

Town Board of the Town of  
Duanesburg, Schenectady County,  
New York

**Resolution #142-09** Council-member Carlson motioned, seconded by Council-member Frisbee to allow certain qualified Restaurants by special use permit in Lake Districts (L-1):

**WHEREAS**, pursuant to Article 16 of the Town Law and Section 16 of the Town of Duanesburg Zoning Ordinance, the Town of Duanesburg Town Board has exclusive jurisdiction to regulate the use of buildings, structures and land within the boundaries of the Town of Duanesburg; and

**WHEREAS**, the Town of Duanesburg Town Board on its own motion has reviewed the Town Zoning Ordinance and has found the same to prohibit Restaurant uses within the L-1 District; and

**WHEREAS**, the Town Board desires to amend the Town Zoning Ordinance to allow Restaurants in an L-1 District, provided that the premises to be operated as a Restaurant are connected to the Town of Duanesburg Sewer District #2; and

**WHEREAS**, the Town Board has determined that the proposed amendment is consistent with the Town comprehensive plan; and

**WHEREAS**, the Town Board has classified the action as Type I pursuant to the State Environmental Quality Review Act, as an action affecting more than twenty-five acres of land; and

**WHEREAS**, Restaurants and similar establishments are complimentary in character to allowed business uses within the Town L-1 District, such as Tourist Homes and Museums; and

**WHEREAS**, a Restaurant has preliminarily been proposed within the L-1 District in the Town, but no application has been received by the Town Planning Board, Zoning Board of Appeals or the Town Building Inspector and Code Enforcement Officer in connection with the same; and

**WHEREAS**, the Town of Duanesburg Town Board has referred the proposed amendment to the Town Planning Board, the Town Zoning Board of Appeals, and the Town Ad Hoc Zoning Committee, all of which support the proposed amendment; and

**WHEREAS**, the Town of Duanesburg Town Board has referred the proposed amendment to the Schenectady County Department of Planning and Economic Development, which deferred to local consideration but offered an alternative strategy; and

**WHEREAS**, the Town of Duanesburg Town Board held a public hearing to receive public comment concerning the proposed amendment on July 9, 2009 at Town Hall, notice of which was published in the official Town Newspaper on June 23, 2009 and posted on the official Town Sign Board on June 19, 2009; and

**NOW THEREFORE, RESOLVED and DETERMINED**, that section 7.2 of the Town Zoning Ordinance shall be amended to include a new subsection 6 which states "Restaurants, when connected to the Town of Duanesburg Sewer District #2 sewage treatment facility," thereby allowing the same by special use permit within the L-1 District in the Town; and it is further

**RESOLVED and DETERMINED**, that the amendment of section 7.2 of the Town Zoning Ordinance as set forth herein will have no significant impact on the environment as more fully described in the findings statement and full Environmental Assessment Form on file with the Town Clerk; and it is further

**RESOLVED and DETERMINED**, that the Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in the official newspaper of the Town and to accept for filing affidavits of publication of the same; and it is hereby

**RESOLVED and DETERMINED** that this Resolution shall take effect within ten (10) days after said publication.

By: \_\_\_\_\_  
Town Clerk

Motion carried 5 ayes, Council-members Carlson, Frisbee, White, Potter, and Supervisor Merrihew

**Resolution #143-09-** Council-member Frisbee motioned, seconded by Council-member Carlson to schedule a public hearing for adoption of the annual Agency Plan for Section 8 Housing Program for September 10<sup>th</sup> at 7:15PM. Motion carried 5 ayes, Council-members Frisbee, Carlson, Potter, White and Supervisor Merrihew.

**Resolution #144-09-**Council-member White motioned, seconded by Council-member Frisbee to schedule a public hearing to adopt a Local Law to enable the recovery of cleanup costs by adding costs to the property tax bill for August 13<sup>th</sup> at 7:15PM. Motion carried 5 ayes, Council-members White, Frisbee, Potter, Carlson and Supervisor Merrihew.

Attorney Siegel: Town law authorizes the town if they have to cleanup a property after the property owner is given notice authorizes the town to cleanup the property and put the clean up cost on the property tax bill. Which works out for the town because once it is added to the tax bill the county reimburses the town for property taxes and then it is up to the county to collect the taxes. We get reimbursed whether the property owner pays the taxes or not. It becomes the county's problem because the county is in charge of property