

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



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

**Town of Duanesburg  
Planning Board Agenda  
January 19<sup>th</sup>, 2023**

**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:** One presentation per individual **MAXIMUM 4 minutes** on items not on the agenda.

**SKETCH PLAN REVIEW:**

**#23-02 Fritz, Jonathan:** SBL#52.00-1-1, (R-2) located at 6432 St HWY 30 is seeking a Lot Line Adjustment/Minor Subdivision under Sections 8.5(1-4);3.5.93 (B); Local law #2 of the Town of Duanesburg Subdivision Ordinance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

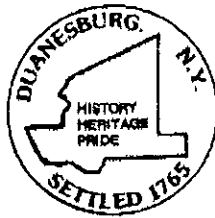
**#22-20 Whipple, Henry:** SBL PT/O#64.00-1-4.3, (C-1) located at Youngs Rd and St Hwy 30 is seeking a Major Subdivision under Section 3.5 of the Town of Duanesburg Subdivision Ordinance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NEW BUSINESS:**

**#23-01 Farnum, John:** SBL# 66.00-5-2.14, (C-1) located at 8175 Duanesburg Rd is seeking a Special Use Permit to convert existing building into Residential and Office Space under Section 11.4(10);11.3(22) of the Town of Duanesburg Zoning Ordinance.

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



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

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OLD BUSINESS:**

None

**PUBLIC HEARINGS:**

None

**Other:**

Joseph Serth 216-218 Batter St.

**Minute Approval:**

**December 15<sup>th</sup>, 2022, PLANNING BOARD MEETING MINUTES:**

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

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADJOURNMENT**

**TOWN OF DUANESBURG**

**APPLICATION FOR SITE/ SKETCH DEVELOPMENT PLAN APPROVAL**

Preliminary  Date: \_\_\_\_\_ Final  Date: \_\_\_\_\_  
(Check appropriate box)

Name of proposed development Fritz Lot Line Adjustment

**Applicant:** Jonathan  
Name Fritz by Joanne Darcy Crum, L.S.  
Address 479 West Main St  
Cobleskill NY 12043  
Telephone 518 234 4650

**Plans Prepared by:**  
Name Joanne Darcy Crum, L.S.  
Address 479 West Main St  
Cobleskill NY 12043  
Telephone 518 234 4650

**Owner (if different):**  
Name Jonathan Fritz  
Address 6432 St. Hwy 30  
Duanesburg  
Telephone \_\_\_\_\_

(if more than one owner, provide information for each)  
Edward Joseph Fritz, Jr & Donna C. Fritz  
275 Morgan Hill Rd  
Hurley NY 12443

Ownership intentions, i.e., purchase options  
60' strip on north end of Jonathan to be conveyed to Edward & Donna

Location of site  
6432 St. Hwy 30

Section 42 (52) Block 2 (1) Lot 17 (1)

Current zoning classification R-2

State and federal permits needed (list type and appropriate department)  
none

Proposed use(s) of site  
unknown at this time

Total site area (square feet or acres) 0.19 acres

Anticipated construction time n/h

Will development be phased? n/h

Over →

Current land use of site (agricultural, commercial, underdeveloped, etc.)

underdeveloped

Current condition of site (buildings, brush, etc.)

brush / woods

Character of surrounding lands (suburban, agricultural, wetlands, etc.)

residential

Estimated cost of proposed improvement \$

N/A

Anticipated increase in number of residents, shoppers, employees, etc. (as applicable)

unknown

Describe proposed use, including primary and secondary uses; ground floor area; height; and number of stories for each building:

- for residential buildings include number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three or more bedrooms) and number of parking spaces to be provided.
- For non-residential buildings, include total floor area sales area; number of automobile and truck parking spaces,
- Other proposed structures.

(Use separate sheet if needed)

unknown

NOTICE OF DETERMINATION  
of the Town of Duaneburg

Date of Determination 1/11/2023

Application of LOT LINE ADJUSTMENT (FRIZ) under section  
LOCAL LAW 2 OF 2016 of the (Village of Delanson/Town of Duaneburg)  
SUBDIVISION Ordinance.

Applicant JONATHAN FRITZ - OWNER JOANNE DEPT CUM  
Address 479 WEST MAIN ST  
COBLESKILL N.Y. 12043

Phone 518-734-4650 Zoning District R-2 SBL# 42-2-17

Description of Project: FROM 52-1-1 PR/O 52-1-1  
TRADING SUBDIVIDE .19 ACRES MERGE WITH 42-2-17

Determination: LOT LINE ADJUSTMENT MINOR SUBDIVISION

Reason supporting determination:  
TOWN OF DUANEBURG ZONING ORDINANCE ADAPTE 6/11/15  
SECTION 8.5 1-4; 3.5.93 B; LOCAL LAW #2 2016

Action: Refer to PLANNING BOARD for the purpose of MINOR SUBDIVISION  
LOT LINE ADJUSTMENT

Code Enforcement Officer: 

I hereby authorize the office of Joanne Darcy Crum, Land Surveyor, Land Surveyor Esq to represent my interests at the Town of Duaneburg Town Board, Planning Board, Zoning Board, Zoning Board of Appeals for the matter of the Lot Line Adjustment of my property located in the Town of Duaneburg, County of Schenectady

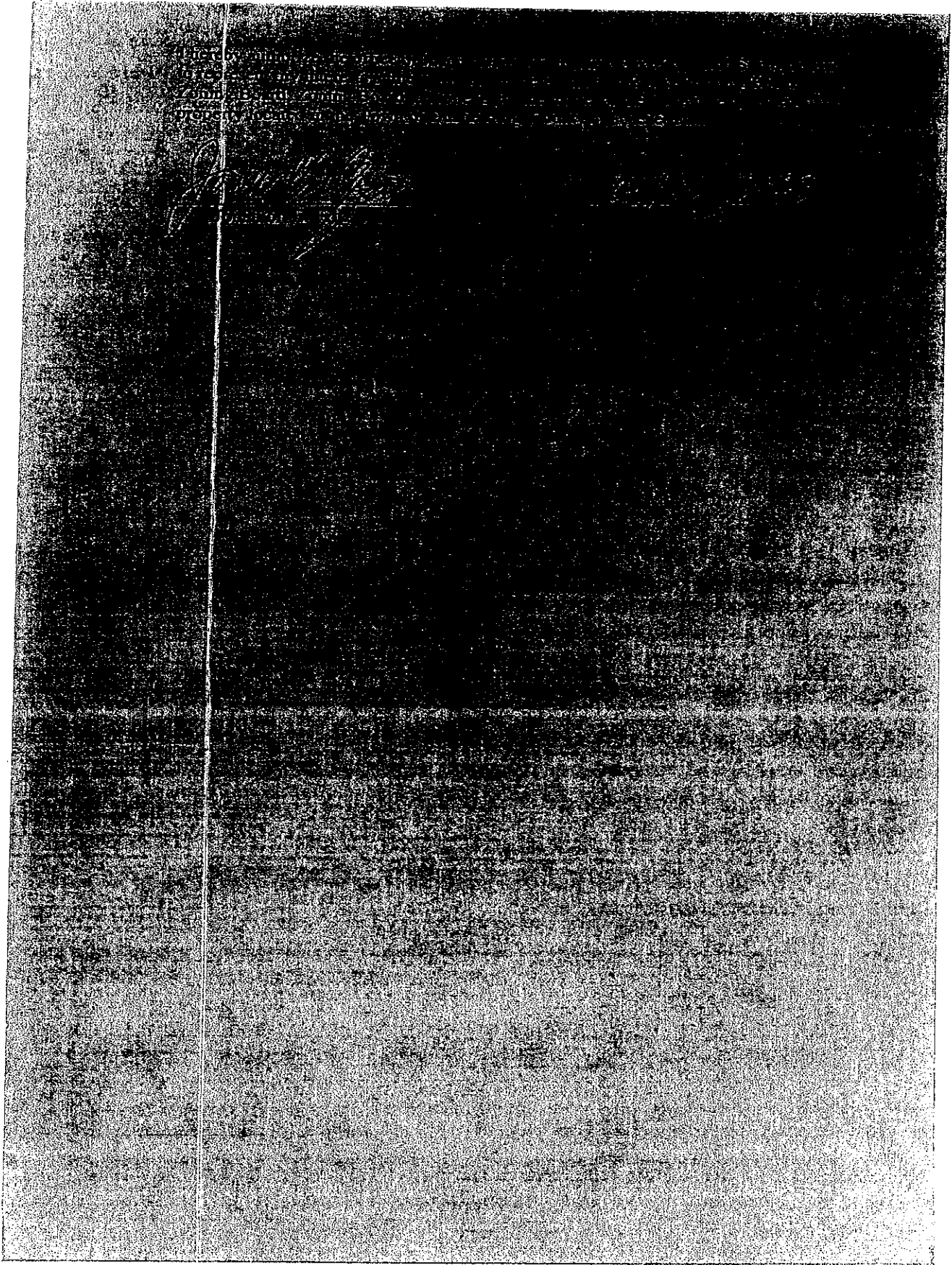
*Edward Joseph Fritz*  
Edward Joseph Fritz

01/06/2023  
Date

*Donna C Fritz*  
Donna C Fritz

01/06/2023  
Date

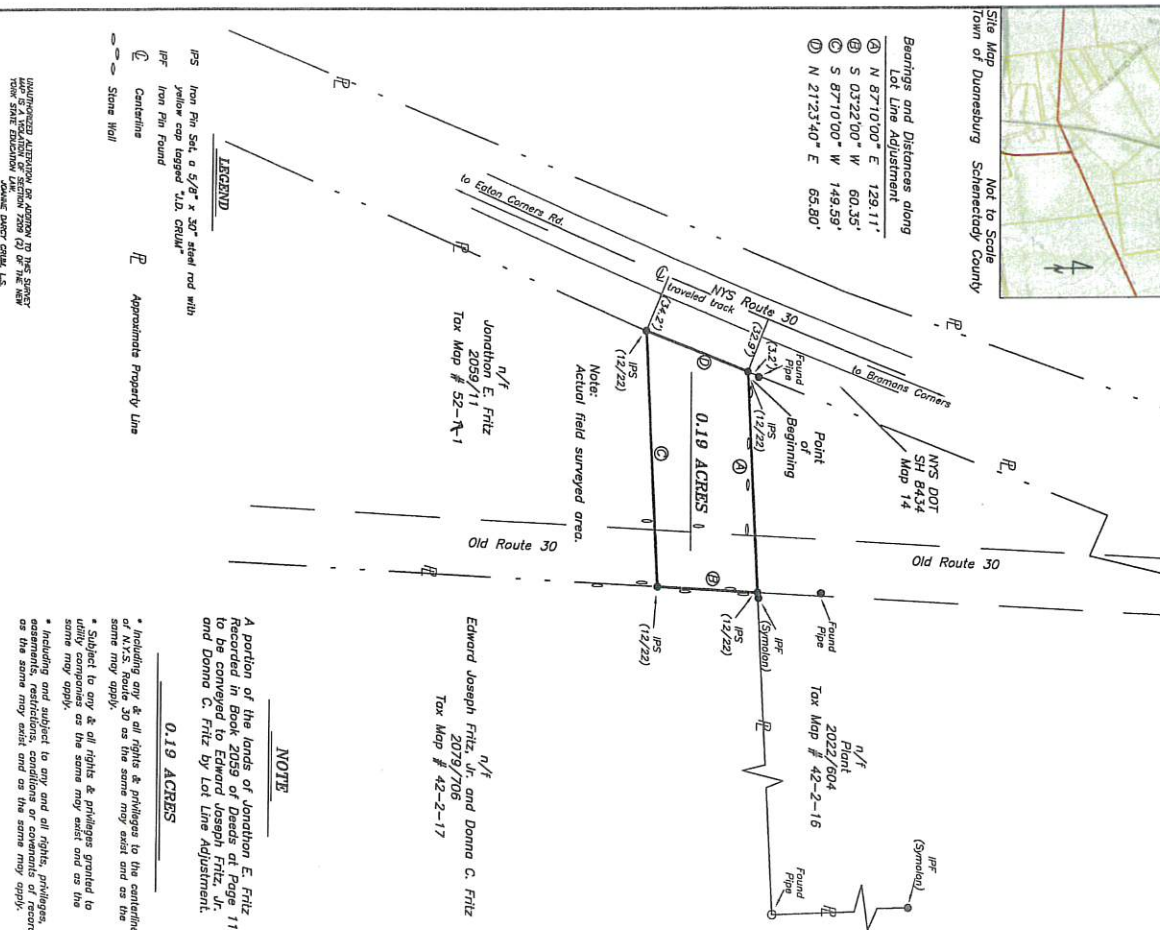
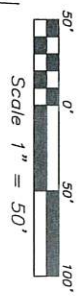
On Fri, Jan 6, 2023 at 1:44 PM Edward Fritz <[efritz58@gmail.com](mailto:efritz58@gmail.com)> wrote:





Site Map  
Town of Duaneburg  
Schenectady County

- Bearings and Distances along Lot Line Adjustment
- Ⓐ N 87°10'00" E 129.11'
  - Ⓑ S 03°22'00" W 60.35'
  - Ⓒ S 87°10'00" W 146.59'
  - Ⓓ N 21°23'40" E 65.80'



**LEGEND**

- IPS Iron Pin Set, 5/8" x 30" steel rod with yellow cap labeled "L.D. CRUM"
- IPF Iron Pin Found
- Ⓒ Centerline
- Stone Wall
- Ⓔ Approximate Property Line

**NOTE**

A portion of the lands of Jonathan E. Fritz Recorded in Book 2059 of Deeds at Page 11 to be conveyed to Edward Joseph Fritz, Jr. and Donna C. Fritz by Lot Line Adjustment.

**0.19 ACRES**

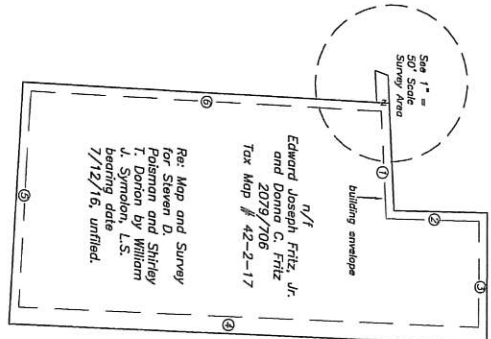
- \* Including any & all rights & privileges to the centerline same may apply.
- \* Subject to any & all rights & privileges granted to others, as the same may exist and as the same may apply.
- \* Including and subject to any and all rights, privileges, easements, restrictions, conditions or covenants, as the same may exist and as the same may apply.

Sanitary Water from Town of Duaneburg Planning Board:

1. The subdivision site is within a sanitary sewer service area and rural Residential District "R-2".
2. This property is adjacent to and forming activities group...
3. This property is adjacent to lands in the agricultural district...
4. This property is adjacent to activities that cause noise, dust and odors.

Storm Water Control Plan:

Proposed limits of clearing for house, septic, driveway and well shall be limited to a maximum of less than 1.0 acre and require a storm water control plan. Project requires Stormwater Pollution Prevention Plan compliance with MSDC regulations.



Re: Map and Survey for Steven D. Polstrom and Shiley T. Dornon by William J. Synolow, L.S. bearing date 7/12/16, unfiled.

n/f Edward Joseph Fritz, Jr. and Donna C. Fritz Tax Map # 42-2-17

**Septic Disclosure**

Insurers of a building permit for each lot as shown will be contingent upon approval by the building inspector of location, quality and quantity of septic. Based upon soil survey data obtained by the United States Department of Agriculture/Soil Conservation Service and site soils will require alternative septic systems as designed by a licensed engineer or architect and approved by a licensed Department approved shall be obtained prior to issuance of septic systems will be allowed only specific. Conventional percolation test results are in conformance in every aspect shall in the stations set forth in the current New York standards - Individual household systems, and one approved by the Schenectady County Department of Health, Environmental Health must witness the soil investigation and Perc. test.

Zone: Agricultural and Residential (R-2)

setbacks: Front Yard 80' Side Yard 50' Rear Yard 50'

Boroughwide Fire District  
Duaneburg School District

**MAGNETIC NORTH 2018**

Re: Map and Survey for Steven D. Polstrom and Shiley T. Dornon by William J. Synolow, L.S. bearing date 7/12/16, unfiled.

- Bearings and Distances for the reference Map and Survey
- ⓫ N 87°10'00" E 499.37'
  - ⓬ N 01°42'00" E 448.15'
  - ⓭ S 89°46'00" E 613.29'
  - ⓮ S 02°35'00" W 2265.67'
  - ⓯ N 87°01'00" W 1126.79'
  - ⓰ N 03°22'00" E 1737.58'

Note: Plot of referenced map along with Lot Line Adjustment map to show neighborhood relationship other Lot Line Adjustment.



A Lot Line Adjustment Survey For  
**Edward Joseph Fritz, Jr. & Donna C. Fritz**  
Town of Duaneburg  
State of New York

Scale as noted  
01 December 2022

Joanne Darcy Crum, L.S. 49673  
Cobleskill, New York 12043

Map A/30/22



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

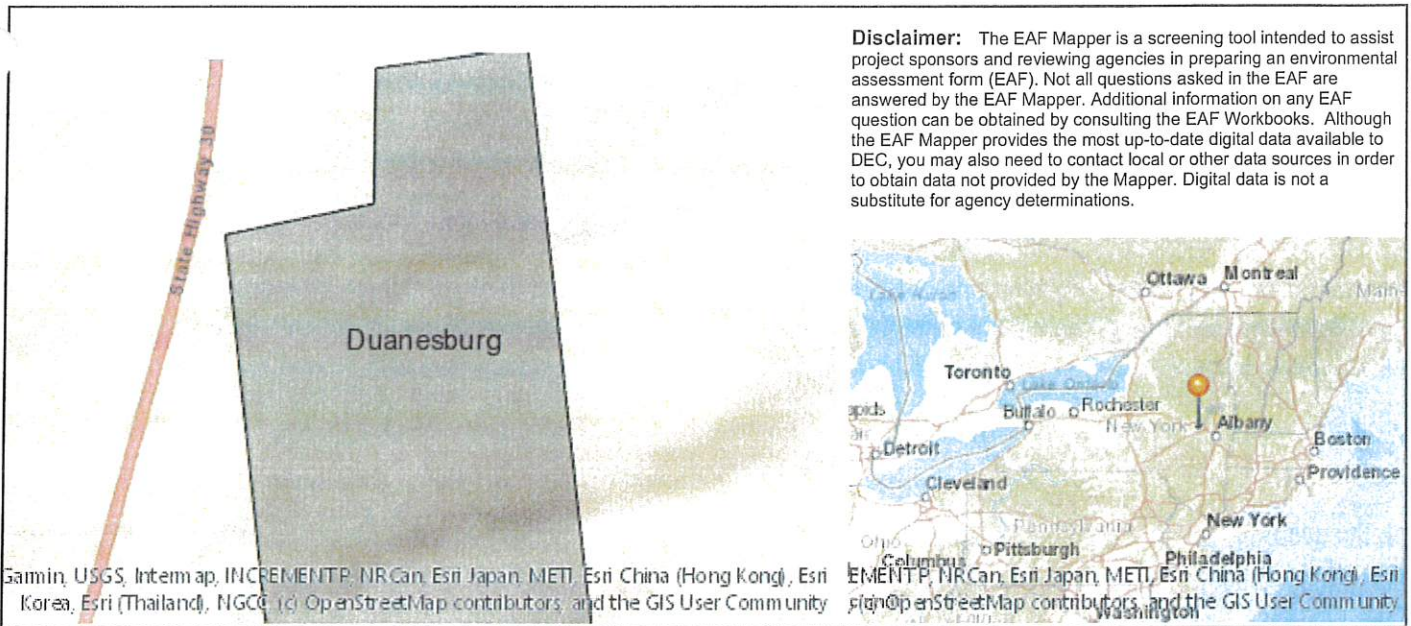
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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>			
Fritz Lot Line Adjustment by the Office of Joanne Darcy Crum, L.S.			
Name of Action or Project: Fritz Lot Line Adjustment			
Project Location (describe, and attach a location map): TM 42-2-17 and 52-1-1			
Brief Description of Proposed Action: Take 60 foot strip of land off north end of 52-1-1 and add to 42-2-17			
Name of Applicant or Sponsor: Jonathan Fritz, Edward Joseph Fritz, Jr. and Donna Fritz by Joanne Darcy Crum, L.S.		Telephone: 518-234-4650 E-Mail: jdcrum@hotmail.com	
Address: 479 West Main Street			
City/PO: Cobleskill		State: NY	Zip Code: 12043
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.			NO <input type="checkbox"/>
			YES <input checked="" 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 Planning Board			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? <span style="float: right;">0.19 acres</span>			
b. Total acreage to be physically disturbed? <span style="float: right;">0 acres</span>			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">55+/- acres</span>			
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 type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" 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 checked="" type="checkbox"/>	<input 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: _____ Owner supplied well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Owner supplies septic	<input checked="" type="checkbox"/>	<input 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?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If 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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____  Signature: _____ Title: _____		



Gamin, USGS, Intermap, INCREMENTP, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC (c) OpenStreetMap contributors, and the GIS User Community

- 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] No
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] No

APPLICATION FOR THE PLANNING BOARD Revised 04/12/2017  
 TOWN OF DUANESBURG  
 \*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

**CHECKLIST OF REQUIRED INFORMATION:**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Title of drawing.</li> <li><input checked="" type="checkbox"/> Tax Map ID #</li> <li><input checked="" type="checkbox"/> Zoning district</li> <li><input checked="" type="checkbox"/> Current Original Deed</li> <li><input checked="" type="checkbox"/> NYS Survey (L.S. &amp; P.E.)</li> <li><input checked="" type="checkbox"/> North Arrow, scale (1"=100'),</li> <li><input checked="" type="checkbox"/> Boundaries of the property plotted and labeled to scale.</li> <li><input checked="" type="checkbox"/> School District/Fire District</li> <li><input checked="" type="checkbox"/> Green area/ landscaping</li> <li><input checked="" type="checkbox"/> Existing watercourses, wetlands, etc.</li> <li><input checked="" type="checkbox"/> Contour Lines (increments of 10ft.)</li> <li><input checked="" type="checkbox"/> Easements &amp; Right of ways</li> <li><input checked="" type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft.</li> <li><input checked="" type="checkbox"/> Well/ Water system</li> </ul> | <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Septic system: Soil investigation completed?</li> <li><input checked="" type="checkbox"/> Sewer System: Which district?</li> <li><input type="checkbox"/> Basic SWPPP (1≥ &amp; &lt;5)</li> <li><input type="checkbox"/> Full Storm Water Control Plan (5acres or more)</li> <li><input type="checkbox"/> Storm Water Control Plan</li> <li><input checked="" type="checkbox"/> Short or long EAF <a href="http://www.dec.ny.gov/eafmapper/">www.dec.ny.gov/eafmapper/</a></li> <li><input type="checkbox"/> Street pattern: Traffic study needed?</li> <li><input type="checkbox"/> All property Mergers <b>REQUIRE</b> both owners Signatures on the Application</li> </ul> <p><b><u>Additional Requirements for Special Use Application:</u></b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> New or existing building</li> <li><input checked="" type="checkbox"/> <b><u>Business Plan, Hours of operation, &amp; number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, &amp; lighting plan</u></b></li> </ul> |
|---|---|

Date Nov. 30, 2022

**Application type:**  Major Subdv  Minor Subdv  Special Use Permit  Site/ Sketch Plan Review  LotLine Adjust

Proposal: Divide 169,969 Acres into 7 large lots to be sold as vacant land. Average lot size 24 Acres

Section 3.4 of Subdivision Ordinance.

Present Owner: Henry A. Whipple LLC (AS APPEARS ON DEED!!)

Address: 325 Old Stage Rd. Zip code: Altamont, NY 12009

Phone # (required) 518 861 6541

Applicants Name (if different): Same Phone# (required) 518-861-6541

**Location of Property** (if different from owners) Youngs Rd + NYS RT 30 Esperance

Tax Map # 64-1-4.3 Zoning District C-1 commercial

Henry A. Whipple

Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS) N/A

Signature of receiving Property Owner \_\_\_\_\_ (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.

Henry A. Whipple

Date Nov 30, 2022

Signature of Owner(S) and/or Applicant(S)

**ALL APPLICATION FEES ARE NON-REFUNDABLE!**

(For office use only)

Application fee paid: \_\_\_\_\_ Check# \_\_\_\_\_ Reviewed By \_\_\_\_\_ Date \_\_\_\_\_

Approved  Disapproved  Refer to Code Enforcement Section \_\_\_\_\_ of \_\_\_\_\_ Ordinance

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

\_\_\_\_\_  
Planning Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Code Enforcement

\_\_\_\_\_  
Date

**Agricultural Data Statement**

Date: Nov. 30, 2022

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Henry A. Whipple  
Applicant

Owner if Different from Applicant

Name: <u>Helderberg Realty LLC</u> Address: <u>325 Old Stage Rd.</u> <u>Attament, NY 12009</u>	Name: _____ _____ _____
--	-------------------------------

1. Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
2. Description of proposed project:  
Divide 169,969 Acres into 7 large parcels to be sold as vacant land, average size of parcels to be 24 Acres. No construction will be done
3. Location of project: Address: Youngs Rd + Rt 30 Esperance NY 12066  
Tax Map Number (TMP) 64,00-1-4,3
4. Is this parcel within an Agricultural District? YES NO (Check with your local
5. If YES, Agricultural District Number 104 assessor if you do not know.)
6. Is this parcel actively farmed? YES NO
7. List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: <u>Norma Larson</u> ADDRESS: <u>623 Youngs Rd.</u> <u>Esperance, NY 12066</u> Is this parcel actively farmed? <u>YES</u> NO	NAME: <u>N/A</u> 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

Henry A. Whipple  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: Dale R. Warner

\_\_\_\_\_  
Date

Revised 4/4/17

**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 Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: <i>Youngs Road Subdivision</i>		
Project Location (describe, and attach a general location map): <i>Corner of Youngs Rd and NYS Rt. 30 Tax I.D. 164.-1-4.3</i>		
Brief Description of Proposed Action (include purpose or need): <i>to divide 169.969 acres of vacant land into 7 large lots with average size of 24 acres. the parcels will be sold as vacant land. the land is zoned C-1 Commercial. No construction and no earth moving will be done.</i>		
Name of Applicant/Sponsor: <i>Helderberg Realty LLC</i>	Telephone: <i>518 861 6541</i>	E-Mail: <i>ptwhipple@gmail.com</i>
Address: <i>325 Old Stage Rd.</i>		
City/PO: <i>Altamont</i>	State: <i>NY</i>	Zip Code: <i>12009</i>
Project Contact (if not same as sponsor; give name and title/role): <i>Henry A. Whipple Sole owner</i>	Telephone: <i>518-256-6344 cell</i>	E-Mail: <i>ptwhipple@gmail.com</i>
Address: <i>325 Old Stage Rd.</i>		
City/PO: <i>Altamont, 1</i>	State: <i>NY</i>	Zip Code: <i>12009</i>
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Duaneburg Planning Board	
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Schenectady Co. Planning	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): NYS Heritage Areas: Mohawk Valley Heritage Corridor	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	



**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
commercial C-1

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? N/A

**C.4. Existing community services.**

a. In what school district is the project site located? Duanesburg

b. What police or other public protection forces serve the project site?  
NY State Police

c. Which fire protection and emergency medical services serve the project site?  
Esperance

d. What parks serve the project site?  
Van Patten Mill Park, Robert B. Shaper Park  
 Christman Sanctuary

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
commercial / residential

b. a. Total acreage of the site of the proposed action? 169.969 acres  
 b. Total acreage to be physically disturbed? 0 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 169.969 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
commercial  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? 7  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction; \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: No construction will take place. the lots will be sold as vacant land.

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures N/A  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: N/A  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? N/A  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

N/A

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

• Describe extensions or capacity expansions proposed to serve this project: N/A

• Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): N/A

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: N/A
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_  
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? N/A  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• Will stormwater runoff flow to adjacent properties?  Yes  No  
 iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
N/A  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): N/A

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: N/A
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration: N/A

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ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No

Describe: \_\_\_\_\_

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n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: \_\_\_\_\_

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ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No

Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s): N/A

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ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: N/A
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: N/A  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: there will be no hazardous waste.  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: N/A

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
the project site has hayfields and woods surrounded by single family houses and commercial businesses

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested	50 Acres	50 Acres	
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	10 Ac.	10 Ac	
• Agricultural (includes active orchards, field, greenhouse etc.)	106,969 Ac.	106,969 Ac	
• Surface water features (lakes, ponds, streams, rivers, etc.)	1 Ac.	1 Ac.	
• Wetlands (freshwater or tidal)	2 Ac.	2 Ac.	
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: N/A  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes - Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes - Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_



v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? 6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

<u>Odessa silt loam</u>	<u>45</u> %
<u>Hudson silty clay loam</u>	<u>45</u> %
<u>other soil types</u>	<u>10</u> %

d. What is the average depth to the water table on the project site? Average: 15 to 1 1/2 feet

e. Drainage status of project site soils:

<input type="checkbox"/> Well Drained:	<u>20</u> % of site
<input type="checkbox"/> Moderately Well Drained:	<u>50</u> % of site
<input type="checkbox"/> Poorly Drained	<u>30</u> % of site

f. Approximate proportion of proposed action site with slopes:

<input type="checkbox"/> 0-10%:	<u>90</u> % of site
<input type="checkbox"/> 10-15%:	<u>10</u> % of site
<input type="checkbox"/> 15% or greater:	_____ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

**h. Surface water features.**

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 879-11 Classification C
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size 2 Acres
- Wetland No. (if regulated by DEC) NTA

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:  
 i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened):  
 Northern Long-eared Bat

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: N/A

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: SCHE001

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. 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?  Yes  No  
 If Yes:  
 i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District  
 ii. Name: \_\_\_\_\_  
 iii. Brief description of attributes on which listing is based: \_\_\_\_\_

f. 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?  Yes  No

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No  
 If Yes:  
 i. Describe possible resource(s): \_\_\_\_\_  
 ii. Basis for identification: \_\_\_\_\_

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No  
 If Yes:  
 i. Identify resource: \_\_\_\_\_  
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_  
 iii. Distance between project and resource: \_\_\_\_\_ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No  
 If Yes:  
 i. Identify the name of the river and its designation: N/A  
 ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

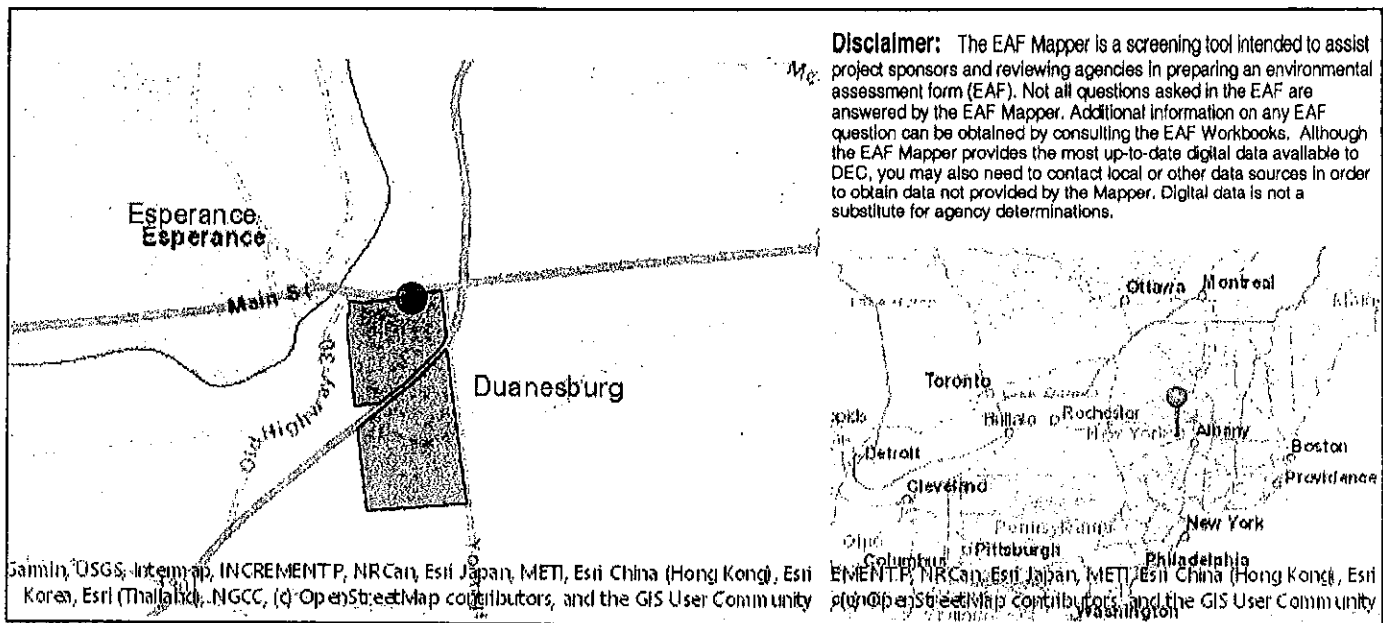
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Helderberg Realty LLC Date \_\_\_\_\_

Signature Henry A. Whipple Title sole owner



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	879-11
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	SCHE001
E.3.c. [National Natural Landmark]	No
E.3.d. [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

APPLICATION FOR THE PLANNING BOARD  
TOWN OF DUANESBURG

Revised 04/12/2017

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

CHECKLIST OF REQUIRED INFORMATION:

- Title of drawing.
  - Tax Map ID #
  - Zoning district
  - Current Original Deed
  - NYS Survey (L.S. & P.E.)
  - North Arrow, scale (1"=100'),
  - Boundaries of the property plotted and labeled to scale.
  - School District/Fire District
  - Green area/ landscaping
  - Existing watercourses, wetlands, etc.
  - Contour Lines (increments of 10ft.)
  - Easements & Right of ways
  - Abutting Properties Wells/ Sewer Systems within 100ft.
  - Well/ Water system
  - Septic system: Soil Investigation completed?
  - Sewer System: Which district?
  - Basic SWPPP (1≥ & <5)
  - Full Storm Water Control Plan (5acres or more)
  - Storm Water Control Plan
  - Short or long EAF [www.dec.ny.gov/eafmapper/](http://www.dec.ny.gov/eafmapper/)
  - Street pattern: Traffic study needed?
  - All property Mergers REQUIRE both owners Signatures on the Application
- Additional Requirements for Special Use Application:
- New or existing building
  - Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, & lighting plan

Date Nov. 30, 2022

Application type:  Major Subdv  Minor Subdv  Special Use Permit  Site/ Sketch Plan Review  LotLine Adjust

Proposal: Divide 169,969 Acres into 7 large lots to be sold as vacant land. Average Lot size 24 Acres

Section 3, 4 of Subdivision Ordinance.

Present Owner: Henry A. Whipple LLC (AS APPEARS ON DEED!!)

Address: 325 Old Stage Rd. Zip code: Altamont, NY 12009

Phone # (required) 518 861 6541

Applicants Name (if different): Same Phone# (required) 518-861-6541

Location of Property (if different from owners) Youngs Rd + NYS Rt 30 Esperance

Tax Map # 64-1-4,3 Zoning District C-1 commercial

Henry A. Whipple

Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

LANDS CONVEYED TO (REQUIRED FOR MERGERS) N/A

Signature of receiving Property Owner \_\_\_\_\_ (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 Duanesburg to walk the property for the purposes of conducting a site review.

Henry A. Whipple Date Nov 30, 2022

Signature of Owner(S) and/or Applicant(S)

**ALL APPLICATION FEES ARE NON-REFUNDABLE!**

.....

(For office use only)

Application fee paid: \_\_\_\_\_ Check# \_\_\_\_\_ Reviewed By \_\_\_\_\_ Date \_\_\_\_\_

Approved  Disapproved  Refer to Code Enforcement Section \_\_\_\_\_ of \_\_\_\_\_ Ordinance

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

---

\_\_\_\_\_ Date \_\_\_\_\_ Code Enforcement \_\_\_\_\_ Date \_\_\_\_\_

Planning Chairperson \_\_\_\_\_ Date \_\_\_\_\_ Code Enforcement \_\_\_\_\_ Date \_\_\_\_\_

**Agricultural Data Statement**

Date: Nov. 30, 2022

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Henry A. Whipple  
Applicant

Owner if Different from Applicant

Name: <u>Helderberg Realty LLC</u> Address: <u>325 Old Stage Rd.</u> <u>Attament, NY 12009</u>	Name: _____ _____ _____
--	-------------------------------

- Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project:  
Divide 169,969 Acres into 7 large parcels to be sold as vacant land, average size of parcels to be 24 Acres. No construction will be done
- Location of project: Address: Youngs Rd + Rt 30 Esperance NY 12066  
Tax Map Number (TMP) 64,00-1-4,3
- Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
- If YES, Agricultural District Number 104
- Is this parcel actively farmed? YES NO
- List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: <u>Norma Larson</u> ADDRESS: <u>623 Youngs Rd.</u> <u>Esperance, NY 12066</u> Is this parcel actively farmed? <u>YES</u> NO	NAME: <u>N/A</u> 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

Henry A. Whipple  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: Dale R. Warner

\_\_\_\_\_  
Date

Revised 4/4/17

**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.

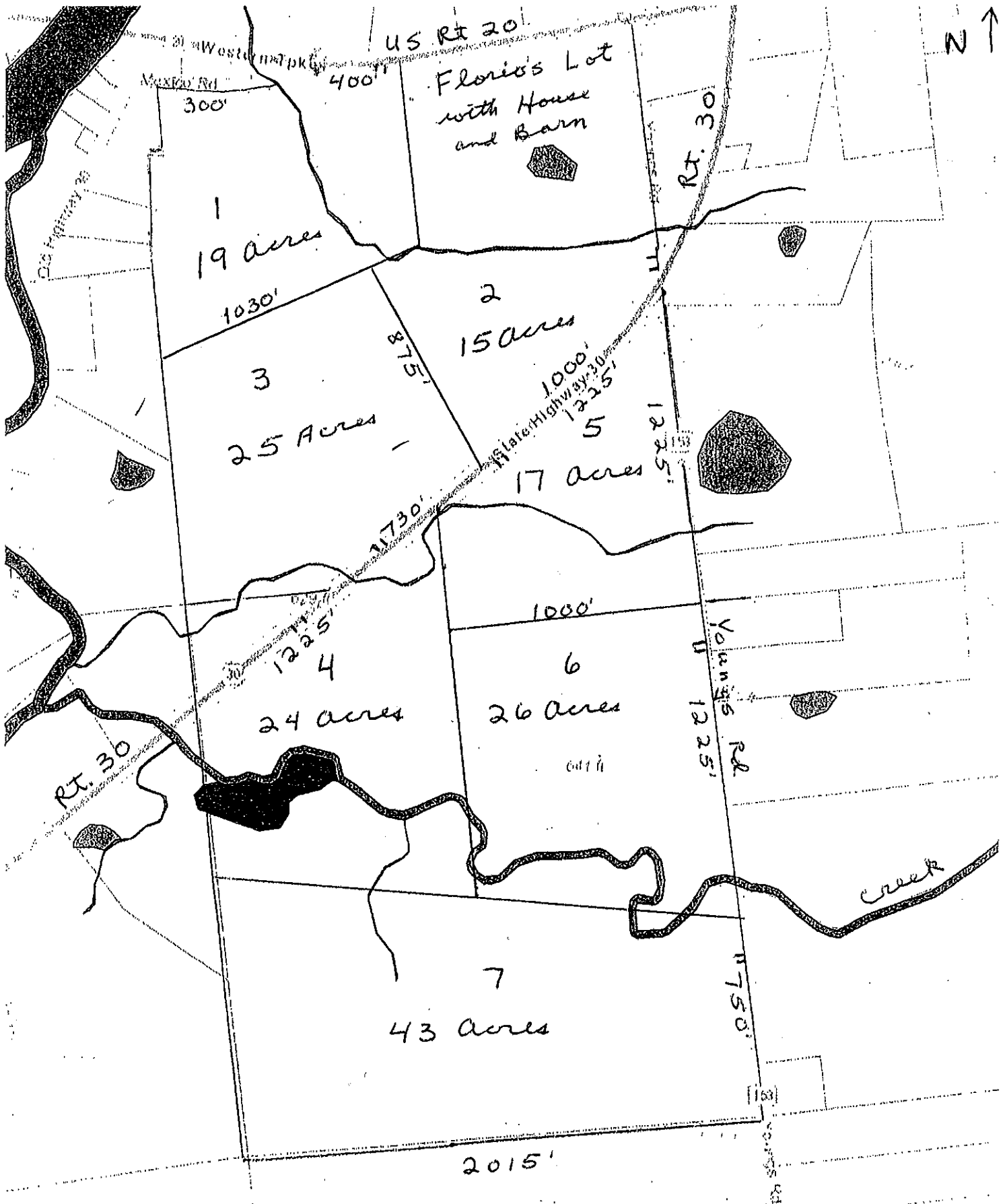
**NOTE TO REFERRAL AGENCY:** County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.



# Sketch Plan Town of Quanesburg

1" = 500'

US Rt 20, Rt 30 and Youngs Rd, Helderberg Realty LLC





**CHECKLIST OF REQUIRED INFORMATION:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Title of drawing.  | <input checked="" type="checkbox"/> Septic system: Soil investigation completed?   |
| <input checked="" type="checkbox"/> Tax Map ID #   | <input checked="" type="checkbox"/> Sewer System: Which district?  |
| <input checked="" type="checkbox"/> Zoning district  | <input type="checkbox"/> Basic SWPPP (1≥ & <5)   |
| <input checked="" type="checkbox"/> Current Original Deed                                    | <input type="checkbox"/> Full Storm Water Control Plan (5acres or more)  |
| <input checked="" type="checkbox"/> NYS Survey (L.S. & P.E.)                                 | <input type="checkbox"/> Storm Water Control Plan  |
| <input checked="" type="checkbox"/> North Arrow, scale (1"=100'),                            | <input checked="" type="checkbox"/> Short or long EAF <a href="http://www.dec.ny.gov/eafmapper/">www.dec.ny.gov/eafmapper/</a>   |
| <input checked="" type="checkbox"/> Boundaries of the property plotted and labeled to scale. | <input type="checkbox"/> Street pattern: Traffic study needed?   |
| <input checked="" type="checkbox"/> School District/Fire District                            | <input type="checkbox"/> All property Mergers <b>REQUIRE</b> both owners Signatures on the Application   |
| <input checked="" type="checkbox"/> Green area/ landscaping                                  |  |
| <input checked="" type="checkbox"/> Existing watercourses, wetlands, etc.                    | <b><u>Additional Requirements for Special Use Application:</u></b>   |
| <input checked="" type="checkbox"/> Contour Lines (increments of 10ft.)                      | <input checked="" type="checkbox"/> New or existing building   |
| <input checked="" type="checkbox"/> Easements & Right of ways                                | <input checked="" type="checkbox"/> <b><u>Business Plan, Hours of operation, &amp; number of employees, floor plan, uses, lighting plan/ landscaping/signage Parking, Handicap Spaces, &amp; lighting plan</u></b> |
| <input checked="" type="checkbox"/> Abutting Properties Wells/ Sewer Systems within 100ft.   |  |
| <input checked="" type="checkbox"/> Well/ Water system                                       |  |

Date 12-07-22

Application type:  Major Subdv  Minor Subdv  Special Use Permit  Site/ Sketch Plan Review  LotLine Adjust

Proposal: MIXED USE  
SINGLE FAMILY / OFFICE SPACE  
 Section \_\_\_\_\_ of \_\_\_\_\_ Ordinance.

Present Owner: JOHN FARNUM (AS APPEARS ON DEED!!)  
 Address: 972 NORTH MANSON Rd Zip code: 12056  
 Phone # (required) 518-491-1650

Applicants Name (if different): JOHN K. FARNUM Phone# (required) 518-491-1650  
 Location of Property (if different from owners) 8175 DUANESBURG Rd.  
 Tax Map # 66-08-5-2-14 Zoning District \_\_\_\_\_

Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)

**LANDS CONVEYED TO (REQUIRED FOR MERGERS)**

Signature of receiving Property Owner [Signature] (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.

[Signature] Date 12-07-22  
 Signature of Owner(S) and/or Applicant(S)

**ALL APPLICATION FEES ARE NON-REFUNDABLE!**

Application fee paid: \_\_\_\_\_ Check# \_\_\_\_\_ (For office use only)  
 Reviewed By \_\_\_\_\_ Date \_\_\_\_\_

Approved  Disapproved  Refer to Code Enforcement Section \_\_\_\_\_ of \_\_\_\_\_ Ordinance

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

\_\_\_\_\_  
 Planning Chairperson Date Code Enforcement Date

**Agricultural Data Statement**

Date: 12-07-22

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: <u>JOHN FARMAN</u>	Name: _____
Address: <u>972 NORTH MANSON RD</u> <u>DUANESBURG NY 12056</u>	_____ _____ _____

- Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project:  
MIXED USE  
SINGLE FAMILY / OFFICE SPACE
- Location of project: Address: \_\_\_\_\_  
Tax Map Number (TMP) 66-00-5-2.14
- Is this parcel within an Agricultural District? YES NO (Check with your local
- If YES, Agricultural District Number \_\_\_\_\_ assessor if you do not know.)
- Is this parcel actively farmed? YES NO
- List all farm operations within 500 feet 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

[Signature]  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: [Signature]  
Dale R. Warner

12/8/22  
Date

Revised 4/4/17

**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 Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

NOTICE OF DETERMINATION  
of the Town of Duaneburg

Date of Determination 12/8/22

Application of John Farnum under section  
11.4 (10) of the (Village of Delanson/Town of Duaneburg)  
Zoning Ordinance.

Applicant John Farnum  
Address 972 North Main Rd  
Duaneburg 12056

Phone 518 491-1650 Zoning District C-1 SBL# 66-00-5-2.14

Description of  
Project: convert existing building into Residential &  
office space

Determination:  
Special use permit

Reason supporting determination:  
Town of Duaneburg zoning Ordinance adopted 6/11/15  
section 11.4 (10); 11.3 (22)

Action: Refer to Planning Board for the purpose of special use permit  
site plan review

Code Enforcement Officer: [Signature]

ALAN R. RHODES  
PHILIP C. MCINTIRE  
MARK A. LEBOWITZ  
J. LAWRENCE PALTROWITZ  
MALCOLM B. O'HARA  
PATRICIA E. WATKINS  
MARK E. CERASANO  
BRUCE O. LIPINSKI  
PAULA NADEAU BERUBE  
JONATHAN C. LAPPER  
JAMES R. BURKETT  
STEFANIE DiLALLO BITTER  
KARLA WILLIAMS BUETTNER  
JOHN D. WRIGHT

BARTLETT, PONTIFF, STEWART & RHODES, P.C.  
ATTORNEYS AT LAW  
P.O. BOX 2168  
ONE WASHINGTON STREET  
GLENNS FALLS, NEW YORK 12801-2168

TELEPHONE (518) 792-2117  
FAX (518) 792-3309  
EMAIL [info@bpsrlaw.com](mailto:info@bpsrlaw.com)  
WEBSITE [www.bpsrlaw.com](http://www.bpsrlaw.com)

SERVICE BY FACSIMILE NOT ACCEPTED

GREGORY J. TERESI  
ALEXANDRA C. DAVIS  
BENJAMIN R. PRATT, JR.  
OF COUNSEL  
ROBERT S. McMILLEN  
RETIRED  
RICHARD J. BARTLETT  
1926-2015  
PAUL E. PONTIFF  
1930-2021  
ROBERT S. STEWART  
1932-2001  
BERTRAM J. DUBE  
1916-1999

January 4, 2023

Jeffery Scmitt, Chairperson  
Town of Duaneburg  
Planning Board  
5853 Western Turnpike  
Duaneburg NY 12056

Re: Joseph and Christine Serth, Special Use Permit and Site Plan Approval  
Commercial Event Venue for property at 216 Batter Street

Dear Chairperson Scmitt:

Please be advised that our law firm has been retained to address the Resolution that was issued on December 15, 2022 but filed at the Clerk's office on December 28, 2022. Our client was not fully aware of the conditions that were included in this resolution until he received a copy of it from the Town Clerk on December 28, 2022. Although they are appreciative of the approval, they would like the Planning Board to work with them on a number of conditions that were incorporated which my clients did not agree or stipulate to. Specifically, we would request the following modifications be made as highlighted below which would replace said condition as identified:

Condition Number 1: No more than 150 **attendees of the commercial event and 10 staff working at the event**, shall be on the property.

Condition Number 4: No camping or overnight accommodations **will be associated with said commercial event** with the exception of the existing bed and breakfast, air b n b and rental cabin.

Condition Number 7: Remove due to the inclusion of Condition Number 9;

Condition Number 8: Remove due to the inclusion of Condition Number 9;

Condition Number 12: No outdoor lighting shall be added that is not shown on the approved site plan **relative to the commercial event**, with the exception of low lighting on tables or low lighting on string type lights, i.e. Christmas type light strings;

Condition Number 14: **Cars associated with the commercial event**, shall be parked in the areas shown on the approved site plan only and a maximum of 71 cars may be parked in connect with each event.

Condition Number 15: This coverage is only required if obtainable. Due to the lack of liability of the Town, coverage may not be able to be retained by the Applicants.

Page Two  
January 3, 2023

Condition Number 16: All food service shall be done by companies that have the required County and NYS DOH permits and approvals. As identified by the Applicant, there will be events where customers cook on their own as long as they have all the correct permits in place. ;

If these modifications are made they would therein accurately reflect the discussions that occurred during the review of this project and the concerns that were raised. Without such modification it is the Applicants concern that the conditions as stated would be unreasonable and improper and wholly inconsistent with the Town Code. It is our request that the Board hold a Special Meeting to address these modifications and or agree that the Statute of Limitations would run from December 28, 2022, if my clients need to seek judicial intervention as to these conditions. Your prompt attention is appreciated.

Sincerely,

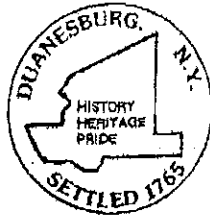
Bartlett, Pontiff, Stewart & Rhodes, P.C.

Stefanie DiLallo Bitter  
*Direct Line: (518) 832-6419*  
*Direct E-mail: [sdb@bpsrlaw.com](mailto:sdb@bpsrlaw.com)*

SDB

cc: William Wenzel, Town Supervisor  
Terresa Bakner, Esq.  
Melissa Deffer, Planning and Zoning Clerk

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



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

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

---

Town of Duanesburg  
Planning Board Minutes  
December 15<sup>th</sup>, 2022  
**Draft Copy**

**MEMBERS PRESENT:**

Jeffery Schmitt- Chairperson, Elizabeth Novak, Joshua Houghton, Matthew Hoffman, Michael Walpole, Michael Harris, Planning Board Attorney Teresa Bakner, and Planning Board Clerk Melissa Deffer.

**INTRODUCTION:**

Chairperson Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting. Schmitt congratulated Dale Warner on his retirement and thanked him for his many years of service to the Town of Duanesburg. Chairperson Schmitt asked the Board to introduce themselves to the public. Jeff Schmitt- Chairperson, Elizabeth Novak- Board Member, Teresa Bakner- Planning Board Attorney, Matt Hoffman- Board Member, Mike Walpole- Planning Board Member, Josh Houghton- Planning Board Member and Michael Harris Vice Chairperson.

**OPEN FORUM:**

**Schmitt/Novak** made a motion to open the open forum.

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

Lynne Brunings located at 13388 Duanesburg Rd (**Please See Attachment**)

Greg Harkenrider Chair of the solar committee introduced himself to the Board and asked if they had any questions, comments, or suggestions for the solar committee.

**Harris/Novak** made a motion to close the open forum.

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

**SKETCH PLAN REVIEW:**

**#22-20 Whipple, Henry:** SBL PT/O#64.00-1-4.3, (C-1) located at Youngs Rd and St Hwy 30 is seeking a Major Subdivision under Section 3.5 of the Town of Duanesburg Subdivision Ordinance. Mr. Whipple explained that he just purchased the land and would like to subdivide the parcel into 7 lots. Lot 1 will have road frontage on Rt 20. Lots 2 and 3 will be front Highway Rt 30. Lots 4,5,6, and 7 will have frontage on Youngs Rd. Mr. Whipple said that he is making the lots large because the land is Commercial. Legal Counsel explained to Mr. Whipple that the

first subdivision map (Florio's subdivision) that was filed to the County was not what the Planning Board approved to be deferred to Code Enforcement. The Planning Board was under the impression that it was going to be 2 lots not 3. Mr. Whipple explained that his surveyor stated he could not cross a major highway that he had to make it 3 lots instead of 2 with a Z hook. Legal Counsel would like for Mr. Whipple's surveyor to come to the next meeting and explain why he drew the map the way he did. The Board cannot move forward with this application until the previous subdivision is fixed and filed with the County. The Board members also had comments and questions on the layout of the subdivision and the presence of the stream and wetlands, as well as frontage on roadways.

**Schmitt/Hoffman** made a motion to table the #22-20 Whipple, Henry application until the January 19<sup>th</sup>, 2023, Meeting.

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

**NEW BUSINESS:**

None

**OLD BUSINESS:**

#21-21 Serth, Joseph: SBL# 35.05-1-19.2, (R-1) located at 216-218 Batter St is seeking a Special Use Permit for use for an event venue under Local Law #1 2021 of the Town of Duaneburg Zoning Ordinance. Mr. Serth explained that he talked to the Schenectady County Highway Dept and received a letter stating that no curb cut was needed for the driveway. DEC came out and did a site visit and nothing is needed. DOH provided a letter stating no permits were needed as well. Mr. Serth explained that the secondary entrance is the 10ft glass lane that is already cleared. The bed and breakfast have been issued a certificate of occupancy and Mr. Serth has gone to DOH, Tax department, Building Dept and the County Highway Dept. Board Member Hoffman would like to know if there is anything in the Town Code stating that a grass driveway is acceptable. Mr. Serth explained that he is starting out small and if down the road he feels he needs a gravel driveway he will come back to the Planning Board for approval. The lighting plan that was submitted, and the Board said it was acceptable. Board Member Hoffman would like to know if there were additional sound barriers placed on the property. Mr. Serth explained that if there is a need to put more sound barriers up, he will do so, but what he has now shows that it is a sound dampener. Board Member Hoffman Suggest note number 2 to impervious, for the benefit of the applicant. The Board had found 4 changes that needed to be addressed on the Site Plan:

1. Take off sound damping
2. Add "im" in front of the word pervious in 2 locations on the plan
3. The porta potties to be emptied within 3 days

Board Member Hoffman signed the changes made on the Site Plan discussed by the Board. The Board and Mr. Serth went over the requirements of the Event Venue Law, Mr. Serth has 6.7-6.8 ac, so he meets the criteria.  
2 means of egress has been met.  
150 maximum number of attendees

Parking is 79 spaces, Mr. Serth did not agree, Board Member Houghton explained there is 68 parking spaces with 3 Handicap spaces shown on the site plan. The Board agreed with 71 parking spaces.

Mr. Serth submitted a traffic study.

Mr. Serth demonstrated that there is adequate water and sanitation facilities.

There is no off-site parking for the venue.

Trees are shown between your neighbor and the parking area. Board Member Hoffman stated that there is a note on the Site Plan explaining that the trees shall not be cut down. Mr. Serth asked if a tree needs to be cut down for safety in the future how should he go about it.

Events may only take place 9am and 10pm.

At no time can the noise level exceed 70 decibels measured at any of the property boundaries or at the closest residential receptors.

Measurements of the sound needs to be done by a sound meter.

Seating may occur outdoors under a fabric structure, that is temporary. With location shown on the site plan.

Mr. Serth submitted a generic event venue plan.

Certificate of insurance, the Board understands that the insurance certificate cannot be given to the Town until January 5<sup>th</sup> or before the first commercial event. Mr. Serth agreed.

The use of structures.

The barn has a limit of 99 max people.

Mr. Serth explained that the trash proposal is in cans that are covered with a 10X20 Garbage storage.

Board Member Harris read into the record as requested via zoom from Tony Tenicela that stated for the record- approximately 50 Mariaville Lake residents submitted a letter of concern regarding the proposed Serth wedding venue. We have not yet received confirmation of receipt despite the numerous concerns outlined in the petition. In addition, many of the issues have been disregarded or glossed over.

Board Member Harris stated that the Board has done very well with reviewing concerns and responding to letters from the residences. There is nothing new that has been discussed.

Board Member Novak stated that the public comment was closed and continued to take written comments, and acknowledged them, and discussed among the Board. The Board has done their best to take into consideration all the concerns expressed by the residents.

**Novak/Harris** made a motion to adopt a negative declaration of environmental significance for the project and to approve the completed SEQRA forms (Parts 2 and 3) for the unlisted action-- the **#21-21 Serth, Joseph** application. **(Please See Attachment)**

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

**Hoffman/Walpole** made a motion to approve the **#21-21 Serth, Joseph** special use permit for a commercial event venue, along with site plan approval for the venue, as shown on the site plan marked up by the Planning Board **(Please See Attachment)** and read in the resolution with the conditions as written following conditions as written:

1. (No change by the Board) No more than 150 people shall be on the property during an event, this includes employees;



2. No more than 20 events shall be held in a year and a letter shall be sent to the Building Inspector each time an event is being held and the letter shall be sent at least 5 days before the event; Chairperson Schmitt asked to add at least 5 days before the event.
3. (No change by the Board) Each event shall last no more than one day and shall only occur between the hours of 9 a.m. to 10:00 p.m.;
4. (No change by the Board) No camping or overnight accommodations, with the exception of the existing bed and breakfast, shall be allowed;
5. (No change by the Board) All sanitary waste (porta-johns) shall be pumped out within three business days of each event;
6. (No change by the Board) All garbage and recyclables shall be removed within one business day of each event;
7. All amplified music shall be within the existing barn without or with having the barn doors open. Board Suggested a change stating that All amplified music shall end at 9:00p.m. and shall not occur more than 5 hours per event; Mr. Serth asked if he could have 15 mins during the wedding ceremony stating that the sound meter will be on.
8. The Boarded added Unamplified music only may be outside the barn except for 15 minutes during the ceremony;
9. (No change by the Board) All sound from the event must not exceed the 70 dB limit at any property boundary and noise must be monitored by a qualified individual throughout the event and the noise values recorded and maintained on site for inspection by the Building Inspector;
10. (The Board added performers due to the change and adding condition number 8) Vendors playing amplified music must be approved by the owner. All DJ's or performers must meet with the owner prior to any event. (Board Member Hoffman and Houghton suggested that The owner or a qualified representative must do a sound check with the vendor prior to the event to ensure that the vendor will not violate sound rules. The owner or a qualified representative must do periodic monitoring necessary to ensure sound limits are met.) Any contract for an event must include a clause that the owner reserves the right to shut off all power to amplified music if they do not meet the sound limits.
11. (No change by the Board) All lighting shall comply with the photometric plan submitted as part of the Application and no light shall spill over onto adjoining properties. A legible, full scale photometric plan shall be submitted within 30 days of this approval;
12. (No change by the Board) No outdoor lighting shall be added that is not shown on the approved site plan, with the exception of low lighting on tables or low lighting on string type lights, i.e. Christmas type light strings;
13. (No change by the Board) Existing vegetative buffers and fences shall be maintained between the Venue property and adjoining properties;
14. (No change by the Board) Cars shall be parked in the parking areas shown on the approved site plan only and a maximum of 71 cars may be parked in connection with each event;

15. (No change by the Board) General Liability Insurance from an A-rated insurance company shall be maintained by the Applicant for the Commercial Event Venue with coverage in the amount of at least \$500,000 and shall name the Town of Duanesburg as an additional insured—the certificate of insurance shall be submitted to the Town's Insurance Company and the Building Inspector for approval;
16. (No change by the Board) No preparation of food shall occur on-site but food shall be catered and the companies providing the catering service shall have all required County and NYS DOH permits and approvals;
17. On at least an annual basis (i.e. no later than December 31 of each year after the special use permit is granted) the Applicants shall meet with the Town Building Inspector and the Mariaville Volunteer Fire company to review the operation of the commercial event venue and to address any issues that have arisen in connection with the operation, including any public complaints; Mr. Serth did ask for clarification on the dates and Board Member Walpole suggest an annual report.
18. While an event is being held at the property, a sign shall be posted giving the name of the contact person for the venue and a telephone number so that the venue owner or their representative is available to address any issues that arise; The Board asked to have the provision out that has to do with the 6ft fence between the barn and the property to the east be taken out because it is already noted on the site plan and will add confusion.

Board Member Harris requested the removal provision number 19 "The special event venue shall use acoustical panels and other appropriate means to control noise from the events as necessary to meet the 70 dB level limits at the property boundaries; "

19. (No change by the Board) After the first year of operation of the special event venue the Building Inspector shall provide a report to the Planning Board on the compliance of the owners with the limitations set forth in this resolution; Board Member Houghton would like to keep this provision because it will be helpful if it is being monitored.
20. (No change by the Board) The applicants are required to obtain all other permits and approvals from all other governmental agencies that are required to set up and operate the venue;
21. (No change by the Board) In the event the applicants cease to continuously operate a commercial bed and breakfast at the property, the operation of the venue shall be only authorized in the R-1 District and shall be prohibited in the L-1 District, except as allowed by the Local Law 1 of 2021, i.e. only access through the L-1 District zoned portion of the property shall be allowed.

Mr. Serth stated he understands and appreciates everything and the only thing he asks is that through trial and error and from what he has learned music is going to be shut off at 9pm, and Mr. Serth requests that instead of 4 hours of music to be allowed 5 hours to include the ceremony as well. Board Member Houghton stated that if the music will still end at 9pm there doesn't seem to be a problem. The rest of the Board agreed that it was a reasonable request. Board Member

Hoffman stated that it will need to be changed in the Neg Dec as well. Mr. Serth also asked if in the Neg Dec it was read that events are usually on Sundays, can it be switched to mostly on weekends.

Hoffman yes, Walpole yes, Harris yes, Schmitt yes, Novak yes, Houghton yes. **Approved.** (See attached resolution issuing the negative declaration and approving the site plan and SUP for the event venue).

**PUBLIC HEARINGS:**

None

**OTHER:**

**Novak/Harris** made a motion to reaffirm and reestablish that all materials required to be reviewed be in by 10 days in advance of the Planning Board meeting in order for the Board to address those materials at the next Planning Board meeting.

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

**MINUTES APPROVAL:**

**Novak/Schmitt** made the motion to approve November 17<sup>th</sup>, 2022, Planning Board minutes with no corrections

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

**ADJOURNMENT:**

**Houghton/Hoffman** made the motion to adjourn at 9:15pm.

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

PO Box 160  
Quaker Street, NY 12141

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

Transmitted via email: [jhowe@duanesburg.net](mailto:jhowe@duanesburg.net)

December 15, 2022

Re: December 15, 2022 planning board meeting privilege of the floor: solar

Dear Jeffery Schmitt and the planning board,

The town of Duanesburg 2023 Draft Solar Law may be found in the December 8, 2022 town board meeting minutes. The public hearing is January 26, 2023 at 7:00 PM at Duanesburg Town Hall. If you're a land owner that wants solar, you should review the law. If you're a neighbor that doesn't want solar, you should review the law. The 2016 law is 3 1/2 pages. The draft law is 22 pages.

Last night Rotterdam Town Board adopted a 12 month moratorium on solar facilities. The town attorney explained that East Light Partners has only submitted documents for ELP Rotterdam Solar, LLC to be located on Sandbourne Road. As soon as the town attorney knew of the draft moratorium on solar they informed ELP. ELP chose to continue to submit documents to the town and participate in town meetings. The town has not approved ELP Rotterdam Solar, LLC. Therefore, the moratorium will include ELP's project. It appears that ELP Rotterdam Solar LLC is not able to move forward for at least 12 months.

Thank you for your time and consideration.

Respectfully,  
Lynne Bruning  
720-272-0956  
[lynnebruning@gmail.com](mailto:lynnebruning@gmail.com)

PO Box 160  
Quaker Street, NY 12141

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

Transmitted via email: [jhowe@duanesburg.net](mailto:jhowe@duanesburg.net)

December 15, 2022

Re: request noise analysis for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC

Dear Jeffery Schmitt,

Susan Biggs and I request that the planning board direct the town code enforcer, Dale Warner, to conduct a baseline noise analysis at the property lines for Oak Hill Solar 1, LLC and Oak Hill Solar 2, LLC (the "Project".)

Once operational the Project will generate noise continuously 24/7/365. A baseline noise test must be done before the project is operational. All equipment will operate throughout the night. The 210 tracker motors powering the 3,010 camber locking gears may move every 20 minutes throughout the night to return the 20 feet in height solar panels to the easterly position. A baseline noise analysis should be done at night.

I request that the planning board inform Mrs. Biggs in writing of the code enforcers analysis and if the noise analysis submitted by Pam Rowling and by Lynne Bruning in 2021 are satisfactory evidence of the baseline noise at the Oak Hill Solar 2, LLC eastern property line. If Rowling's and Bruning's submitted noise analysis are not sufficient please provide what the planning board requires.

The November 15, 2022 planning board meeting minutes pages 61 - 122 contain a noise analysis for Joseph P. Serth's event special permit application. Page 123 is "Report from sound check performed by Dale Warner at the Serth event barn on June 22, 2022." Pages 124 - 128 is a Memo and supporting documents dated June 27, 2022 from Dale Warner, Code Enforcement Officer to Jeffery Schmitt, Planning Board Chairman and Planning Board Members for a sound check at 216/218 Batter Street.

The planning board and the town code enforcement officer has assisted Mr. Serth to confirm compliance. If the town code enforcement officer provides a noise analysis and report for one project then the town should provide it for all projects. Assisting some taxpayers, but not all

taxpayers, may be biased and may be seen as improper. The planning board and town should protect all taxpayers property rights fairly and squarely.

### HISTORY

The Town of Duanesburg Solar Facilities Law adopted July 15, 2016 section 3.j. states: "Noise. Substations and inverters shall be set back a minimum distance to achieve no discernible difference from the existing noise levels at the property line." We request that the planning board uphold the law and enforce the Project's compliance.

The Applicant's August 25, 2021 "SOLAR FARM NOISE ANALYSIS REPORT" provided decibel ratings for only three pieces of equipment

- Eaton CA202003EN 2001-2500 kVA Three Phase Transformer = 62 dB @ 3 ft
- HEMK600V Inverter=79dB@3ft
- ICE ECUA150ACD Air Conditioner = 89 dB @ 3 ft (interpolated from 84 dB @ 5 ft)

The site plan shows significantly more noise generating equipment than the transformer, inverter and HVAC system. It appears that this report does not provide all equipment.

The town engineer, Doug Cole of Prime AE, did not request further information or clarification.

The Applicant's November 8, 2021 FEAF Section D.2. m.i. "Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation or both?" The Applicant replied "YES."

The FEAF continues - "Provide details including sources, time of day and duration."

The Applicant replied "Inverters and BESS < 79dBA at equipment (similar to dishwashers), very low dBA at property lines - 24 hour per day duration / heavy machinery during construction."

Very low dBA is not a quantifiable measurement. The town engineer did not request clarification.

The August 25, 2021 Report and the November 8, 2021 FEAF did not provide noise generating equipment shown on the site plan:

- (20) DC-DC Converters
- (4) Transformers
- (4) Control Gear
- (4) Generators
- (8) HVAC
- (2) Major Switchgear
- (225) Tracking Motors
- (3,013) Tracking Gears with locking cambers - one attached to every post

Biggs and Bruning submitted multiple requests for clarification on the noise generating equipment and noise levels at the property line to the planning board.

On February 7, 2022 the Applicant provided the "SUPPLEMENTAL SOLAR FARM NOISE ANALYSIS REPORT" which provided some, but not all, equipment:

- (225) Schletter Single-Access Tracker Motor – 70 dB @ 3 ft
- (4) DC – DC Converters (Assumed 85 dB @ source)
- (2) Major Switchgear (Assumed 100 dB @ source)
- (4) Battery Energy Storage Systems (Assumed 100 dB @ source)
- \*(4) Eaton CA202003EN 2001-2500 kVA Three Phase Transformer = 62 dB @ 3 ft
- \*(4)HEMK600VInverter=79dB@3ft
- \*(4) ICE ECUA150ACD Air Conditioner = 89 dB @ 3 ft (interpolated from 84 dB @ 5 ft) \*Included in previous report analysis

Additionally, the report contained a Drawing Sheet Title "NOISE ANALYSIS" Fig. 1. This drawing shows noise levels at the eastern property line abutting Biggs parcel:

- 1,500 north of Duanesburg Road to be 37 dB
- 2,900 feet north of Duanesburg Road to be 36 dB
- Biggs residence to be 31 dB

It appears that the construction of the Project is not compliant with the approved site plan. The increase in solar panel height may negatively impact the noise analysis and make the Project non-compliant with Solar Law 3.j.

#### CONCLUSION

The town's solar law limits noise levels to no discernible difference at the property line. Neighbors submitted baseline noise levels at the property line during and after project review. The board made no comment on the neighbors noise level studies. The planning board affords other taxpayers guidance for noise studies and has the town code enforcement officer participate in the noise studies.

We request that the planning board inform Biggs in writing if the neighbors 2021 noise studies are adequate. And we request the board to direct the town code enforcer, Dale Warner, to conduct a baseline noise analysis at the property lines for the Project and provide a written report to the planning board.

We look forward to your written response.

Thank you for your time and consideration.

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

RECEIVED

DEC 28 2022

**TOWN OF DUANESBURG PLANNING BOARD**

TOWN OF DUANESBURG  
TOWN CLERK

**SERTH APPLICATION FOR A COMMERCIAL EVENT VENUE**

**Resolution**

Moved by Matt Hoffman; Seconded by Mike Walpole.

**WHEREAS**, Joseph and Christine Serth (the "Applicants") have applied for a special use permit and site plan approval for a Commercial Event Venue (hereinafter "Venue") pursuant to the Zoning Ordinance of the Town of Duanesburg and to Town of Duanesburg Local Law 1 of 2021 to use their property and barn as a commercial event venue; and

**WHEREAS**, the property is located within the L-1 and the R-1 Zoning Districts and is known as SBL #35.05.1-19.2 with the address of 216 Batter Street consisting of 6.7 +/- acres; and

**WHEREAS**, the property contains an approved bed and breakfast with a certificate of occupancy issued by the Town of Duanesburg Building Inspector; and

**WHEREAS**, the Office of Parks, Recreation and Historic Preservation provided a letter dated December 9, 2021, stating that the project will have no impact on archeological or historical resources that are eligible for and/or listed on the State and/or National Registers of Historic Places; and

**WHEREAS**, Schenectady County Department of Engineering and Public Works has confirmed in a letter dated December 5, 2022, that no highway work permit is required for the Venue; and

**WHEREAS**, Schenectady County Department of Health has confirmed that no public water supply permit is required for a Venue where it operates for less than 60 days in a calendar year and the Serth letter indicated that the Venue would operate only 20 days within a calendar year and with no more than 150 attendees; and

**WHEREAS**, the Schenectady County Planning Department pursuant to the NYS General Municipal Law referral in a report dated November 1, 2022, recommended approval of the application with certain modifications/conditions including the following: "A permit for a non-community public water supply must be obtained from the County Health Department. The County Department of Engineering and Public Works should review the access plan to Batter Street (CR94). Improvements may need to be made since the driveway will not be servicing a commercial business with parking for over 80 vehicles and not a residence," and with an advisory note "The applicant should be aware that any on-site caterers will need to be licensed by the Schenectady County Department of Health if any food preparation is to be conducted on site a food service permit and food service plan review may be required by the County Health Department. The proposed surface (gravel/paved) to be used for the parking should be identified along with the limits of disturbance for the project. The parking should be shown in relation to the existing tree



line and any areas of tree clearing identified. A detailed lighting plan should be provided. Each handicapped parking space needs to have an accessible aisle"; and

**WHEREAS**, the Town of Duanesburg Planning Board held a duly noticed public hearing and has considered all oral and written comments submitted on the Application; and

**WHEREAS**, the Town of Duanesburg Planning Board reviewed the Full EAF Part 1 submitted by the Applicants and determined that the venue was an unlisted action pursuant to the NYS Environmental Quality Review Act; and

**WHEREAS**, the Town of Duanesburg Planning Board conducted a coordinated review of its intent to be SEQRA lead agency and no agency has objected to the Town of Duanesburg Planning Board being SEQRA lead agency for the review of the venue;

**WHEREAS**, all information required to be produced pursuant to Local Law 1 of 2021 or by the Zoning Ordinance has been provided by the Applicants to the satisfaction of the Planning Board including the items requested at the Planning Board meeting in November of 2022;

**NOW THEREFORE BE IT RESOLVED**, that the Town of Duanesburg Planning Board declares itself lead agency for the SEQRA review of this action, approves and incorporates herein Parts 2 and 3 of the Full EAF and issues a negative declaration of environmental significance finding that the Special Event Venue does not require the preparation of an Environmental Impact Statement as set forth in greater detail in Part 3 of the Full EAF;

**BE IT FURTHER RESOLVED**, that a special use permit for a commercial event venue, along with site plan approval for the venue, as shown on the site plan marked up by the Planning Board and attached hereto at the Planning Board meeting on December 15, 2022, is granted subject to the following conditions:

1. No more than 150 people shall be on the property during an event, this includes employees;
2. No more than 20 events shall be held in a year and a letter shall be sent to the Building Inspector each time an event is being held and the letter shall be sent at least 5 days before the event;
3. Each event shall last no more than one day and shall only occur between the hours of 9 a.m. to 10:00 p.m.;
4. No camping or overnight accommodations, with the exception of the existing bed and breakfast, shall be allowed;
5. All sanitary waste (porta-johns) shall be pumped out within three business days of each event;
6. All garbage and recyclables shall be removed within one business day of each event;

7. All amplified music shall be within the existing barn without or with having the barn doors open. All amplified music shall end at 9:00p.m. and shall not occur more than 5 hours per event;
8. Unamplified music only may be outside the barn except for 15 minutes during the ceremony;
9. All sound from the event must not exceed the 70 dB limit at any property boundary and noise must be monitored by a qualified individual throughout the event and the noise values recorded and maintained on site for inspection by the Building Inspector;
10. Vendors playing amplified music must be approved by the owner. All DJ's or performers must meet with the owner prior to any event. The owner or a qualified representative must do a sound check with the vendor prior to the event to ensure that the vendor will not violate sound rules. The owner or a qualified representative must do periodic monitoring necessary to ensure sound limits are met. Any contract for an event must include a clause that the owner reserves the right to shut off all power to amplified music if they do not meet the sound limits.
11. All lighting shall comply with the photometric plan submitted as part of the Application and no light shall spill over onto adjoining properties. A legible, full scale photometric plan shall be submitted within 30 days of this approval;
12. No outdoor lighting shall be added that is not shown on the approved site plan, with the exception of low lighting on tables or low lighting on string type lights, i.e. Christmas type light strings;
13. Existing vegetative buffers and fences shall be maintained between the Venue property and adjoining properties;
14. Cars shall be parked in the parking areas shown on the approved site plan only and a maximum of 71 cars may be parked in connection with each event;
15. General Liability Insurance from an A-rated insurance company shall be maintained by the Applicant for the Commercial Event Venue with coverage in the amount of at least \$500,000 and shall name the Town of Duanesburg as an additional insured—the certificate of insurance shall be submitted to the Town's Insurance Company and the Building Inspector for approval;
16. No preparation of food shall occur on-site but food shall be catered and the companies providing the catering service shall have all required County and NYS DOH permits and approvals;
17. On at least an annual basis (i.e. no later than December 31 of each year after the special use permit is granted) the Applicants shall meet with the Town Building Inspector and the Mariaville Volunteer Fire company to review the operation of the commercial event venue

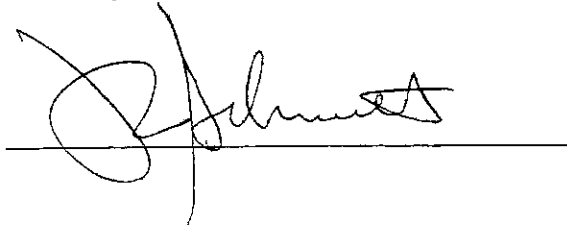
and to address any issues that have arisen in connection with the operation, including any public complaints;

18. While an event is being held at the property, a sign shall be posted giving the name of the contact person for the venue and a telephone number so that the venue owner or their representative is available to address any issues that arise;
19. After the first year of operation of the special event venue the Building Inspector shall provide a report to the Planning Board on the compliance of the owners with the limitations set forth in this resolution;
20. The applicants are required to obtain all other permits and approvals from all other governmental agencies that are required to set up and operate the venue;
21. In the event the applicants cease to continuously operate a commercial bed and breakfast at the property, the operation of the venue shall be only authorized in the R-1 District and shall be prohibited in the L-1 District, except as allowed by the Local Law 1 of 2021, i.e. only access through the L-1 District zoned portion of the property shall be allowed.

By (unanimous/majority) vote of the Planning Board of the Town of Duanesburg at its regular meeting of December 15, 2022.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Jeffrey Schmitt, Planning Board Chair	X		
Elizabeth Novak, Board Member	X		
Michael Harris, Board Member	X		
Joshua Houghton, Board Member	X		
Matt Hoffman, Board Member	X		
Michael Walpole, Board Member	X		

Planning Board of the Town of Duanesburg



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Date: December 15, 2022

**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.

The Town of Duaneburg Planning board has completed an environment assessment and evaluation for environmental impacts in accordance with SEQRA, including receiving of Part 1 and completing Parts 2, and 3 of a Full Environmental Assessment Form, for the proposed Unlisted Action seeking a Special Use Permit for a Commercial Event Venue located at 215 Batter St. tax map # 35.05-1-19.2 in the R-1 Residential Zoning District. The proposal is compliant with the Town Comprehensive Plan, Zoning Ordinance, and Local Law #1 from the year 2021 Regulating Commercial Event Venues.

The project includes no construction activities other than the placement of gravel for access ways and installation of lights as shown on the site plan. The events held will be held in existing structures and tents, to be erected on site. Events will be limited to 20 events annually, held seasonally, mostly on weekends, and limited to 150 people. All parking will occur on site and events will end by 10pm. Amplified sound will be permitted to a maximum of four hours per event, ending by 9pm and will not exceed 70 decibels at the property line. There are no impacts anticipated on land (No. 1 of Part 2) at this time. If there are any future impacts they are anticipated to be minimal. There are no impacts on Geological Features (No. 2 of Part 2) as there are none on the site. No potential impacts are anticipated to surface water (No. 3 of Part 2) or ground water (No. 4 Part 2) as all activities will be hosted on the existing site. Portable toilet facilities will be utilized for the events to augment existing facilities, as needed. There are no anticipated impacts on flooding (No. 5 Part 2). There are no anticipated impacts on Air (No. 6 Part 2). Emissions from vehicles will be minimal. There are no anticipated impacts on plants or animals (No. 7 Part 2). There is no anticipated effect on Agricultural Resources (No. 8 Part 2). There are no significant adverse impacts anticipated to Aesthetic Resources (No. 9 of Part 2) as any event will be temporary and utilize existing facilities. There are no impacts on Historic and Archaeological Resources (No. 10 of Part 2) as none have been identified. The State Historic Preservation Office's December 9, 2021 letter stated they had no concerns with the project. The Proposed project will have no significant adverse effect on Open Space and Recreation (No. 11 of Part 2) as all events will be hosted on site, will be temporary and no, to very little, construction is occurring. The Parcel is not located in a Critical Environmental Area (No. 12 of Part 2). The proposal will have little to no impact to the existing transportation system (No. 13 of Part 2). A traffic evaluation performed by VHB Engineering determined the maximum level of anticipated traffic can be accommodated for on the existing roadway network and no project-related mitigation is required. Impact on Energy will be minimal and temporary in nature, utilizing existing utilities on site (No. 14 of Part 2). Any potential noise will be short term, lighting will be directed downward as to prevent sky-glow and light shining on adjacent properties (No. 15 of Part 2). A visual sound meter will be utilized for measuring the decibel level of amplified sound during any event and sound will not exceed 70 decibels at the property line. There are no known contaminants on site, the site is not a former remediation site and no impacts are anticipated on Human Health (No. 16 of Part 2). Access to the site for emergency services was determined to be adequate by the Mariaville Volunteer Fire Department. The project is consistent with the Town Zoning Ordinance and Local Law from 2021 regulating Commercial Event Venues and is consistent with Community Plans (No. 17 Part 2) and Community Character (No. 18 of Part 2). Based on this information, the Town of Duaneburg Planning Board has determined the Project will have no significant adverse environmental impact and therefore issues a negative declaration in accordance with Article 8 of the Environmental Conservation Law.

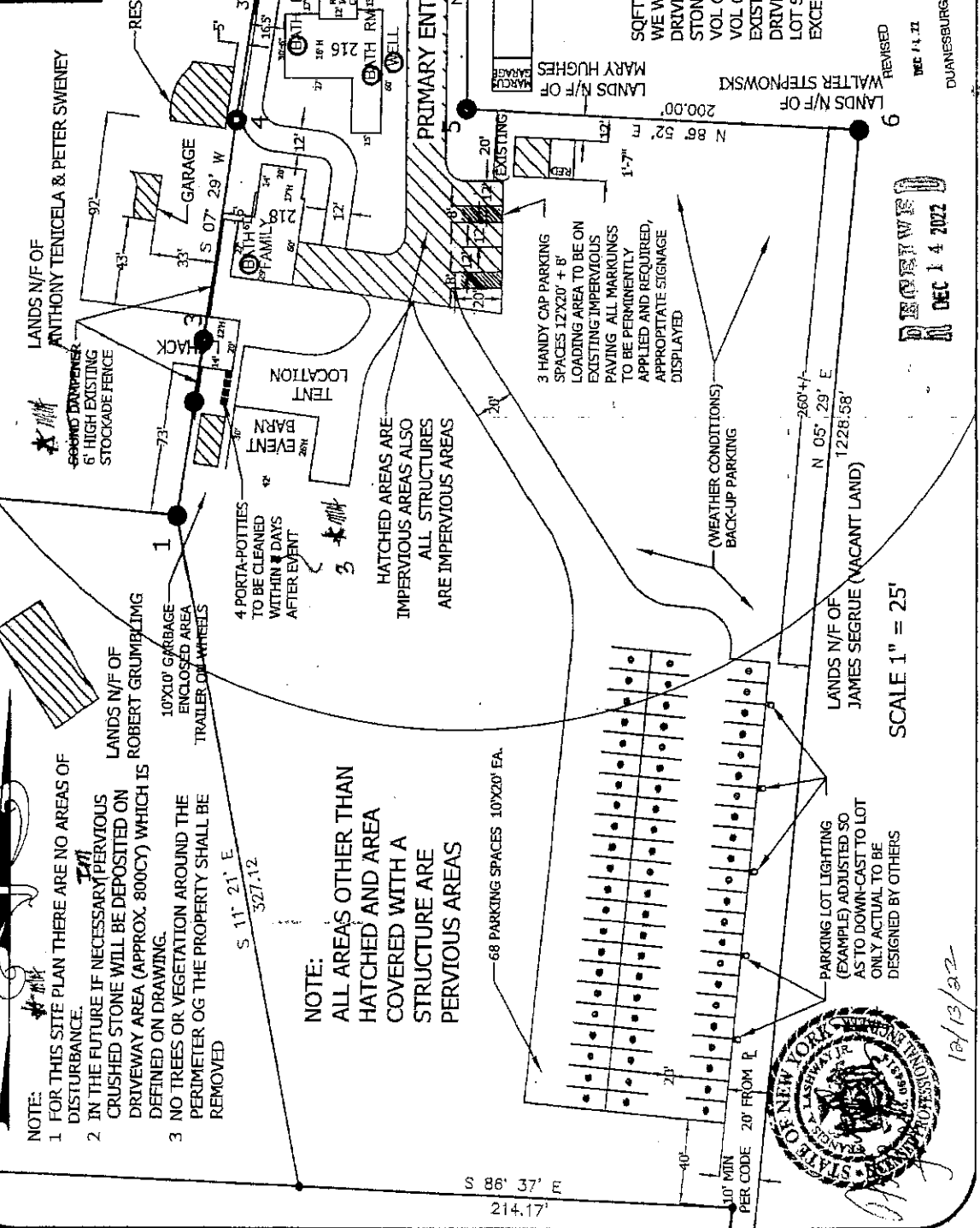
12/15/22

**FATHER & SONS CONSULTING ENGINEERS**  
 12 LASHWAY LANE  
 EAST GREENBUSH, NY 12061

STATE OF NEW YORK  
 PROFESSIONAL ENGINEER  
 21521 BIRTH 9  
 12/15/22

SITE PLAN 216-218 BATTER ST.

**Errors And Omissions:**  
 FATHER & SONS CONSULTING ENGINEERS is unable to accept liability for any errors or omissions on this drawing. The client agrees to pay the full cost of the plan. While every attempt will be made to ensure the accuracy of the information provided, the client agrees to accept the information as provided. FATHER & SONS CONSULTING ENGINEERS shall not be responsible for any errors or omissions on this drawing. Therefore, the contractor must check all dimensions and details and be responsible for the accuracy. Do not make changes.



SQFT = 21200SQFT = 0.48AC. LOD IF WE WERE TO STONE PROPOSED DRIVE WAYS, WE DO NOT INTEND ON STONING DRIVEWAYS  
 VOL @ 4" = 14400 CUFT OR 540 CY  
 VOL @ 6" = 21600 CUFT OR 800 CY  
 EXISTING IMPERVIOUS DRIVEWAY AREA = 4750 SQFT = 0.1AC  
 LOT SIZE 6.7AOC, PERVIOUS EXCEPT FOR BUILDINGS IMPERVIOUS.

**FATHER & SONS CONSULTING ENGINEERS**  
 FRANCIS A. LASHWAY, P.E. (NY 00414)  
 12 LASHWAY LANE  
 EAST GREENBUSH, NY 12061  
 REG. NO. 215-218

- NOTE:**
- FOR THIS SITE PLAN THERE ARE NO AREAS OF DISTURBANCE.
  - IN THE FUTURE IF NECESSARY IMPERVIOUS CRUSHED STONE WILL BE DEPOSITED ON DRIVEWAY AREA (APPROX. 800CY) WHICH IS DEFINED ON DRAWING.
  - NO TREES OR VEGETATION AROUND THE PERIMETER OF THE PROPERTY SHALL BE REMOVED

S 88° 37' E  
 214.17'