

Jeffery Schmitt, Planning Board Chair  
Michael Harris, Vice Chairperson  
Teresa Bakner, Board Attorney  
Chris Parslow, Town Planner  
Lindsay Althiser, Planning Clerk



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

**Town of Duanesburg  
Planning Board Agenda  
April 17, 2025**

**AGENDA ITEMS MAY BE ADDED, DELETED, OR ORDER CHANGED WITHOUT NOTICE**

**The Town of Duanesburg offers Planning Board Meetings via zoom if you are unable to attend the meeting in person:**

Town of Duanesburg is inviting you to a scheduled Zoom meeting.

Topic: Town of Duanesburg's Planning Board Zoom Meeting

Time: This is a recurring meeting Meet anytime

**Join Zoom Meeting**

**Meeting ID:** 858 7403 2498

**Passcode:** 848175

**Dial in by Phone:** 1-646-558-8656

**Meeting ID:** 858 7403 2498

**Passcode:** 848175

**INTRODUCTION BY CHAIRPERSON JEFFERY SCHMITT**

**OPEN FORUM**

**Comments:**

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**PUBLIC HEARINGS:**

**#25-01 Nicholas and Adriana Molik:** SBL# 66.00-2-7.5 located at 5358 Western Turnpike is seeking a special use permit to build an addition to be used as a two-family dwelling connected to an existing house. Under The Town of Duanesburg Zoning Ordinance section 9.4(8) "dwelling, two-family."

**Comments:**

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**Approved: Yes \_\_\_\_\_ No \_\_\_\_\_**

Jeffery Schmitt, Planning Board Chair  
Michael Harris, Vice Chairperson  
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Lindsay Althiser, Planning Clerk



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### **OLD BUSINESS:**

**#24-21 VZW – Duanesburg ES:** SBL#76.00-1-12.311 located at 822 Chadwick Road is seeking a special use permit needed for a proposed cell tower. Under local law #4 of 2001 “Telecommunications Facilities Law” of The Town of Duanesburg Zoning Ordinance.

**Comments:**

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Approved: Yes \_\_\_\_\_ No \_\_\_\_\_

**#25-04 Seeley, Ken:** SBL# 67.00-2-6.11 located at 4136 Western Turnpike is seeking a major 6 lot subdivision. Under The Town of Duanesburg Zoning Ordinance section 3.5 “major subdivision” and a special use permit needed to construct 6, 4-unit town houses. Under The Town of Duanesburg Zoning Ordinance section 12.4(9) “dwelling, multi-family.”

**Comments:**

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Approved: Yes \_\_\_\_\_ No \_\_\_\_\_

**SKETCH PLAN REVIEW:** NONE.

### **NEW BUSINESS:**

**#25-05 Dawson, Ashley:** SBL# 26.00-2-19.2 located on Mariaville Scotch Road is seeking a minor 2 lot subdivision needed to make 1 parcel into 2 parcels. Under The Town of Duanesburg Zoning Ordinance section 3.4 “minor subdivision” and a special use permit needed to construct 2, 2-unit town houses. Under The Town of Duanesburg Zoning Ordinance section 8.4(8) “dwelling, two-family.”

**Comments:**

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Approved: Yes \_\_\_\_\_ No \_\_\_\_\_

Jeffery Schmitt, Planning Board Chair  
Michael Harris, Vice Chairperson  
Teresa Bakner, Board Attorney  
Chris Parslow, Town Planner  
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**#25-07 Relief Leaf, LLC:** SBL# 74.00-1-7.12 located at 833 Oak Hill Rd is seeking a sketch plan review and special use permit for the construction of an operational cannabis farm with associated fields, buildings and utilities.

**Comments:**

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Approved: Yes \_\_\_\_\_ No \_\_\_\_\_

**#25-07 Smith, Boice – Red Fox Orchard:** SBL# 64.00-1-1.1 located at 11338 Western Tpke is seeking a special use permit needed for a retail business with an existing building under The Town of Duanesburg Zoning Ordinance section 11.4(24) "uses permitted by special use permit, retail business."

**Comments:**

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Approved: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other:** NONE

**Minute Approval:**

**March 20, 2025, PLANNING BOARD MEETING MINUTES:**

**Comments:**

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Approved: Yes \_\_\_\_\_ No \_\_\_\_\_

**ADJOURNMENT:** NEXT MEETING WILL BE HELD MAY 15, 2025

Jeffrey Schmitt, Planning Board Chair  
Chris Parslow, Town Planner  
Lindsay Althiser, Planning & Zoning Clerk  
Terresa Bakner, Board Attorney



Michael Harris, Vice Chairperson  
Elizabeth Novak, Board Member  
Matthew Hoffman, Board Member  
Michael Walpole, Board Member  
Joshua Houghton, Board Member

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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## **NOTICE OF PUBLIC HEARING**

### **LEGAL NOTICE NOTICE OF PUBLIC HEARING PLANNING BOARD TOWN OF DUANESBURG**

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PLEASE TAKE NOTICE, THAT THE PLANNING BOARD OF THE TOWN OF  
DUANESBURG, NEW YORK, WILL MEET AT THE TOWN HALL IN THE TOWN  
OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **April 17, 2025** AT  
**7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE  
APPLICATION OF:

**#25-01 Nicholas and Adriana Molik:** SBL# 66.00-2-7.5 located at 5358 Western  
Turnpike is seeking a special use permit to build an addition to be used as a two-  
family dwelling connected to an existing house. Under The Town of Duanesburg  
Zoning Ordinance section 9.4(8) "dwelling, two-family."

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS

BY ORDER OF THE CHAIRPERSON  
PLANNING BOARD  
TOWN OF DUANESBURG  
CHAIRPERSON

Join Zoom Meeting <https://us02web.zoom.us/j/86499746075> Meeting ID: 864 9974 6075

Passcode: 130214 Dial in by Phone: 1-646-558-8656 Meeting ID: 864 9974 6075

Passcode: 13021



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

Agency Use Only [If applicable]

Project : \_\_\_\_\_

Date : \_\_\_\_\_

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

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

**Tips for completing Part 2:**

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

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

**2. Impact on Geological Features**

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

☒ NO☐ YES

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

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

**3. Impacts on Surface Water**

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

☒ NO☐ YES

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

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

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f, D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

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

**13. Impact on Transportation**

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

☒ NO☐ YES

(See Part 1. D.2.j)

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

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

**14. Impact on Energy**

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

☐ NO☒ YES

(See Part 1. D.2.k)

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

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

**15. Impact on Noise, Odor, and Light**

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

☒ NO☐ YES

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

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

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

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

#### 16. Impact on Human Health

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

☒ NO

☐ YES

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

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

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="checked" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="checked" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



## **APPENDIX "A"**

### **Reasons Supporting Negative Declaration Cellco Partnership d/b/a Verizon Wireless Wireless Telecommunications Facility off Chadwick Road, Town of Duanesburg Tax Map No. 76.00-1-12.311**

#### SEQRA Status

This matter is an unlisted action under SEQRA as it does not qualify for any of the actions on the Type II list that are not subject to review (6 NYCRR 617.5) and does not fit within the description of any of the actions identified on the Type I list (6 NYCRR 617.4). The site is identified by Schenectady County as being in a certified agricultural district (6 NYCRR 617.4(b)(8)). However, nothing in the application exceeds 25 percent of any threshold established elsewhere in that section (Id.). Thus, the action is properly characterized as an Unlisted action under SEQRA.

#### Introduction

The purpose of the Duanesburg ES wireless telecommunications facility is to increase capacity and improve coverage to the southern portion of the Town of Duanesburg and its surrounding roadways. More specifically, there will be improvements along the I-88 corridor, Schoharie Turnpike/Duanesburg Road, Gallupville Road, Chadwick Road, Darby Hill Road, and Bozenkill Road and several other local area roads, homes & businesses across the Targeted Improvement Area, including Gibby's Diner & Restaurant, Bear's Steakhouse and the Duanesburg High School. The proposed facility will also improve service and satisfy both existing and future growing demand for additional capacity & throughput within the existing 4G wireless network. In addition, the project is constructed in such a manner as to allow other telecommunications providers to collocate on the tower.

#### Overview of Project Need

The area within which Verizon Wireless can locate its facility to provide adequate and safe coverage (the "search area") is determined by a number of factors, including terrain, vegetation and the locations of local population centers and surrounding sites in the Verizon Wireless network.

Existing 4G/LTE service in the area is limited and originates from several existing Verizon Wireless communications facilities within and around the Town of Duanesburg and surrounding communities. Although these facilities are successful in providing coverage within their intended localized areas, they do not provide sufficient 4G/LTE coverage to the targeted area in the Town of Duanesburg.

Accordingly, construction of a new, locally based communications facility is required to provide a dominant (i.e., continuous) level of advanced communications service to this area. See, Site

Selection Analysis prepared by Verizon Wireless' Radio Frequency (RF) Engineer, detailing the purpose and need for this facility.

### **Impact on Land.**

The facility is located on a large (123.90± acre) parcel, located within the search area. The monopole tower, equipment pads and associated improvements will be located within a 50± ft. x 50± ft. fenced compound on the premises. Additionally, the site will generate a minimum amount of vehicular traffic (3-4 trips per year by Verizon Wireless for routine maintenance purposes). As an unmanned communications facility, no water supply or sewage treatment / disposal issues have been identified.

The lease area/tower compound will be accessed over a proposed access driveway that will be 12± feet wide. When combined with the construction of the tower compound, there will be a total of 0.74± acres of disturbance.

The parcel is a large property in an area of residential and agricultural uses. Due to the relatively low height of the facility, FAA obstruction lighting is not required at this site.

The communications facility will be unmanned and visited for routine maintenance purposes approximately 3-4 times per year by Verizon Wireless (only as needed) and a similar number of trips by other collocators in the future. As such, this project will not have any impact on existing water and sewage services. In addition, neither pedestrian nor vehicular access will be significantly impacted. Adequate parking is provided for emergency vehicles and/or infrequent maintenance visits adjacent to the fenced tower compound. A six (6) foot high chain link safety fence with three strands of barbed wire at top totaling one (1) foot tall will be installed to secure the tower site and protect the telecommunications equipment from unauthorized access.

### **Impact on Water**

The proposed Communications Facility will not result in any significant impact upon (a) any water body, protected or non-protected, (b) surface or groundwater quality or quantity, or (c) drainage flow or patterns, inclusive of surface water runoff.

A full Storm Water Pollution Prevention Plan will be submitted as part of the Building Permit Phase to confirm the design details of the infiltration trench that is proposed to manage the stormwater from the site.

### **Impact on Air**

This project will not result in any significant impact on air quality. The Communications Facility proposed does not involve or concern any air quality issues, permit or otherwise. As previously mentioned, this Communications Facility will be unmanned, and visited for routine maintenance purposes approximately 3-4 times per year by Verizon Wireless (only as needed). Therefore, no significant traffic-based impact(s) exist.

### **Impact on Plants and Animals**

The proposed Communications Facility will not result in any significant impact on threatened/non-threatened or endangered/non-endangered species of plants or animals. The Full EAF and consultation process indicate that lands in the vicinity of the facility are the location of regularly occurring, non-threatened and non-endangered native plants and animals. With respect to other species, given the limited clearing required for the access drive and compound areas, no significant impacts to plants or animals are expected. Verizon Wireless will adhere to any seasonal tree clearing restrictions to avoid any potential impact to roosting bats.

### **Impact on Agricultural Land Resources**

The proposed Communications Facility will have minor impact on agricultural land resources as the property is in agricultural district. The actual tower compound is located on a portion of the property not currently in agricultural production. The total project disturbance is identified as 0.74 acres. As a result, up to that amount of land could be removed from production. However, the property owner will receive rental payments for the tower which may result in the overall property remaining in agricultural production rather than utilized for residential or other purposes.

### **Impact on Aesthetic Resources**

The proposed Communications Facility will result in a negligible to minor impact on aesthetic resources, or no significant visual impact depending on location and view.

#### **A. PROPOSED TOWER HEIGHT**

Generally speaking, cellular radio is a "line-of-sight" technology. While radio signals do have some degree of bending (known as diffraction) around obstacles, terrain and vegetation can block or significantly interfere with transmissions to and from a cell site. Distance is also a critical consideration, because increased space to and from the coverage objective means that the proposed facility (and all mobile devices communicating back and forth with that facility) must operate at higher power levels to achieve a proper level of coverage and performance (if possible). Moreover, this technology operates at significantly reduced effective transmit and receive power levels, making modern wireless networks more susceptible to blocking and/or interference than in prior years.

Existing vegetation in the vicinity will serve to buffer and shield portions of the tower from view. The Applicant conducted a Visual Resource Evaluation ("VRE") on February 24, 2025 on notice to the surrounding property owners. The VRE evaluated the proposed tower location. The selected location is a tower with a height of 120 feet (124 feet with a lightning rod). The Visual Resource Evaluation indicates that views are primarily confined to the immediate vicinity of the tower and to the south.

As noted above, tower marking and lighting is not required by the FAA.

The compound fence and base station equipment is removed and setback from nearby properties. The distance to the nearest property line 400'± to a side yard. The base station is screened by existing vegetation and topography.

In this context, the proposed communications facility has been sited and designed to have the least amount of visibility practicable, and any resultant visual impact is minimal in nature and scope.

## **B. CONCLUSION**

Due to the physics of radio frequency (RF) signal propagation, telecommunications antennas need to clear all natural and man-made objects to function properly. This translates to a certain amount of unavoidable (but necessary) visibility, which in this case is limited to a small area and is mitigated by existing vegetation and topography. As such, it is determined that the proposed communications facility will not: (a) result in a significant level of visual or other impact to the surrounding community or neighborhood under the State Environmental Quality Review Act ("SEQRA"); (b) have a detrimental effect on adjacent land uses or the development of the area.

### **Impact on Historic and Archeological Resources**

The proposed Communications Facility will not result in any significant impact on site(s) or structure(s) of historic, prehistoric, or paleontological importance. The Applicants determined that there would be no direct effect and no visual effect on historic properties. In the unlikely event that any artifacts are uncovered, work will cease in that area and the materials will be recovered and documented in accordance with standard best practices.

### **Impact on Open Space and Recreation**

The proposed Communications Facility will not result in any significant impact on the quantity or quality of existing or future open spaces or recreational opportunities given the small size of the facility and its placement on a large lot in private ownership.

Although by no means determinative of this question, it is noted that the project will provide recreation/open space users (and the traveling public) with additional and/or enhanced access to communications services for emergency and non-emergency use. The historical use of this technology for emergency communications purposes is well-documented.

### **Impact on Critical Environmental Areas**

This project will not impact any Critical Environmental Area(s). According to the NYSDEC website, there are no Critical Environmental Areas in Schenectady County in the vicinity of this project.

### **Impact on Transportation**

This project will not result in any significant impact on existing transportation systems. A driveway/curb cut will be installed to provide access. Utilities will be installed underground in a trench running along the edge of the access road from Chadwick Road to the tower yard. The proposed Communications Facility will be unmanned and visited approximately 3-4 times each year by each carrier (only as needed) for maintenance and inspection purposes. There will be a slight increase in vehicle trips during the approximately two-month construction time frame associated with work vehicles and delivery trucks. The number of additional vehicles is comparable to the amount associated with the construction of a single-family home. Chadwick Road is well maintained and will have no difficulty handling this small number of additional trips. There is no apparent sight distance or other traffic control issues related to the existing location of the driveway curb cut.

### **Impacts on Energy**

The proposed Communications Facility will not result in any significant impact on the community's sources of fuel or energy supply. First, an adequate source of power exists at the existing service lines in the vicinity of the project. Second, it is estimated that the Communications Facility will require approximately the same number of kW hours of power as a 3-4 bedroom house per year to operate, an impact which is not considered to be significant and which will not cause the need for any major electrical upgrades.

### **Noise and Odor Impacts**

This project will not result in any significant environmental impact due to objectionable odors, noise, or vibration. Any such impact(s) will be temporary and minor in nature and confined to the construction phase. All construction equipment will be equipped to properly mitigate noise and dust, properly muffled and otherwise in compliance with OSHA standards.

Verizon Wireless will have an emergency generator at this site. The record contains a noise evaluation letter which states that the noise level at the nearest property line will be 40.5 dBA and will be 32.8 dBA at the nearest residence. The test cycle is generally set a weekday morning after 9:00 am but can be adjusted, as necessary. Given the significant distance in all directions to the property lines and the vegetation and topography, the occasional use of a backup generator will not impact any neighboring land uses.

### **Impact on Public Health**

The proposed Communications Facility will not impact the public health and safety.

Without limitation to this evaluation, the Town is prohibited by the Telecommunications Act of 1996 from regulating the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions. 47 USC 332 [c] [7] [B] [iv].

Notwithstanding this Federal preemption, the Applicant has provided a written report entitled "Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report", prepared by a licensed professional engineer, which documents that the proposed Communications Facility: (a) will comply by a wide margin with the requirements of the Federal Communications Commission (FCC) concerning radio frequency (RF) emissions (i.e., operate at a composite ground level below 1% of the applicable FCC exposure limits); and (b) be categorically excluded from local regulation under applicable federal law.

### **Impact on Growth and Character of Community or Neighborhood**

This project will result in a negligible impact on the character of the existing community. Although a variety of land uses exist in the general vicinity, the impact on such uses (if any) is typically visual in nature when considering a telecommunications tower. As previously stated, visibility of the proposed Communications Facility will be minor or insignificant in nature and scope. By proposing a facility of a limited height on a large lot the Applicant has largely eliminated impact on the neighborhood and growth and character of the community will be unaffected.

### **Other Factors and Considerations**

Based on the foregoing discussion and the materials in the Record, the Town has determined that:

- (i) The construction of a monopole tower and related equipment will not cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic, or noise levels. In addition, the project is unmanned so there will be no production of solid waste, let alone a substantial increase in solid waste production. Due to the minor size of the construction activities and the mitigation measures proposed, there is no substantial increase in the potential for erosion, flooding, leaching or drainage problems.
- (ii) The project will not result in the removal or destruction of large quantities of vegetation or fauna. The existing property does not contain a significant habitat area. Given the existing state of the land use and the minor nature of the construction activities, no adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species or other significant adverse impacts to natural resources have been identified.
- (iii) There are no designated critical environmental areas on or near the premises. As a result, no impact on such an area will occur.
- (iv) The proposal of a monopole tower on private property will not result in the creation of a material conflict with a community's current plans or goals as officially approved or adopted.
- (v) As noted above and throughout this document, the construction of a monopole tower will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.



(vi) The proposed facility uses the amount of electricity consistent with a single-family home. As a result, there is no major change in the use of either the quantity or type of energy.

(vii) the creation of a hazard to human health. This item is discussed in detail above. The finding of no creation of a hazard to human health is not repeated here.

(viii) The proposal does cause not a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

(ix) The proposal does not encourage or attract of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action. The site is unmanned with only occasional visits by a technician.

(x) There is nothing in the record to suggest that the proposal will cause the creation of a material demand for other actions that would result in one of the above consequences. Rather, the site is centrally located to existing Verizon Wireless and other sites that provide appropriate telecommunications services to their nearby localized areas, but which cannot serve the proposed area.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment. This consideration does not apply as multiple minor impacts have not been identified that could aggregate and be elevated to a substantial adverse impact. The only potential impact under consideration is visibility and, as to that impact, it has been determined to be minor in nature based on the balloon fly test and photo simulations provided.

(xii) two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision. This item does not apply as there is no second action proposed.

### **NEGATIVE DECLARATION**

After reviewing the Full EAF submitted herewith, together with the documentation provided by the Applicant and the information provided other agencies and boards and the public, the Planning Board of the Town of Duanesburg hereby concludes that an Environmental Impact Statement (EIS) will not be required for the public utility Communications Facility proposed because (a) this Action will result in no adverse environmental impacts, or (b) the identified adverse environmental impacts will not be significant (*see* 6 NYCRR § 617.7(a)(2)).

Dated: April \_\_\_\_\_, 2025

Project: \_\_\_\_\_

Date: \_\_\_\_\_

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Cellco Partnership d/b/a Verizon Wireless ("Applicant") is proposing the construction and operation of a 120' telecommunications tower (plus 4' lightning rod) on an approximately 0.25 acre parcel of land located off of Chadwick Road ("Project") ("Project"). Access to the proposed facility will be via a 30 +/- ft. wide easement area where a 12 ft. wide gravel access driveway will be installed. A six (6) ft. chain link safety fence will be installed to secure the tower site and protect the tower and associated equipment from unauthorized access.

The Planning Board, as Lead Agency under SEQRA has reviewed Part 2 of the FEAF and did not identify any moderate to large impacts. The Planning Board took a hard look at the information in the record and determined the project would have no significant impact on geologic features, groundwater, flooding, air, agricultural resources, historic resources, open space and recreation, critical environmental areas, transportation, energy, noise, odor and light, or human health. The Planning Board also determined the project was not inconsistent with adopted land use plans or community character.

The Planning Board did identify potential impacts to land, plants and animals, aesthetic resources, and energy, but determined any impact to these resources would be small.

Specifically, the Planning Board determined that any impact on land would be small considering the proposed action will not involve construction on land where the depth to water table is less than 3 feet, where slopes are 15% or greater, or where bedrock is exposed or within 5 feet of the surface. Furthermore, the action does not involve the excavation and removal of more than 1,000 tons of material, is not anticipated to take more than a year, and will involve minimal ground disturbance.

With regard to aesthetic resources, the Planning Board noted the proposed towers may stand out from current land uses in the area, however, the impact on any aesthetic resources is expected to be small due to the facility's location on a large tract of land with existing mature vegetation. The board considered potential impacts on aesthetic resources, that were located within 5 miles of the site and identified in Part 1 of the FEAF, and found any resulting impact would be minor in nature.

Based on the foregoing, the Planning Board determined the project did not have the potential for significant adverse impact.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

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

Application documents, including support studies and visual simulations

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

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

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

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

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

Name of Action: Celco Partnership d/b/a Verizon Wireless - Unmanned Wireless Communications Facility

Name of Lead Agency: Town of Duanesburg Planning Board

Name of Responsible Officer in Lead Agency: Jeffery Schmitt

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Lindsay Althiser, Planning Board Clerk

Address: 5853 Western Turnpike, Duanesburg, NY 12056

Telephone Number: 518-895-2040

E-mail: lalthiser@duanesburg.net

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

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

Other involved agencies (if any)

Applicant (if any)

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







# Application for The Planning Board

## TOWN OF DUANESBURG

5853 Western Turnpike, Duaneburg, NY 12056  
Building Department 518-895-2040



Date

3 24 25  
MM DD YY

Application #

25-88

Application Type: ☐ Major Subdv. ☐ Minor Subdv. ☒ Special Use Permit ☐ Site/Sketch Plan Review ☐ Lot Line Adjust.

Proposal: Permitted use: Roadside Stand. Permitted by special use:  
Retail Business. Subject premises zoned: C-1  
Section 11 of the Zoning Ordinance.

Owner (AS APPEARS ON DEED): Boice Smith  
Address: 17 Church Street, Esperance, N.Y. 12066  
Phone: \_\_\_\_\_

Applicant's Name (if different): Red Fox Orchards LLC  
Location of Property (if different from owners): 11338 Western Tpke, Esperance, 12053  
Zoning District: C-1

Phone: 631-578-4089 Tax Map #: 64.00-1-1.1

☒ Boice Smith 3/20/25  
Signature of Owner(s) if different from Applicant (AS APPEARS ON DEED)

LANDS CONVEYED TO (REQUIRED FOR MERGERS): \_\_\_\_\_

Signature of relieving Owner(s) if different from Applicant (AS APPEARS ON DEED)

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

Date 3/18/2025

Signature of Owner(s) and/or Applicant

Date 3/18/2025

(For Office Use Only)

### ALL APPLICATION FEES ARE NON-REFUNDABLE

Application fee paid: \$ \_\_\_\_\_ ☐ Cash ☐ Check # \_\_\_\_\_ Date Pd. \_\_\_\_\_

Reviewed By: \_\_\_\_\_ Date 20 \_\_\_\_\_

☐ Approved ☐ Unapproved ☐ Refer to Code Enforcement Section \_\_\_\_\_ of the \_\_\_\_\_ Ordinance.

Planning Commission Comments \_\_\_\_\_

Planning Chairperson

Date 20 \_\_\_\_\_

Code Enforcement Officer

Date 20 \_\_\_\_\_



# Agriculture Data Statement

## TOWN OF DUANESBURG

5853 Western Turnpike, Duaneburg, NY 12056  
Building Department 518-895-2040

Application #

Date

MM

DD

YY

Applicant

Name: Red Fox Orchards LLC  
Address: 578 Terrace Mountain Rd.  
Schoharie, NY 12157

Owner (if different from Applicant):

Name: Boice Smith  
Address: 17 Church Street  
Esperance, NY 12066

1. Application Type: ☒ Special Use Permit ☐ Site Plan Approval ☐ Use Variance ☐ Area Variance ☐ Subdivision Approval  
(check all that apply)

2. Description of proposed project: Roadside stand utilizing existing bldg.  
therefore special use for retail business.

3. Address of project: 11338 Western Tpke., Esperance, NY 12053

Tax Map #: 64.00-1-1-1

4. Is this parcel within an Agriculture District? ☐ YES ☒ NO (Check with your local assessor if you do not know.)

5. If YES, Agriculture District #: \_\_\_\_\_

6. Is this parcel actively farmed? ☐ YES ☒ NO

7. List all farm operations within 500ft of your parcel. Attach additional sheet if necessary

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Is this parcel actively farmed? ☐ YES ☐ NO

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Is this parcel actively farmed? ☐ YES ☐ NO

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Is this parcel actively farmed? ☐ YES ☐ NO

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Is this parcel actively farmed? ☐ YES ☐ NO

X

Signature of Applicant

X

Signature of Owner (if other than applicant)

Reviewed by: Christopher Parslow Date: 3/20/25

Revised 1/14/25

### FARM NOTE

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

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

# Short Environmental Assessment Form

## Part 1 - Project Information

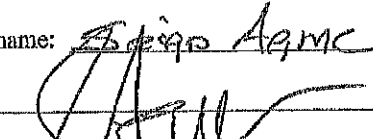
### Instructions for Completing

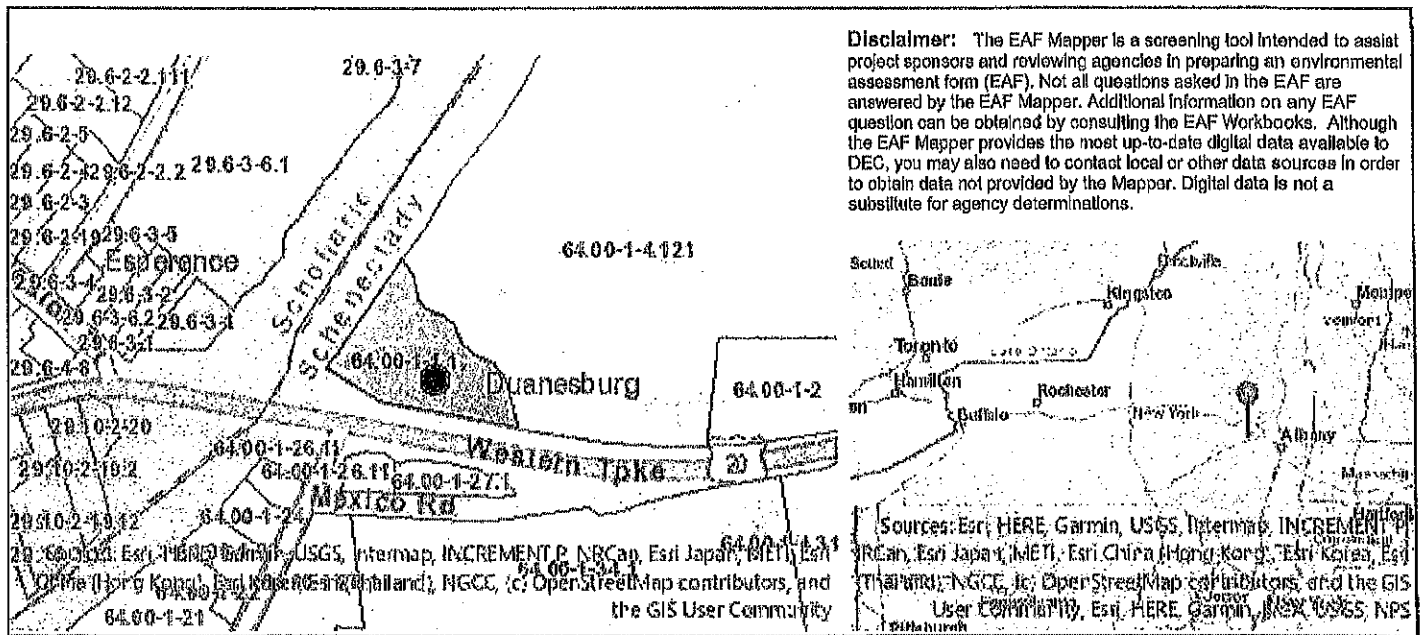
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

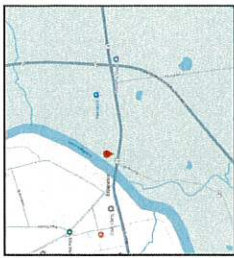
<b>Part 1 – Project and Sponsor Information</b>							
Name of Action or Project: ROADSIDE STAND/ RETAIL BUSINESS							
Project Location (describe, and attach a location map): 11338 WESTERN TPKE., ESPERANCE, N.Y. 12053							
Brief Description of Proposed Action: PERMITTED USE: ROADSIDE STAND. UTILIZING EXISTING BUILDING MAKES IT A SPECIAL USE PERMIT FOR RETAIL BUSINESS.							
Name of Applicant or Sponsor: RED FOX ORCHARDS LLC		Telephone: 831-578-4089					
		E-Mail: SERGIO@SERGIOAGME.COM					
Address: 578 TERRACE MOUNTAIN RD.							
City/PO: SCHOHARIE		State: NY	Zip Code: 12157				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: TOWN OF DUANESBURG SPECIAL USE PERMIT			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action?		1.23 acres					
b. Total acreage to be physically disturbed?		0.03 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.23 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):							
<input type="checkbox"/> Parkland							

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Northern Long-eared Bat	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Spring Agmc</u> Date: <u>3/18/2025</u>		
Signature: <u></u> Title: <u>G.O.O</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



SITE LOCATION MAP  
N.T.S.

# SURVEY NOTES

1. EXISTING EASEMENTS AND EASEMENT INFORMATION FROM DEEDS AND RECORDS HAVE BEEN REVIEWED AND FOUND TO BE CORRECT. NO EASEMENTS WERE FOUND TO AFFECT THE PROPOSED SITE.
2. THE MAP INFORMATION WAS OBTAINED FROM THE TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK.
3. THE OFFICES OF THE TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK, HAVE BEEN ADVISED OF THE PROPOSED SITE AND THE TOWN ENGINEER HAS REVIEWED THE PROPOSED SITE AND HAS NO OBJECTION TO THE PROPOSED SITE.
4. SUBJECT TO ALL LOCAL, STATE, FEDERAL, AND FEDERAL AGENCIES' REQUIREMENTS AND RESTRICTIONS OF RECORDS.
5. THE SURVEY WAS PERFORMED IN THE PRESENCE OF THE TOWN ENGINEER, TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK, AND THE TOWN ENGINEER HAS REVIEWED THE PROPOSED SITE AND HAS NO OBJECTION TO THE PROPOSED SITE.
6. THE SURVEY WAS PERFORMED IN THE PRESENCE OF THE TOWN ENGINEER, TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK, AND THE TOWN ENGINEER HAS REVIEWED THE PROPOSED SITE AND HAS NO OBJECTION TO THE PROPOSED SITE.
7. THE SURVEY WAS PERFORMED IN THE PRESENCE OF THE TOWN ENGINEER, TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK, AND THE TOWN ENGINEER HAS REVIEWED THE PROPOSED SITE AND HAS NO OBJECTION TO THE PROPOSED SITE.

# MAP REFERENCE

MAP SHOWING SUBDIVISION OF THE TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK, AS PREPARED BY THE TOWN ENGINEER, TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK, AND THE TOWN ENGINEER HAS REVIEWED THE PROPOSED SITE AND HAS NO OBJECTION TO THE PROPOSED SITE.

# COMMERCIAL DISTRICT

**PROPOSED SITE DATA**  
 MAP OF THE TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK, AS PREPARED BY THE TOWN ENGINEER, TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK, AND THE TOWN ENGINEER HAS REVIEWED THE PROPOSED SITE AND HAS NO OBJECTION TO THE PROPOSED SITE.

# SCHOOL DISTRICT

THE DISTRICT IS THE TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK.

# FIRE DISTRICT

THE DISTRICT IS THE TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK.

# OWNER/UNDER CONTRACT

BOICE SMITH

# APPLICANT

BOICE SMITH

# PROPOSED USE

RESIDENTIAL

# PROPOSED SITE

RESIDENTIAL

# PROPOSED SITE

RESIDENTIAL

# PROPOSED SITE

RESIDENTIAL

# PROPOSED SITE

RESIDENTIAL

# PROPOSED SITE

RESIDENTIAL

# PROPOSED SITE

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RESIDENTIAL

# PROPOSED SITE

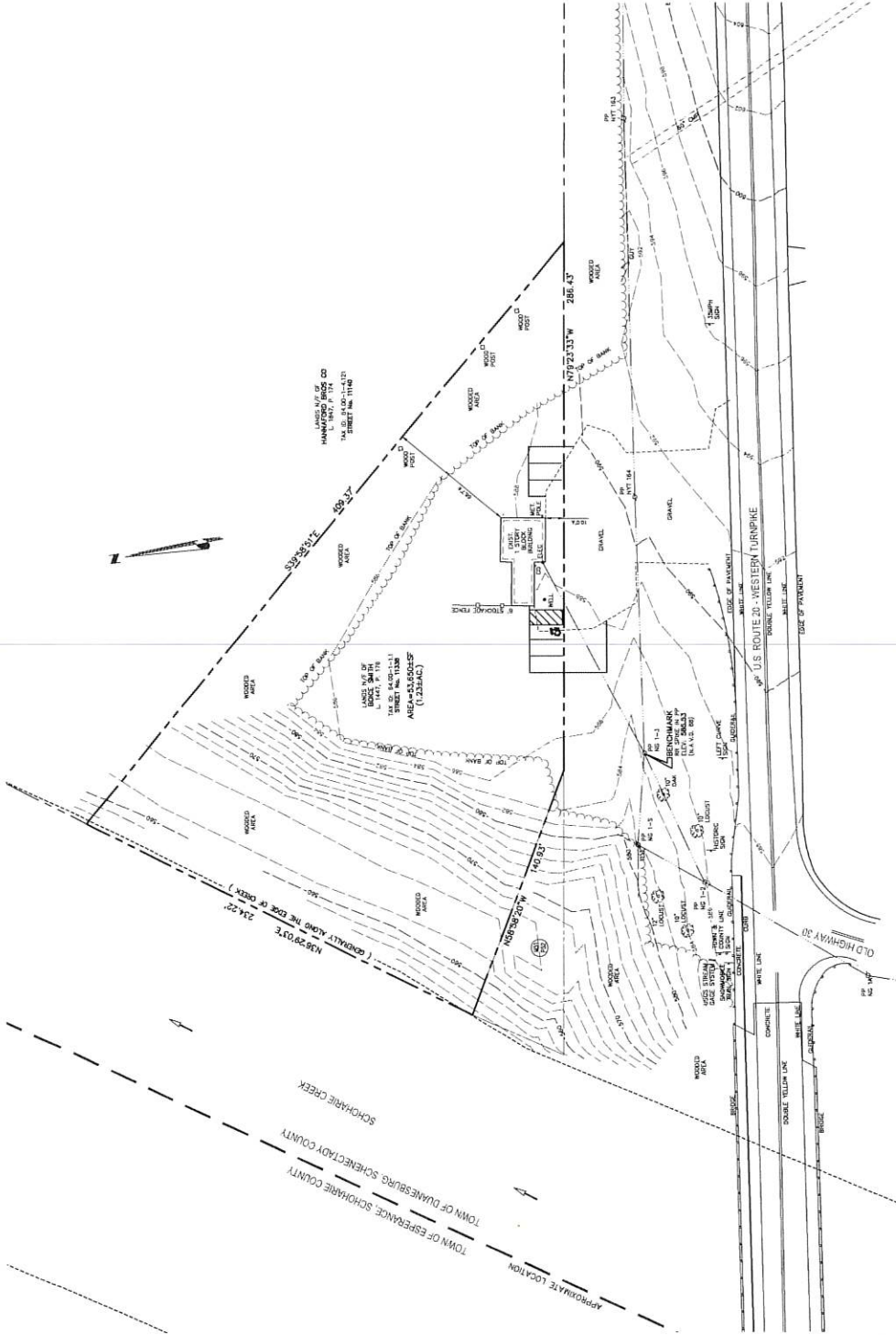
RESIDENTIAL

# PROPOSED SITE

RESIDENTIAL

# PROPOSED SITE

RESIDENTIAL



# SPECIAL USE PERMIT APPLICATION

PROPOSED SITE PLAN  
 LANDS NOW OR FORMERLY OF  
 BOICE SMITH  
 STREET No. 11338 WESTERN TURNPIKE

TOWN OF DUANEBURG, SCHENECTADY COUNTY, NEW YORK

DATE: MARCH 4, 2025

SCALE: 1" = 30'

71274-SITE

SHEET OF 1

DATE: MARCH 4, 2025

SCALE: 1" = 30'

71274-SITE

SHEET OF 1

DATE: MARCH 4, 2025

SCALE: 1" = 30'

71274-SITE

SHEET OF 1

DATE: MARCH 4, 2025

SCALE: 1" = 30'

71274-SITE





Jeffery Schmitt, Planning Board Chair  
Michael Harris, Vice Chairman  
Chris Parslow, Town Planner  
Teresa Bakner, Board Attorney  
Lindsay Althiser, Planning Clerk



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

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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Town of Duanesburg  
Planning Board Minutes  
March 20, 2025  
**Draft Copy**

**MEMBERS' PRESENT:**

Chairman Schmitt, Vice Chairman Harris, Board Member Hoffman, Board Member Houghton, Board Member Walpole. Also Attending: Town Attorney Teresa Bakner, Town Planner Chris Parslow and Lindsay Althiser Town Building, Planning and Zoning Clerk.  
Absent: Board Member Novak.

**INTRODUCTION:**

Chairperson Schmitt opened the meeting at 7:00pm and welcomed everyone to the Planning Board meeting on February 20, 2025.

**OPEN FORUM:**

**Chairman Schmitt/ Vice Chairman Harris** made a motion to open the open forum.  
Chairman Schmitt aye, Vice Chairman Harris aye, Board Member Hoffman aye, Board Member Houghton aye, Board Member Walpole aye. **Approved.**

No comments were made.

**Chairman Schmitt/ Vice Chairman Harris** made a motion to close the open forum.  
Chairman Schmitt aye, Vice Chairman Harris aye, Board Member Hoffman aye, Board Member Houghton aye, Board Member Walpole aye. **Approved.**

**PUBLIC HEARINGS: None**

## **OLD BUSINESS:**

**#24-24 Medina, Gabriel:** SBL# 75.12-2-9 located at 10086 Duanesburg Road is seeking a special use permit for a proposed pizza delivery/takeout business. Under The Town of Duanesburg Zoning Ordinance section 9.3(24) “restaurant.”

Gabriel Medina took the floor to explain the new map of his restaurant parking that he submitted with 12 parking spaces. Vice Chairman Schmitt asked the code enforcement office Chris Parslow how many parking spaces the applicant would need for a takeout only restaurant. To which Chris responded that it is based up occupant load or seating, which is not applicable in this instance as it is a takeout only restaurant. Board Member Hoffman addressed concerns over the handicap parking being right next to route 7. Mr. Medina stated that he could have that parking space moved in away from the road. Vice Charman Harris requested an updated business plan with the hours of operation listed. Board Member Hoffman asked if there would be any outside lighting. Mr. Medina stated that yes he would have a few lights put up. Board Member Houghton requested he add the lighting to his site map as well.

**Vice Chairman Harris/Board Member Walpole** made a motion to approve the special use permit for **#24-24 Medina, Gabriel** with the conditions that Mr. Medina would move the handicap parking space, add lighting to his site plan and update his business plan with his hours of operation.

Vice Chairman Harris aye, Board Member Walpole, Chairman Schmitt aye, Board Member Hoffman aye, Board Member Houghton aye. **Approved.**

**#24-21 VZW - Duanesburg ES:** SBL#76.00-1-12.311 located at 822 Chadwick Road is seeking a special use permit needed for a proposed cell tower. Under local law #4 of 2001 “Telecommunications Facilities Law” of The Town of Duanesburg Zoning Ordinance.

Attorney Hyde Clark a representative of Verizon Wireless took a moment to go over where the project stands. He stated that they have completed the balloon fly test and have added emergency services turn arounds to the plans per the board’s request. Mr. Clark then went through each slide from the balloon test showing where in the town the tower would be visible.

Town Attorney Terresa Bakner addressed the SERQ lead agency requests we sent out stating we have received a few responses back all declaring the Planning Board lead agency for this application and any others that have not responded are passed their 30-day response period. Attorney Bakner invited the applicant to provide the draft documentation for the board to review for parts 2 and 3 of SEQR for the meeting next month. Attorney Bakner explained that the applicant would then go back to the zoning board for a public hearing once the planning board the makes their determination of significance.

**Chairman Schmitt/Board Member Hoffman** made a motion to table the special use permit of **#24-21 VZW - Duanesburg ES** until the April 17, 2025, meeting.

Chairman Schmitt aye, Board Member Hoffman aye, Vice Chairman Harris aye, Board Member Houghton aye, Board Member Walpole aye. **Approved.**

## **SKETCH PLAN REVIEW:**

**#25-05 Dawson, Ashley:** SBL# 26.00-2-19.2 located on Mariaville Scotch Road is seeking a minor 2 lot subdivision needed to make 1 parcel into 2 parcels. Under The Town of Duanesburg Zoning Ordinance section 3.4 "minor subdivision" and a special use permit needed to construct 2, 2-unit town houses. Under The Town of Duanesburg Zoning Ordinance section 8.4(8) "dwelling, two-family."

Dave Kemmer of ABD engineers a representative for Ashley Dawson show the board the plan for their subdivision of the 5-acre lot with 2, 2-unit town homes. Mr. Kemmer went on to explain that each parcel would have 2, 2 story, 2-family residences roughly about 1,600 square footprints with 6 parking spaces. Mr. Kemmer stated that there is already a well on the east side of the property and they plan to put in a second well on the subdivided side on the west with septic systems on each parcel as well.

Vice Chairman Harris asked if there was any contamination on the site due to the property previously being a junk yard. Mr. Kemmer responded that he isn't aware of any contamination, and nothing was in the EAF report. Vice Chairman Harris asked if the property has been cleaned up yet. Town code enforcement officer Chris Parslow responded that the previous owner said that his son was cleaning up the property.

Board Member Hoffman asked if they contacted the NYS DOT for a highway work permit yet. Mr. Kemmer stated that they have not contacted the DOT because they have decided that they do not plan to change the existing driveway as it is already in the best spot, and they do not want to have two separate driveways. Board Member Hoffman disagrees and thinks that they should have two driveways as they would need access agreements and easements otherwise. Attorney Bakner feels they should have two separate driveways as well as there are a lot of additional steps and paperwork to have a shared driveway. Mr. Kemmer stated that they would be ok to take on the additional steps as that is the preferred route as the terrain on the property is very steep and would not be easy to put in a second driveway. Mr. Kemmer then encouraged the board members to drive out and look for themselves. Attorney Bakner asked for the applicants to have their lawyer draft up the documentation for a shared a driveway as they will need those for their determination.

Board Member Hoffman ask that Mr. Kemmer provide a grading plan for the site as they have some steep slopes. Mr. Hoffman also requested they complete a SWPP. Mr. Kemmer stated that they did a preliminary analysis, and they are currently only at about .8 acres of disturbance, and he would be happy to show that. Attorney Bakner also agreed that the members should drive out to look at the property regarding the driveway and steep grading.

**Board Member Houghton/Board Member Walpole** made a motion to table the minor subdivision of **#25-05 Dawson, Ashley** until the April 17, 2025, meeting. Board Member Houghton aye, Board Member Walpole aye, Chairman Schmitt aye, Vice Chairman Harris aye, Board Member Hoffman aye. **Approved.**

**#25-07 Relief Leaf, LLC:** SBL# 74.00-1-7.12 located at 833 Oak Hill Rd is seeking a sketch plan review and special use permit for the construction of an operational cannabis farm with associated fields, buildings and utilities.

Mr. Snyder a representative for the applicant Mazen Nesheiwat took the floor to explain that for the last few years Mr. Nesheiwat owned and operated a cannabis farm on the property located at 833 Oak Hill Road and he has been directed to obtain a site plan and special use permit approval from the planning board prior to issuances of any building permits. Chairman Schmitt asked how many years the business has been in operation. Mr. Nesheiwat responded that he started as a hemp farmer in 2021 and then converted in 2022 to a cannabis facility. Chairman Schmitt asked if there had been any construction done at the start of the business. Mr. Nesheiwat responded that there was one building to start and more added as they grew. Code enforcement officer Chris Parslow stated that one of the buildings never received a building permit and in order to obtain one they have go through the planning process with approvals first.

Town Attorney Terresa Bakner asks if there is a septic system on site. Mr. Snyder stated there is an existing system. However, he is not aware if it had ever been approved by Schenectady County, but they have already begun the process of designing a new septic system for the business and farm. Attorney Bakner asked how they would determine the size of septic system to which Mr. Snyder replied it would be determined based on the number employees. Attorney Bakner went on to ask what their water usage on the farm was. Mr. Nesheiwat responded that water is only used domestically and in the growing stage for the crop. Board Member Hoffman asked about Mr. Nesheiwats' drying system for his crop and if it needs fire protection. Mr. Nesheiwat stated that he doesn't use any heating systems for drying, he only uses fans and air.

Attorney Bakner asked Mr. Nesheiwat to address complaints received to the town about the use of bright red lighting on the farm to which Mr. Nesheiwat explained those are the lights used with growing the crop. He went on to state that he has large blackout system all around to keep the light pollution contained. However, at the time that the complaints came in it was very windy out and it was hard to keep the curtains in place. Town planner Chris Parslow also mentioned complaints regarding the sound of the fans that he has running all night to dry his crop. Attorney Bakner stated that the state ordinance is 70 decibels and requested that Mr. Nesheiwats engineer take ambient readings to find out how loud the fans to see if they are above 70 decibels. Attorney Bakner suggested that Mr. Parslow, Chairman Schmitt and a few other board members go out to evaluate the complaints of the noise and the smell coming from the farm.

**Chairman Schmitt/Vice Chairman Harris** made a motion to table the site plan review and special use permit of **#25-07 Relief Leaf, LLC** until the April 17, 2025, meeting. Chairman Schmitt aye, Vice Chairman Harris aye, Board Member Hoffman aye, Board Member Houghton aye, Board Member Walpole aye. **Approved.**

## **NEW BUSINESS:**

**#25-04 Seeley, Ken:** SBL# 67.00-2-6.11 located at 4136 Western Turnpike is seeking a major 6 lot subdivision. Under The Town of Duanesburg Zoning Ordinance section 3.5 "major subdivision" and a special use permit needed to construct 6, 4-unit town houses. Under The Town of Duanesburg Zoning Ordinance section 12.4(9) "dwelling, multi-family."

Mr. Seeley took a moment to update the board members on his project. He stated that he reached out to EOne regarding the septic system plans and design who calculated approximately a 55 gallons per minute additional load on the system. Mr. Seeley then reached out to Bill Brown from Delaware Engineers who stated that the designed system is more than adequate to handle that load and then some. Delaware Engineering is to send a letter to the town with this information. Mr. Seeley stated that he has not addressed the water concerns yet, but he is looking into it specifically with funding from Angelo Santabarbara's affordable housing initiative.

Attorney Bakner encouraged the applicant to seek an attorney to work out all the legal aspects of the proposed H.O.A. Attorney Bakner asked the applicant to have his engineer add the town code compliance onto his site plan to show that his application does in fact comply with the town code.

**Board Member Hoffman/Board Member Houghton** made a motion to table the major 6 lot subdivision of **#25-04 Seeley, Ken** until the April 17, 2025, meeting.

Board Member Hoffman aye, Board Member Houghton aye, Chairman Schmitt aye, Vice Chairman Harris aye, Board Member Walpole aye. **Approved.**

**OTHER:** None.

## **MINUTE APPROVAL:**

**Chairman Schmitt/ Vice Chairman Harris** made a motion to approve the February 20, 2025, meeting minutes.

Chairman Schmitt aye, Vice Chairman Harris aye, Board Member Hoffman aye, Board Member Houghton aye, Board Member Walpole aye. **Approved.**

## **ADJOURNMENT:**

**Chairman Schmitt /Board Member Walpole** made a motion to adjourn the meeting.

Chairman Schmitt aye, Board Member Walpole aye, Vice Chairman Harris aye, Board Member Hoffman aye, Board Member Houghton aye. **Approved.**

I, Lindsay Althiser, Town Planning and Zoning Clerk of the Town of Duanesburg, hereby certify that this is a true and accurate transcript of the Planning Board Meeting held on Thursday March 20, 2025.