component parts thereof upon the surface of any lot or parcel of land without completely enclosing said vehicle and parts in a structure, such as a garage or fence or placing it completely out of the view of any person on any adjacent lands or a public street, road, or highway for a period of longer than thirty (30) days. Dangerous motor vehicles, however, shall not be placed or stored except in a completely enclosed area, except that one unregistered, uninspected, inoperable vehicle may be stored or placed upon a lot or parcel of land for the purpose of spare parts if it is not in a dangerous condition.

SECTION 5. This Local Law shall not be construed to prohibit the outside storage of a motor vehicle which is in operating condition and owned by a member of the armed forces while serving on active duty.

SECTION 6. Not more than ten (10) junked motor vehicles or component parts shall be stored on any business property for the purpose of repair at one time provided that placement of any one such vehicle shall not exceed thirty (30) days and also provided that such storage is otherwise permitted by law, including zoning regulations.

SECTION 7. This Local Law shall not have application to the storage or placement of motor vehicles and motor vehicle parts or components by persons, firms, corporations, or associations or other entity in connection with a governmental function or junk yard otherwise conducted in accordance with law and within a proper zoning district, where such storage or placement is necessary for and incident to the operation of such function, or junk yard.

SECTION 8. This Local Law shall not have application to any streets, roads, highways, or property within the Village of Delanson.

SECTION 9. This Local Law shall be enforced by the building inspector, who shall, at the expiration of thirty (30) days, serve written notice either personally or by certified mail upon the owner, lessee, occupant, or person having charge of said land upon which said junked, abandoned, or dangerous motor vehicle or vehicles or component parts are placed, to comply with this law within ten (10) days from such service by enclosing or removing said motor vehicle or vehicles or parts.

SECTION 10. Computation of time under this Local Law shall commence from the date of the first day of storage, accumulation, abandonment, placement of the items to which this Local Law is applicable and shall continue to run without regard to change of status of the property or, in the case of motor vehicles, intervening garaging thereof.

SECTION 11. An offense against this Local Law shall constitute a violation and shall be punishable by a fine of not exceeding Two Hundred and Fifty Dollars (\$250.00), or by imprisonment for not more than fifteen (15) days or both. Each day such violation continues shall constitute a separate violation. In addition to the enforcement in criminal proceedings by a fine or imprisonment or both, the Town Board or any Town Officer or employee authorized by it may maintain any action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction or other legal remedies any violations of this Local Law.

In addition to the criminal penalties, a civil penalty of Twenty-Five Dollars (\$25.00) per day is hereby imposed for each day's violation of this Local Law which occurs subsequent to notification of such violation sent to the violator by the Town of Duaneburg, which penalty may also be collected and imposed in any judgment rendered in such actions or proceedings.

SECTION 12. This Local Law shall take effect upon the filing with the Secretary of State as provided in the Municipal Home Rule Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1981
~~County~~
~~City~~
of the ~~Town~~ of Duaneburg was duly passed by the Town Board
~~Village~~ (Name of Legislative Body)
on September 10, 1981 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____~~
~~County~~
~~City~~
of the ~~Town~~ of _____ was duly passed by the _____
~~Village~~ (Name of Legislative Body)
~~on _____, 19____ and was approved~~ by the _____
~~repassed after disapproval~~ Elective Chief Executive Officer *
~~and was deemed duly adopted on _____, 19____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____~~
~~County~~
~~City~~
of the ~~Town~~ of _____ was duly passed by the _____
~~Village~~ (Name of Legislative Body)
~~on _____, 19____ and was approved~~ by the _____
~~repassed after disapproval~~ Elective Chief Executive Officer *
~~on _____, 19____. Such local law was submitted to the people by reason of a~~
~~mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting~~
~~permissive~~ general
~~thereon at the special election held on _____, 19____, in accordance with the appli-~~
~~cable provisions of law.~~ annual

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____~~
~~County~~
~~City~~
of the ~~Town~~ of _____ was duly passed by the _____ on _____
~~Village~~ (Name of Legislative Body)
~~on _____, 19____ and was approved~~ by the _____
~~repassed after disapproval~~ Elective Chief Executive Officer *
~~on _____, 19____. Such local law being subject to a permissive referendum and no~~
~~valid petition requesting such referendum having been filed, said local law was deemed duly adopted on~~
~~_____ 19____, in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of having been submitted to referendum pursuant to the provisions of ~~§ 36~~ ~~§ 37~~ of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ~~special~~ ~~general~~ election held on 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of State of New York, having been submitted to the Electors at the General Election of November 19..... pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Ester L. Vincent

Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 9-11-81

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....
Signature

.....
Title

Date:

County
City of
Town
Village

Public Hearing-Local Law # 2-Junk Vehicles
Regular Meeting..September 10, 1981

Hearing called to order at 7:00 P. M.

Present were Supervisor Breitenstein, Councilman Rickard, Councilperson Sleeper and Councilman Wilson. Also present was Attorney Riemer.

Pledge to the flag was led by Councilman Rickard.

Supervisor read the legal notice of public hearing.

Supervisor opened the privilege to the floor.

Del Potter, Mariaville; Hugh Boyle, Route 7; Ken LaBelle, Churches Road; Joe LaPorte, Route 20; Harley Kling, Route 7; Howard Grupp, Cole Road; Earl Miller, Bramans Corners; Mr. Klein; George Lent, Duaneburg; Dick Plug, Mariaville; and Eilert Bonk, Mariaville had questions and made statements concerning the local law.

Supervisor Breitenstein closed the public hearing and adjourned for 5 minutes.

Regular September Meeting called to order at 7:55 P. M.

All Board members present. Also Attorney Riemer.

Clerk read the minutes of August 13th Hearings and the regular August meeting which were approved as read.

Supervisor Breitenstein read two letters concerning the tests made for pollution in Mariaville Lake, one from Dr. Cooley and one from John F. Cunnah, District Health Director.

Supervisor opened the privilege to the floor and wanted questions concerning Mariaville Lake first as Dr. Cooley had to leave.

Dick Plug, Mariaville asked of something could be done about camps becoming year round homes as Mariaville is too crowded already. He also asked for garbage cans along the causeway.

Ken LaBelle, Churches Road asked if the samples taken were surface samples or from closer to the bottom of the Lake.

Dr. Cooley said the camps on Spring Road are close together. He said the samples were taken from the surface or wherever the State normally takes samples.

Eilert Bonk, Mariaville said fishermen on the causeway are a detriment to the causeway and dangerous for the fishermen.

Jim Kilgallen, Better Street said a public hearing will be held before the Causeway is put in. He also spoke about the copper sulphate.

Kathleen Kelly, Mariaville thanked the Board for putting the Mariaville Lake problems at the top of the agenda.

Earl Miller, Bramans Corners said that barrels would do no good along the causeway.

Dr. Cooley said they are talking of widening the causeway 6 ft. on each side, and if they do it would cause problems with cars parking along the road.

Harley Kling, Route 7 spoke about 2 kinds of septic systems.

Joseph LaPorte, Route 20, spoke about septic.

Lester Rockwell, Delanson spoke about getting industry in the Town.

Dr. Saha was introduced to the people present and said he would be willing to take any of Dr. Coolidge's patients if they call, but would not want to set up practice in Duaneburg as he already has offices on Route 7.

George Lent, Duaneburg asked what the town considers a trailer and about farm trailers.

Joe LaPorte, Duaneburg spoke about trailers.

James Breitenstein, Duaneburg said that trailers are assessed very low and usually have children so are not helpful to the tax base of the Town.

Supervisor closed the privilege to the floor.

COMMUNICATIONS & PETITIONS

Supervisor Breitenstein read letters from:

Joseph Kelly saying the speed limit study has been completed on Esperance Sta. Road and 25 M.P.H. signs will be put up.

Schenectady Co. saying we will be getting the sign project reimbursement of \$5280.

Robert Pnyeman asking about Veterans Exemptions.

Gail Shafer concerning State Aid to Localities.

Upstate Insurance Co. wanting the Town to consider joining their group.

Some residents of Spring Road asking about the dog Law being enforced.

COMMITTEE REPORTS

Recreation Committee..Summer Youth Rec. Bills have been paid and the forms sent in.

Highway..No report.

Building The eaves have been painted and the shutters rearranged.

Supervisor read the Bld'g Insp., Town Clerk and Supervisor monthly reports.

SEP'T, MEETING CONT:

Councilman Wilson moved and 2nd by Councilperson Sleeper that the General and Highway bills be paid as audited. Adopted 4 Ayes. Wilson, Sleeper, Rickard & Breit,

UNFINISHED BUSINESS

Supervisor read the legal notice of bids for a new truck
He then opened the bids.

- # 1..H. L. Gage Sales..\$84,888.00
- # 2..Albany Mac Sales..\$90,241.00
- # 3..Wm. H. Clark Municipal Equipment..new 1978..\$98,975.00
new 1980..\$93,939.00

The Board will meet and talk with Howard about the truck bids on Thursday.

Resolution # 56-81 Councilman Wilson moved and 2nd by Councilperson Sleeper that the matter of the truck be tabled. Adopted 4 Ayes Wilson, Sleeper, Rickard & Breit.

Councilman Rickard said the Town used 11,316 gal. of fuel at the Town Garage and 1,524 gal. at the Town Hall. The trucks and equip, used 7,731 gals. gas. Bids will not be put out until the matter of a new tank is decided.

The clerk was told to call or write Mr. Bengen and ask him to move the fuel tanks that he bought.
Landfill permits are going to be required. The Clerk is to put an article in the paper. No dumping will be allowed without the orange sticker visible to the attendant. Copper sulphate put in Mariaville Lake already cannot be reimbursed by the Town. It will be put in the budget for next year.

OLD BUSINESS

Local Law # 2 concerning junked cars was talked over by the Board.

Resolution # 57-81 Councilman Wilson moved and 2nd by Councilperson Sleeper that Local Law # 2, relating to the outdoor storage of junked and abandoned motor vehicles in the Town of Duanesburg be enacted. Adopted 4 Ayes, Wilson, Sleeper, Rickard and Breitenstein.

NEW BUSINESS

None.

Councilperson Sleeper moved and 2nd by Councilman Wilson that the meeting adjourn.

Meeting adjourned at 9:35 P. M.

Esther L. Vincent
Town Clerk

Public Hearing..Use of Revenue Sharing..September 29, 1981,

Hearing called to order at 7:30 P.M.

Present were Councilperson Sleeper, Councilman Rickard and Supervisor Breitenstein. Absent was Councilman Wilson.

Pledge to the flag was led by Councilman Rickard

Legal Notice of public hearing was read by Supervisor Breitenstein.

Supervisor Breitenstein opened the privilege to the floor.

As there was no one attending to speak on the use of the Revenue Sharing the privilege to the floor was closed.

The three members of the Board attending decided to use \$11,000.00 in the Highway Fund and \$15,464.00 in the General Fund.

Meeting adjourned at 8:00 P. M.

Esther L. Vincent
Town Clerk

PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chair
Planning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12053

Transmitted via email: mdeffer@duanesburg.net

November 18, 2021

RE: Public Hearing for Jules Obour Tax ID 74.00-2-9 located at 13998 Duanesburg Road,
Delanson, NY 12053

Dear Jeffery Schmitt and the Planning Board,

Please include my Public Hearing comment and supporting document in the official town minutes as posted on the town website.

How many unregistered vehicles are permitted on any property in the town of Duanesburg? What is to prevent the Applicant from placing two vehicles online, but then selling any of the numerous vehicles that may be stored on the parcel?

The attached Google satellite image shows 22 vehicles on the parcel. The fence may obstruct the public view from Duanesburg Road, but it does not prevent negative impacts such as diminished property values resulting from living next to a used car sales lot.

Real estate agents, as well as a potential homeowner, frequently assess properties with Google satellite images. This birdseye's view allows everyone to see a potential neighbor's backyard before investing in a future home.

I ask the Board to please uphold the zoning ordinance 14.6.2.c. "the character of the neighborhood and values of surrounding property is reasonably safeguarded." Please preserve this neighborhood's residential agricultural zoning and protect the citizens of Duanesburg's property rights and property values.

I request that the applicant's special use permit be denied.

Thank you for your time.

Regards,
Susan Biggs

Enc: Color Google Map of 13998 Duanesburg Road



November 18, 2021 Biggs Public Hearing for Used Car Sales at parcel 74.00-2-9



Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

November 18, 2021

Dale Warner, Town Planner
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

**Re: Oak Hill 1 and 2 Solar Project Review
Our Project No. 18510-01**

Dear Mr. Warner:

On October 20, 2021, PRIME AE received Comment Response Letter 3 from AMP, Post Meeting Cover Letter, United States Army Corps of Engineers (USACE) Permit Correspondence, Pervious Access Road Assessment, CohnReznick Property Value Impact Study, and An Exploration of Property-Value Impacts Near Utility-Scale Solar Installations. Based on a review of the documents we provide the following comments (comment numbers have been kept the same as previous letters for clarity):

IFC Site Plan Drawings

11. Sheet S1.01 has been revised to remove geotextile from infiltration trenches.

Site Plan C2 – all prior comments have been satisfactorily addressed.

Grading Plan C3 – all prior comments have been satisfactorily addressed.

IFC Landscape & Planting Plan – all prior comments have been satisfactorily addressed.

IFC Mechanical Drawings 1 & 2 – all prior comments have been satisfactorily addressed.

IFC Electrical Drawings 1&2 – all prior comments have been satisfactorily addressed.

SWPPP

14. The applicant has submitted Figure 1: "EAF VS SWPPP AREA – PREDEVELOPMENT" and Figure 2: "EAF VS SWPPP AREA – POSTDEVELOPMENT" which shows how the SWPPP and EAF landcover types were determined by color-coding and shows how the two analyses (EAF vs SWPPP differ). We find these figures clearly define the areas of contribution.
21. We find the applicant's response to meeting runoff reduction requirements and the use of infiltration basins to be acceptable, as long as the results of the test pit & perc tests to be performed support the design. If the data does not support the design, revised stormwater plans will need to be submitted for review.



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27. The SWPPP, FEAF, and the submitted figures show the removal of 0.30 acres of forested area. All items now agree.

SPDES General Permit Owner Operator Certification, Contractor Certification, and SWPPP Preparer Certification

1. If the SWPPP is revised, each certification shall be re-signed.

NOI for Coverage under Stormwater General Permit for Construction Activity – all prior comments have been satisfactorily addressed.

USACE Permit Package

1. USACE has made the determination that revised impacts are under the authorization of the originally issued permit.

NYSDOT Application and Minor Commercial Driveway Plans – all prior comments have been satisfactorily addressed.

Agricultural Data Statement – all prior comments have been satisfactorily addressed.

Full EAF Part 1

7. The applicant has submitted Figure 1: “EAF VS SWPPP AREA – PREDEVELOPMENT” and Figure 2: “EAF VS SWPPP AREA – POSTDEVELOPMENT” which shows how the SWPPP and EAF landcover types were determined by color-coding and shows how the two analyses (EAF vs SWPPP differ). We find these figures clearly define the areas of contribution.

9. We acknowledge that Section D.2.q. has been revised to note the use of herbicides for spot treatments.

Full EAF Part 2 – all prior comments have been satisfactorily addressed.

Full EAF Part 3 – all prior comments have been satisfactorily addressed.

Decommissioning Plan Summary of Changes Letter – all prior comments have been satisfactorily addressed.

Revised Decommissioning Statement – We have been asked by the town planning board to further scrutinize the submitted decommissioning statement. Through our evaluation, we determined that Amp doubled the value of the *BESS Specific Breakdown of Decommissioning Costs* for each project site. This offers an additional level of buffer to the cost associated with decommissioning.



We cross-examined the *Breakdown of Decommissioning Costs* with NYSDERDA's Sample list of decommissioning tasks and estimated costs. When comparing this sample with Amp's *Breakdown of Decommissioning Costs* per MW, we found Amp's assessment to exceed the provided sample. We also compared Amp's cost assessment for decommissioning against a similar sized facility in this region for an equal footing for labor and equipment unit costs. Amp's total decommissioning cost for each project exceeded the comparable project costs. Finally, we compared their cost estimate, per MW, to other area projects and found that Amp's assessment slightly exceeds the average per-MW costs associated with those projects. Therefore, it appears that the decommissioning cost that Amp has provided is sufficient. It should be remembered that the decommissioning cost estimate will need to be revisited every 5 years for potential cost increases and the security amount updated as necessary.

Glare Analysis and Module Specifications – all prior comments have been satisfactorily addressed.

Battery Storage Specification and Photos – all prior comments have been satisfactorily addressed.

Pervious Access Road Questions Received by the Town from Concerned Citizen

Pervious access road questions received by the town from concerned citizen on 7/27/2021 and provided for our review. Answers provided by AMP on 8/6/2021.

1. & 2. The applicant submitted a certified letter by NYS licensed PE stating the design is in compliance with AASHTO guidelines to support occasional use by local fire equipment. We find this certification satisfactory.

52'x8' Enclosure Drawings – all prior comments have been satisfactorily addressed.

Powin Fire Alarm SOP

1. Powin fire alarm SOP will be provided to ESRG for review.

Permit VS IFC Comparison Plan – all prior comments have been satisfactorily addressed.

Powin 53' Enclosure Stack Drawings – all prior comments have been satisfactorily addressed.

UL 9540A Test Date Letter – all prior comments have been satisfactorily addressed.

Amp Storage System Risk Mitigation Strategy – all prior comments have been satisfactorily addressed.

Fire and Off-Gas Emergency Procedure – all prior comments have been satisfactorily addressed.

Powin's Approach to Safety Product Guide, Powin Stack230P Product Manual, Fire Suppression Cut Sheet, & Powin Stack Technical Specifications – all prior comments have been satisfactorily addressed.

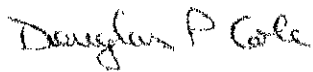


Supplemental Visual Impact Assessment – all prior comments have been satisfactorily addressed.

Schletter Tracking System Assembly and Installation

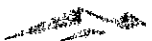
1. Manufacturer has verified that the site is within the slope tolerance of the racking system standards.
- If you have any questions, please feel free to contact me.

Sincerely,
KB Group of NY, Inc. dba PRIME AE Group of NY



Douglas P. Cole, PE
Senior Director of Engineering

cc: Roger Tidball, Supervisor



Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project: Oak Hill Solar 1 and 2, LLC
 Date: 11/18/2021

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) If "Yes", answer questions a - j. If "No", move on to Section 2. <div style="text-align: right;"> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☒ NO

☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☒ NO

☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air

The proposed action may include a state regulated air emission source.
(See Part 1. D.2.f., D.2.h, D.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☐ NO

☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

☐ NO

☒ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☐ NO☒ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work. ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO☒ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO

☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☒ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

☐ NO☒ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

☐ NO☒ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

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.

See Reasons Supporting This Determination Attached

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
Town of Duanesburg Planning Board _____ 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: Oak Hill Solar 1 and 2 LLC

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: 518-895-2040

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>

Oak Hill Solar 1 & 2, LLC

Full Environmental Assessment Form

Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

The Oak Hill Solar LLC project has been reviewed and evaluated for environmental impacts in accordance with SEQRA, including completion of Parts 1, 2 and 3 of a Full Environmental Assessment Form. On Part 2 "Identification of Potential Project Impacts", only two of the potential project impacts have been identified as "Moderate to Large" for the proposed amendment to the existing Special Use Permit for the Photovoltaic (PV) Solar Project located at 13590-13592 Duanesburg Rd. This is because the proposed action will be different from current surrounding land use patterns as this is the first proposed facility of its kind in the area, potentially having a moderate impact to the "Consistency with Community Plans" (No. 17a of Part 2). The proposed action may have a moderate impact on the "Consistency with Community Character" due to the fact that the development will be inconsistent with the character of the existing natural landscape for the same reason (No. 18f of Part 2). However, it is important to note that the proposed facility will be approximately 800' from public viewing (Duanesburg Road, Route 7) and will be heavily screened from the public vantage point by existing vegetation and natural gradation of the site.

The proposed project is overall consistent with the Town Comprehensive Plan, the Town Zoning Ordinance, and complies with the Town Law related to Solar Facilities. The parcels are not located in a Critical Environmental Area (No 12 of Part 2), will not result in a change to existing transportation systems (No. 13 of Part 2), will not cause an increase to the use of energy (No. 14 of Part 2), and are not in a Hazardous Waste Remediation Site nor will the proposed use impact human health from exposure to new or existing sources of contaminants (No. 16 of Part 2).

The two parcels SBL# 74.00-2-5.1 and SBL# 74.00-1-5.2 will be used for construction of PV Solar Panels, Equipment and Battery Storage which had been approved previously. The project will not impact any unique geological features as there are none on the site (No. 2 of Part 2). The project will not require the drilling of a well or a septic system, creating no impact to the groundwater (No. 4 of Part 2). The project is not in a designated floodway, causing no impact to flooding (No. 5 of Part 2). No emissions will be produced as part of this project, therefore, there will be no impacts to the air (No. 6 of Part 2).

The total acreage to be physically disturbed has been increased from 0.88 (+/-) to 69.72 (+/-) acres this now includes equipment pads access roadways and turn-arounds. Disturbances may range from driving construction equipment over the surface to grading as described in the plans. Temporary soil erosion control measures will be installed and maintained throughout any construction activities, in accordance with NYSDEC Stormwater Management Design Manual. The Applicant has increased the acreage of Impervious surface from .0288 acres to .09 acres due to the equipment pad sizes. Due to the description of the types of disturbances and the erosion control measures considered during construction, impact on land appears to be minimal (No. 1 of Part 2).

There are federally regulated wetlands identified on the parcels and a wetland delineation has been performed. All wetlands have been avoided to the maximum extent practicable and any impacts would be within the limits set forth in the US Army Corps of Engineers nationwide permit program. The actual wetland disturbance has been reduced from 1,585 sf. to less than 990 sf. No NYSDEC wetlands or their regulated adjacent area will be disturbed by the project. Apart from the wetlands delineated on the plans and

Oak Hill Solar 1 & 2, LLC

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mentioned in Part 1 of the FEAF, there are no other surface water bodies on the site or directly adjacent to the site. Sediment control practices to be employed during and post construction will help mitigate impacts to surface water (No. 3 of Part 2).

Threatened or Endangered Species, primarily the Northern Long-eared Bat, have been identified. To avoid and minimize any potential threat to the bats, all tree removal activities must occur between October 31st and March 31st. Additionally, the clearing of wooded or meadowed areas during construction may have a small impact on plants and animals that are "of least concern" but impact will not be substantial (No. 7 of Part 2). The action will not result in any impacts to agricultural resources as the property is not actively farmed with cropland (No. 8 of Part 2).

It has been deemed that the proposed project may create a small impact to aesthetic resources, but this will not be significant. The main object of concern of the SEQR process regarding aesthetic resources are officially designated scenic views or aesthetic resources. The properties are not within view of many "publicly accessible vantage points". A small portion of the proposed facility may be visible from Duanesburg Road, Route 7. However, visual window will be small and most noticeable during the winter months when deciduous vegetation lose their leaves (No. 9 of Part 2).

The State Historic Preservation Office (SHPO) has reviewed the project and the report entitled "Phase I Archaeological Investigation, Oak Hill Solar Farms, NY-7/Duanesburg Road, Town of Duanesburg, Schenectady County, New York". No archaeological resources were identified during the survey. SHPO has noted that the proposed project is located adjacent to the National Register listed Sheldon Farmstead, however, SHPO has made the determination that the project will have "No Effect" to historical or cultural resources (No. 10 of Part 2).

The development of the proposed lot will eliminate the opportunity for the properties to be used for recreational resources for the foreseeable future. However, the properties are not actively used for recreation at this time anyway. The applicant identified that the site is periodically used for hunting. The impact on Open Space and Recreation has been determined to be minimal (No. 11 of Part 2).

Any potential noise impacts will be short term during construction activities. Noise produced by proposed equipment will be in compliance with the Town noise ordinance (No 15 of Part 2).

The Planning Board has requested and reviewed revised visual Impact Assessment, a revised Decommissioning plan, updated Stormwater Pollution Prevention Plan, revised SEQR Long Form, all revised changes to original plan including roadway and battery storage location changes for any potential impacts.

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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 Sisson Major Subdivision project has been reviewed and evaluated for environmental impacts in accordance with SEQRA, including completion of Parts 1, 2, and 3 of the Full Environmental Assessment Form. On Part 2 "Identification of Potential Project Impacts", none of the potential project impacts have been identified as "Moderate to Large" for the proposed Major Subdivision located on Tax Map number 52.00-1-41 a 15 acre parcel to be divided into 3 lots. Lot 2A consists of 5.25 Acres, Lot 2B consists of 5.95 acre "Flag Lot", and Lot 2C consisting of 4.51 acres. The Proposed Major Subdivision is consistent with the Town Comprehensive Plan; and, the Town Zoning Ordinance. The Parcel is not located in an Environmental Sensitive Area, or a Hazardous Waste Remediation Site, and not within the 100 - Year Flood Plain.

The anticipation of 3 single family dwellings to be constructed over a period of time, the project will require private wells to be drilled and private Septic Systems installed requiring a permit from the Schenectady County Health Department. The total area of disturbance is anticipated to be less than one acre. Any construction will require appropriate stormwater controls prior to any construction activities. The action will not result in any impacts to agricultural resources as the property is not actively farmed with row crops. Any construction would take place outside of any wet areas as there may be Federally regulated wetlands. 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 walkway. The proposed action should not create a hazard to environmental resources or human health, or rare, threatened or endangered species. There are no known Archaeological sites. The project is consistent with existing community character with no aesthetic impacts anticipated. The proposed action will have little to no impact or increase in the use of energy.

The parcel is located on the National or State Register of Historic Places once part of the Liddle, Thomas Farm Complex.

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
Town of Duanesburg Planning Board _____ 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: Sisson 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 Chairman

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer) Dale Warner

Date:

9/9/21

For Further Information:

Contact Person: Melissa Deffer

Address: 5853 Western Turnpike, Duanesburg NY 12056

Telephone Number: 518-895-2040

E-mail: mdeffer@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>

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