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

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TOWN OF DUANESBURG
TOWN CLERK

Town of Duanesburg
Planning Board Minutes
October 20th, 2022
Final Copy

MEMBERS PRESENT: Jeffery Schmitt- Chairperson, Michael Harris-Vice Chairperson, Elizabeth Novak, Joshua Houghton, Michael Santulli, Matthew Hoffman, Michael Walpole, Planning Board Attorney Terresa Bakner, Town Planner Dale Warner, and Planning Board Clerk Melissa Deffer.

INTRODUCTION: Chairperson Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting.

OPEN FORUM:
Schmitt/Novak made a motion to open the open forum.
Schmitt yes, Novak yes, Santulli yes, Hoffman Yes, Houghton yes, Walpole yes. **Approved.**
Yvonne Keller-Baker Located at 6425 Duanesburg Rd would like to know if the publics comments will be part of the record for the Dollar General application.
Clerk explained that the public comment letters will be attached to the Final minutes of Septembers meeting because the public comment end date was not until after the Draft minutes were posted.
Lynne Brunings located at 13388 Duanesburg Rd (**Please See Attachment**)
Town Attorney explained to Ms. Brunings that the Board did receive the letters of concerns and Doug Cole has been in contact with the Building Inspector and there will be a meeting held in the field to discuss the noncompliance. Also, the Code Enforcement Officer may be reaching out to seek an affidavit in regard to the construction being done on Saturdays and Sundays, any deficiencies with the planting of the trees, tree clearing, landscaping plan, and the site plan.
Schmitt/Hoffman made a motion to close the open forum.
Schmitt yes, Hoffman yes, Houghton yes, Walpole yes, Novak yes, Santulli yes. **Approved.**

SKETCH PLAN REVIEW:
#22-19 McKinley/Proctor: SBL# 68.00-3-30.111, (C-1) located at 1896 Western Turnpike is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mr. Proctor and his Daughter Deanna Proctor were both present at the meeting. Mr. Proctor stated that on the current property there is an existing house, barn and an arena. The barn

and arena are not deeded with the house, and they would like to subdivide the barn and arena off from the house because the house is being foreclosed on. There are two accesses to the property a driveway off Mott Rd to the house and off Western Turnpike there is a U-shaped driveway to access the barn and arena. Access to the house is also connected with the U-shaped driveway but Deanna plans on discontinuing the shape so there is no connection to the property with the house located on it. Deanna explained that she would like to subdivide the existing barn and arena off from the house and would like to build a single-family home on the back half of the property eventually. For the next meeting the Board would like to see a survey done the following:

1. location of well and septic
2. Show where the discontinuation of the pass thru driveway
3. No utilities from the barn to the house
4. The proper setbacks for the existing buildings

NEW BUSINESS:

#22-16 Florio, Sam and Suzanne. M: SBL# 64.00-1-4.3, (C-1/R-2) located at 11165 Western Turnpike is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Mrs. Florio explained that her and her husband own 186 acres of land on route 20 across from the Hannaford in Esperance. Mrs. Florio's land goes from route 20 across route 30 and onto Youngs Rd. The land is too much for her and her husband now and would like to keep 16 acres of the land and see the rest of the 170 acers to Helidaburg Reality. The 16 acres will have her house, pond, and barns still. Mr. Henry Whipple the potential buyer is present at the meeting, and the Board asked if Mr. Whipple has any plans to put a solar facility on it. Mr. Whipple stated that he has no plans on putting solar on the property. The plan is to turn the 170 Acers that he plans on buying will be down the road subdivided into 7 different lots with versus of different acreage. The Board explained to Mr. Whipple that any plans regarding to future subdividing the land must come back to the Planning Board for review. Mr. Whipple understood and agreed.

Board Member Harris entered the meeting during the **#22-16 Florio, Sam, and Suzanne. M** application at 7:22 pm.

Harris/Walpole made a motion that the Planning board determines the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcels and 1 additional lot is being created as a result of the lot line adjustment. The Planning Board declares the proposed action to be further exempt from any further subdivision review pursuant to this article 3.4 and refers the application to the Code Enforcement Officer to complete administration of the same.

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

OLD BUSINESS:

#21-21 Serth, Joseph: SBL# 35.05-1-19.2, (R-1) located at 216-218 Batter St is seeking a Special Use Permit for use for an event venue under Local Law #1 2021 of the Town of Duanesburg Zoning Ordinance. Mr. Serth explained to the Board that he had a meeting with the Towns Attorney on October 19th, 2022. A wedding was held on the site with a sound technician present. Town Attorney advised Mr. Serth to bring Mr. Burchhardt to the meeting to explain his

findings (**Please See Attachments**). Mr. Serth explained that he took into consideration all the public comments and decided to change the use of the property to a Bed and Breakfast. Board Member Hoffman stated that Mr. Serth has submitted an actual site plan and it has come a long way but there has not been enough time to review everything new that was submitted because they just received the information a day ago. The Board needs time to review the new plan with the new additional information that has been changed/added.
Schmitt/Novak made a motion to table the **#21-21 Serth, Joseph** application until the November 17th, 2022, meeting.
Schmitt yes, Novak yes, Santulli yes, Hoffman yes, Houghton yes, Walpole yes, Harris yes.
Approved.

#22-10 Kagas, Spiro: SBL# 53.00-1-29.21, (C-1) located at 9938 Western Turnpike is seeking an amendment to add an additional bay to the Ultimate Wishy Wash under section 14.6.2.5 of the Town of Duanesburg Zoning Ordinance. Also, seeking a site plan approval for accessory parking under section 5.2.2 of the Town of Duanesburg Zoning Ordinance. Mr. Kagas, Doug Cole and Joe Bianchine, P.E were present during the meeting. Doug Cole explained his letter to explain where the application stands. (**Please See Attachment**). Mr. Cole explained that their main concern is with the storm water quantity control purposed for the site. Mr. Cole stated the main storm water treatment unit held up in the plan in the bioretention system that is only prepared for water quality treatment not quantity treatment. The Board agrees with Mr. Cole and the deviation from the original plan that was submitted and approved, will not be sufficient for the Boards approval with the water being diverted onto neighboring properties. Chairman Schmitt would like to resolve the accessory parking area before the Board moves any further on the application with the food truck and addition of the third bay to the carwash. Mr. Bianchine explained the reasoning he chose the SWPPP that he did, but the Board does not agree with his diversion of the storm water. Mr. Kagas explained that the originally the application was submitted all together so they didn't have to come back in front of the Board three separate times. The food truck is mentioned on the FEAF. The food truck will be moveable, electricity will be connected to the accessory parking lot from the Car wash building for lights and power so no generator will be needed. The Board would like to see the following:

1. An amended application
2. Operation plan on the food truck
3. A SWPPP and site plan that diverts the water to the originally approved plan route.

Schmitt/Santulli made a motion to table the**#22-10 Kagas, Spiro** application until the November 17th, 2022, meeting.
Schmitt yes, Santulli yes, Novak yes, Harris yes, Walpole yes, Houghton yes, Hoffman yes.
Approved.

#22-11 Primax Properties, LLC c/o Bohler: SBL# 55.00-4-11.6, (C-2) located at Rt 7 are seeking a Special Use Permit under section 12.4(28) of the Town of Duanesburg Zoning Ordinance. Caryn Mlodzianowski with Bohler Engineering who representing Primax Properties, LLC was present at the meeting. Caryn explained Bohler has provided responses to the general themes of the public comments that were received, the sewer decision, and DOT communications. (**Please See Attachments**). A new set of plans was submitted with the

corrections that were asked to be done regarding to the landscaping, and lighting plans. Board Member Houghton suggested that for landscaping and protection from weather elements to put 2 rows staggered of contiguous plantings and recommends evergreens. Board Member Hoffman found a more astatic Dollar General model that looks more like the community character of Duanesburg and recommends having Dollar General use that building as an architectural design guide. For the next meeting the Board would like the following:

1. Landscaping plan
2. New building outline

Schmitt/Novak made a motion to table the #**22-11 Primax Properties, LLC c/o Bohler** application until the November 17th, 2022, meeting, and an extension on the 62-day period indefinitely.
Schmitt yes, Novak yes, Santulli yes, Hoffman yes, Houghton yes, Walpole yes, Harris yes. **Approved.**

PUBLIC HEARINGS:
None

OTHER:
None

MINUTES APPROVAL:
Schmitt/Harris made the motion to approve September 15th, 2022, Planning Board minutes with no corrections
Schmitt yes, Harris yes, Walpole abstained, Houghton yes, Hoffman yes, Santulli yes, Novak yes. **Approved.**

ADJOURNMENT:
Santulli/Houghton made the motion to adjourn.
Santulli yes, Houghton yes, Walpole yes, Harris yes, Novak yes, Hoffman yes, Schmitt yes. **Approved.**

PO Box 160
Quaker Street, NY 12141

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

Transmitted via: Privilege of the Floor Planning Board

October 20, 2022

Re: Request inspection of tree plantings at Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC for compliance with arch 23, 2022 site plan

Dear Jeffery Schmitt and the Planning Board,

Susan Biggs and Lynne Bruning 13388 Duanesburg Road Delanson, NY 12053. Please include my Privilege of the Floor statement and supporting documents in the official meeting minutes as posted on the town website.

We request the board to direct the town & planning board attorney to require the code enforcement officer to inspect the evergreen tree plantings on the eastern side of Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project") for compliance with the March 23, 2022 Site Plan Drawing C5.02 Sheet 21 of 30 details for tree planting.

Please see attached color image of a typical tree planting found on the east side of the stone wall between the Project and the Biggs parcel 74.00-3-18, and Drawing C5.02 and the detail of tree planting which are attached for your convenience.

The March 23, 2022 site plan requires a hole 3 times the width of the root ball. The holes were drilled. All holes are approximately 36 inches in width. A typical rootball is 28 inches in width. Three times 28 equals 84 inches. The holes are approximately 48 inches deficient. The hole is 60% too narrow. This is a significant deficiency. This appears to be non-compliant.

The site plan requires the top one-third of the burlap and the wire cage around the root ball to be removed prior to planting. Visual inspection indicates that all of the evergreen trees were planted with the all of the burlap intact and the wire cage on the root ball. This appears to be non-compliant.

Non-compliance with the site plan is likely to result in the death of the trees. The Visual Maintenance Agreement requires the Project to replace dead and dying trees. Replacement prolongs the growing time for the 6 feet trees to screen the 65 acre solar + storage facility.

Deep pocketed international owner, Amp Energy, may not consider the cost of replacement significant. Biggs does consider her views of the Project as significant damage and a failure to uphold the Special Use Permit, Amendment and Agreement.

Non-compliance of the plantings may deprive Biggs of the promised visual screening for longer than it would be if the trees were planted in accordance with the site plan requirements. Views of the massive industrial solar + storage facility towering over her property will diminish her use, enjoyment and future development of her parcel. The prolonged lack of screening may diminish her property values.

Additionally, we request that the more than one dozen trees left on the ground since delivery on October 12, 2022 be planted along the same two staggered lines to the south. This may provide Biggs some screening from her two story home that was not included in the view plane as shown on the March 23, 2022 site plan. This would provide relief from the views of the facility from the Biggs mowed walking paths on the western portion of her property that overlook the facility.

We submitted letters and emails concerning lack of compliance of the plantings to the town board and the Project owner on October 13 and 14, 2022. We submitted a letter to the town code enforcement officer on Monday October 17, 2022.

The town has not acknowledged receipt of the letters as requested.
The town has not replied as requested.

Please protect the taxpayers and direct the town & planning board attorney to require the code enforcement officer to inspect the evergreen tree plantings for compliance. If the plantings are non-compliant please direct the Project to replant the trees according to the site plan.

Thank you for your time and consideration.

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

Enc: Color annotated photo of typical planting taken on Sunday October 23, 2022.
March 23, 2022 Site Plan Drawing C5.02 Sheet 21 of 30
Details for tree planting from Drawing C5.02

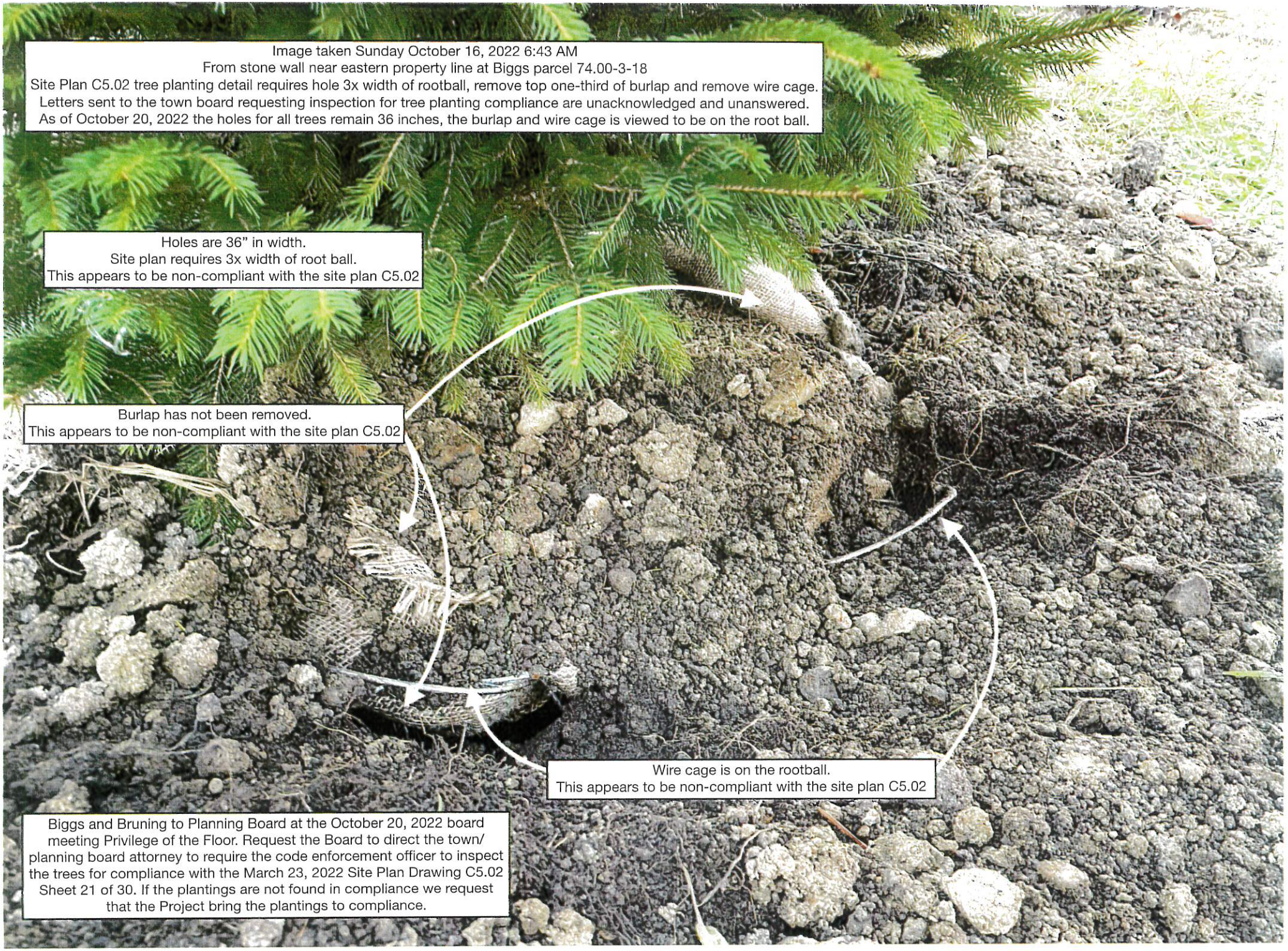
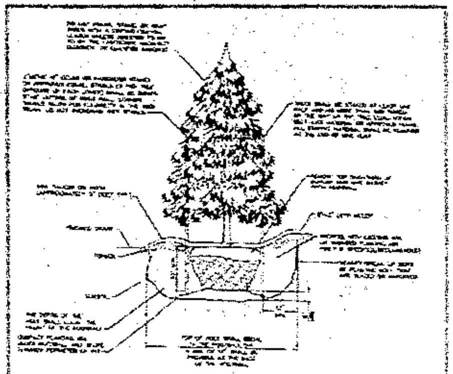


Image taken Sunday October 16, 2022 6:43 AM
From stone wall near eastern property line at Biggs parcel 74.00-3-18
Site Plan C5.02 tree planting detail requires hole 3x width of rootball, remove top one-third of burlap and remove wire cage.
Letters sent to the town board requesting inspection for tree planting compliance are unacknowledged and unanswered.
As of October 20, 2022 the holes for all trees remain 36 inches, the burlap and wire cage is viewed to be on the root ball.
Holes are 36" in width.
Site plan requires 3x width of root ball.
This appears to be non-compliant with the site plan C5.02
Burlap has not been removed.
This appears to be non-compliant with the site plan C5.02
Wire cage is on the rootball.
This appears to be non-compliant with the site plan C5.02
Biggs and Bruning to Planning Board at the October 20, 2022 board meeting Privilege of the Floor. Request the Board to direct the town/ planning board attorney to require the code enforcement officer to inspect the trees for compliance with the March 23, 2022 Site Plan Drawing C5.02 Sheet 21 of 30. If the plantings are not found in compliance we request that the Project bring the plantings to compliance.

GENERAL LANDSCAPE AND SEEDING NOTES

[illegible]



EVERGREEN TREE PLANTING

NOT TO SCALE

NOTES:

[illegible]

NATIVE GRASS SEED MIXES

[illegible]

NOTE:

[illegible]

NATIVE POLLINATOR SEED MIXES

[illegible]

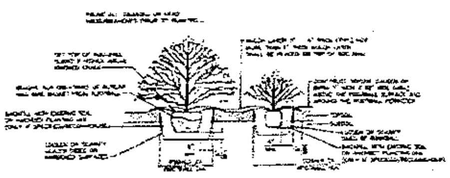
NOTE:

[illegible]

WETLAND SEED MIX

[illegible]

TREE PLANTING SCHEDULE					
KEY	COMMON	BOTANICAL	SIZE	QTY	REMARKS
PA	NORWAY SPRUCE	PICEA ABIES	[illegible]	[illegible]	B&B
[illegible]	MOUNTAIN LAUREL	KALMIA LATIFOLIA	#3 CONTAINER	[illegible]	B&B
SHRUBS					
CO	BUTTONBUSH	CEPHALANTHUS OCCIDENTALIS	[illegible]	[illegible]	---
HERBACEOUS PLANT					
IV	BLUE FLAG IRIS	IRIS VERSICOLOR	PLUG	[illegible]	---

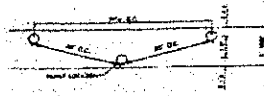


SHRUB PLANTING

NOT TO SCALE

NOTE:

[illegible]



CLEARANCE:

[illegible]

EVERGREEN TREE PLANTING LAYOUT

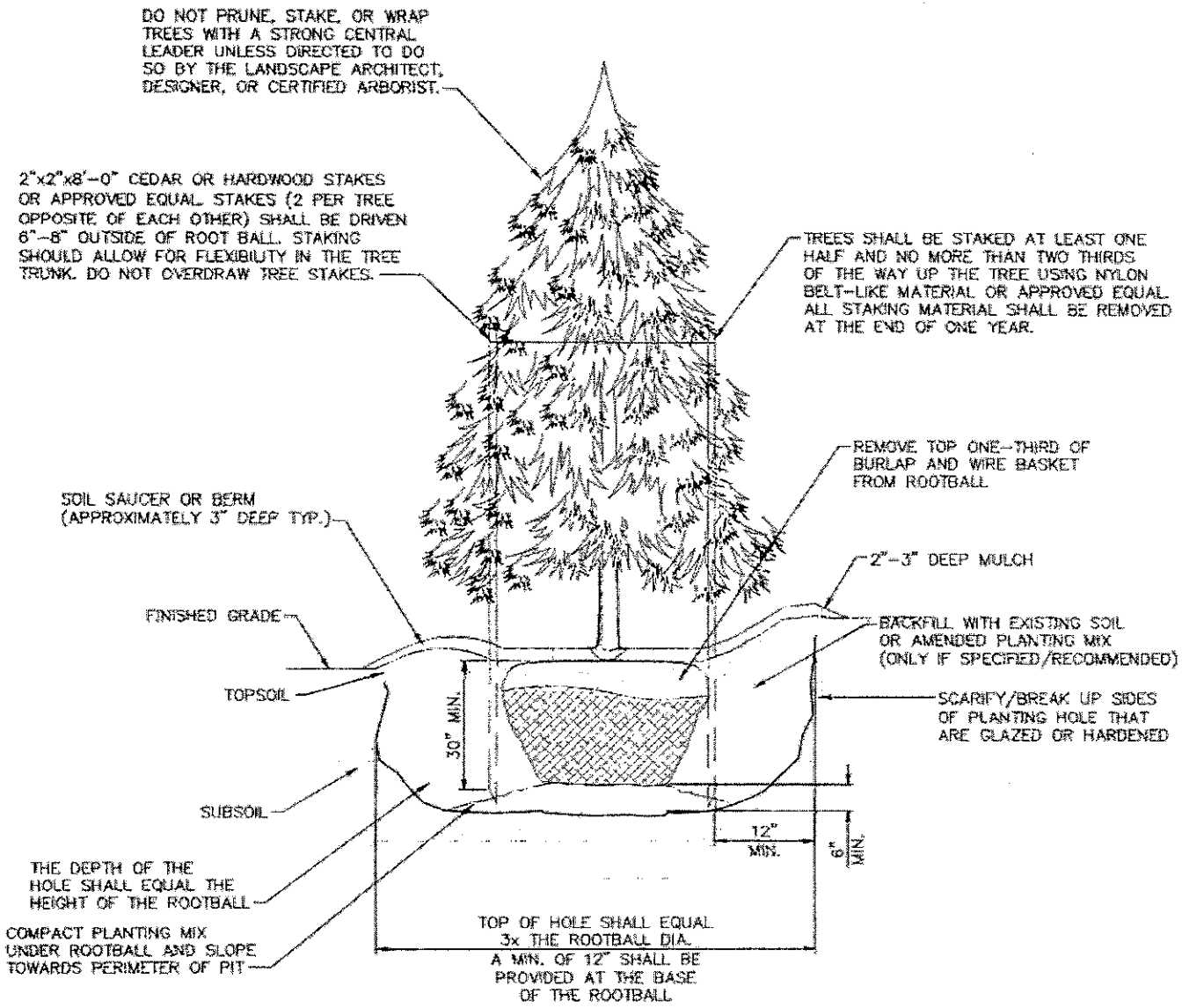
NOT TO SCALE

VERDANTERRA

GREENCELLS USA Inc.

OAK HILL SOLAR

C5.02



EVERGREEN TREE PLANTING

NOT TO SCALE

NOTES:

- TREE PLANTING SHALL BEAR SAME RELATIONSHIP TO FINISH GRADE AS IT WAS PRE-DUG IN THE NURSERY.
- NEVER CUT THE PRIMARY LEADER.
- IT IS NOT RECOMMENDED TO AMEND THE EXISTING SOIL BEFORE BACKFILLING THE HOLE UNLESS SOIL CONDITIONS ARE POOR FOR PLANTING.
- WATER THOROUGHLY TO HELP ENSURE THE REMOVAL OF AIR POCKETS AND PROPERLY SET THE TREE.

PO Box 160
Quaker Street, NY 12141

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

Transmitted via: Privilege of the Floor Planning Board

October 20, 2022

Re: Request developer application documents and public comment are provided to public drop box

Dear Jeffery Schmitt and the Planning Board,

I request that applications to the planning board from developers and from controversial projects are provided online in shared public drop boxes.

Developers applications may use greater land mass, have higher budgets, and receive more public interest. Maintaining organized files that document the revisions of all application documents and site plans in chronological order may protect the town from unwanted and unnecessary lawsuits.

Providing application documents and public comments in an online drop box allows the public to freely follow the project review in a timely manner. Online documents provide all parties the same document at the same time. It saves the planning board clerk and town clerk from burdensome and time consuming Freedom of Information requests.

Online drop boxes for project review are transparent and accountable.

Please require developers and controversial projects to provide all application documents and public comment online.

Thank you for your time and consideration.

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

PO Box 160
Quaker Street, NY 12141

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

Transmitted via: Privilege of the Floor Planning Board Add Oak Hill Solar to the monthly Agenda

October 20, 2022

Re: Privilege of the Floor - Request to add Oak Hill Solar update to the monthly agenda

Dear Jeffery Schmitt and the Planning Board,

Susan Biggs and Lynne Bruning 13388 Duanesburg Road Delanson, NY 12053. Please include my Privilege of the Floor statement and supporting documents in the official meeting minutes as posted on the town website.

We request the board to add the Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC as an update item on the monthly planning board meeting agenda.

This may be the largest and highest budget project the town has ever reviewed, approved and inspected. There are bound to be complications during construction that the board should be informed of.

For instance, October 4th, or thereabout, there was a motor vehicle accident at the access road and Duanesburg Road when a tractor trailer hauling a crane exited the Project driveway and two passing by cars collided and ended up in a ditch. As you may remember the Department of Transportation permit reflected that the Project driveway was deficient more than 370 feet of the required sight distance.

A monthly update of the inspections, accidents, violations, compliance, community concerns and construction progress would be beneficial to the board and taxpayers. To protect the town this information should be on the record and publicly accessible.

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.

Sound reading report performed at Joseph and Christine Serth's wedding barn performed on September 10, 2022.

To whom it may concern,

I was hired to perform sound readings at a wedding event on September 10, 2022 at 216/218 Batter St. I am a qualified Audio Technician and I've been conducting sound readings for many years. Please see my attached résumé. All sound readings were conducted with my model UMM -6 calibrated sound meter. Before taking any readings, I complete a calibration verification utilizing my cm-c200 sound pressure level meter calibrator. I also completed a calibration verification on Mr. Serth's factory calibrated u-mm-6 sound meter. Both sound meters passed calibration verification. Calibration verification was also performed after all sound readings were taken and both sound meters passed calibration verification.

Sound level readings were taken during the wedding performed on the front yard between the house and Batter St. There were approximately 120 guests in chairs facing the lake for the wedding. The DJ set up the sound system at the corner of the house and the driveway facing the road. I monitored the sound levels at the property line between Mr. Serth's property and the old bed and breakfast at Batter St. The background noise from the traffic going by ranged between 80 dB and 90 dB. With no traffic passing, the background noise was 62 dB. At no point during the ceremony did the sound from the DJ exceed 70 dB at the property line. There were three times during the ceremony when the minister asked for an "amen" that the sound level exceeded 70 dB, hitting 75 dB. At the end of the ceremony when the couple kissed, the sound level hit 74 dB. At one point during the ceremony, a passing car honked their horn hitting 92 dB.

For the reception, the sound equipment was set up in the barn with a LED digital sound meter hanging from a post in the barn acting as a visual aid for the DJ, so that she would know the sound level she was playing the music at. All doors to the barn were open. There was a tent outside the barn for approximately 120 guests. I was present when Mr. Serth instructed the DJ not to exceed 90 dB. The DJ started playing music at 5 PM. I constantly monitored the sound levels along the property line until 9 PM. The highest sound reading recorded was 64 dB at the property line. Throughout the ceremony, I walked to the front of the property on Batter St multiple times and at no time did I hear any noise coming from either the guests or the sound system. At 9 PM the amplified music was shut off.

Sincerely,

Mark Burchhardt

September 10, 2022

Sound Check at Serth Event Site

Check #1: Conducted with sound system in barn with all doors open using 1600-Watt amp and 4 speakers

Results at 90dB 10 ft in front of speakers and 100dB and 106dB

Location	Ambient Noise	90dB	100dB	106dB
1. Survey stake at NW corner of B&B property line	55	61		
2. Property line between love shack & barn	55	64		
3. SE corner of love shack	54	60		
4. B&B carriage house 5ft from property line; 150ft from barn	54	56		
5. NE corner off Mary Hughes' property	57	61		
6. Property line off Jim Segrue	54	56		

Mark Burchhardt

402 Cleveland Ave, Rotterdam NY, 12306

Phone: 518-496-4811 **Email**: markburchhardt@gmail.com

STRENGTHS and QUALIFICATIONS

Educated and motivated Audio Video Technician with a natural tendency to step into a leadership role due to being open-minded, personable, fair and possessing a mature, ethical, and professional demeanor. Able to handle conflict and solve without further incidence. Very organized and able to multi-task in the most hectic of times. Thoroughly enjoys contributing to a team effort as well as maintaining a positive, energetic, and customer-oriented work environment.

Qualifications include:

- Mobile Electronics Certified Professional (MECP)
- Audio video system design, testing, measurement reading, and adjustments of systems

Education

Hudson Valley Community College, Troy, NY 2009-2010
Independent Studies

Ritop School for Mobile Electronics, Watertown, MA 2007
Course knowledge included: car electronics, high end car audio insulation, system design and techniques, security systems, remote starters, and high-end custom techniques.

- Mobile Electronics Certified Professional (MECP)

Scotia-Glenville, Scotia, NY 2007
High School Regents Diploma

Work Experience

Licensed Elevator Mechanic
Albany Lift Company & Simmons Elevator Company 2015 - Current

- Diagnose and repair broken commercial and home elevators
- Furnish and install new commercial elevators, home elevators and accessibility products

- Perform routine maintenance on commercial elevators, home elevators, and accessibility products

Installer

Boomer Mcloud, Albany, NY — Jan 2012- 2015

- Aftermarket installation of high-end car electronics
- Audio system design and tuning with custom enclosures
- Real Time Analyzer (RTA) tuning and testing
- Along with custom fabrication
- Works very well with customers on explaining the work that has been done and how the products they purchased works
- Works on the sales floor as needed

Installer

Audio Video Corporation, Menands, NY — May 2010 - Dec 2011

- Ability to build audio video rack in a timely and clean manor
- Experience doing multi room and floor cable runs over long distances
- Ability to make cable termination's soldering and crimp VGA, BNC, RJ45, along with many other audio and video ends
- Commercial audio video system design
- Real Time Analyzer (RTA) tuning and testing
- Traveled all over, staying in hotel rooms for long durations
- Used company vehicles for travel
- Worked in many different work environments from grade schools to collages, small businesses and large corporations, government locations and worked around very sensitive information

Clerk

Kincaid Home Furnishing, Latham, NY — Aug 2008 - May 2010

- Receive inventory
- Assemble of furniture
- Repair and re-furbishing customer furniture
- Delivery of furniture in residential and commercial location

Installer

Precision Mobile Audio, Halfmoon, NY — June 2007 - Aug 2008

- Aftermarket installation of high-end car electronics
- Along with custom fabrication
- Works very well with customers on explaining the work that has been done and how the products they purchased works
- Works on the sales floor as needed

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

October 19, 2022

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

Re: Ultimate Wishy Wash (Spiro Kagas)
Site Plan Application - Car Wash Addition
Our Project No. GNY02WD-22492

Dear Mr. Warner:

We are in receipt of the Site Plan Application dated 6/6/2022, comment response letter dated 10/7/22, Full Environmental Assessment Form (FEAF) dated 10/7/2022, Site Plan dated revised 10/7/22, Stormwater Pollution Prevention Plan (SWPPP) dated revised 10/7/22, Drainage Narrative dated 5/12/2022, and Architectural Plans dated 9/18/2021. This project, located at 9938 Western Turnpike in the Town of Duanesburg (53.00-1-29.21) on 4.75+/- acres, proposes the construction of a crusher run staging area for trucks waiting to be washed, construction of a 985 SF truck was bay, installation of a movable food service van for take-out only, and associated grading and drainage for stormwater management. Based on a review of the documents we provide the following comments:

FEAF

1. ~~In the Brief Description of the Proposed Action, the word 'temporary' is used to describe the crusher run staging area where trucks will wait to be washed. The word temporary should be removed, as the crusher run staging area is meant to be permanent and the remainder of the sentence adequately describes the procedure.~~ *The Applicant has removed the word 'temporary' from the project description and clarified the word was meant in reference to the temporary waiting of the trucks and not the crusher run. No further comments.*
2. ~~The Applicant has left question D.1. unanswered. We ask the Applicant to provide the general nature of the proposed action.~~ *The Applicant has provided the general nature of the proposed action, satisfying our comment.*
3. ~~The Applicant has indicated in question D.1.c. that the proposed action is an expansion of an existing project or use but has only provided the percentage of expansion. We ask that the Applicant provide the units in the blank as '1 wash bay' instead of 'N/A' to their answer to question D.1.c.i.~~ *The Applicant has provided the number of units for the proposed expansion as one wash bay. No further comments.*
4. ~~The FEAF indicates that 400 additional gallons of water supply is needed for this project. The applicant should answer question D.2.c.vi. with the maximum pumping capacity of the private well.~~ *The applicant has addressed the comment by stating that the wells produce 5 +/- gpm. No further comments.*
5. **The Applicant has provided an answer to question D.2.d.v. that was previously left blank, however, we ask them to clarify whether the treatment process currently in place for the washwater has capacity for the extra 400 gpd proposed for this expansion.**

6. **The Applicant has provided an answer to question D.2.d.vi. that was previously left blank, however, we ask them to clarify whether the treatment process currently in place for the washwater has capacity for the extra 400 gpd proposed for this expansion.**
7. ~~The Applicant has left question D.2.e.ii. unanswered. We ask the Applicant to describe the types of new point sources or stormwater runoff. Question D.2.e.iii. states that there will be on site bioretention and that stormwater runoff will flow onto adjacent properties after treatment and flow reduction.~~ *The applicant has addressed the comment. No further comments.*
8. ~~In question D.2.m., it asks if the action would produce noise that would exceed the existing ambient noise levels during construction, operation, or both. We ask the Applicant to review their answer, as the action of constructing a new wash bay would produce noise during construction that is over the current ambient levels, and answer the subsequent questions D.2.m.i, and D.2.m.ii.~~ *The Applicant has revised their answer to reflect that there will be construction noise above the current ambient levels from 7am-7pm Monday to Saturday for approximately three months. No further comments.*
9. **Question D.2.j. is answered that the proposed action will NOT result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. However, since the project is adding a wash bay, truck queuing area and food vender truck, it appears that there would be an increase in use of the facility, which should be quantified for the record.**

Site Plan

1. ~~The Site Plan drawing set does not include an Erosion and Sediment Control Plan showing the required elements in the SWPPP. *We acknowledge that that Applicant has provided the Erosion and Sediment Control Plan within the Site Plan.*~~ *The applicant has provided Erosion and Sediment Control Plan on Sheet 2 of 3 in the Plan Set. No further comments.*
2. The proposed bioretention practice shows a 6" underdrain pipe to daylight discharging to the south of the facility onto lands of the applicant and a 12" HDPE outlet pipe and emergency spillway from the facility are shown exiting to the east onto lands of Thomas into an existing drainage swale which then flows through lands of Chilton prior to joining a stream that flows under NYS Route 20 near Gage Road. We have learned that a similar gravel parking area project was reviewed and approved by the Planning Board last year with a different stormwater design that kept all stormwater discharges on site, however, the design was not constructed as approved and the Town Permit was rescinded. In the December 15, 2021 letter to Dale Warner from Brett Steenburgh, P.E. regarding neighbor property flooding due to prior work performed on the gravel parking area, we located a statement attributed to Jamie Malcolm, NYSDEC Region 4 which said he "suggested that they maintain the existing drainage pattern and drain the pad to the southeast corner and not try to create the swale towards the car wash driveway and down US Route 20 ... as it may cause problems within the highway drainage system and inundate the existing culverts under the driveways of Wren and Chilton." We have not verified this statement with Mr. Malcolm, however, it is in keeping with NYSDEC requirements that the project design must ensure that there is no increase in runoff from a new development project and that there are no adverse effects downstream of the project. We understand that a bioretention practice has been designed to mitigate the offsite impacts of this project, however, **since there are known issues with the current drainage pattern, we ask the applicant to provide additional information why the original plan to keep discharges on site are not practical if proper stormwater management practices are put into place to mitigate effects on the Route 20 drainage system and neighboring driveway culverts.** Please also refer to our further comments on the stormwater design in the

Drainage Narrative section of this letter. **We have read the response to this comment in the 10/7/22 response letter from ABD, which did not answer the question above. Additionally, there are still concerns as noted below:**

a. **There needs to be test pit data that shows the proposed bottom of the Bioretention practice will be at least 2 feet above the high groundwater table. There is a note on the detail for the practice about using a poly-liner if the separation cannot be met, but this should be known at this point in the process.**
b. **Review of the Stormwater Design Manual (SWDM) shows that Bioretention is an acceptable practice for water quality treatment but is not to be used for water quantity control. An appropriate quantity control practice needs to be included for this project.**
c. **The anticipated water quantity control practice could be situated at the southwest corner of the gravel parking area, which would put the discharge point back to the prior approved location. The stormwater design point would be changed to the culvert under Route 20 and the applicant/owner would have full control over the stormwater management system up to the point it empties into the ditch at Western Turnpike.**

3. ~~We ask the Applicant to verify if the white pines shown on the Site Plan Sheet 1/3 are already present on the site (as seen on recent aerial imagery of the site) as screening to the lands adjacent to the proposed project, owned by Patrick Wren and note as existing on the plan.~~ *The Applicant has indicated that 2, possibly 3 of the 14 Norway Spruce planted on the project site have died.* ***Any trees which have died need to be replanted/replaced.***
4. ~~The Site Plan shows that the proposed additional bay is encroaching more than 20 feet into the 40-foot side lot setback, however, the Applicant has indicated they have a setback variance. Please provide a copy of the approved variance.~~ ***We acknowledge that the Applicant has made the request for a copy of the approved variance from the Town and will provide review and comment once received.***
5. ~~The Site Plan does not provide the total floor area of the proposed new truck bay are required in the Town Zoning Ordinance. We ask that this be added to the plan as well as the floor area of the existing facility.~~ *The Applicant has identified the total square footage of the proposed new truck bay as 985' SF on the Site Plan. No further comments.*
6. ~~On the Site Details Sheet 3/3, the cross section shows a proposed 4-foot solid fence on 2-foot concrete blocks, screened by white pines. This appears to meet the Town Zoning Ordinance maximum fence height of 6 feet. We ask the Applicant to provide the design and materials for the solid fence to confirm that it is compatible with the general surroundings.~~ *The Applicant has provided details on the proposed fence. We find that the proposed fence meets the Town Zoning Ordinance maximum fence height of 6 feet and the stockade style fencing is compatible with the general surroundings.*
7. ~~We ask the Applicant to verify that no new signage is proposed as part of the action. If additional signage is proposed, we ask that the location, size, design and construction materials of all proposed signs be provided.~~ *The Applicant has verified that no new signage is proposed. If any new signage is proposed on this project, the details must be submitted for review prior to final Application approval.*
8. **The plans appear to be missing the required grass filter strip between the stone diaphragm and Bioretention practice for pretreatment of direct runoff from the parking lot.**
9. **The Drainage Narrative in Appendix E of the SWPPP, page 3, states that "Two new trenches are proposed along the edge of pavement that will collect stormwater from the asphalt surface. There is a negligible difference in runoff volume generated from the existing impervious crusher run stone and proposed impervious asphalt." The plans show a 12" pipe outlet from the stone trench without**

any treatment practices associated with this concentrated flow. The plans and SWPPP should be revised to include the proper stormwater treatment for a redevelopment project in this area of the site.

SWPPP

1. ~~The total area being disturbed needs to be clearly stated under "Project Description". The end of the section mentions the prior disturbance but should include the proposed new disturbance for a complete project total.~~ *The applicant has addressed the comment.*
2. ~~The "Project Description" section should include a mention of which type of construction project is being proposed (i.e., which table does the project fall under in Appendix B of the NYSDEC SPDES General Permit). *Applicant needs to mention "this project requires the preparation of a SWPPP which includes post-construction stormwater management practices".*~~ *We agree that commercial projects fall under Table 2 of Appendix B and thereby requires both Sediment and Erosion Control practices as well as Post-Construction Stormwater practices.*
10. Please clarify whether the existing stormwater underdrains below the 8" crusher run will be abandoned/demolished. ***The applicant has advised that the pipe will be 'destroyed' by the new construction. The Drainage Narrative mentions that the existing three (3) drain tiles under the parking lot "were terminated in order to prevent future runoff to the Wren property." The location of this termination should be shown on the plans and the end of the pipes confirmed to be sealed in the field.***
3. **The surface area of the adjacent parking lot which will be overlaid with asphalt needs to be stated in the "Project Description" section. *The applicant needs to mention the surface area of the parking lot which will be overlaid with asphalt. (16,776 SQ. FT. has not been incorporated)***
4. ~~Section 2.2 does not provide any description for "rock outlet protection" which is listed as a proposed permanent structural practice in the NOI~~. *The applicant has addressed the comment. No further comments.*
5. ~~Please provide more details regarding how often sanitary waste shall be cleaned~~. *The applicant has addressed the comment stating that the recycling tanks are pumped out every 2 to 4 months, as needed. No further comments.*
6. ~~Please specify the waterbody which would receive any potential pollutant discharges under section 6.0.~~ *We acknowledge your response in the letter. However, the information was not included in the SWPPP under Section 6.0.*
7. ~~Under section 7.0, the maintenance guidelines specify that sediment needs to be cleaned from the basin when it accumulates to more than 1 inch. How will this be measured?~~ *The applicant has addressed the comment by stating that it will be a visual inspection to determine sediment depth. No further comments*
8. ~~Please add the following under Stormwater Management Maintenance requirements:~~ *The applicant has addressed all subpoint. No further comments*
    ~~a. Vegetation within the basin shall be limited to 18 inches~~
    ~~b. Basin outlet devises shall be cleaned/repaired when drawdown times exceed 36 hours~~
    ~~c. Areas devoid of mulch shall be re-mulched on an annual basis.~~
9. The MS4 SWPPP Acceptance Form contained in Appendix B can be removed, as the Town of Duanesburg is not a MS4 community. Question number 43 of the NOI will need to be revised as well. ***The applicant needs to revise the response to Q.43 of NOI to reflect that the project is not subject to MS4 requirements.***

Drainage Narrative & Stormwater Calculations (Appendix E of the SWPPP)

1. ~~Please include a list of WQ_v improvement practices (wet swale, grass lined swale, bioretention, etc.) which are proposed to be used along with the practice number/identification from NYS Stormwater Design Manual~~. *The applicant has addressed the comment by stating Bioretention (F-5) for WQv treatment. No further comments.*
2. ~~The Time of Concentration (Tc) flow path is not shown on the Post-Development Drainage Plan and needs to be added. Please check if the Tc for Post Area 1A will be faster than the pre-development flow from this area, as the flow will be concentrated along the northerly berm and conveyed easterly to the swale and ultimately Design Point #1~~. *The applicant has addressed the comment. No further comments.*
3. ~~Please clarify where stormwater flows from the bioretention practice once it surfaces from the underdrain outlet. Are erosion control practices needed?~~ *The applicant has addressed the comments and included the respective details for outlet protection of the existing ditch. No further comments.*
4. ~~The Construction Inspection Checklist from Appendix F of the NYS Stormwater Design Manual (SWDM) needs to be included and referenced as an Appendix.~~ *The applicant has addressed the comment. No further comments*
5. The following points need to be incorporated for the bioretention practice:
   a. **A flow regulator/flow splitter is needed as per the NYS SWDM to divert the Water Quality Volume (WQ_v)to the filtering practice and allow larger flows to bypass the practice.** ***As the Bioretention practice is for water quality only, a regulator or flow splitter is required to direct flow to the water quantity control practice.***
   b. **The bioretention practice requires pretreatment as specified in the Stormwater Design Manual. What is the pretreatment practice proposed ahead of the bioretention area?** ***The applicant has added a pre-treatment stone trench, however, a grass buffer is also required. The*** **stone diaphragm volume calculations should also be provided for review.**
   c. ~~Please clearly state treatment capacity of bioretention practice. Verify that 75% of the WQv prior to filtration can be held in the practice.~~ *The Bioretention Worksheet is provided in Appendix E.*
   d. ~~Provide the details of the bioretention outlet structure that will be used to release flows below the predevelopment rate through the 12" outlet pipe~~. ***As the Bioretention practice is for water quality only, how is the water quantity being handled?***
   e. ~~Provide ponding depths in addition to elevations for 1, 10 and 100 year storm events on the Bioretention Detail.~~ ***As the Bioretention practice is for water quality only, how is the water quantity being handled?***
6. The following points need to be incorporated for the proposed new diversion swale in north:
   a. ~~Provide a construction detail and section of proposed swale~~. *The applicant has addressed the comment stating that the existing swales will be reshaped for this project. No further comments.*
   b. ~~Provide a detail to show that the proposed swale can safely convey 10-year storm event and still maintain 6" freeboard.~~ *The applicant has addressed the comment. No further comments.*
   c. ~~Need to include maintenance of swales in the body of the SWPPP.~~ *The applicant has addressed the comments with a new detail in the plan sheets. No further comments.*

d. Need to provide description of the design of the swale in the body of the SWPPP. ***The response letter mentions that it was added. Please direct us to the exact location the design criteria of the diversion swale were added to the Drainage Narrative.***

Architectural Plans

1. ~~The Architectural Plans do not clearly provide the total height of the proposed new truck bay. We ask the Applicant to provide the total height on the Front Elevation drawing to determine if this corresponds with the 20' +/- stated in the FEAF.~~ *The Applicant has provided plans and elevations that show the total height of the proposed new wash bay is 23 feet, 6 inches. The total height is below the Town Zoning Ordinance maximum building height of 42 feet in zone C-1 Commercial. Question D.1.g has been amended in the revised FEAF reflecting this change.*

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

Douglas P. Cole, PE
Senior Director of Engineering

cc: Jeffrey Schmitt, Planning Board Chairman
Terresa Bakner, WOH
Joseph Bianchine, P.E., ABD Engineers LLP

17 Computer Drive West
Albany, NY 12205
518.438.9900

70 Linden Oaks, Third Floor, Suite 15
Rochester, NY 14625
585.866.1000

Via Hand Delivery

October 20, 2022

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

Attention: Jeffrey Schmitt, Chairperson

Re: Response to Public Comments
Proposed Dollar General Retail Store
NYS Route 7

Dear Chairman Schmitt and Members of the Planning Board:

On behalf of our client, Primax Properties, LLC, we are pleased to provide responses to the general themes of the public comments received for the above referenced project:

Traffic/Driveway Access – Dollar General is typically not considered a 'destination'. Their model is to be a general store designed to serve the local community, therefore they are small in size compared to 'big box stores' so that they are in scale with the community and rely on pass-by vehicle trips, rather than drawing new vehicle trips to the area. The New York State Department of Transportation (NYSDOT) has reviewed and approved the location and design of the proposed site driveway/access and accepted the sight distances. Please see this email correspondence attached. Additionally, they have asked for a "Driveway Warning" sign for westbound traffic which we have added to the Site Plan. There is only one proposed access to the parcel/project and that is the proposed driveway shown off of NYS Route 7.

Truck Deliveries – Dollar General typically receives 1-2 tractor trailer deliveries per week, with some smaller box truck deliveries as well. A truck turning template has been provided to show how the tractor trailers navigates into and out of the site without backing onto the road.

Outdoor storage of merchandise – Dollar General has agreed that they will not have outdoor merchandise sales on the exterior of the building, aside from ice and propane which will remain in locked cabinets outside to maintain order.

Location – The proposed project is located within the C-2 Manufacturing & Light Industrial Zone. The limits of the Dollar General are those shown on the Site Plan Documents prepared and submitted by Bohler Engineering and Landscape Architecture NY, PLLC. This parcel was subdivided from a larger overall parcel and that parcel is not a part of this project. Therefore a large treed area behind the subject site in question is not proposed to be removed as part of this project.

Aesthetics – The building façade has been enhanced to have fiber cement siding on the sides visible to customers entering the store. Additionally, a stone base has been added on the building. Varying natural colors have been selected for the building materials. Instead of the typical 'box sign' a sign consisting of channel letters with exterior gooseneck lighting for the sign is proposed.

BOHLER

Sewer – municipal sewer does not currently exist to serve the subject property. At the request of the Town, this project is going to design and install a sewer main extension to benefit the Town for future connections as well. Dollar General has less sewer generation than a typical home so this improvement will benefit the Town rather than present a burden.

Should you have any questions do not hesitate to contact our office at (518) 438-9900.

Sincerely,

BOHLER ENGINEERING AND LANDSCAPE ARCHITECTURE NY, PLLC

Caryn Mlodzianowski

cc: Primax Properties, LLC

Caryn Mlodzianowski

From: Tedesco, Gaetano (DOT) <Gaetano.Tedesco@dot.ny.gov>
Sent: Monday, June 27, 2022 2:08 PM
To: Caryn Mlodzianowski
Subject: RE: Duanesburg Dollar General - Stage 1

EXTERNAL: Use caution with attachments and links.

Caryn-

I'm good with your stage 1 submission please submit the stage 2 with a completed set of site plans for our review and comments.

Thanks
Guy

Gaetano Tedesco, P.E.
Regional Permit Engineer, Region 1

New York State Department of Transportation
Region One – Traffic
50 Wolf Rd., Albany, NY 12232
(518) 457-9934 | Gaetano.Tedesco@dot.ny.gov

From: Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>
Sent: Tuesday, June 14, 2022 10:17 AM
To: Tedesco, Gaetano (DOT) <Gaetano.Tedesco@dot.ny.gov>
Subject: Duanesburg Dollar General - Stage 1

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

Good morning Guy,

Please find an electronic copy of a Stage 1 for a newly proposed Dollar General in Duanesburg attached. Will you be the person reviewing this one?
We sent it to your attention last week and wanted to confirm it was received.

Thank you,

Caryn Mlodzianowski
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