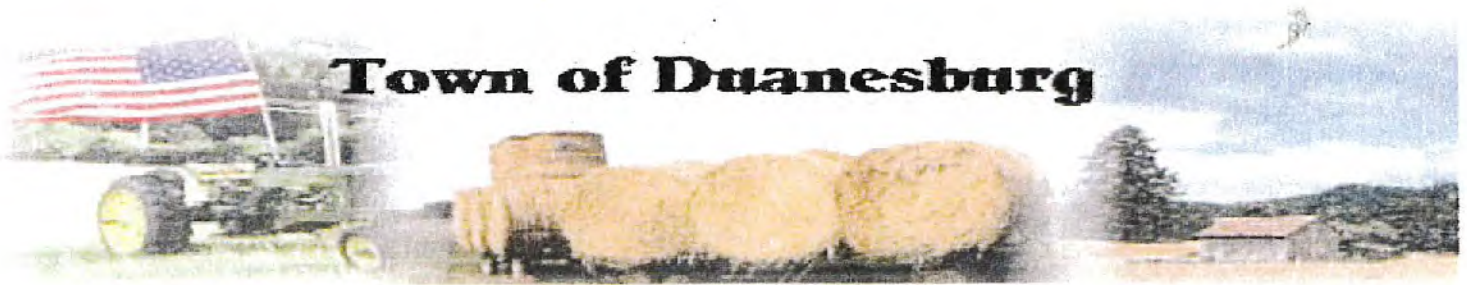


DUANESBURG
2006 COMPREHENSIVE PLAN

2006



Town of Duaneburg

COMPREHENSIVE PLAN

SCHENECTADY COUNTY, NEW YORK



July 2006

Town of Duanesburg Comprehensive Plan

Comprehensive Plan Committee Public Meeting: April 27, 2006

Town Board Public Hearing: July 13, 2006

Town Board SEQR Determination &
Comprehensive Plan Adoption: July 13, 2006

ACKNOWLEDGEMENTS

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This report was prepared with assistance from the Schenectady County Department of Economic Development and Planning

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INTRODUCTION

Previous Plans

The Duanesburg Town Board adopted a Comprehensive Plan in December of 1991. This document updates the previous Plan and restates the Goals and Objectives as needed, incorporates the recent community survey results, examines existing community facilities (e.g. utilities, parks, emergency services, etc.), updates population data and growth trends, and looks at the potential impacts of regional growth patterns/projections on the community.

Why a New Comprehensive Plan?

The existing Comprehensive Plan is nearly 15 years old and does not necessarily reflect new community concerns or adequately address community growth issues. In recent years the Town has experienced an increase in development activity and is beginning to feel the pressure of new growth. While the Town cannot and does not want to stop growth, it should occur in a managed and productive manner. The new Plan provides the road map to ensure that the Town remains a desirable place to live and work – a town with appealing neighborhoods, good housing, adequate traffic circulation, quality public services, and a pattern of private and public land use which is both desirable and efficient.

What is a Comprehensive Plan?

The Comprehensive Plan is one part of the land use planning process. The Plan is a public document which is adopted by the Town as a policy guide to decisions which affect the physical development of the Town. It provides the framework for identifying what the community will look like (goals, objectives, principles), how the community intends to get there (standards, devices, instruments) and the purposes for doing so.

This new Comprehensive Plan will serve as a long-range guide for both public and private decisions that influence the community. It will also provide the rational basis to update the zoning and subdivision laws, provide guidance on capital expenditures, and identify the goals, objectives, and policies for the immediate and long-range protection, enhancement, growth and development of the Town.

The Comprehensive Planning Process

The Town started the Comprehensive Plan update in November of 2004 with the establishment of the Comprehensive Plan Review Committee. The committee included the Town Planner, members from the Town Board, Planning and Zoning Boards, and the public at large. In February of 2005, the Town Board implemented a six-month moratorium on major residential subdivisions. Public participation included a written survey mailed to all residences in the Town in April of 2005 and public hearings held on April 27, 2006 and July 13, 2006.

The Plan incorporates information derived from several sources including:

- Technical information on demographic, social, and economic characteristics from the US Census Bureau and the Capital District Regional Planning Commission;
- Technical information on transportation systems, community facilities, and environmental characteristics;
- Questionnaire surveys of town residents and the comments and recommendations of residents in public meetings held during the planning process; and
- Regional growth patterns and trends.

Using this information, the Plan sets goals that seek to retain and improve existing social and environmental qualities while insuring that the quality of future development is maximized. These goals can be achieved by providing a coordinated pattern of land uses that regulate the type, density, and location of structures, recreational facilities, open spaces, and planned economic development.

How is the Plan Implemented?

The Comprehensive Plan is a public document that is adopted by the Town Board as a policy guide to future public and private land use decisions in the Town. The Plan is not, however, self-implementing. In order that the policy decisions in this Plan are implemented, certain land use control mechanisms are necessary. These mechanisms include:

1. A zoning ordinance to regulate land use, housing density, and the size and location of structures;
2. A subdivision ordinance to ensure that new development is properly designed, cost effective, and does not have a negative impact on the neighborhood;
3. A process of environmental review by the specific board of responsibility to ensure that the environmental impacts of developments are given adequate consideration pursuant to the State Environmental Quality Review Act and adverse impacts to the environment are minimized or avoided to the maximum extent practicable.

Is the Plan a rigid or flexible document?

Comprehensive planning is a continuous process. The Plan should be viewed as a flexible guide for growth rather than a rigid document. As changes occur and new conditions arise, revisions should be considered so that the Plan remains an ever-useful document for Town officials and residents.

In general, the Plan should be reviewed and updated every five to ten years.

A Brief History of Duanesburg

Duanesburg derives its name from its founder and proprietor, the Hon. James Duane (1733-1797) of New York City, who was a respected jurist and influential New York delegate to both sessions of the Continental Congress. During the Revolution, Duane was devoted to the cause and applied himself tirelessly to its successful conclusion, playing an invaluable role in its financing. After the war, in 1784, Duane was appointed mayor of New York City. In 1788 he was elected a member of the Constitutional Convention, and under the new constitution was nominated by President Washington to become the first federal District Judge of the New York District, retiring in 1794.

In pre-colonial days, the rolling hills of present day Duanesburg served as hunting grounds for Mohawk Indians from settlements along the Mohawk River and the Schoharie Creek. European settlement and land speculation reached the area in the early part of the 18th century. In 1741, James Duane's father, Anthony Duane, a New York City merchant, purchased 6000 acres of Albany county wilderness, which he later bequeathed to his four sons. Through inheritance and purchase, by 1764 James Duane had acquired a total of 20,000 acres in the wilderness west of Schenectady.

On March 13, 1765, by action of the Governor and colonial Council, the Town of "Duanesburgh" was created with 42,000 acres included within its boundaries. Duane had the land surveyed and laid out in 100-acre farms called "great lots."

Duane worked tirelessly to populate his town, vying with numerous competing 18th century land developers, most notable among whom was Sir William Johnson. In 1765 Duane was successful in attracting a group of German families from Philadelphia, and a few years later a large group of Scotsmen (hence, Scotch Ridge Road and the Duanesburg Presbyterian Church). Duane continued to acquire land, ultimately owning 36,000 acres in Duanesburg. By the time of his death in 1797, all of the farm lots were occupied. For most of its first century, Duanesburg was a sleepy farming community. However, by the middle of the 19th century, the railroad made its way through the heart of the town. By 1907, the Village of Delanson had not only taken its name from the railroad responsible for its founding (*Delaware and Hudson*), but it hosted a major depot and boasted the largest coaling station in the world.

With US Route 20 (the Great Western Turnpike), the nation's longest highway, cutting through the town, the automobile brought the world to Duanesburg's door in the first half of the 20th century. Today, Duanesburg remains a characteristically rural community, but with the completion of I-88 in 1980 providing easy access to the greater Capital region, the town has become a bedroom community for the cities of Schenectady, Albany and Troy.

The Town's present layout remains much the same as it was throughout the 19th century: farmsteads with hamlets and villages at the major thoroughfares. Of the eight historic byways, five communities remain intact of significant historic concentrations of properties: the Village of Delanson, the larger hamlets of Quaker Street, Mariaville, and Duanesburg Four Corners, and the small hamlets of Eaton's and Braman's Corners. These settlements contain important and broad ranges of architectural styles, including pre-Federal, Federal, Greek Revival, Italianate, Queen Anne/Eastlake and Colonial Revival designs. The Town contains numerous structures identified in the New York and National Registers of historic places, among them Christ Episcopal Church consecrated in 1793, the Quaker Street Meeting House built in 1807, the North Mansion built in 1791, and the Duane mansion built in 1812. There are 55 cemeteries and at least 15 natural sites of interest such as Christman Sanctuary, Sheldon and Undine Falls, Schoharie Creek Gorge, Featherstonaugh State Forest, and Sheep Dip on South Chucktanunda Creek.



Christ Episcopal Church

DUANESBURG TODAY

Physical Characteristics

Duanesburg's physical characteristics play a significant role in shaping the Town's land use. Duanesburg is a rural community with a landscape dominated by farmland, forests, rural residences, and hamlets. Duanesburg is the largest town in Schenectady County at approximately 70 square miles or 45,000 acres. With a year 2000 population of 83 persons per square mile it is the least densely populated town in the County.

Physiography, Geology and Soils

The Town lies at the northern edge of the Allegheny Plateau with most of its area located at an elevation of 1,000 feet or more above sea level. Topography is somewhat rolling and ranges from a low of approximately 600 feet along the Schoharie Creek to nearly 1,500 feet above sea

Most soils found throughout the Town have severe to moderate limitations to development.

level in the center of town just west of the Duanesburg Reservoir. According to the Soil Survey of Montgomery and Schenectady Counties, the majority of soils found throughout the Town have severe and severe to moderate limitations to development due to seasonal wetness, slow permeability, slopes, and shallowness. Most soils in town range from good to fair for agricultural use based on soil capability classes I-VIII. Prime agricultural soils are limited and located predominantly along the Schoharie Creek.

Water Resources

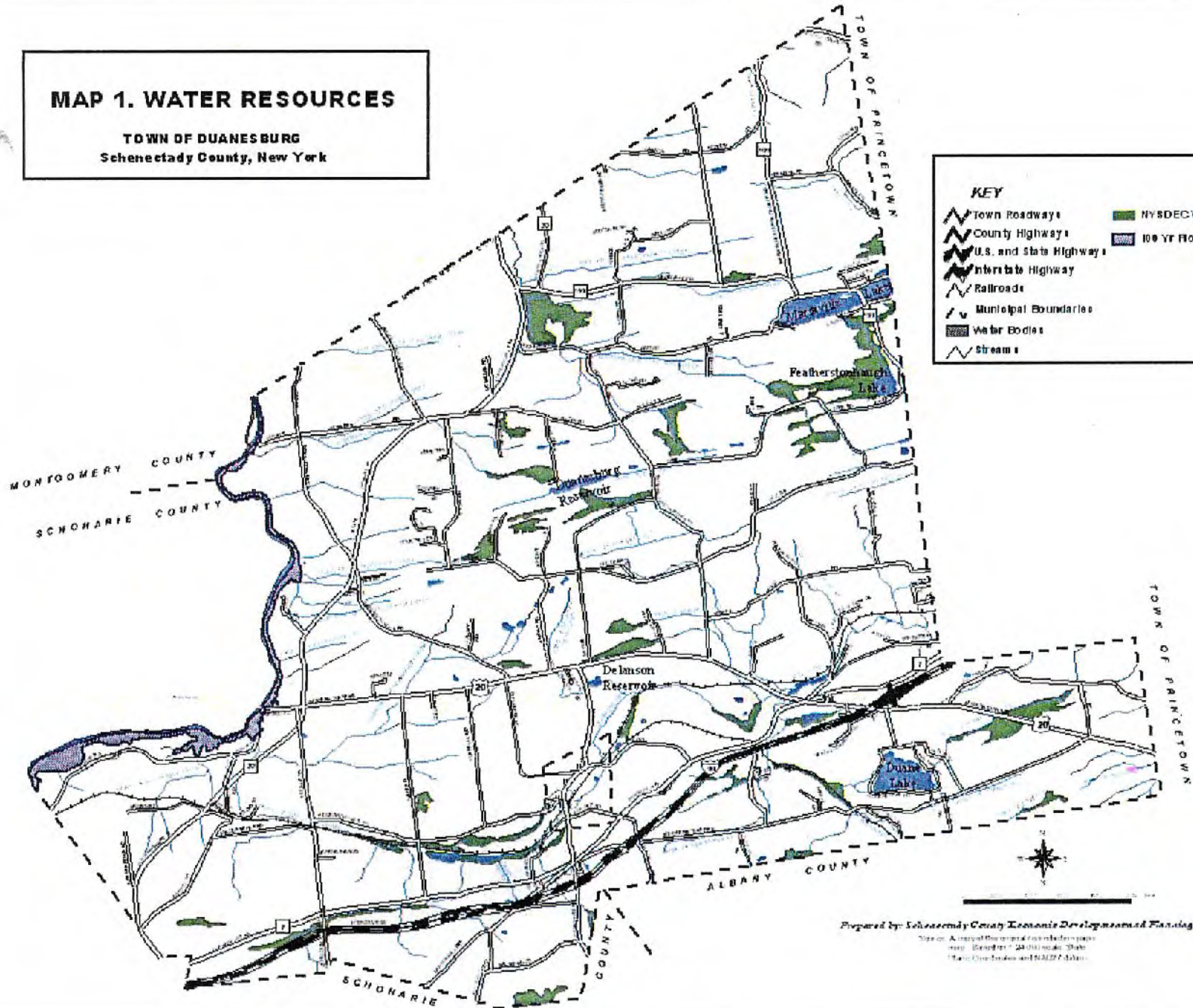
There are three lakes and two reservoirs in the Town. The largest lake, Mariaville, is approximately 201 acres, 1.5 miles long and is located partially within the adjoining Town of Princetown. The Mariaville Lake shoreline is almost completely developed with single family residences. The water quality in the lake is considered stressed according to the *2002 Mohawk River Basin Waterbody Inventory and Priority Waterbodies List*. As of 2005, all residences around the lake have begun to hook up to a public sewer system which should help improve water quality. According to the *2002 Waterbody Inventory* "Public bathing and other recreational uses (swimming, fishing, boating) may be affected by high nutrient loads, excessive aquatic weed growth, occasional algal blooms and reduced water clarity." "Inadequate and/or failing on-site septic systems serving homes along the lake shore and lawn runoff are thought to be contributing nutrients to the lake." There are three large state regulated wetlands (RJ-2, RJ-3, RJ-5) associated with tributaries to the lake.

The second largest lake, Duane Lake, is approximately 116 acres and $\frac{3}{4}$ mile long. Part of state regulated wetland RJ-10 encompasses the lake. The lake is considered a tributary to the Normanskill Creek. The shoreline is completely developed with single family residences. The water quality in the lake is considered to have minor impacts. Residences on the lake have individual wells or draw water directly from the lake, and have individual septic systems.

Featherstonhaugh Lake is 39 acres in size and considered part of state wetland RJ-5. It is part of the 660 acre Featherstonhaugh State Forest and is largely undeveloped. A small number of homes are located along the south and east shorelines. There are no documented water quality concerns. All residences on the lake have individual wells and septic systems.

MAP 1. WATER RESOURCES

TOWN OF DUANESBURG
Schenectady County, New York



The Duanesburg Reservoir is a long narrow body of water that serves as a municipal water supply to the Village of Delanson. It is approximately 36 acres in size and $\frac{3}{4}$ mile long. There is no development along the reservoir's shores.

The Delanson Reservoir is located on an approximately 17 acre parcel owned by the Village of Delanson. The Reservoir is approximately 8 acres and holds around 26 million gallons of water. (For further discussion on the Reservoirs see **Utilities** below).

The largest watercourse in the Town is the Schoharie Creek which forms the western boundary of the town and flows north to the Mohawk River. The Normanskill Creek, South Chuctanunda Creek, Bowman Creek, Bozen Kill and various sub-tributaries to the Schoharie Creek comprise the remaining significant watercourses. The Normanskill flows into the Watervliet Reservoir, a water supply for the City of Watervliet and the Town of Guilderland.

Waterbodies are classified by the NYS Department of Environmental Conservation according to their best and highest use including Classes A, B, C, C(t), and D. Class A, B, and C(t) waterbodies are considered "protected" and regulated by the Department of Environmental Conservation under Environmental Conservation Law, Article 15, Title 5 "Protection of Water." Disturbance to the bed or banks of such streams requires a permit from the state.

There are over 30 wetlands in the town regulated by the NYS Department of Environmental Conservation (DEC) under Article 24, Title 7 "Freshwater Wetlands Regulations" as noted on Map 1. In general, any form of draining, excavation, or filling of a wetland, including the 100 foot adjacent area, is subject to regulation by the state. Although these wetlands are mapped by the DEC, it should be noted that these maps are general indicators of wetland locations. Wetland boundaries should be field verified prior to any land development activity occurring nearby.

Other streams and wetlands that are not regulated by the DEC are generally considered "waters of the United States" and under the jurisdiction of the federal government. The phrase "waters of the United States" includes navigable waters, but also includes non-navigable waterbodies, perennial and intermittent streams, and wetlands. Any disturbance to these waters is regulated by the U.S. Army Corps of Engineers. However, unlike state regulated wetlands, maps have not been prepared for wetlands under the sole jurisdiction of the federal government. The presence of these wetlands must be determined for each land development application.

Flora & Fauna

With European settlement, most of the town was cleared for agricultural use. Remains of original forest lands were limited to marginal, more inaccessible areas. With a decline in agricultural uses in more recent times, many former farm fields are undergoing vegetative succession, the process by which nature reclaims the land and eventually returns it to a mature forest or other dominant vegetative community that existed prior to disturbance. As a result, approximately 50 percent of the town is currently forested to some degree. The increase in forest cover will probably continue, although it will be offset and fragmented to some extent by new residential development.

Forest lands are dominated by northern hardwoods, primarily beech-maple-oak forests. However, these forest communities differ from place to place depending on the stage of the forest community succession and microclimate. Common native tree species include several types of oak and birch, beech, maple, hickory, basswood, white pine and hemlock. Some common shrubs and understory trees include hawthorn, shad, maple leaf viburnum, arrowwood, striped maple, and witch hazel. Reforestation efforts during the past 50 years created plantations of red pine, Norway spruce or Scotch pine in some areas of town.

The variety of ecological communities and open spaces results in a healthy diversity of wildlife in Duaneburg. In addition to the many common mammals found throughout the region, the increasing forestation in town has facilitated the return of larger woodland mammals such as fisher and bobcat and possibly even black bears and moose. In the southwestern part of town (south of I-88) and in other areas of neighboring Schoharie and Albany Counties, the NYS Department of Environmental Conservation is permitting hunting of black bears for the first time in years as a result of increasing bear populations and expanding range.

In addition to providing improved habitat for some species of large mammals, the increasing forested areas also provide improved habitat for breeding songbirds and other woodland bird species such as Wild Turkeys and Ruffed Grouse. These forests may also support at-risk bird species such as Sharp-shinned Hawk, Cooper's Hawk, Northern Goshawk, Red-shouldered Hawk, Wood Thrush and Canada Warbler.

The many large wetland areas in town also support a wide variety of wildlife that may include at-risk bird species such as American Bittern, Least Bittern, and Northern Harrier. Wetland areas appear to be expanding due to increasing beaver populations.



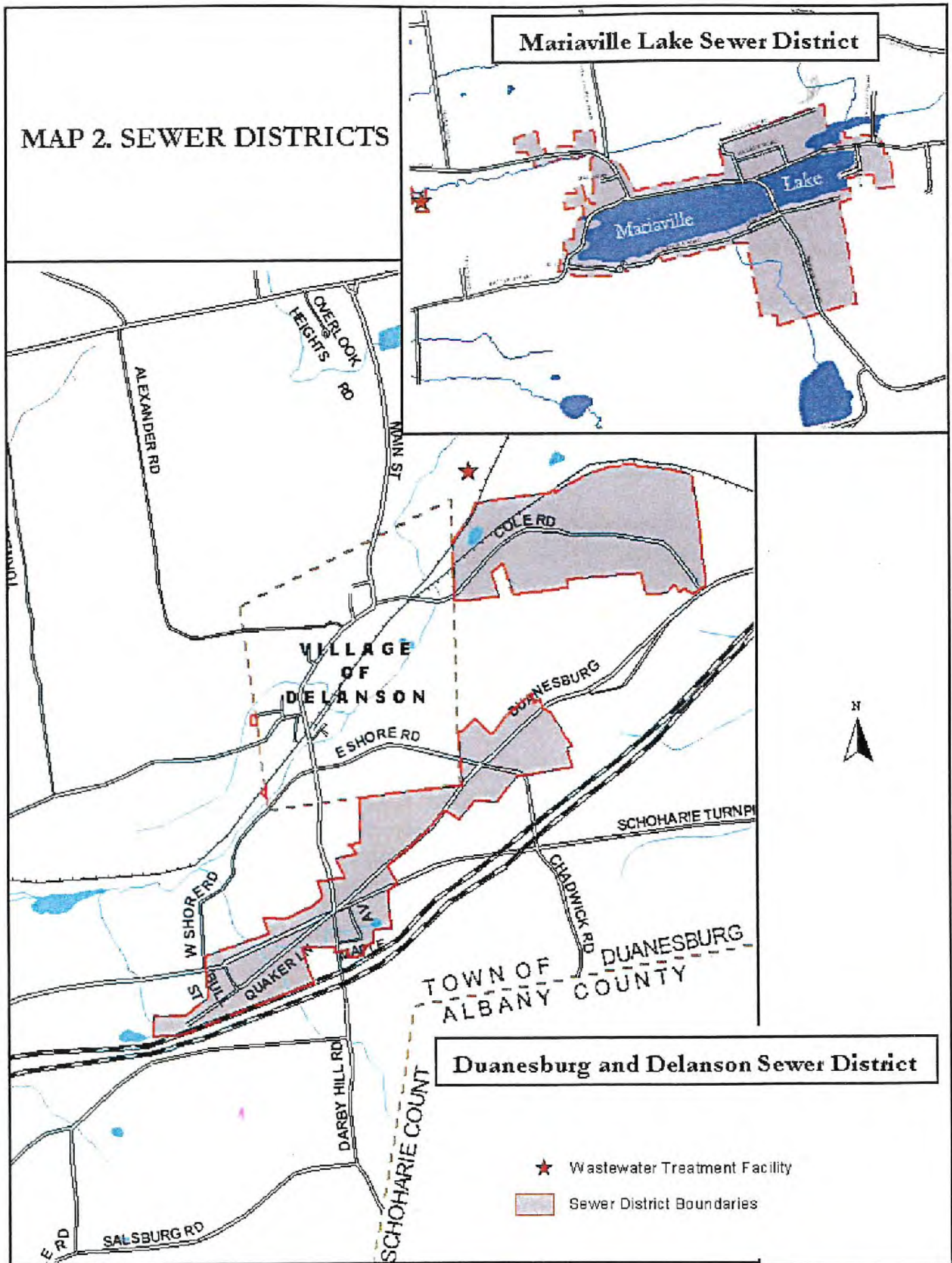
Wetlands along Sheldon Road

Utilities

The vast majority of households in the Town are connected to an individual septic system and well. Given the difficult soil conditions in much of the town, there are a number of failing septic systems. While these are generally sporadic and spread throughout the community, the hamlet of Duaneburg has a relatively high concentration of failures. The recent establishment of sewer districts in the hamlets of Quaker Street and Mariaville has helped alleviate the problem in those areas.

The Duaneburg/Delanson Sewer District No. 1 began operation in 2002. There are approximately 250 households serviced by the District. The District serves the entire Village of Delanson and approximately 100 properties outside the Village along Cole and Duaneburg Roads in the Quaker Street Hamlet.

MAP 2. SEWER DISTRICTS



The Mariaville Lake Sewer District No. 2 was formed in 2001 and began operation in 2005. There are approximately 265 households serviced by the District. The District serves all properties along the shore of Mariaville Lake and some properties along Mariaville Road in the Mariaville Hamlet area. The District serves approximately 45 properties in the Town of Princetown. There are no water districts in the Town of Duanesburg with the exception of the Village of Delanson. The Village of Delanson is served entirely by public water. Two surface water reservoirs, the Duanesburg Reservoir and the Delanson Reservoir, located north of the Village in the Town of Duanesburg provide the water supply.

The Duanesburg Reservoir provides water to the Delanson Reservoir via a surface watercourse that feeds the "MacMillan Well." From the well, water is transported 2 miles to the Delanson Reservoir via a 6 inch cast iron pipe. The Delanson Reservoir is located on an approximately 17 acre parcel owned by the Village of Delanson. The Reservoir is approximately 8 acres and holds around 26 million gallons of water. A slow sand filter water treatment plant with UV pre-treatment is located on site that can provide up to 88,000 gallons of chlorinated drinking water per day. The water district is currently experiencing some problems due to an aging distribution system.

The watershed area of both reservoirs is approximately 1,700 acres. The Village of Delanson has watershed rules and regulations that were promulgated by the NYS Health Department in November 1973. The Village is in the process of updating these regulations.

The Town no longer operates a sanitary landfill. The NYS Department of Environmental Conservation supervised the closing and capping of the former landfill located at Depot Road in 1992. The capped landfill is equipped with a leachate collection system maintained and operated by the Town. The leachate is collected and disposed of at the Wastewater Treatment facility in the Village of Delanson.

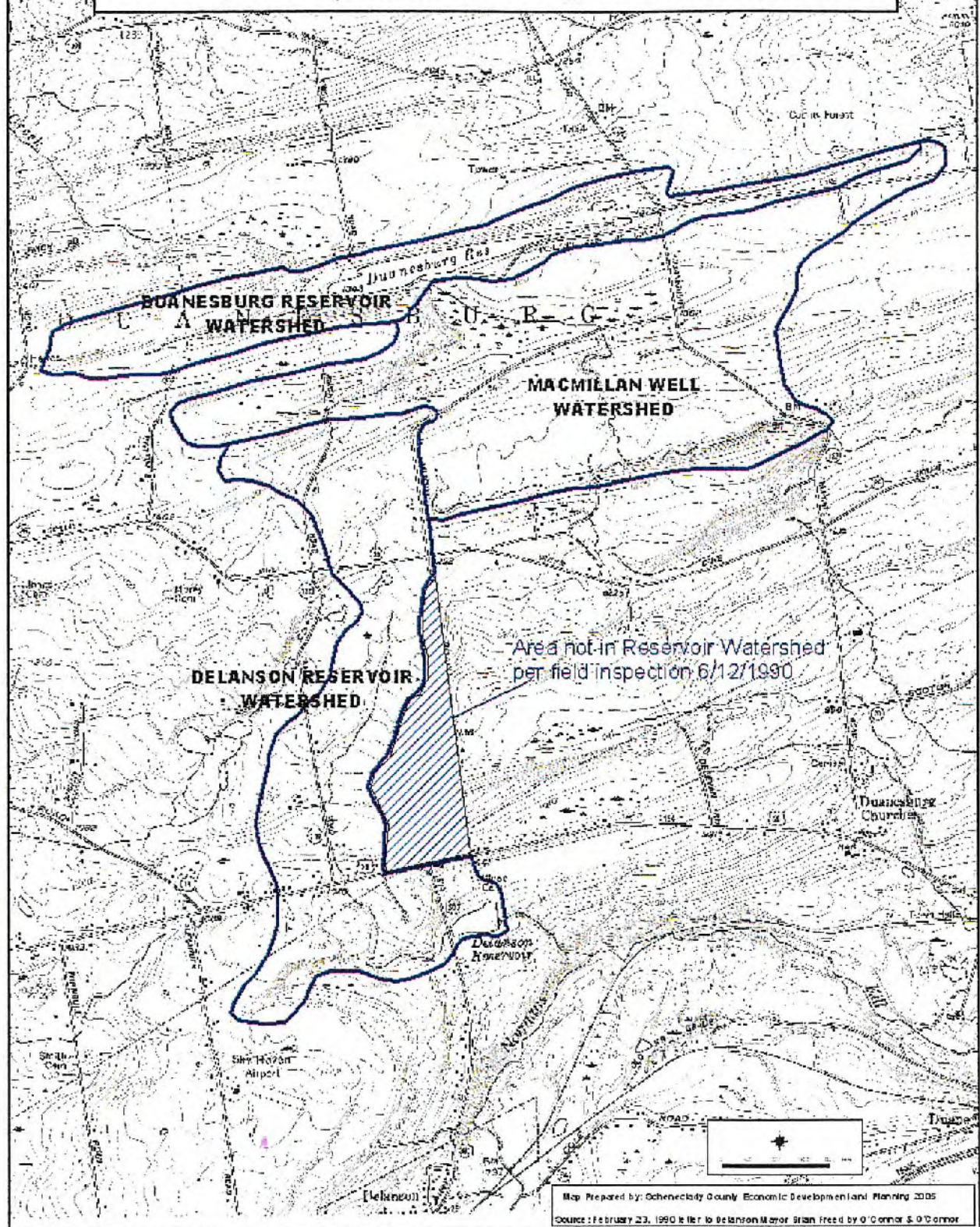
Transportation

The Town has excellent highway access with a direct connection to Interstate Highway (I-88) at exit 24. Aside from the interstate, the main east-west routes are U.S. Route 20 and State Route 7. U.S. Route 20 is the busiest road in town. A Principal Rural Arterial, Route 20 has an Average Annual Daily Traffic (AADT) volume of 7200 between State Route 395 (Main Street) and State Route 7. Some minor delays are experienced in the east bound a.m. peak hour approach to the Route 20 and Route 7 intersection in the hamlet of Duanesburg. The principal north-south road is State Route 30. From the Schoharie County line to U.S. 20, State Route 30 has an AADT of 2000. The Town does not currently experience significant traffic congestion of any kind.

There are no locations in Town that experience any significant traffic congestion.

The Capital District Transportation Authority (CDTA) provides bus service (Bus Route 95) to Duanesburg on Tuesdays. The bus runs between the Mohawk Commons Mall west through the City of Schenectady to the Village of Delanson and the hamlet of Quaker Street. The bus travels along State Route 7, State Route 395 (Main Street) and State Route 20. Bus routes and schedules are available on the web at www.cdta.org. A park and ride lot is located on Route 20 about ¼ mile east of I-88 Exit 24. Bus service is provided to the City of Albany by Schoharie County Public Transportation.

MAP 3. Delanson/Duanesburg Reservoir Watershed



Historic Resources

Four communities remain intact of significant historic concentrations of properties: the Village of Delanson, the larger hamlets of Quaker Street and Mariaville and the small hamlet of Eatons Corners. The three hamlets and part of the Village of Delanson are designated as historic districts and listed on the State and National Registers of Historic Places. These areas contain important and broad ranges of architectural styles, including pre-Federal, Federal, Greek Revival, Italianate, Queen Anne/Eastlake and Colonial Revival. In addition to the historic districts, the Town contains 29 structures on the State and National Register of Historic Places, 55 cemeteries and at least 15 natural sites of interest.



Quaker Meeting House

The historic Quaker Street Hamlet is located at the intersection of State Route 7 and State Route 395. About 40 homes in the hamlet were constructed in a severely plain style by Quaker Settlers during the early 1800's. These homes, collectively, give the settlement a significant historic character. The Friends Meeting House is the hamlet's most significant historic feature. This well preserved wood frame structure, constructed in 1807, is an excellent example of the severely plain architectural style of the Quakers. The Friends Meeting House has been designated a National Historic Site by the U.S. Department of the Interior.

The Mariaville Historic District is located on the north side of Mariaville Lake at the intersection of Mariaville Road (State Rt. 159) and Batter Street. Approximately 10 structures are included in the district. The Eaton Corners Historic District is located at the intersection of Brame and Eaton Corners Roads in the northwestern part of town and includes approximately six structures.

The Town contains four historic districts and 29 structures on the National Register of Historic Places.

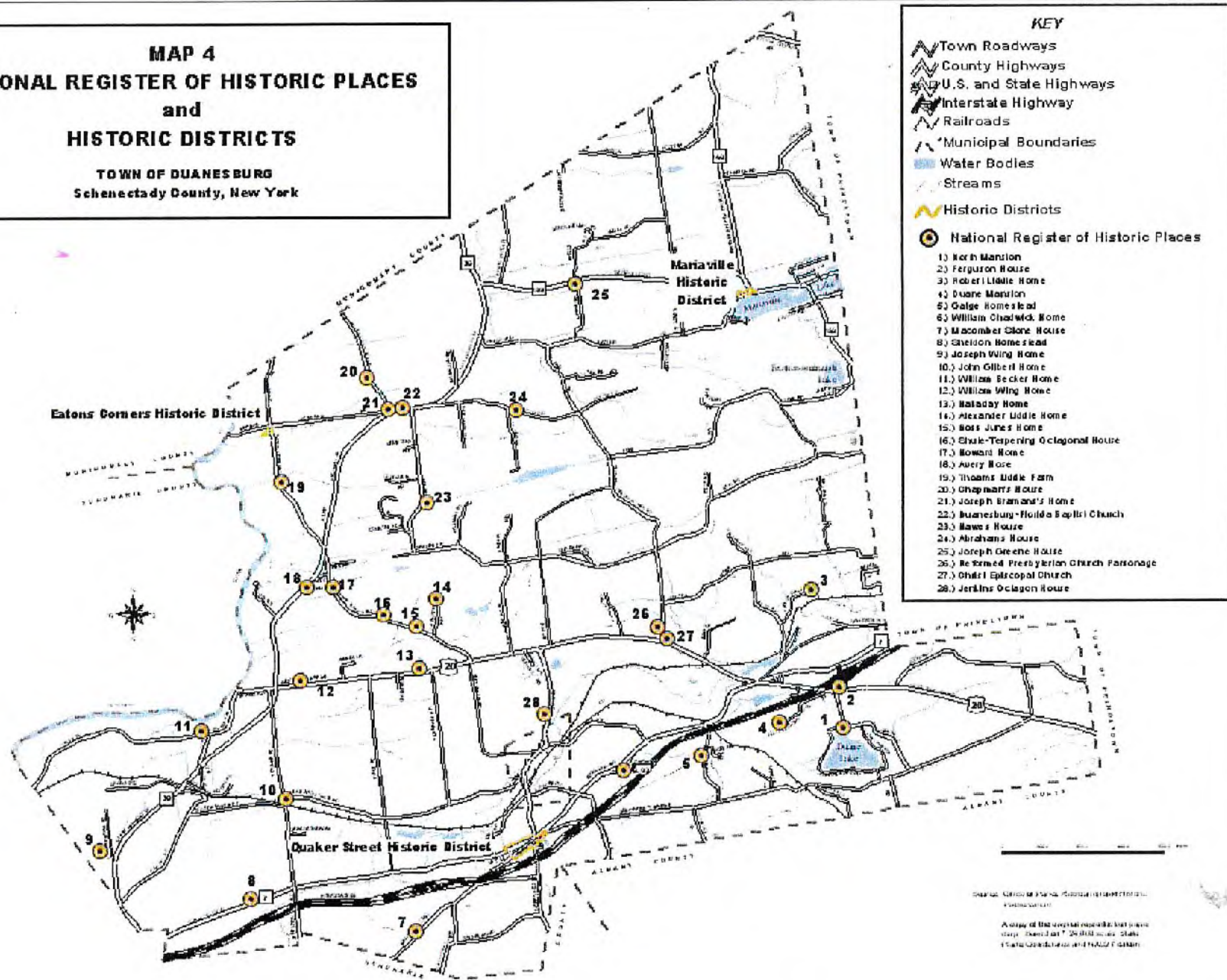
Police, Fire and Ambulance Services

Police protection is provided by the State Police and the County Sheriff. A sub-station of Troop G of the State Police is located on State Route 7 in the Town of Princetown. County Sheriff patrols are based out of downtown Schenectady.

There are six volunteer fire companies in the town of Duanesburg. The two largest districts, Mariaville and Duanesburg, provide service to approximately the eastern half of town. The remaining district includes Burtonsville, Delanson, Esperance, and Quaker Street volunteer fire departments.

The Duanesburg and Esperance Volunteer Ambulance Corps provide emergency services. The Duanesburg Volunteer Ambulance Corps (DVAC) is housed on State Route 7 approximately one mile west of the Hamlet of Duanesburg. The DVAC provides coverage for the eastern and northern sections of town. The Esperance Volunteer Ambulance Corps provides services to the western section of town. At the present time, ambulance response times in the Mariaville Area are quite long. The town is served by the County E911 system.

TOWN OF DUANESBURG
Schenectady County, New York



Public Parks and Recreation Facilities

Duanesburg has two Town Parks available for residents' enjoyment—VanPatten Mill Park and the Robert B. Shafer Memorial Park. The 28 acre Van Patten Mill Park has basketball courts a softball field and horseshoe pits. Swing sets and Jungle Gyms are available for the younger kids along with a pavilion for shelter. This park is also the site of the [Summer Park Program](#) sponsored by the Town of Duanesburg.

The Robert B. Shafer Memorial Park is the newest park. It consists of 29 acres and has three tennis courts, two basketball courts, soccer field, softball field and a nature walk.

Across the street from the Shafer Memorial Park is the Community Playground located at the Duanesburg Elementary School. This wooden playground was constructed by volunteers and has fun activities for children of all ages.

The Duanesburg Little League owns a 23 acre parcel where they maintain five fields.



There is one County owned and maintained nature preserve (County Forest) and one state forest, the Featherstonaugh State Forest. The 105 acre County Forest is open year round for hiking, cross country skiing, and snowshoeing. A small pond is available for fishing and hunting is allowed on a special seasonal basis. The 660 acre Featherstonaugh State Forest is open year round. A dock provides canoe access to Featherstonaugh Lake for fishing.

The Christman Sanctuary is a 96 acre Nature Conservancy Preserve located along the Schoharie Turnpike. It is open year-round to hikers and cross country skiers. The waterfalls and pools of the Bozen Kill top the attractions. The Sanctuary was formerly part of the Christman Homestead, which is listed on the State and National Registers of Historic Places. Developed in 1888 by farmer/poet W. W. Christman, it was one of the first wildlife sanctuaries in the United States

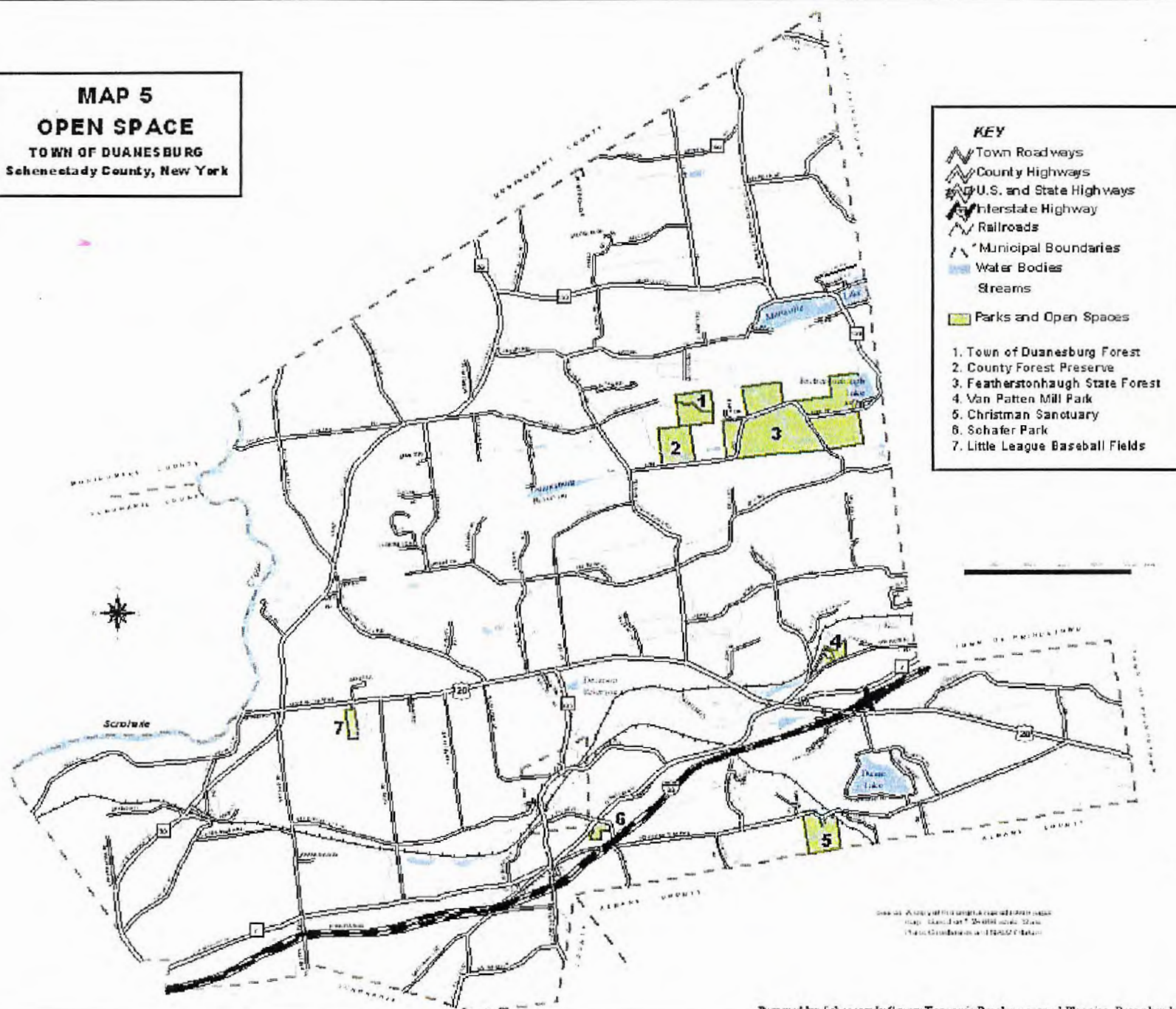


The Town owns a 90 acre parcel directly north of the County Forest Preserve. The parcel is forested with no developed recreational facilities

Bozenkill is Dutch for Noisy Stream

The Duanesburg Area Community Center (DACC) is a private not-for-profit corporation that operates a facility on Mott Road near the intersection of the Schoharie Turnpike and Route 20. The facility includes gyms for classes in aerobics and general physical activity and a workout room with weight machines, treadmills, etc. The DACC provides day care services, dance classes, and classes in Tae Kwon Do. The DACC runs a summer program for children and conducts after school activities at the Elementary School. There are current plans to build a new larger facility in the Village of Delanson that will include a swimming pool.

MAP 5
OPEN SPACE
 TOWN OF DUANESBURG
 Schenectady County, New York



School Districts

The majority of the town, including the Village, is located within the Duanesburg Central School District. The Schalmont School District encompasses a large portion of the northeastern part of town. Two additional school districts, Amsterdam and Schoharie, encompass small areas of town in the north and southwest, respectively.

The Duanesburg Central School district has an enrollment of 947 students in grades K-12. The district has two school buildings--an elementary school housing students in grades K through 5 and a middle/high school building housing students in grades 6 through 12. The 2004-05 budget is \$11,146,110. According to FY 2003 data, the market value of taxable property/pupil is \$266,500. In the Capital District, this figure ranges from a high of \$539,200 in the North Colonie School District to a low of \$164,200 in the Schenectady City School District.

In addition to traditional academic courses, the district offers a number of unique programs. For example, at the high school level, Duanesburg offers the Project Lead the Way program; nine distance learning courses; advanced placement classes; three computer labs; advanced industrial arts classes such as Production Systems, Video Editing and Snowboard Construction; and Special Education inclusion programs. Focus is also placed on academic intervention services in English, math and social studies. Students in kindergarten through sixth grade receive enrichment through the Gifted and Talented Education (GATE) program. At the elementary level, students are involved in innovative courses including Computer Aided Instruction, the 1000 Book Club, the Morning News Broadcast, a Drug Prevention Awareness program called "Brainstorm," and the Junior Great Books program.

The staff consists of 75 teachers, 78 non-instructional personnel, a secondary school principal, a middle school house principal, an elementary school principal, a psychologist/Committee on Special Education chairperson, two guidance counselors, a social worker, and a part-time student assistance counselor.

District priorities concentrate on preparing students to meet New York State Regents graduation requirements and providing additional assistance, such as Academic Intervention Services (AIS) to students who are struggling to meet the state's learning standards.

Population Characteristics

Population projections provide public officials with a sense of the community's future built environment—the man-made pattern of buildings and streets—and information on the future demand for community facilities, services, and housing. They also provide a frame of reference for administrative actions which have long-term effects. Decisions on capital facilities improvements such as water/sewer infrastructure, road maintenance needs, and parks and recreation facilities are in part based on population growth trends.

The population of the Town could be significantly changed by a number of factors, some of which are beyond the control of the Town's government. Zoning changes, development decisions, major road improvements, water and sewer services, and employment changes caused

by an exit or entry of major employers can have an impact on Duanesburg's growth. These factors can have an impact whether they occur within the Town or in surrounding communities.

The two primary sources of information used to construct population estimates and projections are natural growth (the net difference between births and deaths) and migration. Given the aging population of the Capital District's four county region and the region's historic lack of in-migration, regional population would be expected to decline over the next 20 years. For instance, between 1990 and 2000, the region experienced a net loss of 26,521 taxpayers and dependents, or an average decline of 2,652 each year. However, recent population projections provided by the Capital District Regional Planning Commission (CDRPC) assume that regional economic development efforts such as the Tech Valley Initiative will prove effective and result in an increase in net migration and regional growth of approximately 0.3 percent per year. Current trends seem to support this assumption with positive growth in regional net migration between 2001 and 2003 for the first time since 1990. Between 2001 and 2003, the region had an increase in net migration of 5,632 taxpayers and dependents, or an average of 1,877 per year. During these 3 years Schenectady County had a net increase of 512 taxpayers and dependents.

The following discussion attempts to estimate growth the Town may experience over the next 10-20 years. It is based on regional trends and current Town land use policies.

Population Changes and Projections

Regional Population Growth

From 1950 to 2000, the Capital District population increased from 589,359 persons to 794,293 persons, a net increase of 204,934 or 35 percent. During this same period, the fastest growing county of the region's four counties was Saratoga, which grew from 74,869 persons in 1950 to 200,635 persons in 2000, a net increase of 125,766 persons or 168 percent. Since 1950, Saratoga County has accounted for 61 percent of the region's population growth. During this 50 year period, Albany County's population increased by 23 percent (55,179 persons); Rensselaer County's by 15 percent (19,931 persons); and Schenectady County's by 3 percent (4,058 persons).

Between 1980 and 2000 nearly 90 percent of the region's population growth occurred in Saratoga County

More recently, growth in the region has been even more concentrated in Saratoga County, with nearly 90 percent of the region's population growth between 1980 and 2000 occurring in Saratoga County. Over this 20 year period, Saratoga County's population increased by 31 percent (46,876 persons); Albany County's population increased by 3 percent (8,656 persons); Rensselaer County's population increased by .4 percent (572 persons); and Schenectady County's population *decreased* by 2.3 percent (3,391 loss). During the last census period – 1990 to 2000 – the Capital District population increased by 16,500 persons, or 2.1 percent while Schenectady County's population declined 2,730 persons, or 1.8 percent. Population growth in the region continues to be much lower than the national rate where during this same census period, the U.S. population increased by 13 percent.

The CDRPC projects a net population gain for the Capital District of 11.4 percent (90,538 persons) and 59,898 households between 2000 and 2040. While the bulk of the growth will continue to occur in Saratoga County, the Town of Duanesburg's population is projected to grow 21.4 percent (1,244 persons) from 2000 to 2040, or an average of approximately 31 persons per year. Overall, Schenectady County is projected to grow the least of the four Capital District counties at 1.6 percent, with moderate growth in Niskayuna, Glenville, Princetown, Duanesburg and the western part of Rotterdam. The eastern older parts of Rotterdam and the City of Schenectady are projected to experience a loss of population.

Town Population & Projections

Population growth in Duanesburg has followed the regional trend of a decline in population of the region's cities, robust growth in the suburbs, and moderate growth in rural areas such as Duanesburg. Growth in the Town of Duanesburg has occurred largely because of factors external to the Town. Duanesburg is basically a rural residential community with workers commuting to jobs in other communities. As a result, growth trends in the Capital District will continue to have an important impact on the Town's future. If the region's population stagnates or declines, growth will be tempered in Duanesburg. The Town's population projections provided below are based on a moderate regional growth scenario (.3 percent per year) as projected by the CDRPC.

The Town's population is projected to grow by 627 persons or nearly 11 percent between 2000 and 2020.

From 1980 to 2000, Duanesburg's population increased 23 percent (1,079 persons). As shown in table 1, the rate of population increase has declined in recent years and is projected to remain relatively steady at around 5 percent per decade.

Table 1. Town Population Change (1980-2040)

Year	1980	1990	2000	2010	2020	2030	2040
Population	4,729	5,474	5,808	6,130*	6,435*	6,734*	7,052*
% Change		16%	6%	6%*	5%*	5%*	5%*

Source: U.S. Census Bureau

*Capital District Regional Planning Commission projection

School age population has remained relatively stable from 1980 to 2000 despite an overall population increase during this time of 22.8 percent (1,079 persons). Between 1980 and 2000, the school age population increased only 6.9 percent (79 students). While the overall Town population is projected to increase modestly over the next 20 years, according to the CDRPC school age population is expected to decline slightly over this period.

Table 2. Primary School Age Population (5-19 yrs.)

Year	1980	1990	2000	2010	2020
Population	1,274	1,262	1,365	1,230*	1,200*
% Change		(-1%)	8%	(-10%)	(-2%)

Source: U.S. Census Bureau

*Capital District Regional Planning Commission projection

Besides regional economic development, the energy situation could also affect the Town's growth. Since most residents commute greater than average distances to work by automobile, any significant change in commuting costs could affect residential development within Duanesburg. According to the 2000 Census 53 percent of town residents commute 30 minutes or more to work and over 80 percent drive 20 minutes or more. These commuting times are significantly higher than the County wide average where only 28 percent of residents commute 30 minutes or more and approximately 50 percent drive 20 minutes or more. If gas prices continue to rise, commuting distances may dampen housing demand in the town.

Table 3. Travel Time to Work (Percent of Residents)

Municipality	20 min. or more	30 min. or more
Schenectady County	51%	28%
Duanesburg	83%	53%
Rotterdam	51%	26%

Source: U.S. Census Bureau

Another issue that may temper population growth is the lack of services and housing opportunities for seniors. As shown in table 4 the population 65 years and older comprises approximately 9 percent of the Town's population compared to nearly 17 percent Countywide. As the population ages in the coming years, senior citizens may not choose to reside in the town due to a lack of services or housing opportunities.

Table 4. Population Distribution by Age Group (2000)

	Duanesburg		Schenectady County	
Under 5 years	337	5.8%	9,001	6.1%
5 to 14 years	954	16.4%	20,816	14.3%
15 to 24 years	600	10.3%	17,425	11.9%
25 to 34 years	647	11.1%	17,695	12.1%
35 to 44 years	1,119	19.3%	23,524	16.1%
45 to 54 years	1,056	18.2%	20,606	14.1%
55 to 64 years	557	10.6%	13,090	8.9%
65 to 74 years	307	5.3%	11,376	7.8%
75 years and over	231	4.0%	13,022	8.9%

Source: U.S. Census Bureau

Development Trends

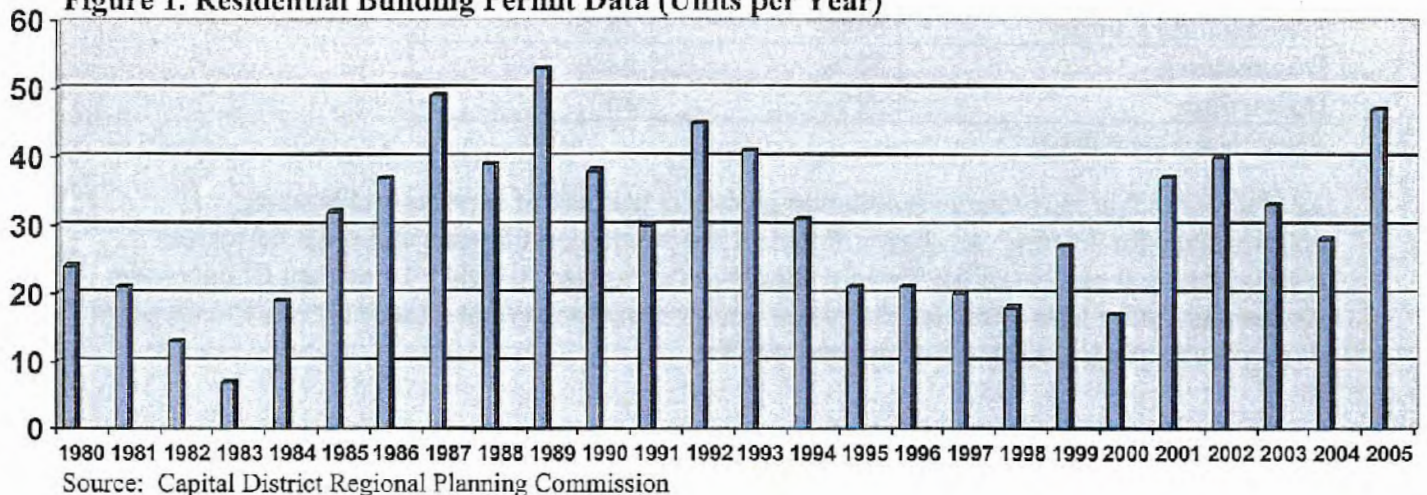
While only modest growth is projected for the Town, the high cost of real estate in the inner suburban towns and relative availability of land in the Town may create increased development pressure. Local development regulations implemented by Duanesburg and adjacent communities could also influence development patterns. If the regulatory environment is perceived as more burdensome in the inner suburban communities, development pressure may increase in Town. Likewise, if the Town provides increased

While the number of subdivided lots has increased in recent years, home construction is projected to remain at the historic rate of

flexibility in the type of housing permitted or expands public sewer and/or water facilities, an increased rate of development may follow. However, given the current limitations on such municipal infrastructure, development can probably be expected to remain at historic rates of approximately 30 units a year. Figure 1 below provides information on building permits issued between 1980 and 2005.

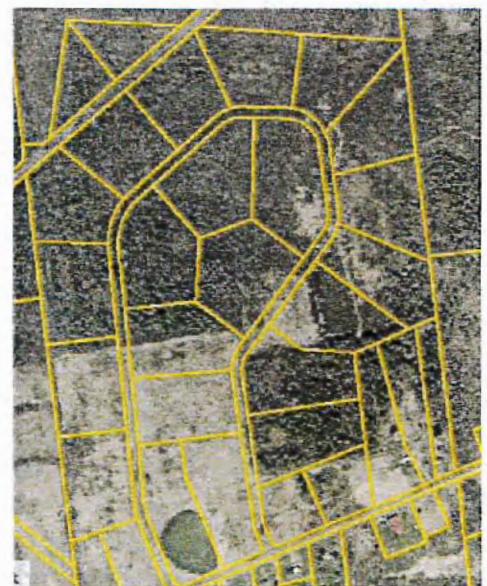
Between 1980 and 2005 the Town issued building permits for 788 housing units for an average of approximately 30 per year. The period from 1986 to 1990 experienced the highest five year total where the Town averaged 43 units per year. During the most recent five year period from 2001 thru 2005, the Town averaged 37 units per year.

Figure 1. Residential Building Permit Data (Units per Year)



If the Town continues to issue its long-term average of 30 building permits for single family housing units per year from 2000 to 2020, permits for 600 residences (households) will be issued. Given the average number of persons per occupied housing unit is projected to drop from 2.7 to 2.5 by 2020, the 600 units translates into 1,500 people. Town-wide, CDRPC projects an additional 414 new households and 627 residents between 2000 and 2020. Adjusting for changing characteristics of existing households throughout the Town during the next 20 years, the projections prepared by CDRPC, though slightly on the low side, appear reasonable as a guide for future anticipated growth in the Town during the next 20 years assuming existing regulatory and capital investment policies remain in place.

While housing construction rates may stay at historic levels, the subdivision of lands may continue to increase. Once land is subdivided, the future development pattern is established regardless of the rate of home construction. Consequently, the pattern and design of subdivisions may play a more critical role in the Town's future appearance than home construction rates.



22-Lot Vacant Subdivision



**Typical "Strip Lot"
Subdivision**

Developments in the Town are now routinely being proposed in association with a new public road. In the past there were very few subdivisions where a new town road was proposed and most subdivided lots had frontage directly along county or state roads. Given the rising cost of housing in the region, developers can apparently now afford to construct a road to town standards to create relatively large building lots without public sewer or water. While

this new land development trend poses some concerns, it may provide an opportunity to foster a more creative development approach. The

more typical "strip lot" development approach used in the Town of Duanesburg over the years consumes more land and retains very little useable open space.

Housing/Household Characteristics

There are 2,307 housing units in the town, 81 percent of which are owner occupied, 11 percent occupied by renters, and 8 percent vacant. Of the housing units, 2,092 or 91 percent are single family homes. Approximately 55 percent (90) of the reported vacant units are for seasonal or recreational use. Median household income in town is \$58,463. This is 40 percent higher than Schenectady County's (\$41,739) and 30 percent higher than the Capital District's median household income of \$45,001. Such a relatively high median household income makes it difficult for the Town to qualify for many federal and state grant programs based on low/moderate income.

Of the 2,151 households in the Town, 102 (4.7 percent) had income in 1999 below the poverty level. Countywide, households with income below the poverty level is more than double the town's rate at 10.4 percent. However, excluding the City of Schenectady, the town's household poverty rate is similar to the level Countywide, where 4.2 percent of households had income below the poverty level.

According to the 2000 Census, the median value of owner-occupied single-family housing units was \$103,900 in the Town and \$94,500 for the entire County. However, since the 2000 Census housing prices have risen sharply in the region and according to the Capital Region Multiple Listing Service (MLS), the median sales price for houses in the Town and County in 2005 is \$165,000 and \$141,200, respectively. This represents an increase of approximately 50 percent since 2000 when the median sales price for the Town reported by the MLS was \$110,000.

**The median sales price
for a house in Town in
2005 was \$165,000.**

Land Use

There are 3,066 tax parcels totaling 43,145 acres in the Town of Duanesburg. Total equalized assessed value of all parcels in Town is \$326,028,472 for 2004 (see Table 5). Over 83 percent of the assessed value in town comes from residential property. Commercial property accounts for just over 3 percent of the assessed value at \$10,566,395 and Agriculture accounts for only 2.3 percent of the assessed value at \$7,446,000. There are 45 tax exempt properties with a total value of \$13,793,000, or 4.2 percent of assessed value.

Residential property carries the bulk of the tax burden. Given that commercial property accounts for only 3 percent of the assessed value in town, a very significant increase in commercial property would be required to have even a minimal impact on the residential tax rate.

Typical of most rural bedroom communities, residential property carries the bulk of the tax burden.

Table 5. Land Use (Number of Parcels & Assessed Value)

Agriculture/ Forested Land		Residential		Commercial		Community/ Public Service		Industrial		Vacant		Total	
Parcels	Value (\$1,000s)	Parcels	Value (\$1,000s)	Parcels	Value (\$1,000s)	Parcels	Value (\$1,000s)	Parcels	Value	Parcels	Value (\$1,000s)	Parcels	Value* (\$1,000s)
46	\$7,446	2,020	\$271,430	58	\$10,566	45	\$13,793	0	\$0	893	\$21,962	3,066	\$326,028

Source: Schenectady County Real property Tax Roll 2004

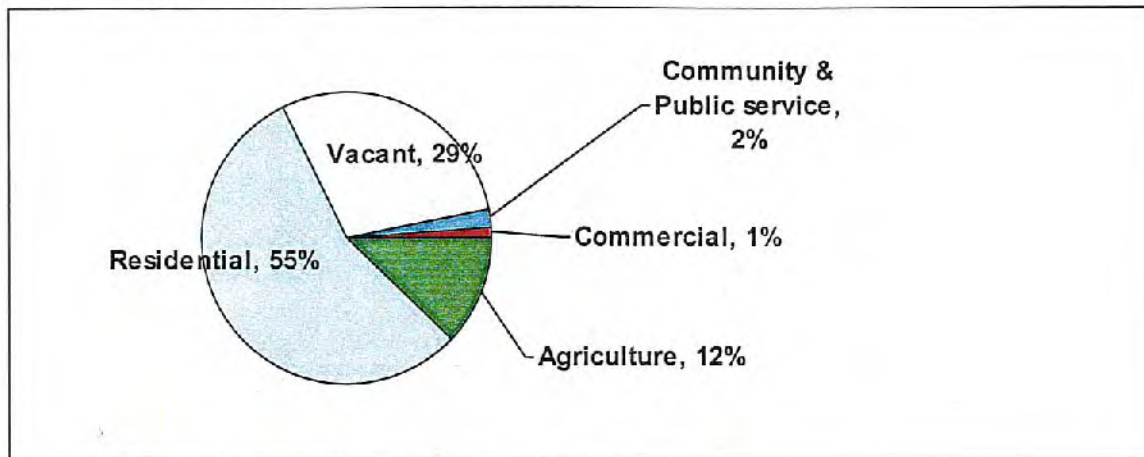
*Equalized to 100% Market Value

By land use category established by the Town Assessor, residential property accounts for 55 percent of the land acreage in town, followed by vacant property at 29 percent and agriculture/forest lands at 12 percent. Community/public service property accounts for 2 percent and commercial property 1 percent of all property. As a land cover, residential is exaggerated since in many cases the property is large and also utilized for agricultural/forest land purposes. Conversely, agricultural lands are under represented since many properties classified as residential or vacant for tax purposes are in some form of agricultural use. Approximately 10,500 acres or 24 percent of the land acreage in town is located within the County Agricultural District (see Map 6).



“Residential” Property Utilized for Agriculture

Figure 2. Existing Land Use by Area



Source: Schenectady County Real property Tax Roll 2004

Natural & Manmade Hazards

Review of existing natural and manmade conditions is a key element in the process of making land use decisions. Floods, landslides, hazardous material spills or dam failures are only "disasters" when people and property are affected. One important way to minimize our risk from natural or manmade hazards is to plan and develop our communities with those hazards in mind.

Minimizing risk is an essential focus of public safety planning. Every land use or public facility action taken by local government should be based on a recognition that some natural and manmade risk exists. The level of risk involved then becomes critical in determining when government involvement becomes necessary or desirable. The challenge is to balance the probability of potential hazard impacts with the characteristics of proposed land uses.

Natural Hazards

Within the Town the primary natural hazard is the floodplains of the Schoharie Creek and Normanskill. Secondly, there are steep slope areas where soil stability can pose a potential landslide concern and overall steep grades can present vehicle access difficulties.

Manmade Hazards

Manmade hazards include dam failure (Gilboa and Mariaville Lake), and hazardous material spills/explosions associated with I-88, Canadian Pacific Railroad, natural gas pipelines, and some fixed sites such as fireworks manufacturing facilities.

Although the probability of an accident involving dam failure or hazardous materials within the Town is rather low it should not be ignored. Within the Town the presence of the above listed transport and fixed sites warrants the Town's consideration in development of land use plans and review of developments that are located within the area vulnerable to a hazard incident. A map depicting the areas of vulnerability for manmade and natural hazards is contained in Appendix D.

Agriculture

While only 12 percent of property in the Town is assessed as agricultural, the Town's landscape is still dominated by agricultural uses. According to the Schenectady County Agricultural and Farmland Protection Plan (2002) there are 74 farms in the Town comprising 8,170 acres or 18 percent of the Town's land area. The average size farm is over 110 acres and farmers rent over 2,000 acres of additional land. By principal farm enterprise, livestock (other than dairy) and hay comprise nearly 30 percent of farms, followed by cash crop (19 percent) and dairy (12 percent).



Looking North from Schoonmaker Road

Most of the farms in the Town are small operations with 54 percent having gross annual sales below \$10,000—the threshold to be eligible for an agricultural land value assessment. While these noncommercial farms do not account for a significant amount of agricultural sales, they comprise over 2,700 acres, or 33 percent of the land in farms in the Town. For many of these small non-commercial farms, income from farming makes up a modest portion of household income. However, despite the limited gross farm sales, a small farm can provide vital economic support to a family and contribute significantly to the agricultural industry. The small part-time farms help to establish a critical mass of farms and a better farming environment. Smaller farms help neighboring commercial farm operations use their land to its best advantage by reducing the incidence of adjoining non-compatible uses. They also help preserve open space since many of the noncommercial farms contain substantial acreage.

Small farms can also represent new start-up agricultural enterprises and future growth opportunities for the industry. Many of the smaller farm operations are increasingly diverse with farm enterprises ranging from meat goats and free range chickens to alpaca production. And encouraging or assisting new farm enterprises may become increasingly important as traditional agricultural enterprises become less prevalent in town.

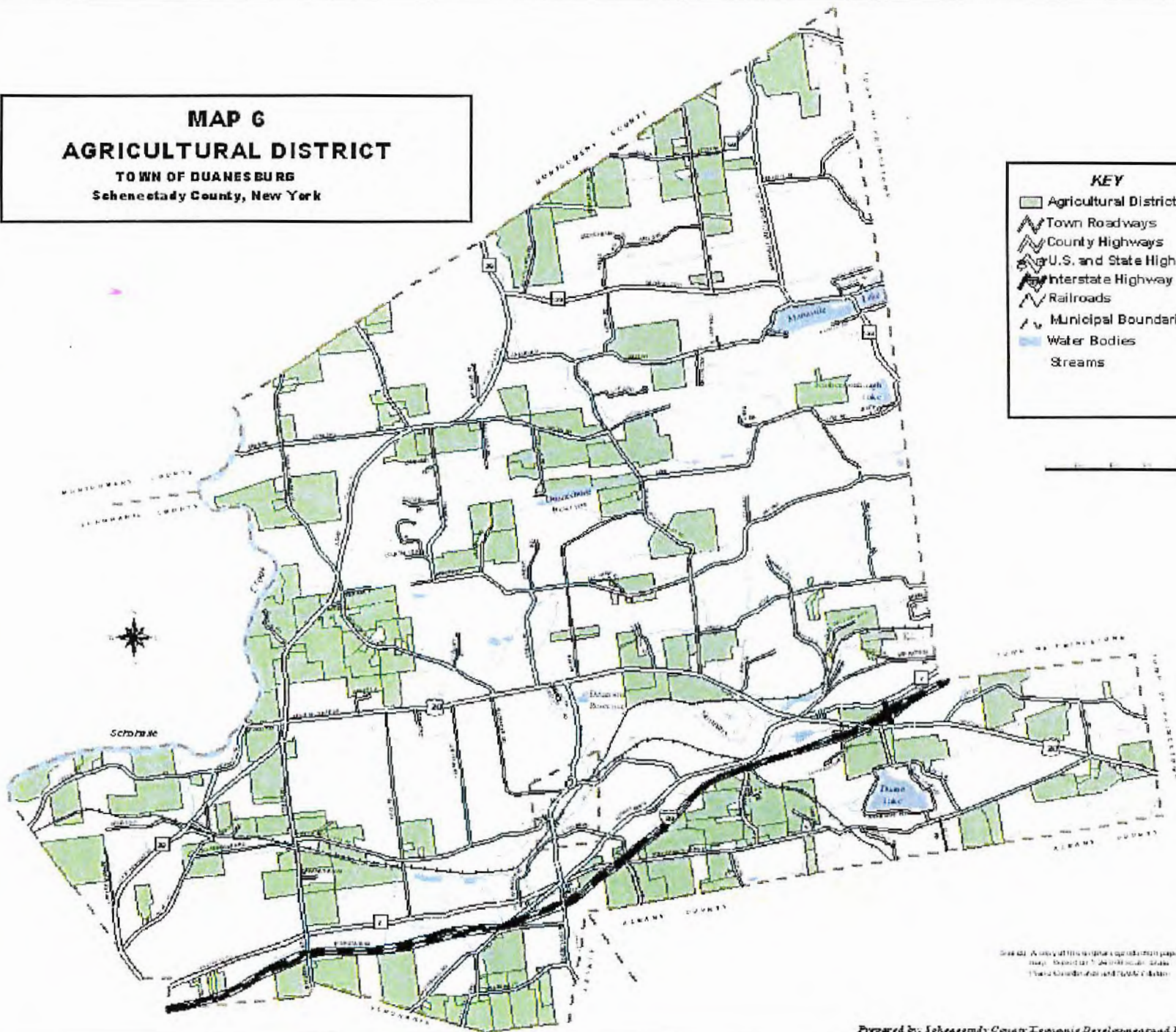
Recent farmland trends indicate that smaller part-time farms may hold the key to the continuance of agriculture in the Town and County.

While less than 15 percent of farms in town have annual sales greater than \$100,000, a few large commercial farms can have a significant impact on the local economy. The bulk of the larger farms in the town are dairy operations. While the dairy industry has declined across the state over the past 30 years, the industry appears to have stabilized in Schenectady County in the past ten years according to the County Agriculture and Farmland Protection Plan. Of the 9 respondents to the County farm owner survey that indicated they have a dairy operation, 7 are located in the Town of Duanesburg.

MAP 6
AGRICULTURAL DISTRICT
 TOWN OF DUANESBURG
 Schenectady County, New York

KEY	
	Agricultural District Boundaries
	Town Roadways
	County Highways
	U.S. and State Highways
	Interstate Highway
	Railroads
	Municipal Boundaries
	Water Bodies
	Streams

0 10 20 30 40 50 60 70 80 90 100 Feet



See also: A copy of this map is available upon request from the
 Schenectady County Planning and Economic Development
 Department, 100 North State Street, Schenectady, NY 12304

Dairy farmers tend to be full-time operators with all but one respondent to the County survey indicating they devote 100 percent of their work time to the farm operation. In fact, all respondents that reported dairy as their principal farm enterprise responded that they are a full-time farm operator. Dairy operations are also the most land consumptive agricultural use in the County. They require extensive cropland and support land, with the average dairy farm operator in the County owning 194 acres and renting or leasing an average of another 66 acres. The dairy sector also supports a significant amount of other businesses (feed supplies and services, veterinarian services, milking and animal housing equipment supplies and services, milk haulers and shippers, and milk processors) and has a high economic multiplier effect. According to the County Agricultural and Farmland Protection Plan, the loss of one 175-cow dairy farm yields an annual economic loss of \$933,997.

It is a generally accepted tenet that farmland pays more in taxes than it costs a municipality in services. This is not true for every type of land use and depending upon the type of development that occurs on converted farmland, the costs of providing services to the new land use can be far greater than the revenues received by a community. Studies of towns in New York found that, on average, only 29 cents of every tax dollar generated by farm property was needed to provide services to the farm—producing a surplus of 71 cents. The 71-cent surplus puts farm property on par with commercial and industrial property as a tax positive land use. In comparison, most studies show that residences require \$1.27 in services for every dollar they generate—producing a deficit of 27 cents. This is largely due to the cost of educating children that reside in the home.

Farmland protection can be viewed as a strategy to maintain the long-term fiscal health of the community.

Aside from the many positive aspects of farmland, farming and farmland should be valued based also on what it does not cost a community. As a net tax gain, farmland protection can be viewed as a strategy to maintain the long-term fiscal health of a community. To help support local agriculture, the Town adopted a right to farm law in 1995. The right-to-farm law is aimed at maintaining a supportive operating environment for farmers by limiting farmer/non-farmer neighbor conflicts. It supplements the New York State Agricultural District Law and the protections provided to farmers located within the Agricultural District.

Agricultural District

It is the declared purpose of New York State's Agricultural District Law to provide a locally-initiated mechanism for the protection and enhancement of the State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance. Relying primarily on the initiative of landowners and county governments with state oversight, the Law provides agricultural landowners with a number of benefits and protections without burdening a landowner with additional restrictions. As more fully described in Appendix E, the benefits and protections available to agricultural landowners within an agricultural district include: limitation on local regulation; limitation on the exercise of eminent domain and other public

Benefits of Agricultural Districts:

- Voluntary landowner driven program
- Supports a favorable operating environment for farmers
- Helps stabilize large blocks of land to keep farming viable
- Helps quantify the County's Agricultural industry & enhances its visibility

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acquisitions or advancement of funds; limitation on local benefit assessments; right to farm protections; coordination of local planning and land use decision-making; and, a required disclosure statement for transfers of real property. The Town has nearly 11,000 acres in the County Agricultural District, or approximately ¼ of the Town's land area.

Economic Development

The Town of Duanesburg relies on the County and Metroplex Development Authority for much of its economic development efforts. The Metroplex administers the County's IDA program which serves as the Town's IDA.

There are no Empire Zones located within the Town; however portions of the Town are within the Schenectady Metroplex Development Authority service area. Specifically, the Metroplex Development Authority service area extends into town along State Route 7 and U.S. Route 20 forming 7,000 foot wide corridors along both highways. The Metroplex corridor encompasses the Town's Commercial and Hamlet zoning districts with the exception of Braman Corners and Mariaville Lake Hamlet areas.

The mission of the Schenectady Metroplex Development Authority is to enhance the long-term economic vitality and quality of life in Schenectady County by cooperative, purposeful actions and investments within the Metroplex corridor with particular emphasis on downtown Schenectady (www.schenectadymetroplex.org). Metroplex can design, plan, finance, site, construct, administer, operate, manage and maintain facilities within its service district. Metroplex project aid comes in several forms — loans and grants that are the traditional tools of economic development agencies; also with technical assistance or by connecting people with resources and information. The Metroplex does not supercede local authority and all applicable Town zoning and development regulations must be followed.

Metroplex's activities are supported by a portion of county sales tax receipts (about \$7 million for 2003) and the issuance of bonds. A portion (30 percent) of the sales tax money dedicated to the support of Metroplex is returned annually to the Towns within the County through the "Schenectady County Economic Development Tax Abatement Fund." Since 1999, the Town of Duanesburg has received \$1.2M or approximately \$200,000 each year from Metroplex's portion of the County sales tax.

Town Budget

During 2003, the Town had total revenues of \$2.3M and expenditures of \$2.2M for a surplus of approximately \$105,000. General revenue and expenditures are outlined below in table 6.

In 2004 the Town had outstanding bonded debt of \$3.7M. The bulk of this indebtedness is related to Sewer District 1 (Delanson/ Quaker Street) and Sewer District 2 (Mariaville Lake). The Town's constitutional debt limit is \$20.5M.

The Town has 11 full-time employees and 10 part-time employees.

Table 6. Revenues & Expenditures FY 2003

FY 2003 Revenues & Expenditures	Revenues (\$1,000s)					
	Property Tax	Sales Tax	State Aid	Federal Aid	Other	Total Revenues
Duanesburg	\$554.5	\$681.6	\$293.8	\$346.2	\$445.7	\$2,321.8

Expenditures (\$1,000s)					FY 2003 Surplus (Deficit)	
General Governmen t	Health & Public Safety	Transpor t & Utilities	Economic Assistance	Other	Total	
\$482.2	\$305.3	\$668.6	\$5.5	\$755.3	\$2,216.9	\$104.9

Source: New York State Office of the Comptroller, 2003 *Special Report on Municipal Affairs*
Prepared by the Capital District Regional Planning Commission

The Town currently has 11 full-time employees: 5 Highway Department employees; a Building Inspector/Code Enforcement Officer; a Clerk for the Building Department/Assessor's Office; 2 Court Clerks; a Bookkeeper for the Supervisor; and, a Deputy Town Clerk. There are currently 10 part-time employees: Assessor; Maintenance person; Planner; Planning and Zoning Department Clerk; Records Management Clerk; Dog Warden; Webmaster/Newsletter Editor; Assistant Building Inspector; and, Town Historian.

Elected positions include: Supervisor; four Town Board Members; Town Clerk; Highway Superintendent; and, two Town Justices. The Town also utilizes employees on a seasonal basis. In the winter the Town has four wingmen available for the Highway Department during snowstorms and in the summer there is a person to aid in mowing the Town parks.

Household Survey Results

During the spring of 2005 the town mailed a survey to all households in Town as part of the public outreach effort for the Comprehensive Plan. Of the 2,117 surveys mailed, 625 or 30 percent were returned. This is considered a high response rate for a mail questionnaire using a single mailing. The results of the survey along with comments received at public meetings provide insight into Duanesburg's land development issues and helps direct the recommendations contained in the Comprehensive Plan. The following is a brief summary of the survey results. The complete results can be found in Appendix A.

Respondent Profile

Respondents appear to be representative of the Town's development pattern with approximately 55 percent indicating they live on property less than 5 acres in size and 20 percent on properties greater than 25 acres. Thirty-four percent considered their property as Residential/Hamlet and 49 percent Residential/Agricultural. With regard to tenure, 28 percent responded that they have

lived in their home 10 years or less, 27 percent between 10 and 20 years, 20 percent between 20 and 30 years, and 25 percent between 30 and 40 years.

Future Perceptions/Desires

When asked what the three most important issues facing the Town over the next 5-10 years are, most people indicated Rural Preservation. Water/Sewer was the second most important issue followed by Out of Control Growth and Lack of Businesses. When asked

what types of businesses they would like to see in Town, small retail received the most responses, followed by restaurants, and professional offices. Warehousing/Storage Units and manufacturing received the least support. The I-88 interchange was perceived as a good place to locate commercial business followed by U.S. Route 20/State Route 7 and the Hamlets.

Town residents identified rural preservation as the most important issue facing the Town.

Ninety-five percent of respondents indicated that the Town should encourage farming as a land use. Similarly, 95 percent responded that open space should be encouraged. Over 90 percent of respondents thought that special measures should be taken to preserve historical and cultural properties.

With regard to the design of residential development, 78 percent agreed that "strip" residential development along roads should be avoided in favor of planned residential development. Fifty-nine percent feel that the current minimum lot size is just right while 35 percent say it's too small. Only six percent feel the current minimum lot size is too large.

Respondents' overwhelmingly agreed (86 percent) with the Town's land use goal as stated in the survey. While 80 percent said the Town should discourage multi-family residential land use, the same percentage responded that senior housing should be encouraged.

Commercial and light industrial land uses were viewed similarly with 70 percent of respondents indicating they should be encouraged as land uses. Conversely, 91 percent said the Town should discourage heavy industry.

By almost 4 to 1, residents said the Town should not encourage large warehousing or distribution centers.

GOALS, OBJECTIVES & RECOMMENDATIONS

Land Use

Goal: To preserve the rural character of the Town by promoting a land use pattern that strengthens existing hamlet centers, protects important natural resources, maintains an efficient transportation network, provides for economical services and facilities, fosters an orderly pattern of growth and development.

Objective: Maintain and strengthen the traditional development pattern of the rural hamlet centers. The Hamlets of Quaker Street, Duanesburg, and Mariaville serve as residential and commercial centers. Within the hamlet centers, the Town recommends:

- adoption and enforcement of land use regulations that are designed to preserve the community's historic character
- development of housing densities based on the availability of public sewers and the capacity of the soils to handle on-site waste disposal
- development of small commercial uses which are designed to serve local needs.

Objective: Clearly incorporate the State Environmental Quality Review Act (SEQRA) procedure into the review process of the responsible board (i.e. Town, Zoning, and Planning Boards).

SEQRA is a state-mandated process for protecting residents of New York from development that would cause public harm if environmental, economic, and safety issues were not adequately considered. It establishes a process that requires the consideration of environmental factors early in the planning stages of the actions that are directly undertaken, funded, or approved by local, regional, and state agencies.

- Establish a systematic approach to environmental review so that projects can be modified in the early planning stages to avoid unnecessary delays and minimize adverse impacts on the environment.
- Amend Town zoning and subdivision laws to adequately reference SEQR requirements.

Objective: Help preserve and protect the economic health of the agricultural community and the prime and important agricultural soils.

- Consider allowing more flexibility in subdivision design to permit limited development of farmlands while retaining the most productive soils and agricultural areas.
- Encourage enrollment of active farmlands into the County Agricultural District.
- Zoning laws should allow farm businesses to grow and allow small retail and/or agri-tourism facilities as accessory uses to the farm. Farm support businesses should be allowed as of right in the Rural Residential/Agricultural District. Consideration should



**Small on-farm
Retail Business**



be given to allowing small, country livestock processing facilities. The current zoning law prohibits slaughterhouses.

- Agriculture or farming should be broadly enough defined in the Town's zoning law to include other accessory activities that are necessary to the success of the modern farm. The extent to which accessory uses are permitted is extremely important to the continuation of agriculture. Farm stands, saw mills, farm equipment repair, and agri-tainment activities are often an important part of farm income.

- Ensure through the Town subdivision process that prospective neighbors to agricultural property/farm operations are given sufficient notice that they are purchasing lands near a farm and that farm activities occur that may cause noise, dust and odors.
- Consideration should be given to providing buffers within the residential development from adjoining agricultural uses.

Objective: Adequately consider access management when locating commercial and residential development along state, county, and local roads.

Frequently local governments are pressured to locate commercial developments in strips along major transportation routes. Locating commercial uses in this manner along transportation corridors increases the number of access points (driveways and intersections), decreases the level of service of the road, and creates a conflict between local and through traffic. A related problem is the establishment of residential strips in rural areas. As with commercial strips, the establishment of residential lots with individual driveways contributes to the conflict between local and through traffic, decreases the level of service along the road, and inhibits the development of land which does not have direct access to a major roadway. The capacity of roads used for through traffic can be maintained by:

- Creating deeper roadside zones to encourage centers of development and discourage strips.
- Encouraging developments to share a common access where appropriate.
- Encouraging development within or adjacent to existing hamlet centers.
- Planning for the construction of service roads between commercial uses.

Objective: Continue to allow low impact commercial developments such as antique/craft shops and small professional offices in the Rural Residential Agricultural District.

- Commercial uses in the rural residential/agricultural areas should be designed and located with an informed respect for neighboring land uses and site limitations.
- Continue to require a special use permit for such uses, to ensure that appropriate local review can take place to limit any potential negative impacts.



Housing

Goal: Provide a variety of quality housing alternatives which will meet the needs of Town residents and ensure that housing is properly located.

Objective: Encourage and permit with proper infrastructure a variety of housing types to meet the needs of all residents, especially young families and senior citizens.

- Alternative types of housing should be allowed by special use permit to ensure a detailed project review takes place to limit any potential adverse affects on the existing neighborhood.
- Mixed use housing (commercial first floor residential second floor) should be encouraged in the hamlet areas where there is adequate water and wastewater management.
- Senior housing should be encouraged in the High Dcnsity Residential (R-1) and Hamlet (H) zoning districts where public sewer is available.

Objective: Encourage the rehabilitation of substandard housing.

- Strictly enforce housing and sanitary codes to facilitate the rehabilitation of substandard housing.
- Ensure that Town residents are aware of the HEAP and Weatherization Programs that provide financial assistance to make housing improvements and assist with heating bills to income eligible homeowners.
- Consider development of a program to assist lower income households with the cost of rehabilitation of substandard housing and inadequate wastewater treatment facilities.

Objective: Develop and implement plans to meet affordable housing needs of residents.

- Consider allowing accessory in-law units in single family dwellings with a special use permit.
- Continue to allow the creation of mobile home parks that meet strict design criteria.
- Consider allowing US Department of Housing and Urban Development (HUD) inspected residential manufactured homes (formerly called mobile homes). The Town could require manufactured homes to be placed on a permanent foundation.

Commerce and Industry

Goal: Preserve and strengthen the Town's local employment opportunities and services and expand commercial property tax base.

Objective: Encourage the growth of service, retail, and small industrial businesses which are compatible with existing land uses.

- Adopt land use regulations that permit a wide variety of uses as long as they meet established performance standards that ensure compatibility with the surrounding area. Performance standards regulate the impact of uses (i.e., noise, odor, vibrations, etc.) rather than the uses themselves. They should be readily measurable and enforceable.
- Continue to support home-based businesses (home occupations) that are compatible with surrounding land uses. Regulations for home occupations should establish clear standards.
- Ensure that commercial/light industrial developments proposed within the Metroplex Service Area are aware of the potential financial assistance available from the Metroplex Development Authority.
- Encourage County IDA to fund agricultural economic development enterprises.

Objective: Encourage redevelopment of the hamlet areas and expansion of local service and retail uses.

- Consider expanding the Hamlet Zoning Districts to coincide with the sewer district boundary or where soil conditions can accommodate conventional septic systems.
- Consider modifying the Town's Zoning Law to specifically allow senior housing in the High Density Residential (R-1) and Hamlet (H) Districts where there is access to public sewer.

Objective: Continue to investigate the feasibility of additional municipal sewage systems and/or the extension of sewer districts one and two.

- Apply for grants to help fund the extension of sewers to the Duanesburg Hamlet. Incremental sewer district extensions should generally be paid for by developers or residents requesting them.



Commercial Building Well-Suited to Rural Environment

Objective: Support improved aesthetics through the use of appropriate architecture, site design, landscaping, control of signs, and general upkeep.

New commercial buildings should be compatible with their surroundings. Often "stock" buildings, designed for business use without regard for the site, tend to be imposed on a site, rather than tailored to the site's particular strengths and weaknesses. The use of trees and shrubs not only improves the appearance of commercial buildings, but their use also moderates the influence of wind, sun, and precipitation. Signs affect the roadside landscape and traffic safety in profound ways.

- The Town's zoning law should provide clear guidance regarding components to be included in site plans, review procedures and site design standards.
- The Town's zoning law should clearly grant authority to enforce conditions of site plan approval and general property maintenance of commercial developments.

Community Development

Goal: To maintain the Town's rural character, promote the historic cultural heritage of the Town, and enhance community facilities in a cost effective manner.

Objective: Promote the maintenance, enhancement, and development of community facilities and services that meet the needs of the residents in the most cost effective way possible.

It is important to the Town's growth and prosperity that services such as education, police, fire protection, ambulance service, parks and recreation, and highway services be maintained or improved in order to enhance the quality of life. At the same time, sound fiscal controls should be exercised to keep costs within reasonable limits.

- Continue to explore shared service agreements for municipal services such as highway maintenance.
- Review existing per lot parkland fee for subdivision plats not containing a park for recreational purposes. According to state statute, any monies required by the planning board in lieu of land for park or recreational purposes shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of property.
- Develop a use plan for the Town owned parcel adjoining the County Forest.
- Review and update fee schedule for building permits, site plan/special use permit applications, and subdivision applications to ensure that Town review costs are adequate. Clearly identify procedures for supplemental Town engineering review and construction inspection costs to be borne by the developers.
- Work with New York State Department of Transportation and local developers to capitalize on opportunities to improve pedestrian accommodations in the Town's hamlet areas.
- Explore grant opportunities through the NYS Quality Communities Program and the Capital District Transportation Committee's Linkage Program to assist with future planning efforts to improve hamlets and enhance economic development.
- Work closely with Schenectady County on the reconstruction of the County's Quaker Street-Duanesburg Branch Library to ensure its design is compatible with the surrounding historic neighborhood.
- Consider setting aside a portion of annual money received through the Metroplex Development Authority to fund local economic development efforts, open space acquisitions, farmland preservation, etc.



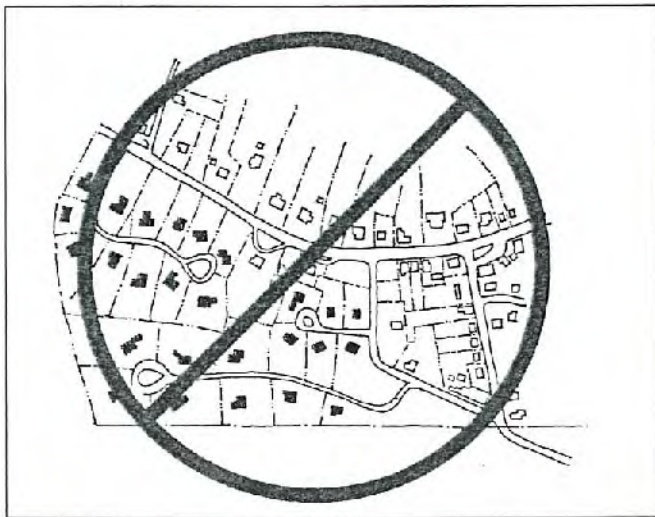
**Non-continuous Sidewalk
Quaker Street Hamlet**

Objective: Encourage the preservation and adaptive reuse of historic properties and context sensitive redevelopment of the Hamlet areas.

The preservation and cultivation of our historic and cultural resources can make a significant contribution toward maintaining a sense of community identity in the face of population growth and new development. Our historic and cultural resources enhance the quality of our lives by providing us with experiences that are otherwise not available. These experiences broaden our background and insight into our past as well as our present.



- Require developers to provide appropriate archeological and cultural resource review as recommended by the NYS Office of Parks, Recreation, and Historic Preservation to meet the information requirements of the State Environmental Quality Review Act. New development should limit impacts on historic resources and integrate these features into the site plan as much as possible. Disturbance of cultural and historic resources should be minimized to the greatest extent possible.
- New construction in the Town's Hamlet areas should reflect elements of traditional local architecture and be compatible with adjacent buildings. Building height, design, scale, and mass should be compatible with the surrounding neighborhood.



Avoid Large Lot, Suburban-Style Cul-de-Sac Development of Hamlet Area

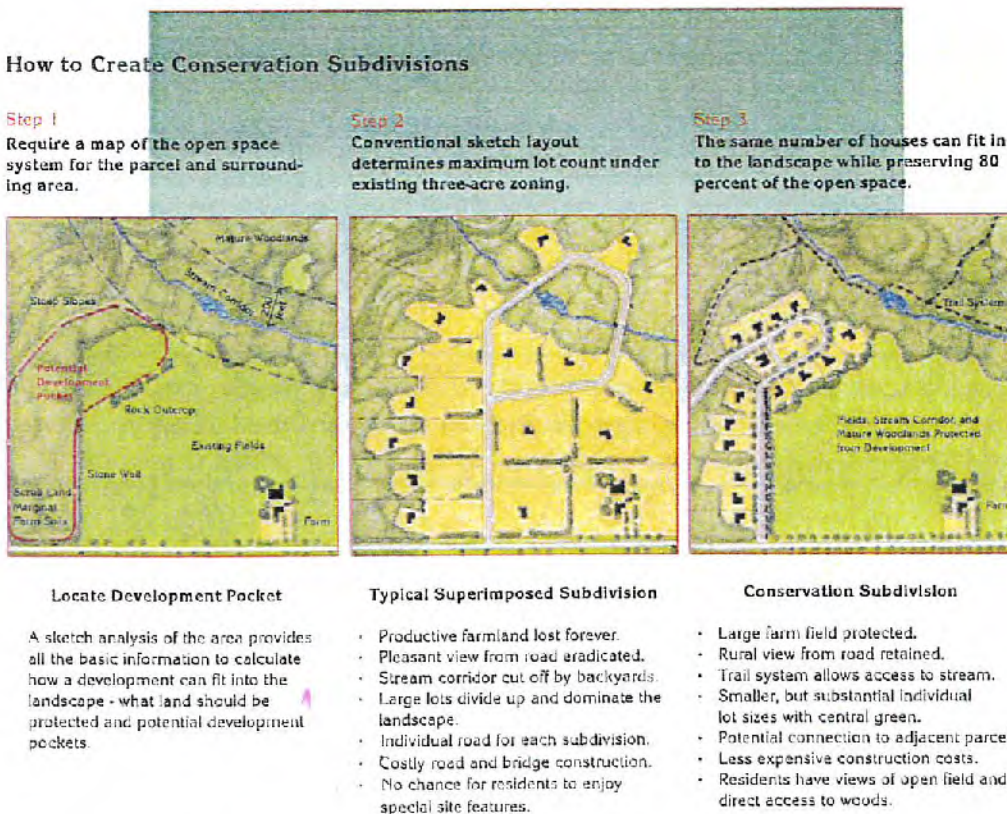
- The Town's zoning ordinance should be reviewed for inconsistencies with historic hamlet building design and settlement patterns.
- New development in hamlets should extend the existing pattern of small lots, mixed uses, interconnected streets and walkable neighborhoods.
- The Quaker Street Hamlet, with public sewer availability, can accommodate new housing units and businesses without destroying the existing character if new development is consistent with the existing patterns. Large lot, suburban style development disrupts the character of the hamlet and consumes open space.

Objective: Attempt to maintain the Town's rural atmosphere as development occurs.

The results of questionnaires show that an overwhelming majority of town residents support the Town's land use goal of maintaining a rural atmosphere.

- Promote site design that achieves the community goal of maintaining a rural character while allowing landowner flexibility. Consideration should be given to adopting revised cluster/conservation subdivision regulations.
- In general, the layout of new development should protect roadside views and home sites should blend into the landscape to the greatest extent possible. Buildings should not protrude over ridgelines or be sited in the middle of open fields. Stonewalls, hedgerows and other rural landscape elements should be retained where practicable.
- Avoid fragmentation of core agricultural areas or locating new homes near active farms. Homes should be placed at the edges of fields and adequate buffers between new residences and farms should be provided when practicable.
- Base residential street widths on intended use and function (i.e. local access street, neighborhood collector). Town road standards should be reviewed and amended as appropriate.
- Develop and/or expand supplementary regulations for uses with unique land use characteristics such as telecommunications facilities, adult entertainment, wind turbines, home occupations, etc. to clarify town policies and development standards.

Figure 3. Conservation Subdivision Example



Source: Dutchess County Planning and Development

Goal: Minimize the risk to persons and property from a natural or manmade disaster.

Objective: Locate private development, public services, and utilities to minimize the potential risk from a natural or manmade disaster.

- Discourage construction within the FEMA mapped floodplains. Avoid significant increases in stormwater runoff from new development to prevent downstream flooding. Maintain buffers adjoining streams and wetlands to prevent filling due to sedimentation and preserve their capability to absorb and transmit stormwater without adverse impacts. Avoid construction on steep slopes and ensure roadways and driveways can provide adequate emergency vehicle access.
- Consult inundation maps prepared under the emergency action plan for the Gilboa Dam when considering land use and development actions. Consider developing inundation maps for the Dams in town to determine what properties might be impacted by a dam failure.
- Consider the location of natural gas transmission lines or rail lines when locating public parks, senior housing, or other critical facilities. Ensure that any residential development provides adequate separation distance from potential hazards.

Objective: Ensure that critical facilities can continue to operate during a natural or manmade disaster.

- Review and update a plan of action to minimize the potential adverse impacts resulting from loss of power, such as installation of emergency generators, to allow continuation of operations. Develop back-ups or alternatives to provide critical services in the event a building or facility is rendered unusable by a hazard incident through cooperative agreements with adjoining municipalities.

Natural Resources

Goal: To preserve and maintain the quantity and quality of the Town's surface and ground water resources, to protect the Town's soils, agricultural lands, steep slopes, and significant natural areas, and to preserve the health and usefulness of the Town's forests and wetlands.

Objective: Advocate the use of strict land use controls and development density limits to protect ground water, lake watersheds (Duane, Featherstonhaugh, Mariaville) and the Delanson and Duanesburg reservoir from contamination. The Town's ground and surface water are vulnerable to contamination. Industrial waste discharge, road de-icing salts, failing septic system effluent, landfills, leaky petroleum storage tanks, and innumerable household,



Delanson Reservoir

commercial, and agricultural chemicals can find their way into groundwater and surface water.

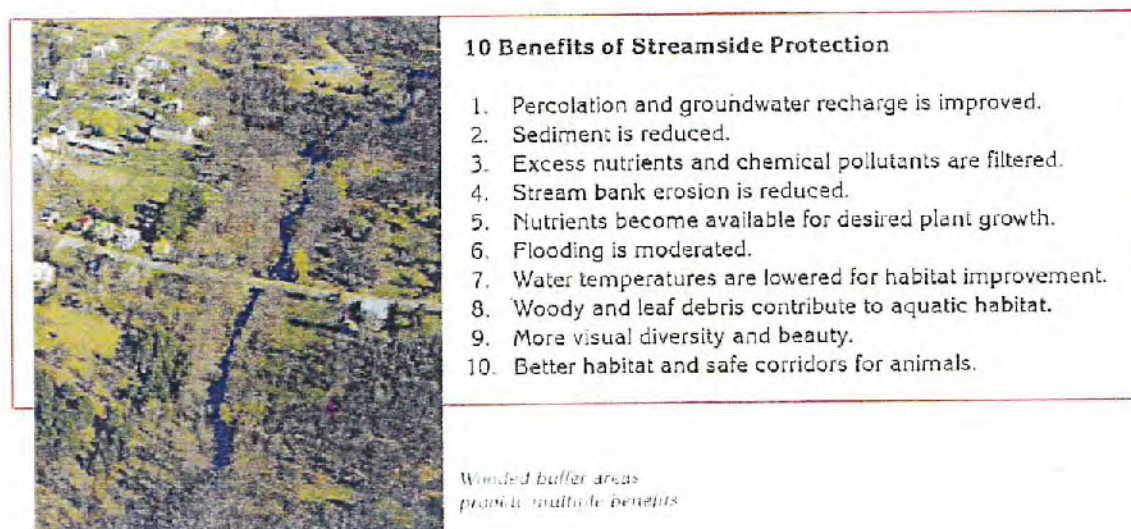
- The Town should use permeability, depth, and other soil characteristics to devise basic limits on allowable development density.
- Use land use controls to ensure that commercial and industrial facilities are kept away from important water sources.
- Work with the Village of Delanson to ensure that development in the Delanson/Duanesburg Reservoir watershed does not negatively impact water quality. Consider adopting additional land use regulations consistent with the Village of Delanson's proposed rules and regulations to protect the Reservoirs.

Objective: Adopt local measures that prevent increases in storm water runoff volumes and require appropriate erosion and sedimentation control measures as development occurs in accordance with state and federal regulations.

The amount of runoff leaving an area usually increases dramatically as development intensifies. Woodlands, for example, typically intercept 90 percent of the rainfall they receive; the percentage may be lower on steep wooded hillsides and considerably higher in nearly level, dense woods and highly porous soils. When woodlands are cleared and developed, the amount of rainfall absorbed can drop to less than 10 percent, leaving 90 percent or more to runoff the site. The cumulative results of such increases in runoff volume are usually more serious flooding of downstream land, greater demands on culverts and other drainage system components, and more rapid erosion of stream channels and soils. The conversion of forest to other uses also increases the number of water users while decreasing the amount of open land available to absorb, store, and filter surface and groundwater supplies.

- To ensure protection of watercourses from future development, buffer zones and/or minimum building setbacks from streams and creeks should be considered.

Figure 4. Watercourse Buffer



Source: Dutchess County Planning and Development

- Require land development activities to conform to the up-to-date erosion and sedimentation control standards and the substantive requirements of the NYS Department of Environmental Conservation (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised.

Objective: Support efforts to familiarize the public and local officials with wetland values and the rules and regulations governing their disturbance, and protect wetlands and their buffers from development activities.

Historically, wetlands have been regarded as wastelands. Recently, however, wetlands have begun to be recognized for the many benefits they provide. Wetlands regulate the quantity and quality of surface and ground water supplies, reduce flood hazards by serving as retention basins for surface runoff, and help maintain water supplies after floodwaters subside. Wetlands also provide critical wildlife habitat and support diverse plant and animal communities. Because of their hydrological characteristics and environmental values, wetlands are not appropriate development sites. State regulated wetlands are surrounded by buffers that offer some protection from the impacts of nearby land use activities. Encroachment on these buffers by disruptive land uses can degrade the wetland quality. The Freshwaters Wetlands Act regulates activities within 100 feet of regulated wetlands.

- Support continued wetlands protection by ensuring that development complies with State and Federal wetlands and watercourse protection regulations. Incorporate pertinent state and federal wetlands and watercourse protection regulations by reference into the Town's zoning and subdivision regulations.
- Ensure that wetlands boundaries and watercourses are properly identified during the development review process and that appropriate notice is given to state and federal regulatory agencies.
- Ensure that appropriate notations are placed on subdivision plats and within property deeds so that prospective property owners are aware of sensitive natural areas and any development restrictions.

Objective: Encourage the use of special restrictions in the areas around Duane Lake, Featherstonhaugh Lake, and Mariaville Lake to insure the continued viability of these natural resources.

The Town recognizes the environmental and economic value of these water bodies and supports more stringent requirements for development in these areas.

- Consider implementing an environmental overlay district to include additional protection measures.
- Ensure that the redevelopment or expansion of residences and/or commercial uses in the vicinity of these waterbodies comply with the Public Health Law with regard to wastewater treatment and meet up-to-date stormwater management and erosion and sedimentation control standards.

- Encourage farms to participate in the State's Agricultural Environmental Management (AEM) program. The confidential AEM can help farm operations meet environmental and economic goals while benefiting local water quality.

Objective: Recognize the development limitations of shallow and impermeable soils and ensure that these limitations are given adequate consideration in the development review process.

Soil permeability rates of less than one inch per hour and depths to bedrock of less than three feet impact the development capability of most Duanesburg's soils. Allowing extensive or improper use of poorly drained, excessively steep, or rocky areas increases the risk of surface/groundwater contamination and soil erosion, and can result in high septic system maintenance and repair costs.

- Ensure that development complies with the Public Health Law with regard to wastewater treatment and conforms to up-to-date erosion and sedimentation control standards and the substantive requirements of the NYS Department of Environmental Conservation (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised.
- Ensure that adequate on-site soils investigation work (depth to bedrock, soil classification, topography) for septic systems and water supply are performed prior to approval of major subdivisions or commercial development.

Objective: Adopt measures to limit erosion from construction sites, unpaved roads and shoulders, and other areas where soil is exposed or disturbed.

- Incorporate up-to-date erosion and sedimentation control standards in the Town's building regulations and subdivision and zoning codes.
- Ensure that developers are aware of, and abide by, the new state stormwater and erosion control requirements.



Soil Erosion Due to Lack of Appropriate Stabilization Techniques

Objective: Preserve steep slopes and ridgelines.

Development constraints increase as slope increases.

Slopes of 5 to 15 percent generally place moderate limitations on land use. Slopes of more than 15 percent are considered severe development constraints for three reasons: steep slopes shed more surface water at higher velocity; steep slopes tend to be covered by shallow soils which cannot filter septic wastes properly; and steep slopes are expensive to develop. Slopes over 25 percent should not be developed.

- Consider establishing steep slope development restrictions in the Town's zoning and subdivision regulations.

Objective: Encourage protection and recognition of uncommon or especially sensitive forest resources and the woodland buffers around water bodies, wetlands, and roadways.

Less common forest communities have particular aesthetic and wildlife habitat values that should be preserved for future generations.

- Consider incorporating cluster and conservation development provisions into the Town's subdivision regulations to help preserve significant environmental features.
- To ensure protection of watercourses from future development, buffer zones and/or minimum building setbacks from streams and creeks should be considered. Driveway and road crossings of watercourses should be avoided where practicable.
- Work with private organizations such as the Mohawk-Hudson Land Conservancy, Open Space Institute, and The Nature Conservancy to secure important natural areas and working landscapes through conservation easement donations or outright purchase. Local examples include the Nature Conservancy's Christman Preserve.

Administration

Goal: Improve the administration, implementation and enforcement of land use regulations.

Objective: Ensure proper training and access to pertinent information for zoning and planning officials.

- Work with the County Department of Economic Development and Planning to organize training workshops for planning and zoning board members, building inspector, and town planner.
- Provide monies in the Town budget to reimburse town officials for attending local training sessions.
- Place zoning and subdivision regulations on the Town's web site to improve public access to Town laws and development requirements.
- Continue to utilize the County's web-based Geographic Information System (SIMS) to ensure access to mapped resource data.

Objective: Ensure consistent application and enforcement of zoning regulations.

- Amend zoning and subdivision regulations so that they are more easily understood, well-defined and consistent with the Comprehensive Plan.
- Continue to employ a part-time planner to assist applicants and help the administration of the planning and zoning boards.
- Clearly define the role and power of the Zoning Enforcement Officer to ensure compliance with zoning regulations.
- Review and update building/subdivision application forms and fees as appropriate.

LAND USE PLAN

The Town is currently divided into seven zoning districts:

- R-1 - Residential Higher Density – Lots 1 –1.5 acres
- R-2 - Rural Residential / Agricultural
- H - Hamlet – Mixed Use Residential / Commercial
- C-1 - Commercial
- C-2 - Commercial & Light Industrial
- L-1 - Lake
- MP - Mobile Home Park

It is recommended that the number and names of the districts remain the same. Policy changes to zoning laws and development review procedures should be implemented as discussed in the Goals, Objectives, and Recommendations section of this Plan. Descriptions of the existing zoning districts appear below.

R-1 HIGHER DENSITY RESIDENTIAL DISTRICT

Approximately 250 acres in two areas of Town are zoned R-1. One area is along Cole Road between the Village line and State Route 7. The other area is east of the Quaker Street Hamlet around the State Route 7 and East Shore Road intersection. This zone is located entirely within the sewer district. Existing land use in this district consists primarily of single-family residences. The Duanesburg Elementary School and a Town Park (Shafer Park) are also located within this district. There are a few larger, vacant parcels that may have some development potential.

R-2 AGRICULTURAL & RESIDENTIAL DISTRICT

Most of the Town is currently zoned R-2 reflecting the predominantly rural residential/agricultural nature of the community. Land in this district consists of various types of soil conditions. Areas of steep topography are found as well as areas of surface bedrock conditions. The predominant limitation on development is the poor suitability of the soils for septic systems and lack of potable water. Soil characteristics may severely limit the use of conventional on-site septic disposal systems.

Existing land use in this district consists of scattered single-family residences and agricultural operations. Land use in this district should emphasize the preservation of agricultural soils and viable agricultural operations. Rural residential/agricultural uses can be developed at a very low density that matches the carrying capacity of the soils and environmental limits of the location. Strong ground water protection measures are required.

Residential uses should continue to be allowed at an overall density of one single-family dwelling per 2.3 acres. Conservation subdivisions should be encouraged to preserve rural character.

H: HAMLET DISTRICT

Four areas of the Town are zoned as hamlet districts: the hamlet of Mariaville in the area adjacent to Mariaville Lake; the hamlet of Duaneburg in the area adjacent to the intersection of Routes 7 and 20; the hamlet of Quaker Street adjacent to the intersection of Routes 7 and 395, and the hamlet of Braman Corners at the intersection of Braman Corners Road, State Route 30, and Millers Corners Road. These areas are so designated because of the role they have played in the development of the Town. These hamlets serve as centers of residential and commercial uses and provide a comfortable relationship between residential and non-residential uses.

These hamlet areas should continue as focal points of community activity and development. Development and redevelopment should be allowed in the hamlets at a size and scale appropriate to and complementing the historic character of these areas. Permitted activity in this district would include residential and civic uses which are compatible with the existing hamlet.

Development in the hamlet district will be limited by the availability of water, sewer, and the ability of soils to handle on-site septic systems. Expansions of the hamlets could be contemplated where suitable soil conditions and public sewer is available.

L-1: LAKE DISTRICT

Two areas of town surrounding Mariaville Lake and Duane Lake comprise the Lake District. The Lake Districts are almost completely developed with single family residences. Most lots are pre-existing nonconforming in size with limited subdivision possibility. The Mariaville Lake District has public sewer. Duane Lake properties are serviced by private septic systems. No expansions of the districts are recommended.

C-1: COMMERCIAL BUSINESS DISTRICT

The existing Commercial Districts are concentrated along State Route 20 and State Route 7. They generally encompass existing business development and are located at highway intersections and other nodes of activity. Much of the Commercial District is currently vacant or in agricultural use providing ample acreage to accommodate business development. Certain areas are predominantly occupied by single family dwellings since they are a permitted use by special use permit. In areas of Commercial Districts dominated by single family dwellings, consideration should be given to rezoning the property to accurately reflect existing land use.

Adequate land is set aside to meet the business and commercial needs of the community. However, depending upon the proposed use and location, commercial development may be limited due to the lack of public sewer and water.

The clustering of commercial activity in the Town is important for safety and community character reasons. Concentrated commercial areas minimize traffic conflicts on Route 7, 20, and 30, the three roads with highest volume of traffic in the Town.

C-2: MANUFACTURING & LIGHT INDUSTRIAL DISTRICT

Historically, there has been little or no demand for industrial land in the Town. The lack of a large pool of skilled workers and the lack of central water and sewage systems are factors that discourage industry from locating in the Town. However, the Town must provide the potential for this type of development.

There are approximately 470 acres around the I-88 exit 24 interchange and the Duanesburg Hamlet area zoned C-2. One other 88 acre parcel at the intersection of Route 20 and Gage Road, developed as a building supply warehouse, is also zoned C-2. The C-2 zone is predominantly vacant or agricultural property. Like the C-1 District, some parcels have been subdivided for single family dwellings.

The principal difference between the C-1 and C-2 zones is C-2 allows Manufacturing and Light Industrial uses and warehousing and storage units. While Heavy Industry is defined in the Town's Zoning Ordinance, it is not clear whether or not it is permitted. According to the household survey, 70 percent of respondents indicated that commercial and light industrial uses should be encouraged as land uses. Conversely, 91 percent said the Town should discourage heavy industry.

Given the prominent location of the C-2 District, proposed uses will need to be reviewed carefully. All uses must currently comply with adopted performance standards. As with the C-1 District however, commercial development may be limited due to the lack of public sewer and water.

Small industries can blend harmoniously into rural landscapes by carefully applying site plan and performance standards. Adequate acreage appears to be available to accommodate such uses. However, additional areas should be considered for small industrial enterprises if appropriate site plan and performance standards are met.

MP: MOBILE HOME PARK DISTRICT

Housing alternatives must be available to meet the diverse needs of the Town's residents. Well designed and maintained mobile home parks provide an affordable housing alternative for many residents.

A mobile home park district is located on Route 20 just east of the I-88 interchange. Other sites may be considered in future years as needed but must meet standards established in the Town's Zoning Ordinance.

ENVIRONMENTAL OVERLAY DISTRICTS

An overlay district is the superimposing of an additional set of regulations on a specific area without regard to existing zoning district boundaries. The new regulations apply in addition to the existing provisions of the zoning law.

Overlay zones create a framework for conservation or development of special geographic areas. Overlay provisions typically impose greater restrictions on the development of the land to protect an identified natural resource. Their purpose is to conserve natural resources without unduly disturbing the expectations created by the existing zoning law. The existing zoning provisions may properly regulate the relevant district in general but more specific provisions may be needed to accomplish pressing land use objectives.

Consideration should be given to adopting an overlay district for the Delanson/Duanesburg watershed to provide additional protections to the water supply. Additional overlay districts should be considered for Duane, Mariaville and Featherstonaugh Lake watersheds.

IMPLEMENTATION

The Comprehensive Plan by itself does not change the Town's zoning law, subdivision ordinance, or other land use controls nor does it ensure the implementation of the recommendations contained in the Plan. Instead, the Comprehensive Plan provides the rational basis to update the zoning and subdivision laws, provides guidance on capital expenditures, and identifies the goals, objectives, and policies for the immediate and long-range protection, enhancement, growth and development of the Town.

While the Town will make important decisions on the location of utilities, parks, and other public facilities, the vast majority of development in Town will be carried out by private individuals and organizations—whether it is a landowner seeking to subdivide the family farm or a business seeking a new location to expand. Therefore, it is private actions that will ultimately drive community development, guided and regulated by the Comprehensive Plan and Town laws.

While the Town cannot force a private individual to develop a property for a particular use, where there is a good Comprehensive Plan followed and updated on a continuing basis, a reliable foundation for private investment can be created. This encourages good development and can help accomplish many of the recommendations in the Comprehensive Plan. Similarly, while it may not be possible to legislate “good design,” clear development standards will establish clear expectations and form the basis for well-reasoned decisions. Such standards and guidelines will give the responsible board the authority and knowledge necessary to steer an applicant's design in the direction the Town wishes to go as articulated in the Comprehensive Plan. Possibly more importantly, they will clearly articulate land development options that a landowner/developer can pursue aside from a typical subdivision. Providing guidance on preferred development alternatives and articulating design options is important since voluntary actions by landowners will be critical to the future built environment of the Town.

Providing guidance on preferred development alternatives and articulating design options is important since voluntary actions by landowners will be critical to the future built environment of the Town.

Once the Comprehensive Plan is adopted by the Town Board, there are many strategies that can be used to implement it. One of the most important actions however is amending the Town's Zoning Ordinance and Subdivision Regulations to incorporate changes recommended in the Comprehensive Plan. As a first step toward implementation, the Town Board should appoint a committee to revise these regulations. It should be a reasonable expectation to have a new zoning law and subdivision regulations in place one year after adoption of the Comprehensive Plan.

One of the most important implementation actions is amending the Town's zoning ordinance and subdivision regulations.

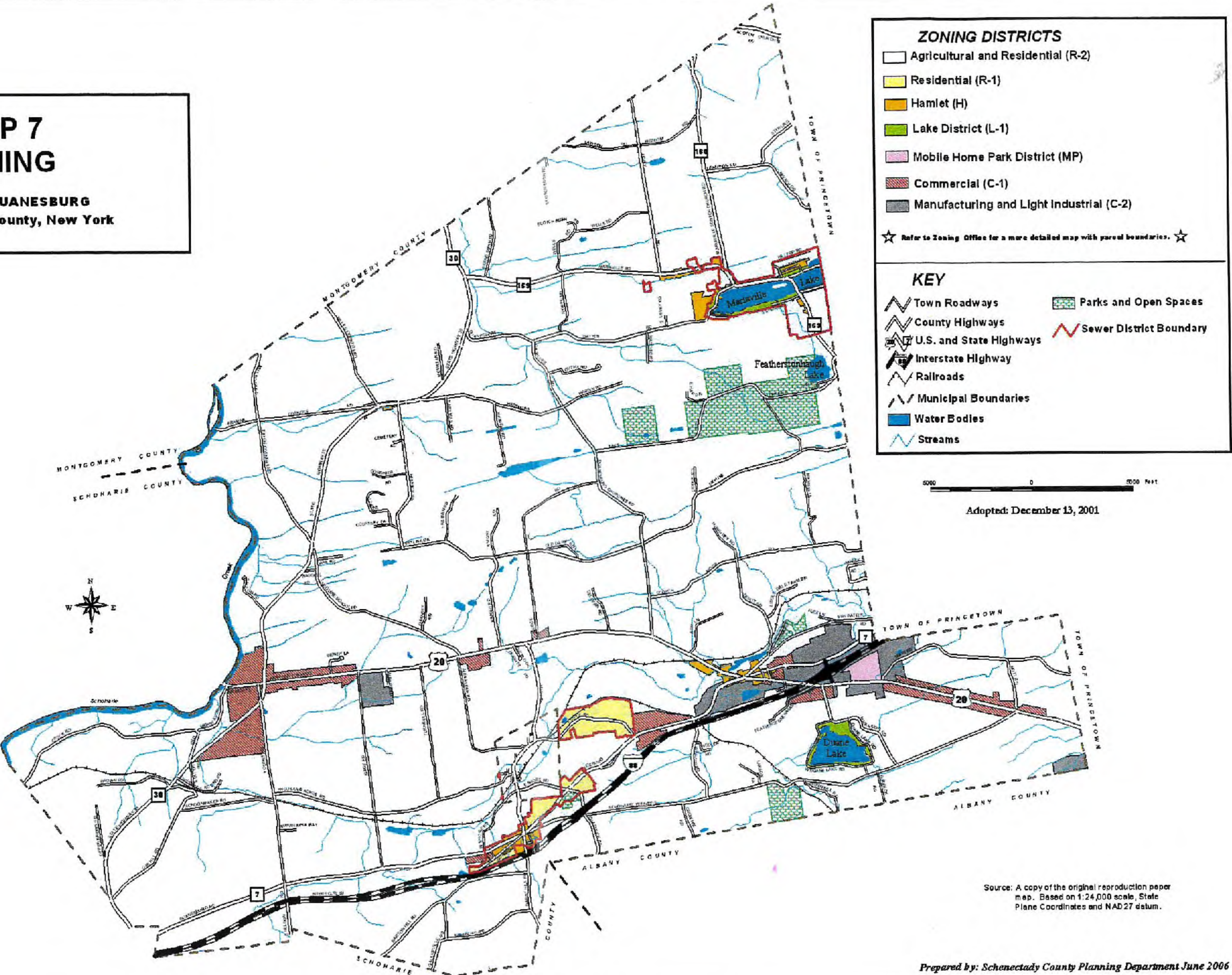
Secondly, the Town should seek grants to provide supplemental studies of issues not fully explored in the Comprehensive Plan. These include sewer and water infrastructure needs, open space/recreation, and hamlet development issues. Monies are available through the Capital District Transportation Committee's Community and Transportation Linkage Program; New York State Department of State Quality Communities Program, Division of Housing and Community Renewal Main Street Program; New York State Community Development Block Grant Small Cities Program; Office of Parks, Recreation and Historic Preservation Environmental Protection Fund; US Department of Agriculture New York Rural Development Program; federal highway enhancement program (SAFETEA-LU); and others. The Town should work with the County and other governmental agencies to continuously explore grant opportunities.

Finally, frequent review of the Plan is important to ensure it meets any new conditions and accurately reflects the Town's current goals and policies. Review of the Plan should take place at least every five years. Future amendments can be accomplished by resolutions, studies, reports, or other descriptive materials that may be adopted as part of the Comprehensive Plan, or through a comprehensive revision process that occurred for this update.

MAP 7

ZONING

TOWN OF DUANESBURG
Schenectady County, New York



APPENDIX A

Household Survey Results

TOWN OF DUANESBURG COMPREHENSIVE PLAN QUESTIONNAIRE

1. THE LAND. The town of Duanesburg's current land use goal is: To promote land use that strengthens existing centers, protects important natural resources, maintains an efficient transportation network, provides for economical services and facilities, fosters an orderly pattern of growth and development, and maintains a rural atmosphere.

Concerning the above statement, do you: a. 453 Agree b. 43 Disagree c. 29 Don't Know

2. Do you think environmentally sensitive areas (wetlands, farms forests, etc.) are presently protected enough in Duanesburg?

a. 363 Yes b. 106 No c. 48 Don't Know

3. Please indicate your opinion as to whether the Town of Duanesburg should encourage or discourage the following land uses or practices:

	Encourage	Discourage
a. Farming:	510	27
b. Home-based Businesses:	455	61
c. Single-Family Residential:	495	18
d. Two-Family Residential:	232	254
e. Multi-Family Residential:	100	402
f. Senior Housing:	403	99
g. Open Space:	483	24
h. Recreational Facilities:	421	76
i. Commercial:	335	139
j. Light Industry:	365	149
k. Heavy Industry:	47	483

4. The current minimum lot size in an area zoned (R2) Agricultural/Residential, which comprises a large amount of the town, is 2.3 acres. Do you feel this size is:

a. 34 Too large b. 191 Too Small c. 326 Just Right

5. The Town of Duanesburg currently supports the preservation and protection of the farming community. Do You:

a. 33 Strongly Disagree b. 34 Disagree c. 85 Feel Neutral d. 186 Agree e. 222 Strongly Agree

6. Do you think special measures should be taken to preserve historical and cultural properties?

a. 481 Yes b. 50 No

7. I would like vacant land use in my neighborhood to develop as: (Check all that apply)

a. <u>361</u> Rural/Residential	b. <u>349</u> Rural Residential /Agricultural
c. <u>296</u> Agricultural	d. <u>158</u> Small Business/ Commercial/Retail
e. <u>40</u> Large Business/Commercial/Retail	f. <u>20</u> Industrial/Manufacturing
g. <u>286</u> Conservation/Preservation	h. <u>17</u> High Density Residential
i. <u>201</u> Mixed (Residential/Small Business)	j. <u>25</u> Other _____

8. HOUSING. Should the Town of Duanesburg encourage a variety of housing types to meet the needs of all Town residents? Please indicate which housing types you would encourage if located in appropriately zoned areas. (Check all that apply.)

a. <u>517</u> Single Family	b. <u>105</u> Multifamily	c. <u>74</u> Apartment Complex	d. <u>180</u> Townhouses
e. <u>379</u> Senior Housing	f. <u>29</u> Mobile Home Park	g. <u>27</u> Other _____	

9. The Town of Duanesburg encourages planned residential development that avoids "strip" development along roads to prevent "land locking" large tracts of land. Do You:

a. 24 Strongly Disagree b. 27 Disagree c. 71 Feel Neutral d. 233 Agree e. 190 Strongly Agree

(Survey Results Continued)

10. COMMERCE AND INDUSTRY. The Town's current economic goal is: To preserve and strengthen the town's economy by encouraging the controlled growth of services, retail, commercial and small, light industrial businesses. Do You:

a. 32 Strongly Disagree b. 50 Disagree c. 66 Feel Neutral d. 258 Agree e. 149 Strongly Agree

11. The Town of Duanesburg currently supports commercial development on interstate, state, county and local roads used as thoroughfares, with appropriate aesthetic consideration.

a. 38 Strongly Disagree b. 63 Disagree c. 92 Feel Neutral d. 256 Agree e. 108 Strongly Agree

12. What types of business would you like to see in the Town of Duanesburg? The following is a short list of ideas. Check all that apply and PLEASE add your own ideas.

a. 451 Small Retail b. 102 Large Retail c. 407 Restaurants
d. 162 Hotel/Motel e. 298 Service Shops f. 325 Recreation
g. 379 Professional Offices h. 77 Warehousing/Storage Units i. 78 Manufacturing

13. Should the Town of Duanesburg encourage "Big Box" retail and wholesale stores? For example: Walmart, K-Mart, Target, BJ's or Sams a. 119 Yes b. 397 No c. 35 Don't Know

14. Should the Town of Duanesburg encourage large warehousing or distribution centers similar to those located in Sharon Springs or the Town of Glen? a. 101 Yes b. 367 No c. 35 Don't Know

15. What do you believe are the 3 most important issues facing Duanesburg for the next 5-10 years?

351 Rural Preservation 271 Water/Sewer 163 Zoning Issues
225 Lack of Businesses 71 Too many regulations 24 Not enough regulations
191 Loss of Farms 232 Out of Control Growth 25 Other

16. Where do you think a good place would be to locate commercial business?

	Yes	No
Designated areas along major highways?	298	53
Route #20:	396	88
Route #7:	371	131
Route #30:	214	177
Route #159:	166	237
I-88 Interchange:	403	80
In the Hamlet Districts?		
Hamlet of Duanesburg:	294	176
Quaker Street:	184	235
Mariaville:	168	285
Bramen Corners:	128	287

I presently own the following property in Duanesburg. Please indicate the number of parcels on each line.

157 2 acres or less 174 2-5 acres 91 6-10 acres 53 <11-25 acres
41 25-50 acres 73 more than 50 acres.

My property would be considered in the following category:

197 Residential/Hamlet 282 Residential/Agricultural 29 Hobby Farm 21 Active Farm in an Agricultural District
19 Commercial 30 Vacant Land

I have been a resident/property owner for:

82 0-5 years 77 5-10 years, 84 10-15 years 70 15-20 years 62 20-25 years,
56 25-30 years, 63 30-40 years 83 More than 40 years

APPENDIX B

Summary of Public Hearing Comments

(No substantive comments were received at the public hearing).

APPENDIX C

Environmental Assessment & SEQR Compliance

In accordance with the State Environmental Quality Review Act (SEQRA) and NYS Town Law Section 272-a, adoption of or amendment to a town comprehensive plan is subject to SEQRA and its implementing regulations (6 NYCRR 617). Additionally, the amendment of the Town of Duanesburg's Comprehensive Plan is considered a Type 1 action pursuant to SEQRA and a full Environmental Assessment Form must be completed. For all Type 1 actions, a determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in subdivision 617.7(c).

The Town's Comprehensive Plan and implementation recommendations are generally beneficial to the environment or represent mitigating actions in response to the concerns identified through the inventory and analysis and community outreach. Implementation of the Plan will help the Town guide growth in a beneficial manner that promotes the health, safety and welfare of the community and retains the qualities that residents have identified as important. While growth will occur in Town that will result in unavoidable impacts to the environment, this can be better evaluated on a site specific level.

Since the Comprehensive Plan is a programmatic document, site specific actions are not evaluated nor are there any changes in land use recommended that would have a significant impact on the environment. However, the Plan does identify future actions that would warrant further review under SEQRA. For instance, amendments to the Town Zoning Law and Subdivision Regulations as recommended in the Plan should undergo separate environmental review.

Not all of the implementation recommendations contained in the Plan are subject to review under SEQRA. For example, initiation of dialogue with the Village of Delanson regarding the Delanson/Duanesburg Reservoir watershed and other similar engineering/planning studies that do not require formal adoption by a board are specifically exempt from SEQRA. Evaluation of the environmental significance of any action subject to SEQRA should include an evaluation of its consistency with the recommendations of the Comprehensive Plan.

The review of site specific physical/environmental characteristics is not applicable to the environmental review of the adoption of the Town's Comprehensive Plan. However, in fulfillment of the SEQRA requirements, a full Environmental Assessment Form (EAF) is included herein.

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

☒ Part 1

☒ Part 2

☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Duanesburg Comprehensive plan Adoption

Name of Action

Duanesburg Town Board

Name of Lead Agency

Rene' Merrihew

Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Rene P. Merrihew

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

July 13, 2006

Date

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Duanesburg Comprehensive Plan Adoption

Location of Action (Include Street Address, Municipality and County)

Townwide

Name of Applicant/Sponsor Duanesburg Town Board

Address Town Hall, 5853 Western Turnpike

City / PO Duanesburg State N.Y. Zip Code 12056

Business Telephone (518) 895-8920

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

The Town Board is proposing to amend their Comprehensive Plan originally adopted in 1991. The document updates the previous Plan and restates the Goals and Objectives as needed, incorporates the recent community survey results, examines existing community facilities (e.g. utilities, parks, emergency services, etc.), updates population data and growth trends, and looks at the potential impacts of regional growth patterns/projection on the community.

The new Comprehensive Plan will serve as a long-range guide for both public and private decisions that influence the community. It provides the rational basis to update the zoning and subdivision laws, provides guidance on capital expenditures, and identifies the goals, objectives and policies for the immediate and long-range protection, enhancement, growth and development of the Town.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION N.A.

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Other N/A

2. Total acreage of project area: N/A acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage: ☐ Well drained _____% of site ☐ Moderately well drained _____% of site.
☐ Poorly drained _____% of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☐ No

- a. What is depth to bedrock _____ (in feet)

5. Approximate percentage of proposed project site with slopes:

☐ 0-10% _____% ☐ 10- 15% _____% ☐ 15% or greater _____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☐ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☐ No

8. What is the depth of the water table? _____ (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☐ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☐ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☐ No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☐ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☐ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☐ No

15. Streams within or contiguous to project area:

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

b. Size (in acres):

17. Is the site served by existing public utilities? ☐ Yes ☐ No
- a. If YES, does sufficient capacity exist to allow connection? ☐ Yes ☐ No
- b. If YES, will improvements be necessary to allow connection? ☐ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☐ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☐ No

B. Project Description *N.A.*

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: _____ acres.
- b. Project acreage to be developed: _____ acres initially; _____ acres ultimately.
- c. Project acreage to remain undeveloped: _____ acres.
- d. Length of project, in miles: _____ (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. _____ %
- f. Number of off-street parking spaces existing _____; proposed _____
- g. Maximum vehicular trips generated per hour: _____ (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; _____ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? _____ tons/cubic yards.
3. Will disturbed areas be reclaimed ☐ Yes ☐ No ☐ N/A
- a. If yes, for what intended purpose is the site being reclaimed?
-
- b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? _____ acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes

☐ No

6. If single phase project: Anticipated period of construction: _____ months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated _____ (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No

8. Will blasting occur during construction? ☐ Yes ☐ No

9. Number of jobs generated: during construction _____; after project is complete

10. Number of jobs eliminated by this project _____.

11. Will project require relocation of any projects or facilities? ☐ Yes ☐ No

If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☐ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☐ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☐ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☐ No

16. Will the project generate solid waste? ☐ Yes ☐ No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No

c. If yes, give name _____; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☐ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☐ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☐ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☐ No

21. Will project result in an increase in energy use? ☐ Yes ☐ No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.

23. Total anticipated water usage per day _____ gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☐ No

If yes, explain:

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Board Adoption	_____
		_____	_____
		_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

- | | | | |
|-------------------------------------------|---------------------------------------------|-----------------------------------------------------------------|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input checked="" type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

N/A

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

Action is the amendment of a Comprehensive Plan

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

N/A

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? _____

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

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

Applicant/Sponsor Name Rene' Merrihew Date _____

Signature _____

Title Town Supervisor

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- 1 In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- 1 The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- 1 The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- 1 The number of examples per question does not indicate the importance of each question.
- 1 In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
-------------------------------------	-----------------------------------	------------------------------------------------------

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO ☐ YES ☐

Examples that would apply to column 2

- | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div></div>			

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div></div>			

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☒ NO ☐ YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div></div>			

4. Will Proposed Action affect any non-protected existing or new body of water?

☒ NO ☐ YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div></div>			

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will require a discharge permit. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction or operation causing any contamination of a water supply system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will adversely affect groundwater. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action would use water in excess of 20,000 gallons per day. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow residential uses in areas without water and/or sewer services. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|--------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------|----------------------------------------------------------|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

--

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------|----------------------------------------------------------|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Project components that will result in the elimination or significant screening of scenic views known to be important to the area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Any impact to an archaeological site or fossil bed located within the project site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|-------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | |
|-------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> Alteration of present patterns of movement of people and/or goods. Proposed Action will result in major traffic problems. Other impacts: | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. Other impacts: | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> Blasting within 1,500 feet of a hospital, school or other sensitive facility. Odors will occur routinely (more than one hour per day). Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. Proposed Action will remove natural barriers that would act as a noise screen. Other impacts: | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

☒ NO ☐ YES

- | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| <ul style="list-style-type: none"> • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| <ul style="list-style-type: none"> • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

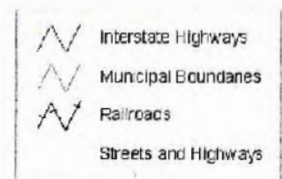
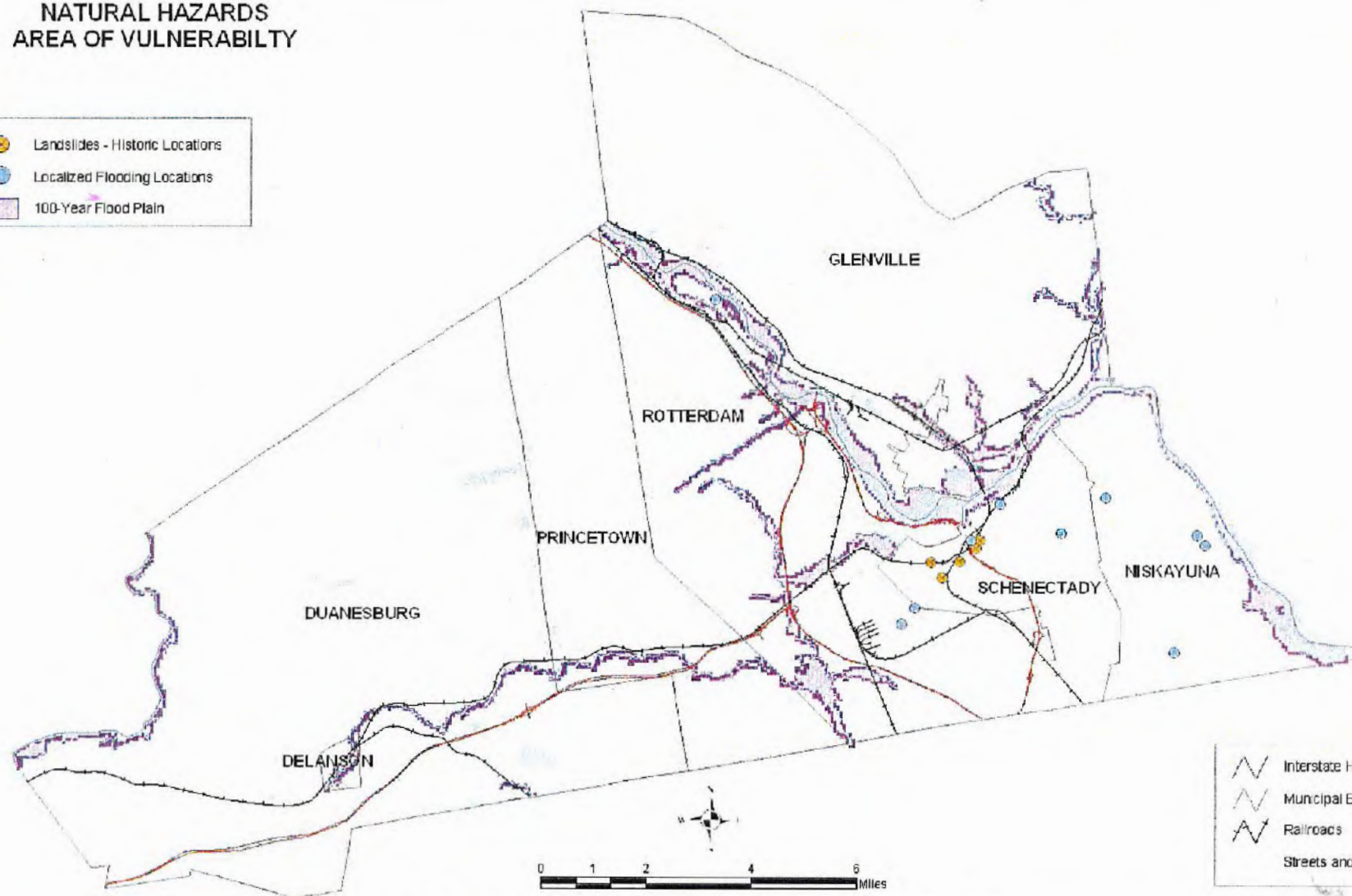
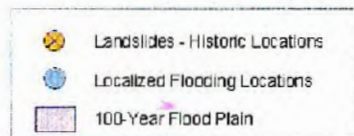
☒ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

APPENDIX D

Areas of Vulnerability for Manmade and Natural Hazards

NATURAL HAZARDS AREA OF VULNERABILITY

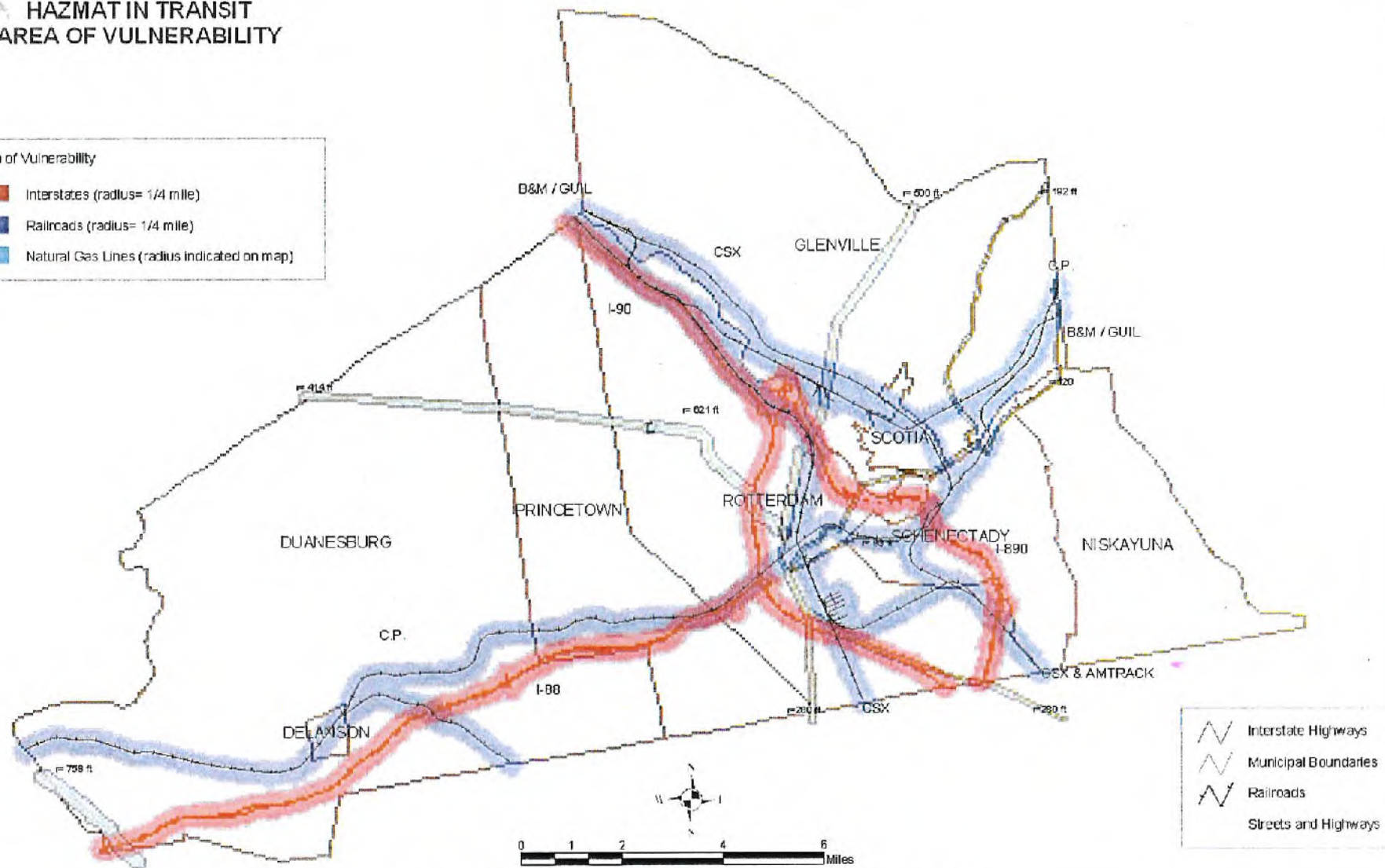


PREPARED BY: SCHEMECTADY COUNTY ECONOMIC DEVELOPMENT AND PLANNING DEPARTMENT, 2004

HAZMAT IN TRANSIT AREA OF VULNERABILITY

Area of Vulnerability

- Interstates (radius= 1/4 mile)
- Railroads (radius= 1/4 mile)
- Natural Gas Lines (radius indicated on map)



PREPARED BY: SCHENECTADY COUNTY ECONOMIC DEVELOPMENT AND PLANNING DEPARTMENT, 2004

APPENDIX E

NYS Agricultural Districts Law

AGRICULTURAL DISTRICT LAW

Enacted in 1971, New York State's Agricultural District Law (Article 25AA of the Agriculture and Markets Law) seeks to create an economic and regulatory climate which will encourage farmers to continue farming. The Law recognizes that agricultural lands are an important and irreplaceable resource, and that they are being lost due to development, high costs of doing business, and regulatory restraints. It is the declared purpose of the Law to provide a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

Relying primarily on the initiative of landowners and county governments with state oversight, the Law provides agricultural landowners with a number of benefits and protections without burdening a landowner with additional restrictions. Contrary to a common misconception, land in an agricultural district is not subject to additional land use restrictions, nor is the sale of land within the district restricted. A landowner's right to sell his or her land for whatever purpose is fully protected under the Law.

As more fully described below, the benefits and protections available to agricultural landowners within an agricultural district include: limitation on local regulation; limitation on the exercise of eminent domain and other public acquisitions or advancement of funds; limitation on local benefit assessments; right to farm protections; coordination of local planning and land use decision-making; and, a required disclosure statement for transfers of real property. However, it should be noted that many of the benefits and protections available under the Law apply only to actively operated farms or "land used in agricultural production" as defined under Article 25AA (see Appendix 1). Consequently, while a property may be included in the agricultural district, it may not be eligible to receive all the benefits and protections available under Article 25AA detailed below.

Limitation on Local Regulation

The Law prohibits enactment of laws or ordinances by local governments which would unreasonably restrict or regulate farm structures or farming practices within an agricultural district, unless the regulations directly affect public health or safety. This prohibition applies only in the case where the land affected was included within the agricultural district prior to the enactment of the local regulation.

The Commissioner of Agriculture and Markets may independently initiate a review of a proposed or existing local law or ordinance or proceed upon the complaint of a district landowner. The Commissioner is authorized to bring an action to enforce the Agricultural District Law, if necessary.

Limitation on the Exercise of Eminent Domain and Other Public Acquisitions or Advancement of Funds

The Law requires that any state agency, public benefit corporation, or local government which intends to acquire more than one acre of land from any farm within an agricultural district or more than 10 acres in total from a district, must file a notice of intent to that effect with the Commissioner of Agriculture and Markets at least 30 days prior to taking the action. Similarly, a notice must be filed for all actions wherein the government sponsor intends to advance a grant, loan, interest subsidy or other form of public funding for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures within an agricultural district.

The purpose of the notice requirement is to assure a full evaluation of the potential effects of a government sponsored acquisition or construction project on farms and farm resources, and to determine whether any reasonable alternative exists which would minimize or avoid the adverse impact on agricultural enterprises within the district. The Commissioner's findings and recommendations are only advisory. The Commissioner has no authority to disapprove, alter, or otherwise mitigate expected adverse impacts to agriculture.

Limitation on Local Benefit Assessments

Benefit assessments or special ad valorem levies for local improvements are generally calculated on the basis of the value, acreage, or frontage of the properties benefited. Since agricultural operations generally involve large tracts of land and multiple structures, they are usually subject to higher assessments. The Law, therefore, restricts assessments for local improvements, such as water and sewer, to a lot not exceeding one-half acre surrounding any dwelling or nonfarm structure located on land used in agricultural production in an agricultural district, and to farm structures which are directly benefited.

This limitation on benefit assessment is available only in those instances where the agricultural district was formed prior to the improvement district or benefit area.

Right to Farm Protections

On any land in an agricultural district, an agricultural practice shall not constitute a private nuisance provided such agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued by the Commissioner of Agriculture and Markets upon request. Sound agricultural practices refer to those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of practices include, but are not limited to, operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; and, construction and use of farm structures.

Coordination of Local Planning and Land Use Decision-Making

Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review that would occur on property within an agricultural district containing a farm operation or on property within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement. An agricultural data statement must include a description of the proposed project and a map showing the site of the proposed project relative to the location of nearby farm operations within the district.

The municipality shall consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district. Notice of the project must be mailed to any owner of land within the agricultural district located within 500 feet of the project.

Disclosure Statement for Real Property Transfers

Prior to the sale, purchase, or exchange of real property located partially or wholly within an agricultural district, the prospective grantor shall deliver to the prospective grantee a notice or disclosure statement. Such disclosure statement shall be recorded on a property transfer report form prescribed by the state board of real property services as provided for in the real property law. The notice must state the following:

"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

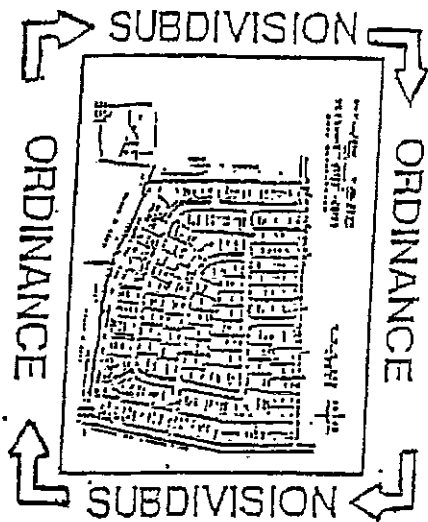
This is a brief summary of the NYS Agricultural District Law and the benefits conferred to agricultural operations located within an Agricultural District. The Law is amended frequently and the NYS Department of Agriculture and Markets should be contacted for clarification of the Law's provisions.

NYS Department of Agriculture and Markets
10B Airline Drive, Albany, NY 12235

518-457-7076 • www.agmkt.state.ny.us

DUANESBURG

1995 SUBDIVISION ORDINANCE



SUBDIVISION ORDINANCE TOWN OF DUANESBURG

TOWN OF DUANESBURG, NEW YORK

ADOPTED March 9, 1995

Prepared By The:

Schenectady County Planning Department

And

Town of Duanesburg Planning Board

TOWN OF DUANESBURG
SUBDIVISION ORDINANCE

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TOWN OF DUANESBURG
SUBDIVISION ORDINANCE

ARTICLE 1 LEGISLATIVE AUTHORITY AND PURPOSE

Section 1.1 Legislative Authority

The Town Board of the Town of Duanesburg, in the County of Schenectady and the State of New York, under authority of the Town Law, Section 276 of Chapter 82 of the Consolidated Laws, Article 16 of the State of New York, hereby enacts and adopts these regulations entitled the "Subdivision Ordinance of the Town of Duanesburg".

Section 1.2 Purpose

The purpose of the provisions of this Ordinance is as follows:

1. To promote and protect the public health, safety and welfare.
2. To promote orderly, efficient, integrated and harmonious development in the Town.
3. To require sites suitable for building purposes and human habitation in keeping with the standards of quality existing in the township and to alleviate peril from fire, flood, erosion, excessive noise, smoke or other menace.
4. To coordinate proposed streets with existing or proposed streets, parks or other features of the Comprehensive Plan and to provide for drainage, water supply, sewage disposal and other appropriate utility services.
5. To encourage preservation of adequate open spaces for recreation, light and air and maintenance of the natural amenities characteristic of the Town and residential, commercial and public areas.
6. To ensure conformance of subdivision and land development plans with the Comprehensive Plan and public improvement plans and to ensure coordination of intergovernmental public improvement plans and programs.

7. To secure equitable treatment of all subdivision and land development plans by providing uniform procedures and standards.
8. To ensure that developments are environmentally sound by requiring preservation of the natural features of the areas to be developed to the greatest extent practicable, to maintain the economic well being of the Town and to prevent unnecessary or undesirable blight, runoff and pollution.

ARTICLE 2 DEFINITIONS

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated in this section:

1. Building line - The line which establishes the minimum depth of front yard measured from the right-of-way line.
2. COMMUNITY FACILITIES - Buildings, parks, playgrounds or public works owned or operated by the Town, buildings or playgrounds owned or operated by the Duaneburg School District, fire stations, and ambulance garage.
3. COMPREHENSIVE PLAN - The plan, consisting of maps, charts and textual matter for the continuing development of the Town of Duaneburg.
4. COUNTY - Schenectady County.
5. CUL-DE-SAC - A street with one (1) end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.
6. DEVELOPER - Any landowner or other person who, with permission from the landowner, files application to make, cause to make, or causes to be made, a subdivision of land or land development. Written evidence of authority to act for the landowner shall be filled with the application or plan when signed by a person other than the landowner.

7. DRAINAGE RIGHT-OF-WAY - The land required for the installation and/or maintenance of storm sewers, drainage ditches or retention basins.
8. DWELLING UNIT - Any structure or part thereof designed to be occupied as living quarters as a single housekeeping unit.
9. EASEMENT - Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.
10. FINAL PLAT - A drawing, in final form, showing a proposed subdivision containing all information or detail required by these regulations to be presented to the Planning Board for approval, and which, if approved, may be filed by the applicant in the office of the County Clerk.
11. IMPROVEMENT - Includes buildings, grading, paving, restoration of existing paving damaged by construction, walkways, curbs, gutters, street signs, fire hydrants, water mains, gas mains, sanitary sewers, on-site sewage disposal facilities, storm drainage facilities, retention basins, bridges, sidewalks, crosswalks, monuments, street shade trees, buffer planting and streetlights.
12. LOT - A parcel or portion of land separated from other parcels or portions, for purposes of sale, lease or separate use by means of a description as indicated by a subdivision plat, a recorded map or deed or by metes and bounds or separated by a public street right-of-way.
13. MAINTENANCE GUARANTY - Any security which may be required of a developer by the Town after the final acceptance by the Town of improvements installed by the developer. Such security may include but is not limited to maintenance bonds, surety agreements or other collateral.

14. MAJOR SUBDIVISION - Means any division of a tract, whether by deed, metes and bounds description, device, map, plat or other recorded instrument, into more than two (2) lots or parcels therefrom, or, any division of a tract into two (2) or more lots or parcels requiring a new street, or a substantial improvement to an existing street, or an extension of a street or a municipal facility.
15. MINOR SUBDIVISION - Means any subdivision containing only two (2) lots fronting on an existing street, not involving any new street or road or extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Zoning Ordinance.
16. PERFORMANCE GUARANTY - Any security which may be required of a developer by the Town in lieu of a requirement that certain improvements be made before the Town approves the developer's subdivision plan or land development plan. Such security may include but is not limited to performance bonds, escrow agreements, surety agreements or other collateral.
17. PLANNING BOARD - The Planning Board of the Town of Duaneburg.
18. PRELIMINARY PLAT - A drawing prepared by a licensed professional land surveyor or professional engineer marked "preliminary plat" showing the important features of a proposed subdivision, as specified in Section 7.2 of these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to advise the Planning Board of the layout of the proposed subdivision.
19. RECREATION FEE - A fee charged to the owner or developer of a subdivision for park and recreation use in lieu of the dedication of land for that purpose as called for in Section 6.8 of these regulations.
20. SKETCH PLAN - A sketch of proposed subdivision showing the information specified in Section 3.3.2 of this Ordinance, to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and

objectives of these regulations.

21. STATE - The State of New York.
22. STORM DRAINAGE AREA - The area of land surface, expressed in acres or a percentage thereof, which slopes in such a manner so as to carry the precipitation which flows over the land surface, during and for a short time after a storm, to a common low point.
23. STREET - All property within the right-of-way lines of any public roadway, thoroughfare or highway.
24. STREET, COLLECTOR - A street designed to serve as a traffic way for a neighborhood or as a feeder to a major street.
25. STREET, JOG - An abrupt, temporary change of direction in a street.
26. STREET , DEAD-END - A street with only one (1) outlet for vehicles.
27. STREET, LOCAL - A street intended to provide access to abutting properties in areas where residences are frequent.
28. STREET, MAJOR - A through street designed to serve heavy flows of traffic, used primarily as a route for traffic between communities.
29. STREET, MINOR - Local routes designed to connect major streets, not intended to carry through traffic.
30. STREET, WIDTH - Means width of right-of-way measured at right angles to the center of the street.
31. SUBDIVIDER - Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.
32. SUBDIVISION - The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, for lease, transfer of ownership or building or lot development.

- 33. TOWN - The Town of Duquesburg.
- 34. TOWN BUILDING INSPECTOR - The Building Inspector of the Town of Duquesburg or a duly appointed representative thereof.
- 35. TOWN ENGINEER - A licensed Professional Engineer or firm engaged by the Town to review plans for design conformity to the Subdivision Ordinance and to inspect and improve improvements installed by the subdivider in a subdivision.
- 36. TRACT - Any body of land including contiguous parcels which is owned by the person or group of persons acting in concert as part of a common scheme or plan. For the purposes of these subdivisions regulations, any body of land under common ownership bisected by one or more public streets shall be considered as a single tract.
- 37. WATERCOURSE - Any natural or artificial swale, stream, channel, drain, or culvert in which water flows continuously or intermittently.
- 38. WETLANDS - Bodies of land officially defined as wetlands by the New York State Department of Environmental Conservation.

ARTICLE 3 PLATTING PROCEDURES

Section 3.1 Compliance Required

No subdivision or land development of any lot shall be effected, and no street, alley, sanitary, sewer, storm drain, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this chapter.

No lot in a subdivision or land development may be sold, leased, mortgaged or otherwise transferred; no permit to erect any building on land in a subdivision or land development may be issued; and no building may be erected or lot development effected in a subdivision or land development, unless and until a subdivision plan or land development plan has been approved and, where, required, recorded, and until the required improvements in connection therewith have either been constructed or the Town has been assured, by means of a proper performance guaranty in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, as estimated by the Town, that the improvements will subsequently be installed.

Section 3.2 Official Submission of Plats.

The date of submission of all plats shall be considered to be the date of the regular monthly meeting of the Planning Board, at least ten (10) days prior to which, the completed application for subdivision approval and required fee shall be filed with the Town Building Inspector.

Section 3.3 Pre-Application Review

.1 Requirements and Classification. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board in order to discuss the intent and application of these regulations. At least ten (10) days prior to any regularly scheduled meeting, the subdivider shall submit to the Town Building Inspector ten (10) copies of a sketch plan of the proposed subdivision as required by Section 3.3.2. (below). Within thirty (30) days of meeting with the subdivider, the Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

A subdivision may contain features of a technical nature which are such that the review and opinion of a licensed professional engineer may be required. The Planning Board may engage such licensed professional engineer who for the purposes of this Ordinance becomes the Town Engineer for this subdivision. The subdivider shall reimburse the Town for the fees charged by the Town Engineer and no plat shall be given final approval until such fees are reimbursed.

The Planning Board shall determine whether the sketch plan illustrates a major or a minor subdivision, as defined by these regulations. The Board may require, however, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions, when it is deemed necessary for protection of the public, health, safety and welfare. If the sketch plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Section 3.4 of these regulations. If the application is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Section 3.5.

.2 Sketch Plan. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted showing the following information.

- a) A key map at a scale of one (1) inch equals two thousand (2,000) feet, showing the location of the proposed subdivision in relation to major streets, streams and municipal boundaries.
- b) All existing structures, wooded areas, streams, existing bodies of water, easements, wetlands, railroads, cemeteries, drainage ditches, and other significant physical features, within the portion to be subdivided and within two hundred (200) feet thereof.
- c) All the utilities available and property, and all streets which are either proposed, mapped or built.
- d) Contour lines at intervals of not more than ten (10) feet.
- e) The location of any of the one hundred (100) year floodplain limit as shown on the HUD Flood Insurance Map.
- f) The layout and approximate dimensions and area of lots (including lot width and depth and area), street layout, recreation areas, systems of drainage, sewerage utilities, and water supply (see Section 6.6), within the subdivided area. Proposed building locations;

the applicable zoning requirements for lot area, width, side, front and rear yards, with an indication that each lot is equal to or in excess of these requirements; the location of zoning district boundary lines affecting the subdivisions; and indication of any lots in which other than a residential use is intended.

- g) The name of the owner and applicant(s) and the names of all abutting owners adjacent to or for five hundred (500) feet along the road.

Section 3.4 Approval of Minor Subdivisions

1. Application and Fee. Within six (6) months after classification of the sketch plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Minor Subdivision Plat. The application shall be in the form of the "Town of Duaneburg Application for Subdivision Review, Minor Subdivision" available at the office of the Building Inspector. Failure to submit such application shall require resubmission of the sketch plan to the Planning Board for reclassification. The Plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board. Said application shall conform to the requirements listed in Section 7.1 of this Ordinance.

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee according to the "Schedule of Fees" established by the Town Board.

2. Required Information. Ten (10) copies of the Minor subdivision Plat shall be submitted to the Town Building Inspector not less than ten (10) days prior to the Planning Board's regularly scheduled meeting. The Planning Board, in review of the Minor Subdivision Plat, may require the subdivider to supply additional information, including the Environmental Assessment Form to satisfy the requirements of the State Environmental Quality Review Act.

3. Approval of the Minor Subdivision Plat. A public hearing shall be held by the Planning Board within sixty-two (62) days from the date of submission of the Plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days prior to the hearing. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Minor Subdivision Plat. Within sixty-two (62) days from the date of the hearing, the Planning Board shall approve, with or without modification, or disapprove the Subdivision Plat.

Section 3.5 Approval of Major Subdivisions

1. Application and Fee. Within six (6) months after the classification of the sketch plan as a Major Subdivision and the Planning Board's preapplication review, and prior to the filing of an application for the approval of a Final Major Subdivision Plat, the subdivider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. The application shall be in the form of the "Town of Duaneburg Application for Subdivision Review-Major Subdivision", available at the office of the Building Inspector. Such Preliminary Plat shall in all respects comply with the requirements set forth in the provisions of Section 276 and 277 of Town Law, except where a waiver may be specifically authorized by the Planning Board. The application shall be accompanied by a fee according to the "Schedule of Fees" established by the Town Board.

2. Required Information. Ten (10) copies of the Preliminary Plat, in the form described in Section 7.2 of this Ordinance, shall be submitted to the Town Building Inspector not less than ten (10) days prior to the Planning Board's regularly scheduled meeting. The Planning Board, in review of the Preliminary Plat, may require the subdivider to supply additional information.

3. Review and Study of Preliminary Plat. The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the best use of the land, the requirements of the Town, and the impact of the proposed use. Particular attention shall be given to:

- The arrangement, location, and width of streets.

- The capacity of soils, slope, topography, and other natural features to sustain the subdivision and resultant development without substantial harm to the quality of the natural and man-made environment.
- The adequacy of water supply, storm water drainage and sewage or septic disposal.
- The requirements of the Town Zoning Ordinance, septic disposal code and other applicable regulations.
- The impact on, and compatibility with, current and future development of adjoining land.

4. Approval of Preliminary Plat. A public hearing shall be held by the Planning Board within sixty-two (62) days from the date of submission of the completed preliminary subdivision plat. Such hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days prior to the hearing. The subdivider, or his fully authorized representative shall attend the meeting of the Planning Board to discuss the Preliminary Plat. Within sixty-two (62) days of this hearing, the Planning Board shall approve with or without modification, or disapprove such Preliminary Plat. Approval of the Preliminary Plat shall not constitute approval of the subdivision plat, but rather approval of the design as a basis for preparing the Final Plat. The record of the Planning Board shall state the ground (s) for disapproval, or if approved, the modification, if any, required for submission of the Final Plat. The applicant "and the Town Board" shall be notified in writing of the Planning Board's decision. Time limits stated herein may be extended by mutual agreement between the subdivider and the Planning Board.

When granting approval to the Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare, (3) the amount of improvement or the amount of all bonds or performance guaranteed, which it will require as prerequisite to the approval of the Subdivision Plat. Prior to the approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

5. Final Major Subdivision Plat Application and Fee. The subdivider shall, within six (6) months after approval of the Preliminary Plat, file with the Planning Board an application for approval of the subdivision plat in final form. The application shall be accompanied by a fee according to the schedule established by the Town Board. The Planning Board may refuse to approve the Final Plat if submitted more than six (6) months after the Preliminary Plat.

6. Required Information. The application for Final Plat approval shall include the original and ten (10) copies of the plat, in the form described in Section 7.2 of this Ordinance. The required fee, ten (10) prints of all construction drawings and one (1) true copy of all offers of lease, contract, covenants, and agreements shall be presented to the Building Inspector at least ten (10) days prior to the regular monthly meeting of the Planning Board.

7. Final Plat Endorsement by Other Authorities. The final subdivision plat shall be properly endorsed and approved by the New York State Department of Health with respect to all water and septic or sewer disposal facilities if required. Endorsement and the required approval from other Town, County and State agencies shall be secured by the subdivider before official submission of the final subdivision plat. Evidence of such approvals shall be required by and provided to the Planning Board.

8. Approval of Final Plat. Within sixty-two (62) days of the submission of a plat in final form for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once (1) in a newspaper of general circulation in the Town at least five (5) days before such hearing, provided however, that when the Planning Board deems the Final Plat to be in substantial agreement with a Preliminary Plat approved under Section 3.5.4. of this Article, and modified in accordance with requirements of such approval if such Preliminary Plat has been approved with modification, the Planning Board may waive the requirements for such public hearing.

The Planning Board shall by resolution approve and authorize the signing of such plat, conditionally approve with or without modifications, or disapprove, the final plat. Such action must take place within sixty-two (62) days of its receipt by the Town Building Inspector if no hearing is held, or in the event a hearing is held, within sixty-two (62) days after the date of such hearing.

This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a Final Plat within the time prescribed therefore shall be deemed approval of the Plat.

With a resolution of conditional approval of such Final Plat, the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. A copy mailed to the subdivider shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved Final Plat. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of the Final Plat shall expire one hundred-eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within the time. The Planning Board may extend the time in which a conditionally approved plat in final form must be submitted for signature, if in its opinion such extension is warranted by the particular circumstances thereof, for not to exceed two (2) additional periods of ninety (90) days each.

Section 3.5.9 Reapproval Upon Failure to Develop Plat. In the event that building permits and certificates of occupancy have not been obtained for any lots within an approved major subdivision within 8 years of the date of filing of the Final Plat with the Schenectady County Clerk, then no building permits or certificates of occupancy will be issued for the said lots in the approved subdivision until the subdivider has filed a new application with the Planning Board. That new application shall include a copy of the Final Plat as filed.

Upon review of that new application, the Planning Board shall reapprove the prior Final Plat with or without modification. In determining whether to require any modifications to the Final Plat, the Planning Board shall consider the development and needs in the neighborhood of the subdivided property since the approval of the Final Plat, and the current requirements of the Town, its citizens, other regulatory agencies, as well as the needs and requirements of any prospective purchasers of said lots.

ARTICLE 4 REQUIRED IMPROVEMENTS

Section 4.1 Improvements and Performance Bond

After the Planning Board grants final approval of the Subdivision Plat, but before any building permit can be issued for the construction of any building, the subdivider shall provide a guarantee to the Town for the completion of the required improvements in the form of either sub-paragraph .1 OR sub-paragraph .2 or .3 below:

1. In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements OR the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed, OR

2. The subdivider shall complete all required improvements to the satisfaction of the Town Engineer who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety, OR

3. The subdivider may make use of a "construction loan set-aside" or escrow agreement whereby the lender agrees to release amounts for completed improvements only with the authorization of the Town Engineer. Such escrow agreement shall be in a form satisfactory to the Town Attorney. At no time before completion of the required improvements, shall the balance remaining in the escrow account fall below the estimate of the Town Engineer of the amount necessary to complete the work plus then (10) percent. Releases from the escrow account shall be on such a schedule as agreed upon by the subdivider, the lender and the Town Engineer.

4. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and an "as built" drawing satisfactory to the Town Engineer has been submitted indicating the location of monuments and all underground utilities as actually installed. If the subdivider completes all required improvements according to sub-paragraph .2 or .3, then said "as built" drawing shall be submitted prior to a dedication resolution by the Town Board. If the subdivider elects to provide a bond or certified check for all required improvements as specified in sub-paragraph .1, such bond shall not be released until such a map is submitted and approved by the Town Engineer.

Section 4.2 Modification of Design of Improvements.

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may authorize modifications after consultation with the Chairman or the designated representative of the Planning Board, and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning board at their next regular meeting.

Section 4.3 Inspection of Improvements

At least five (5) days before commencing construction of required improvements, the subdivider shall notify the Town Engineer in writing of such construction schedule. The Town Engineer shall inspect the improvements during their construction and upon completion to assure that all Town specifications and requirements shall be met and to assure the satisfactory completion of improvements and utilities required by the Planning Board. The developer will be required to reimburse the Town for the cost of inspections and consultations by the Town Engineer.

Section 4.4 Proper Installation of Improvements

If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report in writing to the Town Board, Town Attorney, and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No future plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

Section 4.1.5 The Planning Board may permit improvements to be completed in stages within any subdivision. Said stages shall be clearly described, numbered in a sequential order and shown upon the Final Plat, and no building permit can be issued for the construction of any building upon any lots encompassed within a stage of the subdivision unless and until the guarantee required herein pursuant to subparagraph .1, .2 or .3 has been provided the Town for all improvements within that stage, and all prior stages.

ARTICLE 5 FILING OF APPROVED SUBDIVISION PLAT

Section 5.1 Final Approval and Filing

Upon completion of the requirements in Articles 3 and 4 above, and notation and signing of the Final Plat by the duly designated officer of the Planning Board, the Plat may be filed by the subdivider in the Office of the County Clerk. Any subdivision plat not so filed or recorded within forty-five (45) days shall become null and void.

Section 5.2 Plat Void If Revised After Approval

No changes, erasures, modifications or revision shall be made in any approved Subdivision Plat unless said plat is first resubmitted to the Planning Board and such Board approves any modification.

ARTICLE 6 GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section 6.1 Conformity With Other Applicable Provisions

All subdivisions and land developments shall conform to the requirements of the Town Zoning Ordinance, the Street and Road Ordinance of the Town of Duquesburg, the Comprehensive Plan, septic disposal code and all other applicable Town, County and State regulations.

.1 Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Dwelling units shall not be built on fill unless the fill and method of compaction are approved in writing by the Town Engineer.

.2 Street Rights-of-Way. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated thereupon.

.3 Special Requirements. The Planning Board may impose special requirements with respect to the design and installation of septic disposal, water, and storm water drainage systems, curbs, gutters and streets.

Section 6.2 Town Acceptance of Streets, Public Areas, Easements and Parks

Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by resolution of the Town Board. Approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any street, easement, or park shown on said plat. The Planning Board may require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for cost of improvements. No street shall be considered for acceptance unless and until it conforms with the Town's Street and Road Ordinance.

Section 6.3 Street Layout

.1 Width, Location and Construction. Streets shall conform to the Street and Road Ordinance and shall be of sufficient width, suitably located, and adequate to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

.2 Arrangement of Streets. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection and movement of traffic. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of streets. Grades of streets shall conform as closely as possible to the original topography.

.3 Local Streets. Local streets shall be so laid out that their use by through traffic will be discouraged. Dead-end or loop residential streets may be approved whenever the Board finds that such design will not interfere with efficient circulation.

.4 Subdivisions Along Major Streets or Highways. When a subdivision abuts or contains an existing or proposed major street or highway, the Board may require screen planting or landscaping in a non-access buffer along said major street or highway or such other treatment as may be necessary for adequate protection of residential properties.

.5 Street Names. All street names shown on a Preliminary Plat or Subdivision Plat, shall be approved by the Planning Board, and the Schenectady County Communications Director for coordination with 911 Emergency requirements. It shall be the responsibility of the Subdivider to contact the Schenectady County Communications Director, and to provide

proof to the Planning Board of County approval. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets which join or are in alignment with streets of an abutting or neighboring property shall bear the same name.

Section 6.4 Lots

.1 Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions in securing building permits to build on all lots in compliance with the Town Zoning Ordinance, and other applicable regulations.

.2 Lot Dimensions. Lot dimensions shall comply with the minimum standards of the Town Zoning Ordinance. In general, side lot lines shall be at right angles to street lines unless a variation from this rule will give a better street or lot plan.

.3 Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all building and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

.4 Corner Lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

.5 Monuments and Lot Corner Markers. Permanent monuments meeting specifications approved by the Town as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the Subdivision Plat.

Section 6.5 Drainage Improvements

.1 Removal of Spring Water, Surface Water, and Storm Water Runoff. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

.2 Drainage Structure to Accommodate Potential Development Upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the sub-

division. The Town Engineer shall approve the design and size of facility based on anticipated runoff from a "ten-year" storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

.3 Land Subject to Flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

.4 Areas of Poor Drainage. Subdivision in areas of extremely poor drainage is to be discouraged, particularly where such conditions preclude efficient and safe on-site septic disposal.

.5 Grading. Lots shall be laid out and graded to provide positive drainage away from buildings. Wherever practicable, water should be drained to the street rather than to cross lots contained within the proposed subdivision or land development. Additional water caused by subdivision or land development may not be drained directly onto an adjoining property without the express written consent of the adjoining property owner. Whenever any person, firm, or corporation paves, fills, strips, grades or regrades any land, or disturbs, modifies, blocks, diverts or affects the natural land or subsurface flow of storm water, or constructs, erects or installs any drainage dam, ditch, culvert, drainpipe or bridge on any premises in the Town of Duanesburg, plans must be submitted to and approved by the Town.

Section 6.6 Reservoir Watershed Districts

Portions of the Town of Duanesburg fall within an area defined as the Delanson Reservoir Watershed District. Development within this area is subject to special limitations. The Building Inspector will provide, on request, the special design criteria relevant to the Watershed District.

Section 6.7 Preservation of Natural Features

.1 Every subdivision or land development plan shall be designed to preserve and protect the natural features of the land, including existing grades and contours, bodies of water and water courses, large trees standing alone or in groves, street shade trees and specimen trees, scenic and historic points, and other community assets.

The burden shall be on the developer to justify any

material changes in the natural features of the land by satisfactory proofs that subdivision or land development would not be feasible without such changes and that there are no practical alternatives. The fact that subdivision or land development would involve greater expense or less density because of the maintenance of certain natural features will not in and of itself be considered a justification of changes in such features.

.2 Preservation of the Community. To protect and maintain air and noise level quality, open space, aesthetic quality and the social and economic stability of all parts of the Town and to coordinate subdivision and land development with existing nearby neighborhoods, the Planning Board may impose reasonable buffer requirements when any of the following conditions may reasonably be expected to occur as a result of the proposed subdivision or land development:

- a) Substantial changes in the level or quality of air pollutants or the number of people affected by air pollution.
- b) Substantial changes in the level of noise or vibration or the number of people affected by noise or vibration.
- c) Substantial changes in the site views from near by premises or in the degradation of the privacy of nearby premises.

.3 Removal of Trees: Compensatory Planting. Every effort should be made to avoid removal of trees having a caliper of six (6) inches or greater at DBH (diameter of breast height) from the property in the process of subdividing, land developing, grading or installing improvements. Where, in the judgement of the Planning Board, such removal is unavoidable, the developer may be required to install trees in such locations and of such size, variety and quantity as the Planning Board shall direct.

Section 6.8 Parks, Open Space and Recreation

.1 Dedication of Land. The Planning Board may require that the Plat show sites of a character, extent, and location

suitable for the development of a park, playground, or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat.

The Planning Board may require that not less than one (1) acre of recreation space be provided per twenty (20) acres of land area subdivided. However, in no case shall the amount be more than ten (10) percent of the total area of the subdivision. Such area or areas shall be offered for dedication to the Town by the Subdivider.

.2 Required Information. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Planning Board, three (3) prints drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

- a) The boundaries of the said area, giving lengths and bearings of all straight lines; radii, length, central angles and tangent distances of all curves.
- b) Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.
- c) Existing, and, if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.

.3 Recreation Fee. In lieu of the dedication of land, the Planning Board may require, at its option, the payment of a recreation fee to be used by the Town to provide for capital improvements to park and recreation areas for all its residents. This fee, according to the schedule adopted by the Town Board and on file with the Town Clerk shall be paid before endorsement of the Final Plat by the Planning Board member designated to endorse the Plat.

Section 6.9 Plant Buffer

In the instance where the Planning Board determines that buffer planting is necessary to protect the general welfare of the public, planted buffers shall be installed to provide a year-round visual screen of such width, height, size, location, and planting material as approved by the Planning Board. The size, variety and planting design of the buffer area shall be as approved by the Planning Board.

Section 6.10 Modification of Applicable Provisions

Simultaneously with the approval of a plat or plats pursuant to this ordinance, the Town Planning Board may

authorize the modification of applicable provisions of the Zoning Ordinance to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open lands, in accordance with the provisions of Section 278 of the Town Law of the State of New York. This procedure may be followed at the discretion of the Planning Board, upon authorization by resolution of the Town Board, if the subdivider makes a written request for its application and the application of this procedure would, in the judgement of the Planning Board, benefit the Town.

Section 6.11 Protection of Agriculture from Potentially Incompatible Uses

1. Agricultural Buffers - Wherever agricultural uses and other uses unrelated to the agricultural operations abut, buffers shall be provided to reduce the exposure of these abutting uses to odors, noise, and other potential nuisances related to the agricultural operation. Provision of buffers shall be the responsibility of the proponent of the non-agricultural use, unless such use predates the agricultural use. Such buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features.

2. Required Disclosure Statement - In the case of any proposed residential subdivision that abuts agricultural uses, the Planning Board may require the applicant to issue a disclosure to potential purchasers of lots or dwelling units, informing such purchasers that living next to agricultural operations may on occasion subject them to unpleasant odors and noises and that the application of agricultural chemicals may occur on such agricultural land. This disclosure may be required as a note on a subdivision plat or site plan, along with a requirement that such disclosure be made in writing in a real estate listing sheet or contract of sale. The Planning Board may require that such disclosure statement be reviewed and approved by the Planning Board. This Section may also be applied to any subdivision involving a commercial development within the jurisdiction of the Planning Board which abuts agricultural uses, at the discretion of the Planning Board.

Section 6.12 Subdivisions Abutting Property Zoned for Commercial or Light Industrial Use.

1. In the case of any proposed residential subdivision the abuts property zoned for commercial or light industrial uses, the Planning Board may require the applicant to issue a disclosure to potential purchasers of lots or dwelling units, informing such purchasers that living next to businesses permitted in these zones may on occasion subject them to environmental conditions associated with the businesses. This

may include; noise, light, traffic, odors, etc. This disclosure may be required as a note on a subdivision plan or site plan, along with the requirement that such disclosure be made in writing in a real estate listing sheet or contract of sale. The Planning Board may require that such disclosure be reviewed and approved by the Planning Board.

ARTICLE 7. DOCUMENTS TO BE SUBMITTED

Section 7.1 Minor Subdivision Plat

In the case of Minor Subdivision ONLY, the Subdivision Plat application shall include the following information in addition to that noted in Section 3.3.2:

- 1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- 2) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than four hundred (400) feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system and lot layout with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted, shall be considered in the light of the entire holdings. The map shall be prepared by a professional Land Surveyor and certified.
- 3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and note to this effect shall be stated on the Plat.
- 4) The date, north point and map scale.
- 5) The location of property with respect to surrounding property and streets, the names of all adjoining property owners, or the names of adjoining developments as disclosed by the most recent tax records; names of adjoining streets.
- 6) The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, railroads, buildings, parks, cemeteries, drainage ditches and bridges.

Section 7.2 Major Subdivision Preliminary Plan and Accompanying Data

The Preliminary Plat for a Major Subdivision shall include the following information in addition to that noted in

Section 3.5.:

.1 General Requirements. The preliminary plat shall be prepared and certified by a licensed, professional Land Surveyor at a convenient scale not more than one (1) inch equals one hundred (100) feet. Size shall be not greater than thirty four by forty-four (34 x 44) inches.

.2 Features. The Major Subdivision Preliminary Plat shall show the following:

- a) The location of property with respect to surrounding property and streets, the names of all adjoining property owners, or the names of adjoining developments as disclosed by the most recent tax records; names of adjoining streets.
- b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
- c) The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, railroads, building, parks, cemeteries, drainage ditches and bridges.
- d) The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way and building set-back lines.
- e) The locations, dimensions, and areas of all proposed or existing lots.
- f) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- g) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
- h) The date of the map, approximate true north point, scale, and title of the subdivision.
- i) Sufficient data acceptable to the Town Building Inspector to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.
- j) Proper names of the subdivision and all new streets.

k) Indication of the use of any lot (single-family, two-family, multifamily, town house) and all uses other than residential proposed by the subdivider.

l) Lots shall be numbered consecutively on a street in accordance with Emergency 911 regulations as required by the Schenectady County Communications Director. Lots shall be numbered from East to West and from South to North with odd numbers on the left and even numbers on the right. The Emergency 911 address or lot number shall become the Post Office address for that lot.

m) All information required on sketch plat should also be shown on the preliminary plat, and the following notation shall also be shown:

- i) Location and explanation of drainage easements, if any.
- ii) Location and explanation of site easements, if any.
- iii) Location and explanation of reservations, if any.
- iv) Location and endorsement of owner, as follows:
- v) Location of fire district boundaries of

	/
--	---

OWNER

DATE

.3 Additional Information. Accompanying the preliminary plat the following information shall be submitted:

a) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than four hundred (400) feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system and lot layout with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.

b) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract, including zoning district lines.

c) Any other information the Town Board, Planning Board or Building Inspector may require to properly review the Subdivision.

d) A map of soil types, in accordance with the U.S. Department of Agriculture Soil Conservation Service's classification of soils found on the tract and a summary of soil characteristics with respect to the use proposed for the land.

e) The Long Form of the Environmental Assessment Form in compliance with the State Environmental Quality Review Act.

Section 7.3 Final Major Subdivision and Accompanying Data

.1 Final Subdivision Plat. The final plat to be filed with the County Clerk shall be printed upon reproducible mylar. The size of sheets shall not be greater than thirty-four by forty-four (34 x 44) inches. The plat shall be drawn at a scale of no more than one hundred (100) feet to the inch and oriented with the north point at the top of the map. When more than one (1) sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision.

The Plat shall show all information required on the Preliminary Plan and in addition:

a) Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.

b) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

c) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground.

d) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be give. All dimensions shall be shown in feet and decimals of a foot.

The plat shall show the boundaries of the property, location, graphic scale and true north point.

e) The plat shall also show by proper designation

thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

f) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

g) All lot corner markers shall be permanently located satisfactorily to the Town Building Inspector at least three-quarter ($3/4$) inches (if metal) in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.

h) Monuments of a type approved by the Town Building Inspector shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by the Town Building Inspector.

.2 Additional Information. Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers or septic tanks and leach fields, storm drains, pavements and sub-base, manholes, catch basins, underground utilities and other facilities.

ARTICLE 8 WAIVERS AND SEPARABILITY

Section 8.1 Waivers

.1 Basis for Waivers. Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not required in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the pro-posed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, or the Zoning Ordinance.

.2 Conditions. In granting waivers, the Planning Board shall require such conditions as will, in its judgement, secure substantially the objectives of the standards of

requirements so waived.

Section 8.2 Separability

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such ruling shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

DUANESBURG

LL4 2001 TELECOMMUNICATIONS FACILITIES LAW

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~

~~County~~

~~City~~

~~Town~~

~~Village~~

of Duanesburg

Local Law No. 4 of the year 2001

A local law Telecommunications Facilities Law

(Insert Title)

A local law relating to the regulation of telecommunication
facilities within the Town of Duanesburg

Resolution # 119-01

Be it enacted by the Duanesburg Town Board of the

(Name of Legislative Body)

~~XXXXXX~~

~~County~~

~~City~~

~~Town~~

~~Village~~

of Duanesburg as follows:

One copy of Local Law No. 4 attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2001 of the ~~(County)(City)(Town)(Village)~~ of Duanesburg was duly passed by the Duanesburg Town Board on Sept. 13, 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

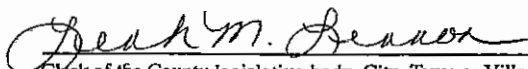
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

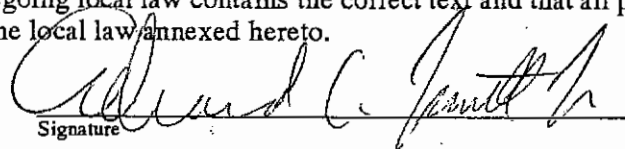
(Seal)

Date: September 25, 2001

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Schenectady

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Town Attorney
Title

XXXXX
County

XXX
Town

XXXXX
Village

of Duanesburg

Date: 9/28/01

Town of Duanesburg

Telecommunications Facilities Law

Local Law No. 4 of the Year 2001

A local law relating to the regulation of telecommunication facilities within the Town of Duanesburg.

Be it enacted by the Town Board of the Town of Duanesburg, Schenectady County, State of New York as follows:

A local law regulating the location, construction, and operation of telecommunication facilities that radiate and transmit radio frequency energy within the Town of Duanesburg. The law shall apply to towers and other structures to which antenna are attached for the purpose of transmitting and (or) receiving radio frequency energy for the purposes of communication by telephone, radio or television signals.

1.0 Purpose

The purpose of this law is to protect the health, safety and general welfare of the residents of the Town of Duanesburg, to provide standards for the safe provision of telecommunications consistent with Federal and State regulations; to minimize the total number of telecommunication facilities by encouraging shared use of existing and future towers and facilities, and the use of existing tall buildings and other high structures; and to protect the natural features and aesthetic characteristics of the town by minimizing adverse visual effects by requiring careful location selection, visual impact assessment, and appropriate landscaping. These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal or public wireless services not shall they be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

2.0 Enabling Authority

The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans and special use permits consistent with the zoning laws and regulations of the Town of Duanesburg. The Zoning Board of Appeals is authorized to review and approve, or approve with modifications, or disapprove applications for use variances consistent with the zoning laws and regulations of the Town of Duanesburg. The Planning Board shall review use variance applications before the Zoning Board of Appeals renders a decision.

3.0 Definitions

- (a) Telecommunication Tower – A structure on which transmitting and/or receiving antenna (s) are located.
- (b) Antenna-A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but are not limited to radio navigation, radio, television, wireless and microwave communications.
- (c) Accessory Facility-An accessory facility serves the principal use, extent and purpose of the principal use, and is located on the same lot as the principal use. Examples of such facilities include transmission equipment and storage sheds.
- (d) Special Use-A use which is deemed allowable within a given zoning district, but which is potentially incompatible with other uses and, therefore is subject to special standards and conditions set forth for such use subject to approval by the Planning Board.
- (e) Use Variance-Use of property that is inconsistent with permitted uses of property within a particular zoning district. The applicant must demonstrate practical difficulty, and that a public necessity exists to render adequate telecommunications service, and that no alternative locations are available.

4.0 Application of Special Use Regulations and Use Variance Regulations:

- (a) No telecommunication tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a Special Use Permit and in conformity with these regulations. No existing structure shall be modified to serve as a transmission and (or) receiving tower unless in conformity with these regulations.
- (b) These regulations shall apply to all property within the general business district. They shall also apply to property where application for use variance is made for telecommunication facilities. In accordance with Commercial (C-1), Manufacturing & Light Industrial (C-2) as defined in the Zoning Ordinance, an applicant may apply to the Zoning Board of Appeals for a use variance to install telecommunication facilities in all other zoning districts. Use variances must receive Planning Board review prior to approval.
- (c) Exceptions to these regulations are limited to (1) new uses which are accessory to residential uses and (2) lawful or approved uses existing prior to the effective date of these regulations.

- (d) Where these regulations conflict with other laws and regulations of the Town of Duanesburg, the more restrictive shall apply, except for tower height restrictions, which are governed by these special use standards.

5.0 Requirements for Sharing Existing Facilities.

At all times, shared use of existing tall structures (i.e. multi-story buildings, church steeples or farm silos, etc.) or existing or approved towers shall be preferred to the construction of new towers.

- (a) An applicant proposing to share use of an existing tall structure shall submit a Special Use Permit application as described in the Zoning Ordinance of the Town of Duanesburg. The site plan and supporting documentation shall include:

- (1) A completed application for a special use permit. The application shall include detailed information on the construction and operation of the facility. The Planning Board or the Zoning Board of Appeals may require the applicant to provide any additional information considered necessary to evaluate and act on the application.
- (2) Documentation of intent from the owner of the existing facility to allow shared use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate shared use.
- (3) A Site Plan; The site plan shall show all existing and proposed structures and improvements including antennas, roads, building, guy wires and anchors, parking, landscaping, and shall include grading plans for new facilities and roads. Any methods used to conceal the modification of the existing facility, shall be indicated on the site plan. The site plan shall also include the location, and distance from the nearest residence, and the antenna shall not be closer than 500 feet from the nearest residence. The highest part of the antenna shall not extend more than 30 feet above the highest part of the structure.
- (4) Documentation of the proposed intent and capacity of use. This shall include: the transmission and maximum effective radiated power, the direction of maximum lobes, and associated radiation from the antennae.
- (5) A Licensed Professional Engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, will not hamper existing emergency networks,

and explaining what modifications, if any, will be required in order to certify to the above.

- (6) A completed long EAF and a completed visual EAF addendum, including mitigation measures of the visual impacts.
 - (7) A copy of its Federal Communications Commission (FCC) License.
 - (8) A copy of the lease agreement.
- (b) If at a pre-application meeting an applicant proposing to share use of an existing tall structure, or existing or approved tower, submits complete and satisfactory documentation in accordance with paragraph 5.0 (a) above, and if modifications indicated according to subsection 5.0 (a) are deemed insignificant by the Planning Board, the Planning Board shall grant a special permit without further review under this section. A public hearing shall be held before the Planning Board makes a decision. If the Planning Board determines that any modifications indicated according to paragraph 5.0 (a) are significant, it may require further review according to paragraph 7.0 thru 13.0 below.
- (c) The Planning Board may consider a new telecommunication tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within the area to be served (both within and outside of this municipality) by the proposed site and outlining opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each existing tall structure and existing or approved tower as well as documentation of the physical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.
- (d) Shared usage of an existing tower site for new tower. Where shared use of existing tall structures, and existing or approved towers, is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with paragraph 5.0 (c) above. Any new Telecommunication tower proposed for an existing tower site shall also be subject to the requirements of paragraph 6.0 thru 13.0 below.

6.0 Site Plan Submission Requirements for New Towers

The Planning Board may consider a new telecommunications tower on a site not previously developed with an existing tower when an applicant demonstrates that shared use of existing tall structures, and existing or approved towers, is impractical, and when the Board determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant's investigation in accordance with paragraph 5.0 (a). Any proposed new telecommunications tower shall also be subject to the requirements of paragraph 6.0 thru 13.0.

An applicant proposing to construct a new tower shall submit a Special use permit application as described in the zoning law of the Town of Duanesburg. The site plan and supporting documentation shall include:

- (a) Detailed information on the construction and operation of the facility. The Planning Board or the Zoning Board of Appeals may require the applicant to provide any additional information considered necessary to evaluate and act on the application.
- (b) A Site Plan; The site plan shall show all existing and proposed structures and improvements including antennas, roads, buildings, guy wires and anchors, parking and landscaping and shall include grading plans for new facilities and roads. Any methods used to conceal the modification of the existing facility. The site plan shall also show the location, and distances from the nearest residences. The tower will be no closer than 500 feet from the nearest residence.
- (c) Documentation on the proposed intent and capacity of use. This shall include: the transmission and maximum effective radiated power, the direction of maximum lobes, and associated radiation from the antennae.
- (d) Justification for the height of any tower or antennas and justification for any land or vegetation clearing required.
- (e) A completed Full Environmental Assessment form in accordance with the State Environmental Quality Review Act (SEQR) and a landscaping plan addressing other standards listed within this section with particular attention to visibility from key viewpoints within and outside the municipality as identified in the Visual EAF Addendum. The Planning Board may require submittal or a more detailed visual analysis based on the results of the visual EAF and shall include:
 - (1) A "Zone of Visibility Map" shall be provided in order to determine locations where the tower may be seen.

- (2) Pictorial representations of "before and after" views from key points both inside and outside of the town (or village or city) including but not limited to: state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The board shall determine the appropriate key sites at a pre-submission conference with the applicant.
- (3) Assessment of alternative tower designs and color schemes, as described in subsection 7.0(D)(2).
- (4) Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.
- (f) A report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to a new construction.
- (g) A report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.
- (h) Future Shared Use of New Towers – The applicant shall design a proposed new telecommunications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the board a letter of intent committing the new tower owner, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunication providers in the future. This letter, which shall be filed with the building inspector prior to issuance of a building permit (assuming the telecommunications tower is approved according to this section), shall commit the new tower owner and his/her successors in interest to:
 - (1) Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.
 - (2) Negotiate in good faith concerning future requests for shared use of the new tower, by other telecommunications providers.
 - (3) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay charges.

- (4) Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include but is not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- (i) Proof of certified announcements to all other telecommunications providers in the area declaring the applicant's sharing capabilities and/or siting needs.
- (j) A report detailing the compatibility of proposed construction with existing emergency networks.
- (k) A report detailing the long range plans for additional towers within the area.
- (l) A copy of its Federal Communications Commission (FCC) license.
- (m) A copy of any proposed lease agreement.
- (n) The applicant may be required to address the impact upon property values brought about by the proposed tower.

7.0 Special Use Standards:

- (a) Shared Use-At all times, shared use of existing tower shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antenna on pre-existing structures shall be considered.
- (b) Lot Size and Setbacks – all proposed telecommunication towers and accessory structures shall be located on a single parcel and shall be setback from abutting parcels and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from tower failure.
 - (1) Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased the entire lot required shall be leased from a single parcel.
 - (2) Telecommunication Towers shall comply with all existing setback requirements of the underlying zoning district, or shall be located with a minimum setback from any property line equal to one and one half (1 ½) times the height of the tower, which ever are greater. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

(c) Visibility

- (1) All towers and accessory facilities shall be sited in a manner, which will provide adequate wireless telecommunications service and have the least practical adverse visual effect on the environment.
- (2) In all cases, structures offering the least visual impact shall be preferable.
- (3) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(d) Tower Design

- (1) When proposing a new telecommunications tower, the applicant must examine feasibility of designing the proposed tower to accommodate future demand for at least two (2) additional commercial applications (i.e. future collocations). The tower must be structurally designed to accommodate at least two additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. The requirement to construct a tower that can accommodate collocation may be waived by the Planning Board, provided that the applicant demonstrates that the provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon consideration such as, for example:
 1. The number of FCC lines foreseeable available for the area;
 2. The kind of tower site and structure required;
 3. The number of existing and potential licenses without tower spaces/sites;
 4. Available spaces on existing and approved towers;
 5. The potential for significant adverse visual impact of a tower designed for shared use.
- (2) Unless specifically required by other regulations, all towers shall be galvanized steel or have a neutral earth tone or similar painted finish that shall minimize the degree of visual impact. Towers shall be designed and sited to avoid FAA painting requirements.
- (3) The height shall be the maximum height necessary to provide adequate reception to meet the applicant's communication needs as described in the application. The maximum height of any new tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state, and/or federal law and/or regulation. Under unique circumstances, the Board at its discretion may modify this requirement if the applicant can justify the need to exceed this height limitation. In no case shall the height of the tower exceed 125 feet.

- (4) The Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower. The applicant shall pay the fees of any consultants hired by the Board.
- (5) Accessory structures shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
- (6) No portion of any tower or accessory structure shall be used for a sign or other advertising purpose. Signs providing: Company name, Contact, Phone Numbers and Warnings are permitted provided they meet Town zoning ordinance requirements.
- (e) Existing Vegetation – Existing on-site vegetation shall be reserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special permit use. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
- (f) Screening – Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetation screening shall be required, for all towers at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil beams to assure plant survival. Plant height in these cases shall include the height of the berm.
- (g) Access and Parking – A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards of private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours. Public road standards may be waived in meeting the objectives of the section.
- (h) Fencing – Sites of proposed new towers and towers and sites where modifications to existing towers are proposed, shall be adequately enclosed by a fence, to ensure the security of the facility and meet public safety requirements. The design of the signs shall be approved by the Board.

- (i) Public Use – An area on telecommunications towers shall be provided to the town and/or law enforcement agencies, fire districts and ambulances without charge for location or service communication equipment, shall be installed without charge by the applicant / owner. If the Tower is replaced, or maintenance activities require equipment to be moved, removed or modified, the applicant / owner shall make these adjustments without cost to the public users.

8.0 Authority to Impose Conditions:

The authorized boards shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunication tower Special Use Permit or Use Variance.

9.0 Removal

Before the building inspector can issue a building permit for an approved tower, the applicant shall: 1) Submit to the Planning Board a letter of agreement committing the tower owner, and his / her successors in interest, to notify, in writing, the building inspector within thirty (30) days of the discontinuance of use of the tower, 2) provide the Town of Duanesburg with a bond or other form of security approved by the Town Attorney to cover the cost of removal of the tower and accessory structures should the owner not remove the unused tower and structures within four (4) months of such notification. The project removal costs shall be verified by the Town Engineer. A copy of this letter and bond shall be filed in the building inspector's office prior to the issuance of a building permit.

Failure to notify and/or to remove the obsolete or unused tower in accordance with these regulations shall be in violation of, and shall be punishable in accordance with Section 13.6 of the Zoning Ordinance.

10.0 Inter-Municipal Notification for New Towers. – In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use, the Board shall require that:

- a) An applicant who proposes a new telecommunication tower shall notify in writing the legislative body of each municipality that borders Duanesburg, and the Schenectady County Planning Department. Notification shall include the exact location of the proposed tower, and a general description of the project including, but not limited to, the height of the tower and its capacity for future shared use.
- b) Documentation of this notification shall be submitted to the Planning Board at the time of application.

11.0 Notification of Nearby Landowners – The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is located within fifteen hundred (1500) feet of the property line of the parcel on which a new tower is proposed. Notice shall be mailed to the administrator of any state or federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be made by certified mail. Documentation of this notification shall be submitted to the Board prior to the public hearing. In addition, the applicant shall erect a sign on the property whereon the proposed new tower is to be located. The sign shall have an area of thirty-two (32) square feet and shall be erected no more than twenty-five (25) feet from the boundary of the property and right of way of the road on which the property faces, and at the time of application. The sign shall be clearly visible from the road. The sign shall show the details of the proposed tower and accessory buildings, and have a map of the property and the location on the property of the proposed location of the tower, accessory buildings, parking area and access road.

12.0 Maintenance and/or Performance Bond. - The Planning Board, in its sole discretion, may require the applicant and/or owner to post and file with the Town Clerk of the Town of Duanesburg prior to approval of any application a maintenance and/or performance bond or other form of security as approved by the Town Attorney in an amount sufficient to cover the installation, maintenance and/or construction of said tower during its lifetime. The amount required shall be determined in the sole discretion of the Planning Board, based upon the unique characteristics of the tower and site. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application and/or permit to accomplish the foregoing.

13.0 Fees, Permits and Insurance – Simultaneously with the filing of an application for a Special Use Permit or a Use Variance as required by this ordinance, the applicant and/or owner shall pay an application fee of \$5,000.00, before starting construction of the tower and/or its accessory buildings, the applicant shall obtain a building permit from the Code Enforcement Officer. The standard building permit fee shall be paid at the time of application. For other Building Permit requirements see 6.0 (f). After completion of the tower, and before the tower becomes operational, the Code Enforcement Officer shall issue a Certificate of Compliance after the applicant has paid an annual operating fee. The annual operating fee shall be established by the Town Board in its sole discretion based on the unique characteristics of the site and taking into consideration, the cost of its implementation and processing. The annual operating fee is \$1,000.00 for sites utilizing existing high structures, and \$2,000.00 for new towers. Every year thereafter, on the anniversary date of the issuance of the Certificate of Compliance, the applicant or owner shall pay the Town of Duanesburg the annual operating fee. At that time the applicant or owner shall certify that:

- (a) All maintenance and inspection procedures are being complied with, including all visual screening conditions in the permit.
- (b) The tower and related facilities are not a hazard or threat to the health, safety and welfare of the public.
- (c) The RF emissions comply with current FCC limits.
- (d) The facility is in use.

As part of the application for a Special Use Permit or Use Variance the applicant shall file with the Town Clerk proof of casualty and liability insurance in a form and amount which shall be determined and approved by the Town Board. The insurance shall remain in effect whether or not the tower is operating. Termination of insurance shall result in the immediate revocation of the Special Use Permit or Use Variance, and be immediate grounds to vacate, rescind and set aside the applicant's or owner's authority to operate said tower. In the event the Town Board determines that due to termination of insurance and/or for any other cause, which shall include the applicant's failure to abide by any conditions of the Special Use Permit or Use Variance or any provision of this ordinance, said applicant or owner shall be entitled to five (5) days notice to cure after which, in the event that the applicant or owner does not correct the defect complained of, the Certificate of Compliance shall immediately terminate. Termination of the Certificate of Compliance shall be grounds for immediate revocation of the Special Use Permit or Use Variance, and action taken shall be at the sole discretion of the Town Board.

14.0 Designation of Enforcing Official – This section shall be administered and enforced by the Uniform Code Enforcement Officer, hereinafter referred to as the “official”, duly appointed by the Town Board of Duanesburg to carry out the word and intent of this law.

14.1 Duties of Enforcing Official

- (a) Rules, regulations and forms. The official shall have authority to make, adopt and promulgate written rules, regulations and forms as may be necessary for administration and enforcement of the content and intent of this law. The official shall be responsible to submit such rules, regulations and forms to the Town Board, which shall move to approve, reject or modify the same within sixty (60) days after submission. Once approved by the Town Board and filed with the Town Clerk, rules, regulations and forms shall have the same force and effect as the provisions of this section and be subject to the same penalties for violation thereof.
- (b) Entry and Inspection. The official shall have the right to enter upon, examine and inspect or cause to be entered, examined and inspected any building or property for the purpose of carrying out the provisions of this section after reasonable written notice of intent to examine or inspect has been provided to a property owner and permission of the owner has been granted. If such permission is denied, access shall be pursued by the Town Attorney, who shall be notified in writing by the official.

(c) Referral to the Planning Board, Town Board and Zoning Board of Appeals.

The official shall inform any applicant of the appropriate town agency to whom the application should be presented prior to the issuance of a building permit, in accordance with this section and all other state, county and local law.

(d) Retention of Experts.

- (1) The purpose of this provision is to provide for coordinated review of applications and avoid duplication of services among the Town Board, Zoning Board of Appeals and the Planning Board.
- (2) The Zoning Board of Appeals and the Planning Board are hereby authorized to retain engineering consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of their respective duties relative to any matters before either Board.
- (3) Payment for the services of such consultants and/or other experts is to be made from funds deposited by the applicant with the town in escrow accounts for such purposes.
- (4) It shall be the responsibility of the applicant to submit to the Town, prior to the start of any work associated with said application before the Board or at such other time as directed by the Board, certified check(s) in amounts equal to the estimate of the engineering consultant and/or other expert consultant for the cost of services to be rendered to the Town. This sum shall be released by the Town to said engineer or consultant in payment for the services rendered to it upon acceptance by the Town of said services.
- (5) In the event that an application requires Town Board action for review or implementation, including consideration of zoning issues, contracts, bonding, financing or other associated actions required by virtue of an application under local zoning ordinances, the experts retained by the Zoning Board of Appeals and/or the Planning Board on behalf of the Town as outlined subsection (2) through (4) above shall provide to the Town Board such services as may be required by it also in connection with its review of the application and associated actions; the cost of said experts to be provided for as set forth under this section.

(e) **General Duties and Powers.** The official shall be charged with the general and executive administration of this section and shall have the following general duties and powers:

- (1) To oversee and enforce all provisions of this section and all rules, conditions and requirements adopted or specified pursuant thereto.
- (2) To record all identifiable complaints or violations of any provision of this section.
- (3) To file a report with the Town Board when required, summarizing his activities and listing all complaints of violations and subsequent action taken on each such complaint.

(f) **Appearance Tickets.** In addition to any and all other authority vested in the official by state law and this section, the official is hereby authorized and

empowered to issue appearance tickets, in a form to be approved by the Town Board, for the prosecution of all violations of this section. Following the filing of information, the official shall have the authority to appear at any and all actions and proceedings in furtherance of said prosecution in any court of competent jurisdiction.

(g) **Conflicts with other provisions.**

This section shall be administered and enforced in tandem with all other applicable town, county, state and federal laws.

14.3 Penalties for Offenses. Whenever, in the opinion of the official after proper examination and inspections, there appears to exist a violation of any provision of this section or of any rule or regulation adopted pursuant thereto, the official shall serve a written notice of violation upon the owner or occupant of the premises by personal service or registered mail; if to the owner, at the tax billing address, if to the occupant, at the property address.

(a) Notice of Violation. Such notice of violation shall inform the recipient of:

1. The nature and details of such violation.
2. Recommended remedial action, if possible, which, if taken, will effect compliance with the provisions of this section and with rules and regulations adopted pursuant thereto.
3. The date of compliance by which the violations must be remedied or removed.
4. The right to a hearing before the official in accordance with Subsection C below.

(b) Extensions. The official may extend the date of compliance in a notice of violation, after written application, if, in his opinion, there is reasonable evidence of intent to comply and reasonable conditions exist which prevent compliance by the specified date.

(c) Request for hearing. Any person served with a notice of violation in accordance with Subsection (i) above and who denies the violation or is allegedly aggrieved by the required action necessary for compliance may, within ten (10) days after service of notice, request, in writing, a hearing before the official stating the reasons why such a hearing is requested. The person requesting the hearing shall be required to show cause or give evidence why he should be required to remedy the violation or why he is unable to comply with the remedial action outlined in the notice of violation.

(d) Abeyance. Compliance with a notice of violation shall not be required while a hearing is pending.

(e) Hearing. Within ten (10) days after receipt of a request for a hearing, the official shall acknowledge receipt, in writing, and set a time and place for such hearing, not later than thirty (30) days after the date the request is

received. Hearings may be postponed beyond thirty (30) days by the official for just cause, and notice of postponement shall be served.

- (f) Findings. After consideration of all testimony given at the hearing held in accordance with subsection E above, the official shall sustain, withdraw or modify the notice of violation as originally served. If such notice is sustained or modified, the official shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original notice of violation or modified remedial action specified at the hearing.
- (g) Certificate of Compliance. Upon re-inspection, following the expiration of the date of compliance as specified in the notice of violation or modification thereof, if the violation has been remedied or removed in accordance with the specified remedial action and there is no longer a violation of any provision of this section, then a certificate of compliance shall be issued by the official.
- (h) Legal Action by the Town of Noncompliance. Upon re-inspection following the expiration of the date of compliance as specified in the notice of violation or as extended in accordance with Subsection B above, if the remedial action specified has not been carried out and there is still in existence, in the opinion of the official, a violation of a provision of this section, or, upon refusal to permit such re-inspection, then the official shall immediately issue an appearance ticket and notify the Town Attorney, who shall, if necessary, take appropriate legal action to restrain, prevent, enjoin, abate, remedy or remove such violation and take whatever other legal action is necessary to compel compliance with this section.
- (i) Penalties –
 - (1) Any person who shall violate or cause to be violated or assist in the violation of any provision of this section shall be subject to conviction of an offense by a proper court and be subject to a fine of not less than one hundred dollars (\$100.00), not more than three hundred fifty dollars (\$350.00) or imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of three (3) years, such person shall be subject to a fine of not less than three hundred fifty dollars (\$350.00), nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed fifteen (15) days, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five (5) years, such person shall be subject to a fine of not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon the courts and

judicial officers, generally, the first and second offenses shall be violations and third and subsequent offenses shall be misdemeanors for such purposes and all provisions of law relating to Penal Law violations and Penal Law misdemeanors shall apply.

- (2) The term "person," as used in this subsection, shall include an owner, occupant, tenant, vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the facilities or part thereof.
- (3) Failure to timely comply with any court mandated action shall constitute a separate and distinct offense.

15.0 Amendments

The Town Board may, from time to time, on its own motion or on petition or on recommendation of the Planning Board or the Board of Appeals, after public notice and hearing, amend, supplement, change, modify or repeal this Local Law, pursuant to the provisions of the New York State Town Law applicable thereto. Every such proposed amendment shall be referred to the Planning Board for review and comment. Any amendment shall, within ten (10) days of effective date, be incorporated in the text of the master copy of the Telecommunications Facilities Law and all undistributed copies held for sale. The Records Management Officer shall be responsible for said incorporation and sale.

16.0 Sever Ability

If any section, paragraph, subdivision, clause, phrase, or provision of the Local Law shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Local Law as a whole or any part of provisions thereof other than the part so declared to be invalid or unconstitutional.

17.0 Effective Date

This local law shall become effective by its publication and posting in accordance to the applicable sections of the law.