

Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk



John D. Ganther, Jr., Council Member
Francis R. Potter, Council Member
Jeffrey Senecal, Council Member
William Wenzel, Council Member

5853 Western Turnpike
Duanesburg, New York 12056

Town of Duanesburg

Schenectady County

P# 518-895-8920
F# 518-895-8171

Thursday, May 27, 2021

Town Board Meeting Agenda

Meeting Time: 7:00PM

Call to order
Pledge of Allegiance

Approval of minutes for: Town Board Meeting on Thursday May 13, 2021

Payment of Claims

Committee Reports

Highway
Public Safety
Park
Sewer Districts #1, 2 & 3
IT

Business Meeting:

- 1. Motion to approve and authorize the Town Supervisor to execute the necessary paperwork for contract initiation with Dan's Hauling and the completion of the work at 111 Darby Hill Road in the amount of \$34,000.**
- 2. Motion to set a Public Hearing on June 10, 2021 at 7:00pm for the purpose of hearing all parties interested in the matter of the revised local law regulating Solar Facilities.**
- 3. Motion to set a Public Hearing on June 10, 2021 at 7:00pm for the purpose of hearing all parties interested in the matter of amending the Town of Duanesburg Zoning Ordinance with Respect to Commercial Venue Events.**
- 4. Motion to Declare May as Emergency Medical Services Month in the Town of Duanesburg.**

Privilege of the Floor:

Comments are limited to 5 minutes per person. Be respectful. Address the entire Town Board. Individual members are not to be singled out. Speak of issues related to Town business. There will be no tolerance for personal attacks on

PLEASE NOTE: AGENDA ITEMS MAY BE ADDED OR DELETED WITHOUT NOTICE

Board Members. The board reserves the right to ask that your question be put in writing and to be submitted to the Town Clerk to then be distributed to the Town Board. Questions will be answered in a timely manner and mailed to the resident.

Town of Duanesburg Town Board

**RESOLUTION AWARING BID FOR DEMOLITION OF
111 DARBY HILL ROAD**

RESOLUTION NO. ____-2021

May 27, 2021

WHEREAS, on January 29, 2021, Hon. Vincent W. Versaci issued an Order and Judgment authorizing the Town of Duanesburg (the "Town") to remediate any and all unsafe and dangerous conditions existing at 111 Darby Hill Road (the "Property") including demolition and removal of the structures; and

WHEREAS, the Town of Duanesburg (the "Town") retained Prime AE Group of NY to prepare plans and specification for the demolition and removal of said structures including testing, preparation of project scope, and overseeing the bidding process; and

WHEREAS, the bidding on the work was undertaken as required by law and the lowest bidder was Dan's Hauling & Demo, Inc. with a bid amount of **\$34,000**; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby awards the work to Dan's Hauling & Demo, Inc. with a bid amount of **\$34,000**.

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to execute the necessary paperwork for contract initiation and the completion of the work.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of May 27, 2021

Roger Tidball, Supervisor
Clerk

Town Clerk/Deputy Town

Present:
Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain

William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain



Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

May 20, 2021

Mr. Rodger Tidball, Supervisor
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

**Re: Town of Duanesburg
Unsafe Building Demolition - 111 Darby Hill Road
Contract No. 1 – General Construction
Recommendation of Award
Our Project No. GNY02WD-21335**

Dear Supervisor Tidball:

Bids were publicly opened for the above referenced project on May 18, 2021 with the following results:

Contractor	Bid Amount
Dan's Hauling & Demo, Inc.	\$34,000
Jackson Demolition Service, Inc.	\$37,000

The low bidder is Dan's Hauling & Demo, Inc. from Wynantskill, New York. We have successfully completed other projects of similar size and scope with Dan's Hauling & Demo, Inc. in the past. The bid amount seems reasonable for the scope of work involved.

Based on our review, we recommend awarding Contract No. 1 – General Construction to Dan's Hauling & Demo, Inc. as the lowest responsible bidder.

If you have any questions, please feel free to contact me.

Sincerely,

KB Group of NY, Inc. dba PRIME AE Group of NY

Jeffrey D. Trzeciak, PE

Senior Project Manager

cc: Dale Warner, Town Planner
Jennifer Howe, Town Clerk



CONNECTING. CREATING. CONSERVING. COMMUNITY.
www.primeeng.com

RESOLUTION INTRODUCING LOCAL LAW

RESOLUTION NO. -2021

May 27, 2021

WHEREAS, the Town of Duanesburg has adopted a local law, local law No. 1 of 2016 regulating solar facilities, including major solar facilities; and

WHEREAS, the Town Board has received recommendations for modifications to the regulation of major solar facilities in the Town from the Town Planning Board, the Town Zoning Board of Appeals and members of the public; and

WHEREAS, the Town Board introduced a proposed local law to amend the current laws on the regulation of major solar facilities in the Town of Duanesburg; and

WHEREAS, the Town Board has revised the proposed local law after further input from the Town Planning Board and Town Board members and is re-introducing such local law; and

WHEREAS, adoption of the Revised Proposed Local Law is a Type I action under SEQRA and the Town Board as the only involved agency pursuant to SEQRA will be lead agency for the SEQRA review of the action;

NOW, THEREFORE, BE IT RESOLVED that each member of the Town Board has received the attached Revised Proposed Local Law, now identified as Local Law No. 1 of 2021; and

BE IT FURTHER RESOLVED that the Revised Proposed Local Law is hereby introduced; and

BE IT FURTHER RESOLVED that the Town Board directs the Town Clerk to publish a notice of public hearing on the Revised Proposed Local Law in the Schenectady Gazette and post to the Town's website, both to appear once no later than ten (10) days before June 10, 2021 the date of the public hearing on this matter which shall take place at the regular meeting of the Town of Duanesburg Town Board at the Town Offices at 5853 Western Turnpike, Duanesburg, NY 12056 at 7:00 p.m. The public hearing notice should let all participants know that the public hearing will be virtual and how to participate; and

BE IT FURTHER RESOLVED, the Town Clerk is further directed to refer this Revised Proposed Local Law to Schenectady County Planning and to provide the notice of public hearing to all adjoining municipalities and to the Schenectady County Legislature.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of May 27, 2021.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

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

In accordance with current Executive Orders, the regular Town Board of the Town of Duanesburg June 10, 2021 meeting at 7:00 p.m. will be held via videoconferencing/teleconference utilizing the Zoom Application. You will have an opportunity to see and hear the meeting live and provide your comments via the chat session that will be part of the meeting.

If you have a computer, tablet, or smartphone, you join and hear the audio and see the video of the live meeting. You can also access the meeting via phone as described below and listen to the meeting as a teleconference. The meeting will be recorded and later transcribed in accordance with Executive Order 202.1.

Join Zoom Meeting

<https://us02web.zoom.us/j/86972806349>

Meeting ID: 869 7280 6349

Passcode: 944206

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

Meeting ID: 869 7280 6349

Passcode: 944206

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, June 10, 2021** at **7:00 p.m.** for the purpose of hearing all persons interested in the adoption of:

Local Law 1 of 2021 entitled "Solar Energy Facilities Law." The proposed local law would repeal and replace Local Law No. 1 of 2016 and would increase and improve the requirements to construct and operate Major Solar Energy Systems in the Town related to visual impact evaluation and screening and buffers, including setting forth additional decommissioning and financial security requirements, among others.

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

**SOLAR ENERGY FACILITIES LAW
TOWN OF DUANESBURG
LOCAL LAW No. 1_ OF 2021**

BE IT ENACTED by the Town Board of the Town of Duanesburg, in the County of Schenectady, as follows:

SECTION ONE. TITLE.

This local law shall be known as the "Solar Energy Facilities Law," and shall repeal and replace Local Law No. 1 of the year 2016.

SECTION TWO. PURPOSE.

The purpose of this local law shall be to adopt a local law regarding the review of solar energy facilities and to amend the Town of Duanesburg Zoning Ordinance by providing for the siting, development and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts to adjoining properties while promoting development of renewable energy resources.

SECTION THREE. AUTHORITY.

This local law is adopted pursuant to sections 10 and 22 of the Municipal Home Rule Law.

SECTION FOUR. ADOPTING THE SOLAR ENERGY FACILITIES LAW AND AMENDING THE TOWN OF DUANESBURG ZONING ORDINANCE.

The Town of Duanesburg Code and Zoning Ordinance are hereby amended as follows:

1. Definitions.

- a. Solar Energy System- A solar photovoltaic collection device and equipment that uses solar radiation to generate energy.
- b. Solar Energy Equipment—Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.
- c. Solar Energy System, Accessory –a roof or ground mounted solar energy system designed to supply energy for a principal use on a residential or commercial parcel and containing Solar Energy Equipment.
- d. Solar Energy System, Major –a ground or roof mounted solar energy system that produces power to be sold to off-site customers.

- e. Tree-Clear-Cutting -- any cutting of trees over six inches in diameter at breast height where the average residual basal area of trees over six inches in diameter at breast height remaining after such cutting is less than 30 square feet per acre.
 - f. Glare – the effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.
 - g. Solar Panel-- A photovoltaic device capable of collecting and converting solar energy into electricity.
 - h. Solar Storage Battery-- A device that stores solar energy and makes it available in an electrical form.
2. Solar Energy System, Accessory. An accessory solar energy system shall comply with the following requirements:
- a. A ground-mounted accessory solar energy system shall comply with the setback and height requirements for a major accessory structure in the zoning district in which it is located.
 - b. A roof-mounted accessory solar energy system shall be mounted as flush as possible to the roof. To achieve proper solar orientation, panels may exceed the roofline by five feet.
 - c. The requirements set forth below in (3)(a) – (g), with the exception that for the Solar Energy System, Accessory, ground mounted, a minimum perimeter buffer of 25 feet may be acceptable at the discretion of the Planning Board where sufficient screening exists or is proposed to screen the views of any ground mounted solar panels or equipment from surrounding properties.
3. Solar Energy System, Major. A major solar energy system shall comply with the following requirements:
- a. All electrical and control equipment, including any battery and storage cells, shall be labeled and secured to prevent unauthorized access. Such equipment shall be enclosed with a seven feet high fence as required by the National Electrical Code.
 - b. Signs. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal or State agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.

b.c. Visual Impact Evaluation. The Application shall include the submission of a GIS viewshed analysis of the Zone of Visual Impact (ZVI); defined as the area from which the proposed undertaking may be visible within a one-half mile (0.5) buffer around solar fields covering 4 to 40 acres in size, and a one-mile buffer around solar fields greater than 40 acres in size. Positive visibility of the solar field must be based upon bare-earth topography only (do not factor in vegetation). The analysis should be presented as an orthorectified aerial base map with the buffer boundary and project area indicated and ZVA highlighted.

e.d. Buffer/screening. A minimum one hundred feet perimeter buffer, consisting of natural and undisturbed vegetation, shall be provided around all mechanical equipment and solar panel arrays to provide screening to adjacent properties and to minimize glare on adjacent properties and roadways. Where the natural and undisturbed vegetation does not screen the views from the mechanical equipment and solar panel arrays, the Planning Board may require the Applicant may propose to enhance the perimeter buffer to improve its ability to screen the views.

d.e. Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Exterior surfaces of roof-mounted collectors and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure.

e.f. Evergreen tree plantings or other visual screening may be required by the Planning Board to screen all or portions of the site from nearby residential property, public roads, and from public sites known to include important views or vistas.

f.g. Existing on-site vegetation shall be preserved to the maximum extent practicable. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited. This clearing restriction shall not apply to trees cleared for the access road.

g.h. Height. Ground-mounted arrays shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

h.i. Lot coverage. A major solar energy system shall not exceed 60 percent lot coverage. Lot coverage shall be defined as the area measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and roadways.

i.j. Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of solar energy facilities, including ground-mounted systems, shall be minimized to the extent practicable. Forested sites shall not be deforested to construct solar energy facilities.

j.k. Noise. Substations and inverters shall be set back a minimum distance to achieve no discernable difference from existing noise levels at the property line.

k.l. Setbacks. Any structures and equipment shall not be placed in the one hundred feet perimeter buffer with the exception of the access road and the electrical transmission lines and poles connecting the facility to the grid, as well as the stormwater structures and fencing associated with the access road and the electrical transmission lines. Additional setbacks may be required by the Planning Board to adequately buffer adjoining properties and scenic roadways.

l.m. Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Any proposed new access road will be reviewed for fire safety purposes by the Town Building Inspector and the Chief of the Fire Company that serves the area containing the property.

4. Abandonment. An owner or operator of a major solar energy system that has not generated electricity for a period of six (6) consecutive months must notify the Town Supervisor and the Town Building Inspector in writing that the system is no longer operating. If the system ceases to operate for an additional twelve (12) consecutive months the system shall be deemed to be abandoned and shall be decommissioned within six months by the owner or operator. A decommissioning plan shall be submitted as part of the special use permit application to the Planning Board. The decommissioning plan shall include, but not be limited to, the following requirements: the plan must be signed by the owner and/or operator of the Solar Energy System and shall be submitted by the applicant, addressing the following:

- a. The cost of removing the entire Solar Energy System shall be estimated based upon prevailing wages and any other requirements applicable to municipalities under State or federal law and no salvage value shall be attributed to any of the components of the Solar Energy System and/or the Solar Energy Equipment.
- b. A schedule and methods for the removal of the Solar Energy System and/or the Solar Energy Equipment, including any ancillary structures.
- c. The time required to restore the property to its pre-existing condition and to repair any damage caused to the property by the installation and removal of the Solar Energy System.
- d. A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops or grazing.
- e. A proposed Decommissioning Agreement which shall be provided by the Applicant and approved by the Town of Duanesburg Town Board. No building

permit shall be issued for a Solar Energy System until the Decommissioning Agreement has been negotiated between the Applicant and the Town Board, has been approved by the Town Board and has been fully executed.

5. Security.

- a. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town Board and/or the professional engineer advising the Town, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Solar Energy System and restoration of the property with an escalator of 2 % annually (or COI if more than the annual escalator of 2%) for the life of the Solar Energy System. The Decommissioning Agreement shall specify the amount of the bond and the form of the bond or equivalent financial security. No building permit shall be issued until the bond or equivalent financial security is in full force and effect and has been provided to the Town Clerk.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until ninety (90) days after the restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.
 - (1) A schedule and methods for the removal of the solar energy system from the lot; and
 - (2) A plan for restoring the property to its preinstalled condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties.

6 Approvals Required: a. Prior to installing a solar energy system accessory, a building permit shall be obtained from the Uniform Code Enforcement Officer of the Town of Duanesburg pursuant to the requirements set forth in Section 14.3.

- b. Prior to installing a Solar Energy System Major, the applicant shall obtain site plan approval and a special use permit from the Town of Duanesburg Planning Board.

A Solar Energy System Major shall only be permitted by special use permit and site plan approval in the R-2, C-1, and C-2 Zoning Districts. The substantive and procedural requirements for site plan review and special use permit review are set forth in Section 14.6 of the Town of Duanesburg Zoning Ordinance. The public hearing that is required to be held in connection with application for a special use permit will also held on the proposed site plan. All adjacent property owners will be notified of the public hearing on the application for special use permit and site plan approval in the manner set forth in the Town Zoning Code Section 14.6.2.4(B).

- c. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, decommissioning plan, bond and agreement. A new owner or operator of the Solar Energy System shall notify the Building Inspector and the Town Supervisor of such change in ownership or operator within 30 days of the ownership change.

7. The Zoning Ordinance shall be amended to add a new section 13.8 which will provide "Solar Energy Facilities. See Solar Energy Facilities Law".

SECTION FIVE. SEQRA DETERMINATION.

~~The Town Board hereby determines that the adoption of this local law is a type one action that will not have a significant effect on the environment and therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.~~

SECTION FIVESIX. EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State.

SECTION SIXSEVEN. SEVERABILITY.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

RESOLUTION INTRODUCING LOCAL LAW

RESOLUTION NO. -2021

May 27, 2021

WHEREAS, the Town of Duanesburg (the "Town") is proposing amendments to the Town of Duanesburg Zoning Code with respect to commercial event venues (the "Proposed Local Law" no. 2 of 2021); and

WHEREAS, adoption of the Proposed Local Law is a Type I action under SEQRA and the Town Board will be SEQRA lead agency as the Town Board is the only involved agency; and

NOW, THEREFORE, BE IT RESOLVED that each member of the Town Board has received the attached Revised Proposed Local Law, now identified as Local Law No. 1 of 2020;

BE IT FURTHER RESOLVED that the attached Revised Proposed Local Law is hereby re-introduced having been revised to reflect the comments of the Town of Duanesburg Planning Board and suggested changes by the Town Board; and

BE IT FURTHER RESOLVED that the Town Board directs the Town Clerk to publish a notice of public hearing on the Revised Proposed Local Law in the Schenectady Gazette and post to the Town's website, both to appear once no later than ten (10) days before June 10, 2021, the date to which the public hearing shall take place at the regular meeting of the Town of Duanesburg Town Board at the Town Offices at 5853 Western Turnpike, Duanesburg, NY 12056 7:00 p.m. The public notice should indicate that the public hearing will be virtual and inform the public on how they can participate virtually; and

BE IT FURTHER RESOLVED the Town Clerk is further directed to refer this Revised Proposed Local Law to Schenectady County Planning and to provide the notice of public hearing to all adjoining municipalities and to the Schenectady County Legislature.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of May 27, 20.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Present:

Absent:

Town Board Members:

Roger Tidball Yea Nay Abstain

John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

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

In accordance with current Executive Orders, the regular Town Board of the Town of Duanesburg June 10, 2021 meeting at 7:00 p.m. will be held via videoconferencing/teleconference utilizing the Zoom Application. You will have an opportunity to see and hear the meeting live and provide your comments via the chat session that will be part of the meeting.

If you have a computer, tablet, or smartphone, you join and hear the audio and see the video of the live meeting. You can also access the meeting via phone as described below and listen to the meeting as a teleconference. The meeting will be recorded and later transcribed in accordance with Executive Order 202.1.

Join Zoom Meeting

<https://us02web.zoom.us/j/86972806349>

Meeting ID: 869 7280 6349

Passcode: 944206

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

Meeting ID: 869 7280 6349

Passcode: 944206

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, June 10, 2021** at **7:00 p.m.** for the purpose of hearing all persons interested in the adoption of:

Local Law 2 of 2021 entitled "A Local Law Amending the Town of Duanesburg Zoning Ordinance with Respect to Commercial Event Venues." The proposed local law would amend the zoning law to allow commercial events to occur in existing appropriate structures in all Zoning Districts of the Town, with the exception of the L-2 District, upon issuance of a special use permit by the Town Planning Board. The purpose of the local law is to regulate such events to ensure that they are consistent with public health, safety and welfare and to address any environmental impacts associated with the operation of commercial event venues.

**BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG**

TOWN OF DUANESBURG LOCAL LAW NO. 2 OF 2021

A LOCAL LAW AMENDING THE TOWN OF DUANESBURG ZONING ORDINANCE WITH RESPECT TO COMMERCIAL EVENT VENUES

BE IT ENACTED by the Town Board of the Town of Duanesburg in the County of Schenectady as follows:

Section 1. Title of the Local Law.

This local law shall be entitled “A Local Law Amending the Town of Duanesburg Zoning Ordinance with Respect to Commercial Event Venues.”

Section 2. Authorization.

This local law is enacted pursuant to the Municipal Home Rule Law and Article 16 of the Town Law of the State of New York.

Section 3. Purpose.

The purpose of this local law is to allow within the Town of Duanesburg in all but the ~~L-1~~ and L-2 Districts, the conversion and use of existing structures for temporary events such as weddings, anniversaries, graduation parties, and other similar ~~reasons~~ occasions on a commercial basis. The Town Zoning Ordinance currently addresses mass gatherings but does not address smaller commercial events that may be held in existing structures and/or tents, including Bed and Breakfasts, Agricultural Barns or other accessory structures. Use of Fire Halls, Churches and other buildings already rated for public assemblies for such events is not in any way restricted by the adoption of these regulations which pertain to commercial temporary events. Use of homes and properties on a non-commercial basis for such events is also exempted from the requirements of this local law. For purposes of commercial event venues in the L-1 District, the intent is to allow such events in conjunction with approved Bed and Breakfast uses only.

Where an existing structure is going to be used for commercial events the goal is to balance the impacts of such events on the surrounding neighbors and to ensure that the events are carefully regulated to address impacts related to noise, property maintenance, traffic, public health, welfare and safety.

Section 4. Zoning Ordinance Amendment

The Zoning Ordinance is amended to reflect and include the following:

§ 1-1 Standards.

- A. The Planning Board may grant a special use permit to allow the conversion of existing structures, including temporary tents, for the holding of temporary events such as

weddings, anniversaries, graduation parties and the like in all zoning districts in the Town with the exception of the L-1 and L-2 Districts, provided that the Planning Board finds that all of the following conditions and standards have been met for the conversion of each existing structure for such purposes and that the structure/event venue:

1. Will comply with applicable legal requirements, will be consistent with the purposes of the district in which it is located and has been given due consideration by the Planning Board.
2. Will not result in ~~excessive~~ off-premises noise, dust, odors, solid waste ~~nor glare/lighting, or create any public or private nuisances.~~
3. Will not cause significant traffic congestion, will provide adequate parking, will not impair pedestrian safety, will not adversely impact emergency services accessibility or overload existing roads, considering their current width, surfacing, condition and any proposed improvements made to them by the applicant.
4. Will be suitable for the proposed action considering the property's size, location, topography, vegetation, soils, natural habitat, hydrology, and its ability to be buffered or screened from neighboring properties and public roads.

§ 1-2 Decision.

The Planning Board may approve the application, approve it subject to modifications, or disapprove the application.

- A. Decision. Any decision by the Planning Board to grant or deny a special use permit shall include either a negative declaration of environmental significance or a written SEQRA findings statement consistent with the requirements of SEQRA. The decision shall contain a statement of its findings regarding the appropriateness of the use so authorized and the conditions required in the special use permit, or its reasons for denial. In granting any approval, the Planning Board shall impose any conditions that may be necessary to ensure that the proposed use will be compatible with its surroundings.
- B. Quantity of Events. The number of events that can be held at a location may be limited at the discretion of the Planning Board depending upon the facts and circumstances of the application.
- C. The Planning Board shall attach to the special use permit such conditions and restrictions as are deemed necessary. Upon its granting of said special use permit, any such conditions must be met by the Applicant prior to the issuance of any permits by the Building Inspector and throughout the operation of the event venue. The special use permit for events may be reviewed at the discretion of the Planning Board on a yearly basis.

§ 2 Event Venue.

§ 2-1 Use Standards.

An event venue must demonstrate compliance with the following standards in addition to the special use standards in § 1-1.

- A. The event venue shall be located on a site with a minimum of five acres, unless the venue includes a permitted bed and breakfast or hotel/motel type facility.
- B. The site of the event venue shall have at least two means of egress, at least one of which is adequate for emergency vehicles, as determined by the Planning Board in consultation with emergency responders based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.
- C. The maximum number of attendees at the event venue shall be ~~100~~200.
- D. The applicant shall demonstrate that all required parking can be accommodated on-site. This requirement shall not preclude an event venue from utilizing shuttle buses or other methods of guest transportation.
- E. The applicant shall also submit a traffic study showing that the roadways around, entering and leaving the event venue have sufficient capacity and are safe to accommodate the event venue including event attendees and support employee vehicles as well as emergency vehicles.
- F. All events shall be provided with adequate potable water and sanitary facilities as required by the Planning Board, Building Inspector and/or the NYS Department of Health.
- G. The Planning Board shall require appropriate buffers between the event venue and adjoining properties, given the size of parcel, the natural topography and vegetative cover.
- H. The event will not make, continue, cause, or permit, unreasonably intrusive noise. Standards to be considered in determining whether an unreasonably intrusive noise exists include, but are not limited to, the following:
 - a. The volume of the noise.
 - b. The frequency of the noise.
 - c. The time of day of the noise.
 - d. The proximity to any residential, educational, medical, or religious facility.
 - e. The duration of the noise.
- I. Maximum Sound Levels.
 - a. Events may only take place between the hours of 9:00 AM to ~~9~~10:00 PM, and at no time may the maximum sound level exceed 70 decibels at any of the property boundaries.
 - b. The measurement of any sound or noise shall be made with a sound-level meter using the A-weighted scale and slow response, except for sounds or noises which occur in single or multiple bursts with a duration of less than one second, for which fast response shall be used. The sound level determination or measurement shall be conducted not nearer to the sound source than the closest property line of the parcel on which such noise is generated, except where otherwise specified by the Planning Board.
- J. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event structure meeting the standards in § 2-3 below.
- K. Locations for proposed temporary fabric structures must be included on the site plan. All buildings and structures, including fabric structures, to be used as part of the event venue shall, where required, obtain a certificate of occupancy for their intended uses, including an event structure meeting the standards in § 2-3 below.

- L. The Planning Board shall determine the permitted hours of operation of an event venue. Events shall commence no earlier than 9:00 AM and shall terminate no later than ~~9~~10:00 PM ~~Sundays through Saturdays~~. The Planning Board shall also have the power to modify the commencement and termination times for a particular site based upon the specifics of the application before it as long as the modifications do not impact the health, safety and welfare of the neighborhood and the surrounding community. For purposes of this section, “termination” shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises. A generic event management plan shall be prepared and submitted to the Planning Board for review and approval as part of the special use permit review. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary facilities and maximum number of guests. The plan shall also include a list of contacts for emergency situations to be used by the guests and shall be provided at each event along with the legal name and address of an emergency contact person at the site shall also be provided.

§ 2-3. Event Structures.

Event venues may utilize former residential, agricultural or accessory structures as a place of public assembly, such as a barn, house or garage, provided the following criteria are satisfied:

- A. The use of any structure for events shall be permitted only after the issuance of a building permit and a certificate of occupancy for public assembly by the Town’s Building Inspector.
- B. The applicant shall provide the Building Inspector with a plan prepared by a registered licensed design professional to improve the structure to be used for events to enable the structure to obtain a certificate of occupancy for an assembly area, where none exists. A copy of the plan shall also be submitted to the Planning Board as part of special use permit and site plan review.
- C. The occupancy of the event structure shall not exceed occupancy load and exiting provisions of the New York State Uniform Code and those occupancy load limits shall be posted at the premises by the Town’s Building Inspector.

§ 2-4. Special Use Permit.

- A. The special use permit and site plan for an event venue must include:
 1. The maximum number of attendees permitted during any event, but in no event greater than ~~100~~200 attendees.
 2. The hours of operation of the special event venue and whether amplified sound is permitted either outside or inside or both.
 3. Any other conditions on operation, design and layout reasonably necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.
 4. Items in Subsection A(1) through (3) above shall be determined by the Planning Board based on the size of the parcel, location, topography, parking, proximity of

neighbors, emergency access and the ability of existing and proposed buffers to provide sound attenuation and visual screening.

5. This permit is allowed in all districts except ~~the L-1 and L-2.~~ In the L-1 District such events are allowed by special permit only at a Bed and Breakfast that has received all necessary approvals from the Town to operate in the Town.
6. Trash and other debris shall be stored in containers with lids. Any blowing trash shall not accumulate on any neighboring properties and all trash generated from the event must be removed no later than noon on the day following the event.

- B. Once a special use permit has been granted to permit an event venue at a particular site, individual events may be held at the site without further review by the Planning Board as long as such events are compliant with § 2-1 and with all the conditions of the special use permit and other approvals issued by the Town.

Section 5. Supersession.

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Duanesburg Town Code, in so far as such statutes are inconsistent with this Local Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

Section 6. Severability.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 7. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with Municipal Home Rule Law § 27.

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION - 2021

May 27, 2021

**Town of Duanesburg Celebrates National Emergency Medical Services Month and
Recognizes Duanesburg Volunteer Ambulance Corps for Fifty Years of Service and
Recognizes Delanson Volunteer Fire Company, Duanesburg Volunteer Fire Company,
Mariaville Volunteer Fire Department, Esperance Volunteer Fire Department,
Burtonsville Volunteer Fire Department and Quaker Street Volunteer Fire Department for
continued service as First Response in Support of the Emergency Medical Services
Response in the Town of Duanesburg**

WHEREAS, emergency medical services is a vital public service in the Town of Duanesburg and throughout Schenectady County; and

WHEREAS, the members of emergency medical services teams are ready, willing and able to provide lifesaving care to those in need, 24 hours per day, seven days per week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, prior to 1971 the Town of Duanesburg did not have an organized emergency medical service response from other than the White-VanBuren Funeral Home; and

WHEREAS, the White-VanBuren Funeral Home advised the residents and the Town of Duanesburg that it no longer wished to respond to medical emergencies and accidental injuries; and

WHEREAS, a group of dedicated volunteers banded together and formed the Duanesburg Volunteer Ambulance Corps; and

WHEREAS, the volunteers received a great deal of assistance from government, businesses and civic organizations to procure the equipment, supplies and building needed to coordinate the response from the new Corps; and

WHEREAS, the Corps has continued to serve the Town of Duanesburg for nearly fifty years; and

WHEREAS, the Corps has established itself as a strongly respected emergency medical services agency with recognition at the county and regional level; and

WHEREAS, the Corps partners primarily in emergency medical services response with the members of the Delanson Volunteer Fire Company, the Duanesburg Volunteer Fire Company, the Esperance Volunteer Fire Department, the Mariaville Volunteer Fire Department, Burtonsville Volunteer Fire Department and the Quaker Street Volunteer Fire Company; and

WHEREAS, the Corps partners primarily with the New York State Police and the Schenectady County Sheriff's Office; and

WHEREAS, the more than 30 million children receive emergency medical care each year to illness or injury; and

WHEREAS, the needs of children are different than the needs of adults in medical emergencies; and

WHEREAS, the Corps has designated a Pediatric Emergency Care Coordinator to serve as a resource for education on pediatric medications, equipment, supplies and collaborate, promote and share pediatric continuing education opportunities and respond with the crew for pediatric emergencies; and

WHEREAS, emergency medical services training is essential for skills maintenance, strengthening and practice to ensure a high proficiency in required skills, and

WHEREAS, the Corps has elected a training officer who has been recognized by his EMS peers in Schenectady County; and

WHEREAS, leadership in emergency medical services is necessary to cultivate a vision for the advancement and provision of care in the future; and

WHEREAS, the Corps has elected a captain who has been recognized by his EMS peers in Schenectady County and the Hudson Mohawk Region; and

WHEREAS, the Corps has been recognized by their EMS peers in Schenectady County as the Basic Life Support Agency of the Year; and

WHEREAS, the Corps has several emergency medical technicians who have been recognized by their EMS peers in Schenectady County; and

WHEREAS, the Corps has partnered with the Town of Duanesburg to continue providing local, dedicated high quality emergency medical services on a continuous basis; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers and organizations by designating Emergency Medical Services Week; now,

THEREFORE, the Town Board of the Town of Duanesburg does hereby recognize the Duanesburg Volunteer Ambulance Corps for fifty years of continuing services; and the Delanson Volunteer Fire Company, Duanesburg Volunteer Fire Company, Esperance Volunteer Fire Department, Mariaville Volunteer Fire Department, Burtonsville Volunteer Fire Department and Quaker Street Volunteer Fire Department for continuing strong support of the emergency medical services system in the Town of Duanesburg; and, now

THEREFORE, be it resolved that these fine organizations, their leaders and their members as dedicated community volunteers committed to providing high quality emergency medical services care; and, now therefore

BE IT RESOLVED that the Town Board of the Town of Duanesburg does hereby declare May as Emergency Medical Services Month in the Town of Duanesburg.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on May 27, 2021.

Roger Tidball, Supervisor

Deputy/Town Clerk

Present:

Absent:

Council Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain