

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member
Christopher Shoemaker, Board Member
Michael Santulli Alternate Board Member

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OCT 16 2020

TOWN OF DUANESBURG
TOWN CLERK

Town of Duanesburg
Planning Board Minutes
September 17th, 2020
Final Copy

MEMBERS PRESENT: Jeffery Schmitt Chairman, Elizabeth Novak, Thomas Rulison, Joshua Houghton, Michael Harris, Martin Williams, and alternate member Michael Santulli. Also, in attendance Planning Board Attorney Teresa Bakner, and Melissa Deffer Clerk.

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting at 7:01. Jeffery welcomed everyone to tonight's Planning Board meeting.

OPEN FORUM:

Schmitt/Novak made a motion to open the open forum at 7:02.
Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes.
Approved.

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

Christina Loukides located at 1320 Alexander Rd Would like to tell the board that the audio is hard to hear.

Schmitt/Harris made a motion to close the open forum at 7:06.
Schmitt yes, Harris yes, Santulli yes, Novak yes, Williams yes, Houghton yes, Rulison yes.
Approved.

PUBLIC HEARINGS:

#20-09 Conway, Adam: SBL# 67.00-3-19.3, (R-2) located at 3882 Western Turnpike is seeking an amendment of his Special Use Permit under section 14.6.2.5 of the Town of Duanesburg Zoning Ordinance.

Schmitt/Williams made a motion to open the public hearing for the **#20-09 Conway, Adam** application.

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Over→

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

Mr. Conway gave his presentation to the Public.
No public comments were received on the application during or preceding the public hearing.

Schmitt/Novak made a motion to close the public hearing for the #20-09 Conway, Adam: application.
Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Santulli yes.
Approved.

Novak/ Williams made a motion to reaffirm the preliminary SEQRA finding of a negative impact declaration.
Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Santulli yes, Schmitt yes.
Approved.

Schmitt/ Rulison made a motion to approve the application for #20-09 Conway, Adam.
Schmitt yes, Rulison yes, Harris yes, Santulli yes, Novak yes, Williams yes, Houghton yes.
Approved.

#20-14 Lands of Carlie Coolidge: SBL# 66.00-3-4.1, (H) located at 5434 Western Turnpike is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Schmitt/Novak made a motion to open the public hearing for the #20-14 Lands of Carlie Coolidge application.
Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Santulli yes.
Approved.

Frederick Metzger is representing Bruce O'Dea gave his presentation to the public.
No public comments were received on the application during or preceding the public hearing.

Rulison/Schmitt made a motion to close the public hearing for the 20-14 Lands of Carlie Coolidge application.
Rulison yes, Schmitt yes, Novak yes, Williams yes, Houghton yes, Harris yes, Santulli yes.
Approved.

Schmitt/Harris made a motion to approve the 20-14 Lands of Carlie Coolidge application contingent upon the receipt of an easement of the wells to be recorded and the two deeds to be filed.
Schmitt yes, Harris yes, Santulli yes, Novak yes, Williams yes, Houghton yes, Rulison yes.
Approved.

#20-19 Rhoades, Charles: SBL#65.00-2-45, (R-2) located at 1367 Alexander Rd is seeking a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance.

Planning Board Member Harris recused himself from the #20-19 Rhoades, Charles application.

Schmitt/Rulison made a motion to open the public hearing for the #20-19 Rhoades, Charles application
Schmitt yes, Rulison yes, Santulli yes, Novak yes, Williams yes, Houghton yes. **Approved.**

Joseph Bianchine from ABD Engineering is representing Charles Rhoades gave his presentation to the board.

Christina Loukides located at 1320 Alexander Rd (**Please see attachment**)

Harry Ringermacher located at 1054 Main St who borders the property on the east end would wish to note that he has observed all the land up to the properties of Ringermacher and Smith have been cleared and there is a clearing road all the way around the land up to 100 feet from the Ringermacher lands. The Ringermacher and Smith's are concerned with future development of the land.

Scott Perillo located at 4958 Western Turnpike would like to address the comments as he explained he is the one who is buying the lot to build a home and the number of lots are not increasing. Scott would like to close on the land and all that is holding up the process is this simple lot line adjustment.

Judy Ringermacher located at 1054 Main St asked Mr. Perillo where the property that he would like to buy if it is on Western Turnpike.

Scott Perillo located at 4958 Western Turnpike answered Mrs. Ringermacher with no he is looking to buy Lot number 4 1367 Alexander Rd.

Lynne Bruning located at 13388 Duanesburg Rd stated she would like the site plans to be put on the website.

Scott Perillo located at 4958 Western Turnpike, Scott would like to close on the land and all that is holding up the process is this simple lot line adjustment. Contractors are all set up and he can't keep pushing them off for a simple lot line adjustment with no additional lots being created.

Christina Loukides located at 1320 Alexander Rd must ask the question why is a driveway being put in if there are no future and why is an access road being put in?

Joseph Bianchine from ABD Engineering stated he showed a driveway there just to show a driveway to make sure he could put one there in that location. Joe went out to the property with

the Highway Superintendent and made sure it was a valid location for a driveway. Charlie does intend on building there on the big lot where the proposed house and septic is. He will need a drive to be able to get back to the proposed house, so we put in a proposed driveway.

Christina Loukides located at 1320 Alexander Rd stated she can not see any of the maps. Mrs. Loukides would like to know what the plan is to start building on that land. Mr. Rhoades is a builder and Christina would like to know the future.

Scott Perillo located at 4958 Western Turnpike states he can not stress enough that this is just a simple lot line adjustment and whatever will happen down the road has nothing to do with this simple lot line adjustment. The driveway was approved. If Charlie decides to future subdivide, he will have to come back to the planning board for approval.

Christina Loukides located at 1320 Alexander Rd understands the Mr. Perillo does not know the history of Alexander Rd but Scott was fully aware that it was an 8-acre parcel when the driveway was put in. Christina is currently having muddy water, Dry wells, and water issues as a result of whatever is going on Charlie's land. Mrs. Loukides is very concerned of any dangerous situation that may happen.

Sarah Gwiazdowski located at 938 Alexander Rd (**Please see attachment**)

Scott Perillo located at 4958 Western Turnpike explained that he wants to go from 8.7 acres to 6 acres simply because the contour of the land. There is 2 acres on top of a ridge that serve no purpose to Scott. Mr. Perillo does not want to pay taxes on land that he cannot use.

Sarah Gwiazdowski located at 938 Alexander Rd would like to know who is requesting the lot line adjustment before the sale of the property Mr. Rhoades or Mr. Perillo and is there a chance that Mr. Rhoades and Mr. Perillo will be working together in the future.

Scott Perillo located at 4958 Western Turnpike Mr. Perillo answered Mrs. Gwiazdowski stating He wants it done before the closing and no they are not working together in the future.

Planning Board Attorney reminded everyone that this is a public hearing and all comments must be given to the board and the board will do their best to answer the questions.

Planning Board Attorney asked Mr. Perillo and Mrs. Gwiazdowski if they had anything they want to add to the comments or questions to the board.

Mark Gwiazdowski located at 938 Alexander Rd (**Please see attachment**)

Mark Gwiazdowski located at 938 Alexander Rd would like to know what Charlies final plan,

Chairman Schmitt explained that Charlies owns his land and if he wants to do anything other than clear it he has to get permits from the either the DEC, Building Department or come back in front of the Planning Board.

Raymond Barry located at 1070 Alexander Rd he expressed he has the same concerns as Christina and Sarah about the through road Charlie built. Mr. Barry states Mr. Rhoades cannot be trusted something always comes up, gets changed or added and to please take the rest of the neighborhood into consideration.

Chairman Schmitt explained the board request for the Highway Superintendent to go and look at the site to make sure it was an approvable road cut.

Lynne Bruning located at 13388 Duanesburg Rd would like the board to please clarify where the 47 acres is and what portion of the land has been cleared. What solar developers and property owners do is prep the site prior to coming to the Board for approval which allows them to by step a great deal of the rules and regulations. When Developers do this then they don't have to do a Storm Water Prevention Plan this is how they avoid problems and push their projects thru, and this is what happened on Murry's property. Be aware and take into consideration.

Raymond Barry located at 1070 Alexander Rd just wanted to let the board know that he is friends Marcell Levelly adjacent to Charlies property and Charlie has clear cut totally flat at least 37 acres.

Christina Loukides located at 1320 Alexander Rd with regards to this piece of property its clear to see that its not just a simple lot line adjustment it's the next step in a process and a plan exists and it's not being revealed by Mr. Rhoades or Mr. Bianchine. Christina's hope is that as Mr. Rhoades parcel comes back on the Planning Board Agenda as it will in the future that the Planning Board please consider the real life water issues happening now, based on road safety investment in the current homeowners as you meet the next Charlie Rhoades project. Please consider these issues.

Sarah Gwiazdowski located at 938 Alexander Rd would like to thank the board. Sarah would like to know if there will be a point at which the town asks Mr. Rhoades what his plan is as a whole?

Chairman Schmitt explained as soon as there is an application for a building permit or a subdivision for the remaining acres the board will be asking a lot of questions. Its hard to speculate what Mr. Rhoades is going to do.

Sarah Gwiazdowski located at 938 Alexander Rd is it possible to have this re surveyed with all the concerns that the towns people are having with this project.

Chairman Schmitt explained that the board will close the public hearing take in the thoughts and contemplate and deliberate on whether to approve the lot line adjustment.

Williams/Rulison made a motion to close the public hearing for the **#20-19 Rhoades, Charles** application.

Williams yes, Rulison yes, Santulli yes, Schmitt yes, Novak yes, Houghton yes, **Approved.**

Board Member Williams would like to make a statement that he can remember when he was growing up that Alexander Rd use to be a dirt road with only 2 houses on it. So, this is progress and not everyone is going to like it.

Schmitt/Rulison, noting that a lot line adjustment is a type II action and that a negative declaration of environmental significance was made with respect to the original subdivision, made the motion to approve the **#20-19 Rhoades, Charles**: SBL#65.00-2-45, (R-2) located at 1367 Alexander Rd Lot Line Adjustment.

Schmitt yes, Rulison yes, Santulli yes, Novak yes, Williams yes, Houghton yes, **Approved**,

#20-10 Papa, Daniel: SBL# 35.10-2-3, (L-1) located at 228 Lake Rd is seeking a Special Use Permit for a two- family dwelling under the Town of Duanesburg Zoning Ordinance adopted 6/11/15 under section 15.4(I); section 7.1.4(1); of the Town of Duanesburg Zoning Ordinance.

Schmitt/ Rulison made a motion to open the public hearing for the **#20-10 Papa, Daniel** application.

Schmitt yes, Rulison yes, Harris yes, Santulli yes, Novak yes, Williams yes, Houghton yes. **Approved**.

Land Attorney Andy Brick and Daniel Papa gave his presentation to the public.

Land Attorney Andy Brick gave his analysis of Lake Ave to show that Mr. Papa would only increase the amount of traffic by one car and increase the number of bedrooms by 1. Mr. Brink also stated that a two-family dwelling is permitted by a special use permit in the Town of Duanesburg Zoning.

Donald Russo located at 238 Lake Ave asked if people normally must submit a building permit prior to construction?

Chairman Schmitt explained that there was a building permit applied for the garage just not for the apartment.

Paul Goska located at 198 Lake Ave stated that there are 11 houses on Lake Ave besides the applicant, 9 of the homeowners signed a petition. Over 80 percent of the homeowners disapproved of this application. When a propane company came to the board the application never went through because the residence did not want it even though it was a commercial property. Mr. Goska stated he has lived on Lake Ave for 18 years and he moved into a residential neighborhood. Mr. Papa has lived here for about 2 years and wants to change the neighborhood so he can profit off his property at the expense of his neighbors. Mr. Papa at the last meeting stated how much money he has put into his property to better it the only building permit the applicant had was for the construction of a detached garage and the neighbors did not object to. Then the applicant converted the unit into an apartment and constructed a structure that connects to the house without a permit and that does not comply within code. The town should have he removed it or put it to code. The applicant was asked about the attached roofs and ignored the question but later on answered it vaguely. Mr. Goska explained that the garage roof is higher than the roof on the house. The house roof was not extended to connect to the garage, its

connected by a makeshift addition that is below the roof of the house by at least 3 feet. It is not within code. When it snows its going to fill in and compromise the structure. The residence on Lake Ave are against this application. Paul would like to ask Andy Brick which house on Lake Ave has 4 bedrooms?

Chairman Schmitt explained that the Code Enforcement Officers have been out there multiple times and if the saw that it was not up to code, they would have already addressed the issue.

Land Attorney Andy Brick answered Paul's question with there is a section of the Duanesburg Town code 15.4(i) that at is being followed now. We are here for a Special Use permit. Andy is taking his information for the Schenectady County Real Property Taxes Service Image Mate. Which is on the County website and that is where Andy is basing on.

John DeVer located at 128 Lake Ave would like to say that if you give to one you must give to all. It is supposed to be single dwellings and you are changing to neighborhood.

Patricia Carvin located at 208 Lake Ave has been here for 25 years on Mariaville Lake and have come to meet and know our neighbor. Mrs. Carvin expressed her concerns with the right decision that will be made.

Teo Daley located at 148 Lake Ave would like to state that the number of homes that the identified not all are year round. So, you are underestimated the numbers of impact on the wells, sewer, plowing of the road. And this is a very slippery slope.

Schmitt/ Rulison made the motion to close the public hearing for the **#20-10 Papa, Daniel** application.

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

Board Member Williams wants to put on the record that being and owner of 2 family residences in Duanesburg it is legal but the lot being as small as it is he has to disagree with Mr. Brick and that there is not enough parking,

Chairman Schmitt asked Mr. Papa what the current parking is like? Are your tenants going to be parking on the street? And if the board would put a condition on the Special Use Permit where no tenants can park on the road. Would that be feasible?

Land Attorney Andy Brick and Mr. Papa answered with yes that would be feasible. Mr. Papa stated that even with the apartment being rented he has the least number of cars in his driveway on the street.

Schmitt/ Rulison made a motion to table the application for **#20-10 Papa, Daniel** Application until October 15th, 2020.

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

NEW BUSINESS:

#20-18 Iseman Re-Subdivision: SBL#75.12-1-5.12 and 75.12-1-5.11, (H and R-2) located at 2300 Main St and 10284 Duanesburg Rd is seeking a Minor Subdivision under section 3.4 and a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Joseph Bianchine from ABD Engineering is representing the Iseman's and Denny's. Joe explained that Lot one is where the Iseman's Home is on Route 7 and it is land hooked with the piece way to the north. So lot 1 is the land along route 7 and the land to the north, Joe is adjusting the lands of Denny which is in the middle to create a new lot which is called lot 3 which is where the son John Iseman will be building. Lot 4 is eliminated, and Joe combined lot 1 and 4. Lot 1 and lot 4 do not touch each other. The lot to the north is not a usable lot that is why it is hooked to lot 1. There is no access to 395 and is too steep. Coordinative review needs to be sent to DOT, DEC and SHPO. The board needs a better description of action for the FEAF.

Novak/Schmitt made a motion to declare the Town of Duanesburg Planning Board lead agency in the SEQRA review process for the **#20-18 Iseman Re-Subdivision** application.

Novak yes, Schmitt yes, Harris yes, Santulli yes, Rulison yes, Houghton yes, Williams yes.

Approved,

OLD BUSINESS:

#20-03 Stewarts Shops Corp: SBL#64.00-2-26.1, (C-1) located at 4032 State Highway 30 is seeking a Special Use Permit under section 11.4(7) of the Town of Duanesburg Zoning ordinance for a convenience store with motor vehicle fuel sales and retail business. Stewarts representative James Gillespie addressed all the comments from Dave Ingalls, DEC, DOT and SHPO. Stewarts is still working with DOT and has applied for the stage 2 application. Jim also received a no impact letter from SHPO. DEC sent clear directions on endangered species which Stewart's is happy to comply with. Dave Ingalls did make some minor comments that needed to be added to the SWPPP. The TDE also gave a summary as well. Stewarts has satisfactory responded in general to all comments. **(Please see attachment)**

Novak/Harris made a motion to reaffirm the preliminary SEQRA finding of a negative impact declaration.

Novak yes, Harris yes, Santulli yes, Schmitt yes, Williams yes, Houghton yes, Rulison yes.

Approved.

Schmitt/Houghton made a motion to approve the **#20-03 Stewarts Shops Corp** application subject to the following conditions:

1. Subject to obtaining NYSDOT permits (Utility and Non-Utility) for the new driveway location and associated stormwater features. The Town does not have any interest in maintenance responsibilities for any utilities with the State ROW.
2. Obtain the NYSDEC 6NYCRR Part 613 Petroleum Bulk Storage permit.
3. Obtain required permits from Schenectady County and New York State Health Departments.

4. Obtain the Town of Duanesburg ZBA approval on all requested variances.
5. File the Notice of Intent (NOI) for stormwater coverage under the NYSDEC SPDES General Permit, GP-20-001.
6. Obtain any other Federal, State, or local permits required.
7. Satisfies all outstanding TDE comments.
8. Parcel Merger must be filed with the County
9. Light trespass and skyglow must be adequately addressed.

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

#20-15 Drexel, Michael: SBL#52.00-1-40, (R-2) located at 452 Eaton Corners Rd is seeking a Special Use Permit for a two-family dwelling under section 3.5.60; section 8.4(8) of the Town of Duanesburg Zoning Ordinance. Mr. Drexel lives at 319 Turnbull Rd in Delanson and owns 29.4 acres at 452 Eaton Corners Road. Mike explained to the board that he would like to get approval to convert an already built workshop/Garage to include an in-law apartment and later down the road build a 3-bedroom house on the property as well. Mr. Drexel had 2 matters to follow up on one being to give a copy of his well report to Mrs. Deffer which Mike was mistaken when he spoke at last meeting when he said the well was set up for 10 gallons a min when it is 20. Mr. Drexel still needs to get a survey done on the property with both structures, Driveways, well, septic locations.

Schmitt/Novak made a motion to approve holding a public hearing on October 15th, 2020 for the application of **#20-15 Drexel, Michael**.

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

SKETCH PLAN REVIEW:

NONE

MINUTES APPROVAL:

Houghton/Rulison made the motion to approve the July 16th, 2020 Planning Board minutes with no corrections.

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

OTHER:

None

ADJOURNMENT:

Novak/Schmitt made the motion to adjourn at 9:44pm.

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

Dear Sirs and Madam's of Duanesburg:

I write this letter as a direct neighbor across the street from the Rhoades' highway system. His 3 driveways span the same road frontage as my property. I'm writing with as little anguish as possible with the same support and common concerns as our friends and neighbors. We are hoping to enlarge our home and make a life with Duanesburg, as I have grown up here myself. Unfortunately, the massive secret across the street is halting our hopes and dreams. All I have ever wanted to know was the endgame of the Rhoades' property. I don't care for in depth details, that's not my business.

I care because my well has been spewing disgusting shale sediment mud ever since the blasting in May 2020. I care because I couldn't sit outside in my hot tub, or on my deck all summer without the low-lying smog of thick diesel exhaust making us sick from 9 am to 9 pm. I care because of the never-ending dump trucks, low boy trailers, and loud excavators pounding through hard shale all day. Please don't get me wrong, I love heavy equipment and own a few pieces myself. It's very distasteful to be an incredibly dishonest and conniving shyster. All we want is answers before it's too late and decisions can't be reversed.

It seems terribly obvious that this property line adjustment is another workaround to cover up an original mistake. Who really would care that they had roughly 2.6 extra acres than they wanted? It's sounds like a ploy to gain land back, and put yet another highway through that once beautiful property.

Answers answers answers, why has this gone so far without knowing the outcome? A project of this magnitude in a town this size should be well known of it's intensions. Please for my kids' sake and our future, don't take any requests without full understanding and care for the residents that are dealing with something they want no part of.

Thanks so much for your time! Stay healthy,

Mark Gwiazdowski

938 Alexander Rd
Delanson, NY 12053

September 10, 2020

Dear Members of the Planning Board,

I am writing regarding Charles Rhoades' request for a lot line adjustment on the property on Alexander Road. Please consider this letter as part of the Public Hearing and include in the supporting documents posted with the agenda minutes for the September 17, 2020 Planning Board meeting.

The representative from ABD Engineers indicated that he has the necessary information for adding a driveway and that Rhoades has no plans for future building "at this time." I recall those were the same words used in 2017 when Rhoades planned to build a 4 unit apartment building on a single acre of a 74 acre parcel. He had no plans for future building on the remaining 73 acres "at this time." The homeowners on Alexander Road reminded the Planning Board that, according to the language in the Special Use Permit Determination of Significance, that "each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts." This reminder was offered to prompt the Board to question Rhoades on his plans for the remaining 73 in addition to framing the decision-making on granting his Special Use Permit for apartments. Those questions were never asked. Rhoades' Special Use Permit request ended, not because of a Planning Board action, but because he did not update paperwork within a certain time period.

There are numerous examples of repeated subdivisions where the Board indicated that their decision making must be guided by considering the "cumulative impacts", excessive lot numbers, and "quality of life" impacts on neighbors from this kind of segmentation, impacts such as water availability, road safety, and property values. To support my examples, I can provide the individuals' names for these request subdivisions; I did not include them here because they are not connected to the subject of this letter. I have expressed my frustration that these parcel divisions earned the Board's concern for long-term impacts and neighbors' quality of life whereas the Rhoades project was not held to account for the same issues.

Now we are faced with Mr. Rhoades requesting the 8 acre parcel be reduced to create a two-plus acre, buildable lot with a driveway, representing himself as though he has no plans for that lot, other than putting in a driveway. Of course we must ask: Why is he adding a driveway if he has no plans to build in the 2 acre parcel? What will he do with the 7 acre parcel? And then the two 5 acre parcels? And what about the 47 acre parcel with the newly-built road leading back to it? How many parcels could that be divided into?

Allowing this one segmentation of one parcel sets the precedent that each of the other parcels can be segmented into smaller buildable lots. The effect of piece-meal development goes against the language of the Zoning Ordinance Purpose Statement that "fosters appropriate growth and development." It also goes against the Zoning Ordinance's Special Use Permit language "to assure overall lower densities of residential development in areas without municipal Sewage Treatment Facilities or public water." I am sure that Mr. Rhoades' representative would state that Mr. Rhoades has no plans "at this time" to further subdivide these parcels but granting this first subdivision sets the stage for further subdivisions.

At what point will it be determined that growth is no longer appropriate and lower densities are no longer assured? Will it be at the point when traffic on this narrow, limited visibility road becomes even more dangerous, will it be when the current homeowners have water restrictions due to over-building, or will it be when property values are diminished due to a combination of these factors?

This new request of a lot line adjustment must be denied so the neighboring homeowners can enjoy the quality of life of access to water resources, road safety and stable property values; these quality of life issues are directly threatened by the excessive building that is likely to occur if Mr. Rhoades is allowed this first step in subdividing a parcel on property that has already be subdivided. It is easy to foresee further subdivisions of this property if he is granted approval for this request.

I appreciate that the Planning Board decided to hold this public hearing on the latest request by Mr. Rhoades given the history of homeowner concerns about the activities on the parcel; this shows that the Board is open to considering the real-life issues that affect those who own homes and view those homes as an investment in their lives and in their community with the expectation that their investment will be protected by the decision-makers of the Town. It is my sincere hope that this request to increase the number of buildable lots on this Alexander Road parcel is denied. The original parcel was divided according to Mr. Rhoades' design. The eight-acre lot exists, it is being developed, and the person building there was fully aware of the size of that lot when he began his building process. There is no need to make changes to that lot or any of the other lots. Changes will only serve to jeopardize the quality of life of the current residents on Alexander Road.

Thank you for your time and for your service to the community.

Sincerely,

Christina Loukides
1320 Alexander Road
Delanson NY 12053

September 16, 2020

Dear Duanesburg Planning Board,

This letter and questions are in regards to the application of #20-19 Rhoades, Charles: SBL#65.00-2-45. The request by Mr. Rhoades for a Lot Line Adjustment at 1367 Alexander Rd which is located in the R-2, Agricultural and Residential zone of the Town of Duanesburg, brings up a number of questions and concerns. I would like to request that this letter be included in the supporting documents and posted with the September 17, 2020 meeting minutes.

The activities, excavation, drilling and blasting that have occurred on Mr. Rhoades' Alexander Rd. property has had an immediate and direct impact on our property's water supply. On May 6th and May 8th, 2020 there were numerous, substantial dynamite blasts done on Mr. Rhoades' property. These dynamite blasts shook our entire home, trees, shrubs, and well. On both dates, Maine Drilling and Blasting (company who did the drilling and dynamite blasting on Mr. Rhoades' property) asked to put their seismograph machine on our property. The aftermath of the powerful dynamite blasting caused to our property's water supply was upsetting, to say the least. We have dealt with cloudy, dirty water for months. The silt was able to come through our water's filtration system due to the particle sizes being so microscopic. The event makes it evident that Mr. Rhoades does not have concern for his project's impact on the neighborhood and his neighbors' water supplies (Mr. Rhoades was made aware of our water issues by the Maine Drilling and Blasting company). In the past the Planning Board has questioned the "cumulative impacts" and "quality of life impacts" on numerous other applications. We are requesting that same scrutiny and discretion be taken by the Town Planning Board in what they approve regarding the current application by Mr. Rhoades, and any future applications or requests pertaining to this acreage, and lots on Alexander Rd.

This application poses a number of questions:

- Does Mr. Rhoades have a DEC storm water permit? (With the exorbitant amount of excavation and blasting done on his property, this question must be asked by the Town.)
- Per DEC guidelines, construction permit paperwork must be available at the construction site, and in place before the ground is disturbed. Has it been confirmed by the Town that the following documentation has been completed properly and is on site:
 - The NOI Acknowledgment Letter from DEC?
 - Stormwater Pollution Prevention Plan (SWPPP)?
 - Notice of Intent (NOI) signed by owner and SWPPP Preparer?
 - MS4 SWPPP Acceptance Form?
 - Site Log Book including certifications, site inspection reports, and SWPPP updates?
 - Letter of permission to disturb > 5 acres?
 - SHPA documentation?
- What is Mr. Rhoades's plan for all subdivided lots? Does he have a master plan to encompass all lots? (This question must also be asked in order to conform with Duanesburg Town Zoning Ordinances, to make sure "the proposed variance will not have an adverse effect or impact on

the physical and environmental conditions of the neighborhood/district" and "determine if it will be detrimental and undesirable to the character of the neighborhood")

- If Mr. Rhoades is granted this Lot Line adjustment will it set a precedence for him to seek other Lot Line adjustments to the remaining lots in the future?
- Why is Mr. Rhoades applying for a Lot Line Adjustment so soon AFTER just subdividing in 2019?
- Does Mr. Perillo want 2.6 acres to be taken off of lot 4 before he buys the land from Mr. Rhoades?
- Does Mr. Rhoades want the 2.6 acres taken off lot 4 before the sale to Mr. Perillo?
- Why is Mr. Rhoades allowing Mr. Perillo to clear, cut trees down, and putting a driveway in before the sale of the property?
- Why does Mr. Rhoades want to reserve the right to put a driveway in on the newly proposed 2.6 acres? (This amount of acreage is ironically very close the minimum building lot size for the Town of Duanesburg)

Thank you very much for your time, and careful consideration to this matter!

Sincerely,

Sarah Gwiazdowski
938 Alexander Rd.
Delanson, NY 12053

PO Box 160
Quaker Street, NY 12141

Chairman Schmitt
Planning Board
Town of Duanesburg
5354 Western Turnpike
Duanesburg, NY 12053

September 17, 2020

Dear Chairman Schmitt,

Please include my statement in the official record of tonight's minutes.

Thank you for posting the August 20, 2020 Draft Minutes on the town website within two weeks of the meeting as in accordance with New York State Open Meeting Laws.

I would like to let the community know that oral arguments for Biggs v. Eden Renewables, Richard Murray and Duanesburg Planning Board are scheduled for October 20, 2020.

Thank you.

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

19:01:47 From lynne bruning : I would like to speak during Privilege of the floor please.

19:02:22 From Town of Duanesburg : ok

19:03:25 From Harry Ringermacher : The board members conversations are muffled. Can meeting members speak into the mic

19:03:56 From Harry Ringermacher : I concur with her comment

19:04:14 From Harry Ringermacher : I concur with audio comment

19:04:27 From Jonathan's : now it's echoing

19:04:41 From lynne bruning : Audio is very difficult to hear.

19:10:06 From lynne bruning : yes

19:17:04 From Harry Ringermacher : That person's voice cannot b heard

19:17:19 From Harry Ringermacher : Is se far from the mic

19:19:04 From Harry Ringermacher : that female person needs to be closer to the mic

19:20:03 From Town of Duanesburg : any comments

19:25:44 From Town of Duanesburg : comments for rhoades?

19:40:58 From Mark : why is the driveway look like a connecting road to the back 47 acres?

19:47:52 From lynne bruning : Would/Can Ms. Deffer please point out on the site plan where the 47 acres is and the connecting road?

19:47:54 From Harry Ringermacher : We cannot hear you eather

19:50:14 From lynne bruning : Thank you ms Deffer.

19:50:43 From lynne bruning : Did the adjacent parcel owner state that the 47 acres had been recently cleared?

19:51:27 From Harry Ringermacher : Yes roads built towards Main St,

19:56:34 From lynne bruning : I would like to speak.

19:57:31 From Harry Ringermacher : Louder please

20:12:35 From Town of Duanesburg : lynne you can speak

20:13:47 From lynne bruning : Yes.

20:13:57 From lynne bruning : IS that what has been cleared

20:17:26 From lynne bruning : Is the applicant considering a solar power plant on the 47 acre parcel?

20:18:13 From Town of Duanesburg : No

20:18:48 From Town of Duanesburg : but you can ask the board

20:19:24 From Town of Duanesburg : lynne your hand is up?

20:24:36 From Mark : what was the motion for?

20:25:29 From Town of Duanesburg : close the public hearing

20:25:47 From Mark : ok, thank you. it's very difficult to hear

20:27:14 From Town of Duanesburg : sorry im trying

20:27:18 From abby_c : Will a recording be available of this meeting?

20:27:35 From Town of Duanesburg : yes

20:28:00 From abby_c : On the website?

20:28:16 From Town of Duanesburg : yes

20:38:12 From Town of Duanesburg : any questions for papa application?

20:51:14 From Jonathan's to Town of Duanesburg(Privately) : board

Speak up please

20:55:37 From Town of Duanesburg to Jonathan's (Privately) : yes

20:57:02 From paulg to Town of Duanesburg(Privately) : please speak up

20:57:22 From lynne bruning : Ms. Bakner can not be heard.

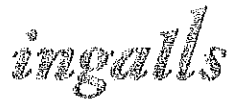
21:02:41 From Town of Duanesburg to Jonathan's (Privately) : public hearing is closed for papa application

21:03:01 From Town of Duanesburg : public hearing is closed for papa application

21:03:07 From paulg to Town of Duanesburg(Privately) : we did not hear a word she said

21:06:58 From paulg to Town of Duanesburg(Privately) : there is no duplex on lake ave and the unit on spring road has been there for over 30 years

21:11:57 From lynne bruning : Ms. Bakner, town attorney, can not be heard.



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September 15, 2020

Mr. Jeffrey Schmitt, Planning Board Chairman
Town of Duanesburg
5853 Western Turnpike
Duanesburg, New York 12056

**Re: SWPPP Review Comments No. 4
Stewart's Site Plan
4032 NY State Route 30, Duanesburg, NY**

Dear Mr. Schmitt and Board Members:

Ingalls & Associates, LLP (*Ingalls*) has completed review of the most recent project materials and has the following comments for the proposed Stewart's. The project is located at 4032 NY State Route 30 (east side) and U.S. Route 20 the Town of Duanesburg. The project resides within the Commercial C-1 zoning district.

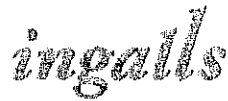
Project Materials Reviewed

Ingalls has completed a review of the latest project information provided:

1. Response letter to review comments from Stewart's Shops dated September 3, 2020
2. SWPPP, prepared by Stewart's Shops and dated July 13, 2020 as Revised September 2, 2020.
3. Site Development Plans, prepared by Stewart's Shops dated March 3, 2020 as Revised September 2, 2020.

1) Response letter dated August 18, 2020

- a. General- The applicant has satisfactorily responded to the plan and SWPPP review comments contained in the August 21, 2020 TDE letter by Ingalls & Associates, LLP.
- b. The applicant has provided responses to comments in the attached NYSDOT letter dated August 13, 2020, including a letter from Shannon Hesnor, NYSDOT Real Estate Specialist I that contains a copy of permit #13397 that allows Stewart Shops use of 7,710+/- square feet for a detention basin and beautification in NYS Right-of Way.
- c. The applicant has provided responses to the NYSDEC SEQR coordination letter dated July 21, 2020. The applicant has satisfied the NYSDEC SEQR coordination comments, including the Northern Long-Eared Bat sign off from NYSDEC via email as well as OPRHP letter of "No Impact" for historic and Archeological.



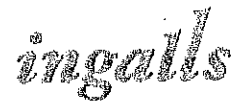
- d. Ingalls recommends that the Planning Board incorporate the following conditions in any approvals:
1. Subject to obtaining NYSDOT permits (Utility and Non-Utility) for the new driveway location and associated stormwater features. The Town does not have any interest in maintenance responsibilities for any utilities with the State ROW.
 2. Obtain the NYSDEC 6NYCRR Part 613 Petroleum Bulk Storage permit.
 3. Obtain required permits from Schenectady County and New York State Health Departments.
 4. Obtain the Town of Duaneburg ZBA approval on all requested variances.
 5. File the Notice of Intent (NOI) for stormwater coverage under the NYSDEC SPDES General Permit, GP-20-001.
 6. Obtain any other Federal, State or local permits required.
 7. Satisfies all outstanding TDE comments, including those listed below.

2) **SWPPP dated September 2, 2020**

- a. The SWPPP is satisfactory but should be revised to specifically reference how the stormwater analysis and design meet the following requirements for the NYS Stormwater Management Manual-Chapter 9 "Redevelopment." Per Chapter 9, *"I- The plan proposes a reduction of existing impervious cover by a minimum of 25% of the total disturbed, impervious area. A reduction in site imperviousness will reduce the volume of stormwater runoff, thereby achieving, at least in part, stormwater criteria for both water quality and quantity. The final grading of the site should be planned to minimize runoff contribution from new pervious area onto the impervious cover. Effective implementation of this option requires restoration of soil properties in the newly created pervious areas. Soil restoration is achieved by practices such as soil amendment, deep-ripping, and de-compaction (See Section 5.1.6 Soil Restoration)."*

3) **Site Development Plans dated September 2, 2020**

- a. The areas of impervious removal have been indicated on sheet S-1 of the plan set and the NYSDEC soil restoration standards are listed on sheet S-6. However, there is no indication on either of these plans where the restoration areas are located. Please indicate on sheet S-1 and S-6 where the specific areas of soil restoration are located and include the requirements of Section 5.1.6 Soil Restoration as detailed in the NYS Stormwater Management Manual.



In conclusion, it is recommended that the project site plan/SUP be approved subject to the conditions noted above. If you have any questions, please feel free to contact me.

Sincerely,
Ingalls & Associates, LLP

A handwritten signature in black ink, appearing to read "D. Ingalls", written over a horizontal line.

David F. Ingalls, P.E.
Principal

Cc: Dale Warner, Planner/Code Enforcement Officer