

Phillip Sexton, Planning Board Chair  
Dale Warner, Town Planner  
Melissa Deffer, Clerk  
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG  
SCHENECTADY COUNTY

Jeffrey Schmitt, Vice Chairperson  
Elizabeth Novak, Board Member  
Martin Williams, Board Member  
Thomas Rulison, Board Member  
Michael Harris, Board Member  
Joshua Houghton, Board Member

---

Town of Duanesburg  
Planning Board Minutes  
July 18, 2019  
**Draft Copy**

**MEMBERS PRESENT:** Phillip Sexton Chairman, Jeffery Schmitt Vice Chairman, Elizabeth Novak, Martin Williams, Michael Harris and Joshua Houghton. Also attending Alex Dobles Board Attorney, Dale Warner Town Planner.

**INTRODUCTION:**

Chairman Phillip Sexton opened the meeting at 7:01pm. Phillip welcomed everyone to tonight's Planning Board meeting.

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

**Harris/Houghton** made the motion to close the open forum at 7:05. Sexton yes, Harris yes, Schmitt yes, Novak yes, Williams yes, Houghton yes. **Approved.**

**PUBLIC HEARINGS:**

**Sexton/Harris** made a motion to open the Public Hearing for the **#19-12 Murray, Richard/Eden Renewables:** SBL# 74.00-2-5 application at 7:06P.M. Harris yes, Novak yes, Houghton yes, Sexton yes, Schmitt yes, Williams yes. **APPROVED.**

Travis Mitchell representative of Eden Renewables presented to the Board.

Susan Bigg located at 1388 Duanesburg Road expressed her concerns about having a Solar project, she learned about the project on July 11<sup>th</sup>. Will pesticides be used? How and who will sheep be cared for? How is this Solar farm helping our community? What is financially gained by the Solar Farm. She asked the board to deny Eden Renewables request for a Solar Farm.

Lynne Bruning located at 1388 Duanesburg Road expressed her concerns over the project and asked that the documents and photos she has be attached as a permanent record to this project. Asking that the board hold off on making a decision on this project based on the following 5 statements:

1. NYS SEQR formal no preliminary affirmation, 617.3 c site was 617.3A distributed in June 20<sup>th</sup> minutes it is indicated that the board reaffirm the Preliminary Negative Declaration for a Special Use Permit. She recommends the public hearing be postponed until the SEQR process is complete.
2. The site was disturbed prior to the SEQR process 617.3A, she is submitting photo's of tree clearing starting in the summer 2018 and into this year.
3. The project may not comply with the following provisions in the Town of Duanesburg Solar Law Section 3.3(c) and (e). The trees are deciduous on the western side of her property, therefore, it may be not be in compliance during winter months.
4. Section 14.6.2.2 will not have significant effect on surrounding properties. 14.6.2.c.11 does not conflict with significate effect. Eden Renewables never accessed surrounding properties. According to section 617.f of SEQR negative declarations can be rescinded for 3 reasons. 1. Changes are proposed in the project, 2. New information is discovered, 3. Changes in circumstances related to the project arise that were not previously considered. It is stated that approximately 21.94 acres of forested land will be removed. According to the July 3 correspondence between Mr. Warner and Mr. Cole that the physical disturbance of this project will be 8.9 acres. A loss of 21 acres. Another point for this Board is the Storm water Pollution plan, 8.4 acres disturbed that leaves 21 acres of land not accounted for in the SWPP as according to the SWPP the soils in this project are largely composed of peripheral low pp. She requests that there be a revised SWPP for loss of forested land. She is requesting a new EAF as per the Agricultural guidelines.
5. The lack of engagement and public outreach with the project to the public. 14.6.2.4 (b) must notify residents within 1000 feet of project. They did not receive notice until July 11<sup>th</sup>, 7 days prior to this meeting and were not able to review documents with regard to the project until July 16<sup>th</sup>.

Pamela Rowling currently residing in Connecticut she owns a 71.4 acre property adjacent to the above property (1204 Duanesburg Road). She was not aware of the project until just recently. What are the tax implications? Concerns of water pollution with the project. Would like more information on what happens to the property after decommissioning?

Leah Otis residing at 13392 Duanesburg Road concerned of the lack of notice to the public. Wanted to thank Lynne Bruning for all her hard work and she does not want the Board to vote tonight.

Sherri Schrade residing at 1619 Eaton Corners Road she thinks that there is a lot of questions and concerns about the information out there and it is confusing. Some clarifications and answers would be helpful. She does not want the Board to vote tonight. What kind of toxic chemicals are they are using when they initially go in to install the solar

panels, what do they actual do to the site prior to install? What is the cost of the installation and decompose of the panels? What about the facility is it ready to accept increased power? Tax implications – does the town receive extra taxes or any benefits?

Wallace Johnson residing at 1204 Youngs Road he concerned about the decommissioning costs associated with the project. Would like clarification on the process of decommissioning the property. Also is not happy about the short notice given on the project. Who does the decommissioning of the property? He does not want the Board to vote tonight.

How much of the property is wetlands? Are they forever wetlands?

Sexton responded regarding the notification of the project. He also noted that the Board does not influence law, property values so there may be a few things tonight that we cannot answer as those are not in our purview, you may be able to get further answers from the Zoning Board and the Town Board. We will do our best to answer the questions you may have.

Diane Gallo residing at 488 Oak Hill Road, Esperance discussed speaking with neighbor who told her she knew about the project because she went to a presentation 6-8 months ago. She said she was notified by mail. However, she has not heard anything about the project since.

A written response will be a better way to communicate these concerns that you have. Would like to address as many questions as possible tonight. Barry Lopez CEO of Eden Renewables spoke to the residents. He is sad to hear about how upset the public is with the project. They have spent 9 years designing the layouts for Solar Farms and have been applauded for their designs. Regarding notifications, they have done mailings, newspaper advertisements, press releases and posters in local businesses and understand clerical errors. The sheep will be brought in and brought out for grazing the fields. Herbicides will not be needed as it will be an organic site due to the use of the sheep. Regarding the wetlands there is approximately 20 acres of wetland. The transmission lines are located on the property how will they affect our property? In New York State Solar Farms are exempt from Property Taxes. The Town, School and County are working to negotiate a pilot as the property will no longer be under an AG exemption which will increase taxes. The State allows Community Scale Solar farms which will help reduce electricity by 10% discount for life of system.

**Sexton/Harris** made the motion to keep the Public Hearing open until August 15, 2019 for **#19-12 Murray, Richard/Eden Renewables**: SBL# 74.00-2-5 contingent upon all questions documented tonight and submit them to Dale Warner by July 28, 2019 who will then submit them to Eden Renewables for response by August 5, 2019. Eden Renewables to conduct a Community Meeting and provide results of that meeting to the Board.

Sexton yes, Harris yes, Houghton yes, Williams yes, Novak yes, Schmitt yes. **APPROVED.**

**New Business:**

None.

**Old Business:**

**#19-15 Duanesburg NuEagle LLC & HP-You LLC:** SBL# 67.05-2-4, (H) located at 5013 Western Turnpike is seeking a Special Use Permit 12.4(23) of the Town of Duanesburg Zoning Ordinance.

Took in consideration the comments of the board previously, regarding vegetation in front of the building and parking lot. Parking will be on the bank side with 6 parking spaces. Box planters in front. Lighting will have one each corner. Public Hearing and reaffirmation of SEQR was held on June 20, 2019.

**Novak/Sexton** made a motion to approve the **#19-15 Duanesburg NuEagle LLC & HP-You LLC:** SBL# 67.05-2-4, (H) Special Use Permit 12.4(23) of the Town of Duanesburg Zoning Ordinance.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

**#19-06 Miner, Bill:** SBL# 68.00-2-25.4 (R-2/C-2) located 2054 Western Turnpike is seeking a Minor subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Chris Longo spoke regarding the wetland delineation with NYSDEC and ACOE – additional wetlands impact area within 100ft. Buildings have been scaled back. No impact to the wetlands. Eight additional storage buildings, originally it was 20 buildings. Each will be surrounded by gravel, swales and ponds. Amendment to existing SUP and Minor Subdivision July 11th letter received from DEC – copy of letter needed for the Board. State has jurisdiction on everything.

**Novak/Williams** made a motion to reaffirm SEQR determination of a negative declaration of the **#19-06 Miner, Bill:** SBL# 68.00-2-25.4(R-2/C-2) Minor subdivision under section 3.4 of the Town of Duanesburg Zoning Ordinance.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

**Sexton/Schmitt** made a motion to **hold a Public Hearing for the application #19-05 Miner, Bill on August 15, 2019.**

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

**#19-09 Hoelzli, Andrew:** SBL# 53.00-1-19.1 (R-2) located at 9276 Western Turnpike is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

**Novak/Schmitt** made a motion to reaffirm Preliminary Negative Declaration SEQR for the **#19-09 Hoelzli, Andrew:** Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

**Harris/Houghton** made a motion to **hold a Public Hearing for the application #19-09 Hoelzli, Andrew on August 15, 2019.**

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

**SKETCH PLAN REVIEW:**

**#19-17 Leonard, William and Sarah:** SBL# 42.00-2-2.122(r-2) located at 921 Bramans Corners Rd. is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance.

**Sexton/Schmitt** made a motion to refer **#19-17 Leonard, William and Sarah: minor subdivision to Dale Warner for review.**

Novak yes, Harris yes, Sexton yes, Schmitt yes, Williams yes, Houghton yes. **APPROVED.**

**OTHER:**

None

**MINUTES APPROVAL:**

**Houghton/Williams** made the motion to approve the June 20, 2019 Planning Board minutes.

Sexton yes, Harris yes, Houghton yes, Williams yes, Novak yes, Schmitt yes. **APPROVED.**

**ADJOURNMENT:**

**Sexton/Harris** made the motion to **adjourn at 10:20pm.**

Sexton yes, Harris yes, Houghton yes, Williams yes, Novak yes, Schmitt yes. **APPROVED.**