

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Terresa Bakner, Attorney
nathan Lack, Vice Chair Member



Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member
Charles Leoni, Board Member
Caitlin Mattos, Board member

**Town of Duanesburg
Zoning Board of Appeals
January 16, 2024**

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

The Town of Duanesburg is offering the public the ability to attend the ZBA meeting via Zoom if participants cannot attend in person.

Join Zoom Meeting

Meeting ID: 825 2590 5610

Passcode: 262480

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

Meeting ID: 825 2590 5610

Passcode: 262480

INTRODUCTION BY CHAIRPERSON NELSON GAGE

OPEN FORUM

PUBLIC HEARINGS:

#23-19 Olejnik, Claudia: SBL#33.00-2-9, (R-2) located at 4609 Duanesburg Churches Rd is seeking an area variance to construct a garage less than 40' from property line under section 8.6(2) of the Town of Duanesburg Zoning Ordinance.
Comments: _____

#23-20 Martin, Donald: SBL#65.00-2-28.22, (R-2) located at 1035 Turnbull Rd is seeking an area variance for structures to be within setbacks under section 8.6(2) of the Town of Duanesburg Zoning Ordinance.
Comments: _____

OLD BUSINESS:

NEW BUSINESS:

#23-22 Miller, Dennis: SBL#35.06-5-44.1, (R-1) located at 180 Spring Rd is seeking a side yard variance to construct a new single-family dwelling 7' from side lot line under section 6.6(2) of the Town of Duanesburg Zoning Ordinance.
Comments: _____

OTHER:

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Terresa Bakner, Attorney
nathan Lack, Vice Chair Member



Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member
Charles Leoni, Board Member
Caitlin Mattos, Board member

ZONING BOARD MEETING MINUTES:

December 19, 2023

Approved: Yes _____ No: _____

ADJOURNMENT

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Teresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
Matthew Ganster, Board Member
Charles Leoni, Board Member
Link Pettit, Board Member
Daniel Boggs, Board Member
Caitlin Mattos, Board Member

TOWN OF DUANESBURG
SCHENECTADY COUNTY

NOTICE OF PUBLIC HEARING

LEGAL NOTICE NOTICE OF PUBLIC HEARING ZONING BOARD TOWN OF DUANESBURG

PLEASE TAKE NOTICE, THAT THE ZONING BOARD OF APPEALS FOR THE TOWN OF DUANESBURG, WILL MEET IN THE TOWN BOARD ROOM LOCATED DOWNSTAIRS AT THE TOWN HALL IN THE TOWN OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **JANUARY 16, 2024 AT 7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE APPLICATION OF:

#23-19 Olejnik, Claudia: SBL#33.00-2-9, (R-2) located at 4609 Duanesburg Churches Rd is seeking an area variance to construct a garage less than 40' from property line under section 8.6(2) of the Town of Duanesburg Zoning Ordinance.

BY ORDER OF THE CHAIRPERSON
ZONING BOARD
TOWN OF DUANESBURG
CHAIRPERSON

Town of Duanesburg is also providing the meeting via zoom if you are unable to attend in person:

Join Zoom Meeting:
Meeting ID: 825 2590 5610
Passcode: 262480
Dial in by Phone: 1-646-558-8656

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

NOTICE OF DETERMINATION
of the Town of Duanesburg

Date of Determination 11/29/23

Application of CLAUDIA OLEJNIK under section
8.6 (2) of the (Village of Delanson/Town of Duanesburg)
ZONING Ordinance.

Applicant CLAUDIA OLEJNIK
Address 4609 DUANESBURG CHURCHES RD
DELANSON N.Y. 12053

Phone _____ Zoning District R-2 SBL# 33.00-2-9

Description of
Project: BEGAN CONSTRUCTING A GARAGE < 40' FROM PROPERTY LINE
STOPPED WORK TO APPLY FOR A VARIANCE.

Determination:
NEED TO APPLY FOR SIDE YARD VARIANCE

Reason supporting determination:
TOWN OF DUANESBURG ZONING ORDINANCE ADOPTED 10/1/15 SECTION 8.6(2)
MINIMUM SIDE SETBACK SHALL BE 40 FEET FROM THE SIDE
BUILDING LINE.

Action: Refer to ZBA for the purpose of SIDE YARD VARIANCE

Code Enforcement Officer: Christopher Pika

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 11/21/23 Zoning District R-2 Type of Variance Area Variance
SBL# 33-00-2-9 Phone #: 5182757540 Use Variance Area Variance

Applicant's Name: Claudia Olejnik
Applicant's Address: 4609 Duaneburg Churches Rd

 ORIGINAL

Property Owner Name(if different): _____

Property Address (if different): _____

Property Owner's Signature Claudia Olejnik
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)
Side yard variance 37'

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Eight (8) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

- Copy of the property deed
- Location map showing the location of the property with
 - A) Name of applicant and SBL#
 - B) North arrow; Street and if applicable the lake shore
 - C) Adjoining property owners names with location of wells and septic systems within 100ft of the adjoining property boundaries
- Property map to scale
 - A) Name of applicant and SBL#
 - B) North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
 - C) Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
 - D) Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

I certify that all the information submitted is true and accurate to the best of my knowledge

Claudia Olejnik
Applicant

11/21/23
Date

JENNIFER M. HOWE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HO8351801
Qualified In Schenectady County
My Commission Expires 12/12/2024

State of New York, county of Schenectady sworn this 21st day of November 2023 Notary Public

***** (For Office use only) *****

Reviewed by _____ Date _____
Fee _____ Date _____ Check# _____ Rec'd By _____
Hearing Date _____ Approved: YES NO Approval Date _____

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the Zoning Ordinance must be followed or the approval becomes null and void.
Other Conditions include: _____

Authorized Signature _____ Date _____
(ZBA Chairperson)

Agricultural Data Statement

Date: 11/21/23

ORIGINAL

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: <u>Claudia Olejnik</u>	Name: _____
Address: <u>4609 Duaneburg Churches Rd</u>	_____

1. Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
2. Description of proposed project:
Side yard variance of 37'
3. Location of project: Address: 4609 Duaneburg Churches Rd
Tax Map Number (TMP) 33-00-2-9
4. Is this parcel within an Agricultural District? YES NO (Check with your local
5. If YES, Agricultural District Number _____ assessor if you do not know.)
6. Is this parcel actively farmed? YES NO
7. List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO

Claudia Olejnik
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____
Christopher Parslow

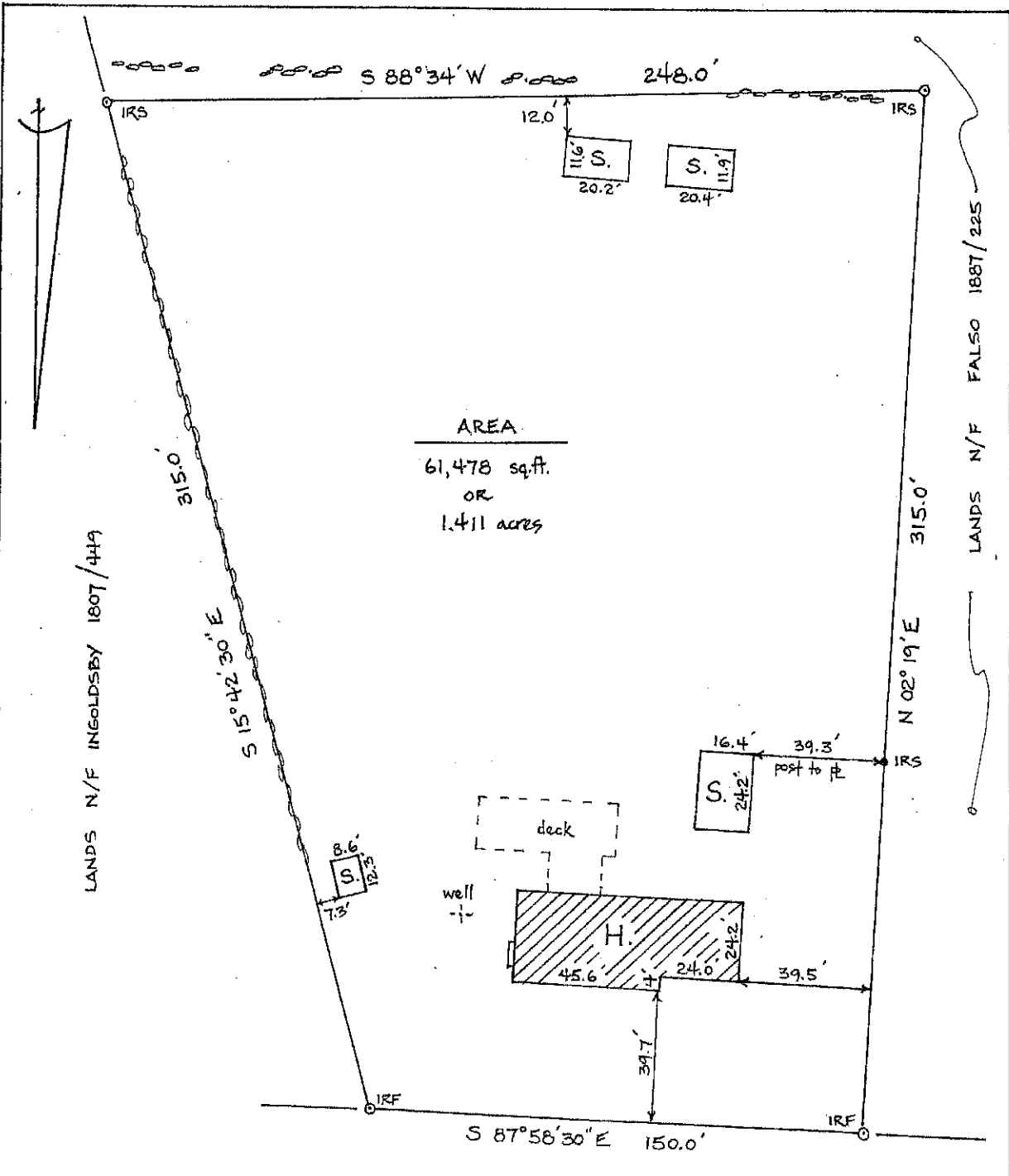
Date

Revised 6/6/23

FARM NOTE

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

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



AREA
 61,478 sq.ft.
 OR
 1.411 acres

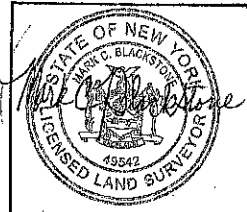
DUANESBURG CHURCHES ROAD

MAP SHOWING SURVEY OF THE LANDS OF

CLAUDIA J. OLEJNIK

TOWN OF DUANESBURG
 SCHENECTADY COUNTY, N.Y.

SCALE 1" = 30'
 NOVEMBER 5, 2021



BLACKSTONE LAND SURVEYORS
 1152 FORT HUNTER RD. SCH'ODY, NY 12303

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Teresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
Matthew Ganster, Board Member
Charles Leoni, Board Member
Link Pettit, Board Member
Daniel Boggs, Board Member
Caitlin Mattos, Board Member

TOWN OF DUANESBURG
SCHENECTADY COUNTY

NOTICE OF PUBLIC HEARING

LEGAL NOTICE NOTICE OF PUBLIC HEARING ZONING BOARD TOWN OF DUANESBURG

PLEASE TAKE NOTICE, THAT THE ZONING BOARD OF APPEALS FOR THE TOWN OF DUANESBURG, WILL MEET IN THE TOWN BOARD ROOM LOCATED DOWNSTAIRS AT THE TOWN HALL IN THE TOWN OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **JANUARY 16, 2024 AT 7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE APPLICATION OF:

#23-20 Martin, Donald: SBL#65.00-2-28.22, (R-2) located at 1035 Turnbull Rd is seeking an area variance for structures to be within setbacks under section 8.6(2) of the Town of Duanesburg Zoning Ordinance.

BY ORDER OF THE CHAIRPERSON
ZONING BOARD
TOWN OF DUANESBURG
CHAIRPERSON

Town of Duanesburg is also providing the meeting via zoom if you are unable to attend in person:

Join Zoom Meeting:
Meeting ID: 825 2590 5610
Passcode: 262480
Dial in by Phone: 1-646-558-8656

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

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 11/20/23 Zoning District R-2 Type of Variance
 Use Variance Area Variance
SBL# 65-2-28.22 Phone #: 518-234-4650

Applicant's Name: Joanne Darcy Conroy, L.S. for Donald & Cynthia Martin

Applicant's Address: 479 West Main St
Cobleskill NY 12043

Property Owner Name(if different): Donald J. & Cynthia A. Martin

Property Address (if different): 1035 Turnbull Rd DeLaware NY 12053

Property Owner's Signature Donald J. Martin
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)
set backs as shown on sketch. These sheds have been in place for now
15 years several were encroaching on neighbor Joant Innes Dargosits
We are currently in front Planning Board to convey O.D.E.A.C to Martin.

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Twelve (15) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

- Copy of the property deed
- Location map showing the location of the property with
 - A) Name of applicant and SBL#
 - B) North arrow; Street and if applicable the lake shore
 - C) Adjoining property owners names with location of wells and septic systems within 100ft of the adjoining property boundaries
- Property map to scale
 - A) Name of applicant and SBL#
 - B) North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
 - C) Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
 - D) Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

I certify that all the information submitted is true and accurate to the best of my knowledge.

Joanne Darcy Conroy
Applicant

11/21/23
Date

State of New York, county of Schenectady sworn this 22nd day of November 2023. Notary Public

Jill S. Thompson
Notary Public, State of NY
No. 01TH5050908, Qualified in Otsego Cty.
Commission Exp. 10/23/25

***** (For Office use only) *****
Reviewed by _____ Date _____
Fee _____ Date _____ Check# _____ Rec'd By _____
Hearing Date _____ Approved: YES NO Approval Date _____

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the Zoning Ordinance must be followed or the approval becomes null and void.
Other Conditions include: _____

Authorized Signature _____ Date _____
(ZBA Chairperson)

NOTICE OF DETERMINATION
of the Town of Duaneburg

Date of Determination 12/5/23

Application of DONALD + CYNTHIA MARTIN under section
8.6(2) of the (Village of Delanson Town of Duaneburg)
ZONING Ordinance.

Applicant DOANNA JOANNE DAREY CRUM
Address 479 WEST MAIN ST.
COBLESKILL N.Y 12043

Phone _____ Zoning District R-2 SBL# 65-2-28.22

Description of
Project: STRUCTURES W/IN SETBACKS

Determination:
SIDE YARD VARIANCE

Reason supporting determination:
TOWN OF DUANEBURG ZONING ORDINANCE ADOPTED 6/11/15
SECTION 8.6 (2) MINIMUM SIDE SETBACK SHALL BE 40'
FROM SIDE BUILDING LINE

Action: Refer to <u>ZBA</u> for the purpose of <u>SIDE YARD VARIANCE</u>
--

Code Enforcement Officer: Clifford Polow

NOTICE OF DETERMINATION
of the Town of Duanesburg

Date of Determination 12/19/23

Application of DENNIS MILLER under section
ZONING of the (Village of Delanson Town of Duanesburg)
Ordinance.

Applicant DENNIS MILLER
Address 55 MANOR CT.
ROTTERDAM N.Y.

Phone _____ Zoning District R-1 SBL# 35.06-5-44.1

Description of

Project: NEED SIDE YARD VARIANCE of 20'
CONSTRUCT NEW SINGLE FAMILY DWELLING 7' FEET FROM SIDE LOT LINE

Determination:

SIDE YARD VARIANCE

Reason supporting determination:

TOWN OF DUANESBURG ZONING ORDINANCE SECTION 401/5
6.6(2) MINIMUM SIDE SETBACK SHALL BE 40' FROM
SIDE BUILDING LINE

Action: Refer to <u>ZBA</u> for the purpose of <u>SIDE YARD VARIANCE</u>
--

Code Enforcement Officer: Cheryl P. [Signature]

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/31/15

Date: 12/19/23 Zoning District R-1 Type of Variance
SBL# 35-06-5-44.1 Phone #: 7574656161 Use Variance Area Variance
Email: Dennis Miller 247@icloud.com

Applicant's Name: Dennis Miller Christine Miller
757-776-4075

Applicant's Address: 55 Manor Ct
Rothsden NY 12366

Property Owner Name(if different): _____

Property Address (if different): 180 Spring Rd Delanson NY 12053

Property Owner's Signature Dennis Miller
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)
Need an area variance to build new home side yard
of 20'

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Eight (8) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

- Copy of the property deed
- Location map showing the location of the property with
 - A) Name of applicant and SBL#
 - B) North arrow; Street and if applicable the lake shore
 - C) Adjoining property owners names with location of wells and septic systems within 100ft of the adjoining property boundaries
- Property map to scale
 - A) Name of applicant and SBL#
 - B) North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
 - C) Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
 - D) Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

I certify that all the information submitted is true and accurate to the best of my knowledge.

Dennis Miller
Applicant 12/19/23
Date

JENNIFER M. HOWE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HO8351801
Qualified In Schenectady County
My Commission Expires 12/12/24

State of New York, county of Schenectady sworn this 19th day of December 2023 Notary Public Jennifer M. Howe

***** (For Office use only) *****
Reviewed by CV Date 12/19/23
Fee \$100 Date 12/19/23 Check# _____ Rec'd By CV
Hearing Date _____ Approved: YES NO Approval Date _____

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the Zoning Ordinance must be followed or the approval becomes null and void.
Other Conditions include: _____

Authorized Signature _____ Date _____
(ZBA Chairperson)

Agricultural Data Statement

Date: 12/19/23

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: <u>Dennis Miller</u>	Name: _____
Address: <u>55 Manor Ct</u>	_____
<u>Rotterdam NY</u>	_____

1. Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
2. Description of proposed project:
Side yard variance of 20' to build new home
3. Location of project: Address: 180 Springs Rd
Tax Map Number (TMP) 35.06-5-44.1
4. Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
5. If YES, Agricultural District Number _____
6. Is this parcel actively farmed? YES NO
7. List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO

Dennis Miller
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: Christopher Parslow

Date

Revised 6/6/23

FARM NOTE

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

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

RECEIVED

DEC 22 2023

TOWN OF DUANESBURG
TOWN CLERK

Variance Application – Supplemental Information
Brief description of request

Variance 1 – Lot Size	Required	43,560
	Provided	<u>13,800</u>
	Variance	29,760 SF

Justification – Lot is existing and cannot be expanded. Lot size is similar to or larger than most other lots along Spring Road.

Variance 2 – Lot Width	Required	175'
	Provided	<u>129'</u>
	Variance	461' 46'

Justification – Lot is existing and cannot be expanded. Lot width is similar to or larger than most other lots along Spring Road.

Variance 3 – Lot Depth	Required	200'
	Provided	<u>115'</u>
	Variance	85'

Justification – Lot is existing and cannot be expanded. Lot depth is similar to or larger than most other lots along Spring Road.

Variance 4 – Front Setback	Required	40 ft
	Provided	<u>32 ft</u>
	Variance	8 ft

Justification – Lot is existing and cannot be expanded. Lot front setback is similar to or larger than most other lots along Spring Road.

Variance 5 – Side Setback	Required	40 ft
	Provided	<u>7 ft</u>
	Variance	33 ft

Justification – Lot is existing and cannot be expanded. Lot side setback is similar to or larger than most other lots along Spring Road.

**OFFICE OF THE SCHENECTADY
COUNTY CLERK**



620 STATE STREET
SCHENECTADY, NY 12305-2114
PHONE (518) 388-4220
FAX (518) 388-4224

RECEIVED

DEC 22 2023

TOWN OF DUANESBURG
TOWN CLERK

Cara M. Ackerley
County Clerk

Instrument Number - 202323561
Recorded On 4/25/2023 At 2:18:21 PM
* Instrument Type - DEED
* Book/Page - DEED/2106/778
* Total Pages - 4
Invoice Number - 1166647 User ID: TMH
* Document Number - 2023-1582
* Grantor - CORNAIRE HART E

* Grantee - CORNAIRE HART E
ZWICK ALFRED W

*RETURN DOCUMENT TO:
HART E CORNAIRE
183 SPRING ROAD
DELANSON, NY 12053

* FEES

NY LAND SUR	\$4.75
NY E & A FEES	\$241.00
NY LAND COMP SUR	\$14.25
CO GENERAL REVENUE	\$45.50
CO LAND SUR	\$0.25
CO E & A FEES	\$9.00
CO LAND COMP SUR	\$0.75
CONVEYANCE NOTIFICATION	\$10.00
TOTAL PAID	\$325.50

TRANSFER TAX

Real Estate Transfer Tax Num - 3202
Transfer Tax Amount - \$ 0.00

I hereby CONFIRM that this document is
Recorded in the Schenectady County Clerk's Office
in Schenectady, New York

C. Ackerley

Cara M. Ackerley
Schenectady County Clerk

THIS IS AN ENDORSEMENT PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 202323561



123

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY

WARRANTY DEED

THIS INDENTURE, Made the 17th Day of April Two Thousand Twenty-Three,

BETWEEN

HART E. CORNAIRE, as surviving tenant by the entirety, residing at 183 Spring Road, Delanson, New York 12053,

party of the first part, and

R+R

HART E. CORNAIRE and ALFRED W. ZWICK, as joint tenants with right of survivorship, with an address of 183 Spring Road, Delanson, New York 12053,

parties of the second part,

WITNESSETH, that the party of the first part, in consideration of ONE (\$1.00) DOLLAR, lawful money of the United States, and other good and valuable consideration, paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs or successors and assigns forever,

See Schedule "A"

BEING the same premises as described in the Warranty Deed to Hart E. Cornaire and Lorraine Zwick-Cornaire, his wife, dated July 31, 2014, recorded in the Schenectady County Clerk's Office on August 20, 2014, in Book 1899 of Deeds at Page 586.

THE SAID Lorraine Zwick-Cornaire died a resident of the Town of Duaneburg, Schenectady County, and State of New York on March 11, 2023.

AND the party of the first, in compliance with Section 13 of the Lien Law, covenants, that the party of the first part will receive the consideration for this conveyance, and will hold the right to receive such consideration as a trust fund, to be applied first for the purpose of paying the cost of the Improvement and will apply the same first to the payment of the cost of the improvement, before using any part of the total of the same, for any other purpose.

TOGETHER with the appurtenances and all the estate and rights of the grantors in and to said premises.

RECEIVED

DEC 22 2023

TOWN OF DUANESEBURG
TOWN CLERK

441

R.P.T.S.A.
TAX MAP IDENT. 5
SEC 35-06 BLK LOT

D

TO HAVE AND TO HOLD the premises herein granted unto the grantee, his heirs or successors and assigns of the grantee forever.

AND the grantor covenants as follows:

FIRST, that the grantee shall quietly enjoy the said premises;

SECOND, that the grantors will forever Warrant the title to said premises;

This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

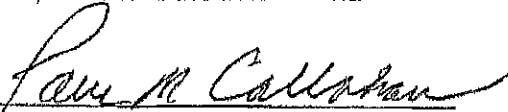
IN WITNESS WHEREOF, the grantors have hereunto set their hands and seals the day and year first above written.

IN PRESENCE OF


L.S.
HART E. CORNAIRE

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

On April 17, 2023, before me, a Notary Public in and for said State, the undersigned, personally appeared HART E. CORNAIRE, personally known to me or proved to me on the basis of satisfactory evidence be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacities, and that by his signature on the instrument, the individuals or the persons upon behalf of which the individuals acted, executed the instrument.


Notary Public



PAUL M. CALLAHAN
NOTARY PUBLIC, STATE OF NEW YORK
No. 4822818
QUALIFIED IN SCHENECTADY COUNTY

COMMISSION EXPIRES FEBRUARY 26, 2024 RECEIVED

DEC 22 2023
TOWN OF DUANESBURG
TOWN CLERK

SCHEDULE A

ALL THAT PIECE OR PARCEL OF LAND, lying, situate and being: known as lot 35 on a map of property belonging to Alfred Van Buren and Alfred Van Buren Jr. made in May 1922 by Emmett Blessing, Surveyor, and filed in the Schenectady County Clerk's Office, said lot is more particularly described as follows: In the Town of DUANESBURG, commencing in the southerly margin of Coldspring Ave. where the easterly line of lot No. 34 intersects as designated on said map and running thence southerly along the last mentioned line One Hundred and Fifteen (115) Feet; thence easterly and at right angles to the last mentioned line Sixty (60) Feet to the westerly line of lot No. 36, as designated on said map; thence northerly along the last mentioned line One Hundred Fifteen (115) Feet to the southerly margin of Coldspring Ave., Sixty (60) Feet to the point and place of beginning,

TOGETHER with an easement for a right of way for ingress and egress to the Lake over the easterly 10 feet of Lot No. 9 which lot No. 9 is situate northerly of the above described premises.

ALSO, ALL THAT PIECE OR PARCEL OF LAND, with the buildings thereon, situate in the Town of Duaneburg known as lot No. 34 on a map of property belonging to Alfred Van Buren and Alfred Van Buren Jr. made in May 1922 by Emmett Blessing, Surveyor, and filed in the Schenectady County Clerk's Office, said lot is more particularly described as follows: In the town of DUANESBURG, commencing in the southerly margin of Coldspring Ave. where the easterly line of lot No. 33 intersects as designated on said map and running thence southerly along the last mentioned line One Hundred and Fifteen (115) Feet; thence easterly and at right angles to the last mentioned line Sixty (60) Feet to the westerly line of lot No. 35, as designated on said map; thence northerly along the last mentioned line One Hundred Fifteen (115) Feet to the southerly margin of Coldspring Ave. Sixty (60) Feet to the point and place of beginning. Subject to a thirty (30) foot building line restriction. Also, subject to all covenants, conditions and restrictions contained in the chain of title.

RECEIVED




DEC 22 2023

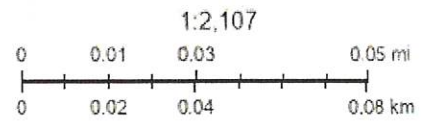
TOWN OF DUANESBURG
TOWN CLERK

Untitled Map



December 19, 2023

-  Override 1
-  Override 1
-  Parcels



NYS ITS Geospatial Services

No Author
This map and information is provided as is. We make no warranties or guarantees, expressed or implied.

SITE

SITE LOCATION

LANDS N/E OF
BARRY & DARLENE
SHEPARD
L 1963, P 830
TAX ID. 35.08-5-45
STREET NO. 7980
MANAVALLE RD

OWNER/APPLICANT:
CHRISTINE & DENNIS MILLER
180 SPRING ROAD
DELAISON, NY 12053
TAX MAP # 35.08-5-44.1

PLOT PLAN

LANDS NOW OR FORMERLY OF
CHRISTINE & DENNIS MILLER
STREET NO. 180 SPRING ROAD

STATE OF NEW YORK
COUNTY OF SCHENECTADY
TOWN OF DUANEBURG

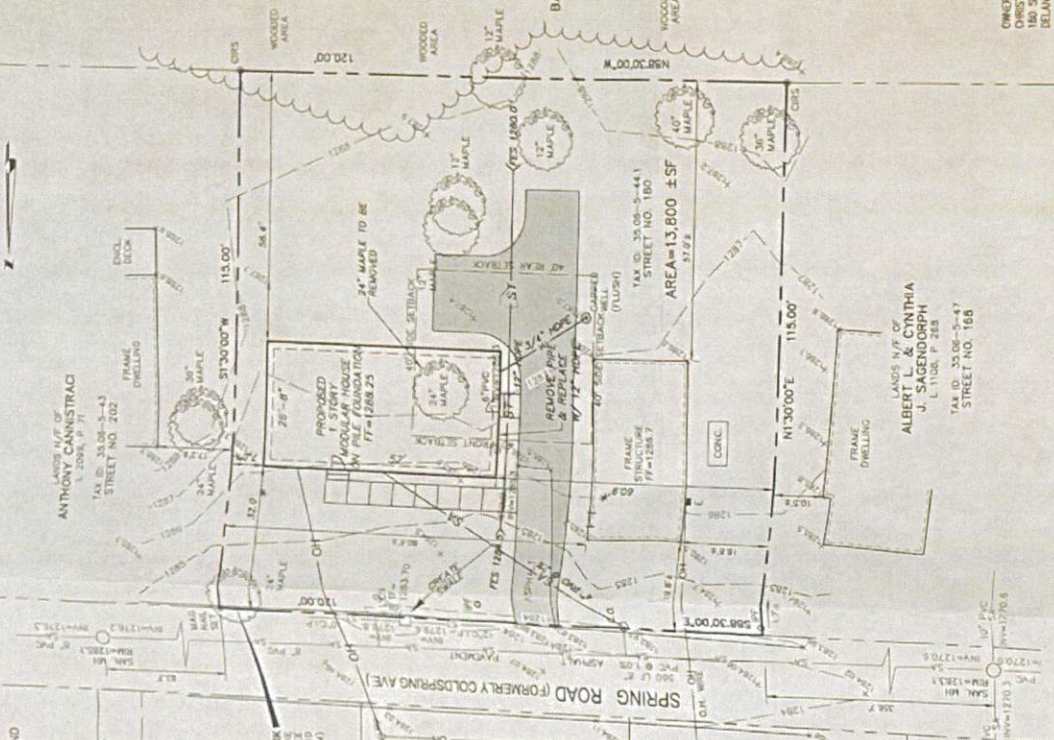
ABD ENGINEERS
SURVEYORS
411 Union Street
Schenectady, N.Y. 12305
315-377-0315 Fax: 315-377-0379
www.abdeng.com

DATE: DECEMBER 6, 2023 SCALE: 1" = 20'
DWG. 5718A-PL012 SHEET OF 1

ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS ILLEGAL.



NO.	REVISION	BY	DATE



LANDS N/E OF
CHARLES R. DIAMINO
TAX ID. 35.08-5-11
STREET NO. 197
SPRING RD

PROVISIONS FOR EASEMENT FOR A RIGHT OF WAY FOR BUSINESS & ACCESS TO THE LAKE OVER THE EASTERN 10 FEET OF LOT NO. 9

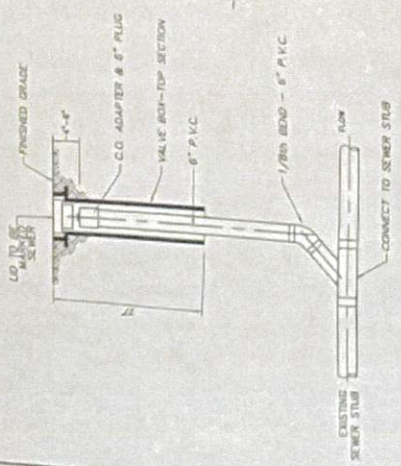
LANDS N/E OF
JOHN F. PACELLI
TAX ID. 35.08-5-10
STREET NO. 189
SPRING RD

BENCH MARK
IN THE
ELEV. 1387.10
(NAD 83 DATUM)

LANDS N/E OF
HART E. CORNAIRE
TAX ID. 35.08-5-8
STREET NO. 173
SPRING RD

LANDS N/E OF
ROCCO URBANO
TAX ID. 35.08-5-8
STREET NO. 173
SPRING RD

LANDS N/E OF
RALPH J. PERREAULT
TAX ID. 35.08-5-7
STREET NO. 165 SPRING RD



IN-LINE CLEANOUT
NO SCALE

REQUIRED	PROPOSED
LOT SIZE: 43,500 SF MIN.	13,800 SF
LOT WIDTH: 175' MIN.	128.00'
LOT DEPTH: 200' MIN.	115.00'
LOT COVERAGE: 30% MIN.	10.1%
BUILDING HEIGHT: 2-1/2 STORIES (35') MAX.	20'
BUILDING SET: 40,000 SF MAX.	1,387 SF
SETBACKS:	
FRONT: 40'	33.00'
SIDE: 40'	40.00' & 7.00'
REAR: 40'	58.00'

VARIANCE REQUIRED

- NOTES:
1. BASE MAPPING PREPARED FROM A NOVEMBER 2023 FIELD SURVEY.
 2. THE PLANS SHOW SOME EXISTING STRUCTURE, ABOVEGROUND STRUCTURES AND/OR UTILITIES BELIEVED TO BE IN THE WORKING AREA. EXACT LOCATION OF WHICH MAY VARY FROM THE LOCATION SHOWN ON THESE PARTICULARS. THE CONTRACTOR IS WARNED THAT THE LOCATION OF EXISTING APPROXIMATE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE AREA MAY BE DIFFERENT FROM THAT SHOWN OR MARKED ON THESE PLANS AND IT SHALL BE HIS RESPONSIBILITY TO PROCEED WITH GREAT CARE AND CAUTION IN ANY WORK. 48 HOURS BEFORE YOU DIG, DRILL OR BLAST, CALL U.P.P.S. (1-800-962-7962), TOLL FREE.

Jan. 3, 2024

ATTN: ZONING BOARD OF APPEALS.

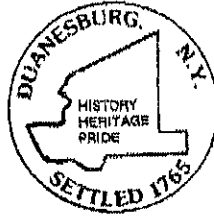
This is a request to postpone (table) the Variance application for 270 Sea Shore Rd., Delanson SBL # 35.10-2-1.1 until May of 2024.

Due to conflicting information regarding property boundaries, and my absence from the area, to address this issue until May.

I appreciate your consideration on this request.

Joseph Pteruigi

Nelson Gage, Chairperson
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Teresa Bakner, Board Attorney



Jonathan Lack, Vice Chairperson
Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member
Charles Leoni, Board Member
Caitlin Mattos, Board Member

TOWN OF DUANESBURG
SCHENECTADY COUNTY

Town of Duanesburg
Zoning Board Minutes
December 19, 2023
Draft Copy

MEMBERS PRESENT: Nelson Gage- Chairman, Jonathan Lack -Vice Chairperson, Matthew Ganster-Member, Daniel Boggs-Member, Charles Leoni-Member, Caitlin Mattos-Member, Link Pettit-Member, Chris Parslow-Town Planner, Coryn VanDeusen-Clerk.

INTRODUCTION:

Chairman Gage welcomed everyone to the December 19, 2023, ZBA meeting.

OPEN FORUM:

No public comments were heard.

PUBLIC HEARING:

#23-15 Daus. Alisun: SBL#45.00-2-8.2, (R-2) located at 1724 Skyline Drive is seeking a side and front yard variance under section 8.6(2) and 8.6(1) of the Town of Duanesburg Zoning Ordinance to install an above ground pool. Ms. Daus stated that she is looking for a 20-foot side yard variance and a 10-foot front yard variance. She explains that this is the only option because of the leach field, septic and well. The board raised concerns about visibility and Ms. Daus stated that there is plenty of foliage there. Chairman Gage asked the applicant about the letter from the Town of Princetown raising no concerns with the project. Town planner, Chris Parslow, stated that the reason for coordinating with them is because Ms. Daus' parcel is in both towns. Ms. Daus also informed the board that the letter from Steven at Countryside Septic confirms where the placement of her pool must be because of the septic, well, and leach field.

Gage/Lack made a motion to open the public hearing for the Alisun Daus application. Gage aye, Lack aye, Ganster aye, Leoni aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

Todd Jensen, residing at 1868 Skyline Dr, addressed the board with concerns that he would have to pay for his own survey of the property. The board advised Mr. Jensen that the town building inspector, Chris Parslow, would be supervising the construction in accordance with a building permit and inspections that coincide to make sure the setbacks and variances are abided by. Chris Parslow advised Mr. Jensen that if he is not comfortable with the pins and property line that is laid out on the Daus property that is when he could get a survey of his own if he wanted to dispute it. Mr. Jensen states that he is okay with the proposed application and the pins set out by the Harrington's, who had previously owned the property, so long as the building permit and variances are abided by.

Gage/Mattos made a motion to close the public hearing for the Alisun Daus application. Gage aye, Mattos aye, Ganster aye, Leoni aye, Lack aye, Boggs aye, Pettit aye. **Approved.**

Lack/Gage made a motion to approve the Alisun Daus application. Lack aye, Gage aye, Ganster aye, Leoni aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

#23-18 Stealey, Tricia: SBL# 68.00-1-9.12, (C-1) located at 3215 Western Turnpike is seeking a side yard variance of 25' under section 11.6(2) of the Town of Duanesburg Zoning Ordinance.

Ms. Stealey advised the board that she is looking to get an area variance so she can replace an old dwelling with a new one and that she is also in front of the planning board to obtain a special use permit. Ms. Stealey advised the board that the current property is already over the setback line, and she is going to demo the current dwelling once the new one is complete. Ms. Stealey advised the board that she will be using the existing well, sewer and everything. Chairman Gage advised the applicant that a letter was received from Schenectady County Health Department regarding the well and sewer not needing any change due to replacing like for like. Chairman Gage also noted that the County referral also referred to the existing well and sewer which can be disregarded as the letter from the health department confirms it is okay. Ms. Stealey advised the board that her current dwelling is 15' from the property line and she is unable to receive a mortgage for the new dwelling until the variance is received.

Gage/Leoni made a motion to open the public hearing for the Tricia Stealey application. Gage aye, Leoni aye, Ganster aye, Lack aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

No public comments were heard.

Gage/Mattos made a motion to close the public hearing for the Tricia Stealey application. Gage aye, Mattos aye, Ganster aye, Lack aye, Leoni aye, Boggs aye, Pettit aye. **Approved.**

Mattos/Pettit made a motion to approve the Tricia Stealey application. Gage aye, Mattos aye, Ganster aye, Lack aye, Leoni aye, Boggs aye, Pettit aye. **Approved.**

OLD BUSINESS:

#23-16 Fritche, Jacqueline: SBL#34.08-1-17, (H) located at 9417 Mariaville Road is seeking a side yard variance of 6' to install a 12X24 shed 9' from side lot line under Section #9.6(2) of the Town of Duanesburg Zoning Ordinance.

Sophia Mantzouris introduced herself as the representative for Jacqueline Fritche and gave a brief description of the property and where the resident would like the variance to be granted. The shed is already in place and a building permit has not been obtained. Board member Mattos advised the applicant that per the survey map obtained by the neighbor, Jeanette Ray residing at 9389 Mariaville Rd, the shed is not on Fritche's property entirely. Sophia Mantzouris stated that the applicant is getting her own survey done, but all the surveyors she has contacted are booked out at least a month. Chairman Gage asked Ms. Ray if an official stamped map is available, and Ms. Ray stated one was filed with the county. Town planner, Chris Parslow, asked Sophia Mantzouris if there is still a possibility of an agreement to buy a small piece of land from Ms. Ray and then a variance could then be granted, and Sophia Mantzouris stated that she doesn't know until Ms. Fritche's survey comes back. Chairman Gage advised that there is nothing the ZBA can do at this point because granting a variance would be inappropriate if it is on someone else's property. Jeanette Ray stated concerns to the board about liability issues since part of the property being used by Ms. Fritche is hers according to the survey map in hand. Chairman Gage advised the parties involved that the application is to be tabled for 60 days if the applicant is showing work towards getting the issue remedied.

Gage/Mattos made a motion to table the Fritche application for 60 days.

Gage aye, Mattos aye, Ganster aye, Lack aye, Leoni aye, Boggs aye, Pettit aye. **Approved.**

NEW BUSINESS:

#23-17 Samuelson, Thomas: SBL#67.05-2-13.1, (H) located at 6928 Duanesburg Rd is seeking an area variance for off street parking for a 2-family dwelling under section 13.2, 13.2.1, 13.2.2 of the Town of Duanesburg Zoning Ordinance.

Mr. Samuelson stated to the board that at one point this was a two-family dwelling and due to septic issues, which condemned the building it lost its special use permit and was converted back to a one-family dwelling. Mr. Samuelson is currently working to get the building back into a multi-family dwelling and needs a variance for parking. Town planner, Chris Parslow, states that most of his driveway/parking area is part of Route 7 right-of-way, and the variance is necessary because a two-family dwelling requires parking for 4 cars. Mr. Samuelson stated to the board that he needs to avoid the clean out closer to Route 20 as well as his well although he considered the option of burying it, but the casing would still need to come up out of the ground. Mr. Samuelson would like the parking to be at the front near the Route 7 right-of-way. Mr. Parslow states that each parking space must be 9' wide and 18' long. Board member Mattos stated that each apartment requires two spaces each per NYS housing law. Chairman Gage states that the advisory note on the county referral says that the town may wish to resolve an encroachment issue on Route 7 and the driveway should be constructed so that cars do not have to back out onto Route 7. Board member Boggs states that the board needs to see the layout of plans.

Leoni/Ganster made a motion to table the Thomas Samuelson application until January. Leoni aye, Ganster aye, Gage aye, Lack aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

#23-19 Olejnik, Claudia: SBL#33.00-2-9, (R-2) located at 4609 Duanesburg Churches Rd is seeking an area variance to construct a garage less than 40' from property line under section 8.6(2) of the Town of Duanesburg Zoning Ordinance.

Ms. Olejnik states that the garage is already partially built, and she failed to obtain a building permit prior. Chairman Gage asked how far from the house is the garage? Ms. Olejnik stated the distance is 6' from the house and she has trouble getting around, so it is necessary for the building to be as close to the house as possible. Ms. Olejnik states that the garage is only three feet from the property line and in between her dwelling and the neighbors is a row of trees. Chris Parslow, town planner, states that the garage is being built on pavement and is already lagged in. Chairman Gage advised the applicant that the exact size of the garage is needed, and Ms. Olejnik provided plans that show the garage is 28X30. The board considered different options of placement for the garage and Mr. Parslow advised them that the applicant's driveway is sloped. Ms. Olejnik stated that she cannot put the garage anywhere else due to her limited mobility, well and septic. Chairman Gage asked the board if they would be willing to consider a 37-foot variance to which they responded yes. Board member Mattos asked the applicant if a single bay would be considered, and Ms. Olejnik stated no because she has equipment that needs storage. The board advised the applicant that a public hearing needs to be held to allow neighbors to comment and during that time she may want to consider how this can possibly be remedied differently.

Gage/Lack made a motion to declare the Claudia Olejnik application a SEQRA Type 2 action and no further review is required. Gage aye, Lack aye, Ganster aye, Leoni aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

Leoni/Lack made a motion to set a public hearing for the Claudia Olejnik application for January. Leoni aye, Lack aye, Ganster aye, Gage aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

#23-20 Martin, Donald: SBL#65.00-2-28.22, (R-2) located at 1035 Turnbull Rd is seeking an area variance for structures to be within setbacks under section 8.6(2) of the Town of Duanesburg Zoning Ordinance.

Joanne Darcy Crum, at 479 W Main St, Cobleskill, NY 12043, represented the Martins. Ms. Crum states to the board that the Martins owned the property from the 1980's and Donald Martin bought the property in 2003. Ms. Crum states that Blackstone had done a survey and that the line was set according to the location of the stone wall. Ms. Crum informed the board that another survey was done for Mr. Dergosits for his subdivision. Ms. Crum stated that at the time of that survey is when it was discovered multiple structures owned by the Martins were on the property of Mr. Dergosits. Ms. Crum states that Mr. Dergosits agreed to sell a portion of the land to the Martins, but they will still need variances for the structures that are larger than 144 sq. ft. Ms. Crum also advised the board that no building permits were obtained. Ms. Crum states that there is a series of sheds, an outdoor woodstove, and

an LP gas tank that encroach on the property line. Chairman Gage advised Ms. Crum that the only structures that can be granted variances are the ones greater than 144 sq. ft. because anything less isn't subject to setbacks. Vice Chairman Lack asked the representative if any variances were previously granted to which she responded no. The board advised the representative that they will use the closest building to the line for the purpose of the variance and that would be the A-frame requiring a 35-foot variance. Board member Mattos advised that the variance is exclusively for buildings already there and nothing is to be added. Mr. Dergosits, residing at 863 Turnbull Rd, stated to the board that he would be okay with one variance addressing all buildings over 144 sq. ft. so long as it is stipulated to existing buildings only. Mr. Dergosits states that in 1991 nothing was on the property, but a variance had once been granted to make a keyhole lot.

Gage/Lack made a motion to declare the Donald Martin application a SEQRA Type 2 action and no further review is required.

Gage aye, Lack aye, Ganster aye, Leoni aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

Lack/Leoni made a motion to set a public hearing for the Donald Martin application for January.

Lack aye, Leoni aye, Ganster aye, Gage aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

#23-21 Tersigni, Joseph: SBL#35.10-2-1.1, (L-1) located at 270 S Shore Rd is seeking an area variance for an addition of a single level building under section 7.1.6(2) of the Town of Duanesburg Zoning Ordinance.

Mr. Tersigni advised the board that he would like to put an attached addition approximately 10 ft by 26 ft on the house, but he cannot go West, North, or South due to the lake, well and sewage. Mr. Tersigni advised the board that he has about 20 ft of space from the existing edge of the house to the property line, but he was told to get the property surveyed. Mr. Tersigni said that he has gotten the property surveyed and is awaiting results. Mr. Tersigni advised the board that the existing garage has a variance that was granted 2 years ago. Mr. Tersigni stated that he already got DEC approval for the proximity to the lake. The board advised Mr. Tersigni that he would be needing a 10 ft variance.

Gage/Boggs made a motion to declare the Joseph Tersigni application a SEQRA Type 2 action and no further review is required.

Gage aye, Boggs aye, Ganster aye, Leoni aye, Mattos aye, Lack aye, Pettit aye. **Approved.**

Boggs/Pettit made a motion to set a public hearing for the Joseph Tersigni application for January.

Boggs aye, Pettit aye, Ganster aye, Gage aye, Mattos aye, Lack aye, Leoni aye. **Approved.**

OTHER:

Kruger Energy has requested an interpretation of the Zoning Ordinance. Michael Frenette is the representative for Kruger Energy joined by Charles Rhoades, landowner at 909 Alexander Rd. Mr. Frenette advised the board that Kruger Energy owns around 600 MW of
Town Hall • 5853 Western Turnpike • Duanesburg, NY 12056 • (518) 895-8920

solar, wind and hydro across North America. Mr. Frenette advised the board he initially met with Mr. Rhoades in the winter of 2022 and that is when he realized the property was within proximity to the substation up the street. Mr. Frenette also advised the board that it was at the same time in 2022 when he noticed the land in the back was mostly clear, making the site suitable to him for solar. Mr. Frenette stated that an agreement was made between March and May of 2022 with the landowner and after that the Solar Ordinance was passed in 2023 making multiple good stipulations regarding abutters and setbacks. Mr. Frenette advised the board that part of the solar ordinance states that land cannot be deforested to construct solar energy facilities. Mr. Frenette stated that Mr. Rhoades did not clear his land with intent to construct a solar energy facility. Mr. Frenette stated that even if the deforestation provision were ambiguous on the subject, New York law would require the provision to be construed in favor of the property owner. Mr. Frenette stated that New York's highest court, the court of appeals, has repeatedly held since zoning regulations are in derogation of the common law, they must be strictly construed against the municipality which has enacted and seeks to enforce them, so they believe they're covered both legally on the appeal side, but also on their interpretation of the code. Mr. Frenette stated their interpretation is that these trees were not cut down to build solar. Mr. Frenette states that it was a prior subdivision that Charlie was on the record and submitted a great number of plans to do both single-family housing and senior housing on the site in a series of meetings from 2018, 2019, to 2020. Mr. Frenette advised the board that additional clearing will need to be done, but not in a deforestation sort of way. Mr. Frenette states that Kruger Energy and Mr. Rhoades are requesting a determination that the five-year tree clearing does not apply to this parcel. Chairman Gage asked the applicant if they had submitted a special use permit to the planning board and Mr. Frenette advised the board that they had submitted a site plan for review. Mr. Frenette stated that the definition of deforestation used states clear cutting in a single contiguous area exceeding 20,000 sq. ft. Mr. Rhoades stated that he did cut trees, but he did not clear cut. Mr. Rhoades stated he put a driveway in. Mr. Rhoades stated that he removed trees starting in 2017. Board member Mattos stated that the 5-year waiting period due to deforestation is in anticipation of solar. Mr. Rhoades advised the board that he did not anticipate solar; he wanted to use the land for housing development, but when those plans got turned down, he then went to solar when offered an agreement. Mr. Parslow advised the board that the biggest issue the planning board had was the three lots up front due to those lots being participating parcels because of setbacks. Mr. Rhoades stated you must cut trees down in the wintertime due to the protection of bats. The board advised the applicant that there is a 400 ft setback, and he would either need to push back the solar panels or complete a lot line adjustment. The board advised the applicant that if they do want to clear more than 20,000 sq ft then they could always apply for a variance. Mr. Rhoades advised the board that all the logging was done between 2019 and 2020 by the logger and it was scrub brush along with real trees; he did some removal of trees himself in 2017 2018 and 2019. Mr. Frenette stated the size of the lot is a little under 26 acres.

Gage/Leoni made a motion that the ZBA interpretation of the Zoning Ordinance is that the clear-cutting taking place from 2019 forward was not done for the purpose of constructing a solar energy facility and should not be considered a violation of the prohibition in 7.2(Q) deforestation.

Gage aye, Leoni aye, Ganster aye, Boggs aye, Mattos aye, Lack aye, Pettit aye. **Approved.**

Chairman Gage stated that the comments submitted by Lynne Bruning would be better addressed by the planning board. Chairman Gage also advised that the accessory structure setback interpretation from last meeting needs to be addressed because there is nothing regulating or restricting structures less than 144 sq ft. Chairman Gage advised the board that recommendations on accessory structure setbacks be made to the town board. Chairman Gage also asked for the board members to complete their annual training to include the annual sexual harassment training.

Boggs/Leoni made a motion to approve the November 21, 2023, Zoning Board meeting minutes.

Boggs aye, Leoni aye, Ganster aye, Lack aye, Gage aye, Pettit abstain, Mattos abstain.

Approved.

Mattos/Pettit made a motion to adjourn tonight's meeting.

Mattos aye, Pettit aye, Gage aye, Boggs aye, Ganster aye, Leoni aye, Lack aye.