

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
January 16, 2024

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

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

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

Topic: Town of Duanesburg's Planning Board Zoom Meeting

Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

Meeting ID: 858 7403 2498

Passcode: 848175

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

Meeting ID: 858 7403 2498

Passcode: 848175

INTRODUCTION BY CHAIRPERSON JEFFERY SCHMITT

OPEN FORUM

PUBLIC HEARINGS: None.

OLD BUSINESS:

#24-21 Matthew (Jen) Liuzzi: SBL#34.00-2-25 located at 2409 Batter Street is seeking a special use permit needed for a multi-family. Under section 8.4 (8) of the town of Duanesburg zoning ordinance.

Comments:

Approved: Yes _____ No _____

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

#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 _____

SKETCH PLAN REVIEW:

#24-25 Carine Michel: SBL# 68.00-2-25.31 and 68.00-2-40.2 located on Western Turnpike is seeking a major 4 lot subdivision needed for 1000 seat recreational facility. Under The Town of Duanesburg Zoning Ordinance section 3.5 "major subdivision."

Comments:

Approved: Yes _____ No _____

NEW BUSINESS:

#24-25 Carine Michel: SBL# 68.00-2-25.31 and 68.00-2-40.2 located on Western Turnpike is seeking a special use permit needed for 1000 seat recreational facility. Under The Town of Duanesburg Zoning Ordinance section 9.4(14) "recreational center/ country club."

Comments:

Approved: Yes _____ No _____

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

#24-22 Robert Brockway: SBL# 34.00-1-29.14 located at 272 North Road is seeking a special use permit needed for the storage of materials for his fencing business. Under The Town of Duanesburg Zoning Ordinance.

Comments:

Approved: Yes _____ No _____

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

Comments:

Approved: Yes _____ No _____

#25-02 The Structure 4 Companies, LLC: SBL# 75.00-1-12.11 located on Duanesburg Road is seeking a special use permit for a commercial storage facility in a residential zone for Henry Highway Storage Facility.

Comments:

Approved: Yes _____ No _____

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

Comments:

Approved: Yes _____ No _____

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

Other:

#24-17 Phil Alotta: SBL#64.00-1-34.112 located at NYS Route 30 & Youngs Road is seeking an amendment to his resolution for a Special Use Permit to relocate existing business (Hickory Hill Smokehouse LLC) to lot #2, NYS Rte.30/Youngs Road.

Comments:

Approved: Yes _____ **No** _____

Proposed Local Law: Town of Duanesburg Local Law number 5 For the Year 2024.

-This local law shall be known as "Regulation of Motorized and Non-Motorized Temporary Living Facilities."

Comments:

Approved: Yes _____ **No** _____

Minute Approval:

December 19,2024 PLANNING BOARD MEETING MINUTES:

Comments:

Approved: Yes _____ **No** _____

ADJOURNMENT: Next meeting will be held February 20, 2025

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 1-7-25
Case No. D-1-25
Returned _____

FROM: ☐ Legislative Body
☐ Zoning Board of Appeals
☒ Planning Board

Municipality:
Town of Duanesburg

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
Received
Schenectady County

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

☒ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other (specify) _____

JAN 07 2025
Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: 12/19/2024

SUBJECT: #24-21 Matthew (Jen) Liuzzi: SBL#34.00-2-25 located at 2409 Batter Street is seeking a special use permit needed for a multi-family. Under section 8.4 (8) of the town of Duanesburg zoning ordinance.

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:

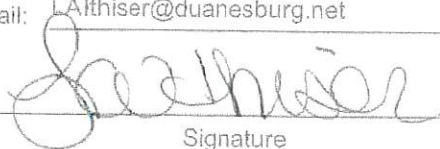
Name: Lindsay Althiser

Title: Planning/Zoning/Building Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: LAlthiser@duanesburg.net

Phone: (518) 895-2040



Signature

Date: 12/20/24



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-01-25

Applicant Matthew Liuzzi

Referring Officer Lindsay Althiser

Municipality Duanesburg

Considerations: Regarding a single family dwelling, requesting a special use permit to construct a 24' x 24' detached garage with a second floor apartment. Located on the south side of Batter Street (CR 94) directly across from North Road. The septic existing system is being modified to accommodate the additional unit. Plans have been reviewed and approved by County Environmental Health.

RECOMMENDATION

Receipt of zoning referral is acknowledged on January 7, 2025. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- ☒ *Approve of the proposal.
- ☐ Defer to local consideration (No significant county-wide or inter-community impact)
- ☐ Modify/Conditionally Approve. Conditions:

☐ Advisory Note:

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

1/7/25
Date

Ray Gillen / SAK
Ray Gillen, Commissioner
Economic Development and Planning

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

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

For Use By SCDEDP

Received _____
Case No. _____
Returned _____

FROM: ☐ Legislative Body
☒ Zoning Board of Appeals
☒ Planning Board

Municipality:
Town of Duanesburg

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: 01/16/2025

SUBJECT: #24-21 VZW – Duanesburg ES: SBL#76.00-1-12.311 located at 822 Chadwick Road is seeking a special use permit and a use variance needed for a proposed cell tower. Under local law #4 of 2001 "Telecommunications Facilities Law" of the town of Duanesburg zoning ordinance.

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: Lindsay Althiser

Title: Planning/Zoning/Building Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: LAlthiser@duanesburg.net

Phone: (518) 895-2040


Signature

Date: 12/31/2024

Subject to the 150-day FCC Shot Clock Timeframe Set Forth in 47 CFR § 1.6003(c)(1)(iv)

PLANNING BOARD and ZONING BOARD OF APPEALS
TOWN OF DUANESBURG, COUNTY OF SCHENECTADY

In the Matter of the Application of

CELLCO PARTNERSHIP d/b/a Verizon Wireless

Premises: Lands n/f John E. James, Jr.
Chadwick Road
Duanesburg, New York 12053
Section 76., Block 1, Lot 12.311

STATEMENT OF INTENT
APPLICATION FOR SITE PLAN REVIEW, SPECIAL USE PERMIT AND
ROSENBERG VARIANCE APPROVAL

I. Introduction

CELLCO PARTNERSHIP d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes the construction of an unmanned public utility/personal wireless service facility (a "communications facility") on a 10,000± sq. ft. portion of lands n/f owned by John E. James, Jr. (the "Premises"). The Premises are located off Chadwick Road in the Town of Duanesburg, County of Schenectady, State of New York (Tax Map Parcel No. 76.-1-12.311), in an R-2 (Agricultural & Residential) District [TABS 1 and 2; see also Zoning Site Plan of Tectonic Engineering & Surveying Consultants, P.C. at TAB 14].

Verizon Wireless filed a Planning Board workshop meeting application with the Town of Duanesburg Building Department on November 7, 2024, and appeared before the Town Planning Board for a workshop presentation on November 21, 2024. In accordance with Section 4.0[b] of Local Law No. 4 of 2001 (the "Telecommunications Facilities Law"), the proposed Verizon Wireless' project is not allowable in the R-2 District and requires (i) Use Variance approval from the Town of Duanesburg Zoning Board of Appeals ("ZBA"), with (ii) referral to the Town of Duanesburg Planning Board as required by Sections 2.0 and 4.0[b] of the Telecommunications Facilities Law for Site Plan Review and Special Use Permit approval.

Verizon Wireless is considered a public utility under New York decisional law (*Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364 (1993)) [TAB 3], and a provider of "personal wireless services" under the federal Telecommunications Act of 1996 (the "TCA") [TAB 4]. Verizon Wireless' equipment will be in operation twenty-four (24) hours a day, seven (7) days a week, three hundred sixty-five (365) days a year. Copies of the applicable Verizon Wireless FCC licenses are included herewith [TAB 5].

In *Rosenberg*, this State's highest Court determined that the ordinary variance standard is inapplicable and a cellular telephone company applying for a variance need only show that (1) the variance is "required to render safe and adequate service," and (2) there are "compelling reasons, economic or otherwise," for needing the variance. *Cellular Telephone Company v. Rosenberg*, 82

N.Y.2d 364, 372 (1993). Verizon Wireless respectfully submits this Statement of Intent in support of its application for all necessary variance approval(s) under the *Rosenberg* standard.

II. Purpose of Duanesburg ES Communications Facility

The purpose of the communications facility is to increase capacity and improve coverage to the southern portion of the Town of Duanesburg and its surrounding roadways. More specifically, there will be improvements along the I-88 corridor, Schoharie Turnpike/Duanesburg Road, Gallupville Road, Chadwick Road, Darby Hill Road, and Bozenkill Road and several other local area roads, homes & businesses across the Targeted Improvement Area, including Gibby's Diner & Restaurant, Bear's Steakhouse and the Duanesburg High School. Detailed RF propagation plots showing the intended improvement areas are attached as TAB 6.

In addition to the RF Analysis, the Applicant has provided a Site Selection Analysis prepared by Verizon Wireless' Radio Frequency (RF) Engineer and Site Acquisition Specialist, detailing the purpose and need for this facility, also attached as TAB 6. This project is part of a multi-million-dollar comprehensive upgrade of the Verizon Wireless network in Schenectady County and serves as a suitable platform for future advanced wireless services expansion at the proposed site and deeper into the Town's residential and more rural areas.

III. Description of Land Use

Verizon Wireless proposes the construction, operation and maintenance of a public utility / personal wireless service facility consisting of the following components: a 120± monopole tower (124± ft. tall including 4± ft. lightning rod); nine (9) panel antennas and related equipment to be mounted to the tower at a center-line height of 115'; diesel generator on a 4' x 8' concrete pad, cellular and utility equipment at grade in a proposed 50' x 50' fenced compound. The project also includes the installation of power and fiber utilities to service the facility.

As there are no existing tall structures in the search area of sufficient height or structural capacity to support Verizon Wireless' proposed communications facility, or existing tower sites that can be used for the "clustering" of a new tower, a new communications tower at a new site is required. The proposed facility will be a monopole tower design, meaning no guy wires are required. To mitigate potential visual impact(s), Verizon Wireless is proposing a minimal tower height of 120± feet (124± ft. including a 4± ft. lightning rod).

The total area of disturbance will be approximately 0.74 acres. A new 12 ± ft. wide access driveway consisting of gravel will be constructed from Chadwick Road to the tower site, with utilities installed underground in an adjacent area running from the nearest existing service point at Chadwick Road. A six (6) foot high chain link safety fence (with 1 ft. of barbed wire on top) will be installed around the tower compound area, to secure the tower site and protect Verizon Wireless' telecommunications equipment from unauthorized access.

The proposed communications facility is unmanned, and will be visited for routine maintenance purposes approximately 2 - 3 times per year. As such, the project will not have any impact on existing water and sewage services. In addition, neither pedestrian nor vehicular access will be significantly impacted.

IV. Compliance with Rosenberg Standard and Telecommunications Facilities Law

The proposed communications facility complies in all material respects with the requirements of the *Rosenberg* public utility variance exception standard, as well as the tower design requirements set forth in the Town of Duanesburg Telecommunications Facilities Law:

A. THE ROSENBERG STANDARD

The request for variance relief is subject to the long standing public utility variance standard as discussed in *Cellular Tel. Co. v. Rosenberg*, 82 N.Y.2d 364 (1993).

In *Rosenberg*, the New York Court of Appeals determined that cellular telephone companies are public utilities for purposes of zoning. The Court held that proposed cellular telephone installations are subject to the traditional standard afforded to public utilities, rather than the standards generally required for non-public utility uses:

It has long been held that a zoning board may not exclude a utility from a community where the utility has shown a need for its facilities. There can be no question of [the carrier's] need to erect the cell site to eliminate service gaps in its cellular telephone service area. The proposed cell site will also improve the transmission and reception of existing service. Application of our holding in *Matter of Consolidated Edison* to sitings of cellular telephone companies, such as [the applicant], permits those companies to construct structures necessary for their operation which are prohibited because of existing zoning laws and to provide the desired services to the surrounding community. . . . Moreover, the record supports the conclusion that [the applicant] sustained its burden of proving the requisite public necessity. [The applicant] established that the erection of the cell site would enable it to remedy gaps in its service area that currently prevent it from providing adequate service to its customers in the . . . area.

Id. at 372-74 (citing *Consolidated Edison Co. v. Hoffman*, 43 NY2d 598 [1978]).

This special treatment of a public utility stems from the essential nature of its service, and the fact that a public utility transmitting facility must be located in a particular area in order to provide service to such area. For instance, water towers, electric switching stations, water pumping stations and telephone poles must be in particular locations (including within residential districts) in order to provide the utility to a specific area:

[Public] utility services are needed in all districts; the service can be provided only if certain facilities (for example, substations) can be located in commercial and even in residential districts. To exclude such use would result in an impairment of an essential service.

Anderson, *New York Zoning Law Practice*, 3d ed., p. 411 (1984) (hereafter "Anderson"). See also, *Cellular Tel. Co. v. Rosenberg*, 82 NY2d 364 [1993]; *Payne v. Taylor*, 178 AD2d 979 [4th Dept 1991].

Accordingly, the law in New York is that a municipality may not prohibit facilities, including towers, from any portion or area in the municipality if location of the facility is determined to be necessary for the transmission of public utility services. In *Rosenberg*, 82 N.Y.2d at 371, the court found that "the construction of an antenna tower... to facilitate the supply of cellular telephone service is a 'public utility building' within the meaning of a zoning ordinance." See also *Long Island Lighting Co. v. Griffin*, 272 AD 551 [2d Dept 1947] (a municipal corporation may not prohibit the expansion of a public utility where such expansion is necessary to the maintenance of essential services).

COMPLIANCE WITH ROSENBERG STANDARD

1. **Public Need for New Tower:** The Applicant has provided expert proof, in the form of propagation studies prepared by its Radio Frequency (RF) Design Engineer, depicting the area within which the communications facility needs to be located in order to provide adequate and safe service to the Duanesburg area. These studies clearly demonstrate that (i) there is an inadequate and unsafe level of service in the targeted area of the Town of Duanesburg, and (ii) a new communications facility off Chadwick Road, adjacent to the I-88 corridor, is necessary to provide adequate and safe hand-held telephone service to this area. See, Site Selection Analysis prepared by Verizon Wireless' Site Acquisition Specialist, detailing the purpose and need for this facility [TAB 6, Figures 1-3].

2. **No Usable Existing Towers or Other Tall Structures:** In connection with this evaluation, the Applicant has retained the services of a real estate expert working in the telecommunications field to assist in the evaluation of potential collocation sites (see, Telecommunications Facilities Law § 6.0(f) and (g)). Three existing tower facilities (all located outside of the search area) were considered and ruled out for technical or other reasons [TAB 6, Figure 3]:

Based upon a thorough review of the search area, it is clear that there are no existing towers of sufficient height or structural design/capacity or other existing tall structures that can be used by Verizon Wireless to provide an adequate and safe level of service to the Duanesburg ES area.

3. **New Tower Located on Municipal Property:** The Applicant did identify Town property located at 166 Chadwick Road (Tax Map Parcel No. 76.00-1-3.1). Unfortunately, that property is designated parkland and would require an alienation process to develop. Therefore, that site was removed from consideration.
4. **New Tower Located on Private Property:** When it is not feasible to collocate on an existing tower or tall structure, and there are no feasible municipally owned properties in the area, Verizon Wireless must find a privately owned site which is appropriate for and can accommodate a new communications structure. In doing so, the Site Acquisition Specialist attempts to identify properties in the search area large enough to accommodate the facility and

that comply with applicable zoning regulations. In addition, other characteristics such as existing compatible land use and existing mature vegetation that can screen the facility are considered. Access, land use, constructability, the presence of wetlands and floodplains, and other contributing factors are also considered when examining privately owned properties.

The subject parcel is located off Chadwick Road, is a substantial size of 123.9 acres and is currently in the Agriculture and Residential (R2) zoning district. The property is located on the southern portion of the Search Area and is large enough to meet the required setbacks. The property owner expressed an interest in leasing a small portion of its property to Verizon Wireless and has entered into a ground lease with Verizon Wireless. This parcel is the primary candidate selected by RF based on the available interested candidates, zoning requirements, its location within the Search Area and its ability to meet RFs objectives for a cell tower in this Search Area. From a siting perspective, this site meets all required setbacks and offers natural screening due to the mature trees surrounding the proposed location, therefore minimizing the visual impact to the residential homes in the area to the greatest extent possible.

5. **Scale and Tower Height:** Verizon Wireless has documented that coverage needs, existing build conditions, dense mature vegetation, variable terrain and other factors necessitate a tower height of 120± ft. to provide an adequate and safe level of Verizon Wireless service to the Duaneburg ES search area [TABS 6 and 11]. The proposed tower height is also below the maximum height permitted (125') (Telecommunications Law § 7.0(d)(3)).
6. **Minimum Visual Impact:** Variable terrain and substantial mature vegetation on the premises and area in general will serve to buffer and shield the tower from view to the immediately surrounding area and significant portions of the coverage area [TAB 9].

Moreover, Verizon Wireless has taken a number of practical steps to further mitigate potential visual impact(s) to the surrounding community:

- Verizon Wireless has limited the height of its communications facility to 120± ft. (124± ft. including 4± ft. lightning rod), allowing the facility to accomplish applicable coverage objectives and clear all intervening terrain, structures and vegetation (including trees).
- Verizon Wireless is proposing a site development plan that minimizes the disturbance and/or removal of existing mature vegetation and brush to the maximum extent practicable, thereby allowing these features to screen the tower base and/or significant portions of the tower from public view;
- The new tower will be designed with capacity for collocation (use) by multiple wireless service providers, thereby furthering an

important objective of the Duanesburg Telecommunications Facilities Law and providing a valuable siting alternative to other wireless carriers having the need for similar or duplicative installations in the Duanesburg ES area; and

- So long as the height of the telecommunication tower is less than 200 feet above ground level, Verizon Wireless does not believe that tower marking and/or lighting will be required under Federal Aviation Administration (FAA) regulations [TAB 10].

Due to the physics of radio frequency (RF) signal propagation, Verizon Wireless' antennas need to clear all natural and man-made objects to function properly [TAB 6]. As such, the Applicant respectfully submits that the proposed communications facility will not result in a significant level of visual impact to the surrounding community or neighborhood.

7. **Lot Size and Setbacks (Telecommunications Law § 7.0(b)):** As noted, Verizon Wireless' proposed tower facility and monopole are located at the rear of a large parcel, measuring 123.90 acres. The proposed monopole meets all required setback, including 186 feet required to all lot lines, with the closet setback being 400 feet to a side lot, and 1099 feet to the closest residence where 500 feet is required.

These distances, combined with dense mature vegetation surrounding the site, are adequate to contain on-site substantially all ice-fall or debris from tower failure and/or to preserve the privacy of adjoining residential and public property, as required by the Telecommunications Facilities Law.

COMPLIANCE WITH SITE PLAN REVIEW REQUIREMENTS

1. **Site Plan:** The Applicant has provided a Zoning Site Plan that documents compliance with all material requirements in Section 6.0 of the Town of Duanesburg Telecommunications Facilities Law (Site Plan Review). *See*, Zoning Site Plan of Tectonic Engineering & Surveying Consultants, P.C. at TAB 14.
2. **Tower-Specific Design Criteria:** The Applicant has also designed its proposed facility in a manner that materially complies with all tower-specific design and siting criteria in § 7.0 of the Town of Duanesburg Telecommunications Facilities Law:
 - **COMPLIANCE WITH SITING PREFERENCES:** As noted above, the proposed location has been selected in accordance with the siting preferences set for in Telecommunications Facilities Law 5.0.
 - **MINIMUM VISUAL IMPACT:** As also noted above, Verizon Wireless' facility has been sited to have a minimum possible visual effect on the surrounding community or neighborhood, including residential areas,

parks and major roadways (*see*, Telecommunications Facilities Law § 7.0(c)).

- **TOWER FINISH/COLOR:** The exterior finish of the monopole tower will consist of galvanized steel, which will naturally weather or be painted to an unobtrusive gray.
 - **SCREENING:** The substantial mature vegetation and brush in the vicinity will buffer or screen material portions of the telecommunications tower from public view in much of the surrounding community. As such, additional landscaping is not required to screen lower portions of this facility (*see*, Telecommunications Facilities Law § 7.0 (e) and (f)).
 - **ACCESS AND PARKING:** As stated, the Applicant is proposing a gravel access drive and parking area for routine maintenance visits, and road construction will be consistent with standards of private roads and will minimize site disturbance to the great extent. As noted, the communications facility will be unmanned and visited for routine maintenance purposes 2 - 3 times per year, as needed. In this context, additional access and parking requirements are minimal (*see*, Telecommunications Facilities Law § 7.0(g)).
 - **SIGNAGE:** No portion of the tower or related appurtenances shall be used for signage, other than signage as required by applicable law for public safety or other purposes.
3. **FAA Marking/Lighting:** The Applicant has determined that tower marking and/or lighting is not required under Federal Aviation Administration (FAA) regulations [TAB 10]. More specifically, the Applicant has reviewed the tower location with the FCC TOWAIR tool and determined that the tower does not require registration.
 4. **Collocation Commitment:** Verizon Wireless agrees to construct a tower that is capable of supporting multiple wireless providers having panel antenna arrays comparable to those proposed in this application. In addition, Verizon Wireless agrees to negotiate in good faith with other licensed wireless service providers for future shared use of the wireless communications structure. Any such shared use (including municipal shared use) will be subject to the involved parties reaching agreement on reasonable terms and conditions, in accordance with all then-applicable standards, customs and procedures in the wireless industry, and there being adequate structural capacity and space to accommodate the equipment of the proposed tower user.
 5. **Radio Frequency (RF) Emissions:** The Applicant has submitted a report by a professional engineer licensed in the State of New York, documenting that the communications facility proposed will comply by a wide margin with the requirements of the Federal Communications Commission (FCC)

concerning radio frequency (RF) emissions. The proposed facility will also not interfere with any other radio services, public safety communications, airport navigation, or other equipment [TAB 7; see also TAB 5 and TAB 8].

6. **Removal Commitment:** The Applicant has submitted a letter of intent committing Verizon Wireless (or the then-current tower owner) to remove the tower facility and all related appurtenances within four (4) months if the communications facility becomes obsolete, damaged beyond use or ceases to be used for its intended purpose by all existing collocators, as required by Telecommunications Facilities Law § 9.0. See, TAB 12.
7. **Water, Sewer and Traffic:** As noted, the proposed communications facility is unmanned, and will be visited for routine maintenance purposes approximately 2 - 3 times per year. As such, the project will not have any impact on existing water and sewage services. In addition, neither pedestrian nor vehicular access will be significantly impacted.

Based upon the foregoing, Verizon Wireless respectfully submits that Site Plan Review and *Rosenberg* public utility variance approval are appropriate in this case. In addition, Verizon Wireless notes the following:

Public Necessity

As noted above and in TABS 3 and 4, Verizon Wireless is recognized as a public utility under New York law and a provider of personal wireless services under the federal Telecommunications Act of 1996. This project is a public necessity in that it is required to render adequate and safe coverage (mobile and in-building) to a significant portion of the Town of Duanesburg. This, combined with the federal mandate to expeditiously deploy advanced wireless services across the nation and Verizon Wireless' FCC licenses to provide such services in Duanesburg, demonstrates that the facility is a public necessity. Without the construction of the communications facility proposed, the public would be deprived of an essential means of communication, which, in turn, would jeopardize the safety and welfare of the community and traveling public.

Compelling Reasons for Approval

There are compelling reasons, economic or otherwise, for approving the application for a Special Use Permit.

The Applicant's Radio Frequency (RF) Design Engineer has demonstrated that: (a) there are significant gaps in Verizon Wireless network coverage (mobile and in-building) in the Duanesburg area; and (b) construction of a new 120± ft. monopole tower (124± ft. when including a 4± ft. lightning rod) off Chadwick Road (Tax Map No. 76.-1-12.311) will provide adequate and safe Verizon Wireless coverage to the Duanesburg ES target area, particularly along I-88, Chadwick Road, Schoharie Turnpike, Main Street, as well as other nearby roads, homes, businesses, and Duanesburg High School. Additionally, the proposed communications facility will integrate to the extent practicable with Verizon Wireless' existing network in the nearby area.

The proposed communications facility is located on a large parcel which primarily consists of forested land and agricultural fields, with wooded areas surrounding the proposed compound.

The proposed site will be tucked in to the existing vegetation, which will provide a meaningful opportunity for natural screening. Further, this site will not impact any existing wetlands and will allow for the placement of the proposed telecommunications tower an adequate distance from adjoining properties.

In this context, the proposed communications facility will provide an essential public service and has been sited to have the least practical adverse visual effect on the environment. Any resultant visual impact is minimal in nature and scope. And as noted above, the Applicant has proposed a facility that will enable Verizon Wireless to provide adequate and safe coverage to a significant portion of Duanesburg, in accordance with its FCC licenses. In this regard, the proposed communications facility will not give rise to an undue visual impact.

V. Conclusion

Approval of this project will enable Verizon Wireless to continue to provide an adequate and safe level of hand-held wireless telephone service to a busy area of Duanesburg, within the confines of applicable technological limitations and in compliance with all applicable land use requirements. Such approval will also be in the public interest, in that it will allow Verizon Wireless to comply with its statutory mandate to build out and operate its network and provide local businesses, residents and public entities with safe and reliable wireless communications services. For the reasons set forth herein, Verizon Wireless respectfully submits that this project complies in all material respects with the Site Plan Review requirements of the Duanesburg Telecommunications Law and any potential impact on the community created by approval of this project will be minimal and of no significant adverse effect.

Attached to this Application and Statement of Intent are the following:

1. Full Environmental Assessment Form ("Full EAF") prepared by Tectonic Engineering & Surveying Consultants, P.C.;
2. Redacted Copy of Lease Agreement between John E. James, Jr. and Verizon Wireless;
3. Documentation of Public Utility Status and Overview of the *Rosenberg* Decision;
4. Overview of Telecommunications Act of 1996;
5. Copies of Verizon Wireless' FCC Licenses for the Schenectady County NY area;
6. Radio Frequency (RF) Engineering Coverage Plots prepared by the Verizon Wireless Network Engineering Department and Site Selection Analysis prepared by Pyramid Network Services, LLC, site acquisition agent to Verizon Wireless;
7. Radio-Frequency Safety Report by Circet USA;
8. Non-Interference letter by Verizon Wireless RF Engineer;
9. Viewshed Map and proposed locations for photo simulations of the proposed installation;

10. FCC TOWAIR Determination Results;
11. Tower Design Letter prepared by Tectonic Engineering;
12. Collocation and Tower Removal Bond Commitment Letter;
13. Noise Analysis and Comparison Letter prepared by Tectonic Engineering; and
14. Site Plan Drawings by Tectonic Engineering.

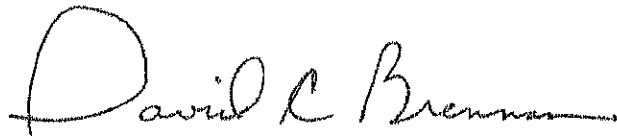
Kindly place this matter on the agenda for discussion at the next meeting of the Planning Board and Zoning Board of Appeals. In the meantime, if you should have any questions or require any additional information concerning this project, I can be reached at (518) 438-9907.

Thank you for your consideration.

Dated: November 27, 2024

Respectfully submitted,

CELLCO PARTNERSHIP d/b/a Verizon Wireless

A handwritten signature in black ink that reads "David C. Brennan". The signature is written in a cursive, flowing style with a large initial "D".

David C. Brennan, Esq.
Regional Local Counsel



Network Engineering
1276 John Street, Suite 100
West Henrietta, New York 14586

RF JUSTIFICATION
PROPOSED "DUANESBURG ES" COMMUNICATIONS FACILITY
TOWN OF DUANESBURG, SCHENECTADY COUNTY, NY

Verizon proposes to construct, operate and maintain a new wireless telecommunications facility ("Wireless Telecommunications Facility") on private property located off Chadwick Rd in the Town of Duanesburg, Schenectady County NY (120± ft. monopole tower with a 4± ft. lightning rod) (Tax Map # 76-1-12311 in the R-2 (Agricultural & Residential Zoning District)). This proposed facility (referred to internally as "Duanesburg ES") is specifically intended to address significant coverage deficiencies in Verizon's wireless network in the southern portions of town (generally along Interstate I-88 and NY State Route 7 / Duanesburg Rd paralleling the southern town line and the surrounding area).

This report describes the proposed Duanesburg ES site's coverage objectives, the search ring area, and outlines candidate properties considered for this project.

Introduction and Background Information

Coverage and capacity deficiencies are two main drivers that prompt the need for a new wireless communications site. All sites provide capacity and coverage for the benefit of the end user.

Coverage can be defined as the existence of a wireless signal of usable strength and quality in a given area that a mobile device can decode and use to communicate with a nearby cell site. In areas that are well covered, mobile devices are able to easily connect and maintain a reliable wireless connection with a nearby neighboring cell site(s) and local wireless network.

Capacity can be defined as the amount of traffic (voice and data connections) a given site can process before significant performance degradation occurs.

Although the proposed Duanesburg ES facility's main purpose is to provide new and/or significantly improved coverage and network performance reliability across the targeted improvement area, the site will also offload wireless devices operating in poor RF conditions in and around the Duanesburg Elementary School area from distant sites, enabling them to better serve customers within their intended coverage areas.

The wireless communications industry is governed by the Rules of the FCC. The FCC requires each carrier to provide "substantial service" in its licensed service area or risk having its license revoked (CFR 47, Parts § 22.940 and § 24.16).

The FCC defines "substantial service" as service which is sound, favorable, and substantially above a level of mediocre service.

Before proceeding to the coverage and performance improvement objectives for the proposed Duanesburg ES facility, it is worth explaining several key points that help with understanding the radio-frequency (RF) related information contained in the rest of this document.

First, Verizon owns and operates its wireless network in several distinct frequency bands. Each of these frequency bands (also referred to as channels) are deployed in varying ways to maximize their effectiveness.

Verizon's main coverage bands are the relatively low frequency 700 MHz and 850 MHz bands that are currently used for 4G LTE. Because of the advantageous propagation characteristics of the 700/850 MHz frequency bands, these channels are used to form somewhat of an umbrella coverage layer as signals at these frequencies enable wireless network connectivity over greater distances. Although voice and data can be transmitted over these channels, their primary function (and goal) is to offer a ubiquitous coverage layer for reliable traditional mobile voice services (including 911 and texting). These low-band channels will be used to provide as much reliable coverage as possible across the Duanesburg ES site's targeted improvement area, both inside and outside of the homes, local businesses, schools, and vehicles traveling thru the area.

Verizon also owns FCC licenses in higher frequency bands including 1900 MHz PCS (Personal Communications Services) and 2100 MHz AWS (Advanced Wireless Services); these channels are referred to as "mid-band". These mid-band channels offer more bandwidth (which equates to increased capacity and better performance) than the 700 MHz and 850 MHz bands, but because they are located higher up in the frequency spectrum, wireless coverage is limited and signals in these bands do not travel as far as 700/850 MHz signals (meaning signals of equal strength transmitted from a given wireless facility can be received and decoded at greater distances in the 700/850 MHz bands than at the higher AWS/PCS frequencies). These AWS/PCS bands, although somewhat limited in coverage distance, provide capacity relief to the 700/850 MHz channels by allowing users close to each cell site to access Verizon's network via the AWS/PCS channels, enabling the 700/850 MHz channels to provide coverage to mobile devices beyond those covered by the AWS/PCS frequency channels. Also, since Verizon owns larger chunks of FCC licensed spectrum in the AWS and PCS bands, these bands are used to provide customers with high-speed 4G internet access due to the increased available bandwidth. These bands will eventually be converted to 5G as 5G usage begins to match and surpass 4G demand. Lastly, these channels will be used to provide as much mid-band coverage as possible to as many homes and businesses as possible across the targeted improvement area, which will offer reliable high speed internet access to those customers.

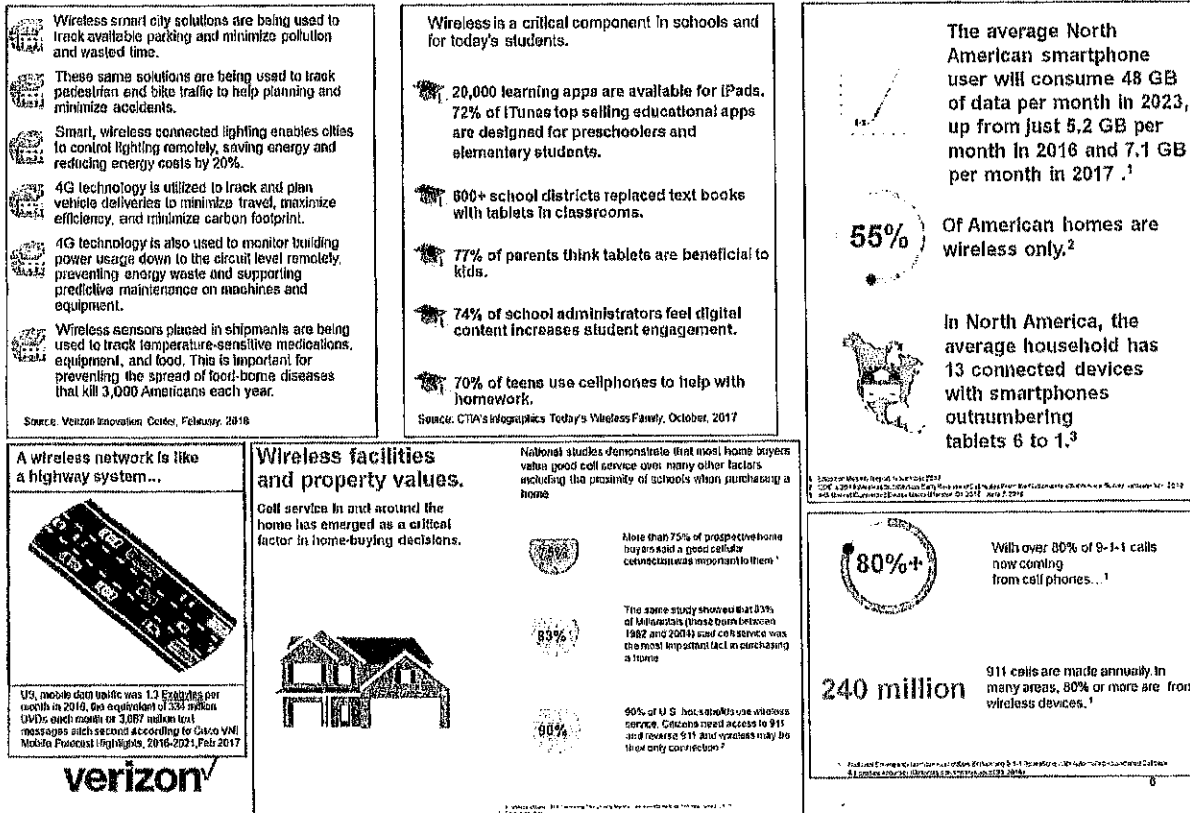
As technology and mobile device capabilities evolved, customer demand for faster download speeds continued to explode. To meet this demand, the FCC auctioned off additional spectrum in the 3500 MHz band so that wireless carriers could begin to roll out new 5G services without having to reuse capacity-limited 700/850 MHz, AWS and PCS bands currently used for 4G services. Verizon acquired several FCC licenses in the 3500 MHz (C-Band) frequency band which are being used exclusively to deploy high speed 5G services. Verizon began rolling out its 5G network nationwide in 2022, which consists of adding 5G radios and antennas to existing wireless facilities. This 3500 MHz 5G rollout began in the Albany / Schenectady area, including Schenectady County and Duanesburg, in January 2022. 5G C-band will be deployed at the proposed Duanesburg ES site, offering ultra-wideband high-speed data and other 5G services to those served by it.

From a coverage analysis perspective, and as described above, since Verizon's 700/850 MHz network offers a best-case coverage scenario, the coverage results demonstrated in this document use the 700/850 MHz band.

To conclude this background section, is important to note the evolution in wireless customer expectations and the demand for more data delivered at extremely fast upload and download speeds. As technology continues to advance to AI and 5G and our handheld mobile devices are able to do far more than simply make phone calls and send text messages, wireless subscriber habits have followed as customers expect to have access to fast and reliable internet connections in places where they live work and play so they can view traffic data and find the fastest route to work or home, request an Uber ride and monitor driver movement to the pickup location, stream videos and music, watch tv and movies on streaming services like Netflix, Hulu and Peacock, host or attend meetings via Zoom or WebEx, listen to podcasts, etc.

The graphic in the **Wireless Voice and Data Growth** chart below provides additional information on the importance of reliable wireless data access, its integration into our day-to-day lives and activities, and summarizes how wireless data usage has evolved.

Wireless Voice and Data Growth



To summarize all of this information, ultimately the objective of the Duanesburg ES site is to provide reliable voice services (including 911 emergency services access) first and foremost. Second is to provide as much new mid-band coverage as possible from the proposed site to offer reliable high-speed internet to as many customers as possible in the Duanesburg Elementary School area and the surrounding community (the more area covered by the proposed site will lead to fewer future fill in sites). The third important objective is to route as many customers as possible thru the proposed Duanesburg ES facility from within the targeted improvement area, effectively removing this network usage from relatively-distant neighboring sites and allowing them to better serve customers within their intended coverage area (resulting in a better wireless experience throughout the intended coverage and network performance improvement area).

Coverage and Performance Improvement Objectives

Deployment of the proposed Duanesburg ES cell site is an important step in Verizon's long-term plan to provide safe (including E-911 capability), reliable and uninterrupted wireless telecommunications coverage to the main travel routes and population centers in Schenectady County (in this specific case, along I-88, NY-7 (Duanesburg Rd), Schoharie Turnpike, Main St, Knox Cave Rd and Chadwick Rd in the Town of Duanesburg, including the homes and rural communities, Delanson Hamlet, schools, and local businesses generally in the Duanesburg Elementary School area.

The current level of insufficient 4G/5G coverage in the area originates primarily from Verizon's existing wireless facilities called "Duanesburg West" (located 2.7± mi. north on the 100 ft. tall SBA tower at 428 Mudge Rd) and "Duanesburg II" (5.4± mi. east on the 250 ft. tall American Tower tower at 627 Mott Rd) in the town of Duanesburg, "Knox" (4.3± mi. southeast on the 95 ft. tall Town of Knox tower at 163 Street Rd) in the Town of Knox, and "Delanson" (3.2± mi. west on the 140 ft. tall SBA tower at 265 Beard Rd) in the Town of Penfield. Coverage is inadequate and inconsistent from all of these neighboring sites due to distance, topography, and vegetation between them and the targeted improvement area in southern central Duanesburg.

The level of existing reliable coverage in the targeted network performance improvement area is displayed in the coverage map at **Exhibit 1** (attached to this report). As the map demonstrates, there are significant portions in the southern-central portions of Duanesburg that are lacking reliable coverage.

When viewing **Exhibit 1**, existing -95 dBm level coverage¹ in Verizon's 700/850 MHz band (or low-band) is depicted by blue-grey shaded areas while areas with tan background are outside the -95 dBm coverage boundary and are in need of new and/or improved wireless service. As noted in the Background section above, coverage in the 700/850 MHz band demonstrates the best-case coverage scenario, and in this case represents the areas where a reasonable level of reliable in-home / in-vehicle wireless service is expected. Also note that varying levels of wireless service are likely available in areas outside of the coverage boundary (i.e., where received signal strength is less than the -95 dBm threshold), but coverage in these areas is not considered reliable and is likely too weak to consistently or adequately reach inside of homes and vehicles in or traveling thru those areas.

As a final observation with reference to the map at **Exhibit 1**, note that significant coverage gap areas remain due to the challenging terrain and patches of dense forested areas, however the majority of local roads and populated areas are within the new or existing reliable coverage layers. The remaining gap areas will need to be addressed with future fill-in wireless facilities (note that no new facilities other than the proposed Duanesburg ES site are currently planned in southern Duanesburg).

Proposed "Duanesburg ES" Wireless Facility:

As detailed in the previous section, coverage and network performance from Verizon's existing facilities is inconsistent and unreliable in the Duanesburg Elementary School area of Duanesburg. In order to provide the needed dominant (i.e., localized) level of advanced 4G LTE and 5G communications services to Verizon customers in this portion of town, construction of a new, locally-based wireless telecommunications facility is required.

In response to this need, Verizon is proposing to develop its Duanesburg ES site on John James Jr.'s property off Chadwick Rd approximately 0.6± miles south of Duanesburg Elementary School. The Duanesburg ES cell site's coverage objectives are to provide new and improved emergency and non-emergency 4G/5G wireless coverage across southern Duanesburg, including 3.7± miles along I-88, 2.2± miles along Schoharie Turnpike, 1.5± miles along Duanesburg Rd, 2.1± miles along Main St and Darby Hill Rd, 2.9± miles along Thousand Acres Rd, extending 2+ miles along several local and neighborhood roads (e.g., Alexander Rd, Turnbull Rd, Quaker Ln, Charles St., Elm St and School Dr, to name a few), and into the homes, schools, and businesses in this portion of town.

Calculated low-band 700/850 MHz coverage from the proposed new facility (at an antenna center line ("ACL") height of 115 ft.) is illustrated by the green regions at attached **Exhibit 2**.

¹ Verizon's standard for reliable coverage into rural single-family homes / small commercial buildings and high-speed (i.e., highway traffic) in-vehicle applications is -95 dBm. Assuming sufficient network capacity is available; customers served at or better than signal strength of -95 dBm can expect reliable communications services and network quality, and a very high success rate of connecting to and maintaining connection with the network in emergency (i.e., dialing 911) and non-emergency situations.

As the results in **Exhibit 2** demonstrate, reliable wireless coverage will be extended across the majority of the targeted improvement areas described previously. When complete, most if not all Verizon customers accessing and connecting to its wireless network from within the green-shaded areas shown in **Exhibit 2** will be routed through and remain connected to the proposed Duanesburg ES facility, in effect resolving the issue of poor and unreliable service across the targeted improvement area.

It is important to note when viewing the coverage results in **Exhibit 2** that, with its location near the center of the I-88 coverage gap area, each of the proposed site's three sectors will provide relatively uniform coverage and to the underserved areas across southern-central Duanesburg. And finally, by providing a dedicated site to serve wireless customers generally within and passing through the green-shaded area, this somewhat distant, poorly-covered and difficult to reach network traffic (usage) is removed from Verizon's surrounding sites attempting to reach this area, resulting in better performance within each neighboring site's localized coverage area.

To summarize, from a Verizon ongoing regional network performance improvement perspective, this project provides a necessary and critical upgrade of the Verizon's 4G network in the Town of Duanesburg, and will be designed to include new advanced 5G wireless equipment and services. As a result, and upon completion, significant improvements in reliable 4G and 5G services will be extended across southern-central Duanesburg and along I-88 including the nearby schools, homes, rural communities, and several main, local and community roads.

Search Ring Development and Candidate Evaluation

The Duanesburg ES search area was created after considering several important factors including the underserved coverage areas generally along I-88 and across the southern central areas of town (as shown in the coverage map at **Exhibit 1**), and the goal of providing as much reliable seamless wireless coverage as possible across the targeted network improvement area from a tower of reasonable height.

The 3-D topo map provided at **Figure 1** below illustrates the targeted coverage and performance improvement area (within the yellow boundary), the designated Search Ring Area (red boundary), and the proposed Duanesburg ES site location (blue triangle symbol labelled "Proposed Site"). The map is intended to help visualize why the chosen search ring area (and ultimately the proposed facility) location was selected as it is positioned near the center of the targeted improvement area on an elevated ridgeline with visibility to the northeast and west along main travel routes I-88 and NY-7 (Duanesburg Rd). The proposed site and search ring area are also positioned to "see" into the river valley to the west/northwest and into the Delanson Hamlet area including Duanesburg High School and portions of the Main St, Alexander Rd and Thousand Acres Rd.

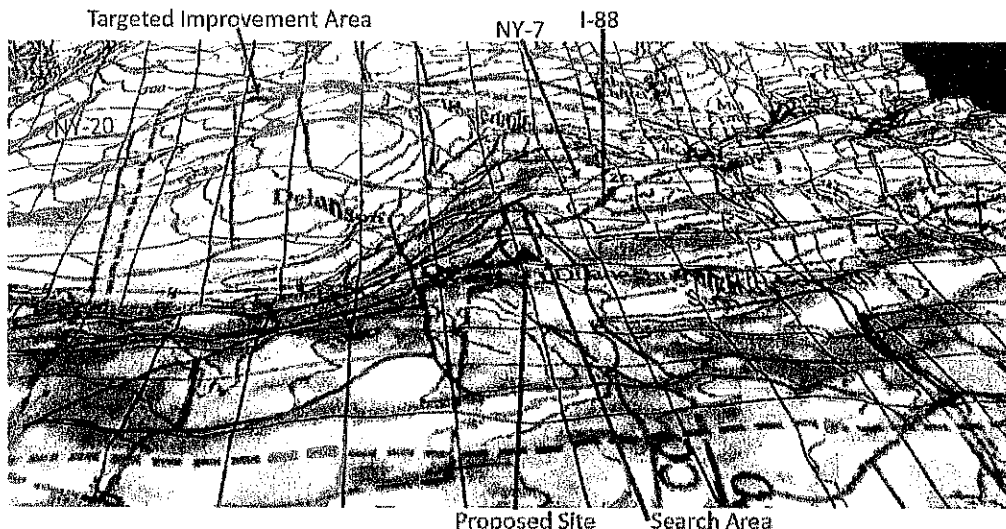


Figure 1. 3D Topo Map of the Duanesburg ES Site's Targeted Coverage Improvement Area

Additional details on the site selection process are provided in the **Site Selection Analysis** document dated October 22, 2024 included with Verizon's zoning application package. To summarize the process described therein, Verizon first looks for colocation opportunities within the targeted improvement area; the closest existing structures of significant height are two towers that Verizon is currently operating from (i.e., Verizon's "Duanesburg West" site 2.7± mi. north and its "Delanson" site 3.2± mi. west). There are no other structures of significant height close to the targeted coverage improvement area. With no feasible colocatable structures available, Verizon completed the remaining tower sighting criteria per the town's code. After weighing the tower sighting criterion, it was determined the most feasible option was to propose developing a new tower on private property within the designated search area.

From a coverage and network performance improvement perspective all properties within or extending into the search ring exhibit potential (assuming a tower of sufficient height can be developed on the property) to satisfy the stated Duanesburg ES site's objectives. To further narrow the search for viable properties, each candidate property was evaluated with the goal of finding the best parcel from which a new tower is able to satisfy Verizon's coverage objectives while minimizing the aesthetic impact to the surrounding community. Other significant factors considered include land owner interested in leasing property to Verizon, the ability to best match local zoning setback and fall zone requirements, locating a site close to commercial power and fiber but at a reasonable distance away from wetlands or occupied buildings/homes, the ability to develop an access / utility road and tower compound that requires minimal land grading and tree clearing that also does not interfere with day-to-day activities on the property, and ideally locating a site that is screened to the fullest extent possible by surrounding mature vegetation.

Based on the results of this evaluation and candidate comparison, Verizon leased a plot of land on Mr. James' property for development of the proposed 120 ft. tower.

Tower Height

As described throughout this document, the proposed Duanesburg ES site is needed to provide reliable coverage and improved wireless network performance across the southern-central Duanesburg area. To accomplish these objectives, Verizon's antennas need to be placed at a height where all or most of the desired objectives are satisfied while minimizing the aesthetic impact to the surrounding community. Ideally the proposed tower is built tall enough to allow for colocation for other wireless carriers that are also likely in need of service improvements to the targeted area.

Considering the above, Verizon is proposing a tower height of 120 ft. (124 ft. when considering the small 4 ft. tall lightning rod on top of the tower). Verizon antennas would be placed at the 115 ft. antenna centerline (ACL) height on the tower; the height at which coverage is maximized along I-88 and into the surrounding area while keeping the top of the tower relatively close to the top of the surrounding tree canopy but still allowing reasonable height for potential (and likely) future colocation.

Coverage from the proposed 120 ft. tower is provided at **Exhibit 2** (low-band 700/850 MHz) and was discussed in the **Proposed "Duanesburg ES" Wireless Facility** section above. The coverage map at **Exhibit 3** provides a coverage comparison between the proposed 120 ft. tall tower vs. a 20 ft. lower tower with height of 100 ft. As the map demonstrates, lowering the tower height to 100 ft. (with antenna ACL of 95 ft.) results in significant reduction in reliable coverage to the west along I-88, Darby Hill Rd and Barton Hill Rd, to the northeast along NY-20 and NY-7, and north surrounding the Delanson Hamlet area.

Based on these results, Verizon is proposing a 120 ft. tower which enables Verizon to accomplish the majority of its coverage and network improvement objectives while allowing reasonable space for colocation below Verizon' antennas. Conversely, a 100 ft. tall tower reduces Verizon's coverage across the area, decreases (or eliminates) the site's usefulness for colocation, and increases the likelihood that

additional future wireless facilities will be needed in the areas where coverage is compromised from the lower tower height.

Conclusion

Verizon is proposing a new wireless facility in the Town of Duanesburg to extend reliable 4G and 5G wireless coverage across southern-central Duanesburg including the residential, commercial, and primary travel routes across this portion of the town. An extensive review of the area was completed to determine feasible site locations capable of providing acceptable coverage while complying with Duanesburg's Zoning code to the fullest extent possible. The proposed tower location is surrounded in all directions by a mature tree canopy that will minimize visibility and aesthetic impact to the surrounding homes and traveling public while providing much needed reliable 4G and 5G wireless service to Verizon customers as well as emergency communications capabilities to local emergency service providers. Verizon is confident that the proposed location is an appropriate location for this facility.

Respectfully submitted by: Rick Andras
RF Design Engineer

November 14, 2024

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

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|--|--|
| ☒ Title of drawing | ☒ Septic system: Soil investigation completed? |
| ☒ Tax Map ID # | ☒ Sewer System: Which district? |
| ☒ Zoning district | ☐ Basic SWPPP (1≥) |
| ☒ Current Original Deed | ☐ Full Storm Water Control Plan (More than an acre) |
| ☒ NYS Survey (L.S. & P.E.) | ☒ Other (Building Set Backs) |
| ☒ North Arrow, scale (1"=100') | ☐ Storm Water Control Plan |
| ☒ Boundaries of the property plotted and labeled to scale. | ☒ Short or long EAF www.dec.ny.gov/eafmapper/ |
| ☒ School District/Fire District | ☐ Street pattern: Traffic study needed? |
| ☒ Green area/ landscaping | ☐ All property Mergers REQUIRE both owners Signatures on the Application |
| ☒ Existing watercourses, wetlands, etc. | |
| ☒ Contour Lines (increments of 10ft.) | |
| ☒ Easements & Right of ways | |
| ☒ Abutting Properties Wells/ Sewer Systems within 100ft. | |
| ☒ Well/ Water system | |

Additional Requirements for Special Use Application:

- ☒ New or existing building
☒ Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage
Parking, Handicap Spaces, & lighting plan

Date 12/10/24

Application type: ☐ Major Subdy ☒ Minor Subdy ☒ Special Use Permit ☒ Site/ Sketch Plan Review ☐ LotLine Adjust
Proposal: Construction of 3 residential parcels, 1,000 seat recreational facility and a Town roadway as part of a 4-Lot Minor Subdivision

Section _____ of _____ Ordinance.

Present Owner: Carine Michel (AS APPEARS ON DEED!!)
 Address: 2 Circle Drive Rensselaer, NY Zip code: 12114
 Phone # (required) 845-548-7944

Applicants Name (if different): Same as Above Phone# (required) Same as above

Location of Property (if different from owners) Western Turnpike

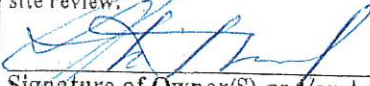
Tax Map # 68-2-25.31 Zoning District R-2 & C-1
68-2-40.2

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

LANDS CONVEYED TO (REQUIRED FOR MERGERS) N/A

Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

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

 Date 12/12/2024
 Signature of Owner(S) and/or Applicant(S)

ALL APPLICATION FEES ARE NON-REFUNDABLE!

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

Approved _____ Disapproved ☐ Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

 Planning Chairperson

 Date

 Code Enforcement

 Date

Agricultural Data Statement

Date: 12/10/24

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>Carine Michel</u>	Name: _____
Address: <u>2 Circle Drive</u> <u>Rensselaer, NY 12114</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:
Construction of 3 residential dwellings and a 1,000 seat recreational facility

3. Location of project: Address: Western Turnpike
Tax Map Number (TMP) 68.-2-25.31
4. Is this parcel within an Agricultural District? YES NO (Check with your local
5. If YES, Agricultural District Number _____ 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: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO


Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____

Dale R. Warner

Date _____

Revised 4/4/17

FARM NOTE

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

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

Last Hour Project

The Project is located at: Ref # 2400 Western Turnpike. Duanesburg, NY. 12056.

On the 71+ acre

Permit will be required for;

One Private Residential House

6-8 Bedrooms

4 Baths

2 1/2 Baths

Special permit is required for Subdivision to pursue as affordable homes, to accommodate Guests Through Retreats, Seminars, Conventions and so on.

2.7 acre Commercial.

Need to apply for permit as well.

And, special permit will be required as (Variance) to extend the Recreation Center for more purposes

Phone # 845-548-7944

E-mail; carine.michel@yahoo.com
lasthourgospel@yahoo.com

Conceptual Proposal Plan:

Recreational Center:

Capacity 1000 People

Activities Year Round: Conference - Retreat-
Musical Entertainment

Summer and Winter Camp-

Day Care for all ages

Physical activities Social activities

Arts and crafts activities, (etc.)

It will be a fascinating useful place for Such a
Time as This. And, it will enhance the
community.

Hopefully, implementing this project is a
realistic and optimistic outcome. Therefore,
new employment opportunities will be
generated to many.

Dining Hall:

Capacity 300 people

Including full kitchen.

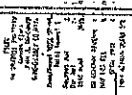
Lounge Rooms:
For Special use group meetings.
50 Person Seating

Offices:
Administration
Physical Therapy
Cognitive Behavior Therapy, (CBT)
Counseling
+Training

Amenities:
Basketball, Tennis Court
Exercise Room
Indoor Pool
Locker Room

Please let us know if anything else
is needed.

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Sheet 10

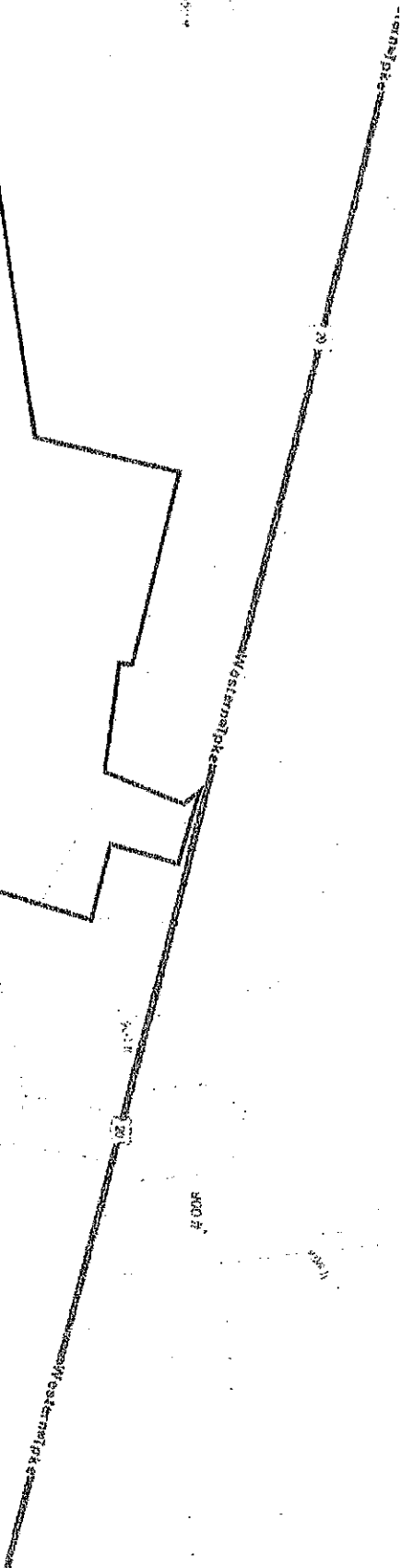
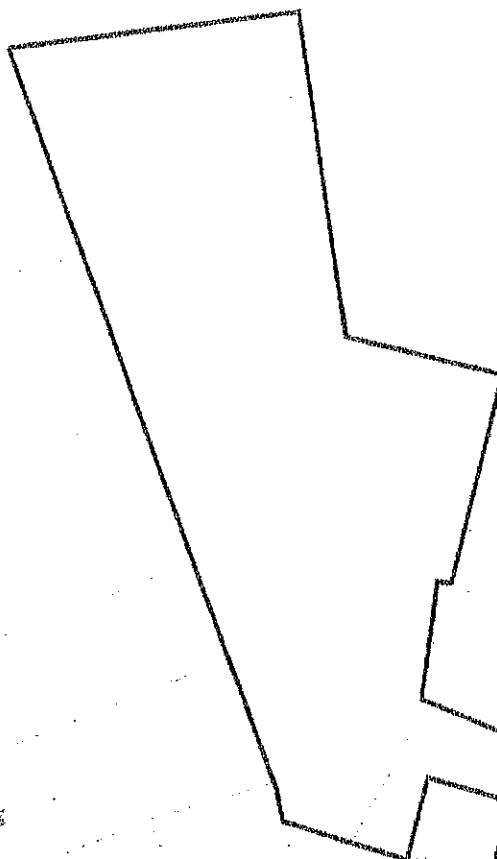
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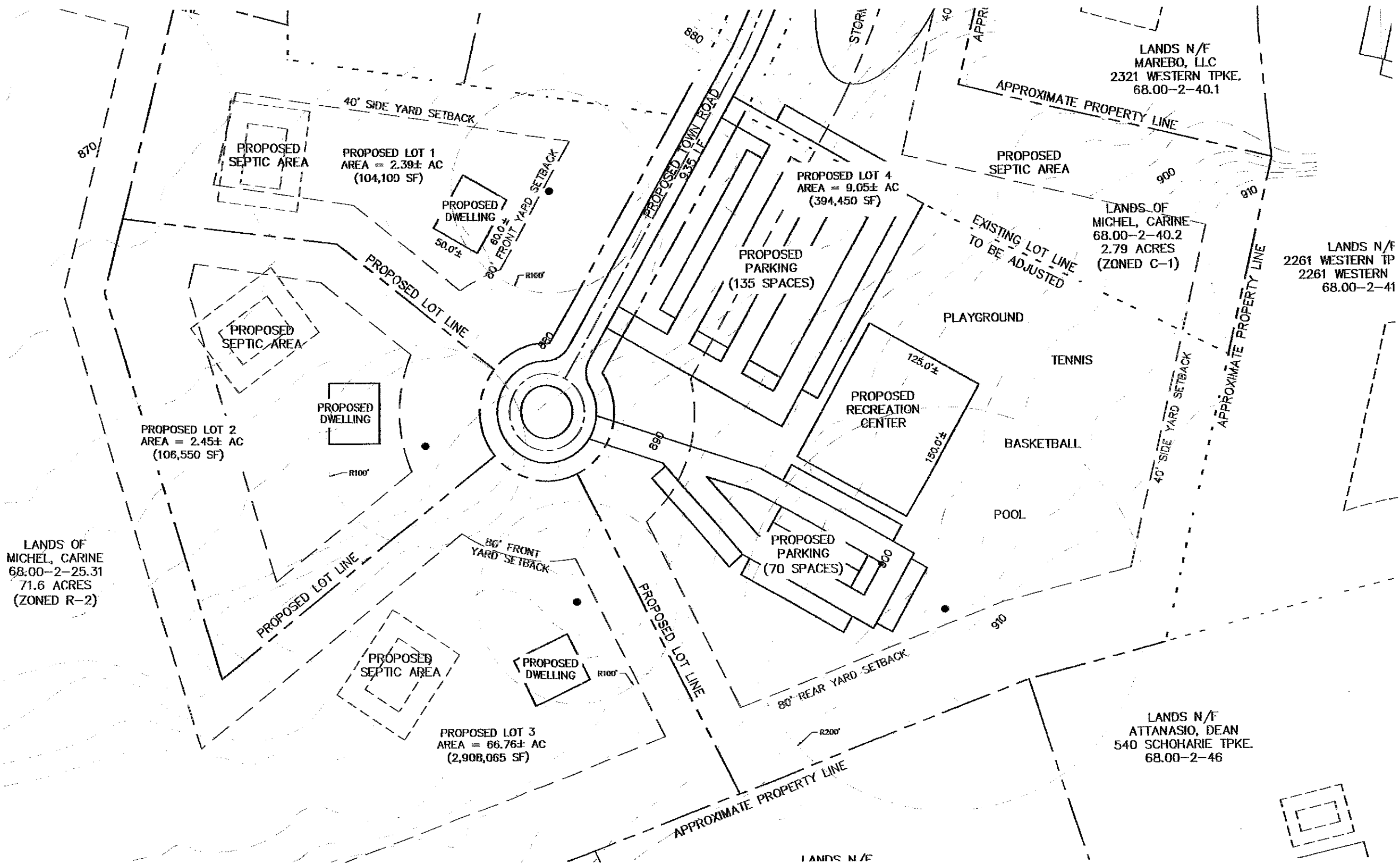
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APPLICATION FOR THE PLANNING BOARD
TOWN OF DUANESBURG
*****FOR OFFICE USE ONLY*****

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|--|---|
| <ul style="list-style-type: none">☒ Title of drawing.☒ Tax Map ID #☒ Zoning district☒ Current Original Deed☒ NYS Survey (L.S. & P.E.)☒ North Arrow, scale (1"=100'),☒ Boundaries of the property plotted and labeled to scale.☒ School District/Fire District☒ Green area/ landscaping☒ Existing watercourses, wetlands, etc.☒ Contour Lines (increments of 10ft.)☒ Easements & Right of ways☒ Abutting Properties Wells/ Sewer Systems within 100ft.☒ Well/ Water system☒ PDF of any maps | <ul style="list-style-type: none">☒ Septic system: Soil investigation completed?☒ Sewer System: Which district?☐ Basic SWPPP (12)☐ Full Storm Water Control Plan (More than an acre)☒ Other (Building Set Backs)☐ Storm Water Control Plan☒ Short or long EAF www.dec.ny.gov/efamapper/☐ Street pattern: Traffic study needed?☐ All property Mergers REQUIRE both owners Signatures on the Application <p><u>Additional Requirements for Special Use Application:</u></p> <ul style="list-style-type: none">☒ New or existing building☒ <u>Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage</u> |
|--|---|

Date <u>12/16/24</u>			
Application type: ☐ Major Subdv ☐ Minor Subdv ☒ Special Use Permit ☐ Site/ Sketch Plan Review ☐ LotLine Adjust			
Proposal: _____			
_____ Section _____ of _____ Ordinance.			
Present Owner: <u>Robert Brockway (AS APPEARS ON DEED!!)</u>			
Address: <u>10697 Marcyville Rd Pattersonville</u> Zip code: <u>12137</u>			
Phone # (required) <u>518-646-3293</u>			
Applicants Name (if different): _____		Phone# (required) _____	
Location of Property (if different from owners) <u>272 North Rd Pattersonville NY 12137</u>			
Tax Map # <u>34.00-1-29.14</u> Zoning District _____			
<u>Robert Brockway</u>			
Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)			
LANDS CONVEYED TO (REQUIRED FOR MERGERS)			
Signature of receiving Property Owner <u>Robert Brockway (AS APPEARS ON DEED!!)</u>			
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.			
<u>Robert Brockway</u>		Date <u>12/16/24</u>	
Signature of Owner(S) and/or Applicant(S)			
<u>ALL APPLICATION FEES ARE NON-REFUNDABLE!</u>			

(For office use only)			
Application fee paid: _____ Check# _____		Reviewed By _____ Date _____	
Approved ☐ Disapproved ☐ Refer to Code Enforcement ☐		Section _____ of _____ Ordinance	
Planning Commission Comments: _____			

_____ Planning Chairperson		_____ Code Enforcement	
_____ Date		_____ Date	

TOWN OF DUANESBURG

Application# _____

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>Robert B. Brockway</u>	Name: _____
Address: <u>10697 Manville Rd</u>	_____
<u>Pattersonville NY 12137</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:

Store and fence materials for my business
have guys meet there in morning for work

3. Location of project: Address: 272 North Rd Pattersonville NY 12137
 Tax Map Number (TMP) _____

4. Is this parcel within an Agricultural District? YES NO (Check with your local
 5. If YES, Agricultural District Number _____ 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: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO

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.

Municipality of Duanesburg

SWIS:	422089	Tax ID:	34.00-1-29.14
-------	--------	---------	---------------

Tax Map ID / Property Data

Status:	Re-Activated	Roll Section:	Taxable
Address:	272 North Rd		
Property Class:	311 - Res vac land	Site Property Class:	311 - Res vac land
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	02 - R-2	Bldg. Style:	0
Neighborhood:	00001 -	School District:	Schalmont
Property Description:	Legal description not given for property		
Total Acreage/Size:	6.00	Equalization Rate:	----
Land Assessment:	2024 - \$5,400 2023 - N/A	Total Assessment:	2024 - \$5,400 2023 - N/A
Full Market Value:	2024 - \$23,581 2023 - N/A		
Deed Book:	2111	Deed Page:	626
Grid East:	578875	Grid North:	1455600

Special Districts for 2024

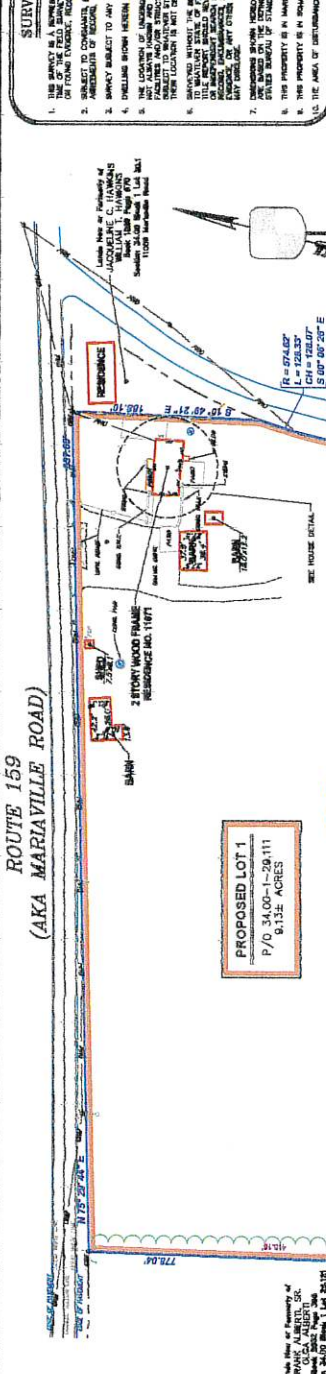
Description	Units	Percent	Type	Value
FP002-Fire Protection 2	0	0%		0

Special Districts for 2023

No information available for the 2023 roll year.

Land Types

Type	Size
Primary	1.25 acres
Undeveloped	3.00 acres
Residual	1.75 acres

[illegible][illegible][illegible][illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
MAP OF SURVEY OF PROPOSED LANDS Lands at 11071 Mariaville Jeffery M. & Wendy J. - SITUATE - TOWN OF DUANESBURG ~ SCHENECTADY NEW YORK																																																																																																			

MAP OF SURVEY OF PROPOSED LANDS
Lands at 11071 Mariaville
Jeffery M. & Wendy J.
- SITUATE -
TOWN OF DUANESBURG ~ SCHENECT
NEW YORK

DIVISION OF
Road for
Brockway
COUNTY

OR'S NOTES

- [illegible]

LEGEND

- [illegible]

SESSION NOTES

- ZONE DESIGNATED AS "AGRICULTURAL AND
-2-
LANDS IN THE AGRICULTURAL DISTRICT AND
BUT NOT LIMITED TO, ACTIVITIES THAT
IS PROPERTY ZONED FOR COMMERCIAL OR
RESIDENTIAL ZONED (C-1) OR (C-2) PROPERTY
TO ENVIRONMENTAL CONDITIONS ASSOCIATED
ENVIRONMENTAL CONDITIONS MAY INCLUDE

OF DUANEBOURG ENDORSEMENT

- Abstract**

DIVISION OF
Road for
Brockway

Y COUNTY

Phoenix Fence & Deck LLC

TIN # 85-0568886

Hrs of operation 7AM-7PM

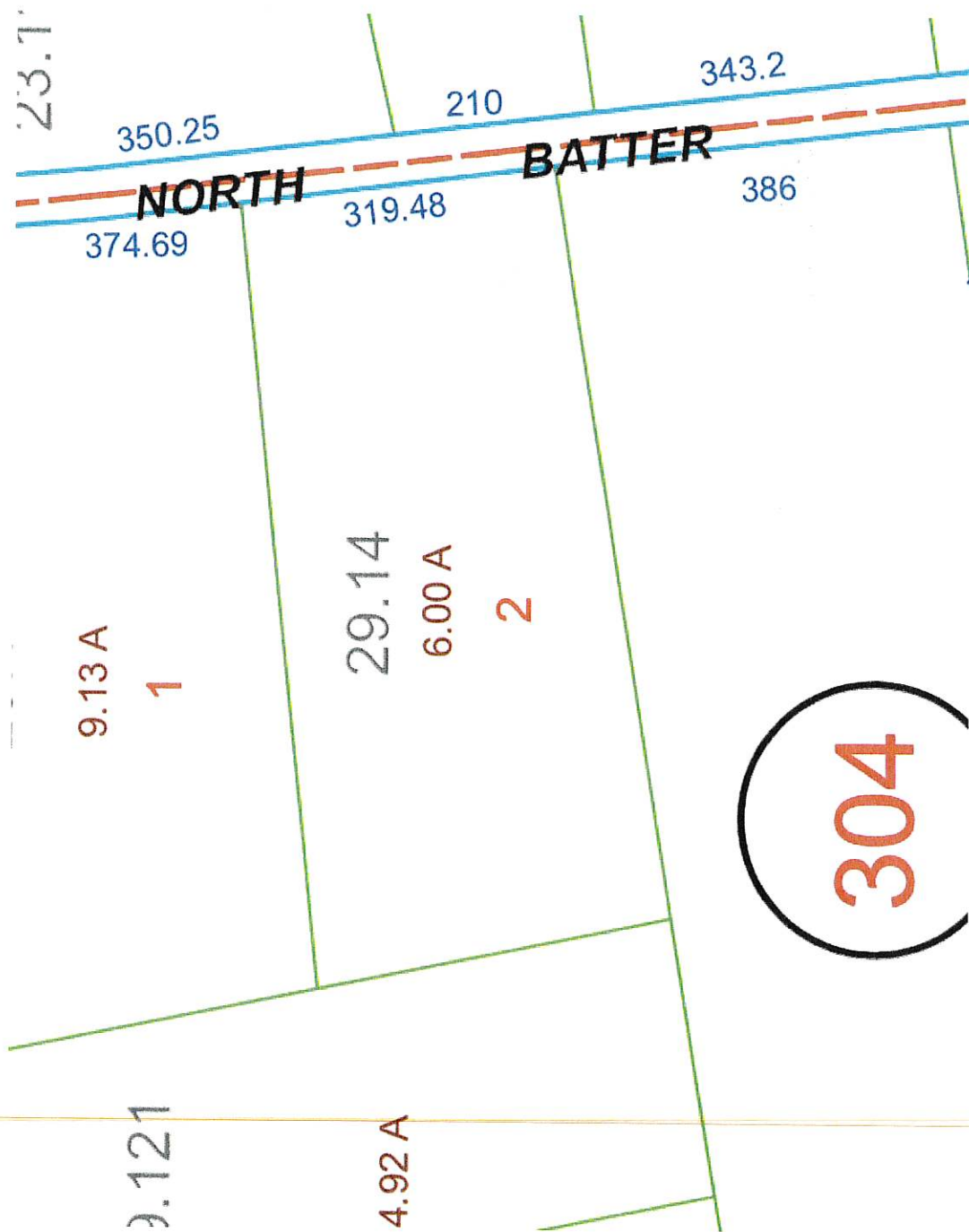
Number of Employees 3-6

Robert Brockway

3rd Generation Fence Installer

Phoenix Fence

518-646-3293



APPLICATION FOR THE PLANNING BOARD
TOWN OF DUANESBURG
*****FOR OFFICE USE ONLY*****

CHECKLIST OF REQUIRED INFORMATION:

- | | |
|--|---|
| <ul style="list-style-type: none">☒ Title of drawing.☒ Tax Map ID #☒ Zoning district☒ Current Original Deed☒ NYS Survey (L.S. & P.E.)☒ North Arrow, scale (1"=100'),☒ Boundaries of the property plotted and labeled to scale.☒ School District/Fire District☒ Green area/ landscaping☒ Existing watercourses, wetlands, etc.☒ Contour Lines (increments of 10ft.)☒ Easements & Right of ways☒ Abutting Properties Wells/ Sewer Systems within 100ft.☒ Well/ Water system☒ PDF of any maps | <ul style="list-style-type: none">☒ Septic system: Soil investigation completed?☒ Sewer System: Which district?☐ Basic SWPPP (1±)☐ Full Storm Water Control Plan (More than an acre)☒ Other (Building Set Backs)☐ Storm Water Control Plan☒ Short or long EAF www.dec.ny.gov/eafmapper/☐ Street pattern: Traffic study needed?☐ All property Mergers <u>REQUIRE</u> both owners Signatures on the Application |
|--|---|
- Additional Requirements for Special Use Application:
- ☒ New or existing building
 - ☒ Business Plan, Hours of operation, & number of employees, floor plan, uses, lighting plan/ landscaping/signage

Date 12/9/24

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

Proposal: opening a pizza delivery service and pick up also including
Breakfast, Lunch, and dinners

Section _____ of _____ Ordinance.

Present Owner: Michael Coleman (AS APPEARS ON DEED!!)

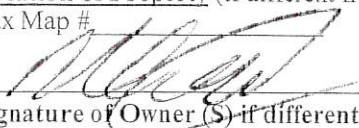
Address: 408 Garrison Road, Rome NY Zip code: 13152

Phone # (required) 518 507 2606

Applicants Name (if different): Gabriel Medina Phone# (required) 518 231-3925

Location of Property (if different from owners) _____

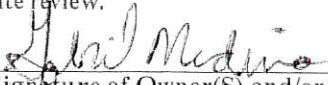
Tax Map # _____ Zoning District H


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

LANDS CONVEYED TO (REQUIRED FOR MERGERS)

Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

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


Signature of Owner(S) and/or Applicant(S) Date 12/9/24

ALL APPLICATION FEES ARE NON-REFUNDABLE!

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

Approved _____ Disapproved ☐ Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

Planning Chairperson

Date

Code Enforcement

Date

Agricultural Data Statement

Date: 12/9/24

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>Gabriel Medina</u>	Name: _____
Address: <u>10086 Oak St</u>	_____
<u>Duanesburgh NY 12053</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:

3. Location of project: Address: _____
Tax Map Number (TMP) _____
4. Is this parcel within an Agricultural District? YES NO (Check with your local
5. If YES, Agricultural District Number _____ 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: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO

Gabriel Medina
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.

12/9/24

I'm proposing to open a pizza delivery service and pick up in person will also include other meals such as break fast, lunch, and dinners.

This will bring buisness into the community and also good food. This will be a growing buisness and will also be able to employ people also.

The delivery service will also be a benefit to our County by delivering food a certain mileage away to customers

The location of this is buisness isnt too far also from the locals. I plan on leaving the outside petina so people can remember it the way it was. Some modifications will be done to the inside as it hasnt been open for awhile. Parking will also be available for the customers and employees. We hope to see everyone soon thank you

Yelb Medina

APPLICATION FOR THE PLANNING BOARD
TOWN OF DUANESBURG
*****FOR OFFICE USE ONLY*****

CHECKLIST OF REQUIRED INFORMATION:

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

Date January 2, 2025

Application type: ☐ Major Subdv ☐ Minor Subdv ☒ Special Use Permit ☐ Site/ Sketch Plan Review ☐ LotLine Adjust
Proposal: See attached

Section _____ of _____ Ordinance.

Present Owner: Schenectady Solar LLC (AS APPEARS ON DEED!!)
Address: 41 Corporate Park, Suite 340 Zip code: Irvine, CA 92606
Phone # (required) 949-932-0375

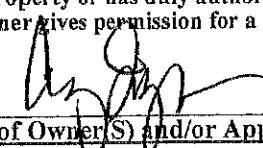
Applicants Name (if different): The Structure 4 Companies, LLC Phone# (required) 518-271-9422
Location of Property (if different from owners) Duanesburg Road
Tax Map # 75.00-1-12.11 Zoning District R-2

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

LANDS CONVEYED TO (REQUIRED FOR MERGERS)

Signature of receiving Property Owner _____ (AS APPEARS ON DEED!!)

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


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

Date 1/6/2025

ALL APPLICATION FEES ARE NON-REFUNDABLE!

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

Approved _____ Disapproved _____ ☐ Refer to Code Enforcement Section _____ of _____ Ordinance

Planning Commission Comments: _____

Planning Chairperson

Date

Code Enforcement

Date

TOWN OF DUANESBURG

Application# _____

Agricultural Data Statement

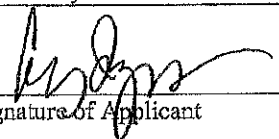
Date: January 2, 2025

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>The Structure 4 Companies, LLC</u>	Name: <u>Schneeloch Solar, LLC</u>
Address: <u>11 Arch Street</u> <u>Watervliet, NY 12189</u>	Address: <u>41 Corporate Park, Suite 340</u> <u>Irvine, CA 92606</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:
See attached
3. Location of project: Address: 12352 Duaneburg Road
Tax Map Number (TMP) 75.00-1-12.11
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: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO



Signature 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.

This Indenture

Made this 13th day of March Nineteen Hundred and eighty

Between
63 CHELSEINGHAM AVENUE, INC., with its principal offices at 1013 Forest Road, Schenectady, New York
a corporation organized under the laws of State of New York

Party of the First Part,

RONALD E. PROVOST and ELINOR M. PROVOST, his wife, residing at Ralmar Drive, Scotia, New York, together being a tenant in common with ROSEMARY A. KVEREK, residing at 1612 Hunteridge Drive, Clifton Park, New York

Witnesseth that the party of the first part, in consideration of ONE and no/contn... lawful money of the United States, a other good and valuable consideration paid by the part of the second part, does hereby grant and release unto the part of the second part, and assigns forever, all

That certain parcel of vacant land, situate, lying and being in the Town of Duaneburg, County of Schoenectady, and State of New York, bounded and described in general as follows: On the North by lands now or formerly of Wesley Van Pelt; on the East by lands of Horle Sheldon Horchoe; on the South by lands of John C. and Wilson Briggs, and on the West by lands formerly owned by Fred Sheldon and Bert Beers.

BEING the same premises described in a deed by J. Sheldon Frost and Dorothy G. Frost, his wife, to Brace Finch and Irwin Finch, which deed is dated January 3, 1921, and duly recorded in the Clerk's Office of the County of Schoenectady on January 4, 1921, in Book 280 of Deeds at Page 390.

EXCEPTING and reserving from the premises above described, all of the lands sold by Katherine Finch to Rose B. Delapp, which deed is dated May 10, 1944, and duly recorded in the Schoenectady County Clerk's Office in Book 503 of Deeds at Page 347.

SUBJECT to the easement given by Brace Finch and others to the New York Power & Light Corporation, which easement is dated May 29, 1931, and recorded in the Schoenectady County Clerk's Office on May 4, 1932, in Book 378 of Deeds at Page 381, and the utility easement recorded in Liber 640 op 190.

ALSO reserving and excepting the land conveyed by Brace Finch and Irons Finch, his wife, to the County of Schoenectady by deed dated February 12, 1935, and duly recorded in the Schoenectady County Clerk's Office on June 22, 1935, in Book 395 of Deeds at Page 380.

ALSO excepting and reserving all lands on the South side of the highway known as New York State Route No. 7.

ALSO excepting and reserving a parcel of land bounded and described generally as follows: Commencing at the Southeast corner of the

RECEIVED
REAL ESTATE
MAR 13 1980
TRANSFER TAX
SCHENECTADY
COUNTY

2574

(1)

1035-748

Intersection of lands formerly owned by Floyd Delapp and Rose Delapp and the North bounds of Route No. 7; running thence in a westerly direction along the North bounds of Route No. 7, 80 yards to an iron pin set in the North bounds of Route No. 7; running from thence in a northerly direction at right angles with the last mentioned course 180 yards, more or less, to a stone fence; running along the east line of the lands of the parties of the first part to an iron pin set in the ground; running thence in an Easterly direction and at right angles with the last mentioned course along the South line of the lands of the parties of the first part 80 yards more or less to an iron pin set in the West line of the lands formerly owned by Floyd Delapp and Rose Delapp; running thence in a Southerly direction along the West line of the lands formerly owned by Floyd Delapp and Rose Delapp 182 yards, more or less, to the point or place of beginning, containing all the lands within said bounds, be the same more or less.

ALSO excepting and reserving the land and any improvements thereon conveyed by 63 Cheltingham Avenue, Inc. to Margaret Grieco and M. John Rea by deed dated March 29, 1979 and recorded in the Office of the Schenectady County Clerk on March 30, 1979 in Book 1025 of Deeds at Page 815, which deed was corrected by a deed between the same parties dated February 28 1980 and recorded in the Schenectady County Clerk's Office on March 5, 1980 in Book 1035 of Deeds at Page 552.

ALSO excepting and reserving the land conveyed by 63 Cheltingham Avenue, Inc. to Silvio Ferri and Pausolini Ferri, his wife, by deed dated February 8, 1980 and recorded in the Schenectady County Clerk's Office on February 13 1980 in Book 1035 of Deeds at Page 11. **XX**

BEING the remaining portion of all lands conveyed to 63 Cheltingham Avenue, Inc. by A. Joseph Fazzone and Ruth M. Fazzone, his wife, by deed dated February 13, 1976 and recorded in the Schenectady County Clerk's Office on March 29, 1976 in Book 995 of Deeds at Page 812.

COUNTY CLERK'S
OFFICE
FEBRUARY 13 PM 6:13
SCHENECTADY, N.Y.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.
To have and to hold the premises herein granted unto the part and assigns forever.

And the party of the first part covenants as follows:
First, That the part of the second part shall quietly enjoy the said premises;
Second, That the party of the first part will forever warrant the title to said premises.

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

In Presence of



In Witness Whereof, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer this day of

Nineteen Hundred and eighty

63 CHELTINGHAM AVENUE, INC.
By Paul B. Henderson (Signature)
Paul B. Henderson, President

State of New York County of Schenectady On this 13th day of March
before me personally came
PAUL B. HENDERSON

to me personally known, who, being by me duly sworn, did depose and say that he resides in the President of 63 CHELTINGHAM AVENUE, INC. the corporation described in, and which executed, the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that, he signed name thereto by like order.

Paul B. Henderson (Signature)
LOCAL

A. MCKEE, CLERK
Notary Public, City of New York
Qualified in January, 1924
My Commission Expires March 20, 1925

63 CHELTINGHAM AVENUE, INC.

Deed

RONALD E. FROST and ELINOR E. FROST, his wife, together being known in common as the FROSTs

Dated March 13 19 80

RECORDED

13 day of March 19 80

at New York N.Y.

in Lease 1035 of Deeds at Rec. 271 and confirmed.

FILED	1980	13	19	80
RECORDED	1980	13	19	80
INDEXED	1980	13	19	80
SERIALIZED	1980	13	19	80

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			
Name of Action or Project: ING Civil Inc.			
Project Location (describe, and attach a location map): 12352 Duanesburg Road, Duanesburg, NY 12056			
Brief Description of Proposed Action: ING Civil Inc./ The Structure4 Companies, LLC proposes to use the above referenced property for use as a heavy highway construction storage facility. The Applicant owns and operates a construction firm that works extensively as a contractor with state and local governments throughout New York State and along the Eastern United States building bridges and various other heavy highway related activities. The subject property consists of 81.1 acres located in the R-2 zoning district. It was previously approved by the Town of Duanesburg for use as a solar farm, and is presently wooded without any improvements on site. The Applicant proposes to clear an area that totals approximately 12 acres for the storage of equipment and materials related to its business operations, as shown on the proposed site plan. The improved area will be heavily screened using the existing vegetation from both surrounding neighbors as well as Duanesburg Road. The Applicant may, at a future date, apply for the construction of a storage building not to exceed 20,000 square feet and to be used for the storage of equipment and materials. The Applicant is not seeking approval for the storage building at this time; however, is showing the proposed improved area on the site plan for reference purposes. If and when the Applicant decides to move forward with the construction of the proposed storage building, they will seek any and all necessary municipal approvals.			
Name of Applicant or Sponsor: ING Civil Inc./ The Structure4 Companies LLC		Telephone: 518.271.9422 E-Mail: cingerson@ingcivilinc.com	
Address: 11 Arch Street			
City/PO: Watervliet		State: NY	Zip Code: 12189
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Duanesburg Planning Board Special Use Permit		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		81.1 acres	
b. Total acreage to be physically disturbed?		10.5 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		81.1 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

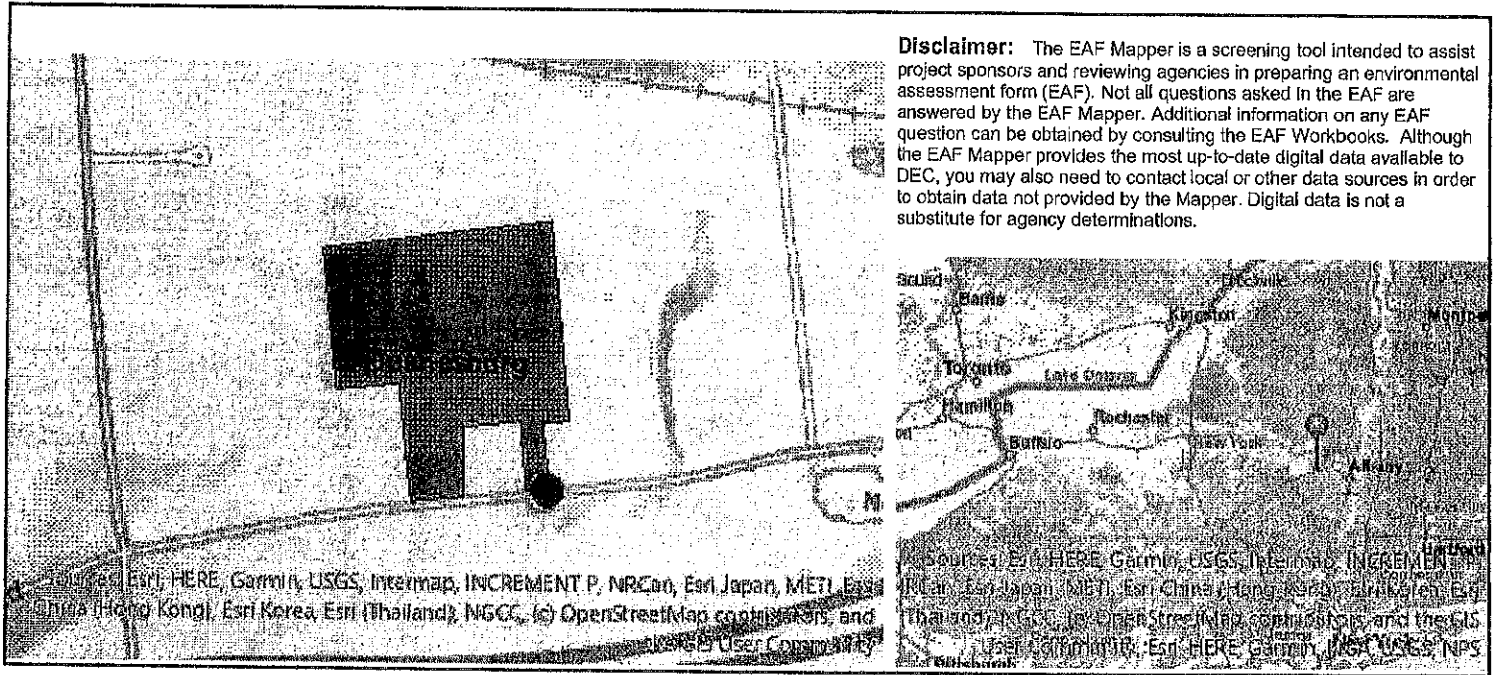
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Northern Long-eared Bat	NO	YES
	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 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
	☒	☐

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
	☒	☐

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
	☒	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Date: <u>11/6/2025</u>		
Signature: <u>[Signature]</u> Title: <u>President</u>		



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



Revised June 2012

STANDARD FORM CONTRACT FOR PURCHASE AND SALE OF REAL ESTATE
THIS IS A LEGALLY-BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND
ALL PARTIES TO THE CONTRACT CONSULT AN ATTORNEY BEFORE SIGNING.

1. IDENTIFICATION OF PARTIES TO THE CONTRACT

A. SELLER - The Seller is

Schenectady Solar, LLC

(the word "Seller" refers to each and all parties who have an ownership interest in the Property).

B. PURCHASER - The Purchaser is

The Structured Companies, LLC, -and/or an LLC to be formed-

(the word "Purchaser" refers to each and all of those who sign below as Purchaser)

2. PROPERTY TO BE SOLD

The Property and improvements which the Seller is agreeing to sell and which the Purchaser is agreeing to purchase is known as

Duanesburg Road - Tax ID#: 75.00-1-12.11

located in the city, village or town of Duanesburg in Schenectady County.

(This Property includes all the Seller's rights and privileges, if any, to all land, water, streets and roads annexed to, and on all sides of the property.) The lot size of the Property is described as approximately

81.1 acres

3. ITEMS INCLUDED IN SALE

The items, if now in or on said Property are represented to be owned by the Seller, free from all liens and encumbrances, and are included in the sale "as is", on the date of this offer, together with the following items:

4. PURCHASE PRICE

The purchase price is (\$ 170,000.00

) One Hundred Seventy Thousand
DOLLARS

The Purchaser shall pay the purchase price as follows:

\$ 10,000.00

deposit with this contract.

\$ _____

additional deposit on _____

\$ 160,000.00

in cash or certified check at closing.

\$ _____

by PURCHASER assuming and agreeing to pay a mortgage, now a recorded

\$ _____

lien on the premises upon which there is unpaid estimated principal amount

\$ _____

Purchase money mortgage to Seller (see attached addendum for terms)

\$ 170,000.00

TOTAL PRICE

5. MORTGAGE CONTINGENCY

This Contract is contingent upon Purchaser obtaining approval of a mortgage loan in the amount of \$ _____ at an initial rate of _____ percent, fixed or adjustable, for a term of _____ not to exceed _____ points. Purchaser agrees to use diligent efforts to obtain said approval and shall apply for the mortgage loan within _____ business days after the Seller has accepted this contract. Purchaser agrees to apply for such a mortgage loan to two lending institutions, if necessary. This contingency shall be deemed waived unless Purchaser shall notify _____ in writing as called for in paragraph 19, no later than _____ of his/her inability to obtain said approval. If the Purchaser so notifies, then this Contract shall be deemed cancelled, null and void, and all deposits made hereunder shall be returned to the Purchaser.

6. MORTGAGE EXPENSE AND RECORDING FEES

The mortgage recording tax imposed on the mortgagor, mortgage and deed recording fees, expenses of drawing papers and any other expenses to be incurred in connection with procuring a mortgage, shall be paid by the Purchaser.

7. OTHER TERMS (if any)

Purchaser shall have one hundred twenty (120) days from contract execution to perform any and all studies and testing it requires. Purchaser shall the right to seek municipal approvals for the use of the site for equipment storage during this 120 day period.

8. TITLE AND SURVEY

A. The abstract of title or any continuation thereof, or any title insurance policy shall be obtained at SELLER'S ☐ PURCHASER'S ☒ expense. The Seller shall cooperate in providing any available abstract of title or title insurance policy information without cost to PURCHASER. If the SELLER has a survey of the premises, it shall be provided to the PURCHASER and SELLERS ☐ PURCHASER ☒ shall pay the cost of updating any such survey or the cost of a new survey.

B. Title to the Property shall be free and clear of all liens, encumbrances, covenants, conditions and other matters affecting title, except for the Permitted Exceptions, and shall be good of record, in fact merchantable and insurable at standard rates. For the purposes of this Paragraph 8, the term "Permitted Exceptions" shall mean those matters affecting title to the Property set forth on Exhibit _____ attached hereto and made a part hereof.

9. CONDITION OF PREMISES

The buildings on the premises are sold "as is" without warranty as to condition, and the Purchaser agrees to take title to the buildings "as is" and in their present condition subject to reasonable use, wear, tear and natural deterioration between the date hereof and closing of title, except that in the case of any destruction within the meaning of the provisions of Section 5-1311 of the General Obligations Law of the State of New York entitled "Uniform Vendor and Purchaser Risk Act", said section shall apply to this Contract.

10. CONDITIONS AFFECTING TITLE

The Seller shall convey and the Purchaser shall accept the Property subject to all covenants, conditions, restrictions and easements of record and zoning and environmental protection laws so long as the Property is not in violation thereof and any of the foregoing does not prevent the intended use of the Property for the purpose of Equipment storage also subject to any existing tenancies, any unpaid installments of street or other improvement assessments payable after the date of the transfer of title to the property, and any state of facts which an inspection and/or accurate survey may show, provided that nothing in this paragraph renders the title to the Property unmarketable.

11. DEED

The Seller shall convey the Property to the Purchaser by Warranty Deed in proper form for recording, which deed shall include the covenant required by Subdivision "5" of Section 13 of the Lien Law. If the Seller conveys in any trust capacity, the usual deed given in such cases shall be accepted. The said deed shall be prepared, duly signed by the Seller, signature(s) acknowledged, all at the Seller's expense, so as to convey to the Purchaser the fee simple of said premises free and clear of all liens and encumbrances, except as herein stated. At Closing, Seller will pay any and all state, county and local transfer and recording fees pursuant to New York State Department of Taxation and Finance Combined Real Estate Transfer Tax Return (TP-584), plus any other transfer related tax or fee. All other costs and expenses attendant to settlement, including title company charges, shall be at the cost of the party that incurred same, at or prior to Closing.

12. TAX AND OTHER ADJUSTMENTS

The following, if any, shall be apportioned so that the Purchaser and Seller are assuming the expenses of the property and income from the property as of the date of transfer of title:

- A. Rents and security deposits. Seller shall assign to Purchaser all written leases and security deposits affecting the premises.
- B. Taxes, sewer, water, rents and condominium or association fees
- C. Municipal assessment yearly installments except as set forth in item 9.
- D. Fuel, based upon fair market value at time of closing as confirmed by a certificate provided by Seller's supplier.

13. RIGHT OF INSPECTION AND ACCESS

Purchaser and/or a representative shall be given access to the Property for any tests or inspections. The PURCHASER agrees to hold Seller harmless against any and all liabilities that may arise from said tests and inspections. In the event the Purchaser does not purchase the Property, the Purchaser agrees to restore the Property to its original condition. This Contract is contingent upon a written determination(s), at Purchaser's expense, by a licensed architect or licensed engineer or by an agreed third party that the Property is free from structural, mechanical, and/or environmental defects exceeding a combined value of \$10,000. This contingency shall be deemed waived unless Purchaser shall notify Opposing counsel

in writing, by certified or registered mail, return receipt requested, post-marked no later than 120 days from contract execution or by personal service by such date, of such defects(s), and furthermore supplied a written copy of the inspection report. If the Purchaser so notifies, then this Contract shall be deemed cancelled, null and void and all deposits made hereunder shall be returned to Purchaser or, at Purchaser's option, said cancellation may be deferred for a period of ten (10) days in order to provide the parties an opportunity to otherwise agree in writing.

14. TRANSFER OF TITLE

Transfer of title is to be completed at 12:00 noon on or about 30 days from close of due diligence at the office of Purchaser's counsel

15. DEPOSITS

It is agreed that any deposits by the Purchaser are to be deposited with the Listing Broker as part of the purchase price. If the Seller does not accept the Purchaser's offer, all deposits shall be returned to Purchaser. If the offer is accepted by the Seller, all deposits will be held in escrow by the listing Broker until the contingencies and terms have been met. The Purchaser will receive credit on the total amount of the deposit toward the purchase price. Broker shall apply the total deposit to the brokerage fee. Any excess of deposit over and above the fee earned will go to the Seller.

If the contingencies and terms contained herein cannot be resolved, or in the event of default by the Seller or the Purchaser, the deposits will be held by the Broker pending a resolution of the disposition of the deposits.

16. REAL ESTATE BROKER

The Purchaser and Seller agree that Upstate Commercial Realty Services LLC, dba CBRE Upstate NY and Vanguard Fine, LLC brought about the sale, and Seller agrees to pay the Brokers' commission to Vanguard Fine, LLC as agreed to per separate agreement.

17. ADDENDA

The following attached addenda are part of this Contract

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

18. ATTORNEYS APPROVAL CLAUSE

This Contract is contingent upon Purchaser and Seller obtaining approval of this Contract by their attorney as to all matters contained therein. This contingency shall be deemed waived unless Purchaser's or Seller's attorney on behalf of their client notifies Opposing counsel in writing, as called for in paragraph 19, of their disapproval of the Contract no later than 10 days from contract execution. If Purchaser's or Seller's attorney so notifies, then this Contract shall be deemed cancelled, null and void, and all deposits shall be returned to the Purchaser.

19. NOTICES

All notices contemplated by this Contract shall be in writing, delivered by certified or registered mail, return receipt requested, postmarked no later than the required date, or by personal service by such date.

20. MISCELLANEOUS

- A. Originals. This Contract may be executed in counterparts, each of which will be an original, and a facsimile copy showing execution shall be given the same force and effect of an original.
- B. Section and Other Headings. The section and other headings are for reference purposes only and will not in any way affect the meaning or interpretation of the text of this Contract.
- C. Governing Law. This Contract will be construed and enforced in accordance with the laws of the State of New York without giving effect to any conflict of laws or choice of laws to the contrary.

21. ENTIRE AGREEMENT

This Contract contains all agreements of the parties hereto. There are no promises, agreements, terms, conditions, warranties, representations or statements other than contained herein. This Contract shall apply to and bind the heirs, legal representatives, successors and assigns of the respective parties. It may not be changed orally.

THIS IS A LEGALLY-BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND ALL PARTIES TO THE CONTRACT CONSULT AN ATTORNEY BEFORE SIGNING.

Dated: 12/12/2024

Purchaser

The Structures Companies, LLC

Purchaser

and/or an LLC to be formed.

ACCEPTANCE

Dated: 12/19/2024

Seller

Schneidly Solar, LLC

Seller



NEIL CAMERON

PO Box 11036
Albany, NY 12211
518.257.0430

January 6, 2025

Planning and Zoning Clerk
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056
518.895.2040

Re: 12352 Duanesburg Road (Tax ID#: 75.00-1-12.11) Project Narrative

To Whom It May Concern:

ING Civil Inc./ The Structure4 Companies, LLC proposes to use the above referenced property for use as a heavy highway construction storage facility. The Applicant owns and operates a construction firm that works extensively as a contractor with state and local governments throughout New York State and along the Eastern United States building bridges and various other heavy highway related activities. The subject property consists of 81.1 acres located in the R-2 zoning district and within the Duanesburg School District. It was previously approved by the Town of Duanesburg for use as a solar farm, and is presently wooded without any improvements on site. The Applicant proposes to clear an area that totals approximately 12 acres for the storage of equipment and materials related to its business operations, as shown on the proposed site plan. The improved area will be heavily screened using the existing vegetation from both surrounding neighbors as well as Duanesburg Road. The hours of operation will be from 7 AM to 5 PM, Monday through Friday. There will be approximately 10 employees that will access and utilize the storage yard.

The Applicant may, at a future date, apply for the construction of a storage building not to exceed 20,000 square feet and to be used for the storage of equipment and materials. The Applicant is not seeking approval for the storage building at this time; however, is showing the proposed improved area on the site plan for reference purposes. If and when the Applicant decides to move forward with the construction of the proposed storage building, they will seek any and all necessary municipal approvals.

Kyle F. Rueckert
As Agent for Applicant

ING Civil Inc./The Structure 4 Companies LLC
Applicant

SITE STATISTICS

ZONING CLASSIFICATIONS R-2
MINIMUM LOT AREA 100,00 SF
MINIMUM LOT WIDTH 200 FT
SET BACKS:
FRONT - 80 FT
SIDE - 40 FT
REAR - 80 FT

APPLICANT

ING CIVIL INC.
11 ARCH STREET
WATERVLIET, NY 12189

TAX MAP ID

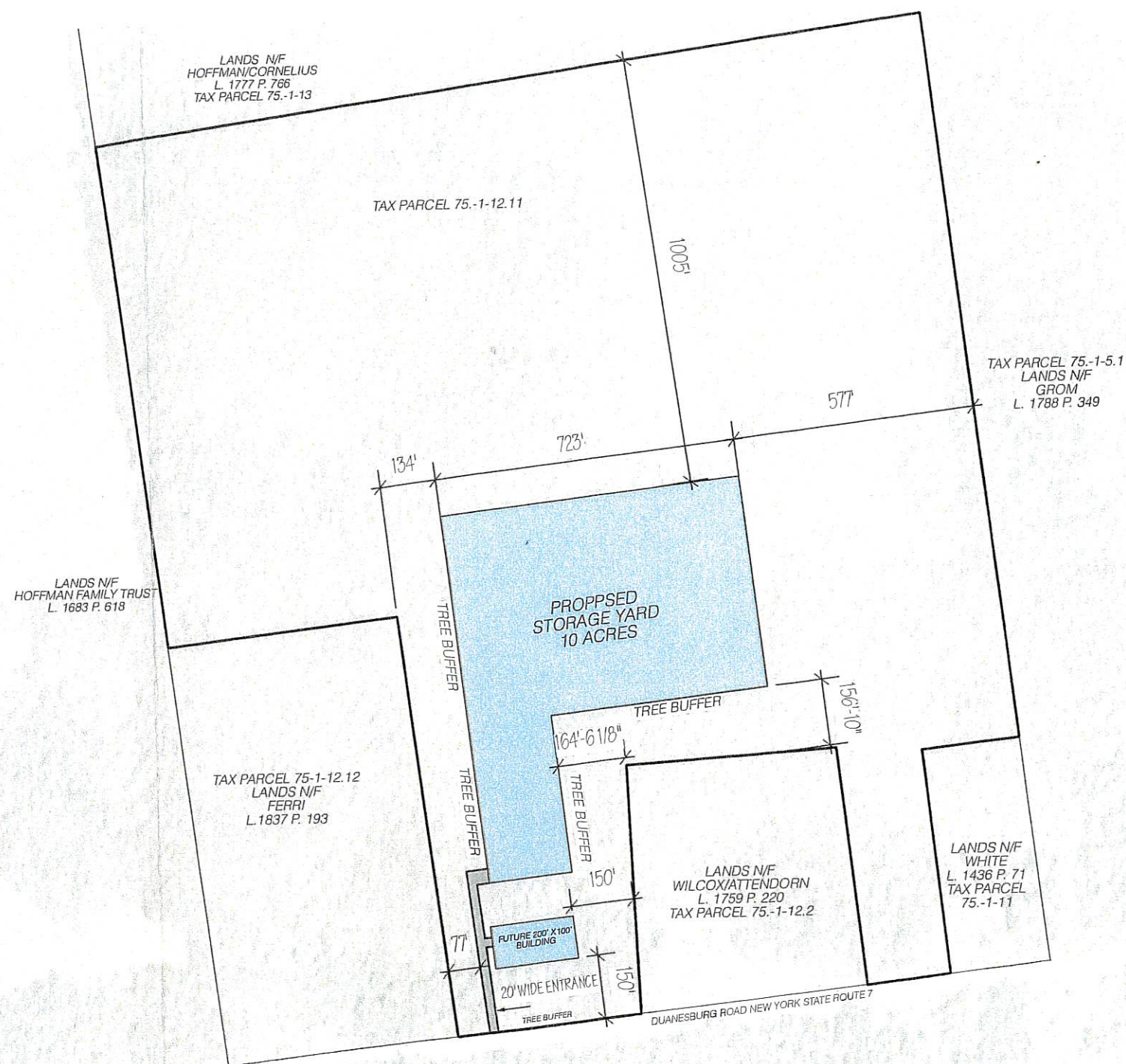
75.00-1-12.11

PARCEL AREA:

81.3 +/- AC

PROJECT AREA

14 +/- AC



CONCEPT PLAN- ING CIVIL INC.

12352 DUANESBURG RD
DUANESBURG, NY 12056



11 ARCH STREET, WATERVLIET, NY 12189

SCALE: NTS
DATE: 1/6/2025

APPLICATION FOR THE PLANNING BOARD
TOWN OF DUANESBURG
*******FOR OFFICE USE ONLY*******

CHECKLIST OF REQUIRED INFORMATION:

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

Date 01/04/2025

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

Proposal: To obtain town approval to build an addition, less than 1200sq/ft, onto our existing home to be used as an in-law living.
Section _____ of _____ Ordinance.

Present Owner: Nicholas and Adriana Malik (AS APPEARS ON DEED!!)

Address: 5358 Western Pike Zip code: 12056

Phone # (required) 518-836-4471

Applicants Name (if different): _____ **Phone# (required)** _____

Location of Property (if different from owners) _____

Tax Map # 106.00-2-7.5 **Zoning District** Hamlet

Signature of Owner (S) if different from Applicant (AS APPEARS ON DEED!)
[Signature] Adriana Malik

LANDS CONVEYED TO (REQUIRED FOR MERGERS) _____

Signature of receiving Property Owner (AS APPEARS ON DEED!!) _____

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

Signature of Owner(S) and/or Applicant(S) Adriana Malik Date 01/04/2025

ALL APPLICATION FEES ARE NON-REFUNDABLE!

(For office use only)
Application fee paid: _____ **Check#** _____ **Reviewed By** _____ **Date** _____

Approved ☐ **Disapproved** ☐ **Refer to Code Enforcement** Section _____ of _____ Ordinance

Planning Commission Comments: _____

Planning Chairperson

Date

Code Enforcement

Date

Agricultural Data Statement

Date: _____

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>Nicholas & Adriana Molik</u>	Name: _____
Address: <u>5358 Western Tpke</u>	_____
<u>Duanesburg, NY 12056</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:
To build an addition to our existing home to be used as an in-law living space. 1200 sq/ft 3 bedroom 2 bath
3. Location of project: Address: 5358 Western Tpke Duanesburg
Tax Map Number (TMP) _____
4. Is this parcel within an Agricultural District? YES ☒ NO (Check with your local
5. If YES, Agricultural District Number _____ 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: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO

Nicholas & Adriana Molik
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.

AREA to Deed line = 3.756± ACRES

AREA TO PROPOSED PROPERTY LINE
= 3.131± ACRES

AREA Deed line = 2.505± ACRES

NORMANS

N04°34'40"E 200.00

PROPOSED PROPERTY
LINE REVISIONS

OF
GISTRO
/286
998

158.00 DEED & FIELD

N52°48'40"E 135.00

COCH. PAD
24'x40'

WELL

COVERED PERCH

N39°32'45"W 137.21

YORK STATE ROUTE 20

WOOD FENCE

2 STORY
WOOD FRAME
RESIDENCE

COVERED
WOOD PORCH

CONC
FIREPLACE

N05°59'00"E 46.00

METAL
SHED

UTILITY
POLE

GRAVEL

N47°54'00"E

DRIVE

115.00

LOCATION OF RIGHT OF WAY LINE PER EXIST'
SEE REF. NO. 1 & 3
N51°53'29"W 224.81

GUARD RAIL

NYT 2

December 30, 2024

Hickory Hill Smokehouse LLC

3 Courtney Drive

Delanson, NY 12053

Dear Chaيمان Schmitt,

I received a signed copy of the special use permit/resolution dated 12/20/2024. Teressa Bakner, town Attorney, suggested I share these edits with you so they can be attached to the resolution as a matter of record. If possible, a revised version incorporating these edits would be much appreciated.

The technical edits are as follows:

- Page 1, paragraph 1: Please insert my legal name and also my wife's name as follows:

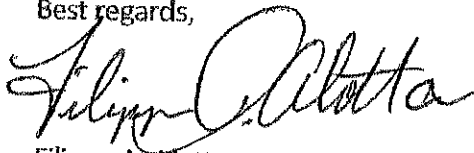
Filippo A. Alotta and Jennifer L. Alotta

Page 1, paragraph 1: The specific SBL for Lot #2 is as follows:

SBL# 64.00-1-34.112

Thank you again for reviewing and considering our proposal. We look forward to growing our business in the Town of Duanesburg.

Best regards,



Filippo A. Alotta

Cc: Chris Parslow, Town Planner

TOWN OF DUANESBURG TOWN PLANNING BOARD

RESOLUTION NO. 4 -2024

Moved by Joshua Houghton; Seconded by Elizabeth Novak

WHEREAS, Phill Alotta has applied for a special use permit to move his existing business, Hickory Hill Smokehouse LLC, to SBL 64,00-1-34.1 located at NYS Route 30 and Youngs Road, being lot 2 containing 12.398 acres of the lots subdivided by Helderberg Realty (Henry A. Whipple) out of a farm; and

WHEREAS, the major subdivision was previously reviewed by the Town Planning Board pursuant to the Town Subdivision Ordinance and the NYS Environmental Quality Review Act and a negative declaration of environmental significance was issued determining that no EIS would be prepared; and

WHEREAS, the Applicant's business plan, dated October 5, 2024 describes Hickory Hill Smokehouse LLC and café as a specialty butcher shop offering premium smoked meats and cheeses and custom processing services to local farms. The shop will also include a small café; and

WHEREAS, the Town Code Enforcement Officer issued a determination that this use, a retail business, is allowed in the Commercial C-1 District on this lot with a special use permit (inclusive of a site plan review) by the Town Planning Board; and

WHEREAS, the Planning Board determined that the proposed action was a Type II action pursuant to SEQRA because of size of the proposed structure is less than 4000 square feet pursuant to 6 NYCRR Part 617.5 (c)(9)—“Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls....; “and

WHEREAS, the Application was referred to Schenectady County Planning and the response provided by SCP, dated November 18, 2024, was that it was conditionally approved and all of the recommended conditions have been adopted by the Planning Board in the resolved clauses below; and

WHEREAS, the Applicant also provided an updated drawing to the Planning Board – see attached drawing showing a structure to be built in two phases with 15 parking spaces and a potable water well and septic system and driveway to NYS 30; and

WHEREAS, a duly noticed public hearing was held at the Town Planning Board meeting on November 21, 2024 and the Town Board considered the public comments offered on the project; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board confirms its determination that the proposed action is a type II action pursuant to SEQRA;

BE IT FURTHER RESOLVED, that the Planning Board finds that the application meets all of the requirements and standards for a special use permit and that the site plan meets the requirements of the zoning ordinance of the Town of Duanesburg; and

BE IT FURTHER RESOLVED, that the Applicant is required to obtain a highway permit from NYSDOT in order to construct its driveway on NYS Route 30 and that no driveway will be placed on Youngs road at this time; and

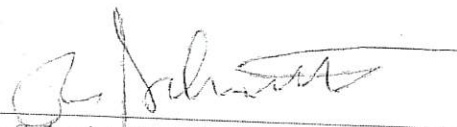
BE IT FURTHER RESOLVED, that the Applicant is required to show, prior to issuance of a building permit for the structure, Schenectady County Environmental Health Department approval for wastewater treatment and public water supply confirming that he has a potable water well capable of servicing the business and that he has an approved septic system design; and

BE IT FURTHER RESOLVED, that the Applicant have a NYS Department of Agriculture and Markets Article 20-C food Processing Establishment license prior to the issuance of the Certificate of Occupancy.

By (unanimous/majority) vote of the Town Planning Board of the Town of Duanesburg at its meeting held on December 19, 2024.

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

Planning Board of the Town of Duanesburg


Jeffrey Schmitt, Planning Board Chair

12/20/24
Date

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

Registrar: 
Date: December 20, 2024

TOWN OF DUANESBURG
Local Law No. ____ For the Year 2025
Adopted January __, 2025

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

Section 1. Title

This local law shall be known as "Regulation of the storage and use of Recreational Campers and Vehicles."

Section 2. Authority

This local law is adopted pursuant to the Town of Duanesburg's authority in §10 and §22 of the Municipal Home Rule Law.

Section 3. Purpose

The goal of this local law is to regulate the storage and use of Recreational Campers and Vehicles and to prevent the occupation of Recreational Campers and Vehicles in the Town where people are occupying them as housing. Such occupation results in temporary housing that does not meet the NYS Building Code, that is without access to potable water (i.e. through a hookup to public water or to a potable water well) and that is without access to sewage treatment (i.e. through a hookup to public sewer or to an approved septic system). Occupancy of such Recreational Campers and Vehicles leads to inappropriate handling of sewage and other wastes, including discharge of untreated human waste on the ground and is contrary to the public health, safety and welfare. The Town Board has been made aware of these circumstances by the Town Code Enforcement Officer and seeks to address these problems through the passage of this local law amending the Town's Zoning Ordinance.

Section 4. Amend Section 13.2 of the Town of Duanesburg Zoning Ordinance

13.2.5 Storage of Unoccupied Recreational Campers and Vehicles. Nothing in this Ordinance shall prohibit the storing or parking of one unoccupied recreational camper or vehicle in the side or rear yard of a property with a residence or within an existing garage. Up to three Recreational Campers or Vehicles may be stored or parked as set forth above to the extent the property has at least one acre for each such additional Recreational Camper or Vehicle, i.e. 2 acres for three Recreational Campers or Vehicles. All setbacks in the Zoning Ordinance shall apply to the placement of the Recreational Campers or Vehicles located outside an existing garage. If a person wishes to store more than three such unoccupied Recreational Campers or Vehicles in any zoning district they must seek site plan approval from the Planning Board. Storage of unoccupied Recreational Campers or Vehicles on vacant property without a residence or an approved garage is prohibited without obtaining a special use permit for such storage from the Planning Board.

Section 5. Repeal and Replace Section 5.1.5 of the Town of Duanesburg Zoning Ordinance as follows:

5.1.5 Temporary Occupancy of Recreational Campers and Vehicles. To temporarily occupy a Recreational Camper or Vehicle on property within the Town of Duanesburg you must obtain a special use permit from the Town of Duanesburg Planning Board, unless the Recreational Camper or Vehicle is located in an approved campground, site permitted for a mass gathering or mobile home park that has adequate sewer and water hookups or other acceptable provision for such Recreational Campers and Vehicles.

Section 6. Amend Section 3.5 of the Town of Duanesburg Zoning Ordinance, Definitions as follows:

§ 3.5.120A Recreational Campers and / or Vehicles – A motorized or non-motorized mobile vehicle which as manufactured or as modified contains sleeping facilities for habitation, including but not limited to motorized campers, camper vans, tow behind campers and pickup campers built for temporary or recreational occupancy with or without utility connections, running water, kitchen or kitchenette, and/or bathroom facilities.

Section 7. Amend Section 5.2 of the Town of Duanesburg Zoning Ordinance setting forth permitted accessory uses in Residential Districts by inserting a new item Section 5.2.1 (9) as follows:

9. The Planning Board has the authority to allow by special use permit, temporary occupancy of Recreational Campers and Vehicles at existing residences with Certificates of Occupancy and adequate sewer and water facilities for periods no longer than 60 days. The Planning Board may, however, extend the 60 days in its discretion upon application for such an extension and good cause shown. The Applicant shall address how the temporary occupancy of such Recreational Camper or Vehicle will address sewer, water and electrical needs to the satisfaction of the Planning Board. No other occupancy of Recreational Campers and/or Vehicles is allowed in the Town.

Section 8. Severability

Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or the higher standard shall govern.

Section 9. Effective Date

This local law shall take effect immediately upon its adoption and filing with the Secretary of State.

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



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

TOWN OF DUANESBURG
SCHENECTADY COUNTY

Town of Duanesburg
Planning Board Minutes
December 19, 2024
Draft Copy

MEMBERS' PRESENT:

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

INTRODUCTION:

Chairperson Schmitt opened the meeting at 7:00pm and welcomed everyone to the Planning Board meeting on December 19, 2024.

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. **Approved.**

Mr. Phil Alotta wished the room a Happy Holiday's and Mr. Frank Yunker pointed out that the date on the agenda was wrong, and Chairman Schmitt noted that it would be amended.

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

PUBLIC HEARINGS:

#24-21 Matthew (Jen) Liuzzi: SBL#34.00-2-25 located at 2409 Batter Street is seeking a special use permit needed for a multi-family. Under section 8.4 (8) of the town of Duanesburg zoning ordinance.

Matthew Liuzzi took the floor to explain his plans for the project. Mr. Liuzzi went on to describe how he plans to turn part of an existing garage into an in-law apartment for his aging parent.

Chairman Schmitt confirmed that the size of the building is 24x24 which 576 square feet and that minimum square footage of living space is 600 square feet. The Liuzzi's responded showing a map with exact dimensions and over 600 square feet of living space.

Chairman Schmitt/Vice Chairman Harris made a motion to open the public hearing **#24-21 Matthew (Jen) Liuzzi.**

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

No comments were made.

Chairman Schmitt /Board Member Houghton made a motion to close the public hearing of **#24-21 Matthew (Jen) Liuzzi.**

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

Chairman Schmitt and Board Member Novak agreed that this application is a type 2 action so there is no further SEQR review required. We are currently awaiting the county review.

Chairman Schmitt/Board Member Hoffman made a motion to table the **#24-21 Matthew (Jen) Liuzzi** application until the next meeting on January 16, 2025.

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

#24-06 Joseph M. Sicilia Subdivision: SBL 54.00-1-28.11 (R-2) Located at 6167 Western Turnpike is seeking a major subdivision under Town of Duanesburg Subdivision Ordinance adopted March 9, 1995, section 3.5 "Approval for Major Subdivision."

Ken Helijas stated he was at tonight's meeting to represent the Sicilia Subdivision. He stated that they are taking a 46-acre lot and dividing it into 3 smaller lots and the access points for the driveways are all on Skyline Drive.

Chairman Schmitt/Board Member Novak made a motion to open the public hearing **#24-06 Joseph M. Sicilia Subdivision:**

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

No comments were made.

Vice Chairman Harris/Board Member Novak made a motion to close the public hearing **#24-06 Joseph M. Sicilia Subdivision.**

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

Board Member Novak read the SEQRA determination for the project. Please see attached.

Board Member Novak stated that SEQRA determined the project will not result in any significant adverse environmental impacts in accordance with article 8 of the Environmental Conservation law, therefore The Town of Duanesburg Planning Board issues a negative declaration for Sicilia Major Subdivision.

Chairman Novak/Board Member Hoffman made a motion to accept the SEQRA determination for the **#24-06 Joseph M. Sicilia Subdivision.**

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

Chairman Novak/Board Member Houghton made a motion to approve the **#24-06 Joseph M. Sicilia Subdivision** with two conditions provided by The Schenectady County Department of Planning. Condition one, wastewater treatment systems will require approval from The County Environmental Health Department. Condition two, they will work in the highway right away and will require approval from The County Department of Engineering and Public Works.

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

OLD BUSINESS:

#24-17 Phil Alotta – Hickory Hill Smokehouse LLC: SBL#64.00-1-34.112 located at NYS Route 30 & Youngs Road is seeking a Special Use Permit to relocate existing business (Hickory Hill Smokehouse LLC) to lot #2, NYS Rte.30/Youngs Road.

Board Member Houghton read the Planning Board Resolution for the **#24-17 Phil Alotta – Hickory Hill Smokehouse LLC.** Please see attached.

Mr. Alotta would like to remove from the resolution on page two paragraph two where it talks about the highway permit and states that no driveway would be placed on Youngs Road due to safety concerns. Mr. Alotta is concerned that by having that statement in the resolution it would prohibit any potential future applications for that part of the property. Board Member Hoffman pointed out that he could always come back to amend the resolution if at anytime he would like to add a driveway there. Vice Chairman Harris agreed

with Board Member Hoffman that should Mr. Alotta decide in the future to put a driveway in that space then he could amend the resolution at that time. Mr. Alotta is still uncomfortable with keeping that dialogue in the resolution. Town attorney Terresa Bakner suggests amending the document to stating "no driveway will be placed on Youngs road at this time however in the future if it can be amended if Mr. Alotta decided he would like to add a driveway there. The board and Mr. Alotta agreed.

Board Member Houghton/Board Member Novak made a motion to accept the resolution for the #24-17 Phil Alotta Hickory Hill Smokehouse LLC as amended. Board Member Houghton aye, Board Member Novak aye, Chairman Schmitt aye, Vice Chairman Harris aye, Board Member Hoffman aye. **Approved.**

#24-10 Yunker, Frank SBL# 35.06-5-9, (L-1) located at 183 Spring Rd. Applicant is seeking a special Use for a two-family dwelling under section 7.1.4(1) of the Town of Duanesburg Zoning Ordinance

Mr. Frank Yunker took a few moments to explain his newly revised plans he submitted with the grading and French drain details.

Town attorney Terresa Bakner commented that this application is a type 2 action and that the county referral did come back with no additional comments from the county planner. Town Planner Chris Parslow asked Mr. Yunker how much higher the new elevation is from the neighboring properties. Mr. Yunker replied about 2 to 3 feet at most. Mr. Parslow stated that he had received a phone call from D.E.C regarding this property wanting him to make sure that the grading is not so significantly higher that it would flood the neighbor's properties. Board Member Hoffman commented that the French drain should take care of any problems with flood as long as the roof leaders are tied into it. Vice Chair Harris proposed adding conditions to the approval of the special use permit. The conditions are as follows; one, that the roof leaders will be tied into the French drains. Two, the French drain detail is going to be altered to have a 6inch pipe due to freezing concerns with filter fabric added. Three, an altered site plan will be provided that shows spot elevations for the garage floor and also locations along the French drain to show proper drainage, egrets and slopes.

Vice Chairman Harris / Board Member Houghton made a motion to approve #24-10 Yunker, Frank special use permit with the conditions listed and that it is a type two action with no comments from county planning.

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

NEW BUISINESS:

#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.

James LaValle, attorney for the Law Firm of Young and Sommer LLC and representative for Verizon Wireless, took a moment to explain to the board where the project currently stands. Mr. LaValle mentioned that his team attended the December 17, 2024, Zoning Board meeting since this application also requires a use variance and that the Zoning Board would like the Planning Board to affirm themselves lead agency of SEQRA before they make any determinations regarding the project. Mr. LaValle mentioned that nothing in the application has changed since the last meeting. Mr. LaValle explained the process of their RFC analysis where they will fly a balloon at the proposed tower location at a height of 120 feet to mimic the height of the tower. They will then drive around town taking pictures of every place where the balloon is visible. If there is any visibility of the tower in any location, they will create photos to show the town what the tower would look like at those locations. The board asked VZW to provide the neighboring residents with notices of prior knowledge of the balloon flight day, time and what they can expect to happen and see.

Board Member Hoffman questioned where the emergency access road turn arounds would be located as they were not addressed on the maps from last month’s meeting. Attorney LaValle stated that those regulations only apply to occupied structures per the law. Town Attorney Bakner did agree with the law. However, they do believe a turnaround is still required for anything over 500 feet, meaning this project would require 2 turnarounds for a 1200-foot road. Town Attorney Bakner advised Mr. LaValle to call the Department of State and ask them what their take on the issue would be. The board asked Mr. LaValle to provide a copy of the law to them, Mr. LaValle obliged.

Board Member Novak/Board Member Hoffman made a motion to make The Town of Duanesburg Planning Board lead agency of the **#24-21 VZW – Duanesburg ES** which is determined to be an unlisted action under SEQRA with a coordinated review. Board Member Novak aye, Board Member Hoffman aye, Chairman Schmitt aye, Vice Chairman Harris aye, Board Member Houghton aye. **Approved.**

Lindsay Althiser, the Planning Board clerk, will send out the county referral and the lead agency letter to the following agencies: D.E.C, D.O.T, County DPW, Ag and Markets, OPRHP, Fire Department, School District and the ZBA.

Vice Chairman Harris/Chairman Schmitt made a motion to table **#24-21 VZW – Duanesburg ES** special use permit until the January 16, 2025, meeting. Vice Chairman Harris aye, Chairman Schmitt aye, Board Member Hoffman aye, Board Member Houghton aye, Board Member Novak aye. **Approved.**

SKETCH PLAN REVIEW:

#24-23 DeMeo, Roseann; SBL#44.00-2-12.11 located at 181 Liddle Road is seeking approval of a minor subdivision of an 81-acre lot into two lots. Under The Town of Duanesburg subdivision ordinance under section 3.4.

Mrs. DeMeo took the floor to explain her plans for the minor subdivision which is to sell the remaining divided lot #2. Board Member Hoffman requested Mrs. DeMeo to show her septic and well systems on her site map for the existing residence on lot #1. Mrs. DeMeo stated she would submit new plans with the well and septic systems shown.

Vice Chairman Harris stated that the Town of Duanesburg has reviewed the #24-23 DeMeo Minor Subdivision and has determined that this action neither increases and decreases any signification planning issues with respect to the existing or potential future use of any involved parcels, we declare that the proposed action be exempted from any further subdivision review pursuant to section 3.4 and refer the applicant to the code enforcement office to complete administration of the same with the following condition that the well and septic be included on the site plan.

Vice Chairman Harris/Board Member Hoffman made a motion to accept with conditions the **#24-23 DeMeo, Roseann minor subdivision**.

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

OTHER:

Proposed Local Law: Town of Duanesburg Local Law number 5 For the Year 2024. This local law shall be known as "Regulation of Motorized and Non-Motorized Temporary Living Facilities."

Please see attached.

Town Attorney Bakner stated that she had revised the law based on all the given comments to date. The board members had no additional comments.

#23-12 C-Tec Solar, LLC; SBL# 64.00-2-8, located at 10516 Western Turnpike is asking to transfer their permit/resolution from C-Tec Solar, LLC to Mardon Solar, LLC.

Board Member Hoffman/Board Member Houghton made a motion to accept the transfers of the special use permit from **#23-12 C-Tec Solar, LLC to Mardon Solar, LLC**. Board Member Hoffman aye, Board Member Houghton aye, Chairman Schmitt aye, Vice Chairman Harris aye, Board Member Novak aye. **Approved.**

Please see letter Attached.

MINUTE APPROVAL:

Board Member Houghton/ Board Member Hoffman made a motion to approve November 21, 2024, meeting minutes with amended.

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

ADJOURNMENT

Board Member Houghton / Board Member Novak made a motion to adjourn the meeting at 9:00pm.

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

I, Lindsay Althiser, Town Planning and Zoning Clerk of the Town of Duanesburg, hereby certify that this is a true and accurate transcript of the Planning Board Meeting held on Thursday November 21, 2024.

