

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



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

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

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

The Town of Duanesburg offers Planning Board Meetings via zoom if you are unable to attend the meeting in person. Please be advised this is for viewing purposes only:

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

Topic: Town of Duanesburg's Planning Board Zoom Meeting

Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

Meeting ID: 858 7403 2498

Passcode: 848175

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

Meeting ID: 858 7403 2498

Passcode: 848175

INTRODUCTION BY CHAIRPERSON JEFFERY SCHMITT

OPEN FORUM

Comments:

PUBLIC HEARINGS:

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

Comments:

Approved: Yes _____ No _____

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Chris Parslow, Town Planner
Lindsay Althiser, Planning Clerk



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

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

Comments:

Approved: Yes _____ **No** _____

#25-12 McHugh, Kevin: SBL# 64.00-1-35 located on Route 30, Lot 3 (C-1) is seeking a special use permit to construct a single-family dwelling in a commercial district. Under The Town of Duanesburg section 11.4 (10)

Comments:

Approved: Yes _____ **No** _____

#25-14 Page, Sarah: SBL# 64.00-1-38 located on Route 30, Lot 6 (C-1) is seeking a special use permit to construct a single-family dwelling in a commercial district. Under The Town of Duanesburg section 11.4 (10)

Comments:

Approved: Yes _____ **No** _____

#25-15 Page, Sarah: SBL# 64.00-1-37 located on Route 30, Lot 5 (C-1) is seeking a special use permit to construct a single-family dwelling in a commercial district. Under The Town of Duanesburg section 11.4 (10)

Comments:

Approved: Yes _____ **No** _____

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OLD BUSINESS:

#25-10 James, John Jr: SBL# 76.00-1-12.311 located on Chadwick Rd (R-2) is seeking a major 3 lot subdivision. Under The Town of Duanesburg Subdivision Ordinance section 3.5 "major subdivision."

Comments:

Approved: Yes _____ **No** _____

#25-11 Proctor, Deanna: SBL# 68.00-3-30.41 located at 1928 Western Turnpike (C-1) is seeking a lot line adjustment to create a driveway for a land locked parcel. Under The Town of Duanesburg Subdivision Ordinance section 4.

Comments:

Approved: Yes _____ **No** _____

SKETCH PLAN REVIEW: NONE.

NEW BUSINESS:

#25-16 Gemmiti, Paul: SBL# 52.00-1-12.6 located at 1756 McGuire School Rd. (R-2) is seeking a 30' x 50' lot line adjustment to change boundary. Under The Town of Duanesburg Subdivision Ordinance, local law #2 of the 2016 section 4 "lot line adjustment"

Comments:

Approved: Yes _____ **No** _____

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

OTHER: NONE.

MINUTE APPROVAL:

JUNE 19, 2025, PLANNING BOARD MEETING MINUTES:

Comments:

Approved: Yes _____ No _____

ADJOURNMENT: NEXT MEETING WILL BE HELD AUGUST 21, 2025

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



Michael Harris, Vice Chairperson
Elizabeth Novak, Board Member
Matthew Hoffman, Board Member
Michael Walpole, Board Member
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**TOWN OF DUANESBURG
SCHENECTADY COUNTY**

NOTICE OF PUBLIC HEARING

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

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

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

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS

BY ORDER OF THE CHAIRPERSON
PLANNING BOARD
TOWN OF DUANESBURG
CHAIRPERSON

Join Zoom Meeting (view only) <https://us02web.zoom.us/j/86499746075> Meeting ID: 864 9974 6075
Passcode: 130214 Dial in by Phone: 1-646-558-8656 Meeting ID: 864 9974 6075 Passcode: 13021

TOWN OF DUANESBURG ZONING BOARD OF APPEALS

RESOLUTION OF USE VARIANCE APPROVAL

Pursuant to the Rosenberg Public Utility Standard

TELECOMMUNICATIONS FACILITY AT

CHADWICK ROAD, TOWN OF DUANESBURG, SCHENECTADY COUNTY

FOR

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

Nature of Application

Cellco Partnership d/b/a Verizon Wireless (referred to herein as the "Applicant") applied for issuance of a Special Use Permit, Site Plan Review and a Rosenberg Use Variance to construct a 120± ft. (124 ft. when including the 4 ft. lightning rod) monopole telecommunications tower facility located off Chadwick Road ("Property").

Property Involved

The Property affected by this resolution is shown on the Tax Map of the Town of Duanesburg as parcel number 76.-1-12.311 and is owned by John E. James, Jr.

Zoning District

The property is located in the R-2 Zoning District in the Town of Duanesburg.

Application/Plans

The original Application included the following materials:

- Completed Town of Duanesburg Variance Application, Planning Board Application, and Agricultural Data Statement (located in Ag District SCHE001);
- Full Environmental Assessment Form;
- Redacted Land Lease with the owner of the property;
- Documentation of the Rosenberg standard;
- Information regarding the Telecommunications Act of 1996;
- Verizon Wireless' FCC Licenses;
- RF Coverage Plots and Site Selection Analysis;
- RF Safety Report;
- Non-Interference letter;
- Viewshed map;
- FCC TOWAIR determination results;

- Tower Design Letter;
- Collocation and Tower Removal Bond Commitment Letter;
- Noise Analysis and Comparison Letter;
- Zoning Site Plan Drawings.

The detailed Zoning Site Plan, totaling seven sheets, was prepared by Tectonic Engineering & Surveying, with the most recent set of plans dated March 6, 2025. The plans include the following:

- Title Sheet;
- Adjoiners Plan;
- Setback Plan and Bulk Requirements;
- Overall Site Plan;
- Grading Plan;
- Site Detail Plan;
- Elevation & Orientation Plan; and
- Site Details, including Equipment Elevations, all of which provide details of the installation proposed by the Applicant.

After the initial application, the Applicant subsequently held a balloon test on February 24, 2025 and submitted a comprehensive Visual Resource Evaluation dated March 5, 2025.

Review History

DATE OF APPLICATION

The Application was filed with the Town of Duanesburg on November 27, 2024.

PUBLIC REVIEW PROCESS AND HEARING

The Applicant appeared at the December 17, 2024 ZBA meeting and made an initial presentation. The matter was discussed and the ZBA acknowledged that they defer to the Planning Board to be lead agency for SEQR. The ZBA then moved to table the application until SEQR was completed.

The Applicant appeared at the April 15, 2025 ZBA meeting. At that meeting the ZBA and Applicant discussed the balloon fly and visual resource evaluation. Based on the status of the application with the Planning Board, the ZBA determined that the matter was ready for a public hearing. A public hearing was scheduled for May 20, 2025 at 7 PM.

A public hearing on the Application was duly convened on May 20, 2025. At the meeting, the Applicant made a presentation of the details of and need for the project. At the conclusion of the presentation, the ZBA opened up the floor for public comments.

The comments from the public hearing generally included the following questions and concerns: _____

SEQRA

Type of Action:

This matter constitutes an unlisted action under the State Environmental Quality Review Act ("SEQRA").

Lead Agency:

The Town of Planning Board declared itself as lead agency in regard to this action at the Planning Board meeting held on December 19, 2024. The Planning Board conducted a coordinated review with the ZBA and other interested and involved agencies.

Declaration of Significance:

After careful examination of the Application, including, among other things, the Environmental Assessment Form, the detailed Site Plans, the visual resource evaluation and other supporting materials submitted with the Application, the Planning Board found that the Application will not result in any significant adverse environmental impacts and issued a Negative Declaration pursuant to the requirements of SEQRA at the Planning Board meeting held on April 17, 2025.

Findings

Based upon the entire record before it consisting of numerous public meetings, submissions by the Applicant, and receipt of public comment, the Zoning Board of Appeals finds as follows:

1) The Town of Duaneburg Zoning Board of Appeals finds that the Applicant has sustained its burden of proof as required by the Telecommunications Act of 1996 in that it has shown a *public necessity* for the installation of its proposed facility at the site in question and has demonstrated that the Applicant is a public utility company within the meaning of the established New York State law and the Telecommunications Act of 1996.

2) As the applicant is held to the same standards as a public utility, the public utility standard requires the determination of whether (1) the variance is required to render safe and adequate service and (2) there are compelling reasons, economic or otherwise, for needing the variance.

3) The ZBA finds that the Applicant has demonstrated a public necessity for filling a significant coverage gap at the proposed location. The Applicant lacks sufficient coverage and capacity in the vicinity of the proposed tower and has demonstrated the need for RF coverage from the proposed base station facility. This was confirmed by the Applicant's expert proof in the form of submissions from the Applicant's RF design engineer. The Applicant's coverage maps depict areas where coverage issues exist and illustrate the geographic area within which the communications facility needs to be located.

4) The ZBA finds that the Applicant has demonstrated that a facility at the proposed location and at the proposed height will serve to substantially and appropriately remedy the identified gap in coverage. More specifically, there will be improvements along the I-88 corridor, Schoharie Turnpike/Duanesburg Road, Gallupville Road, Chadwick Road, Darby Hill Road, and Bozenkill Road, and several other local area roads, homes & businesses across the Targeted Improvement Area, including Gibby's Diner, Bear's Steakhouse and the Duanesburg High School.

5) The ZBA finds that the Applicant has demonstrated that compelling reasons exist for siting the tower at this location and that no other feasible locations exist for shared usage on existing structures. Further, the Applicant submitted a report and supplemental materials regarding the search by a real estate expert working in the telecommunications field. That report clearly established that there are no existing, viable towers (or other tall structures) that can be used to provide adequate and safe service to the Town of Duanesburg.

6) The real estate materials that were submitted identified that the Applicant evaluated multiple sites for a new tower and for a variety of reasons including designated parkland, proximity to residential properties, lack of adequate setback distances and lack of needed RF coverage, the proposed site is the appropriate location.

7) The proposed site is 123.9 acres in size and heavily wooded. As shown in the visual resource evaluation as recently submitted and based on a balloon fly on notice, the tower has limited visibility. The ZBA acknowledges that there is some minor degree of visibility to a limited number of properties but the views are limited and attenuated by the heavy stand of trees. The visual impact analyses, which demonstrate that the base of the proposed facility will be substantially screened by existing mature vegetation located on the proposed site. Moreover, the visual resource evaluation confirms that the proposed tower facility will not adversely impact any identified federal, state or local visual resources.

8) The Applicant has provided a certified statement from a Radio Frequency Engineer that the proposed antennas and equipment will not interfere with the radio or television service enjoyed by adjacent residential and non-residential properties or with public safety telecommunications.

9) The Applicant has provided evidence that the antennas and equipment will comply with the emission requirements established by the Federal Communications Commission.

10) The ZBA hereby determines that approval of the Rosenberg Use Variance will substantially serve the public convenience, safety and welfare; and will not otherwise be

unduly detrimental to the public health, safety, comfort convenience or welfare, subject to compliance in full with conditions hereinafter.

11) The ZBA finds that the facility will provide collocation opportunities for additional carriers to accommodate future shared use. The Applicant has also submitted a letter confirming it will negotiate in good faith concerning future collocation requests.

12) The ZBA also notes that the generator is exercised once a week during business hours and otherwise only runs if there is an extended power outage. Given the significant distance to nearby residences and the thick intervening tree cover, there is no potential impact from noise.

13) The ZBA finds that telecommunications are an important service to the public and the majority of residents rely on cell phones as their exclusive means of phone service at home. The Verizon Wireless network can provide high speed internet service to homes close to the tower. A majority of 911 calls are made on cell phones which highlights the need for a functioning wireless system. In addition, in some areas, police, fire and ambulances rely on the telecommunications system for navigation, internet and vehicle location.

14) The ZBA notes that the Town has complied with the requirements to refer this matter to Schenectady County Planning, which was made January 14, 2025 and received the referral letter response dated February 22, 2025, which stated "defer to local consideration (no county-wide or inter-community impact).

15) The ZBA notes that the Town has complied with SEQRA and the Planning Board, acting as Lead Agency, issued a Negative Declaration on April 17, 2025.

Resolution of Approval

NOW, THEREFORE, THE ZONING BOARD OF APPEALS RESOLVES to approve this Rosenberg Use Variance Application as said proposal is depicted on the Site Plan submitted, and now refers the approved application to the Planning Board for Site Plan Review and issuance of the Special Use Permit, upon the conditions outlined below.

Conditions

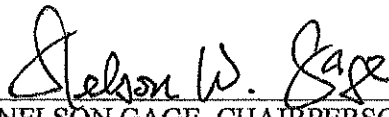
1. No building permit shall issue authorizing construction of structures inconsistent with the Site Plans submitted as part of the Application.
2. In accordance with the County Planning referral response, a highway work permit will be required by the County Department of Engineering and Public Works for access to Chadwick Road.
3. Operations should be maintained in accordance with the Town's zoning code and all other relevant Town codes.
4. Final Special Use Permit approval and issuance of the Special Use Permit by the Town Planning Board.
5. That the use variance that is granted only applies to the proposed tower at the proposed location. The use variance does not extend to the entire property or permit additional towers elsewhere on the property.

Motion Made by: Nelson Gage
Seconded by: Jonathan Lack

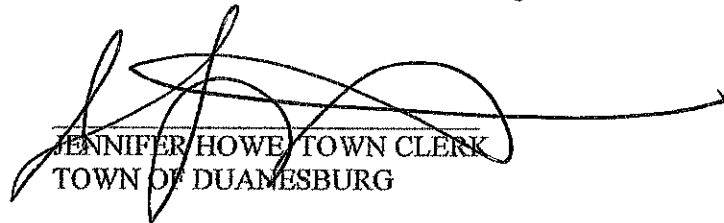
RESULT OF VOTE

In Favor 5 Against 0 Abstain 0 Absent 2

Dated: May 20, 2025


NELSON GAGE, CHAIRPERSON
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

I, Jennifer Howe, Town Clerk of the Town of Duaneburg, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on June 3, 2025.


JENNIFER HOWE, TOWN CLERK
TOWN OF DUANESBURG

This is to certify that the foregoing
is a true copy of the original record
on file in the office of the Town Clerk,
Duaneburg, New York.

Registrar: 

Date: June 3, 2025

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



Michael Harris, Vice Chairperson
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**TOWN OF DUANESBURG
SCHENECTADY COUNTY**

NOTICE OF PUBLIC HEARING

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

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

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

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS

BY ORDER OF THE CHAIRPERSON
PLANNING BOARD
TOWN OF DUANESBURG
CHAIRPERSON

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

Passcode: 130214 Dial in by Phone: 1-646-558-8656 Meeting ID: 864 9974 6075 Passcode: 13021

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

Received _____

Case No. _____

Returned _____

FROM: Legislative Body
Zoning Board of Appeals
Planning Board

Municipality: _____

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225

(fax) 382-5539

ACTION: Zoning Code/Law Amendment
Zoning Map Amendment
Subdivision Review
Site Plan Review

Special Permit
Use Variance
Area Variance
Other (specify) _____

PUBLIC HEARING OR MEETING DATE: _____

SUBJECT:

REQUIRED

ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

the boundary of any city, village or town;
the boundary of any existing or proposed County or State park or other recreation area;
the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: _____ Title: _____

Address: _____

E-mail: _____ Phone: _____

Signature Date: _____

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



Michael Harris, Vice Chairperson
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TOWN OF DUANESBURG
CHAIRPERSON

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Passcode: 130214 Dial in by Phone: 1-646-558-8656 Meeting ID: 864 9974 6075 Passcode: 13021

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For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

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Case No. _____

Returned _____

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Zoning Board of Appeals
Planning Board

Municipality: _____

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225

(fax) 382-5539

ACTION: Zoning Code/Law Amendment
Zoning Map Amendment
Subdivision Review
Site Plan Review

Special Permit
Use Variance
Area Variance
Other (specify) _____

PUBLIC HEARING OR MEETING DATE: _____

SUBJECT:

REQUIRED

ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
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1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

the boundary of any city, village or town;
the boundary of any existing or proposed County or State park or other recreation area;
the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: _____ Title: _____

Address: _____

E-mail: _____ Phone: _____

Signature Date: _____

Agriculture Data Statement

TOWN OF DUANESBURG

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

Application #

25-12

Date

6
MM

6
DD

25
YY

Applicant

Name: KEVIN MC HUGH
Address: 37 LEE AVE
YONKERS, NY 10705

Owner (if different from Applicant):

Name: Henry A. Whipple
Address: Heldenberg Realty LLC
325 Old Stage Rd.
Altamont, NY 12009

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

2. Description of proposed project: SINGLE FAMILY DWELLING

3. Address of project: LOT 3 RT 30 ESPERANCE

Tax Map #: 64-00-1-35

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

5. If YES, Agriculture District #: _____

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

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

Name: Suzanna Florio
Address: 11165 Western TPKE
Esperance NY 12066
Is this parcel actively farmed? ☐ YES ☒ NO

Name: Daniel Nesti
Address: 990 Youngs RD
Delanson NY 12053
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

Kevin Mc Hugh
Signature of Applicant

Henry A. Whipple
Signature of Owner (if other than applicant)

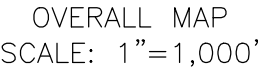
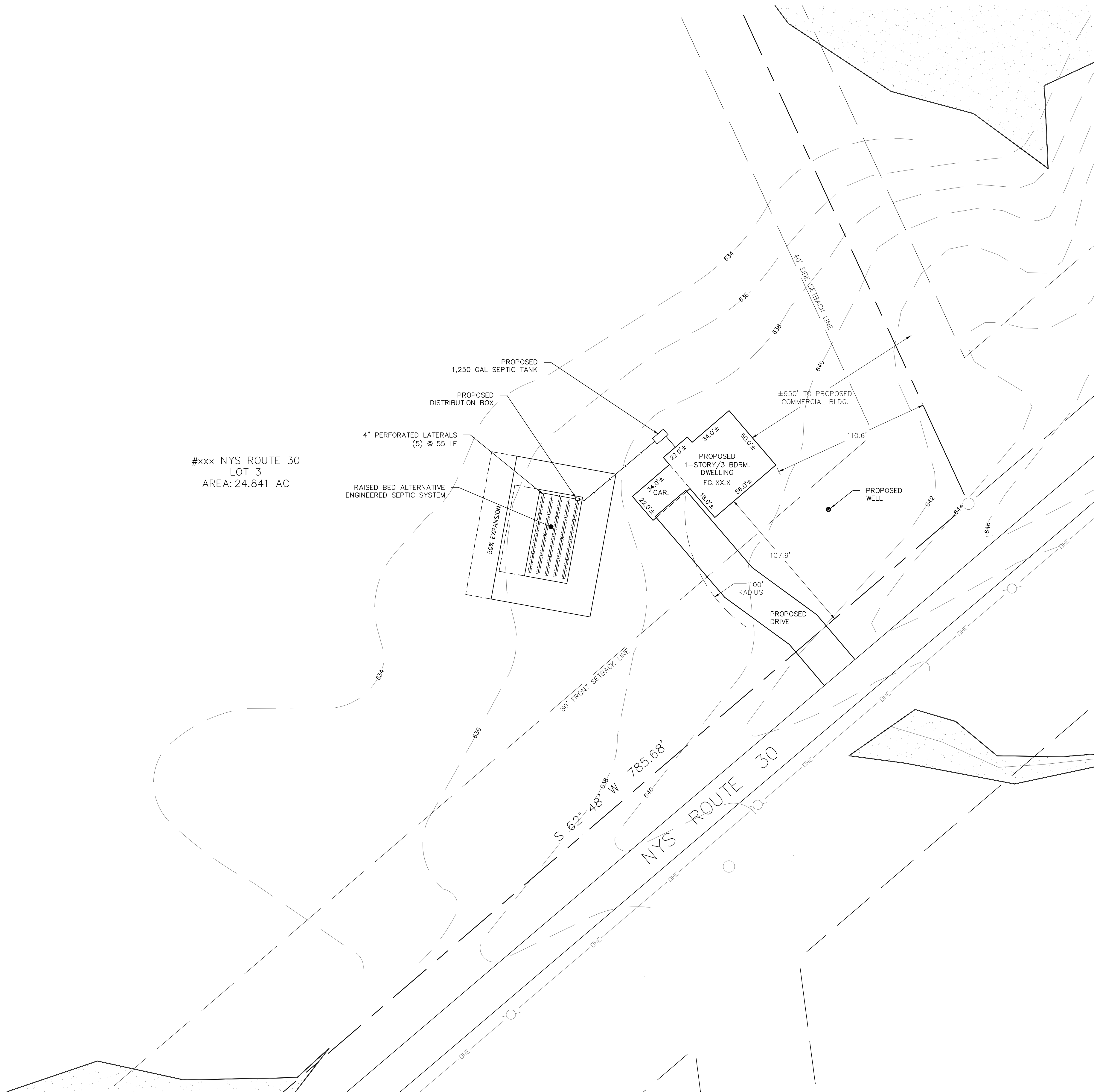
Reviewed by: _____ Date: 20 _____
Christopher Parslow

Revised 1/14/25

FARM NOTE

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

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



OWNER/APPLICANT:
KEVIN McHUGH

PROPERTY LOCATION:
RTE 30
DELANSON, NY 12053

PROPERTY TAX MAP I.D.
64.0-1-35

PROJECT AREA:
1,082,074± SF / 24.84± AC

MUNICIPALITY:
TOWN OF DUANESBURG
SCHENECTADY COUNTY

ZONING: COMMERCIAL (C-1)

C-1 ZONING REQUIREMENTS

PROPOSED USE: SINGLE FAMILY RESIDENTIAL*
*REQUIRES SPECIAL USE PERMIT

HEIGHT: REQUIRED: 42 FT MAX
PROPOSED: 42.0 FT

LOT AREA:
REQUIRED: 100,000 SF
EXISTING: 539,708 SF

BUILDING LINE WIDTH:
REQUIRED: MIN. 200 FT
EXISTING: >900 FT

LOT COVERAGE:
REQUIRED: MAX. 50%
PROPOSED: <1%

MINIMUM BUILDING SETBACK REQUIREMENTS:
REQUIRED: FRONT 80 FT
SIDE 40 FT
REAR 80 FT

PROPOSED: FRONT 85± FT
SIDE >400± FT
REAR >400± FT

MAXIMUM BUILDING SIZE:
REQUIRED: 40,000 SF TOTAL FLOOR AREA

PROPOSED: 2,960 SF

MAP REFERENCE:

- 1) TAX MAP PREPARED BY SCHENECTADY COUNTY REAL PROPERTY TAX SERVICE AGENCY, TOWN OF DUANESBURG, SECTION NO. 64.00, DATED MARCH 11, 2024.
- 2) "SURVEY MAP of YOUNGS ROAD SUBDIVISION" A SURVEY for HELDERBERG REALTY LLC, US20, NYS 30, YOUNGS RD. DATED JANUARY 2, 2023 AND LAST REVISED JUNE 20, 2023 BY WILLIAM J. SYMOLON, Jr. LAND SURVEYOR.

GENERAL NOTES:

- 1) NORTH IS REFERENCED TO NAD 83 NEW YORK STATE PLANES
EAST ZONE. ELEVATIONS ARE BASED UPON NAVD 88 DATUM.
- 2) TOPOGRAPHY SHOWN HEREON HAS BEEN INTERPOLATED FROM
SCHENECTADY COUNTY INTERNET MAPPING SERVICES.
- 3) SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR
RESTRICTION; RECORDED OR UNRECORDED.
- 4) SUBJECT TO ANY STATEMENT OF FACT CONTAINED IN AN
UP TO DATE ABSTRACT OF TITLE OR TITLE REPORT.
- 5) UNDERGROUND UTILITIES IF SHOWN HEREON ARE BASED ON
VISIBLE PHYSICAL EVIDENCE. THEY SHOULD BE
CONSIDERED SCHEMATIC ONLY AND ARE SHOWN TO
DEFINITE GENERAL UTILITY CONNECTIONS RATHER THAN
EXACT UNDERGROUND LOCATIONS. NO CERTIFICATION IS
MADE AS TO THE ACCURACY OF THE UNDERGROUND
UTILITY LOCATIONS AND OTHER UTILITIES MAY EXIST
BUT ARE NOT SHOWN ON THIS MAP. CALL DISSEAF FOR
FURTHER VERIFICATION.

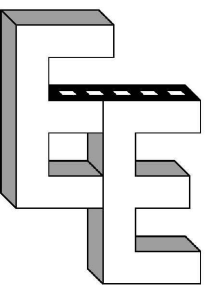
SCHENECTADY COUNTY ENVIRONMENTAL HEALTH

[illegible]

PRIOR TO ANY EARTH
DISTURBANCE THE CONTRACTOR
SHALL CALL IN A TICKET TO
DIG SAFE NY AND OBTAIN A
CLEAR TO DIG

IT IS A VIOLATION OF SECTION
7209 OF THE NYS EDUCATION
LAW FOR ANY PERSON TO ALTER
ANY ITEM ON THIS PLAN IN ANY
WAY UNLESS HE/SHE IS ACTING
UNDER THE DIRECT SUPERVISION
OF A PROFESSIONAL ENGINEER.

CHRISTOPHER D. LONGO, PE
N.Y.S. LIC. # 095840



EMPIRE ENGINEERING, PLLC
1900 DUANESBURG ROAD
DUANESBURG, NY 12056
PH: (518) 280-1371

EMAIL: CLONGO@EMPIREENG.NET

PROJECT
LOT 3
Youngs Rd Subdivision

NYS ROUTE 30
DUANESBURG, NY

SKETCH PLAN

Date 6/20/2025	Sheet
Scale 1"=40'	C101
Job# 25035	

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



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

**TOWN OF DUANESBURG
SCHENECTADY COUNTY**

NOTICE OF PUBLIC HEARING

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

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

#25-14 Page. Sarah: SBL# 64.00-1-38 located on Route 30, Lot 6 (C-1) is seeking a
special use permit to construct a single-family dwelling in a commercial district.
Under The Town of Duanesburg section 11.4 (10)

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS

BY ORDER OF THE CHAIRPERSON
PLANNING BOARD
TOWN OF DUANESBURG
CHAIRPERSON

Join Zoom Meeting (view only) <https://us02web.zoom.us/j/86499746075> Meeting ID: 864 9974 6075
Passcode: 130214 Dial in by Phone: 1-646-558-8656 Meeting ID: 864 9974 6075 Passcode: 13021

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Received _____

Case No. _____

Returned _____

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

FROM: Legislative Body
Zoning Board of Appeals
Planning Board

Municipality: _____

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

ACTION: Zoning Code/Law Amendment
Zoning Map Amendment
Subdivision Review
Site Plan Review

Special Permit
Use Variance
Area Variance
Other (specify) _____

PUBLIC HEARING OR MEETING DATE: _____

SUBJECT:

REQUIRED ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

the boundary of any city, village or town;
the boundary of any existing or proposed County or State park or other recreation area;
the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: _____ Title: _____

Address: _____

E-mail: _____ Phone: _____

Signature Date: _____

Agricultural Data Statement

Date: _____

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>Sarah Page</u>	Name: _____
Address: <u>2908 10th St NW</u> <u>Albuquerque NM 87107</u>	_____ _____ _____

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:
Build Barn/Garage - approx 2000 sq ft
Build house & Add - house 2 bdrm 2 bath, 1st flr 1 bdrm, 1.5 bath
Build Supporting utilities - well, septic, power, etc...
3. Location of project: Address: No address yet - corner of Youngs Rd & Rt 30
Tax Map Number (TMP) 64-1-38
4. Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
5. If YES, Agricultural District Number _____
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>Suzanne Florio</u>	NAME: <u>Daniel Nesti</u>
ADDRESS: <u>11165 Western TPKE</u>	ADDRESS: <u>990 Youngs Rd</u>
<u>Esperance NY 12066</u>	<u>Delanson NY 12053</u>
Is this parcel actively farmed? YES <u>NO</u>	Is this parcel actively farmed? YES <u>NO</u>
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO

Sarah Page
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: Christopher Parslow

Date

Revised 6/6/23

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.

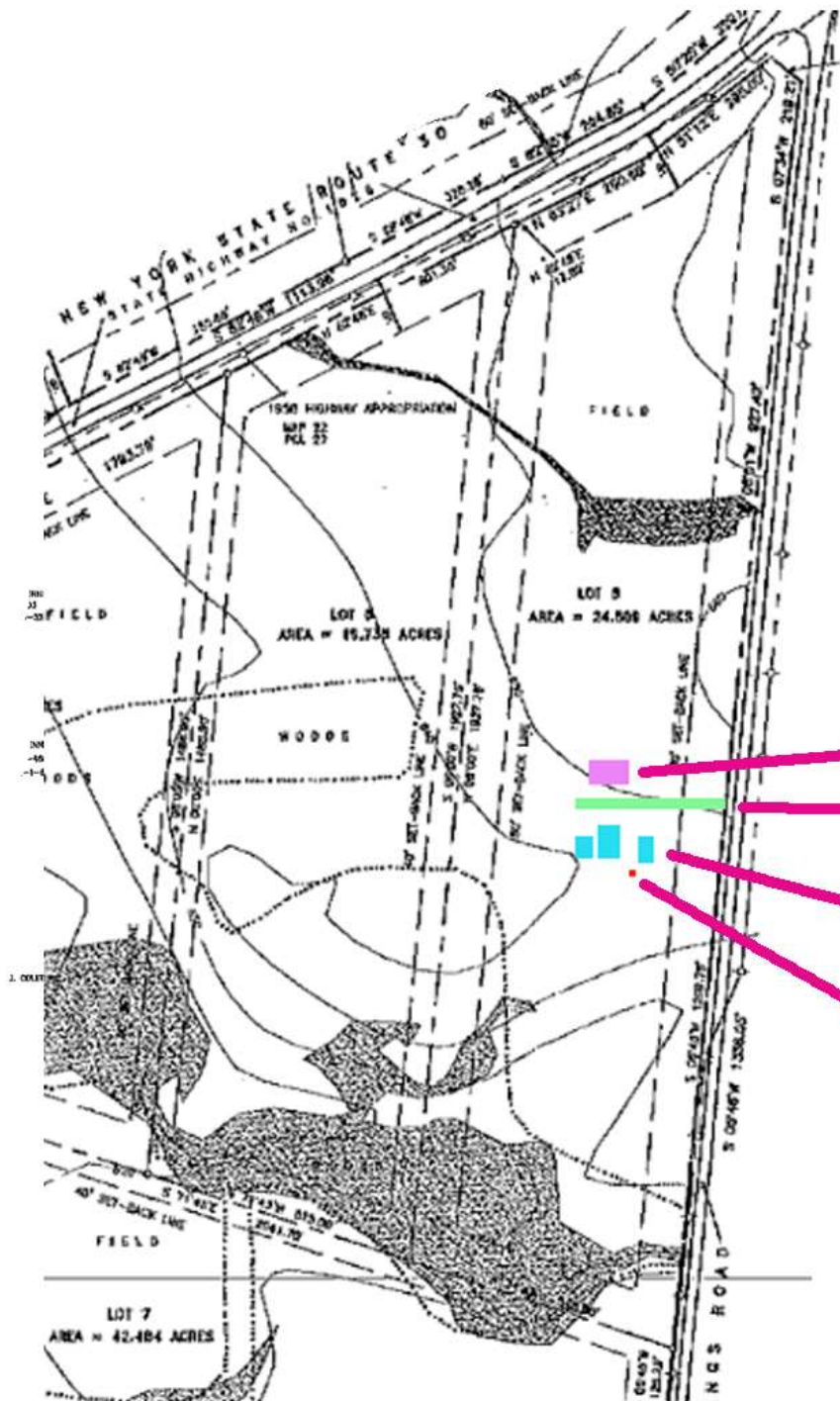
NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.



PROJECT LOCATION MAP - NO SCALE



TOTAL AREA = 185.113 ACRES
RHS# 2023-35
TAX ID = 84-1-4.3



LEGEND

- = UTILITY POLE
- = CONCRETE HIGHWAY MONUMENT
- = CAPPED IRON HIGHWAY MONUMENT
- = IRON CAPPED MONUMENT
- = IRON PIPE
- = SET BACK
- = CORNER OF SECTION
- = PROPERTY BOUNDARY
- = END OF MONUMENT
- = MONUMENT IS PLACED - 1/4 1/2 BY NORTH COUNTY TOWNSHIP SURVEY

NOTES

THIS SURVEY PREPARED WITHOUT THE ASSISTANCE OF ANY INSTRUMENT OF TITLE.

IT IS A VIOLATION OF THE EMBROIDERED LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER THIS MAP IN ANY WAY.

THIS PROPERTY IS NOT LOCATED IN THE FIVE 100 YEAR FLOOD PLAIN.

THIS PROPERTY IS LOCATED IN THE FOLLOWING DISTRICTS:

- SCHENECTADY FIRE DISTRICT
- SCHENECTADY SCHOOL DISTRICT
- SCHENECTADY DISTRICT 124
- ZONING CODE C-1

- Septic
- Driveway
- House
- Garage
- ADU
- Well

YOUNGS ROAD SUBDIVISION

A SURVEY FOR
HELDERBERG REALTY LLC
U.S. ROUTE 20, N.Y.S. ROUTE 30 AND YOUNGS ROAD
TOWN OF SCHENECTADY COUNTY OF SCHENECTADY
SCALE: 1" = 200'
DATE: JANUARY 2, 2023

PREPARED BY:
WILLIAM J. SHERMAN, JR.
LAND SURVEYOR
LICENSE NUMBER 42384

242 WASHINGTON STREET
SCHENECTADY, NEW YORK 12309
518-258-7038

REVISED: 6/26/23 - METACALFE WORK
REVISED: 8/1/23 - WESTERLY LINE OF LOT 1
REVISED: 2/3/23

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



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

**TOWN OF DUANESBURG
SCHENECTADY COUNTY**

NOTICE OF PUBLIC HEARING

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

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

#25-15 Page. Sarah: SBL# 64.00-1-37 located on Route 30, Lot 5 (C-1) is seeking a
special use permit to construct a single-family dwelling in a commercial district.
Under The Town of Duanesburg section 11.4 (10)

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS

BY ORDER OF THE CHAIRPERSON
PLANNING BOARD
TOWN OF DUANESBURG
CHAIRPERSON

Join Zoom Meeting (view only) <https://us02web.zoom.us/j/86499746075> Meeting ID: 864 9974 6075
Passcode: 130214 Dial in by Phone: 1-646-558-8656 Meeting ID: 864 9974 6075 Passcode: 13021

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Received _____

Case No. _____

Returned _____

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

FROM: Legislative Body
Zoning Board of Appeals
Planning Board

Municipality: _____

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

ACTION: Zoning Code/Law Amendment
Zoning Map Amendment
Subdivision Review
Site Plan Review

Special Permit
Use Variance
Area Variance
Other (specify) _____

PUBLIC HEARING OR MEETING DATE: _____

SUBJECT:

REQUIRED ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

the boundary of any city, village or town;
the boundary of any existing or proposed County or State park or other recreation area;
the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: _____ Title: _____

Address: _____

E-mail: _____ Phone: _____

Signature Date: _____

Agricultural Data Statement

Date: _____

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>Sarah Page</u>	Name: _____
Address: <u>2908 16th St NW</u>	_____
<u>Albuquerque, NM 87107</u>	_____

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:
Build a single family home & garage - 2 bdrm 2 bath
Build supporting Utilities - power, well, septic, etc...
3. Location of project: Address: No address yet - Youngs Rd & Rt 30
Tax Map Number (TMP) 64-1-37
4. Is this parcel within an Agricultural District? YES NO (Check with your local
5. If YES, Agricultural District Number 1 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>Suzanne Florio</u>	NAME: <u>Daniel Nesti</u>
ADDRESS: <u>11165 Western TPKE</u>	ADDRESS: <u>990 Youngs Rd</u>
<u>Esperance NY 12066</u>	<u>Delanson NY 12052</u>
Is this parcel actively farmed? YES <u>NO</u>	Is this parcel actively farmed? YES <u>NO</u>
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO

Sarah Page
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____
Christopher Parslow

Date

Revised 6/6/23

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.



PROJECT LOCATION MAP - NO SCALE



TOTAL AREA = 185.113 ACRES
RWS# 2023-35
TAX ID = 84-1-4.3

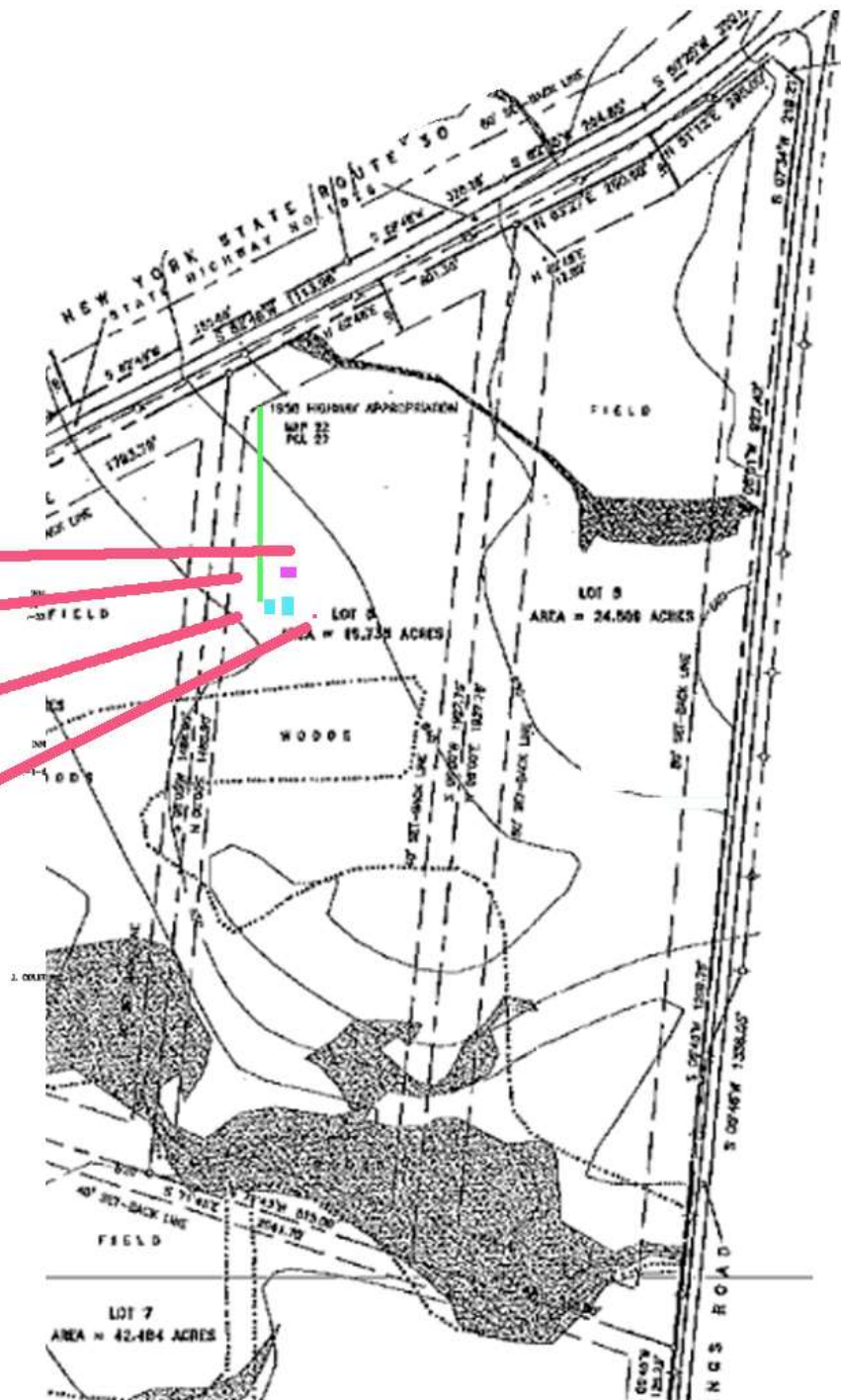
Septic

Driveway

House

Garage

Well



LEGEND

- = UTILITY POLE
- = CONCRETE HIGHWAY MONUMENT
- = CAPPED IRON PIPE MONUMENT
- = IRON CAPPED PIPE
- = IRON PIPE
- = SET BACK
- = CORNER OF SECTION
- = PROPERTY BOUNDARY
- = END OF MONUMENT
- = MONUMENT IS PLACED - 1/4 1/23 BY NORTH COUNTY ISOLAND STREETS

NOTES:

THIS SURVEY PREPARED WITHOUT THE ASSISTANCE OF AN ASSISTANT OF TITLE.

IT IS A VIOLATION OF THE EVIDENCE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER THIS MAP IN ANY WAY.

THIS PROPERTY IS NOT LOCATED IN THE FIRM 100 YEAR FLOOD PLAN.

THIS PROPERTY IS LOCATED IN THE FOLLOWING DISTRICTS:

- SPRINGFIELD TOWN
- SPRINGFIELD TOWN
- SPRINGFIELD TOWN
- SPRINGFIELD TOWN

REVISED: 6/26/23 - METACALFE WORK
REVISED: 6/1/23 - METACALFE WORK OF LOT 1
REVISED: 2/3/23

YOUNGS ROAD SUBDIVISION

A SURVEY FOR
HEIDERBERG REALTY LLC

U.S. ROUTE 20, N.Y.S. ROUTE 30 AND YOUNGS ROAD

TOWN OF SPRINGFIELD COUNTY OF SCHENECTADY

SCALE: 1" = 200'

DATE: JANUARY 2, 2023

GRAPHIC SCALE - FEET

PREPARED BY:

WILLIAM J. SCHENCK, JR.
LAND SURVEYOR
LICENSE NUMBER 42384

242 WASHINGTON STREET
SPRINGFIELD, NEW YORK 12159
518-258-7035

Agriculture Data Statement

TOWN OF DUANESBURG

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

Application #

Date

MM

DD

YY

Applicant

Owner (if different from Applicant):

Name: John E. James Jr.

Address: 43 Willow Lane
Delanson, N.Y., 12053

Name: _____

Address: _____

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

2. Description of proposed project: Single Family House

3. Address of project: _____

Chadwick Rd.

Tax Map #: 76.00-1-12.311

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

5. If YES, Agriculture District #: 146

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

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

hay operation

Name: GJD Holdings LLC (John James JR)

Address: 822 Chadwick Rd
Delanson NY 12053

Is this parcel actively farmed? ☒ YES ☐ NO
Hayed

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

John E. James
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____

Christopher Parslow

Date

20

Revised 1/14/25

FARM NOTE

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

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

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

Received _____

Case No. _____

Returned _____

FROM: Legislative Body
Zoning Board of Appeals
Planning Board

Municipality: _____

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225

(fax) 382-5539

ACTION: Zoning Code/Law Amendment
Zoning Map Amendment
Subdivision Review
Site Plan Review

Special Permit
Use Variance
Area Variance
Other (specify) _____

PUBLIC HEARING OR MEETING DATE: _____

SUBJECT:

REQUIRED

ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
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1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

the boundary of any city, village or town;
the boundary of any existing or proposed County or State park or other recreation area;
the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: _____ Title: _____

Address: _____

E-mail: _____ Phone: _____

Signature Date: _____

TOWN OF DUANESBURG PLANNING BOARD

PROPOSED 3 LOT MAJOR SUBDIVISION

Date of Notice: June 24, 2025

To all Involved and Interested Agencies:

This notice is issued pursuant to NY State Environmental Quality Review Act (Environmental Conservation Law, Article 8) and its implementing regulations at 6 NYCRR Part 617 (collectively, w“SEQRA”) to designate the Town of Duanesburg Planning Board (the “Planning Board”) as the Lead Agency for the project below.

Please take notice that the Planning Board has received an application for #25-10 John James Jr a major 3 lot sub division for the intent to build a single-family dwelling. The Project is located on tax map parcel 76.00-1-12.311 on Chadwick Road, Duanesburg, New York. The parcel is currently undeveloped. The property is owned by John E. James Jr. The parcel is within or abuts a County Agricultural District. The property is zoned R-2.

Based on the attached information submitted to the Planning Board, this action is a Type 2 Action pursuant to 6 NYCRR §§ 617.4(b).

Under the SEQRA regulations, the Town of Duanesburg Planning Board intends to establish itself as the lead agency for the environmental review of the Project and to conduct a coordinated review. This notification is being sent to all involved and interested agencies to state the intent of the Town of Duanesburg Planning Board to assume lead agency status for this application. If you have any objections, please submit them in writing within 30 days of the notice date above to the Planning Board at the above address.

Involved agencies should fill out the attached form stating their position on lead agency status for this matter and return it to the Town of Duanesburg Planning Board within (30) days of the date of this notice. If you do not respond within thirty (30) days, it will be assumed that your agency does not wish to serve as lead agency for this matter. As required by SEQRA, you will continue to receive copies of all SEQRA determinations, SEQRA documents and notices.

Thank you kindly for your cooperation.

Very truly yours,

Jeff Schmidt, Chair

On behalf of the Town of
Duanesburg Planning Board

Attachments to this Notice:

Exhibit A: Lead Agency Consent Form;

Exhibit B: Application Documentation and SEQRA Full EAF Part1;

Copies of this Notice shall be sent to the following Involved or Interested Agencies:

NYSDOH

Schenectady County Planning

NYSDEC

NYS Agriculture and Markets

Schenectady County Department of Public Works

NYS Historic Preservation Office

Albany County Planning

Town of Knox

Exhibit A

TOWN OF DUANESBURG PLANNING BOARD

CONSENT TO SEQRA LEAD AGENCY

Name of Involved Agency: _____

Proposed Lead Agency: **Town of Duanesburg Planning Board**

Name of Action: **#25-10 James, John Jr**

Classification of Action: Type 1

On behalf of _____ involved agency, I acknowledge receipt of the enclosed Notice to Designate SEQRA Lead Agency in this matter.

The above-named involved agency hereby: **(please check one)**

☐ **CONSENTS** to the Town of Duanesburg Planning Board acting as the SEQRA lead agency in this application and requests that the undersigned continue to receive copies of all SEQRA determinations, SEQRA documents and notices in this matter.

☐ **DOES NOT CONSENT** to the Town of Duanesburg Planning Board acting as SEQRA lead agency in this application and desires that _____ serve as lead agency. To contest lead agency designation, the undersigned intends to follow the procedures outlined in the SEQRA regulations--6 NYCRR § 617.6(b)(5).

☐ **TAKES NO POSITION** on lead agency designation.

Date

Signature

Involved Agency name (printed)

Title

Please return to: Town of Duanesburg Town Planning Board

via email to cparslow@duanesburg.net with a copy to

Tbakner@woh.com

or

via regular mail to

The Town of Duanesburg Town Offices.

5853 Western Turnpike

Duanesburg, New York 12056

Attn: Chris Parslow

LEGEND

- IPS IRON PIN SET BEING A 5/8" X 34" RE-ROD WITH A YELLOW CAP TAGGED R.D. SNYDER
- IPF IRON PIN FOUND BEING A 5/8" X 34" RE-ROD WITH A YELLOW CAP TAGGED R.D. SNYDER
- CL CENTERLINE
- PL PROPERTY LINE
- STONE WALL
- UTILITY POLE
- BU BURIED UTILITY
- BUILDING SET BACK LINE
- CULVERT

MOHAMMAD W. SIDDIQUI
LIBER 2078 PAGE 455
REFERENCE MAP 2
TAX PARCEL #76.-1-12.32

GIUSEPPE AND KRISTEN CASCHERA
LIBER 2057 PAGE 35
REFERENCE MAP 2
TAX PARCEL #76.-1-16

STEVEN H. JOLICOEUR
LIBER 2044 PAGE 285
TAX PARCEL #76.-1-12.112

HANNAH R. EDGERLY AND AIDAN M. ENDERS
LIBER 2144 PAGE 253
TAX PARCEL #76.-1-12.12

ZACHERY STUART LAWRENCE AND EMILY M. SNYDER
LIBER 2141 PAGE 748
REFERENCE MAP 1
TAX PARCEL #76.-1-12.312

LOT 1
REMAINING LANDS OF
JOHN E. AND CHERYL J. JAMES
LIBER 1856 PAGE 29
TAX PARCEL #76.-1-12.311
+/- 118.5 ACRES
SEE LOCATION MAP

NOTES

A PORTION OF THE LANDS OF JOHN E. AND CHERYL J. JAMES
RECORDED IN LIBER 1856 PAGE 29 TAX PARCEL #76.-1-12.311

9.69 ACRES

TOGETHER WITH ALL RIGHTS AND PRIVILEGES THAT EXIST
TO THE CENTERLINE OF THE CHADWICK ROAD

REFERENCED MAPS

- 1.) MAP P-153 AT THE SCHENECTADY COUNTY CLERK'S OFFICE
FOR JOHN E. AND CHERYL J. JAMES BY R.D.SNYDER,L.S.,P.C.
DATED 05-17-2021 AND LAST REVISED 09-23-2021
- 2.) MAP P-72 AT THE SCHENECTADY COUNTY CLERK'S OFFICE
FOR JOHN E. AND CHERYL J. JAMES BY R.D.SNYDER,L.S.,P.C.
DATED 01-03-2020 AND REVISED 02-05-2020
- 3.) LAND TAKING MAP No. 1 COUNTY ROAD No. 7-D
TOWN OF DUANESBURG, SCHENECTADY, NY DATED 3-24-1972
- 4.) SCHENECTADY COUNTY TAX MAP

Unauthorized alteration or addition to this
survey map is a violation of section 7209
(2) of the N. Y. State Education Law.
James Bliss Snyder, L.S.#50133

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	525.00'	69.65'	69.60'	S 36°52'39" E	7°36'03"
C2	475.00'	330.12'	323.52'	S 20°46'04" E	39°49'13"

COUNTY ROUTE 74
SCHOHARIE TURNPIKE

POINT OF
BEGINNING
LOT 3

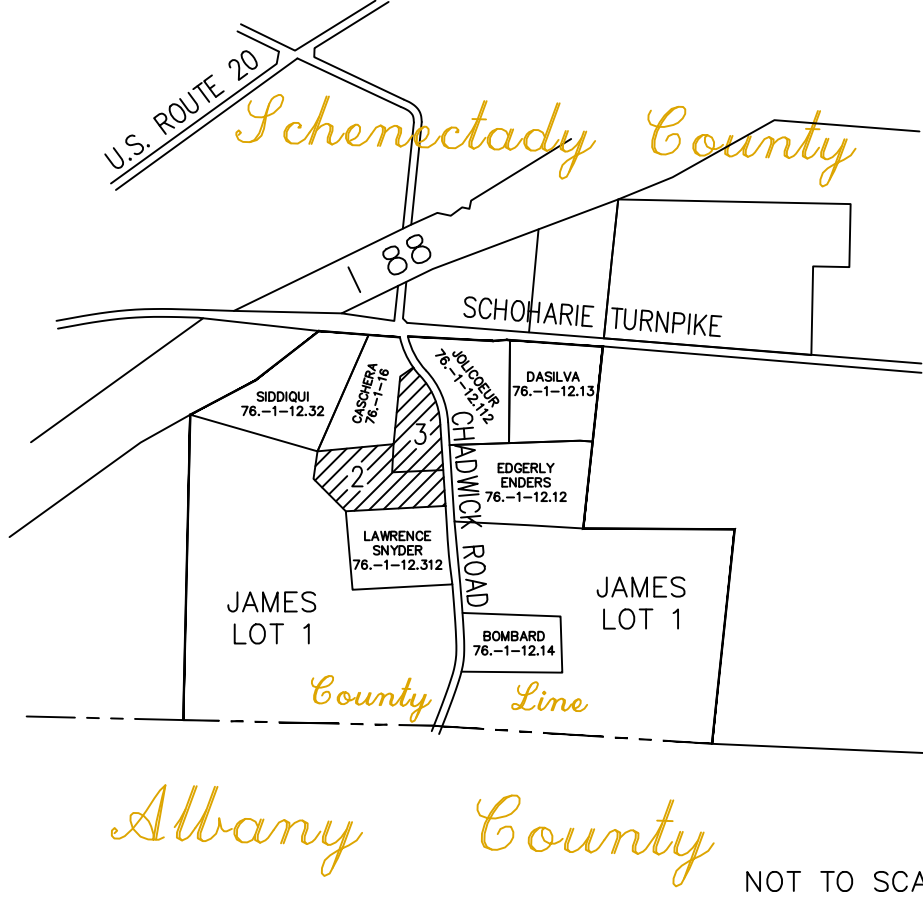
LOT 3
3.81 ACRES

PROJECT
DISTURBANCE
0.51 Acre

LOT 2
5.88 ACRES

PROJECT
DISTURBANCE
0.95 Acre

LOCATION MAP



JAMES MINOR SUBDIVISION PLAT

OWNERS: JOHN E. JAMES
43 WILLOW LANE
DELANSON, NY 12053

TAX PARCEL 76.-1-12.311

LANDS ARE LOCATED IN THE QUAKER STREET FIRE DISTRICT
AND THE DUANESBURG CENTRAL SCHOOL DISTRICT

LANDS ARE ZONED AGRICULTURE AND RURAL RESIDENTIAL (R-2)
BUILDING SET BACKS ARE 80' FRONT AND REAR AND 40' SIDE
FOR A CORNER LOT THEY ARE 80' FRONT AND REAR AND 80' SIDE
RE: TOWN OF DUANESBURG ZONING LAW DATED 2015

THIS PROPERTY IS ADJACENT TO LANDS IN THE AGRICULTURAL DISTRICT AND FARMING
ACTIVITIES MAY INCLUDE, BUT NOT LIMITED TO, ACTIVITIES THAT CAUSE NOISE, DUST
AND ODORS.

PROPOSED LIMITS OF CLEARING FOR HOUSE, SEPTIC, DRIVEWAY AND WELL AREAS
FOR LOT 1 IS 0.95 ACRE AND 0.51 ACRE FOR LOT 2 REQUIRE A STORM WATER
CONTROL PLAN. PROJECT DISTURBANCE OF 1.0 ACRE OR MORE REQUIRES A BASIC
STORMWATER POLLUTION PREVENTION PLAN COMPLIANCE WITH NYSDEC REGULATIONS

CONTOURS ARE SCALED FROM USGS QUADRANGLE MAP

TOWN OF DUANESBURG SEPTIC SYSTEM DISCLOSURE
ISSUANCE OF A BUILDING PERMIT FOR EACH LOT AS SHOWN WILL BE CONTINGENT
UPON APPROVAL BY THE BUILDING INSPECTOR OF SANITARY DISPOSAL SYSTEMS AND
WATER SUPPLY WELLS FOR LOCATION, QUALITY AND QUANTITY OF SUPPLY BASED
UPON SOIL SURVEY DATA OBTAINED BY THE UNITED STATES DEPARTMENT OF
AGRICULTURE/ SOIL CONSERVATION SERVICE AND SITE SOILS EVALUATION. IT IS
EXPECTED THAT SOME, IF NOT ALL LOTS, WILL REQUIRE ALTERNATIVE SEPTIC
SYSTEMS, AS DESIGNED BY A LICENSED ENGINEER OR ARCHITECT AND REVIEWED AND
APPROVED BY THE SCHENECTADY COUNTY DEPARTMENT OF HEALTH. APPROVAL SHALL
BE OBTAINED PRIOR TO ISSUANCE OF A BUILDING PERMIT BY THE BUILDING
INSPECTOR.
CONVENTIONAL SEPTIC SYSTEMS WILL BE ALLOWED ONLY WHEN AND WHERE
PERCOLATION TEST RESULTS AND SOILS EVALUATION ARE IN CONFORMANCE IN EVERY
RESPECT WITH THE STANDARDS SET FORTH IN THE CURRENT NEW YORK STATE
DEPARTMENT OF HEALTH PUBLICATION "WASTE TREATMENT STANDARDS HOUSEHOLD
SYSTEMS" AND ARE APPROVED BY THE SCHENECTADY COUNTY DEPARTMENT OF
HEALTH. FOR CONVENTIONAL SEPTIC SYSTEMS THE COUNTY DEPARTMENT OF HEALTH
MUST WITNESS THE SOILS INVESTIGATION AND PERCOLATION TESTS.

A SURVEY FOR
JOHN E. JAMES

TOWN of DUANESBURG,

COUNTY of SCHENECTADY, STATE of NEW YORK
SCALE: 1" = 100.00' APRIL 17, 2025

RUDOLPH D. SNYDER, L.S., P.C.
MIDDLEBURGH, NEW YORK 12122-0391

MAP # F6-09-25 BY James B. Snyder, L.S. # 50133

REVISION BOX

06-24-2025 LOT 1 J.B.S.

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.

Part 1 – Project and Sponsor Information			
<div style="font-size: 1.2em; font-family: cursive;">John James Single Family</div>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Chadwick Rd.			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone: 578 265 7519	
John E. James		E-Mail: JJames@TLCityScaffold.com	
Address:			
43 Willow Lane			
City/PO:		State:	Zip Code:
DeLanson, NY, 12053		NY	12053
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
3. a. Total acreage of the site of the proposed action?			5
b. Total acreage to be physically disturbed?			1/2
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			118
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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?		<input type="checkbox"/>	<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?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input type="checkbox"/>	<input 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"/>	<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"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If No, describe method for providing potable water: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If No, describe method for providing wastewater treatment: _____ _____		<input checked="" type="checkbox"/>	<input 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?		<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<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?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input 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 checked="" 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? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<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)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>John A. James</u> Date: <u>07-15-25</u> Signature: <u>John E. James</u> Title: <u>Owner</u>		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from Responsible Officer)

PRINT FORM

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

Received _____

Case No. _____

Returned _____

FROM: Legislative Body
Zoning Board of Appeals
Planning Board

Municipality: _____

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225

(fax) 382-5539

ACTION: Zoning Code/Law Amendment
Zoning Map Amendment
Subdivision Review
Site Plan Review

Special Permit
Use Variance
Area Variance
Other (specify) _____

PUBLIC HEARING OR MEETING DATE: _____

SUBJECT:

REQUIRED

ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

the boundary of any city, village or town;
the boundary of any existing or proposed County or State park or other recreation area;
the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

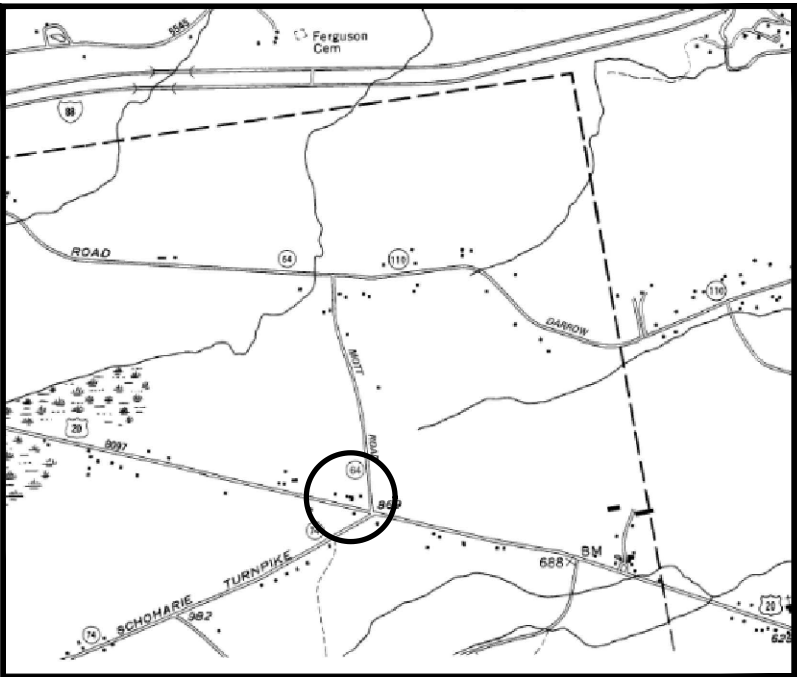
SUBMITTED BY:

Name: _____ Title: _____

Address: _____

E-mail: _____ Phone: _____

Signature Date: _____



SITE LOCATION MAP
N.T.S.

SURVEY NOTES:

- BOUNDARY EVIDENCE AND PLANIMETRIC INFORMATION SHOWN HEREON WAS COMPILED FROM AN ACTUAL FIELD SURVEY CONDUCTED BY ABD ENGINEERS LLP ON FEBRUARY 27, 2023 UNDER SNOW AND ICE COVERED CONDITIONS AND REFLECTS VISIBLE CONDITIONS EXISTING ON THAT OCCASION.
- TAX MAP DESIGNATION: 68.00 - 3 - 30.111.
- THE OFFSETS OR DIMENSIONS SHOWN HEREON, FROM PROPERTY LINES TO BUILDINGS ARE FOR BUILDING REFERENCE AND LOCATION AND ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR TO GUIDE THE RECTION OF FENCES, ADDITIONAL STRUCTURES, OR ANY OTHER IMPROVEMENT.
- SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP-TO-DATE ABSTRACT OF TITLE OR TITLE REPORT AND IS THEREFORE SUBJECT TO ANY EASEMENTS, COVENANTS, RESTRICTIONS OR STATE OF FACTS THAT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
- NORTH ORIENTATION BASED ON MAP REFERENCE 1.
- UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON UTILITY EVIDENCE VISIBLE AT GROUND SURFACE AND AVAILABLE RECORD DRAWINGS AND ARE SUBJECT TO FIELD VERIFICATION BY EXCAVATION. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES THAT MAY EXIST UPON OR ADJACENT TO THE SURVEYED PREMISES.

MAP REFERENCES:

- BOUNDARY ADJUSTMENT DUANEBSBURG COMMUNITY CENTER 185 MOTT ROAD LOT 2 GRANDVIEW SUBDIVISION, TOWN OF DUANEBSBURG, COUNTY OF SCHENECTADY, STATE OF NEW YORK, DATED MARCH 5, 2017, LAST REVISED JUNE 21, 2017, AS PREPARED BY ABD ENGINEERS, LLP AND FILED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON JUNE 28, 2017 AS INSTRUMENT NO. 201728871.
- FINAL PLAN, MAP SHOWING GRANDVIEW SUBDIVISION, PREPARED BY ABD ENGINEERS AND SURVEYORS, DATED JANUARY, 1992, LAST REVISED APRIL, 1992 AND FILED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON JULY 22, 1992 AS MAP NO. 1-159.
- MINOR SUBDIVISION PLAN LANDS NOW OR FORMERLY OF EDWARD E. MC KINLEY, IV & STEPHANIE A. MC KINLEY, STREET NO. 1896 WESTERN TURNPIKE, TOWN OF DUANEBSBURG, COUNTY OF SCHENECTADY, STATE OF NEW YORK, DATED FEBRUARY 28, 2023, AS PREPARED BY ABD ENGINEERS, LLP.

ZONING DATA:

ZONE: COMMERCIAL (C-1)

MIN. LOT AREA:	43,560 SQUARE FEET
MIN. LOT WIDTH:	150 FEET
MIN. LOT DEPTH:	200 FEET
MAX. LOT COVERAGE:	35%
MIN. FRONT SETBACK:	70 FEET
MIN. SIDE SETBACK:	20 FEET
MIN. REAR SETBACK:	50 FEET
MAX. BUILDING HEIGHT:	3-STORY(42 FEET)

SCHOOL DISTRICT:

DUANEBSBURG CENTRAL SCHOOL DISTRICT

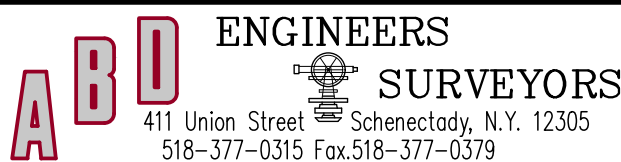
FIRE DISTRICT:

FIRE DISTRICT #2
(DUANEBSBURG FIRE DEPT.)

MINOR SUBDIVISION PLAN
LANDS NOW OR FORMERLY OF
EDWARD E. MC KINLEY, IV & STEPHANIE A. MC KINLEY
STREET No. 1928 WESTERN TURNPIKE & WESTERN TPKE.

TOWN OF DUANEBSBURG COUNTY OF SCHENECTADY

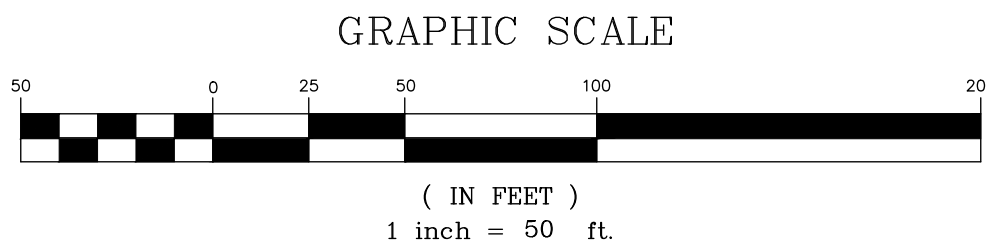
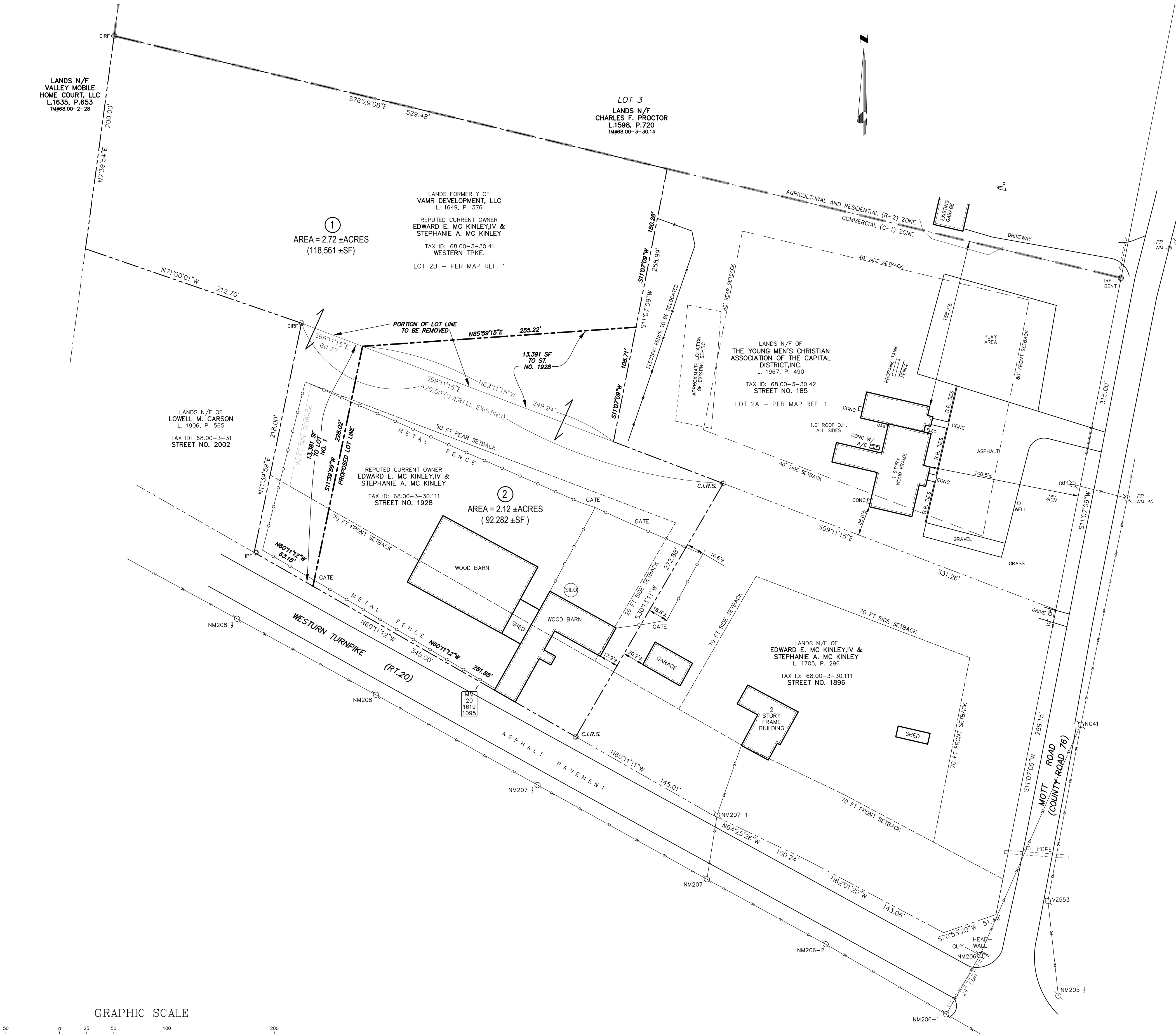
STATE OF NEW YORK



DATE: MAY 27, 2025 SCALE: 1" = 50' DWG. 7017A-P3 SHEET OF 1 1

NO.	REVISION	BY	DATE
1.			

ROBERT D. DAVIS, JR., P.L.S.
N.Y.S. LICENSE NO. 51060



Application for The Planning Board TOWN OF DUANESBURG

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



Date 07 01 25
MM DD YY

Application # 25-16

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

Proposal: Move property line 30 ft west of current point and
50 ft north of current point (triangular piece) to provide access
to adjacent parcel that I own Section _____ of the _____ Ordinance.

Owner (AS APPEARS ON DEED): Paul Gemmiti

Address: 1756 McGuffee School Road
Delanson NY 12053

Phone: 518 421 0524

Applicant's Name (if different): _____

Location of Property (if different from owners): _____

Zoning District: _____

Phone: 518 421 0524

Tax Map #: _____

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

LANDS CONVEYED TO (REQUIRED FOR MERGERS): _____

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

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

7/1/25

Date

Paul Gemmiti
Signature of Owner(s) and/or Applicant

Date 7/1/25

(For Office Use Only)

ALL APPLICATION FEES ARE NON-REFUNDABLE

Application fee paid: \$ 75 ☒ Cash ☒ Check # CC Date Pd. 7-1-25

Reviewed By: _____ Date _____ 20 _____

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

Planning Commission Comments _____

Planning Chairperson

Date

20

Code Enforcement Officer

Date

20

Agriculture Data Statement

TOWN OF DUANESBURG

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

Application # 25-16

Date 7 1 25
MM DD YY

Applicant

Name: Paul Gemmiti
Address: 1756 McGuire School Rd
Delanson NY 12053

Owner (if different from Applicant):

Name: _____
Address: _____

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

2. Description of proposed project: Move property point line 30 ft west and 50 ft north

3. Address of project: 1756 McGuire School Rd Delanson NY 12053

Tax Map #: _____

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

5. If YES, Agriculture District #: _____

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

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

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

Paul Gemmiti
Signature of Applicant

Signature of Owner (if other than applicant)

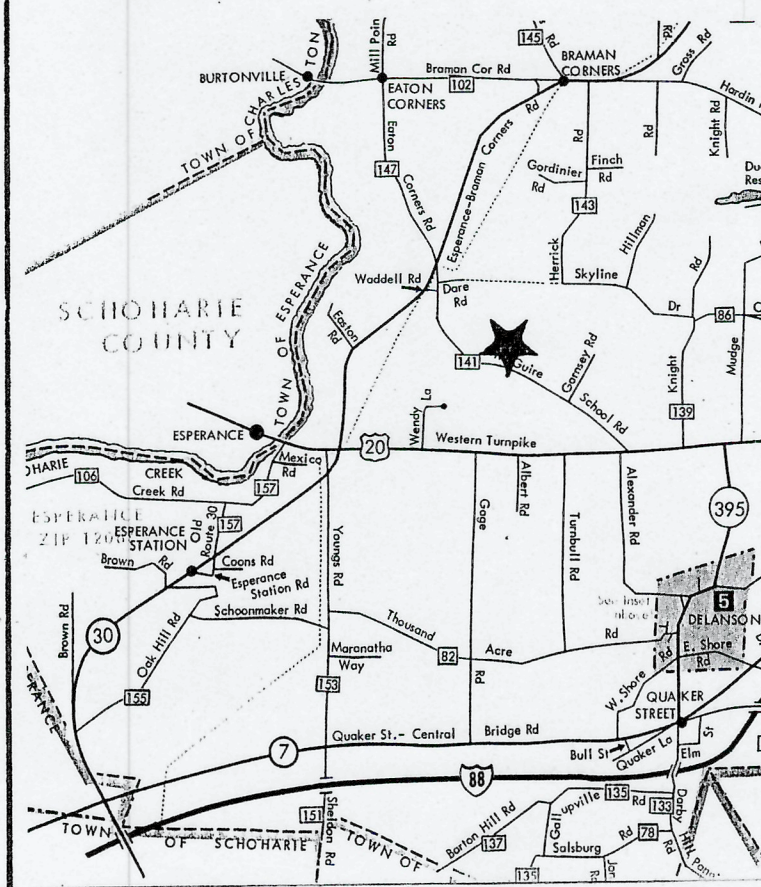
Reviewed by: _____ Date 20 _____
Christopher Parslow

Revised 1/14/25

FARM NOTE

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

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



NOTE: NYSDEC has records of rare, threatened and endangered species, primarily the Northern Long Eared Bat have been identified. Any tree removal activities must occur between October 31st and March 31st. If these dates cannot be accommodated, an on-site assessment by the DEC staff will be required.



SUBDIVISION OF LANDS OF	
PAUL J. GEMMITI & LYNN M. GEMMITI	
TOWN OF DUANESBURG SCHENECTADY COUNTY, N.Y.	SCALE 1" = 50' FEBRUARY 23, 2021
BLACKSTONE LAND SURVEYORS	
1152 FORT HUNTER RD. SCH'DY, NY 12303	

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

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

Town of Duanesburg
Planning Board Minutes
June 19, 2025
Draft Copy

MEMBERS' PRESENT:

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

INTRODUCTION:

Chairperson Schmitt opened the meeting at 7:00pm and welcomed everyone to the Planning Board meeting.

OPEN FORUM:

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

No comments were made.

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

PUBLIC HEARINGS: NONE.

OLD BUSINESS:

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

Chairman Schmitt/ Board Member Novak made a motion to set the public hearing **#24-21 VZW – Duanesburg ES** for the July 17, 2025, meeting.

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

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

Chairman Schmitt stated that the answer from county planning came back, and they raised no issues with the project.

Board Member Hoffman/ Vice Chairman Harris made a motion to accept the site plan and the special use permit of **#25-07 Red Fox Orchard** with the condition that they receive a DOT highway work permit.

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

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

Dave Kimmer of ABD engineers and a representative for the applicant Ashley Dawson stated that they had their surveyors go back to the property to see exactly what was going on with the curb cut and they found that they do have room to put a second driveway between the edge of the slope and the existing retaining wall. They will be able to create 2 – 11foot wide driveways with a 1-foot brick or stone paver divider which terminates right at the property line. Mr. Kimmer stated that they were in contact with DOT regarding this proposition and they accepted it. Vice Chairman Schmitt asked what the new calculations for disturbance would be. Mr. Kimmer responded that the disturbance is now about 0.94 acres. Board Member Houghton asked because the driveways are so long if they would need a turnaround for emergency services. Mr. Kimmer responded that they do each have an open parking area where they could turn around. The code

enforcement officer Chris Parslow stated that turnarounds need to be every 500 feet to which Mr. Kimmer responded they entire length of the property is only 390 feet. Board Member Hoffman recommends that the area of disturbance being so close to 1 acre that they should put a “limit of disturbance fence” so they can’t encroach beyond it which the code enforcement officer would need to enforce.

Board Member Novak/ Board Member Houghton made a motion to set the public hearing of **#25-05 Dawson, Ashley** for the July 17, 2025, meeting.

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

SKETCH PLAN REVIEW:

#25-10 James, John Jr: SBL# 76.00-1-12.311 located on Chadwick Rd (R-2) is seeking a major 3 lot subdivision. Under The Town of Duanesburg Subdivision Ordinance section 3.5 “major subdivision.”

Mr. James stated that he plans to sell his farmland on the Albany County side then build a smaller home on the Schenectady County side. In addition, he will be keeping the farmland on the Schenectady County side. Board Member Houghton asks if the road for the proposed Verizon cell tower would be through lot two to which Mr. James confirmed. Town Attorney Bakner confirms that Mr. James will be left with 3 lots total. Mr. James responded that yes it will be 3 lots but still over 100 acres. Vice Chairman Harris told Mr. James that the board would like a plan that shows the entirety of the lot 1 on both sides of the road. Town Attorney Bakner stated that we need to circulate Mr. James’ application to, DEC, County DPW, Schenectady County DOH, SHPO, Albany County Town of Knox and AG and Markets because Mr. James’ property is in two counties, so we need to declare the Town of Duanesburg Planning Board lead agency.

Board Member Novak/ Board Member Hoffman made a motion to declare the Town of Duanesburg lead agency for the major 3 lot subdivision of **#25-10 James, John Jr** and to table the application for the July 17, 2025, meeting.

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

NEW BUISINESS:

#25-11 Proctor, Deanna: SBL# 68.00-3-30.41 located at 1928 Western Turnpike (C-1) is seeking a lot line adjustment to create a driveway for a land locked parcel. Under The Town of Duanesburg Subdivision Ordinance section 4.

Ms. Proctor stated that they are just looking to make a driveway so they can build a home. Ms. Proctor also stated that they want to keep the parcel with the barn separate from the parcel where they plan to build because they would eventually like to turn the barn into a

homestead store as well as put their existing business into the other building on the property. Ms. Proctor went on to state that she would like to keep them separate mostly for insurance purposes. Board Member Walpole that they would eventually need a special use permit to build the home since it is on a commercial lot. Ms. Proctor stated they will be back to do so when they are ready to start the building process. The planning board discussed with Ms. Proctor the need to modify lot 1 to give back some acre to lot 2 so it is not an undersized parcel. Ms. Proctor agreed with the modification to bring lot 2 to 2.3 acres.

Board Member Novak/ Board Member Walpole made a motion to table the lot line adjustment of **#25-11 Proctor, Deanna** for the July 17, 2025, meeting.

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

#25-13 DeForest, Jonathan: SBL# 67.04-1-2.1 located at 606 North Mansion Road (R-2) is seeking a lot line adjustment to transfer 3 acres from 184 Duanesburg Road under The Town of Duanesburg subdivision ordinance section 4.

Town Attorney Baker recuses herself from review of the application.

Mr. DeForest takes a moment to describe his application to the board. Stating that he currently owns property at 606 North Mansion Rd and is purchasing the land from 184 Duane Lake Rd which is currently owned by Russ Kuon. Mr. DeForest went on to state that he has shown the location of the wells and septic as well as maintaining front, rear and side yard setbacks. Board Member Hoffman asks if there is an access easement to Duane Lake on the property. Mr. DeForest states that there is an active access easement servicing a few neighboring parcels and the easement would stay in place.

Vice Chairman Harris stated that the planning board has reviewed the Jonathan DeForest lot line adjustment and determined that the action neither creates nor increases any significant planning issues with respect to the existing potential future use of any involved parcels and that no additional lots will be created as a result of the lot line adjustment. We declare that the proposed action be exempt from any further subdivision review pursuant to section 3.4 and refer the applicants to the code enforcement officer to complete administration of the same.

Vice Chairman Harris/ Board Member Houghton made a motion to accept the lot line adjustment of **#25-13 DeForest, Jonathan** determining that the action neither creates nor increases any significant planning issues with respect to the existing potential future use of any involved parcels and that no additional lots will be created as a result of the lot line adjustment. We declare that the proposed action be exempt from any further subdivision review pursuant to section 3.4 and refer the applicants to the code enforcement officer to complete administration of the same.

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

#25-12 McHugh, Kevin: SBL# 64.00-1-35 located on Route 30, Lot 3 (C-1) is seeking a special use permit to construct a single-family dwelling in a commercial district. Under The Town of Duanesburg section 11.4 (10)

Mr. McHugh took a moment to explain his application to the board stating that he is looking to build a new home on a commercial property. Town Attorney Bakner confirms with the applicant that he is aware the lot is in a commercial district and there is the potential for buildings with commercial uses to go in around him. Mr. McHugh states that he is aware of the commercial building already going in on lot 7 and is aware of the potential future commercial use. The board requested Mr. McHugh show the septic, well, driveway and home placement on the map done by a professional engineer. Mr. McHugh accepted.

Board Member Hoffman/ Board Member Walpole made a motion to set the public hearing of **#25-12 McHugh, Kevin** for the July 17, 2025, meeting.

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

#25-14 Page, Sarah: SBL# 64.00-1-38 located on Route 30, Lot 6 (C-1) is seeking a special use permit to construct a single-family dwelling in a commercial district. Under The Town of Duanesburg section 11.4 (10)

#25-15 Page, Sarah: SBL# 64.00-1-37 located on Route 30, Lot 5 (C-1) is seeking a special use permit to construct a single-family dwelling in a commercial district. Under The Town of Duanesburg section 11.4 (10)

Wayne and Barbara Page representatives for their daughter and applicant Sarah Page took a moment to describe to the board their plans for lots 5 and 6 of the Whipple subdivision. Like the previous applicant Mr. McHugh, they plan to build residential homes in a commercial district. Mr. and Mrs. Page state that their daughter is looking to build a single-family home on lot 5 and a single-family home on lot 6 with an accessory dwelling to be used as an in-law suite. The board also request that the applicant have the well, septic, home and driveway placement be added onto the map by a professional engineer. Again, the board reiterated that this is in a commercial district and there is the potential for commercial buildings to go in around them. The Pages understand.

Board Member Novak/ Board Member Hoffman made a motion to set the public hearing of **#25-14 Page, Sarah** lot 6 for the July 17, 2025, meeting.

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

Board Member Hoffman/ Board Member Houghton made a motion to set the public hearing of **#25-14 Page, Sarah** lot 5 for the July 17, 2025, meeting.

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

OTHER:

Joseph Serth – Religious Institution

Mr. Serth stated “The last time I was allowed on the agenda the religious institution was tabled; you guys requested a licensed professional architect to give documentation that the site was in compliance. Chris gave me a nice email saying you wanted a licensed architect. So, Chris wrote to the New York State code saying ‘hey, what does this gentleman have to do?’ and they said, ‘hey, a licensed professional engineer or architect either are acceptable.’ Then your town attorney wrote a nice letter saying, ‘I don’t need a licensed architect.’ So, we hired a licensed engineer and what the licensed engineer did was what codes asked them to do which was with the 2020 building code go into it for the provisions in the 2020 building code for a change in occupancy and see what was needed so my proposed project currently has a structure on the property that is rated for assembly 2. So, we want it to be rated for both assembly 2 and assembly 3. We have other structures in the town of Duanesburg multi-rated religious institutions that have multiple ratings. So, a licensed engineer went through and did a full analysis between assembly 2 and assembly 3 and assembly 2 which it is currently rated is a higher rating than assembly 3, everything you need to be assembly 3 is covered by assembly 2. Assembly 2 has extra things where the number of people you can have in for sprinklers is at 100 where assembly 3 is at 300. Now, New York State Code Department said that a cursory review of the 2020 existing code work area compliance methods provisions for a change of occupancy indicate that an alteration would generally not be required except when the occupying significantly increases the load of the buildings existing facilities. So, they’re talking about toilets, there are now currently 6 toilets, and 1 urinal hooked up to the sewer district. That is enough for a rating of 600 people. Because the structure is tagged with assembly 2 at this time it can only be rated for 99. So, we have 6 times the bathroom facilities needed. So, the structural engineer said, ‘hey, you’re good to go.’ So, in addition to that Teresa has eight other concerns she thought that were deficient about the site plan application. I submitted supporting documentation that all eight of her concerns were nonrelevant and we were supported by the DEC, county health department and code department with the exact codes and everything saying we’re good to go.

Now, I would like to go through the eight concerns brought up by Teresa. Number 1, the timber frame needs to meet NYS building codes and cannot be used during winter unless heated and insulated. So, your code enforcement officer actually wrote to code asking does the building need to be heated and insulated and the answer I have is to provide some kind of heat between September 15th and May 15th if its going to be used and if I am going to insulate it, it’s got to be to code. Now, it doesn’t have to be insulated, it’s got to be heated.” Board Member Walpole states, “it has to be to energy code, does it not?” Mr. Serth responded “if I insulate it, it has to be to energy code. If I just heat it, because it can only be used 60 days a year it doesn’t have to meet energy code.” Board Member Hoffman stated, “not anymore, once it becomes a religious institution all of those...” Mr. Serth steps in to state “it is still limited to 60 days a year no matter what.” Board Member Hoffman asks why. Mr. Serth states “ok, one of the concerns Teresa had is it has to have public water...” Board Member Hoffman steps in to state “I think the problem is that we asked for this information to say here’s what the building is, this is what I would like to do, here is all the codes that need to be followed; a, b, c, d, e all of these items, does it meet it, does it not meet it. If it does meet it ok, if it doesn’t meet it this is how we’re going to mitigate it

and we have yet to receive that information.” Board Member Walpole asks to pause and asks “do we have a code plan? A code plan put together by either an architect or an engineer as either can do it. They can put together a code plan that shows the building rate usage, it shows assembly types, it shows egress, it shows the energy code. It means all of this stuff is on a code plan and that is what we are asking for.” Mr. Serth states “ok, so where in NYS codes what I have to do is to add, its already assembly 2 so it meets assembly 2 by NYS codes 2020. Chris has signed off on it, it doesn’t need it, it meets 2020 building code. I said I wasn’t going to use it as a religious institution between September 15th and May 15th. I sent that in an email so that takes care of all the energy code.” Board Member Walpole states, “I don’t think you could say we’re going to use a building for certain times of the year and then change it.” Mr. Serth states, “we’re limited by the health department for 60 days” to which Board Member Hoffman responded, “that’s the problem.” Mr. Serth goes on to state, “it’s the same limitations that was put on the last church you guys passed, they are limited to 60 days. The last church that was passed is limited to 60 days a year because they don’t have public water. It’s a limitation on editors; the last one you passed.” Town attorney Bakner steps in to say, “he is referring to the county requirement. It’s the county public water supply. Remember when we did the Dollar General and the Dollar General had to put in a well that met certain requirements because it’s going to have people there and they could drink or flush toilets or whatever, it’s the same type of permit and the county; Dominic and Jennfer determine what facilities need to have those permits. It’s not something that the town does it’s something that the county does. It really has nothing to do with churches it has to do with community water supplies and that is where you are going to have a certain number of people, a certain number of days a year, you need to get your well approved by the county and you water quality testing.” Board Member Hoffman states, “my understanding is when you do a private well for a public water supply if its 125 people then I believe that you don’t have to go to a public water supply” to which Attorney Bakner states, “and its also timed durational, it’s both of those things.” Board Member Hoffman goes on to state, “in this case he’s going to have a building that has 100 people so how would he not need public water supply?” Attorney Bakner responds, “he could not need a public water supply if there was an enforceable limitation on the number of days a year you could operate.” Attorney Bakner goes on to say, “if you want, there’s 3 engineers that the town uses that have been pre-approved, if you will, that can help get to the point, where it’s possible to understand what approvals are necessary for the project. That is up to the board whether you would like to do that or not.”

Mr. Serth states, “you are saying you are not getting all the things you would normally get for the building to be built. This is a pre-existing building according to NYS code and we are only asking for an additional use. It should have been rated A3 to begin with, but it was rated A2. So, NYS codes said ‘we’re not building a building. We’re not building to 2020 standards. This was built to 2019 standards we don’t have to. According to NYS codes all we have to do is apply the code of what it takes to add an assembly rating.” Board Member Walpole states, “A project that I am working on right now is building an addition onto an existing building. They still have a code plan that shows the occupancy use. It shows all the information related to occupancies, egress requirements and that is what we are requesting.” Mr. Serth states, “we’re not building.” Board Member Walpole responds, “it does not matter. Your engineer or architect whoever you hire can put together a plan that shows the building and its going to have all that information on a code plan.” Vice Chairman Harris states, “it shows us how it complies.” Board Member Hoffman states, “once we have that then we can hire a TE who can review the information that you

presented to us to make sure its accurate and complete and or meets all the different components of the codes.” Mr. Serth states, “I am willing to pay for the retainer for your engineer to talk to my engineer.” Board Member Hoffman states, “that’s not how this works. Joe, you’ve got to submit the relevant information.” Mr Serth responds, “I’ve got eight items, I’ve submitted the relative information signed off by the engineer and backed up by the DEC, health department and codes. All that documentation has been provided to you.” Board Member Walpole responded, “you provided a letter that says you did a site review, that’s fine, that’s great but you’ve got to put it together...” Mr. Serth steps in, “we gave you all the supporting documentation...” Board member Hoffman steps in, “Jeff as far as I am concerned we’ve requested the information and the applicant doesn’t want to provide the information requested.” Mr. Serth states, “I would like to request a sketch plan review from you first that’s provided by town code. We went through all this last time when we had to get assembly 2. So, everything we needed for assembly 2 for the building blueprints and everything else was provided.” Board Member Hoffman steps in to say, “but it is a completely different use.” Mr. Serth responded, “NO, it’s an add-on use which is less restricted.” Board Member Novak states, “but it is a change in use” to which Board Member Hoffman stated, “I believe when it’s a change in use you have to do a current code review. You have to change and make sure the building when you are changing the use has to conform to the current code.”

Board Member Houghton states, “the last plan that we approved the last time you were in here; we are not using the same building in the same way because now 218 which was contingent on the use of that as a bed and breakfast to support the use of that parcel is now a rectory or something else. So, there is more information we need to find out on how the whole area is being used.” Mr. Serth responds, “ok, the two other houses, number 1 you have religious institutions that have their church, they have their banquet hall, and they have rental houses on the property with no change. So, there’s residential structures, there’s no change there we don’t have to get any code compliance or anything with that.” Board Member Houghton goes on to say, “the way that all these buildings were approved before, the wedding venue was using that so you could access that parcel for the whole. Now it being a rectory changes things. So, if you’re saying there’s 6 toilets and a urinal, are you including the ones in 218 or are you saying there’s 6 toilets in the one building,” Mr. Serth responds, “ok, so, with the bathroom facilities if you exclude the 2 residentials there’s 3 toilets and 1 urinal. That’s enough for 300 people and we are only rated for 100.” Board Member Houghton goes on to say, “So, this is the type of information we need. We need to understand how all of the different thing of two different parcels are coming into play.” Board Members Hoffman steps into say, “and not verbally, it has to be shown on a set of plans that is signed by an engineer. Just provide the information and we will meet with you. Jeff, I would recommend that if we get the information he be put on the meeting but until then we have nothing to look at other than this back and forth.”

Chairman Schmitt states, “on the code issue all we had is a letter from Father and Son’s Engineering that said he did a code sweep and everything is good, but now you have to take that information and show it on a plan. Show what constitutes the code sweep. What exactly did the guy do. We need the itemized report of each one of the codes.” Mr. Serth responds, “according to NYS codes. You have to do a code comparison between assembly 2 and 3 and if there are any differences you have to address it, there are no differences.” Board Member Houghton responds, “but you need to put the detail down. S3 requires a 75-foot egress and S2 requires 80-foot egress.

Show that you comply. Say you need a fire alarm in each, then show that you on the plan that you have a fire alarm. You have to go line by line and show how you comply with each section of code. You can't just write a blanket statement saying its code complaint, you need the detail to show it." Mr. Serth responds, "this is the same exact information I have supplied before. There is no difference in code." Board Member Novak responds, "but you are changing the uses and we in terms of showing due diligence for the town as the planning board need the documentation." Vice Chairman Harris states, "if you presented the information previously like you just said take that documentation, updates it for S2 and S3, show that comparison and resubmit it. If you already have it, it won't take an engineer long." Joe Serth states, "we didn't do any of that last time to make it A2." Vice Chairman Harris responds, "didn't you just say you submitted all that last time" to which Mr. Serth responded, "we submitted everything you wanted to show that it was rated for assembly 2. None of this was done for that." Board Member Novak goes on to state, "you acknowledge that you are changing uses, so regardless of what you've submitted before we need to understand and have documentation to support. It sounds like he has done it, it's just a matter of presenting the information."

Mr. Serth states, "let me ask you one more question. Once we get this taken care of if I want to do a separate building, say a timber frame structure after I submit the first site plan do I have to come back to you or just go to Chris and say I want to add another building onto the property." Board Member Houghton responds, "we need to know what the grand plan is. You are just segmenting and keep coming back with different iterations." Board Member Novak asks Mr. Serth if he plans on doing this now to which Mr. Serth responds, "no, not right now. Research shows that with 2020 building codes a pavilion would require a bathroom in it, and it would have to be rated assembly 2, which means sprinklers and I'm just pointing that out because another institution in the town of Duanesburg just got a permit. They're constructing a pavilion which according to building code would need a bathroom and it doesn't have a bathroom." Board Member Hoffman asks Mr. Serth what that has to do with his application to which he responds, "absolutely nothing." Board Member Hoffman asks, "then why are you even talking about it?" to which Mr. Serth responded, "Because we were planning the second building and I was putting all the provision on it. Number 1, Jeff I've wasted enough of your time tonight. Thank you very much. Chris, anytime you want to come inspect the property you're more than welcome. Ok, I appreciate everybody's time, and we will be moving forward with this project." Board Member Novak asks Mr. Serth if he understands exactly what they are asking him for, to which Mr. Serth responded, "So, you want all the documentation which should have been exactly the same for assembly 3 to be tacked on to the assembly 2." Board Member Novak responds, "we are looking for something more specific..." Board Member Walpole steps in to say, "if you go back to your engineer and ask for a code plan they will know what that means. The reason we said architect is typically building structure is done by an architect. Engineering doesn't typically do building, it doesn't mean that they can't it's just not typical. Usually when it comes to building occupancy that's usually done by an AIA." Mr. Serth responded, "I was hoping to find the one that was done for 2009 for the church, there was no such thing we did as far as security. So, I was hoping for a new stamp of what the town is requiring. So, the eight things that were requested in the letter I don't need to provide those to the board, correct?" Board Member Hoffman responded, "you have to provide a code scrub for the building." Mr. Serth responds, "a code scrub, so not these eight things?" Board Member Hoffman responded, "those all have to do with the code compliance issues, has to do with energy codes, with water usage, that's all apart of the code

scrub.” Chairman Schmitt steps in to say, “with the code scrub done it would be very easy to compile the responses to those issues.” Mr. Serth responds, “have you all had a chance to look through all eight issues that were addressed in that letter? Are all nonrelevant according to the state. That what I am being told I need to have, the thing for over an acre from ENCON that’s not correct, right?” Board Member Houghton asks, “are you talking about the SWPPP?” Mr. Serth responds, “yeah.” The board responds, “we have no idea, it depends on the disturbance.” Mr. Serth responds, “in the letter it says I need a SWPPP” Board Member Hoffman responds, “we don’t have a plan!” Mr. Serth responds, “the plan that is on the board shows less than an acre, if I’m less than an acre I don’t need a SWPPP. The letter I got from Teresa says, ‘you’ve got 40 parking spaces’ somebody calculated I was over an acre I need a SWPPP.” Code Enforcement Office Chris Parslow responds, “that was based off the map that you showed us with all the parking spots.” Board Member Houghton steps in to say, “and if that is what you are proposing then that is what you would need.” Board Member Hoffman states, “again, that’s part of the code scrub. It’s going to tell you how many parking spaces you need, the type of coverage that it is, and you engineer is going to have to fit that amount of parking spaces onto your plan and if it is over an acre you are going to need a SWPPP.” Mr. Serth responds, “Ok, we’ve got 75 and its less than an acre.” Board Member Hoffman states, “you don’t have 75 right now.” Mr. Serth responds, “74 on the plan.” Board Member Hoffman states, “they’re in grass.” Mr. Serth responds, “no, they’re graveled.” Board Member Hoffman reiterates, “again, these are all the things to go through on the plan.” Mr. Serth responds, “I know you want it in the plan. Just look through the documentation I provided you, ok. We don’t need bathrooms in the building, we don’t need a SWPPP, we’re doing no plan, we’re not going to touch the building, we’re not going to add anything. I appreciate your time.”

Vice Chairman Harris/ Board Member Novak made a motion to table **Joseph Serth – Religious Institution** until the July 17, 2025, meeting.

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

MINUTE APPROVAL:

Vice Chairman Harris/ Board Member Houghton made a motion to approve the May 15, 2025, meeting minutes.

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

ADJOURNMENT:

Board Member Hoffman/Board Member Houghton made a motion to adjourn the June 19, 2025, meeting.

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