

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member
Charles Leoni, Board Member

**Town of Duanesburg
Zoning Board of Appeals
August 16th, 2022**

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

Topic: Town of Duanesburg's ZBA Meeting

Time: This is a recurring meeting Meet anytime

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: 130214

INTRODUCTION BY CHAIRPERSON NELSON GAGE:

OPEN FORUM

PUBLIC HEARINGS:

None

OLD BUSINESS:

None

NEW BUSINESS:

#22-07 Tiscione, Matthew: SBL#35.06-5-25, (L-1) located at 365 Spring Rd is seeking an area variance and side yard variance to replace an existing structure with a new structure under sections 7.1.5; 7.1.6(2) of the Town of Duanesburg Zoning Ordinance.

Comments: _____

#22-08 May, Denise: SBL#67.04-1-6, (L-2) located at 234 Duane Lake Rd is seeking a right-side yard variance of 4.5ft and left side yard variance of 6.4 ft to replace an existing structure with a new structure under section 7.2.6(2) of the Town of Duanesburg Zoning Ordinance.

Comments: _____

Other:

None

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 7/18/2022 Zoning District L1

Type of Variance
 Use Variance Area Variance

BL# 35.06-5-25

Phone #: 519-858-3600

Applicant's Name: MATTHEW TASCONE

Applicant's Address: 428 JENIE CT.
SCHENECTADY NY 12306.

Property Owner Name(if different): _____

Property Address (if different): 305 SPRING RD.

Property Owner's Signature: [Signature]
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)
TO ADJUST SIDE SETBACKS FOR A REPLACEMENT STRUCTURE.

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Twelve (15) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

- Copy of the property deed
- Location map showing the location of the property with
 - A) Name of applicant and SBL#
 - B) North arrow; Street and if applicable the lake shore
 - C) Adjoining property owners names with location of wells and septic systems within 100ft of the adjoining property boundaries
- Property map to scale
 - A) Name of applicant and SBL#
 - B) North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
 - C) Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
 - D) Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

I certify that all the information submitted is true and accurate to the best of my knowledge.

[Signature]
Applicant

7/18/2022
Date

PAULA J. PLEW
Notary Public, State of New York
Qualified in Rensselaer County
No. 01PL4788682
Commission Expires: 9/30/25

State of New York, county of Schenectady sworn this 18th day of July 2022 Notary Public

Paula J Plew

***** (For Office use only) *****

Reviewed by _____ Date _____
Fee _____ Date _____ Check# _____ Rec'd By _____
Hearing Date _____ Approved: YES NO Approval Date _____

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the Zoning Ordinance must be followed or the approval becomes null and void.

Other Conditions include: _____

Authorized Signature _____ Date _____
(ZBA Chairperson)

COPY

WARRANTY DEED

THIS INDENTURE, Made the 14th day of July, 2022,

Between **RICHARD J. DELUCCIA**, residing at 1051 Curry Road, Schenectady, NY 12306, party of the first part, and

MATSONS, LLC, with offices at 428 Jenie Court, Schenectady, NY 12306, party of the second part,

WITNESSETH that the parties of the first part, in consideration of ONE AND 00/100 DOLLARS (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs, successors and assigns forever:

SEE SCHEUDLE "A" ATTACHED

BEING THE SAME premises conveyed to **RICHARD J. DELUCCIA**, party of the first part by Deed from **RICHARD J. DELUCCIA AND RONALD E. BAIER**, dated April 11, 2022, and recorded in the Schenectady County Clerk's Office on May 12, 2022, in book 2084 at page 583.

THIS CONVEYANCE is made subject to all enforceable conditions, covenants, easements and restrictions of record.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the parties of the second part, their heirs, successors and assigns forever.

AND said parties of the first part covenants as follows:

First, That the parties of the second part shall quietly enjoy the said premises;

Second, That said parties of the first part will forever Warrant the title to said premises.

Third, That in compliance with Section 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied for the purpose of paying the cost of any improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for other purpose.

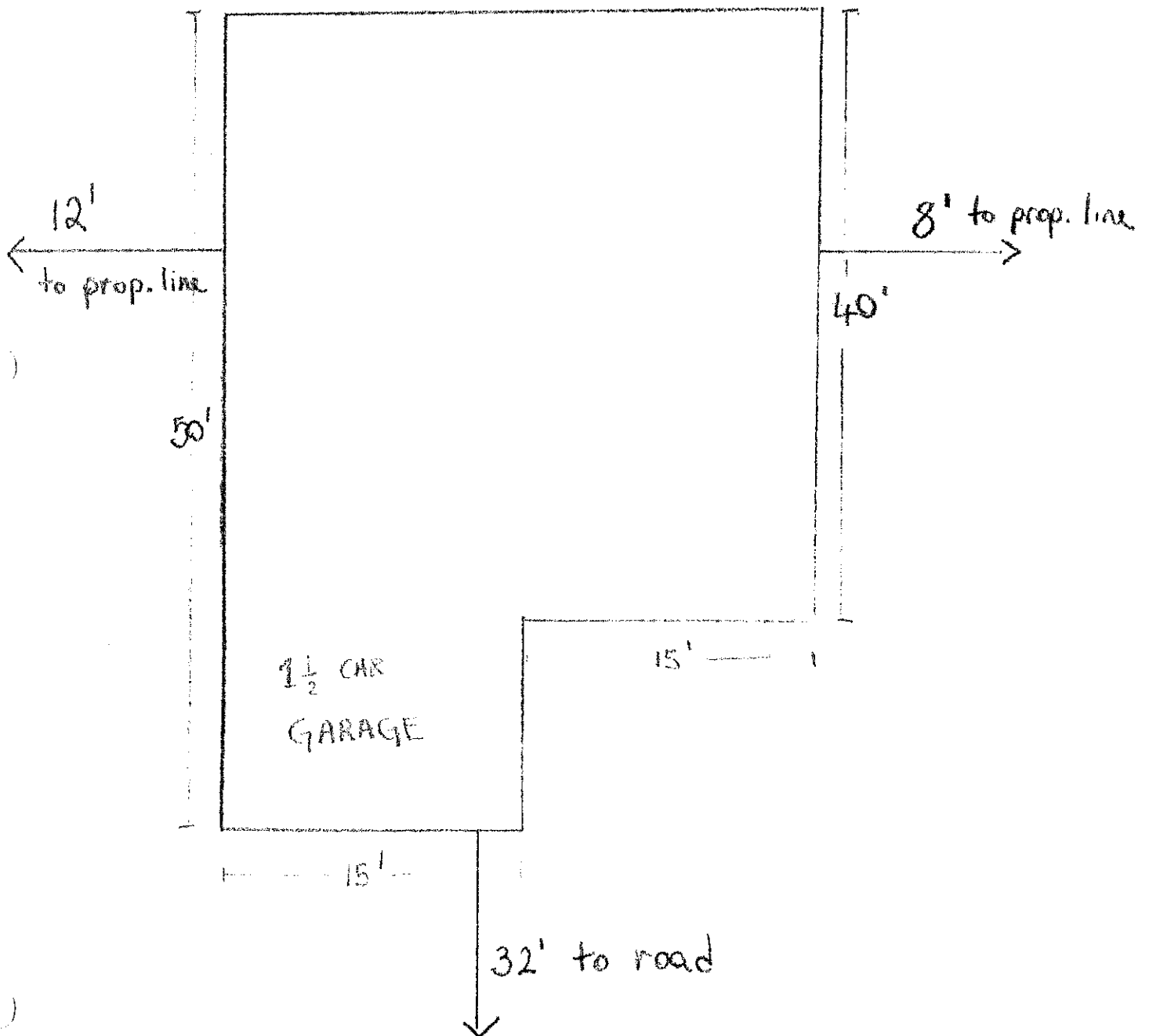
SCHEDULE A – DESCRIPTION

TITLE COMM. NO.: 2022-59-SCH

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, with the buildings thereon, situate in the Town of Duanesburgh, County of Schenectady and State of New York, and being known as Lot No. 24 on map of Subdivision of Portion of farm belonging to Albert A. Van Buren and Albert A. Van Buren, Jr., made by L. J. Friday, Aug. 14, 1919, and duly filed in the Schenectady County's office, bounded and described as follows: On the South by a right of way, as shown upon said map, sixty feet (60) along the same; on the West by Lot No. 23, as designated on said map, one hundred seventy-five (175) feet along the same on the North by land now or formerly belonging to Albert A. Van Buren and others and lying contiguous to Maria Pond, as shown upon the said map, sixty (60) feet along the same, and on the East by Lot No. 25 as designated on said map, one hundred seventy-five (175) feet to the point or place of beginning. Together with the right of ingress and egress over the right of way as shown upon said map.

EXCEPTING THEREFROM, all that tract, piece or parcel of land heretofore conveyed to William Brannigan and Annie Brannigan by Charles M. Curry being a portion of and the westerly 10 feet of lot 24 on map of Subdivision of portion of farm belonging to Albert A. Van Buren, Jr., made by L.J. Friday, August 14, 1919, and duly filed in the Schenectady County Clerk's Office on August 19, 1919 in Plat Cabinet E-171.

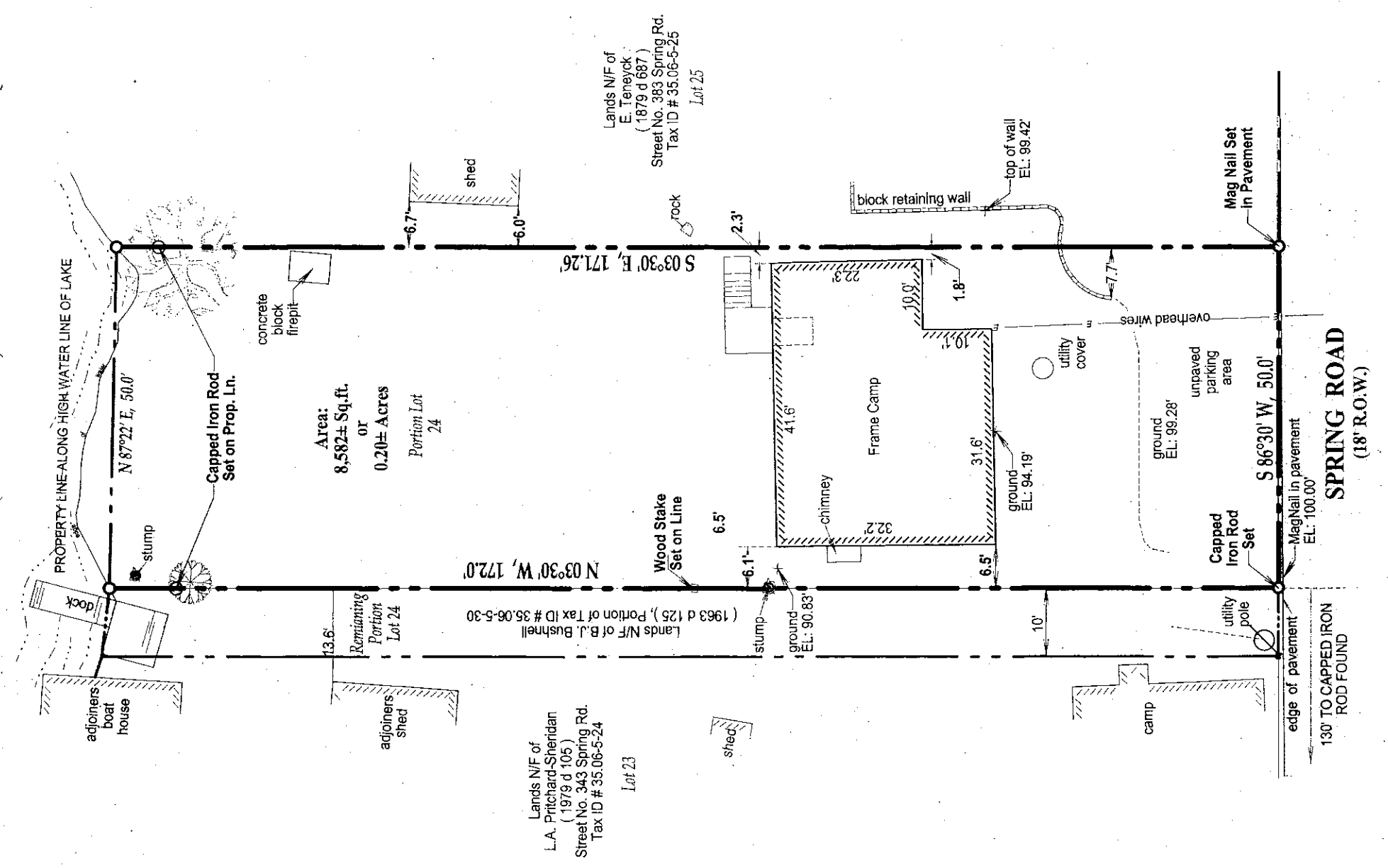
365 Spring Rd.



MAP REFERENCE

"Map showing subdivision of portion of farm belonging to Albert A. Van Buren and Albert A. VanBuren, Jr., Town of Duaneburg, Schenectady Co." Made by L.J. Friday, C.E. August 14, 1919, filed in the Schenectady County Clerk's Office in Plat Cabinet E as Map number 171.

MARIAVILLE LAKE
(a.k.a. Maria Pond)



SURVEYOR'S NOTE: All visible improvements and/or use has been either physically located and/or shown hereon, unless otherwise noted. Any underground utilities and/or underground improvements lying within the subject property have not been located or shown. This sketch or survey was prepared without benefit of an abstract title. RAYMOND A. KOCH P.L.S. and/or signing surveyor are in no way liable or responsible for right of ways, easements, or takings other than those provided by the client and/or shown on the record plat. Lands shown hereon may be subject to setbacks, easements and/or restrictions not shown on the record plat.



"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, subdivision 2, of the New York State Education Law"

TITLE: SURVEY OF PREMISES KNOWN AS

STREET No. 365
SPRING ROAD

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors said certifications shall run only to the person for whom the survey is originally prepared, and on their behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.

STATE OF NEW YORK
Schenectady County
Office of the
Professional Land Surveyors
RAYMOND A. KOCH P.L.S.
PLS #47416
Copyright 2021
Raymond A. Koch P.L.S., Land Surveyor. All rights reserved.

TOWN, CITY, VILLAGE OF: **DUANESBURG** | STATE OF NEW YORK | COUNTY OF: **SCHENECTADY**
DATE: **MAY 25, 2021**
SCALE: 1" = 20'

RAYMOND A. KOCH P.L.S.
LAND SURVEYOR
133 MOHAWK AVENUE
SCOTIA, NEW YORK, 12302
(518) 393-0989



Lands N/F of
L.A. Pritchard-Sheridan
(1979 d 105)
Street No. 343 Spring Rd.
Tax ID # 35.06-5-24
Lot 23

Lands N/F of R.L. Bushnell
(1963 d 125), Portion of Tax ID # 35.06-5-30
Remaining Portion
Lot 24

Area:
8,582± Sq.ft.
or
0.20± Acres
Portion Lot
24

Lands N/F of
E. Teneyck
(1879 d 687)
Street No. 383 Spring Rd.
Tax ID # 35.06-5-25
Lot 25

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 8/8 Zoning District L2 Type of Variance
 Use Variance Area Variance
SBL# 67.04-1-6 Phone #: (518) 885-8050

Applicant's Name: AJ Collins

Applicant's Address: 2138 Doubleday Avenue
Ballston Spa, NY, 12020

Property Owner Name (if different): Denise May

Property Address (if different): 234 Duane Lake rd Duanesburg, NY, 12056

Property Owner's Signature 
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)
Placement of a new modular home including a new septic system. The proposed home is supposed to face the lake front which means we are over the setback on two corners of the
A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Twelve (15) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

- Copy of the property deed
- Location map showing the location of the property with
 - A) Name of applicant and SBL#
 - B) North arrow; Street and if applicable the lake shore
 - C) Adjoining property owners names with location of wells and septic systems within 100ft of the adjoining property boundaries
- Property map to scale
 - A) Name of applicant and SBL#
 - B) North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
 - C) Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
 - D) Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

I certify that all the information submitted is true and accurate to the best of my knowledge.

AJ Collins 8/8/2022
Applicant Date

State of New York, county of Schenectady sworn this _____ day of _____ 20____. Notary Public

***** (For Office use only) *****

Reviewed by _____ Date _____
Fee _____ Date _____ Check# _____ Rec'd By _____
Hearing Date _____ Approved: YES NO Approval Date _____

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the Zoning Ordinance must be followed or the approval becomes null and void.
Other Conditions include: _____

Authorized Signature _____ Date _____
(ZBA Chairperson)



OFFICE OF THE SCHENECTADY COUNTY CLERK

620 STATE STREET
SCHENECTADY, NY 12305-2114
PHONE (518) 388-4220
FAX (518) 388-4224

Cara M. Ackerley
County Clerk

Instrument Number - 202200390
Recorded On 1/4/2022 At 11:23:05 AM

* Instrument Type - DEED
* Book/Page - DEED/2075/196
* Total Pages - 3

Invoice Number - 1111718 User ID: TMH

* Document Number - 2022-63
* Grantor - MAY RICHARD GERARD
MAY DENISE C
* Grantee - MAY DENISE C

*RETURN DOCUMENT TO:
BENNETT ABSTRACT
PO BOX 922
CLIFTON PARK, NY 12065
ATTN: PPE SENDER

* FEES

NY REALTY TRANSFER TAX	\$300.00
NY LAND SUR	\$4.75
NY E & A FEES	\$116.00
NY LAND COMP SUR	\$14.25
CO GENERAL REVENUE	\$40.50
CO LAND SUR	\$0.25
CO E & A FEES	\$9.00
CO LAND COMP SUR	\$0.75
CONVEYANCE NOTIFICATION	\$10.00
TOTAL PAID	\$495.50

TRANSFER TAX

Real Estate Transfer Tax Num - 2269
Transfer Tax Amount - \$ 300.00

I hereby CONFIRM that this document is
Recorded in the Schenectady County Clerk's Office
in Schenectady, New York

C. Ackerley
Cara M. Ackerley

Schenectady County Clerk

THIS IS AN ENDORSEMENT PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 202200390



NY 016 - Administrator's Deed (NYBTU 8005)

CONSULT YOU LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 13 day of December, 2021.

BETWEEN DENISE C. MAY as Administratrix of the Estate of Richard Gerard May late of Albany County who died intestate on the 27th day of May, in the year 2021 party of the first part, and

DENISE C. MAY, residing at 1962 Hibiscus Street, Sarasota, Florida party of the second part

WITNESSETH, that whereas letters of administration were issued to the party of the first part by the Surrogate's Court Albany County, New York on July 7th, 2021 and by virtue of the power and authority given by Article 11 of the Estates, Powers and Trusts Law, and consideration of Seventy-five Thousand dollars, (\$ 75,000) paid by the party of the second part, does hereby grant and release unto the party of the second part, the distributees or successors and assigns of the party of the second part forever.

ALL THAT PORTION OF LANDS OF Mulford deForest and wife lying and being on the northerly side of Duane Lake - lot east of farm house - lying and being in the Town of Duanesburg, County of Schenectady and State of New York, bounded and described as follows: BEGINNING at an iron pin in the center of a private road which is about seven hundred feet (700') Southerly from the North Mansion Road, and runs thence South 0 degrees, 08 minutes East, fifty-nine and eight-tenths feet (59.8') to an iron pin; thence South 64 degrees, 31 minutes West, two hundred forty-four feet (244') to an iron pin in the Southeasterly side of an elm tree; thence South 16 degrees, 06 minutes West, one hundred and thirty-five hundredth feet (100.35') to an iron pin, and continuing in the same direction about five feet (5') to the shore of Duane Lake, thence Northwesterly along the Northerly shore of Duane Lake, about sixty-five feet (65') to a point; thence North 3 degrees, 43 minutes East, about six feet (6') to an iron rod which is North 45 degrees, 43 minutes West, sixty-eight and six-tenths feet (68.6') from the last above mentioned iron pin; thence North 3 degrees, 43 minutes, East, two hundred thirty-four and five-tenths feet (234.5') to an iron rod which is about thirty-seven feet (37') Northeasterly from the Northeasterly corner of the house formerly occupied by Mulford deForest; thence South 85 degrees, 48 minutes East, two hundred eighty-two and six-tenths feet (282.6') to the point or place of beginning.

BEING THE SAME PREMISES conveyed to Richard Gerard May, by a deed made on June 13th, 2008 and recorded in the Office of the Schenectady County Clerk on June 20th, 2008 in Liber 1784 of Deeds at Page 226. Said Richard Gerard May died, a resident of the County of Albany, on May 27th, 2021. Letters of Administration were granted to Denise C. May pursuant to Order of the Albany County Surrogate's Court on June 7th, 2021.

D
SEC 6704
BULK
LOT 1
6

NOTICE OF DETERMINATION
of the Town of Duaneburg

Date of Determination 8/8/22

Application of Denise May/AJ Collins under section
H.S. 2 (B) of the (Village of Delanson/ Town of Duaneburg)
Zoning Ordinance Ordinance.

Applicant Denise May AJ Collins
Address 2138 Double day Ave
Ballston Spa NY 12020.

Phone _____ Zoning District L-2 SBL# _____

Description of
Project: Construct a new single family dwelling

Determination:
side yard set back R side 4.5 ft L side 6.4 ft

Reason supporting determination:
Town of Duaneburg zoning ordinance adopted 6/11/15 Section
7.2.6 (2)

Action: Refer to <u>23A</u> for the purpose of <u>Area Variance</u> <u>side yards</u>
--

Code Enforcement Officer: [Signature]

MOUND BED SYSTEM NOTES

- DESIGN, CONSTRUCTION, MATERIAL STANDARDS, MINIMUM SEPARATION DISTANCES, AND INSPECTION REQUIREMENTS SHALL COMPLY WITH THE LATEST EDITION OF THE NEW YORK STATE DEPARTMENT OF HEALTH PUBLICATIONS: RURAL WATER SUPPLY AND NYCR PART 75A WASTEWATER TREATMENT-INDIVIDUAL HOUSEHOLD SYSTEMS.
- BUILDER SHALL VERIFY GRADE OF SOIL PIPE AT BUILDING PRIOR TO CONSTRUCTION OF SYSTEM.
- ABSORPTION TRENCHES SHALL BE APPROXIMATELY 18"-24" DEEP MEASURED FROM THE TOP OF FILL TO BOTTOM OF TRENCH.
- FILL SLOPES SHALL TAPER 20 FT MINIMUM IN ALL DIRECTIONS UNLESS NOTED OTHERWISE.
- THE AREA IMMEDIATELY UP-SLOPE OF THE SYSTEM SHALL BE GRADED SO AS TO DIRECT ANY SURFACE RUNOFF AROUND THE SYSTEM.
- NO WELLS, PONDS, WATER COURSES OR NYSDEC WETLANDS EXIST WITHIN 100 FEET OF PROPOSED SEWAGE DISPOSAL SYSTEM.
- NO ROOF, FOOTING, FLOOR, COOLING WATER, BACKWASH DRAINS ETC. SHALL BE CONNECTED TO THE SEPTIC SYSTEM.
- OWNER IS TO BE PROVIDED A COPY OF THE APPROVED PLAN BY THE DESIGN ENGINEER.
- THERE SHALL BE NOT CHANGES ON THESE PLANS WITHOUT PRIOR APPROVAL OF THE ENGINEER.
- PROJECT IS NOT WITHIN WATERSHED DISTRICT.
- PROJECT IS NOT WITHIN 100 YEAR FLOOD PLAIN.
- NO VEHICULAR PARKING OR TRAFFIC SHALL BE ALLOWED ON ANY PORTION OF THE SEPTIC SYSTEM.
- A LICENSED ENGINEER/ARCHITECT SHALL SUPERVISE CONSTRUCTION IN ACCORDANCE WITH THE APPROVED PLAN AND SUPPLEMENTAL DATA.
- DIG SAFE NEW YORK BE CONSULTED WITH PRIOR TO ANY EXCAVATION ASSOCIATED WITH APPROVED PORTIONS OF THE PROJECT.
- SYSTEM IS NOT DESIGNED TO ACCOMMODATE WASTEWATER FROM GARBAGE GRINDER OR A HOT TUB.

STABILIZATION METHODS

- FILL MATERIAL SHALL BE STABILIZED THROUGH EITHER "NATURAL SETTLEMENT" OR "MECHANICAL COMPACTION" METHODS. THE SPECIFIC REQUIREMENTS FOR EACH METHOD ARE AS FOLLOWS:

NATURAL SETTLEMENT METHOD

- AFTER PLACEMENT OF FILL MATERIAL IN ACCORDANCE WITH THE "GENERAL REQUIREMENTS" NOTED ABOVE, MATERIAL SHALL SETTLE NATURALLY FOR A PERIOD OF AT LEAST SIX (6) MONTHS INCLUDING ONE (1) FREEZE-THAW CYCLE.
- ENGINEER TO PERFORM PERCOLATION TESTS WITHIN STABILIZED FILL TO VERIFY CONFORMANCE WITH SPECIFICATION.

MECHANICAL COMPACTION METHOD

- FILL SPECIFICATION: FILL MATERIAL SHALL HAVE LESS THAN TEN (10) PERCENT (BY WEIGHT) FINER THAN THE No. 200 (0.074mm) SIEVE. 95% SHALL PASS THE 1/2" SIEVE, AND NOT PART GREATER THAN 2" GRAIN SIZE.
- CONTRACTOR TO SUBMIT SIEVE ANALYSIS RESULTS TO BOTH THE SCHO AND ENGINEER FOR APPROVAL PRIOR TO PLACEMENT OF FILL MATERIAL.
- PLACEMENT AND COMPACTION: PLACEMENT AND COMPACTION OF FILL MATERIAL SHALL BE WITNESSED BY THE ENGINEER.
- THE STRUCTURE OF THE NATIVE MATERIAL BENEATH THE SYSTEM SHALL BE PROTECTED FROM DAMAGE FROM TRUCKS OR MACHINERY THROUGHOUT THE CONSTRUCTION PROCESS. TRACK-MOUNTED EQUIPMENT SHALL BE USED TO PLACE AND COMPACT THE FILL.
- FILL MATERIAL SHALL BE PLACED AND COMPACTED IN LIFTS. THE FIRST LIFT SHALL BE TWELVE (12) INCHES (LOOSE) FOLLOWED BY FOUR (4) TO SIX (6) INCH (LOOSE) LIFTS UP TO THE REQUIRED FILL HEIGHT.
- ENGINEER TO PERFORM PERCOLATION TESTS IN THE COMPACTED FILL MATERIAL TO VERIFY CONFORMANCE WITH THE SPECIFICATION.

COVERING

- PLACE 6 IN. OF GOOD QUALITY TOPSOIL OVER THE ENTIRE SYSTEM AND FILL BUFFER SURFACE.
- PLANT GRASS OVER THE ENTIRE SYSTEM USING GRASSES ADAPTED TO THE AREA. SHRUBS CAN BE PLANTED AROUND THE BASE AND UP THE SIDE SLOPES. SHRUBS SHOULD BE SOMEWHAT MOISTURE TOLERANT SINCE DOWN SIDE PERIMETER MAY BECOME MOIST DURING EARLY SPRING AND LATE FALL. PLANTINGS ON TOP OF THE SYSTEM SHOULD BE DROUGHT TOLERANT, AS THE UPPER PORTION OF THE SYSTEM CAN BECOME DRY DURING THE SUMMER. ALL PLANTS SHOULD BE SHALLOW ROOTED.

INSPECTION

THE ENGINEER SHALL MAKE THE FOLLOWING INSPECTIONS OF THE DESIGNED SYSTEM:

- AFTER GROUND PREPARATION.
- AFTER FILL PLACEMENT, INCLUDING FILL PERCOLATION TEST.
- AFTER PLACEMENT OF PIPING, TANKS PRIOR TO ANY BACKFILL.

THE ENGINEER AND SCHENECTADY COUNTY DEPARTMENT OF HEALTH (SCDCH) SHALL MAKE THE FOLLOWING INSPECTIONS OF DESIGNED SYSTEM:

- COMPLETION INCLUDING GRADING, PLACEMENT OF TOPSOIL & SEEDING.

IT IS THE OWNERS RESPONSIBILITY TO CONTACT THE ENGINEER AND SCDCH FOR ABOVE NOTED INSPECTIONS. IF WORK COMMENCES WITHOUT THE NOTED INSPECTIONS, THE ENGINEER WILL NOT BE ABLE TO CERTIFY THE SYSTEM AS BUILT PER PLAN AND THE TOWN WILL NOT BE ABLE TO GRANT A CERTIFICATE OF OCCUPANCY (C.O.).

SITE STATISTICS

ZONING CLASSIFICATION:
LAKE DISTRICT (L-2) DUANE LAKE
MIN LOT AREA: 43,960 SQ. FT. (1 ACRE)
MIN LOT WIDTH: 178 FT.
MIN LOT DEPTH: 200 FT.
MIN LOT COVERAGE: 30%
BUILDING SETBACKS:
FRONT SETBACK - 40 FT.
SIDE SETBACK - 40 FT.
SIDE SETBACK ON CORNER LOT - 40 FT.
REAR SETBACK - 40 FT.
MAX. BUILDING HEIGHT - 2 1/2 STORES OR 35 FT.
MAX. BUILDING SIZE - 40,000 SQ. FT.

DESIGN CRITERIA

- 3 BEDROOM HOME AT 110 GALLONS PER DAY EQUALS 330 GALLONS PER DAY FLOW
- EXISTING TERRAIN APPROXIMATELY 3-5 PERCENT SLOPE.
- PERCOLATION RATE: 5-10 MIN/INCH FILL RAISED SYSTEM MATERIAL, FILL FROM APPROVED SOURCE (APPLICATION RATE 0.90 GPD/S.F.) EDGE OF FILL SLOPES < 1 VERTICAL ON 3 HORIZONTAL. 6 MIN/INCH NATURAL MATERIAL MAX. @ 12" DEPTH.
- ACTUAL PERCOLATION RATE AT 12" DEPTH = 6 MINUTES/INCH MAX.
- SOIL: SANDY SILT.
- BEDROCK @ 24", ENCOUNTERED WITHIN TEST DEPTH.

CALCULATIONS:

- REQUIRED LATERAL LENGTH: $(330 \text{ GPD}) / (0.90 \text{ GPD/SF}) \times (1 \text{ LF}/25\text{F}) = 367 \text{ LF}$. USE BED 10' X 60' = 600 LF.
- REQUIRED BASIL AREA EQUALS $(330 \text{ GPD}) / (0.90 \text{ GPD/SF}) = 367 \text{ SF}$. BASIL AREA DESIGN 22' X 60' = 1,320 SF SHOWN.
- REQUIRED DOSING VOLUME: $(110 \text{ LF} \times 0.092 \text{ G/LF}) \times 10 = 101.2 \text{ GAL/DOSE}$
 $330 \text{ GAL/DAY} @ 101.2 \text{ GAL/DOSE} = 3.26 \text{ DOSES/DAY}$

SITE PREPARATION

- ROPE OFF THE SITE TO PREVENT DAMAGE TO AREA DURING OTHER CONSTRUCTION ACTIVITY ON THE LOT. VEHICULAR TRAFFIC OVER THE AREA SHOULD BE PROHIBITED TO AVOID SOIL COMPACTION.
- STAKE OUT THE SYSTEM PERIMETER AND BED IN THE PROPER ORIENTATION.
- CUT AND REMOVE ANY EXCESS VEGETATION. TREES SHOULD BE CUT AT THE GROUND SURFACE AND STUMPS LEFT IN PLACE.
- PLOW THE AREA WITHIN THE SYSTEM PERIMETER. USE A TWO BOTTOM OR LARGE MOLDBOARD PLOW, PLOWING 7-8 INCHES DEEP PARALLEL TO THE CONTOURS. SINGLE BOTTOM PLOWS SHOULD NOT BE USED, AS THE TRACE WHEEL RUN IN EVERY FURROW, COMPACTING THE SOIL. EACH FURROW SHOULD BE THROWN UPSLOPE. A CHISEL PLOW MAY BE USED IN PLACE OF MOLDBOARD PLOW. ROUGHING THE SURFACE WITH BACKHOE TEETH MAY BE SATISFACTORY, ESPECIALLY IN WOODED SITES WITH STUMPS. ROTOTILLING IS NOT RECOMMENDED BECAUSE OF THE DAMAGE IT DOES TO THE SOIL STRUCTURE. PLOWING SHOULD NOT BE DONE WHEN THE SOIL IS TOO WET, SMEARING AND COMPACTION OF THE SOIL WILL OCCUR. IF A SAMPLE OF THE SOIL TAKEN FROM THE PLOW DEPTH FORMS A WEIR WHEN ROLLED BETWEEN PALMS, THE SOIL IS TOO WET. IF IT CRUMBLES, PLOWING MAY PROCEED.

FILL PLACEMENT & SOIL STABILIZATION

GENERAL REQUIREMENTS:

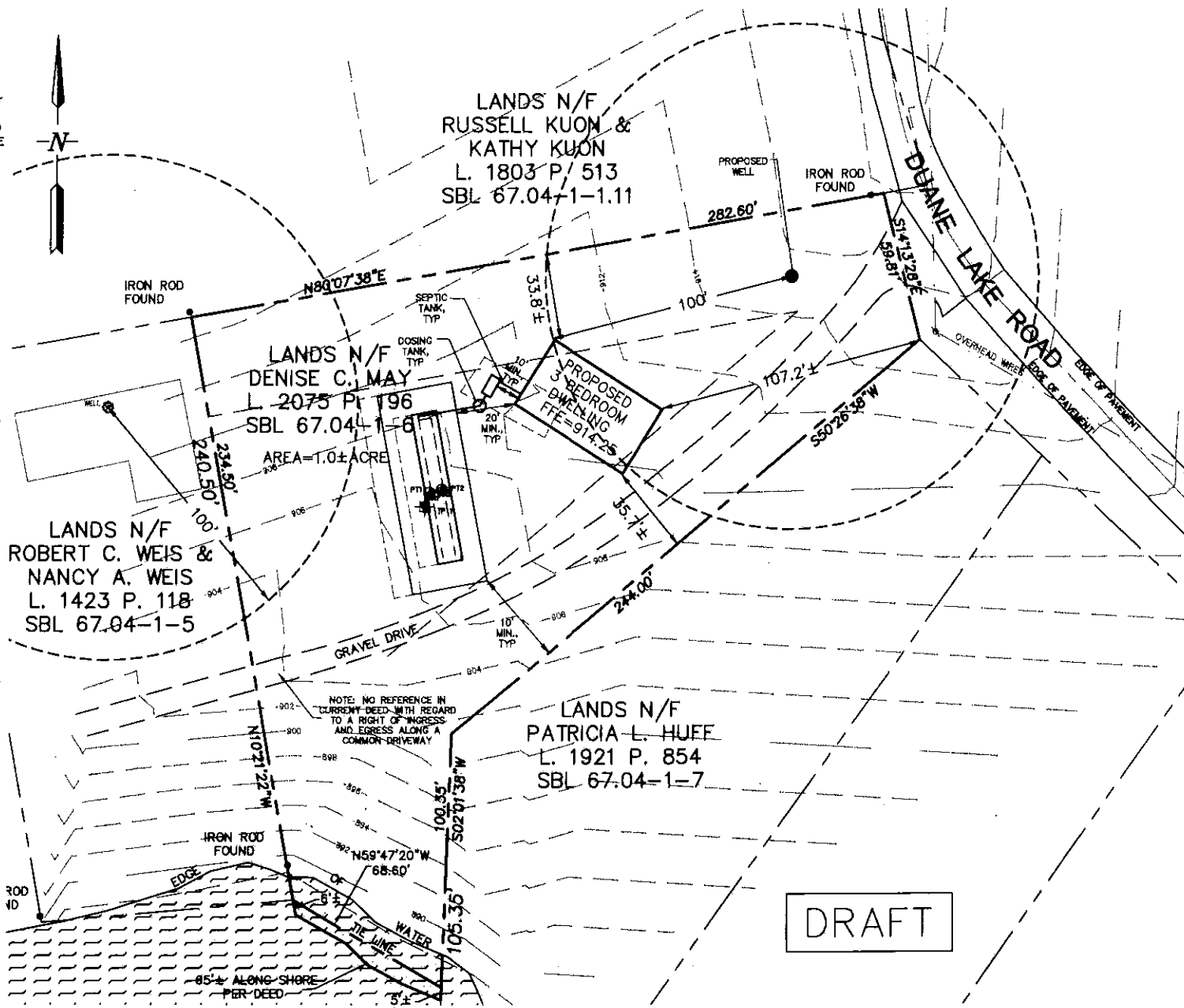
- PLACE GRANULAR FILL MATERIAL ON THE UPSLOPE EDGES OF THE PLOWED AREA. KEEP TRUCKS OFF THE PLOWED AREA.
- MOVE THE FILL MATERIAL INTO PLACE USING A SMALL TRACK-TYPE TRACTOR WITH A BLADE. ALWAYS KEEP A MINIMUM OF 6 IN. OF MATERIAL BENEATH THE TRACKS OF THE TRACTOR TO MINIMIZE COMPACTION OF THE NATURAL SOIL.
- STABILIZED FILL SHALL HAVE PERCOLATION OF 5-10 MIN./IN.
- A SLIGHT DRAINAGE SWALE SHALL BE CONSTRUCTED UPSLOPE OF THE SYSTEM TO PREVENT INFILTRATION OF SURFACE RUNOFF INTO THE SYSTEM.
- FINAL SLOPES SHALL BE 1 VERTICAL: 3 HORIZONTAL OR FLATTER WITH A MINIMUM TAPER OF 20 FT. IN ALL DIRECTIONS.

SYSTEM STRUCTURES

- SEPTIC TANK SHALL BE 1250 GAL DUAL COMPARTMENT PRECAST SEAMLESS CONCRETE TANK BY GUARDIAN CONCRETE, INC. OR EQUIVALENT.
- DOSING TANK SHALL BE A 5' DIAMETER CONCRETE MANHOLE BY GUARDIAN CONCRETE, INC. OR EQUIVALENT.

PIPING

- HOUSE TO SEPTIC TANK SHALL BE 4" SCH 40 PVC WITH TIGHT JOINTS, MINIMUM SLOPE = 1/4 IN. PER FOOT.
- SEPTIC TANK TO DOSING TANK SHALL BE 4" SCH 35 PVC WITH TIGHT JOINTS, MINIMUM SLOPE = 1/8 IN. PER FOOT.
- DOSING TANK TO MANIFOLD SHALL BE 1-1/2" SCH 40 PVC WITH WATER TIGHT JOINTS.
- DISTRIBUTION LATERALS SHALL BE 1-1/2" SCH 40 PVC WITH (11) 1/4" HOLES @ 5' O.C. DIRECTED DOWNWARD.



PERCOLATION DATA		
TEST NUMBER	PERC TEST DEPTH	STABILIZED PERC RATE
PT-1	12"	6 MIN INSECO
PT-2	12"	6 MIN INSECO

TEST PIT LOG		
TEST PIT NUMBER	DEPTH	TEST PIT DATA
TP-1	0 - 4"	BROWN LOAMY TOPSOIL
	4" - 24"	MED. BROWN SILTY SAND W/ROCKS BEDROCK @ 24"

PERCOLATION TESTS PERFORMED ON 07/01/22 BY G. PAGAN OF INGALLS & ASSOCIATES, L.P., WITNESSED BY D. DICARLO SCHO



LEGEND

EXISTING PROPERTY LINE	---
EXISTING SETBACK	---
ADJACENT PROPERTY LINE	---
EXISTING CONTOUR	~200~
EXISTING TREELINE	~200~
PROPOSED TREELINE	~200~
PROPOSED CONTOUR	~200~
PROPOSED SEPTIC LATERAL	---
PROPOSED SEPTIC TANK	□
PERC PIT LOCATION	PT
TEST TEST LOCATION	TT

MINIMUM SEPARATION DISTANCES

HOUSE TO SEPTIC TANK	10' MIN
HOUSE TO TOE OF FILL, D-BOX, ABSORPTION FIELD	20' MIN
PRIVATE WELL TO TOE OF FILL	100' MIN
PRIVATE WELL TO D-BOX	100' MIN
PRIVATE WELL TO SEPTIC TANK	50' MIN
ABSORPTION FIELD TO STREAM	100' MIN
PROPERTY LINE TO TOE OF FILL, BUILDING SEWER, SEPTIC TANK, D-BOX, ABSORPTION FIELD	10' MIN
DRAINAGE DITCH TO SEPTIC TANK	10' MIN
DRAINAGE DITCH TO D-BOX, ABSORPTION FIELD	20' MIN
WASTEWATER TREATMENT SYSTEM AND TRACTURED BEDROCK	100' MIN

1200' MIN. WHEN WELL IS DOWNGRADIENT OF ABSORPTION FIELD.

APPLICANT:
CLAYTON HOMES
234 DUANE LAKE ROAD
DUANESBURG, NY 12053

SCHENECTADY COUNTY HEALTH DEPARTMENT
FOR MUNICIPAL APPROVAL ONLY
NOT FOR CONSTRUCTION

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1000 GARDEN AVENUE
SCHENECTADY, N.Y. 12309
PHONE (518) 385-7738
FAX (518) 385-5291

SEPTIC PLAN
MAY
234 DUANE LAKE ROAD
TOWN OF DUANESBURG
COUNTY OF SCHENECTADY, STATE OF NEW YORK
DATE: JULY 15, 2022
CHECKED BY: J.F.L.
JOB NO. 22-079
DRAWN BY: CWP
CADD FILE: 22-079.DWG
SCALE: 1" = 30'
SHEET 1 OF 2

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG SAFELY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

NO.	DATE	REVISIONS

DAVID F. INGALLS JR., P.E.
N.Y.S. LIC. NO. 084993

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MOUND BED SYSTEM NOTES

- DESIGN, CONSTRUCTION, MATERIAL STANDARDS, MINIMUM SEPARATION DISTANCES, AND INSPECTION REQUIREMENTS SHALL COMPLY WITH THE LATEST EDITION OF THE NEW YORK STATE DEPARTMENT OF HEALTH PUBLICATIONS: RURAL WATER SUPPLY AND NYCSR PART 75A WASTEWATER TREATMENT-INDIVIDUAL HOUSEHOLD SYSTEMS.
- BUILDER SHALL VERIFY GRADE OF SOIL PIPE AT BUILDING PRIOR TO CONSTRUCTION OF SYSTEM.
- ABSORPTION TRENCHES SHALL BE APPROXIMATELY 18"-24" DEEP MEASURED FROM THE TOP OF FILL TO BOTTOM OF TRENCH.
- FILL SLOPES SHALL TAPER 20 FT MINIMUM IN ALL DIRECTIONS UNLESS NOTED OTHERWISE.
- THE AREA IMMEDIATELY UP-SLOPE OF THE SYSTEM SHALL BE GRADED SO AS TO DIRECT ANY SURFACE RUNOFF AROUND THE SYSTEM.
- NO WELLS, PONDS, WATER COURSES OR NYSDEC WETLANDS EXIST WITHIN 100 FEET OF PROPOSED SEWAGE DISPOSAL SYSTEM.
- NO ROOF, FOOTING, FLOOR, COOLING WATER, BACKWASH DRAINS ETC. SHALL BE CONNECTED TO THE SEPTIC SYSTEM.
- OWNER IS TO BE PROVIDED A COPY OF THE APPROVED PLAN BY THE DESIGN ENGINEER.
- THERE SHALL BE NO CHANGES ON THESE PLANS WITHOUT PRIOR APPROVAL OF THE ENGINEER.
- PROJECT IS NOT WITHIN WATERSHED DISTRICT.
- PROJECT IS NOT WITHIN 100 YEAR FLOOD PLAIN.
- NO VEHICULAR PARKING OR TRAFFIC SHALL BE ALLOWED ON ANY PORTION OF THE SEPTIC SYSTEM.
- A LICENSED ENGINEER/ARCHITECT SHALL SUPERVISE CONSTRUCTION IN ACCORDANCE WITH THE APPROVED PLAN AND SUPPLEMENTAL DATA.
- DIG SAFE NEW YORK BE CONSULTED WITH PRIOR TO ANY EXCAVATION ASSOCIATED WITH APPROVED PORTIONS OF THE PROJECT.
- SYSTEM IS NOT DESIGNED TO ACCOMMODATE WASTEWATER FROM GARBAGE GRINDER OR A HOT TUB.

STABILIZATION METHODS

- FILL MATERIAL SHALL BE STABILIZED THROUGH EITHER "NATURAL SETTLEMENT" OR "MECHANICAL COMPACTION" METHODS. THE SPECIFIC REQUIREMENTS FOR EACH METHOD ARE AS FOLLOWS:

NATURAL SETTLEMENT METHOD

- AFTER PLACEMENT OF FILL MATERIAL IN ACCORDANCE WITH THE "GENERAL REQUIREMENTS" NOTED ABOVE, MATERIAL SHALL SETTLE NATURALLY FOR A PERIOD OF AT LEAST SIX (6) MONTHS INCLUDING ONE (1) FREEZE-THAW CYCLE.
- ENGINEER TO PERFORM PERCOLATION TESTS WITHIN STABILIZED FILL TO VERIFY CONFORMANCE WITH SPECIFICATION.

MECHANICAL COMPACTION METHOD

- FILL SPECIFICATION: FILL MATERIAL SHALL HAVE LESS THAN TEN (10) PERCENT (BY WEIGHT) FINER THAN THE No. 200 (0.074mm) SIEVE. 95% SHALL PASS THE 1/2" SIEVE, AND NOT PART GREATER THAN 2" GRAIN SIZE.
- CONTRACTOR TO SUBMIT SIEVE ANALYSIS RESULTS TO BOTH THE SOHD AND ENGINEER FOR APPROVAL PRIOR TO PLACEMENT OF FILL MATERIAL.
- PLACEMENT AND COMPACTION: PLACEMENT AND COMPACTION OF FILL MATERIAL SHALL BE WITNESSED BY THE ENGINEER.
- THE STRUCTURE OF THE NATIVE MATERIAL BENEATH THE SYSTEM SHALL BE PROTECTED FROM DAMAGE FROM TRUCKS OR MACHINERY THROUGHOUT THE CONSTRUCTION PROCESS. TRACK-MOUNTED EQUIPMENT SHALL BE USED TO PLACE AND COMPACT THE FILL.
- FILL MATERIAL SHALL BE PLACED AND COMPACTED IN LIFTS. THE FIRST LIFT SHALL BE TWELVE (12) INCHES (LOOSE) FOLLOWED BY FOUR (4) TO SIX (6) INCH (LOOSE) LIFTS UP TO THE REQUIRED FILL HEIGHT.
- ENGINEER TO PERFORM PERCOLATION TESTS IN THE COMPACTED FILL MATERIAL TO VERIFY CONFORMANCE WITH THE SPECIFICATION.

COVERING

- PLACE 6 IN. OF GOOD QUALITY TOPSOIL OVER THE ENTIRE SYSTEM AND FILL BUFFER SURFACE.
- PLANT GRASS OVER THE ENTIRE SYSTEM USING GRASSES ADAPTED TO THE AREA. SHRUBS CAN BE PLANTED AROUND THE BASE AND UP THE SIDE SLOPES. SHRUBS SHOULD BE SOMEWHAT MOISTURE TOLERANT SINCE DOWN SIDE PERIMETER MAY BECOME MOIST DURING EARLY SPRING AND LATE FALL PLANTINGS ON TO OF THE SYSTEM SHOULD BE DROUGHT TOLERANT, AS THE UPPER PORTION OF THE SYSTEM CAN BECOME DRY DURING THE SUMMER. ALL PLANTS SHOULD BE SHALLOW ROOTED.

INSPECTION

THE ENGINEER SHALL MAKE THE FOLLOWING INSPECTIONS OF THE DESIGNED SYSTEM:

- AFTER GROUND PREPARATION.
- AFTER FILL PLACEMENT, INCLUDING FILL PERCOLATION TEST.
- AFTER PLACEMENT OF PIPING, TANKS PRIOR TO ANY BACKFILL.

THE ENGINEER AND SCHENECTADY COUNTY DEPARTMENT OF HEALTH (SCDCH) SHALL MAKE THE FOLLOWING INSPECTIONS OF DESIGNED SYSTEM:

- COMPLETION INCLUDING GRADING, PLACEMENT OF TOPSOIL & SEEDING.

IT IS THE OWNERS RESPONSIBILITY TO CONTACT THE ENGINEER AND SCDCH FOR ABOVE NOTED INSPECTIONS. IF WORK COMMENCES WITHOUT THE NOTED INSPECTIONS, THE ENGINEER WILL NOT BE ABLE TO CERTIFY THE SYSTEM AS BUILT PER PLAN AND THE TOWN WILL NOT BE ABLE TO GRANT A CERTIFICATE OF OCCUPANCY (C.O.).

SITE STATISTICS

ZONING CLASSIFICATION:
LAKE DISTRICT (L-3) DUANE LAKE
MIN LOT AREA: 43,560 SQ. FT. (1 ACRE)
MIN LOT WIDTH: 175 FT.
MIN LOT DEPTH: 200 FT.
MIN LOT COVERAGE: 30%
BUILDING SETBACKS:
FRONT SETBACK - 40 FT.
SIDE SETBACK - 40 FT.
SIDE SETBACK ON CORNER LOT - 40 FT.
REAR SETBACK - 40 FT.
MAX. BUILDING HEIGHT - 3 STORIES OR 35 FT.
MAX. BUILDING SIZE - 40,000 SQ. FT.

DESIGN CRITERIA

- 3 BEDROOM HOME AT 110 GALLONS PER DAY EQUALS 330 GALLONS PER DAY FLOW
- EXISTING TERRAIN APPROXIMATELY 3-5 PERCENT SLOPE.
- PERCOLATION RATE: 5-10 MIN/INCH FILL RAISED SYSTEM MATERIAL, FILL FROM APPROVED SOURCE (APPLICATION RATE 0.90 GPD/S.F.) EDGE OF FILL SLOPES < 1 VERTICAL ON 3 HORIZONTAL. 6 MIN/INCH NATURAL MATERIAL MAX. @ 12" DEPTH.
- ACTUAL PERCOLATION RATE AT 12" DEPTH = 6 MINUTES/INCH MAX.
- SOIL: SANDY SILT.
- BEDROCK @ 24", ENCOUNTERED WITHIN TEST DEPTH.

CALCULATIONS

- REQUIRED LATERAL LENGTH: (330 GPD)/(0.90 GPD/SF)(1 LF/2SF) = 367 LF. USE BED 10' X 60' = 600 LF.
- REQUIRED BASIN AREA EQUALS (330 GPD)/(0.90 GPD/SF) = 367 SF. BASIN AREA DESIGN 22' X 60' = 1,320 SF SHOWN.
- REQUIRED DOSING VOLUME: (110 LF x 0.092 G/LF) x 10 = 101.2 GAL/DOSE 330 GAL/DAY @ 0.12 GAL/DOSE = 3.26 DOSES/DAY

SITE PREPARATION

- ROPE OFF THE SITE TO PREVENT DAMAGE TO AREA DURING OTHER CONSTRUCTION ACTIVITY ON THE LOT. VEHICULAR TRAFFIC OVER THE AREA SHOULD BE PROHIBITED TO AVOID SOIL COMPACTION.
- STAKE OUT THE SYSTEM PERIMETER AND BED IN THE PROPER ORIENTATION.
- CUT AND REMOVE ANY EXCESS VEGETATION. TREES SHOULD BE CUT AT THE GROUND SURFACE AND STUMPS LEFT IN PLACE.
- PLOW THE AREA WITHIN THE SYSTEM PERIMETER. USE A TWO BOTTOM OR LARGE MOLDBOARD PLOW, PLOWING 7-8 INCHES DEEP PARALLEL TO THE CONTOURS. SINGLE BOTTOM PLOWS SHOULD NOT BE USED, AS THE TRACE WHEEL RUN IN EVERY FURROW, COMPACTING THE SOIL. EACH FURROW SHOULD BE THROWN UPSLOPE. A CHISEL PLOW MAY BE USED IN PLACE OF MOLDBOARD PLOW. ROUGHING THE SURFACE WITH BACKHOE TEETH MAY BE SATISFACTORY, ESPECIALLY IN WOODED SITES WITH STUMPS. ROTOTILLING IS NOT RECOMMENDED BECAUSE OF THE DAMAGE IT DOES TO THE SOIL STRUCTURE. PLOWING SHOULD NOT BE DONE WHEN THE SOIL IS TOO WET. SMEARING AND COMPACTION OF THE SOIL WILL OCCUR. IF A SAMPLE OF THE SOIL TAKEN FROM THE PLOW DEPTH FORMS A WEIR WHEN ROLLED BETWEEN PALMS, THE SOIL IS TOO WET. IF IT CRUMBLES, PLOWING MAY PROCEED.

FILL PLACEMENT & SOIL STABILIZATION

GENERAL REQUIREMENTS:

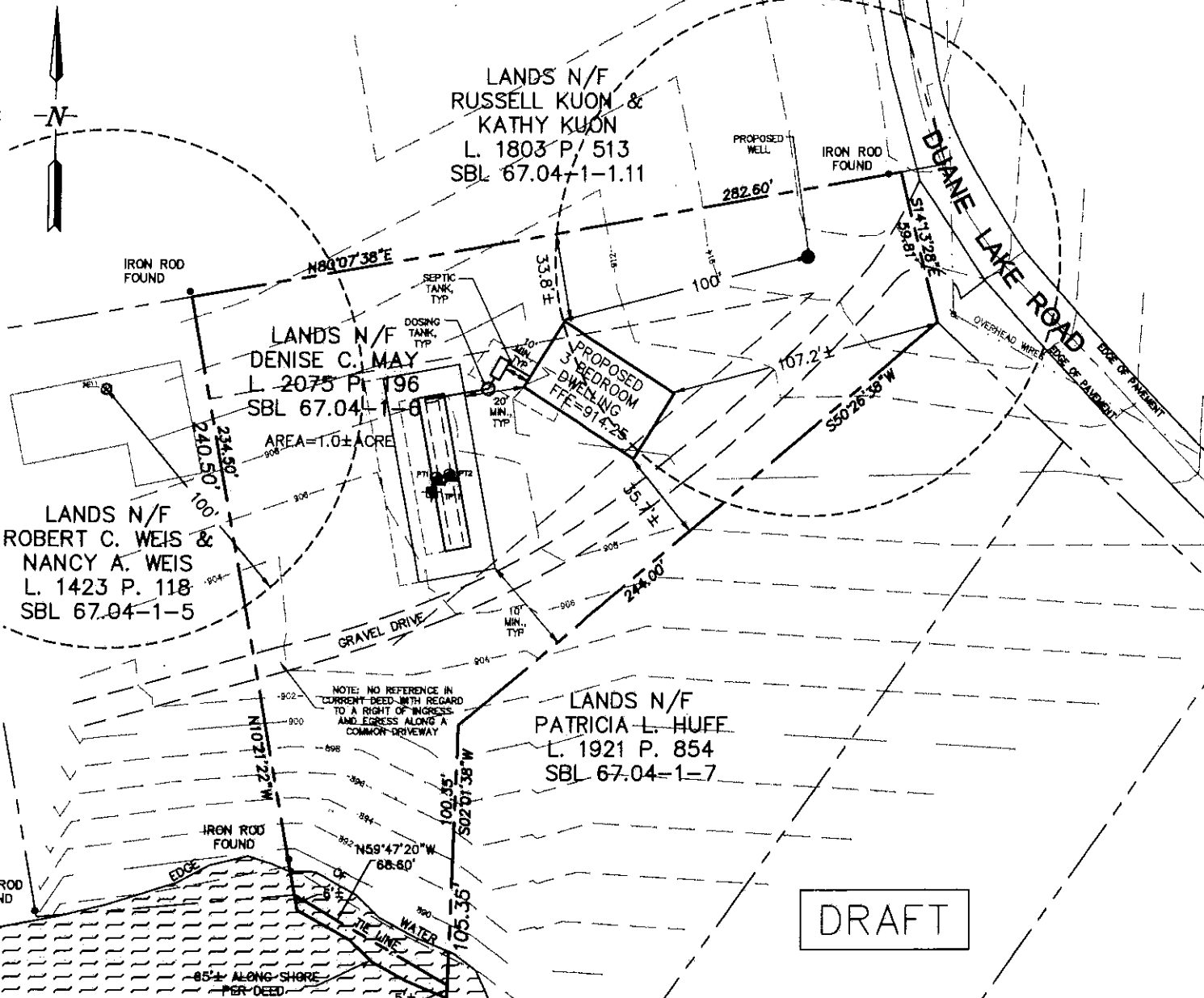
- PLACE GRANULAR FILL MATERIAL ON THE UPSLOPE EDGES OF THE PLOWED AREA. KEEP TRUCKS OFF THE PLOWED AREA.
- MOVE THE FILL MATERIAL INTO PLACE USING A SMALL TRACK-TYPE TRACTOR WITH A BLADE. ALWAYS KEEP A MINIMUM OF 6 IN. OF MATERIAL BENEATH THE TRACKS OF THE TRACTOR TO MINIMIZE COMPACTION OF THE NATURAL SOIL.
- STABILIZED FILL SHALL HAVE PERCOLATION OF 5-10 MIN./IN.
- A SLIGHT DRAINAGE SWALE SHALL BE CONSTRUCTED UPSLOPE OF THE SYSTEM TO PREVENT INFILTRATION OF SURFACE RUNOFF INTO THE SYSTEM.
- FINAL SLOPES SHALL BE 1 VERTICAL: 3 HORIZONTAL OR FLATTER WITH A MINIMUM TAPER OF 20 FT. IN ALL DIRECTIONS.

SYSTEM STRUCTURES

- SEPTIC TANK SHALL BE 1250 GAL DUAL COMPARTMENT PRECAST SEAMLESS CONCRETE TANK BY GUARDIAN CONCRETE, INC. OR EQUIVALENT.
- DOSING TANK SHALL BE A 5' DIAMETER CONCRETE MANHOLE BY GUARDIAN CONCRETE, INC. OR EQUIVALENT.

PIPING

- HOUSE TO SEPTIC TANK SHALL BE 4" SCH 40 PVC WITH TIGHT JOINTS, MINIMUM SLOPE = 1/4 IN. PER FOOT.
- SEPTIC TANK TO DOSING TANK SHALL BE 4" SCH 35 PVC WITH TIGHT JOINTS, MINIMUM SLOPE = 1/8 IN. PER FOOT.
- DOSING TANK TO MANHOLE SHALL BE 1-1/2" SCH 40 PVC WITH WATER TIGHT JOINTS.
- DISTRIBUTION LATERALS SHALL BE 1-1/2" SCH 40 PVC WITH (1) 1/4" HOLES @ 5' O.C. DIRECTED DOWNWARD.



TEST NUMBER	PERO TEST DEPTH	STABILIZED PERC RATE
PT-1	12"	6.00 1350C
PT-2	12"	6.00 2150C

TEST PIT NUMBER	DEPTH	TEST PIT DATA
TP-1	0 - 4"	BROWN LOAMY TOPSOIL
	4" - 24"	MED. BROWN SILTY SAND W/ROCKS BEDROCK @ 24"

PERCOLATION TESTS PERFORMED ON 07/01/22 BY C. PAGAN OF INGALLS & ASSOCIATES, LLP, WITNESSED BY D. DICARLO SOHD



NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG SAFELY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

HOUSE TO SEPTIC TANK	10' MIN
HOUSE TO TOE OF FILL, D-BOX ABSORPTION FIELD	20' MIN
PRIVATE WELL TO TOE OF FILL	100' MIN
PRIVATE WELL TO D-BOX	100' MIN
PRIVATE WELL TO SEPTIC TANK	50' MIN
ABSORPTION FIELD TO STREAM	100' MIN
PROPERTY LINE TO TOE OF FILL, BUILDING SEWER, SEPTIC TANK, D-BOX, ABSORPTION FIELD	10' MIN
DRAINAGE DITCH TO SEPTIC TANK	10' MIN
DRAINAGE DITCH TO D-BOX, ABSORPTION FIELD	20' MIN
BALSTON TREATMENT SYSTEM AND FRACTURED BEDROCK	100' MIN

*100' MIN. WHEN WELL IS DOWNGRADIENT OF ABSORPTION FIELD.

LEGEND

- EXISTING PROPERTY LINE
- EXISTING SETBACK
- ADJACENT PROPERTY LINE
- EXISTING CONTOUR
- EXISTING TREELINE
- PROPOSED TREELINE
- PROPOSED CONTOUR
- PROPOSED SEPTIC LATERAL
- PROPOSED SEPTIC TANK
- PERO PIT LOCATION
- TEST TEST LOCATION

APPLICANT:
CLAYTON HOMES
234 DUANE LAKE ROAD
DUANESBURG, NY 12053

SCHENECTADY COUNTY HEALTH DEPARTMENT
FOR MUNICIPAL APPROVAL ONLY
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<p>UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209 SUBSECTION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES MADE FROM THE ORIGINAL OF THIS DRAWING BEARING AN ORIGINAL INKED OR EMBOSSED SEAL AND SIGNATURE SHALL BE CONSIDERED TO BE VALID TRUE COPIES.</p>		<p>ingalls ingalls & associates, LLP 300 GLEN LINDA AVENUE SCHENECTADY, N.Y. 12309 PHONE: 518-385-7720 FAX: 518-385-5944</p>	<p>SEPTIC PLAN MAY 234 DUANE LAKE ROAD TOWN OF DUANESBURG COUNTY OF SCHENECTADY STATE OF NEW YORK</p>	<p>DATE: JULY 15, 2022 CHECKED BY: D.F.J. JOB NO. 22-079 DRAWN BY: CWP CADD FILE: 22-079 DF</p>	<p>SCALE: 1" = 30' SHEET 1 OF 2</p>	
NO.	DATE	REVISIONS	BY:			

DAVID F. INGALLS, JR., P.E.
N.Y.S. LIC. NO. 084923

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney

Jonathan Lack, Vice Chairperson
Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Town of Duanesburg
Zoning Board Minutes
June 21st, 2022
Draft Copy

RECEIVED

JUN 27 2022

TOWN OF DUANESBURG
TOWN CLERK

MEMBERS PRESENT: Nelson Gage- Chairperson, Jonathan Lack- Vice Chairperson, Daniel Boggs, Matthew Ganster, Link Pettit. Also attending Town Attorney-Teresa Bakner, Town Planner-Dale Warner, and Clerk -Melissa Deffer.

INTRODUCTION:

Nelson Gage opened the meeting at 7:00 pm. Gage welcomed everyone to tonight's meeting.

OPEN FORUM:

Nelson Gage opened the open forum at 7:01 pm.

Lynne Bruning located at 13388 Duanesburg Rd would like everyone to know that the Solar Law committee is meeting, and the videos are posted on the Towns website and very informative.

Nelson Gage closed the open forum at 7:04 pm.

PUBLIC HEARINGS:

#22-05 Dunnsville Rod and Gun Club: SBL#68.00-1-14, (C-1) located at 3081 Western Turnpike is seeking an Area Variance for a front yard reduction to meet the requirements for a flag lot under section 3.5.93(B); section 14.5.2(B) of the Town of Duanesburg Zoning Ordinance.

Mr. Peterson gave his presentation to the public.

Gage/Ganster made a motion to open the public hearing for the **#22-05 Dunnsville Rod and Gun Club** application.

Gage aye, Ganster aye, Lack aye, Boggs aye, Pettit aye. **Approved.**

John Simons located at 3070 Western Turnpike would like to know what a flag lot is.

Chairperson Gage explained that a flag lots access point on the property is narrower than the lot itself. The zoning ordinance calls for 60 ft and currently the gun club only has 30 ft.

Gage/Lack made a motion to close the public hearing for the **#22-05 Dunnsville Rod and Gun Club** application.

Gage aye, Lack aye, Ganster aye, Pettit aye, Boggs aye. **Approved.**

Gage/Pettit made a motion to grant **#22-05 Dunnsville Rod and Gun** located at 3081 Western Turnpike SBL#68.00-1-14 a 30ft road frontage variance to meet the requirements for a flag lot under section 3.5.93(B); section 14.5.2(B) of the Town of Duanesburg Zoning Ordinance and provided a building permit be obtained within 6 months.

Gage aye, Pettit aye, Ganster aye, Lack aye, Boggs aye. **Approved.**

#22-02 Urbano/Caschera, SBL#35.06-3-5.2, (L-1) Located at 2610 Weast Rd is seeking a side yard setback and an Area Variance under section 7.1.6(2); 7.1.5(1) of the Town of Duanesburg Zoning Ordinance. Luigi A. Palleschi, P.E from ABD Engineers, LLP who is representing Mr. Caschera and Fabio Urbano who was also in attendance.

Mr. Palleschi gave his representation to the public.

Chairman Gage would like to know the height of the proposed single family, the position of the house and if they still plan to build the house on the garage which will add extreme height to the building.

Mr. Palleschi explained it is still the plan for the owners to build a 2 and a half story house. The reason the house was positioned the way it's on the drawing is because they lined the house up with all the other houses on Weast Rd.

Chairperson Gage asked the applicants if they were willing to move the house back?

The applicants will do what they must do to be able to build on the lot, but they are not happy about having to move the house location.

Chairperson explained that the Board would like them to take into consideration that the other houses are already established, and the community charter of the current location.

Pettit/Boggs made a motion to open the public hearing for the **#22-02 Urbano/Caschera** application.

Pettit aye, Boggs aye, Gage aye, Lack aye, Ganster aye. **Approved.**

LouAnn DiNardi located at 2636 Weast Rd had submitted a written concern and was present on zoom to share her concerns. Mrs. DiNardi also understands that the lot was for sale, but she was under the impression based on the codes that she read that the land in question would not be able to be developed. **(Please See Attachment)**

Kelly Mangano located at 2598 Weast Rd the house to the right if you are looking at the lot. Agrees with her neighbors and feels that the new single-family home will have a undesirable change to the community and if it's possible to move the house back more.

Ganster/Pettit made a motion to close the public hearing for the **#22-02 Urbano/Caschera** application.

Ganster aye, Pettit aye, Boggs aye, Gage aye, Lack aye. **Approved.**

Boggs/Lack made a motion to grant Urbano/Caschera located at 2598 Weast Rd SBL#35.06-3-5.2, a side yard variance of 4ft east and 4ft west under section 7.1.6 and 7.1.5 of the Town of Duanesburg Zoning Ordinance. Also, an area variance for a preexisting undersized lot under section 13.1.2 to construct a dwelling with conditions of no higher than 30ft in height and must be 98 ft from the Weast Rd right of way per the findings of section 14.5.2 providing a building permit be obtained within 6 months and all other of the aspects of the ordinance be followed.

Boggs aye, Lack aye, Gage aye, Pettit aye, Ganster aye. **Approved.**

Lack/Gage made a motion that the **#22-02 Urbano/Caschera** application is and exempt Type II action pursuant to Title 6 NYCRR Section 671.5(c)(16).

No further action pursuant to SEQRA is required.

Lack aye, Gage aye, Boggs aye, Pettit aye, Ganster aye. **Approved.**

New Business:

#22-06 Callahan, Paul: SBL#67.00-2-11.41, (R-2) located at 646 W Duane Lake Rd is seeking an Area Variance to sell an existing undersize lot as a building lot in a R-2 Zoning District under section 8.5(1) of the Town of Duanesburg Zoning Ordinance. Mr. Callahan explained that he owns a lot 200X300 feet roughly 1.3 acres that's on a private road off West Duane Lake Rd. The lot is currently vacant and a well has been dug years ago. An approved septic system design has been submitted and approved by Schenectady County. The land is linked with another 40 acres of land that's about 800 ft south of the property. The goal is to go in front of the Planning Board and subdivide the 1.3 acres off from the Parcel 800 ft away and make the 1.3 acre parcel a buildable lot, but first a variance is needed for an undersized lot. There is no road frontage on a public road. Currently Mr. Callahan owns the private road as well. There are no maintenance agreements in place as of now for the private road. To be able to subdivide the land the private road is going to have to stay part of the 1.3 acres and the entrance of the private road will have to be the road frontage for the parcel and will be considered a flag lot. A maintenance agreement via either a right of way or easement must be developed before the process goes any further. For the next meeting the Board would like to have:

1. A developed maintenance agreement

Gage/Lack made a motion that the **#22-06 Callahan, Paul** application is and exempt Type II action pursuant to Title 6 NYCRR Section 671.5(c)(16).

Gage aye, Lack aye, Ganster aye, Pettit aye, Boggs aye. **Approved.**

No further action pursuant to SEQRA is required.

Boggs/Pettit made a motion to table the **#22-06 Callahan, Paul** application until the July 19th, 2022, meeting.

Boggs aye, Pettit aye, Ganster aye, Lack aye, Gage aye. **Approved.**

MINUTES APPROVAL:

Boggs/Pettit made a motion to approve the May 17th, 2022, Zoning Board minutes with the corrections to the new section number put into place for SEQRA.

Boggs aye, Pettit aye, Ganster aye, Lack abstain, Gage aye. **Approved.**

OLD BUSINESS:

Board Member Ganster recused himself from both applications #22-03 Oakhill Solar 1 LLC and #22-04 Oakhill Solar 2 LLC due to his property abutting one of the parcels.

#22-03 Oakhill Solar 1 LLC, SBL#74.00-2-5.2 Located at 13592 Duanesburg Rd is seeking a Area Variance for a height of fence under section 5.7.(1) of the Town of Duanesburg Zoning Ordinance, and application **#22-04 Oakhill Solar 2 LLC**, SBL#74.00-2-5.1 Located at 13590 Duanesburg Rd is seeking a Area Variance for a height of fence under section 5.7.(1) of the Town of Duanesburg Zoning Ordinance. Bill Pederson a representative from

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

AMP is in attendance via zoom. Chairperson Gage stated that the ZBA has received a written comment from Susan Biggs located at 13388 Duanesburg Rd. Chairperson Gage also, explained that by a resolution approved by the Planning Board that states a fence that is 6ft in height only and suggested that the applicant is free to apply to the Zoning Board with a variance. the ZBA had asked do the solar panels themselves comprise the electrical equipment, the answer is yes they are attached to a critical components of the solar energy aspect of the batteries that are being stored and that does need to be fenced in. a county referral was submitted to Steve Feeney and it was deferred to local consideration with a suggestion to allow in the local ordinance to allow fences that are appropriate for this type of construction.

Gage/Boggs made a motion to approve the following findings with respect to both Oak Hill Solar 1 and 2 LLC projects:

1. The ZBA finds that the requested interpretations issued by the ZBA are type II actions pursuant to SEQRA;
2. The ZBA finds that in the event the ZBA issues an area variance for the two additional feet of fence height, the requirements of SEQRA have already been met by the Town Planning Board, which, acting as SEQRA lead agency, issued a negative declaration of environmental significance on the projects;
3. The ZBA has examined the Town of Duanesburg Zoning Ordinance, which contains a limit on the height of privacy fences of not more than six feet and the ZBA determines that this provision does not apply to the eight-foot-high fences proposed by Oak Hill Solar 1 and 2 LLC for their solar projects, as the purpose of the fences is not to obscure views, i.e. provide privacy. Instead, the purpose of the fences, which have been designed to appear as agricultural fences, is to protect public safety by preventing access to the solar projects, which have high voltage electrical connections and other such electrical equipment located thorough out the projects as shown on the approved site plans.
4. The ZBA has examined Town of Duanesburg Local Law No. 1 of 2016, section 3(a) and finds that the language of the local law merely provides that fencing associated with a solar project be six feet in height but that there is no indication that the Town of Duanesburg Town Board intended to supersede the State and National requirements pertaining to such fences that they be at least 7 feet tall or 6 feet with three strands of barbed wire at the top of the fence. In light of this, the ZBA finds and determines that the Local Law should be more appropriately interpreted as requiring that such fences be at least 6 feet tall as interpreting it in any other way would be in derogation of State and National requirements that apply to such projects in the Town and such interpretation is consistent with the language and purposes of Town of Duanesburg Local Law No. 1 of 2016.
5. Moreover, the ZBA also finds that the request for eight- foot-high fences for the Projects meet the requirements for an area variance. The ZBA is required to apply a balancing test to balance the benefit to the applicant with the detriment to health, safety & welfare of the community by examining whether the benefit, i.e. the additional security provided by two additional feet of fencing can be achieved by other means feasible to the applicant; whether the additional two feet of fencing will cause an undesirable change in neighborhood

character or detriment to nearby properties; whether the request for an additional two feet of fencing is substantial; whether the request for an additional two feet of fencing will have adverse physical or environmental effects; and whether the request for an additional two feet of fencing is self-created (which is relevant, but not determinative).

6. In applying the balancing test for the additional two feet in height of fencing the ZBA finds as follows:
 - a. that an eight-foot-high fence, rather than a shorter fence with three strands of barbed wire at the top, has less of a visual impact on the community and provides for security that meets the requirements of the State and National Codes applicable to such electrical installations;
 - b. that the fences have been designed to be very similar in appearance to agricultural fences typically used in Duanesburg rather than those typically used for electrical installations at substations, for example;
 - c. that the additional security provided by the higher fences cannot be met by some other means feasible to the applicant as the applicant has indicated that shorter fences are not currently available in the marketplace due to supply chain difficulties and that such shorter fences would not meet its security needs in any case;
 - d. that the difference between a six-foot-high fence with three strands of barbed wire and an eight-foot-high fence with a solely agricultural appearance (as shown on the typical detail on the approved site plans) will not cause an undesirable change in neighborhood character or detriment to nearby properties which nearby properties as well as other agricultural properties in Town typically have agricultural fencing;
 - e. that the request is not substantial based on the visual information included in the record before the Planning Board and here and based on the required setbacks and distances between the property boundaries and the fencing as shown on the approved site plans;
 - f. that the request for an additional two feet of fencing will not have adverse physical and environmental effects—the approved site plans which were evaluated pursuant to SEQRA showed the additional two feet of fencing and the ZBA finds that the additional two feet of fencing will not cause any significant adverse environmental impact and will likely result in very little visual difference between a six feet high and an eight feet high agricultural fence with the setbacks shown on the site plans from adjacent properties and from NYS Route 7;
 - g. that the request is self-created; however, the State and federal requirements demonstrate that at least a seven-foot-high fence would be required regardless and the ZBA acknowledges that both the supply chain limitations identified by the applicants and the greater security provided to the public by the higher, eight-foot-high-fences justifies the grant of the variances.

Now therefore the ZBA interprets the applicable Town laws to authorize the proposed eight-foot-high for these electrical installations and, in the alternative, grants the requested area variances for the eight-foot-high fences as shown on the approved site plans.

Gage aye, Boggs aye, Pettit aye, Lack aye. **Approved.**

OTHER:

Board Member Boggs explained that the Solar Committee is very informative. Also, Chairperson Gage strongly urges the Board Members and public to watch the videos on the website.

MINUTES APPROVAL:

Boggs/Pettit made a motion to approve the May 17th, 2022, Zoning Board minutes with no corrections.

Boggs aye, Pettit aye, Ganster aye, Lack abstain, Gage aye. **Approved.**

ADJOURNMENT:

Pettit/Gage made a motion to adjourn at 8:53 pm.

Pettit aye, Gage aye, Lack aye, Boggs aye. **Approved**



ORIGINAL

**TOWN OF DUANESBURG ZONING BOARD OF APPEALS
RESOLUTION ISSUING INTERPRETATION OR IN THE ALTERNATIVE
APPROVING AN AREA VARIANCE TO ALLOW EIGHT FEET TALL FENCES
AT THE OAK HILL SOLAR PROJECTS**

JUNE 21, 2022

MOVED BY Nelson Gage; SECONDED BY Daniel Boggs

RECEIVED
JUN 23 2022
TOWN OF DUANESBURG
TOWN CLERK

WHEREAS, Oak Hill Solar 1 and 2 LLC received special use permits and site plan approvals for two 5 MW Solar Projects from the Town of Duanesburg Planning Board, after the Planning Board, as SEQRA lead agency issued a negative declaration of environmental significance for the Type 1 projects; and

WHEREAS, the Planning Board determined as follows in its resolution of March 17, 2022, "The Planning Board is approving a fence that is six feet in height only and the Applicant is free to apply to the Zoning Board of Appeals if the Applicant is required to construct higher fences due to State or National Electrical Codes requirements;" and

WHEREAS, the Town Building Inspector issued a determination on April 7, 2022 that an area variance would be required for the height of the fences that Oak Hill Solar 1 and 2 LLC are requesting to construct to add two (2) feet to the height of the fence, i.e. eight foot high fences.

WHEREAS, the Town of Duanesburg Zoning Ordinance defines a "fence" in section 3. 5. 69 as "[a]ny structure or device, regardless of composition, which encloses or divides a parcel of land or serves as a barrier, other than a building or growing plants or trees." Section 5.7(c) of the Town of Duanesburg Zoning Ordinance provides that "Privacy fences shall not exceed six (6) feet in height and be of a material compatible with the general surroundings with the finished side out. ; and

WHEREAS, the Town of Duanesburg Local Law no. 1 of 2016, "the Solar Energy Facilities Law" provides in section 3a that "[a]ll electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a six-foot fence;" and

WHEREAS, Oak Hill Solar 1 and 2 LLC applied for an area variance to the ZBA for an 8 feet high fence as shown on the approved site plans and fencing details for the two projects and subsequently submitted a letter dated May 6, 2022 to the Town Building Inspector also seeking an interpretation of the Solar Law (Town of Duanesburg Local Law no 1 of 2016, section 3(a), which provides that solar equipment shall be enclosed by a six foot fence, seeking to clarify that the Solar Law when taken in conjunction with other provisions of Town and Building Codes, should read as "at least six feet high"; and

WHEREAS, the Town of Duanesburg is subject to the NYS Building Code requirements, which include the National Requirements for Electrical Installations including section 110.31, "Enclosures for Electrical Installations" which provide, among other requirements, that "A fence shall not be less than 2.1 m (7 feet) in height or a combination of 1.8m or more of fence fabric and a 300 mm (1 foot) or more of extension using three or more strands of barbed wire or equivalent". This was confirmed by Schenectady County Planning staff in correspondence to the Town dated May 10, 2022 as confirmed by NYSERDA staff in an email dated June 14, 2019 to Schenectady County Planning Staff; and

WHEREAS, an interpretation issued by a Zoning Board of Appeals is a Type 2 or exempt action under SEQRA and an area variance is subject to the SEQRA negative declaration issued on the Projects by the Planning Board acting as SEQRA lead agency (the ZBA is an involved agency only); and

WHEREAS, the request for interpretation/area variance was referred to the Schenectady County Planning Department pursuant to the NYS General Municipal Law and the Schenectady County Planning Department determined that it would defer to local consideration (no significant county-wide or inter-community impact) on May 11, 2022;

WHEREAS, the ZBA held a duly noticed public hearing at its meeting of May 16, 2022 where any persons who wanted to speak or submit written comments were allowed to do so and the ZBA has carefully considered all of the comments;

NOW THEREFORE BE IT RESOLVED, that the ZBA makes the following findings with respect to both Oak Hill Solar 1 and 2 LLC projects:

1. The ZBA finds that the requested interpretations issued by the ZBA are type II actions pursuant to SEQRA;
2. The ZBA finds that in the event the ZBA issues an area variance for the two additional feet of fence height, the requirements of SEQRA have already been met by the Town Planning Board, which, acting as SEQRA lead agency, issued a negative declaration of environmental significance on the projects;
3. The ZBA has examined the Town of Duanesburg Zoning Ordinance, which contains a limit on the height of privacy fences of not more than six feet and the ZBA determines that this provision does not apply to the eight-foot-high fences proposed by Oak Hill Solar 1 and 2 LLC for their solar projects, as the purpose of the fences is not to obscure views, i.e. provide privacy. Instead, the purpose of the fences, which have been designed to appear as agricultural fences, is to protect public safety by preventing access to the solar projects, which have high voltage electrical connections and other such electrical equipment located throughout the projects as shown on the approved site plans.
4. The ZBA has examined Town of Duanesburg Local Law No. 1 of 2016, section 3(a) and finds that the language of the local law merely provides that fencing associated with a solar project be six feet in height but that there is no indication that the Town of Duanesburg

Town Board intended to supersede the State and National requirements pertaining to such fences that they be at least 7 feet tall or 6 feet with three strands of barbed wire at the top of the fence. In light of this, the ZBA finds and determines that the Local Law should be more appropriately interpreted as requiring that such fences be at least 6 feet tall as interpreting it in any other way would be in derogation of State and National requirements that apply to such projects in the Town and such interpretation is consistent with the language and purposes of Town of Duanesburg Local Law No. 1 of 2016.

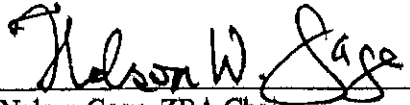
5. Moreover, the ZBA also finds that the request for eight-foot-high fences for the Projects meet the requirements for an area variance. The ZBA is required to apply a balancing test to balance the benefit to the applicant with the detriment to health, safety & welfare of the community by examining whether the benefit, i.e. the additional security provided by two additional feet of fencing can be achieved by other means feasible to the applicant; whether the additional two feet of fencing will cause an undesirable change in neighborhood character or detriment to nearby properties; whether the request for an additional two feet of fencing is substantial; whether the request for an additional two feet of fencing will have adverse physical or environmental effects; and whether the request for an additional two feet of fencing is self-created (which is relevant, but not determinative).
6. In applying the balancing test for the additional two feet in height of fencing the ZBA finds as follows:
 - a. that an eight-foot-high fence, rather than a shorter fence with three strands of barbed wire at the top, has less of a visual impact on the community and provides for security that meets the requirements of the State and National Codes applicable to such electrical installations;
 - b. that the fences have been designed to be very similar in appearance to agricultural fences typically used in Duanesburg rather than those typically used for electrical installations at substations, for example;
 - c. that the additional security provided by the higher fences cannot be met by some other means feasible to the applicant as the applicant has indicated that shorter fences are not currently available in the marketplace due to supply chain difficulties and that such shorter fences would not meet its security needs in any case;
 - d. that the difference between a six-foot-high fence with three strands of barbed wire and an eight-foot-high fence with a solely agricultural appearance (as shown on the typical detail on the approved site plans) will not cause an undesirable change in neighborhood character or detriment to nearby properties which nearby properties as well as other agricultural properties in Town typically have agricultural fencing;
 - e. that the request is not substantial based on the visual information included in the record before the Planning Board and here and based on the required setbacks and distances between the property boundaries and the fencing as shown on the approved site plans;
 - f. that the request for an additional two feet of fencing will not have adverse physical and environmental effects—the approved site plans which were evaluated pursuant to SEQRA showed the additional two feet of fencing and the ZBA finds that the additional two feet of fencing will not cause any significant adverse environmental impact and will likely result in very little visual difference between a six feet high

and an eight feet high agricultural fence with the setbacks shown on the site plans from adjacent properties and from NYS Route 7;

- g. that the request is self-created; however, the State and federal requirements demonstrate that at least a seven-foot-high fence would be required regardless and the ZBA acknowledges that both the supply chain limitations identified by the applicants and the greater security provided to the public by the higher, eight-foot-high-fences justifies the grant of the variances.

- 7. Now therefore the ZBA interprets the applicable Town laws to authorize the proposed eight-foot-high for these electrical installations and, in the alternative, grants the requested area variances for the eight-foot-high fences as shown on the approved site plans.

By majority vote of the Zoning Board of Appeals of the Town of Duaneburg at its regular meeting on June 21, 2022.


Nelson Gage, ZBA Chair

6/21/22
Date

Present: Nelson Gage, Link Pettit, Jonathan Lack and Daniel Boggs
Absent: Matthew Ganster, recused

Zoning Board of Appeals Board Members:

Nelson Gage	Yea
Matthew Ganster	Recused
Link Pettit	Yea
Jonathan Lack	Yea
Daniel Boggs	Yea



Melissa Deffer

From: Lou Ann <pigpenlou@aol.com>
Sent: Tuesday, June 21, 2022 11:08 AM
To: Nelson Gage
Cc: Melissa Deffer
Subject: Re: Variance Request Discussion for 2610 Weast Road
Attachments: variance Consideration 2610.pdf

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

Good Morning,

I'm writing in regards to an item on the agenda in tonight's Zoning Board Public Hearing.

As you may remember, I wrote about this subject prior to last month's meeting. Since today's meeting has added items (Area Variance) to the application for 2610 Weast, I wanted to send the attached letter and photo's for the board's consideration. I will not be able to attend the meeting in person, but do plan on attending via Zoom. If you have any questions about the attached or you are unable to open the .pdf document please let me know.

Thank you in advance for your time and consideration.

Regards,

Lou Ann (Louise) DiNardi

Nelson Gage, Chair
Zoning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Dear Nelson Gage and the Zoning Board,

In last month's meeting I had expressed some concerns regarding the Variance application of 2610 Weast Road. Since this application will be discussed again this evening, I am writing to you today to discuss the items listed in the application and to highlight the concerns that were raised last meeting by multiple neighbors. I noticed that tonight's agenda also mentions an Area Variance under section 7.1.6(2):7.1.5(1) of the Town's Ordinance (along with the previously discussed side yard setbacks under section 12.6(2); 12.6(4); 14.5.2(B)).

I'm hoping the board will consider the negative effect this will have on neighboring properties, properties owned by individual who were under the impression that 2610 was not considered a buildable lot, since the width of said lot is less than 175 feet and the square footage less than 43,560 square feet. In review of the area and the documents presented I did find the following:

- 1) Most of the houses in the Lake District Area were constructed prior to the current zoning ordinance. In a review of the houses, on Weast Road, I found that the average square footage of the homes to be less than 1,500 square feet. The application being presented is requesting consideration to build a 2,000+ sq foot home, and to set the home close to the side neighbors property lines. While there are a couple homes in the area that have a square footage > 2,000 sq. feet, I found that one is set on 1 acre of land and the other, which was build in 2004, and sits on .32 acres. I'm assuming that the house on .32 acres was replacement to a pre-existing home (or camp) and possibly grandfathered into the current regulations.
- 2) The application also reference's the public sewer access that is established on the lot. Based on documents filed with the town, dated October 2004, and addressed to Kathleen Hewitt (a previous owner) the installation of the sewer access "does not in any manner guarantee" a variance will be granted for development of the lot.
- 3) The properties on Weast, in the immediate area of this parcel, have Lake Access (across the street), something that this property does not have, despite the efforts of the current landowner to obtain such access from the neighbors.

It's my opinion that this application is not being presented by someone who looking to build on this property for personal reasons. I have spoken to a few parties who were interested in purchasing this land when it was for sale. Each person acknowledged the current position of the surrounding homes, the narrow lot and they expressed interest in building a small home, suitable for year-round living without encroaching on the surrounding properties or blocking any lake views.

In addition to the above, if an area variance were to be granted, I feel that the proposed position of the house will devalue the home to the west side of the property, cutting it off from the lake view that it currently has. As you can see in the survey map, the home to the west was constructed, at an angle, so to take in the beauty of both sides of the lake. Constructing a home, in line with 2598 Weast Road, will completely block this view. (Please see attached photos of previous and current views). The current owner of 2610 has stripped the land of picturesque trees and left them to rot on the property. Adding a home, to such a small lot will change the character of the neighborhood. As mentioned in the last meeting, by Nancy Eddings, not only the side neighbors will be affected by this. The houses on Hillside will likely loose the view that they currently have of the lake and with the current zoning it was thought that this land was not deemed as a buildable lot.

In closing, adding a house with no easement or right-a-way to the lake, in the lake district, could prove to be a nightmare for the current neighbors. I respectfully request that the board consider the points brought forth in this letter.

Thank you.

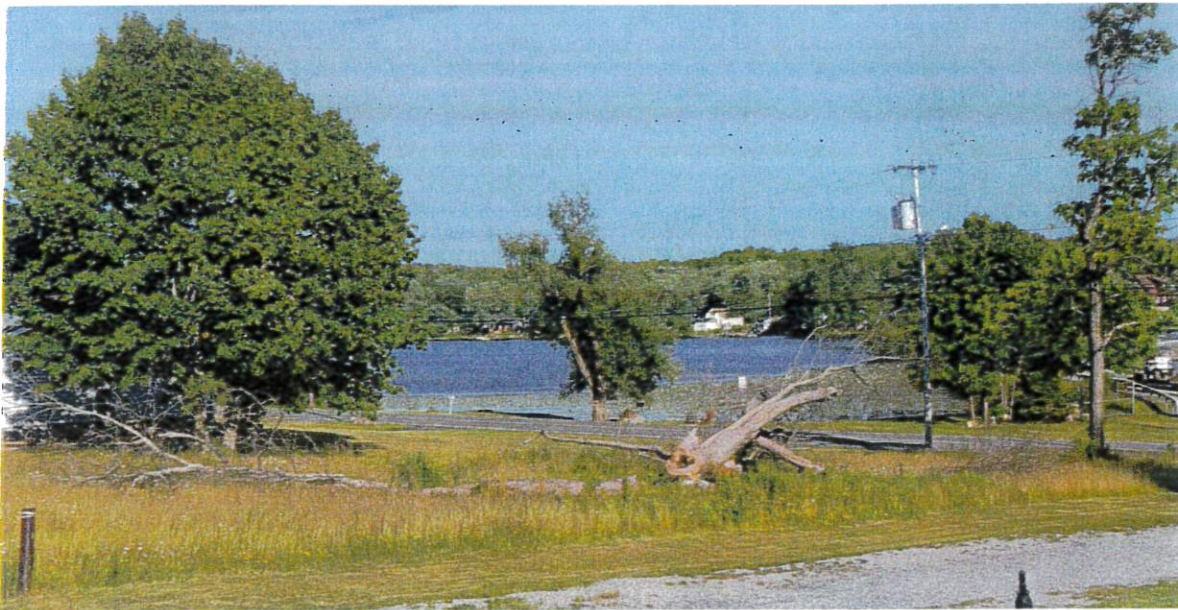
Lou Ann DiNardi



Position of the house to the West of 2610. Note the angle of the house which was done for the views of the lake.



View from the west side. Note that both sides of the lake are in view.



Current view. Placing on home in this area will completely block the view.



Unobstructed view of both sides of the lake.

Melissa Deffer

From: Susan Biggs <azurevista@hotmail.com>
Sent: Tuesday, June 21, 2022 12:59 PM
To: Melissa Deffer; Jennifer Howe
Cc: Lynne Bruning; Susan Biggs
Subject: Fw: tonights zoning board meeting - request condition be added to resolution
Attachments: 2022 06 20 Bruning to Zoning Board-merged.pdf

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

Dear Ms. Deffer and Ms Howe,

Please include the attached forward email that I sent to the supervisor, planning board chair and zoning board chair in the Oak Hill Solar + Storage facility town record, planning record and the zoning record.

Please confirm receipt to azurevista@hotmail.com

Thank you for your assistance.

Susan Biggs
518-577-4132
Azurevista@hotmail.com

Sent from [Outlook](#)

From: Susan Biggs
Sent: Tuesday, June 21, 2022 11:04 AM
To: Bill Wenzel <wwenzel@duanesburg.net>; Nelson Gage <Ngage@duanesburg.net>; j schm itt@duanesburg.net
<j schm itt@duanesburg.net>
Cc: j ganther@duanesburg.net <j ganther@duanesburg.net>; Ricky Potter <rpotter@duanesburg.net>;
d grant@duanesburg.net <d grant@duanesburg.net>; alucks@duanesburg.net <alucks@duanesburg.net>; Lynne Bruning
<lynnebruning@gmail.com>; Joshua Barnes <arrowrolloffs@gmail.com>; pamelarowling@yahoo.com
<pamelarowling@yahoo.com>; wallaceij@hotmail.com <wallaceij@hotmail.com>; danielle.unser@yahoo.com
<danielle.unser@yahoo.com>; fusilier1986@yahoo.com <fusilier1986@yahoo.com>; Susan Biggs
<azurevista@hotmail.co>
Subject: tonights zoning board meeting - request condition be added to resolution

Dear Supervisor Wenzel, Planning Board Chair Schmitt and Zoning Board Chair Gage,

Tonight, the zoning board meets to review and vote on the resolution to approve Oak Hill Solar's variance for an eight-foot-tall fence.

Since time of application in May 2018 the Project's six-foot-tall fence has not complied with National Electric Code requiring a seven-foot-tall fence. Why didn't the zoning board review the Project in 2018?

The current town board, zoning board and planning board has inherited the prior administration's lack of oversight. It appears that the Project has not been required to follow the same policy and procedure that the citizens are required to follow: obtain the required zoning variance before seeking planning board approval.

It appears that the Project is being built on a crooked foundation.

For the benefit of the town's fiscal responsibility to the current and future taxpayers and the abutters I request that the town board intercede at tonight's zoning board meeting. Please require the resolution include a condition that an evergreen screen be planted and maintained around the entire fence line until decommissioning.

The Project applied for a Special Use Permit May 2018. The planning board appointed Doug Cole of Prime AE as town engineer in August 2018.

At time of application the town engineer and the town code inspector, Dale Warner, did not inform the planning board and zoning board that the Project's six-foot-tall fence did not meet 2017 National Electric Code 110.31. requiring a seven-foot-tall fence.

As a result the zoning board did not review the required fence height variance. This deprived the public, in particular the abutters, of the required notification and public hearing to comment on the May 7, 2018 site plans and the July 19, 2018 FEAF.

The May 7, 2018 site plan shows that more than 10 acres of trees in the southwest corner of the site would be removed to construct the solar array. The July 19, 2018 FEAF Part 1 E.1.b that documents 21.94 acres of trees would be removed. The Project did not comply with the town's 2016 Solar Law 3.f. limiting tree clearing to 20,000 square feet or 1/2 acre.

It appears that the town may not have followed protocol and procedures for Project review. It appears that in 2018 the Project should not have advanced to the planning board for a Special Use Permit until zoning board review. Please see attached June 20, 2022 letter from Lynne Bruning to the zoning board.

At tonight's zoning board meeting please require the zoning board to add a condition to the resolution for Oak Hill Solar + Storage fence height variance requiring the planting and maintenance of an evergreen screen around the entire fence for the lifespan of the Project.

Thank you for your time and consideration.

Respectfully
Susan Biggs
13388 Duanesburg Road

Sent from [Outlook](#)

PO Box 13545
Quaker Street, NY 12141

Nelson Gage, Chair Zoning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

June 20, 2022

Re: Public Hearing Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC fence height variance

Dear Nelson Gage and the Zoning Board,

The purpose of this letter is to request that the zoning board add a condition to the resolution for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project") as posted on the town website June 19, 2022 requiring the Project to protect the abutters views, use, enjoyment and future development of their properties for the anticipated 40+ year lifespan of the Project by providing and maintaining an evergreen screen around the entire fence line. Deferring to planning board approval may deprive the abutters of protections and legal rights that the zoning board may have provided in 2018 if the zoning board had reviewed the fence height variance as required.

Since 2017 the National Electric Code (the "NEC") section 110.31 has required high voltage equipment at solar energy facilities to be enclosed by either a six feet in height fence topped with one foot of barbed wire or a seven feet in height fence.

Beginning in July 2018 the Project application depicts a fence that is only 6 feet in height. August 2018 the planning board approved Doug Cole of PrimeAE as the town engineer (the "town engineer") to review the Project.

Application documents (see Exhibit A) show that the town engineer, the planning board attorney, Teresa Bakner of Whiteman, Osterman and Hanna, and the town code inspector, Dale Warner, may not have informed the planning board and the zoning board of:

- existing NEC regulations;
- that the Project 6 feet high fence as shown was not compliant with the NEC regulations;
- that a NEC compliant fence would require zoning board approval.

Project review at time of application in 2018 may be in violation of town policy and procedure requiring applications to obtain zoning variances prior to, or in conjunction with, planning board approval. Requesting a zoning variance after planning board approval is atypical.

Inadequate review and oversight may have permitted the Project to sidestep zoning board action in 2018. As a result, the town was not obligated to inform the abutters of the Project until the mandatory notification of the planning board's public hearing on July 18, 2019. Absence of

necessary zoning board action at time of application deprived the taxpayers, neighbors and abutters of zoning board review, notification of a public hearing, and a public hearing at the beginning of Project.

As a result, parcel owners within 1,000 feet of the Project received notification of the planning board public hearing a year later, on or about July 11, 2019. This notification was the first time some of the abutters learned of the Project.

Without zoning board review and citizen input from the beginning of the application in 2018 the Project may be a detriment to the town and particularly burdensome to the abutters use, enjoyment and future development of their parcels for generations to come.

The State Environmental Quality Review Application (the "SEQRA") is flexible and may not require particularly substantive results. Yet, the courts repeatedly find that the SEQRA lead agency should not defer analysis of project impacts to professionals or involved agencies. It appears that the zoning board did not review the Project at the time of application because professional "experts" did not inform the town that the fence was not compliant with national code. As a result, the citizens were deprived of notification of the Project and a public hearing at the beginning of the Project.

We request that the zoning board add a condition to the resolution requiring the Project to plant and maintain an evergreen screen around the entire fence line for the Project's anticipated 40+ year life span. Screening would uphold Solar Law 3(e) "Evergreen tree plantings may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas" would be upheld.

Abutter's should not be required to use their own lands and resources to screen the noisy eyesore now or in the future. We request that the board protect the taxpayers and the town's finances.

Thank you for your time and consideration.

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

Enc: Exhibit A listing of project submissions related to the fence
Exhibit B Approved site plan dated June 6, 2019 sheets 1 through 10 of 1

Cc: William Wenzel, supervisor
Jeffery Schmitt, planning board chair

EXHIBIT

A

EXHIBIT A

Project submissions to the planning board that address fence height include, but may not be limited to:

May 7, 2018 concept site plan submitted by project engineer, Environmental Design Partnership, to the planning board did not provide the fence height.

July 9, 2018 letter from the project engineer to the planning board states "The perimeter of the solar fields will be fenced with a 6 ft high chain link fence."

September 11, 2018 letter from the town engineer, Doug Cole of Prime AE, to planning board Section Plans 2 states "The Site Plan shows that the electrical and control equipment is enclosed within a chain link fence. However, the height of the fence is not shown on the drawing. Confirmation that the proposed fence is six feet tall, as required by the Solar Law, will be needed."

March 11, 2019 letter from the project engineer to the planning board Section Plans 2 states "The Applicant is proposing the use of a livestock style fence with a height of 6 ft as shown on the updated Site Plan."

March 11, 2019 site plan resubmitted to the planning board includes sheets 3 and 4 of 10 which show the notation "6 FT HIGH WIRE MESH & WOOD FENCE SURROUNDING SOLAR FIELD"

June 6, 2019 site plan resubmitted to the planning board includes sheets 3 and 4 of 10 which show the notation "6 FT HIGH WIRE MESH & WOOD FENCE SURROUNDING SOLAR FIELD"

September 5, 2019 site plan resubmitted to the planning board sheets 1 through 11 of 11. Sheets 3 and 4 of 11 show the notation "6 FT HIGH WIRE MESH & WOOD FENCE SURROUNDING SOLAR FIELD". Sheet 11 is the new Planting Plan for new evergreen screening on the east side of the Project site to protect some of Biggs property line along tax parcel 74.00-3-18 from views of the solar facility.

September 17, 2019 at 2:30 PM site plan sheets 1 through 10 of 10 resubmitted to the planning board includes sheets 3 and 4 of 10 which show the notation "6 FT HIGH WIRE MESH & WOOD FENCE SURROUNDING SOLAR FIELD" Sheet 11 is removed.

EXHIBIT

B

EXHIBIT B

Project site plan sheets 1 through 10 of 10 submitted to the planning board on March 11, 2019, resubmitted on June 6, 2019, resubmitted on September 17, 2019, and approved September 19, 2019.

Sheet 1 of 10: A scale is not provided, graphic scale is not provided, includes unrelated tax id parcel to the north, abutter's houses are not provided, locations of 200+ tracking motors are not provided, engineer stamp is not provided.

Sheet 2 of 10: The tree line is significantly reduced compared to the May 7, 2018 site plan. The State Environmental Quality Review Act (the "SEQRA") began July 2018 and ended July 2019. Comparison of the May 7, 2018 site plan and the approved site plan dated June 6, 2019 Sheets 1 through 10 of 10 indicates that more than 10 acres of mature growth forest was removed. Duanesburg Solar Law limits tree clearing to 20,000 square feet, or less than 1/2 acre. Furthermore, it is a violation of SEQRA 617.3(a) to alter a project site while SEQRA is in effect. A graphic scale not provided, abutter's houses are not provided, location of the lay down yards, and a label for National Wetland Inventory are not provided.

Sheet 3 and 4 of 10: The battery storage locations, tracking motors, tracking gears and lay down yards are not provided. A full equipment list and location for battery energy storage, HVAC, tracking motors, tracking gears, DC-DC converters, and control gear are not provided.

Sheet 5 of 10: Does not show the two major switchgear located at the intersection of the access road and Duanesburg Road. A fence is not shown enclosing this equipment. Is a fence required? Lay down yards are not provided.

Sheet 5 and 6 of 10 The SWPPP reflects stormwater is discharged off site and the site plan reflects minimal silt fences to provide stormwater management. Abutters repeatedly requested that additional stormwater management practices be employed.

Sheet 7 of 10 The equipment staging/washout areas is noted to be 0.028 acres or 1,219 square feet. Lay down yards are not provided.

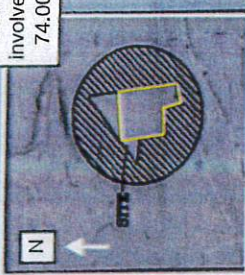
Sheet 10 of 10: omission of battery energy storage, omission of switchgear, omission of control gear, omission of length width and height for equipment. The Project did not change.

Sheet 11 of 11 Planting Plan submitted to the planning board on September 5, 2019 for evergreen screening on eastern property is not provided.

Exhibit B Biggs/Bruning to Zoning Board June 20, 2022

This site plan was submitted September 17, 2019, less than 48 hours before the planning board meeting. It omits the September 5, 2019 Sheet 11 Planting Plan.

Incorrect site outline that involves unrelated tax parcel 74-00-2-5-11 to the north



PROPOSED SITE PLAN FOR
OAK HILL SOLAR 1&2
APPLICANT:
OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC
13950 DUANESBURG ROAD
TOWN OF DUANESBURG, SCHENECTADY COUNTY, NEW YORK

ORIGINAL
ENTERED ON 09/17/19
BY MD 271

Tax Map No. 74-00-2-5

Neighboring house is not provided

Neighboring house is not provided

Unrelated parcel. Tax Map Number not listed in application documents

North is not oriented to top of page to match the site location map in upper left corner

Submitted March 11, 2019
Resubmitted June 6, 2019

Neighboring house is not provided

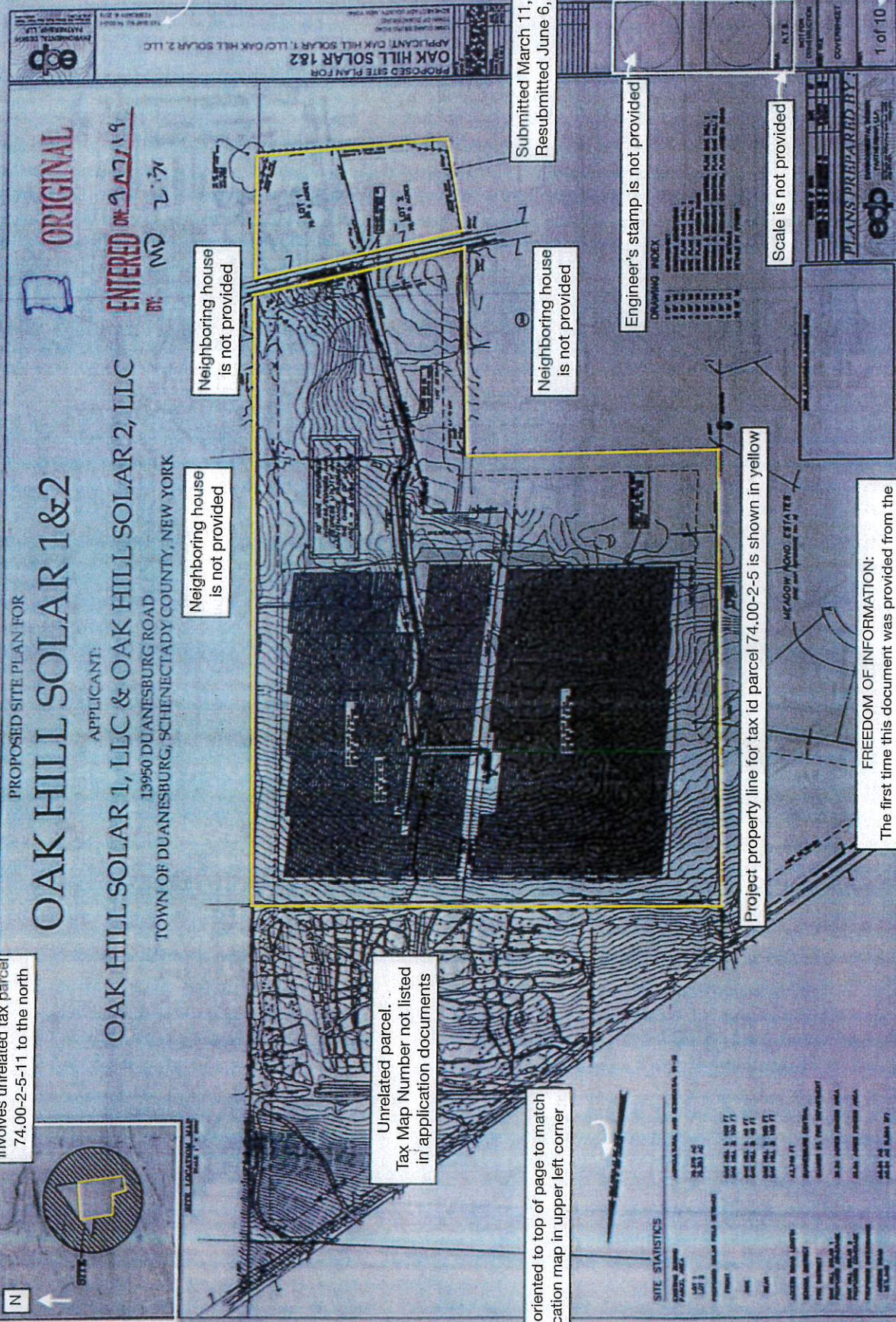
Engineer's stamp is not provided

Project property line for tax id parcel 74,00-2-5 is shown in yellow

Scale is not provided

FREEDOM OF INFORMATION:
The first time this document was provided from the Town of Duaneburg to Bruning was April 18, 2022.
Photographed at town hall with planning clerk.

Site Plan omits September 5, 2019 Sheet 11, Landscaping Plan.



SITE STATISTICS

APPLICANT	OAK HILL SOLAR 1, LLC & OAK HILL SOLAR 2, LLC
PROJECT NAME	OAK HILL SOLAR 1&2
PARCEL AREA	78,237.52
LOT 1	78,237.52
PROPOSED SOLAR PANEL STRIP	200 FT. x 100 FT.
FRONT	200 FT. x 100 FT.
REAR	200 FT. x 100 FT.
ACCESS ROAD LENGTH	4,110 FT.
ROW STRIP	50 FT. x 100 FT.
ROW STRIP AREA	5,000 SQ. FT.
PROPOSED SOLAR PANEL AREA	20,000 SQ. FT.
PROPOSED ROW STRIP AREA	5,000 SQ. FT.
TOTAL PROPOSED AREA	25,000 SQ. FT.
PERCENTAGE OF PARCEL	32.08%

DRAWING INDEX

1	GENERAL NOTES
2	PROPOSED SOLAR PANEL STRIP
3	PROPOSED ROW STRIP
4	PROPOSED ACCESS ROAD
5	PROPOSED ROW STRIP
6	PROPOSED ROW STRIP
7	PROPOSED ROW STRIP
8	PROPOSED ROW STRIP
9	PROPOSED ROW STRIP
10	PROPOSED ROW STRIP
11	PROPOSED ROW STRIP
12	PROPOSED ROW STRIP
13	PROPOSED ROW STRIP
14	PROPOSED ROW STRIP
15	PROPOSED ROW STRIP
16	PROPOSED ROW STRIP
17	PROPOSED ROW STRIP
18	PROPOSED ROW STRIP
19	PROPOSED ROW STRIP
20	PROPOSED ROW STRIP

PLANS PREPARED BY:
edp
Environmental Design Professionals, LLC
13950 Duaneburg Road
Duaneburg, NY 12058
Tel: 518-385-1111
Fax: 518-385-1112
www.edpny.com

Image is not centered on the page

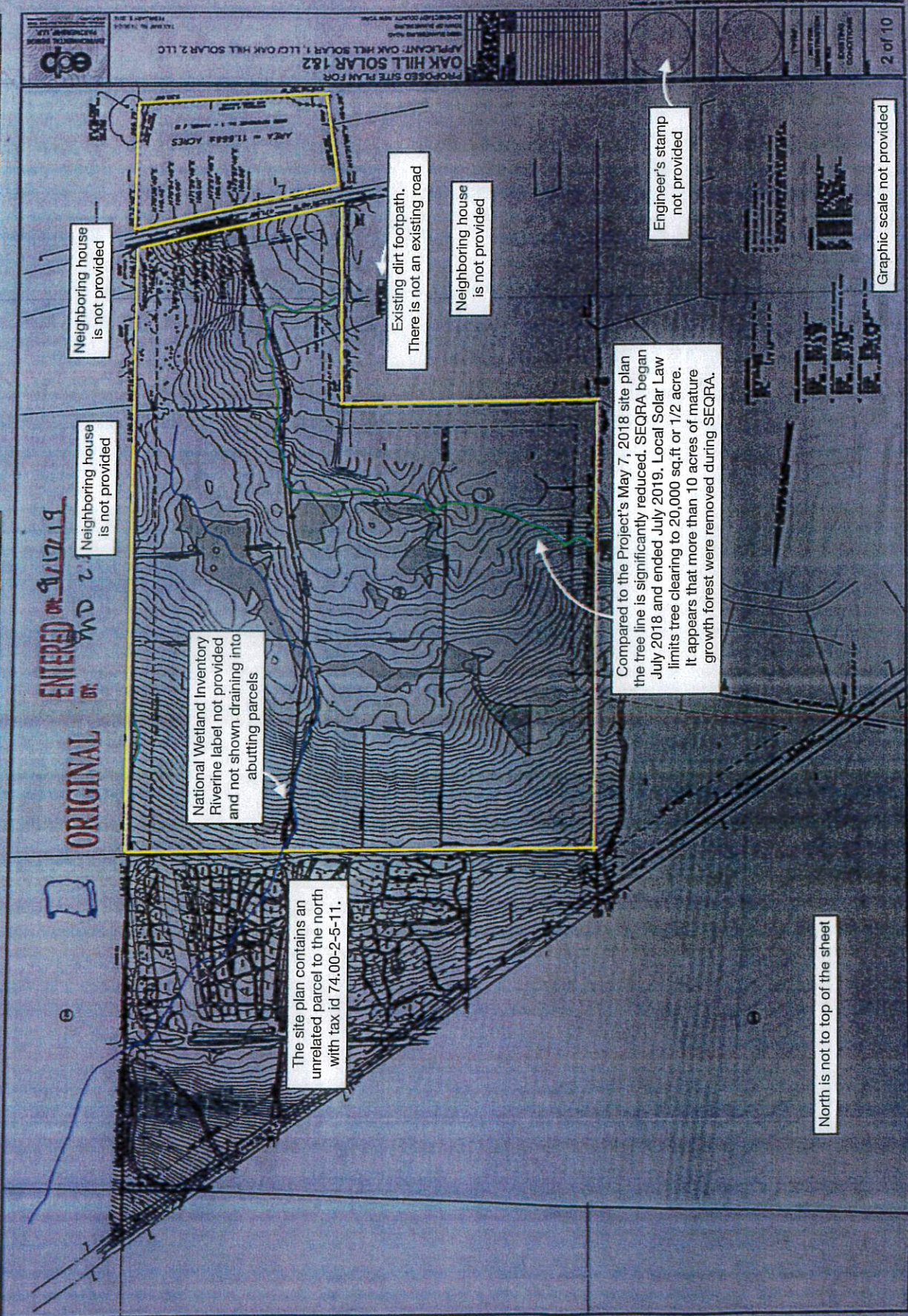
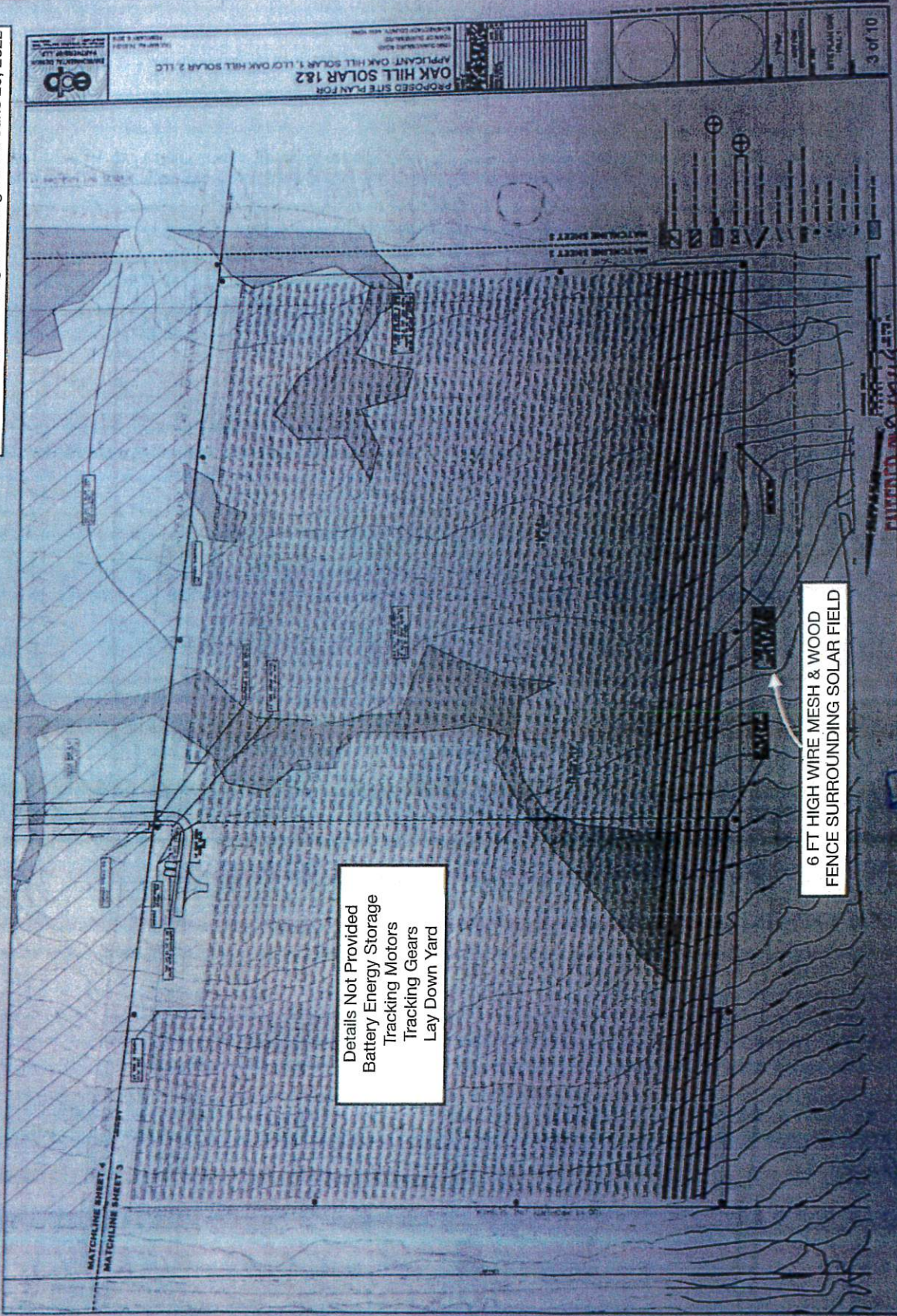


Exhibit B Biggs/Bruning to Zoning Board June 20, 2022



Details Not Provided
 Battery Energy Storage
 Tracking Motors
 Tracking Gears
 Lay Down Yard

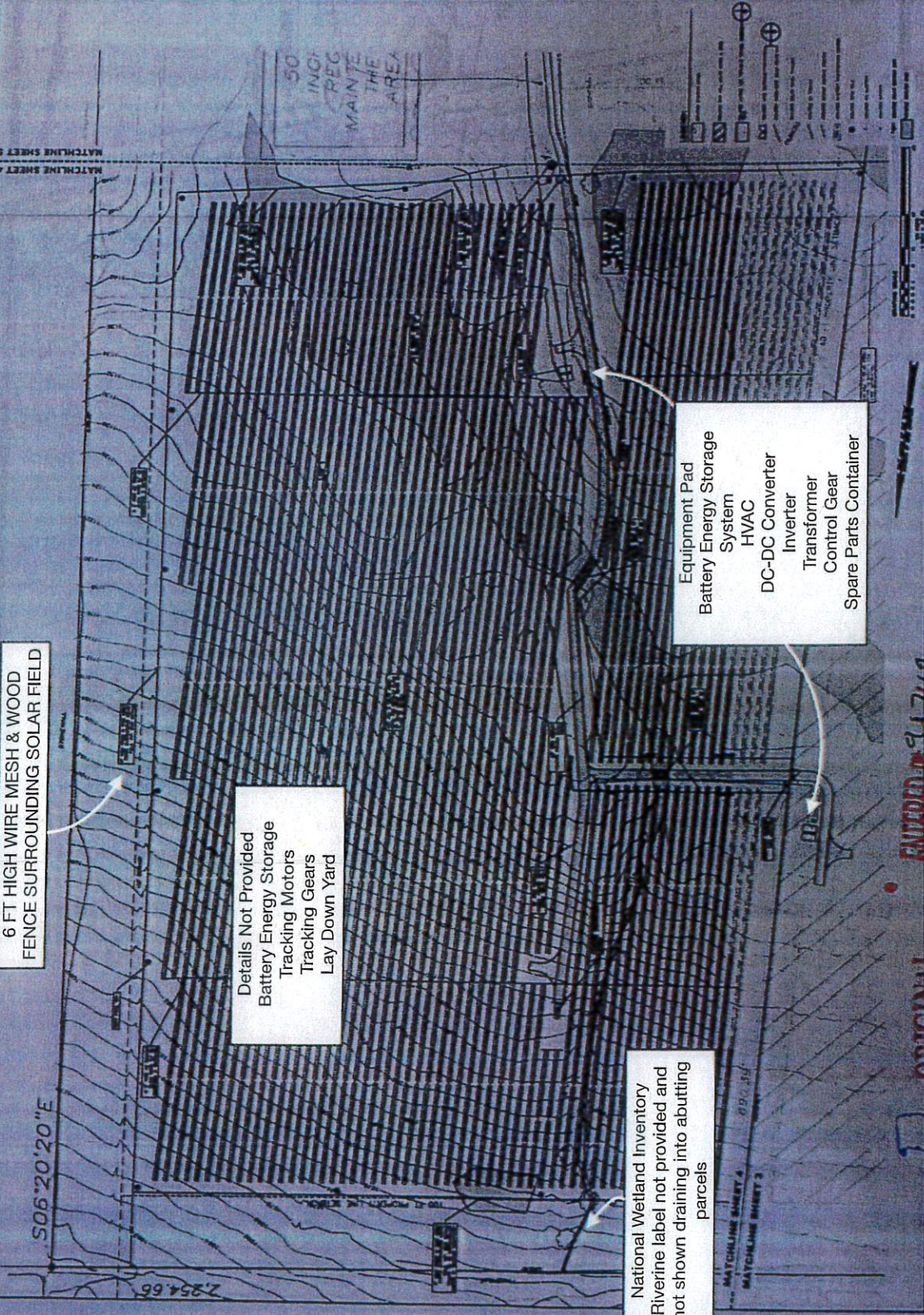
6 FT HIGH WIRE MESH & WOOD
 FENCE SURROUNDING SOLAR FIELD

ENTERED IN PUBLIC RECORD
 OF THE
 JUN 20 2022

ORIGINAL

PROPOSED SITE PLAN FOR
 OAK HILL SOLAR 1&2
 APPLICANT: OAK HILL SOLAR 1, LLC / OAK HILL SOLAR 2, LLC
 3 of 10

Exhibit B Biggs/Bruning to Zoning Board June 20, 2022



6 FT HIGH WIRE MESH & WOOD FENCE SURROUNDING SOLAR FIELD

Details Not Provided
 Battery Energy Storage
 Tracking Motors
 Tracking Gears
 Lay Down Yard

Equipment Pad
 Battery Energy Storage System
 HVAC
 DC-DC Converter
 Inverter
 Transformer
 Control Gear
 Spare Parts Container

National Wetland Inventory
 Riverine label not provided and
 not shown draining into abutting
 parcels

ENTERED IN 11/17/21
 BY YMD 2:34

ORIGINAL



2-254-66
 506'20"0"E
 MATCHLINE SHEET 4
 MATCHLINE SHEET 3

300' north of Duanesburg Road

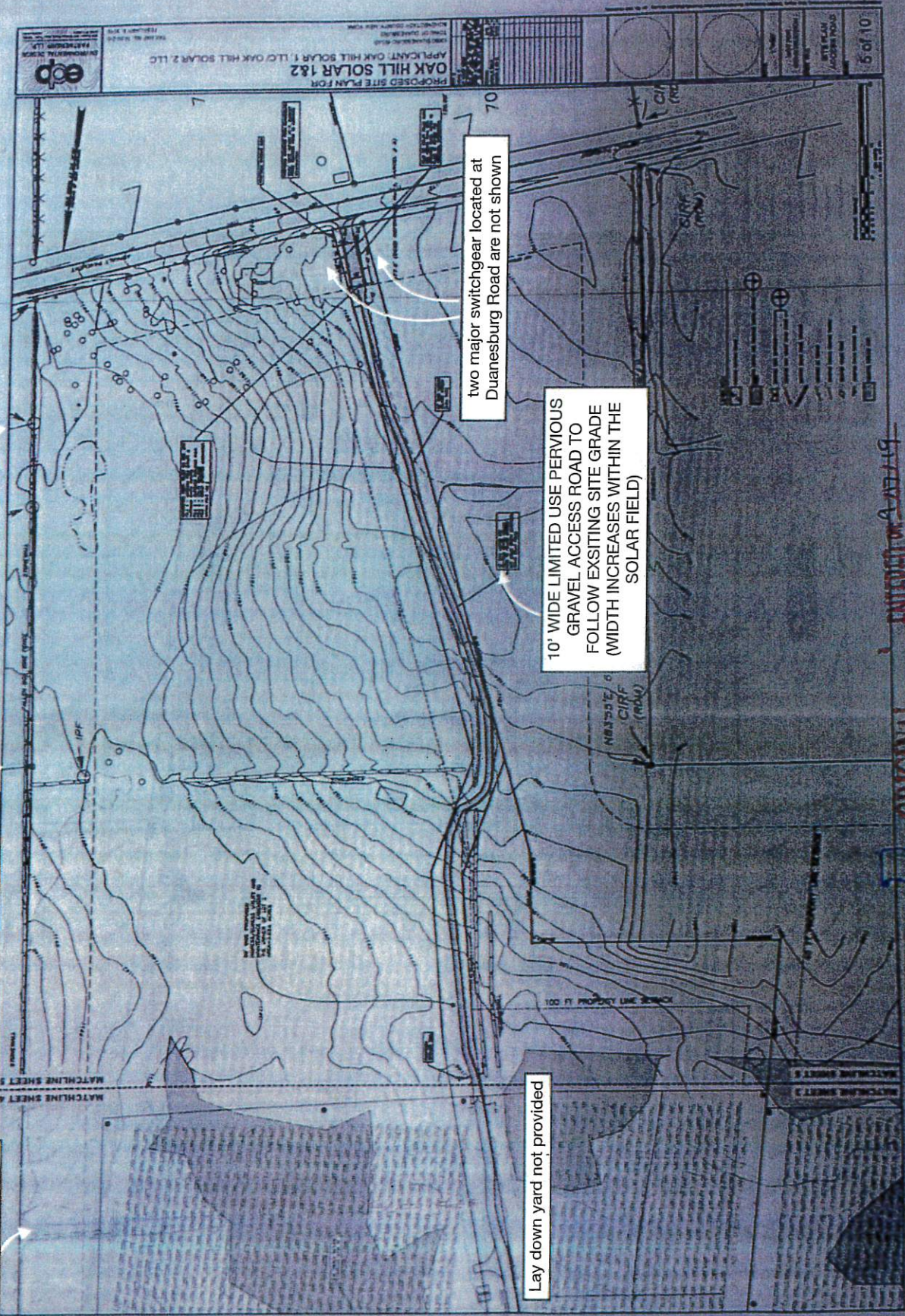
800' north of Duanesburg Road

1,500' north of Duanesburg Road

two major switchgear located at Duanesburg Road are not shown

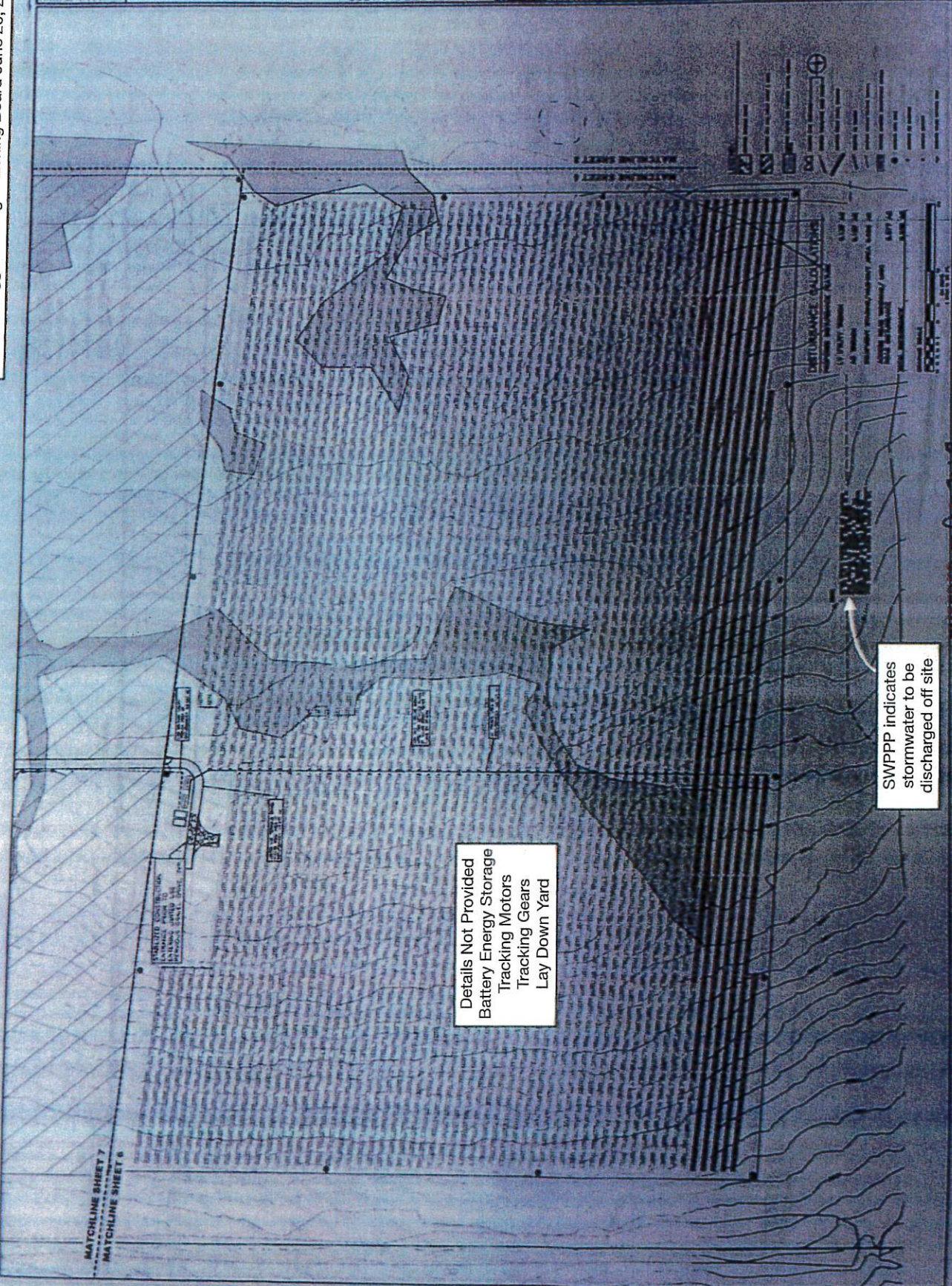
10' WIDE LIMITED USE PERVIOUS GRAVEL ACCESS ROAD TO FOLLOW EXISTING SITE GRADE (WIDTH INCREASES WITHIN THE SOLAR FIELD)

Lay down yard not provided



ENTERED ON 6/20/22
BY: MD 230

ORIGINAL



Details Not Provided
 Battery Energy Storage
 Tracking Motors
 Tracking Gears
 Lay Down Yard

SWPPP indicates
 stormwater to be
 discharged off site

ENTERED BY
 ORIGINAL
 MD 2:10

MATCHLINE SHEET 7
 MATCHLINE SHEET 6

MATCHLINE SHEET 4
 MATCHLINE SHEET 3

DISTURBANCE CALCULATIONS

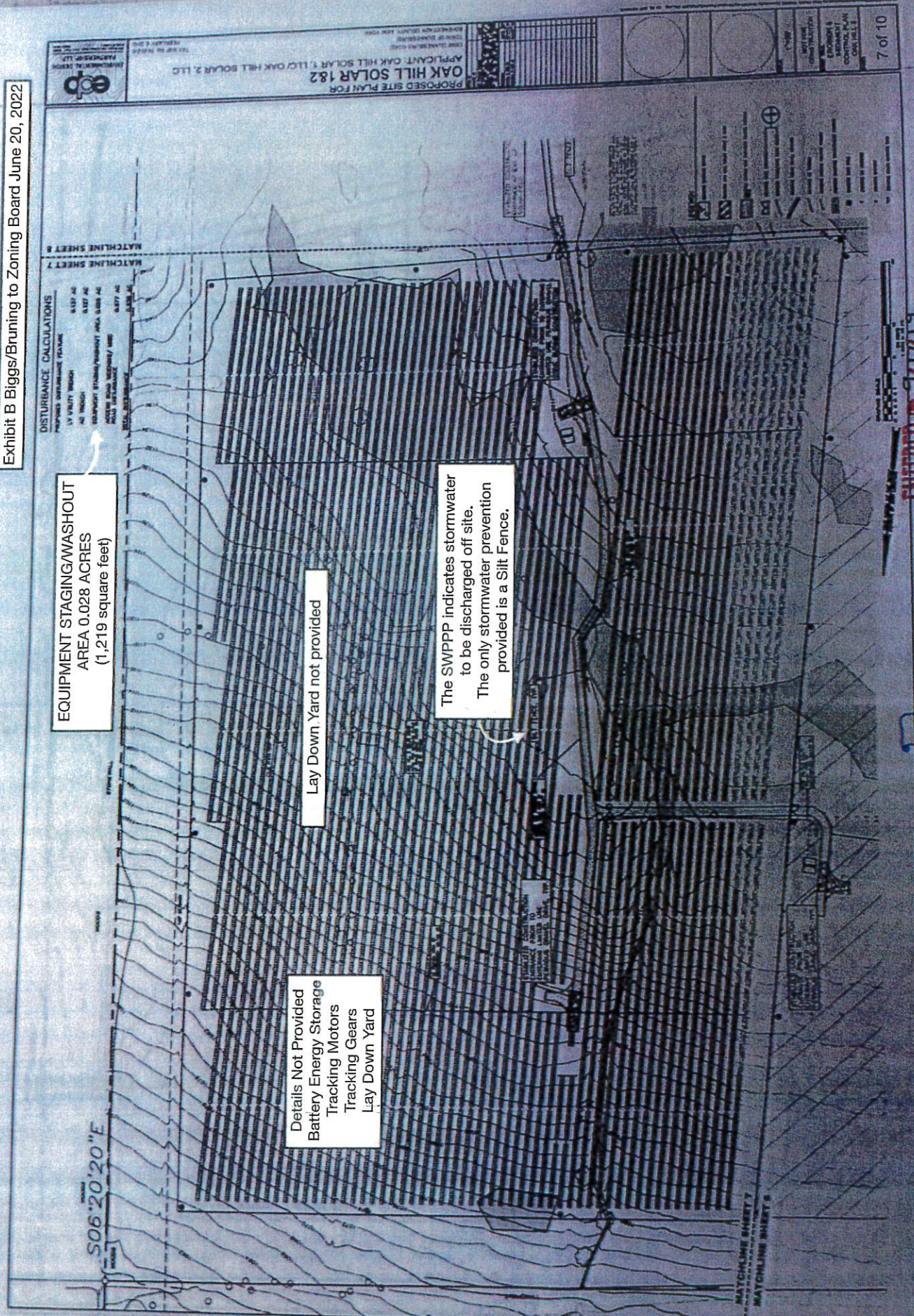
PROPOSED IMPERVIOUS FOOTPRINT	43,97 AC
LV UTILITY TRENCH	43,97 AC
AD TRENCH	43,97 AC
EQUIPMENT STAGING/WASHOUT AREA	0.028 AC
ACCESS ROAD NETWORK/IMP	4,877 AC
TOTAL DISTURBANCE	133,811 AC

EQUIPMENT STAGING/WASHOUT
AREA 0.028 ACRES
(1,219 square feet)

Details Not Provided
Battery Energy Storage
Tracking Motors
Tracking Gears
Lay Down Yard

Lay Down Yard not provided

The SWPPP indicates stormwater
to be discharged off site.
The only stormwater prevention
provided is a Silt Fence.

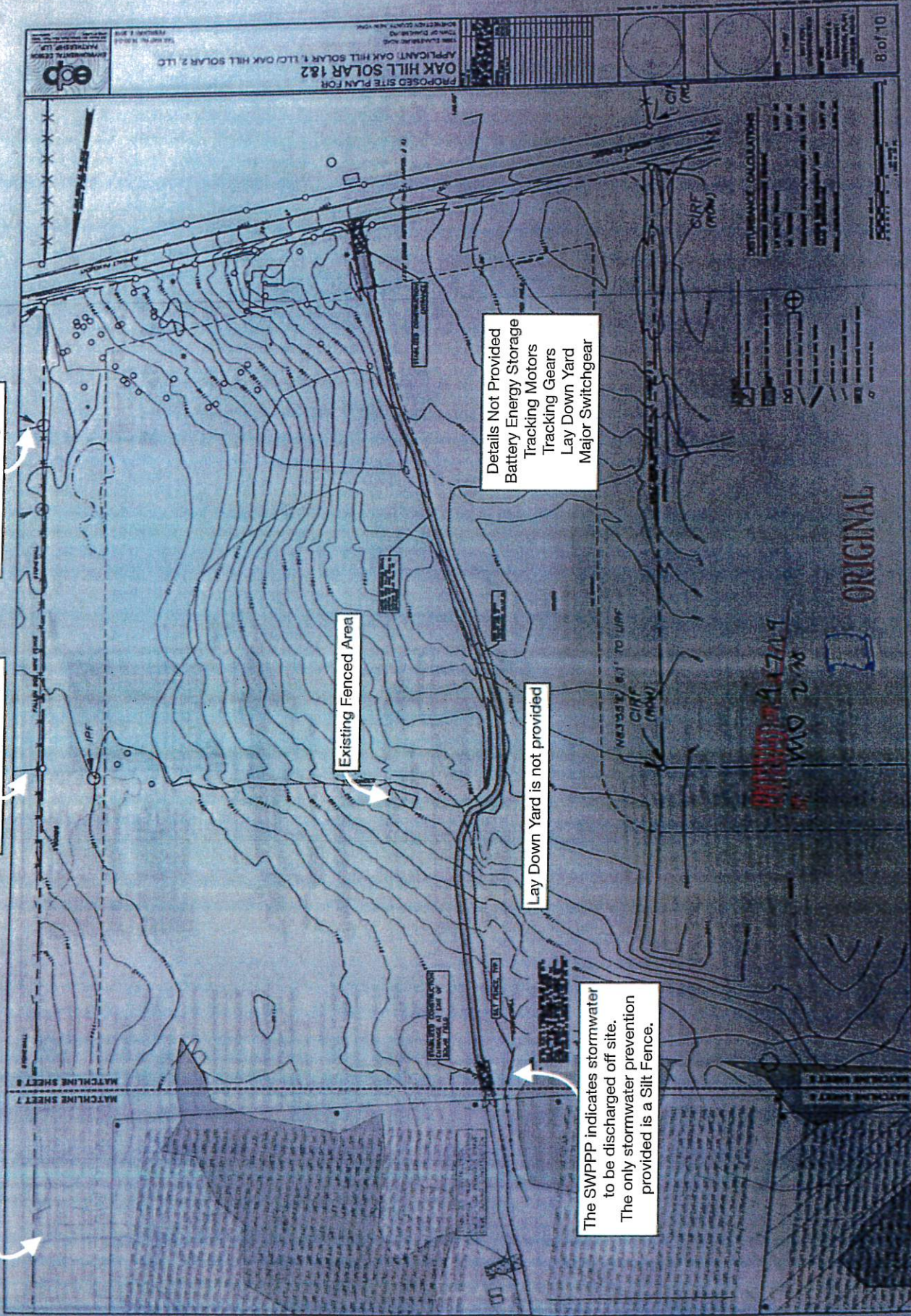


ENTERED IN [Handwritten Signature]
ORIGINAL

1,500' north of Duanesburg Road

800' north of Duanesburg Road

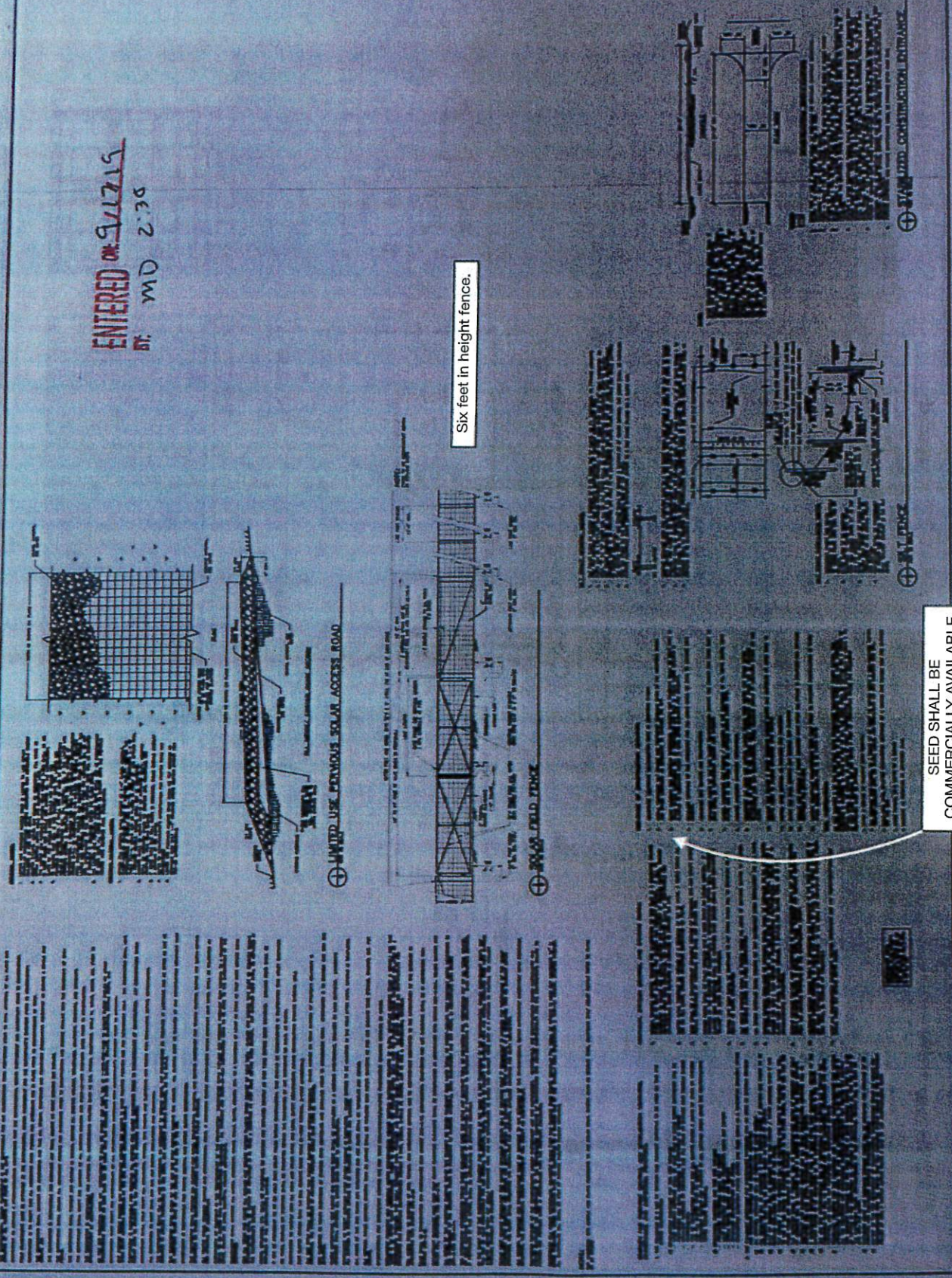
300' north of Duanesburg Road

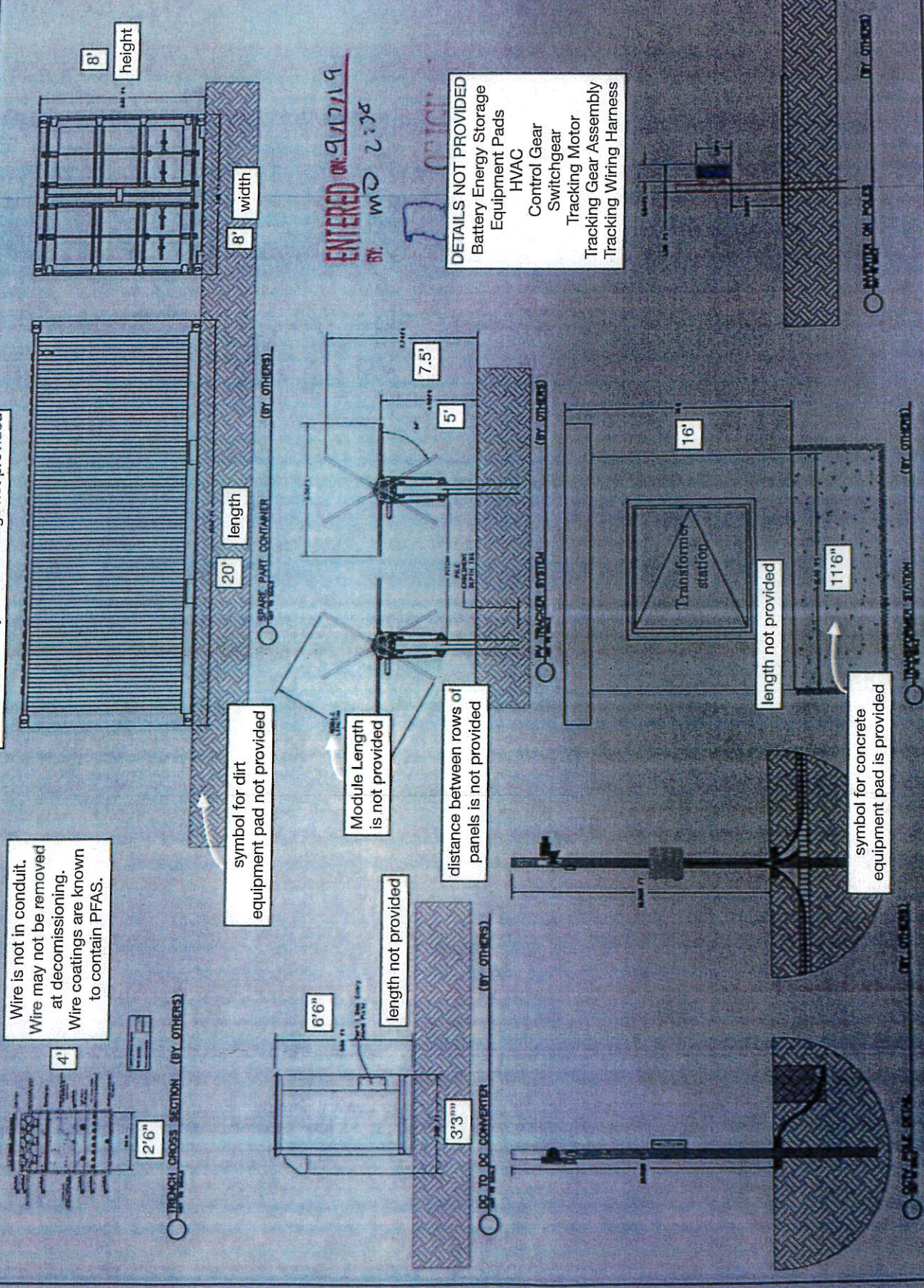


ENTERED ON 5/17/19
BY: MD 230

Six feet in height fence.

SEED SHALL BE
COMMERCIALY AVAILABLE
MIXTURE OF PERENNIAL RYE
AND UTILITY GRADE FESCUE.





Wire is not in conduit.
 Wire may not be removed
 at decommissioning.
 Wire coatings are known
 to contain PFAS.

symbol for dirt
 equipment pad not provided

Module Length
 is not provided

distance between rows of
 panels is not provided

length not provided

length not provided

symbol for concrete
 equipment pad is provided

DETAILS NOT PROVIDED
 Battery Energy Storage
 Equipment Pads
 HVAC
 Control Gear
 Switchgear
 Tracking Motor
 Tracking Gear Assembly
 Tracking Wiring Harness

ENTERED ON: 9/17/19
 BY: MD 2:28

Electrical drawings not provided
 Tracking panel system drawings not provided

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



Jonathan Lack, Vice Chairperson
Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member

TOWN OF DUANESBURG
SCHENECTADY COUNTY

Town of Duanesburg
Zoning Board Minutes
July 19th, 2022
Draft Copy

No meeting was held

DRAFT