

Jeffery Schmitt, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member
Christopher Shoemaker, Board Member
Michael Santulli, Alternate Board Member

Town of Duanesburg
Planning Board Minutes
October 15th, 2020
Final Copy

RECEIVED
NOV 20 2020
TOWN OF DUANESBURG
TOWN CLERK

MEMBERS PRESENT: Jeffery Schmitt Chairman, Joshua Houghton, Michael Harris, Martin Williams, and alternate member Michael Santulli. Also, in attendance Planning Board Attorney Teresa Bakner, Town Planner Dale Warner and Clerk Melissa Deffer.

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting at 7:01. Jeffery welcomed everyone to tonight's Planning Board meeting.

ROLL CALL: Schmitt yes, Harris yes, Houghton yes, Williams yes, Santulli yes. **Approved.**

OPEN FORUM:

Schmitt/Harris made a motion to open the open forum at 7:03.
Schmitt yes, Harris yes, Houghton yes, Williams yes, Santulli yes. **Approved.**

Lynne Bruning located at 13388 Duanesburg Rd (**Please see attachment**)

Schmitt/Santulli made a motion to close the open forum at 7:08.
Schmitt yes, Santulli yes, Williams yes, Houghton yes, Harris yes. **Approved.**

PUBLIC HEARINGS:

#20-15 Drexel, Michael: SBL#52.00-1-40, (R-2) located at 452 Eaton Corners Rd is seeking a Special Use Permit for a two-family dwelling under section 3.5.60; section 8.4(8) of the Town of Duanesburg Zoning Ordinance

Schmitt/Houghton made a motion to open the public hearing for the **#20-15 Drexel, Michael** application.
Schmitt yes, Houghton yes, Harris yes, Santulli yes, Williams yes. **Approved.**

Mr. Drexel gave his presentation to the Public.

Town Hall • 5853 Western Turnpike • Duanesburg, NY 12056 • (518) 895-8920

Over →

No public comments were received on the application during or preceding the public hearing.

Schmitt/Harris made a motion to close the public hearing for the **#20-15 Drexel, Michael** application.

Schmitt yes, Harris yes, Houghton yes, Williams yes, Santulli yes. **Approved.**

Schmitt/ Harris made a motion to declare a Type II SEQRA action and to approve the Special Use Permit application for **#20-15 Drexel, Michael.**

Schmitt yes, Harris yes, Houghton yes, Williams yes, Santulli yes. **Approved.**

NEW BUSINESS:

#20-21 Kagas, Spiro: SBL#53.00-1-29.22, (C-1) located at 9898 Western Turnpike is seeking a Special Use Permit for a two-family dwelling under section 3.5.60; section 11.4(11) of the Town of Duanesburg Zoning Ordinance. Mr. Kagas explained he would like to turn a two story 24X30 existing structure on his property into an in-law apartment. There is a septic connection and an underground electric to the structure already. There is shared access to the property thru the Wishy Wash Driveway and it is noted on the deed. Code Enforcement has been up there, and the septic system is adequate for the addition. The Board Attorney made mention that in the future this plot will not be able to be subdivided and Mr. Kagas understood.

Schmitt/Santulli made a motion to declare a Type II SEQRA action and approve holding a public hearing on November 19, 2020 for the application of **#20-21 Kagas, Spiro** for a Special Use Permit.

Schmitt yes, Santulli yes, Williams yes, Houghton yes, Harris. **Approved.**

SITE PLAN REVIEW:

#20-21 Kagas, Spiro: SBL#53.00-1-29.21, (C-1) located at 9938 Western Turnpike is Site Plan Approval for accessory use under section 5.2.2 of the Town of Duanesburg Zoning Ordinance. Mr. Kagas explained that he would like to put in accessory parking lot/ Storage for about 25-30 R.V. camping trailers on the adjacent lot of the car wash along with doing full-service cleaning. The food trailer would be on the same lot as the car wash. Mr. Kagas currently owns Mikes Diner on Carmen Rd and would like to start to expand his business out to Duanesburg. The Lot adjacent to the car wash is already cleared and now it is just over-growth. There is no mature hardwood, and it is flat grade. The plan is to use Cobleskill Stone to do the work it will not impact more than three quarters of an acre the total parcel is 1.36 acres. There is a house located in front of the parcel and the plan is to be 50 feet away from the property line. If they have to Mr. Kagas said they would put up a privacy fence for the neighbors. Lighting will be added to the property for safety and it will downward casting. For the next meeting, the board would like to see:

1. More detail on screening
2. A better plot plan
3. More information on parking area
4. A lighting plan
5. Access arrangement plans

6. A narrative of exactly what you want to do as a business
7. Images of the Property where the parking lot will be

Schmitt/Williams made a motion to table the **#20-21 Kagas, Spiro** application until November 19th, 2020.

Schmitt yes, Williams, Houghton yes, Harris, Santulli. **Approved.**

OLD BUSINESS:

#20-18 Iseman Re-Subdivision: SBL#75.12-1-5.12 and 75.12-1-5.11, (H and R-2) located at 2300 Main St and 10284 Duanesburg Rd is seeking a Minor Subdivision under section 3.4 and a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Joseph Bianchine from ABD Engineering is representing the Iseman's and Denny's. Joe explained that they are waiting on responses for the coordinative reviews from DOT, DEC and SHPO.

Schmitt/Houghton made a motion to table the **#20-18 Iseman Re-Subdivision** application until November 19th, 2020.

Schmitt yes, Houghton yes, Harris yes, Santulli yes, Williams yes. **Approved.**

#20-10 Papa, Daniel: SBL# 35.10-2-3, (L-1) located at 228 Lake Rd is seeking a Special Use Permit for a two- family dwelling under the Town of Duanesburg Zoning Ordinance adopted 6/11/15 under section 15.4(I); section 7.1.4(1); of the Town of Duanesburg Zoning Ordinance. Land Attorney Andy Brick represented Daniel Papa. Mr. Brick followed up with a presentation on the proposed accessory apartment stating that the proposed apartment is consistent with the neighborhood and not out of character. There is more than enough room for on site parking. Board Member Williams was concerned about the parking situation, he went out to the site and found that there is more than enough room for off road parking. Also, Lake Ave is not a town road and in all the letters written to the Planning Board the residence on Lake Ave would like the town to fix the road. Lake Ave does not meet the Town road standards and does not have a turn around so cannot take the road over.

The purposed action is a Type II action and no further compliance with SEQRA is necessary and based on the information provided by the Building Inspector the Planning Board makes the following findings:

- 1) The proposed action is a type II action and no further compliance with SEQRA is necessary;
- 2) Based on information provided by the Building Inspector to the Town Planning Board there are a number of accessory apartments and two-family homes fronting on Mariaville Lake, including the following; 7988 Mariaville Rd- 2 Family, 216-218 Batter St- 2 Family, 176 Batter St- 2 Family, 7694 Mariaville Rd- 3 Family, 8932/8954 Mariaville Rd – 2 Family, 9210 Mariaville Rd- Apartment Complex.
- 3) The character of Lake Ave consists of smaller lots comprised of year-round and seasonal homes with many of these homes being located on narrow dirt lanes, some are private roads, and some are Town or County roads;

- 4) Lake Ave although it is a private road has been maintained to a degree by the Town Highway Department, including plowing the road to clear the snow in the Winter;
- 5) This pattern of development is consistent along the Lake and the Mariaville Sewer District, Sewer District no. 2 was created due to the need for public sewer as a result of the small size of the lots and their proximity to the Lake;
- 6) The Zoning Code of the Town of Duanesburg allows two family residences, including having one of those residences be an accessory apartment in an existing structure such as a garage—in this case the property meets the requirements for such an accessory use and also has public sewer, the public sewer has the capacity to collect and treat the sewage from a one bedroom accessory apartment and the additional fees will benefit the sewer district;
- 7) Based on the Planning Board's familiarity with this area of Town, the traffic from an additional residence which is very minimal will not have an adverse effect on the Lake Ave neighborhood so long as all parking is on Mr. Papa's property and is not along Lake Ave;
- 8) Mr. Papa has produced his potable well report showing that he has sufficient water at his property and no one has suggested that the accessory apartment will in any way diminish the water available at this location;
- 9) The Building Inspector has advised the Planning Board that the apartment meets the Building Code and other Safety Requirements specified in the Town and State codes for such facilities and that no fire sprinkling system is required for the apartment;
- 10) In light of the above the Planning Board hereby grants a special use permit to Mr. Papa for an accessory apartment in the garage at 228 Lake Ave to allow Mr. Papa to have only one accessory apartment at his residence in the garage—no further residential units are allowed under the Town Zoning Law;
- 11) The following conditions are imposed in connection with this approval: a) the Town Building Inspector shall inspect the garage and the approved single apartment unit on at least two occasions throughout the year and if the terms and conditions of the special use permit are not being complied with the Building Inspector is hereby authorized to revoke the special permit; b) no one residing at or visiting at 228 Lake Ave is permitted to park any vehicles (including ATVs and motorcycles), boats, RVs or trailers of any kind on Lake Ave—all such vehicles or trailers must be parked on Mr. Papa's property in the driveway.

Harris/Houghton made a motion to adopt the resolution for the **#20-10 Papa, Daniel** application of the Special Use permit with minor corrections.

Harris yes, Houghton yes, Williams yes, Santulli yes, Schmitt yes. **Approved.**

SKETCH PLAN REVIEW:

#20-20 Ising/ Yauchler Lot Line Adjustment: SBL# 35.09-2-11&12, (L-1) located at 722 South Shore Rd is seeking a Lot Line Adjustment under Local Law #2 of 2017 of the Town of Duanesburg Subdivision Ordinance. Joanne Darcy Crumb land surveyor is representing Mr. Ising and Mr. Yauchler. Joanne explains that the 2 landowners would like to do a double lot line adjustment. In the 1980's a land surveyor did a survey on what is now the Ising property and there was a big error on the survey as a result of the survey done on Isings property a garage was built on the Isings property and when Mr. Yauchler purchased the property to the east he had Mr. Koch survey of his property. When Mr. Koch held up the 1980s survey, he went onto the

Harrington property. The Yauchlers property line went right through the Harringtons garage. Mr. Ising hired Joanne to do the survey for his property and found all the errors done from the 1980s survey. The actual property line for the Ising property starting at the road just south of the garage going right through the garage. Ising property will increase by .19 and Yauchler property will be reduced by 0.19 acres. The Board would like Joanne to locate the Yauchler well.

Schmitt/Houghton made a motion to table the action so that the Applicants can go to the ZBA to get the proper area variances needed for the **#20-20 Ising/ Yauchler Lot Line Adjustment** application.

Schmitt yes, Houghton yes, Harris yes, Santulli yes, Williams yes. **Approved.**

MINUTES APPROVAL:

Schmitt/Harris made the motion to approve the September 17th, 2020 Planning Board minutes with no corrections.

Schmitt yes, Harris yes, Houghton yes, Williams yes, Santulli yes. **Approved.**

OTHER:

None

ADJOURNMENT:

Schmitt/Williams made the motion to adjourn at 8:32pm.

Schmitt yes, Williams yes, Houghton yes, Harris yes, Santulli yes. **Approved.**

September 20, 2020

#20-10 Papa, Daniel SBL#35.10-2-3 (L-1)

Dear Mr. Schmitt and Duanesburg Planning Board Committee

PLEASE INCLUDE AND READ INTO THE RECORD

As part of the Application of Mr. Papa, he recites section 15.4(l) and section 7.1.4(l) of the Town of Duanesburg Zoning Ordinance adopted 6/11/15 as justification for the construction of rooms and dwellings within his home at 228 Lake Ave. 15.4(l) deals with Procedures and Penalties for building code and zoning violations and refers to "apartments without certificate of occupancy" ...and outlining procedures for the Code Enforcement officer. There is little argument that the applicant has violated building codes, zoning regulations and permits with people presently occupying various rooms and dwelling units (3.5.63) without a known certificate of occupancy. These violations, I am assured are being processed through legal channels.

Section 7.1.4 gives possible uses permitted by "special use permit; (l), Dwelling two family". That's it, nothing more. Section 7.1.1 preceding being more important, states: "Purpose: this District (referring to the Lake District L-1) is made up of properties abutting Mariaville Lake **the purpose is to protect the lake from significant environmental impact, while maintaining the traditional character of the lake**". Traditionally the lake is zoned single family residence, section 3.5.67 states: "family -a household constituting a **single housekeeping unit** occupied by one or more persons," no mention of renters, or "boarders". Single family property owners traditionally have invested interest in maintaining the quality of the water as well as maintaining the dam, harvesting weeds, testing water safety, creating a Civic Association, planning social events, up keeping their properties and paying taxes. By adding one or several lucrative two family dwelling units (the applicant setting precedence) would alter this special conventional relationship between vested home owners caring for the lake to a inattentive degraded environment and a "boarding house" standard.

Under section 14.6.2, Special Use Permit: "**No** special use permit shall be granted until the Planning Board shall find and determine that: **(a) such use is reasonably necessary and convenient to the public health, welfare or economic or social benefit of the community**" and **(c) the character of the neighborhood and values of surrounding property is reasonably safeguarded.**" How can the Board justify dividing up homes in a **for profit scenario** as being "reasonably necessary and convenient... for the benefit of the community" and at the same time allowing occupants who are unknown, impermanent, possibly disruptive and non-invested in the lake environment as "safeguarding the character and values of the neighborhood?"

It is important to point out under Planning Board Formal Review, section 14.6.2.4 (C.9): performance standards ..."imposed to ensure protection of adjacent neighboring properties against noise, glare, unsightliness, or other objectionable features." All of these objections and more have already been expressed and noted by neighbors at earlier Board meetings. Section 14.6.2.4 (C.10)" fire lanes and other emergency zones and availability of fire water...are adequate". Fire engines today have great

difficulty maneuvering the narrow, single lane, often rutted dead end Avenue, possibly blocking the street from additional emergency vehicles if required as do snow plows, fuel and trash removal trucks, the condition being controversial for years. Section 14.6.2.4 (11) "Building appearance is compatible with existing neighboring structures." The applicants permitted garage (3.5.74 "garage private- an enclosed space not available to the public for storage and one or more motor vehicles" ***no mention of dwelling units or apartments***) which was constructed has questionable resemblance, legality or compatibility to neighbors or to his own residence, resembling a two story, tin roofed barn like structure oddly attached to the house also noted by others at the Sept. 17 meeting.

The applicants, attorney at the Sept. meeting discussed data about the number of bedrooms on Lake Ave. and concluded that by adding a single dwelling unit would have little effect upon traffic and the neighborhood. The reality is that there are eight (8) year round homes occupied by 12 people, three (3), being unrelated, living in four bed rooms (3 in house, 1 over garage) at 228 Lake Ave., presently representing 25% of all year round residents with the possibility of even more should the permit be granted. With the approval of this precedent setting authorization there would be little prevention of the implied dozens and dozens of existing bed rooms, the majority located in small, seasonal camps, from being rented and occupied, providing income for other owners as well. Keep in mind it's only "a single bedroom" at a time.

My wife and I bought property at 208 Lake Ave 1995, removing the existing camp in 2012 and investing in a new home in anticipation of our final retirement. It now comes with tremendous disappointment and regret, to observe what is transpiring at 228 Lake Ave., there being a constant "unknown" of occupants, relationships, activities, guests, relatives, and dogs. If, this is going on now what about in six months or a year, what can be expected if the applicant is absent, moving to Florida or elsewhere or sells the house with new zoning intact? How is this maintaining the "**traditional character**" of the lake community?

Summation: The "special use permit" must to be **denied** for the following reasons:

- Failure initially to obtain construction, building and occupancy permits and avoiding zoning ordinances and building codes with a wish now to be rewarded with a permit for these evasive activities.
- A continuance to occupy rooms and dwelling units with unanswered question about legality, insurances, personal liabilities, town liability or certifications.
- Violation of section 7.1.1, Lake Zone (L-1), failure to protect the "environment" and "traditional character of the lake".
- Violation of section 14.6.2a&c, failure to "benefit the community" and "safeguarding the character of the neighborhood"
- Failure of "performance standards" 14.6.2.4 (C9, 10, and 11) with emphasis on "ensuring the protection of adjacent neighbors".
- Granting the permit would set precedence in "for profit apartment/ boarding house" scenarios thereby ignoring vested civic minded, tax paying neighbors.

The neighborhood has for many years been friendly, accommodating and safe. Our lives, investments, and security are now at risk signified by a majority of residents uniting against this "special use permit". By rejecting the applicants request and **enforcing** the "single family" regulation as defined, the neighborhood will be assured of a continuance of peace, stability and harmony as intended by Duaneburg Zoning Ordinances.

Sincerely


Gerald Carvin

208 Lake Ave, Delanson, NY

9/28/20

Dear Planning Board Members,

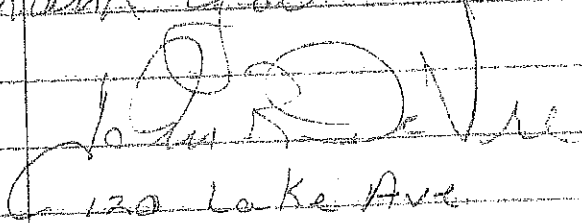
Please be advised I wish this to be read into the records, and thank you for doing so.

This letter is in regards to Mr. Papa's request for a variance on Lake Ave on Mariaville Lake. He has claimed HIS variance will not harm the road. That HIS variance will not threaten the water supply. That HIS variance will not... All very possibly true. But once Mr. Papa has the right for a variance, so I have the same right? My neighbors? At what point will the Board say No? Part of the community destroyed?

2.)

all of the community
destroyed? I believe the
time to save this
community is now by not
allowing this variance.

Thank you


John R. DeVine
130 Lake Ave
Delanson NY 12053

September 29 2020

#20-10 Papa, Daniel SBL#35 10-2-3 (L-1

Dear Mr. Schmitt and Duansburg Planning Board Committee

Please Include and Read into Record

My name is Donald Russo and i live at 238 Lake Ave
next door to mr Papa,s.

My concern with granting Mr papa,s request is that Lake Ave
is a one lane road dead end road.

When someone is coming in either direction one car has
to pull over to the side of the road so that the other
car can pass. If a service vehicle is delivering such
as a propane truck, one has to wait until they are done
because you cannot get around them.


Everyone on our street has either one or two cars.
Mr papa,s has presently 3 cars in his driveway. If
he rents out the house and the apartment it could
be more cars.

Originally, Mr Papa stated he was going to put a two
car garage, but now he has added a apartment above
the garage and his garage is full of construction
equipment.

All of the 11 residents of Lake Ave are opposed to Mr Papa,s
request to have a rental apartment, as all of us have single
family homes.

I think it should be taken into account the feelings of
the majority of the neighborhood be taken into account
rather than Mr Papa,s feeling.

Sincerely


Mr Donald Russo
238 Lake Ave Delanson N Y 12053

Summation

. One lane road dead end road, if emergency vehicles have
to get thru it could be a problem if cars are parked
on the side of the road.

. ii out of 12 home owners oppose this request for a special
use to create a rental income property/

September 29, 2020

Dunsmuir Planning Board

Dear Planning Board:

Please address this to be read and put into record.

Don Russo & Ruth Benacquista built our home 14 1/2 years ago into this Residential dirt road. We were happy to comply with town's rules. We worked with strict required measurements on size, ground requirements & all inspection to the tee! We are caring residents of Mariaville Lake and its area. We expect the same for Mr. Papa.

In 2019 Mr. Papa continued to use sewer for the old camp for his daughter & gentleman. Later in fall ^{he} moved back to the cellar. Later this was dismantled & covered up with stone, soil, & sand. Was this done legally with a permit. However I believe "erosion barrier" was never done. If it was inspected, the drainage in this area is still draining into our lake. Also for sewer charges to this extra house? During this time in 2019.

The residential home has been turned ^{convt}

Now the residential home turned into
apartments, with renters in the main front
entrance, upstairs over garage & cellar
renter - 3. That means 3 individual
families

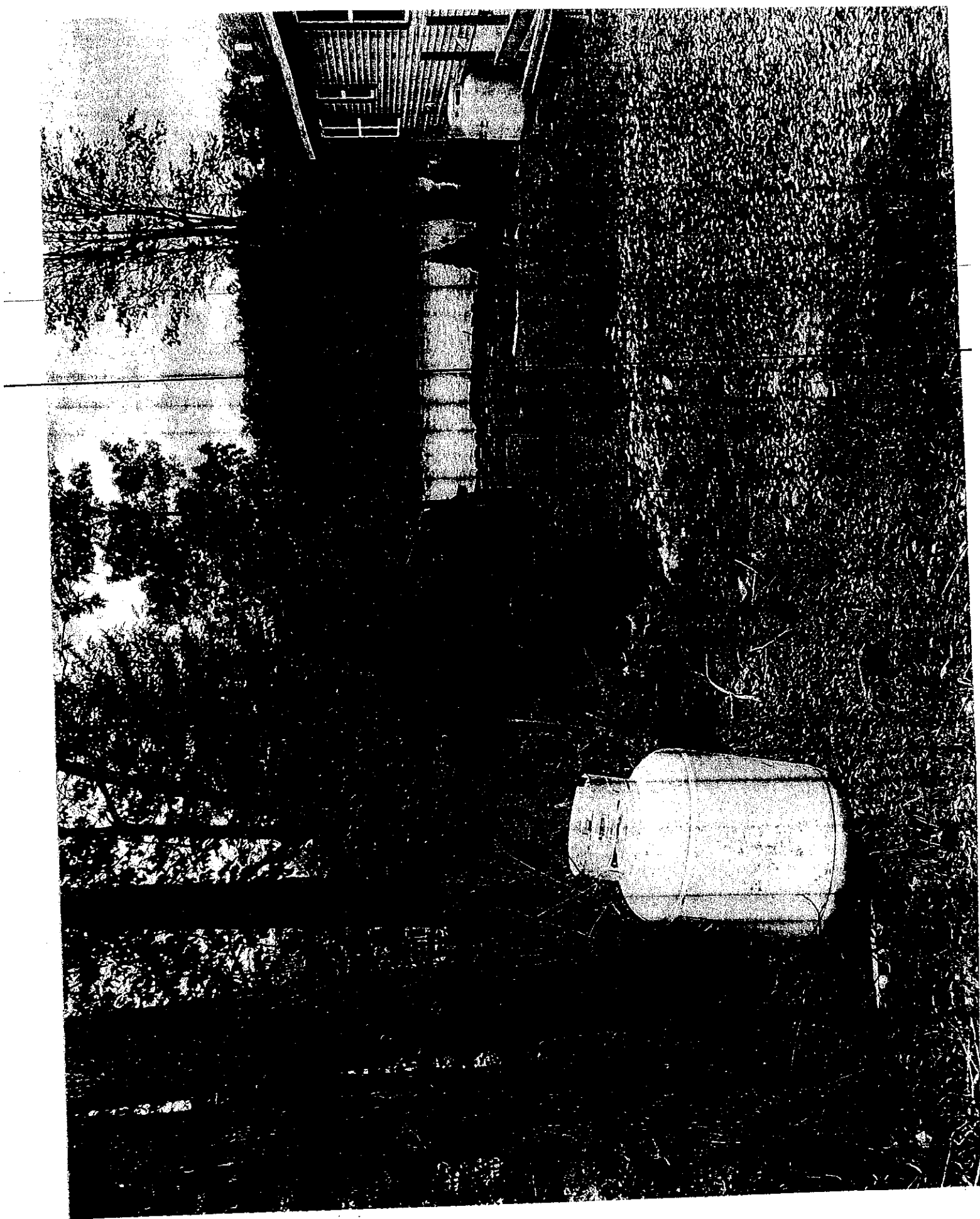
All summer with their traffic,
made our roads - 17" wide, dirt & hard
to get through. You need to pull over to get
through if a car, truck or delivery of some
sort is going or coming. Now its very important
to address the problem we are facing, the
coming 6 months of winter. When we need to
get out for esp. work, appointments, and last
I may need an ambulance that can help
"save a life" - perhaps ^{for} my "sick companion".

The pictures show the mess that was
hulked & wipped to the side from last year, still
has not been cleared away! He claims a
good look but pictures talk.

Thank you

Ruth Beracquist
Last house at this road
238 Lake Ave.

Enc. 2





October 5, 2020

Jeffery Schmidt and Planning Board Committee
Chairman
Duanesburg Planning Board

Re: Comments on a Variance Request for an apartment at 228 Lake Avenue on
Mariaville Lake

Duanesburg Planning Board Members:

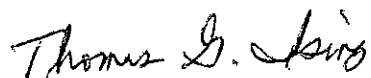
I understand from a neighbor that a resident on Lake Avenue is asking for a variance to convert a single-family house to an apartment (228 Lake Avenue). In fact, this has already been done without the board approval.

I would like to voice my opposition to this request for a variance to continue renting it as a multi-family dwelling. Please include this letter in the review for variance for an apartment at 228 Lake Avenue.

I believe this is a slippery slope to changing the nature of the Mariaville Lake neighborhood. If this is approved then others could create apartment next door to any home. I believe this would decrease the property values on the lake. Also, increasing traffic on the dirt road of Lake Avenue seems wrong. The house on Lake Avenue was not built as an apartment and does not have well defined separate entrances.

I know there is a duplex or apartment at the corner of Mariaville Road and Spring Road. But this is at the intersection of the main road. The road is paved and there is adequate paved parking. The structure was built as to apartments with separate entrances.

Please take my comments into account as you rule on this variance request. Thank you for your considerations.



Thomas G. Ising
720 South Shore Road
Delanson New York 12053
518-331-4936

Received by at the Town Hall: _____

September 20, 2020

#20-10 Papa, Daniel SBL#35.10-2-3 (L-1)

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PLEASE INCLUDE AND READ INTO THE RECORD

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Under section 14.6.2, Special Use Permit: "**No** special use permit shall be granted until the Planning Board shall find and determine that: **(a) such use is reasonably necessary and convenient to the public health, welfare or economic or social benefit of the community**" and **(c) the character of the neighborhood and values of surrounding property is reasonably safeguarded.**" How can the Board justify dividing up homes in a **for profit scenario** as being "reasonably necessary and convenient... for the benefit of the community" and at the same time allowing occupants who are unknown, impermanent, possibly disruptive and non-invested in the lake environment as "safeguarding the character and values of the neighborhood?"

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difficulty maneuvering the narrow, single lane, often rutted dead end Avenue, possibly blocking the street from additional emergency vehicles if required as do snow plows, fuel and trash removal trucks, the condition being controversial for years. Section 14.6.2.4 (11) "Building appearance is compatible with existing neighboring structures." The applicants permitted garage (3.5.74 "garage private- an enclosed space not available to the public for storage and one or more motor vehicles" ***no mention of dwelling units or apartments***) which was constructed has questionable resemblance, legality or compatibility to neighbors or to his own residence, resembling a two story, tin roofed barn like structure oddly attached to the house also noted by others at the Sept. 17 meeting.

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- Violation of section 14.6.2a&c, failure to "benefit the community" and "safeguarding the character of the neighborhood"
- Failure of "performance standards" 14.6.2.4 (C9, 10, and 11) with emphasis on "ensuring the protection of adjacent neighbors".
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Sincerely



Gerald Carvin

208 Lake Ave, Delanson, NY

PO Box 160
Quaker Street, NY 12141

Jeffery Schmitt, Chairman
Duanesburg Planning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

October 15, 2020

Dear Chairman Schmitt,

1. Thank you for hosting the zoom meetings. The new microphone allows the viewers to hear all board members that are viewable on the zoom meeting screen. As I have stated at past town and planning board meetings chat window anyone sitting behind the camera, such as the town attorney, can not be heard. Transcripts of the meetings are not provided. Residents are deprived of the full meeting discussion. Please provide a method for the residents to hear all of the board meetings regardless of where participants are seated in the room. An alternative resolution would be providing a transcript.

2. There are two listings for August 2020 minutes and both are 21 pages and both link to August 20, 2020 minutes stamped "RECEIVED SEP 23 2020 TOWN OF DUANESBURG TOWN CLERK".

However each document has a different file name:

[https://www.duanesburg.net/sites/g/files/vyhlf4351/f/minutes/
planning_board_minutes_august_20_2020.pdf](https://www.duanesburg.net/sites/g/files/vyhlf4351/f/minutes/planning_board_minutes_august_20_2020.pdf)

[https://www.duanesburg.net/sites/g/files/vyhlf4351/f/minutes/
august_20_2020_planning_board_minutes_final_copy.pdf](https://www.duanesburg.net/sites/g/files/vyhlf4351/f/minutes/august_20_2020_planning_board_minutes_final_copy.pdf)

3. The September 2020 Draft minutes are not posted on the town website. Please see three attached screen shot from the "2020 Planning Board Meeting Minutes" webpage [https://
www.duanesburg.net/node/35/minutes/2020](https://www.duanesburg.net/node/35/minutes/2020)

Since July 2019 I have requested that the Planning Board uphold New York State Opening Meeting Laws. Minutes are consistently not available within the two week deadline.

Additionally, I have requested the planning board provide site plans and application documents online. Due to COVID restrictions residents have not been able, or experienced restricted access, to town hall and documents that are available thru Freedom of Information Law.

For 15 months I have requested the planning board be transparent and accountable. If the board provided timely and accurate information then my mother, Susan Biggs, and I might not have had to file an Article 78 against Eden Renewables, Richard Murray and the Duanesburg Planning Board.

Nothing has changed. Why is the town preventing the residents from fully participating in the planning board meetings? When will another resident file an Article 78 against the planning board due to lack of information?

Thank you for your time and attention to this critical legal matter.

Respectfully,

Lynne Bruning
720-272-0956
lynnebruning@gmail.com

Duanesburg

NEW YORK

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2020 Planning Board Meeting Minutes

August 20, 2020

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Jeffery Schmitt, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
Michael Harris, Board Member
Joshua Houghton, Board Member
Christopher Shoemaker, Board Member
Michael Santulli Alternate Board Member

Town of Duanesburg
Planning Board Minutes
August 20th, 2020
Final Copy

RECEIVED

SEP 23 2020

TOWN OF DUANESBURG
TOWN CLERK

MEMBERS PRESENT: Jeffery Schmitt Chairman, Elizabeth Novak, Thomas Rulison, Joshua Houghton, Michael Harris, Martin Williams, and alternate member Michael Santulli. Also, in attendance Planning Board Attorney Teresa Bakner, Dale Warner Town Planner and Melissa Deffer Clerk.

Roll Call: Jeffery Schmitt yes, Elizabeth Novak yes, Marty Williams yes, Josh Houghton yes, Thomas Rulison yes, Mike Harris yes, Christopher Shoemaker yes, Mike Santulli yes

INTRODUCTION: Chairman Jeffery Schmitt opened the meeting. Jeffery welcomed everyone to tonight's Planning Board meeting.

OPEN FORUM:

Schmitt/Novak made a motion to open the open forum,
Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes.
Approved.

Lynne Bruning Located at 13388 Duanesburg Rd (Please see attachment)

Schmitt/Novak made a motion to close the open forum.
Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes.

PUBLIC HEARINGS:

Schmitt/Novak motion to open the public hearing for the #20-03 Stewarts Shops Corp application.
Schmitt yes, Novak yes, Williams yes, Houghton yes, Rulison yes, Harris yes, Shoemaker yes.
Approved.

Jeffery Schmitt, Planning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG
SCHENECTADY COUNTY

Elizabeth Novak, Board Member
Martin Williams, Board Member
Thomas Rulison, Board Member
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Joshua Houghton, Board Member
Christopher Shoemaker, Board Member
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Town of Duanesburg
Planning Board Minutes
August 20th, 2020
Final Copy

RECEIVED
SEP 23 2020
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Approved.

TOWN OF DUANESBURG

RESOLUTION NO. 02-2020

Project #20-10

October 15, 2020

WHEREAS, Daniel Papa ("Mr. Papa") owns a single-family residence located at 228 Lake Road, Tax Map parcel # 35.10-2-3 in the LI Zone near Mariavialle Lake;

WHEREAS, Mr. Papa applied for and obtained a building permit and certificate of occupancy for a garage which is located at 228 Lake Drive as an accessory structure to a single-family residence;

WHEREAS, without obtaining a special use permit, building permit or certificate of occupancy Mr. Papa constructed one apartment inside the garage;

WHEREAS, an enforcement proceeding was commenced against Mr. Papa who pled guilty and paid a fine in the Town of Duanesburg Town Court for failing to obtain any approvals from the Town for the apartment that was constructed in his garage;

WHEREAS, Mr. Papa has applied after the fact for a special use permit from the Town of Duanesburg Planning Board for the apartment in the garage;

WHEREAS, the construction of one apartment within the existing garage is a Type II action under 6 NYCRR Section 617.5 (c)(11) which provides that construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith is a Type II action;

WHEREAS, the Town Planning Board duly scheduled and noticed a public hearing on the application for a special use permit and site plan approval and said public hearing was held on August 20, 2020 and was continued to September 17, 2020 whereupon the public hearing was closed;

WHEREAS, the Town Planning Board received oral and written communications from members of the public commenting on the application and has reviewed and carefully considered the letters which are on file with the Town;

WHEREAS, a number of nearby residents of this portion of Lake Ave were present and commented at the public hearing and provided written correspondence; the residents expressed concerns regarding, among others, the increase in traffic on the roadway, increase in noise due to the addition of the apartment, increase in cars parking along the narrow, dirt, private Lake Ave,

impacts the sewer system—all of the comments were reviewed and carefully considered by the Planning Board;

WHEREAS, the property is not located within a County certified Agricultural District; and

WHEREAS, the Zoning Code provides at Section 14.6.2 that “[n]o special use permit shall be granted until the Planning Board shall find and determine that: a) Such use is reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community; b) Such use is suitably located in relation to transportation, water and sewerage requirements of this Ordinance or, where not specifically required, that such facilities are otherwise adequate to accommodate anticipated use; c) The character of the neighborhood and values of surrounding property is reasonably safeguarded;

NOW THEREFORE BE IT RESOLVED, the Planning Board makes the following findings:

- 1) The proposed action is a type II action and no further compliance with SEQRA is necessary;
- 2) Based on information provided by the Building Inspector to the Town Planning Board there are a number of accessory apartments and two-family homes fronting on Mariaville Lake, including the following; 7988 Mariaville Rd- 2 Family, 216-218 Batter St- 2 Family, 176 Batter St- 2 Family, 7694 Mariaville Rd- 3 Family, 8932/8954 Mariaville Rd – 2 Family, 9210 Mariaville Rd- Apartment Complex.
- 3) The character of Lake Ave consists of smaller lots comprised of year-round and seasonal homes with many of these homes being located on narrow dirt lanes, some are private roads, and some are Town or County roads;
- 4) Lake Ave although it is a private road has been maintained to a degree by the Town Highway Department, including plowing the road to clear the snow in the Winter;
- 5) This pattern of development is consistent along the Lake and the Mariaville sewer District, Sewer District no. 2 was created due to the need for public sewer as a result of the small size of the lots and their proximity to the Lake;
- 6) The Zoning Code of the Town of Duanesburg allows two family residences, including having one of those residences be an accessory apartment in an existing structure such as a garage—in this case the property meets the requirements for such an accessory use and also has public sewer, the public sewer has the capacity to collect and treat the sewage from a one bedroom accessory apartment and the additional fees will benefit the sewer district;
- 7) Based on the Planning Board’s familiarity with this area of Town, the traffic from an additional residence which is very minimal will not have an adverse effect on the Lake Ave neighborhood so long as all parking is on Mr. Papa’s property and is not along Lake Ave;
- 8) Mr. Papa has produced his potable well report showing that he has sufficient water at his property and no one has suggested that the accessory apartment will in any way diminish the water available at this location;
- 9) The Building Inspector has advised the Planning Board that the apartment meets the Building Code and other Safety Requirements specified in the Town and State codes for such facilities and that no fire sprinkling system is required for the apartment;

- 10) In light of the above the Planning Board hereby grants a special use permit to Mr. Papa for an accessory apartment in the garage at 228 Lake Ave to allow Mr. Papa to have only one accessory apartment at his residence in the garage—no further residential units are allowed under the Town Zoning Law:
- 11) The following conditions are imposed in connection with this approval: a) the Town Building Inspector shall inspect the garage and the approved single apartment unit on at least two occasions throughout the year and if the terms and conditions of the special use permit are not being complied with the Building Inspector is hereby authorized to revoke the special permit; b) no one residing at or visiting at 228 Lake Ave is permitted to park any vehicles (including ATVs and motorcycles), boats, RVs or trailers of any kind on Lake Ave—all such vehicles or trailers must be parked on Mr. Papa's property in the driveway.

By (unanimous/majority) vote of the Planning Board of the Town of Duanesburg at its regular meeting of October 15, 2020.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Chris Shoemaker			x
Jeff Schmitt	x		
Elizabeth Novak			x
Michael Harris	x		
Thomas Rulison			x
Joshua Houghton	x		
Martin Williams	x		
Michael Santulli	x		

19:03:24

From lynne bruning : I'd like to speak privilege of the floor

19:50:06

From Town of Duanesburg : cant hear you joe