

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Melissa Deffer, Clerk
Terresa Bakner, Attorney



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

**Town of Duanesburg
Zoning Board of Appeals
January 17th, 2023**

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:

#22-10 Beliveau, Matt: SBL#35.06-2-9, (R-1) located at Hillside Rd is seeking an Area Variance and a Side Yard Variance under sections 6.6(2);6.5(1) of the Town of Duanesburg Zoning Ordinance

Approved: Yes _____ No: _____

Comments: _____

OLD BUSINESS:

None

NEW BUSINESS:

#23-01 McKinley/Proctor: SBL# 68.00-3-30.111, (C-1) located at 1896 Western Turnpike is seeking a side yard variance under section 11.6(2) of the Town of Duanesburg Subdivision Ordinance.

Comments: _____

Other:

None

ZONING BOARD MEETING MINUTES:

December 20th, 2022

Approved: Yes _____ No: _____

Comments: _____

ADJOURNMENT

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

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Melissa Deffer, Clerk
Terresa Bakner, Attorney



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

**PUBLIC HEARING
LEGAL NOTICE
FOR THE
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS**

NOTICE OF PUBLIC HEARING

Please Take Notice, that the Zoning Board of Appeals for the Town of Duanesburg, will meet in the Town board room located downstairs of the Town Hall at 5853 Western Turnpike Duanesburg NY, on January 17th, 2023, at 7:00 pm for the purpose of hearing all persons interested in the application of:

#22-10 Beliveau, Matt located at 2157 West Old St Rd Altamont NY for his property on Hillside Rd: SBL#35.06-2-9 seeking an Area Variance and an East Side Yard Variance on a preexisting undersized lot to build a new single-family home in a R-1 Zoning District under sections 6.6(2);6.5(1) of the Town of Duanesburg Zoning Ordinance.

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS. PLEASE CONTACT:

Melissa Deffer Building, Planning and Zoning Clerk
P# 518-895-2040

EMAIL: Mdeffer@duanesburg.net

BY ORDER OF THE
TOWN OF
DUANESBURG ZONING BOARD OF APPEALS
CHAIRPERSON

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

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Passcode: 262480

1762

LIBER 974 PG 583

This Indenture

Made the *9th* day of
NOVEMBER *Nineteen Hundred and Seventy-three*
Between

DONALD GRAHAM and BEVERLY GRAHAM, his wife, residing on
Hillside Avenue, R. D. #2, Delanson, New York,

5636

parties of the first part, and

WILLIAM W. VAN BUREN and MARION F. VAN BUREN, his wife,
residing at 1166 Barrett Street, Schenectady, New York,

parties of the second part,

Witnesseth that the parties of the first part, in consideration of
-----ONE and No/100-----Dollar (\$ 1.00)
lawful money of the United States, & 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 and assigns forever, all

THAT TRACT OR PARCEL OF LAND situate near Maria Lake in the Town of
Duanesburg, Schenectady County, New York, and known and designated
as Lot #37 on a map of lands entitled "The Lakeview Heights, No. 1,
Maria Lake, belonging to T. C. Swart", made by Emmett Blessing,
Surveyor, September 1922, which said lot is situate on the Northerly
side of Rightview Avenue as designated on said map (now called
Hillside Avenue", and is sixty (60) feet in width, front and rear,
and one hundred and fifty (150) feet in depth. Said lot is bounded
on the South by said Rightview Avenue, on the East by Lot #38 as
designated on said map, on the North by lands now or formerly of
T. C. Swart, and on the West by Lot #36 as designated on said map.

BEING the same premises conveyed by Walter E. Flower to
the parties of the first part herein by deed dated August 1, 1967,
and recorded in the Schenectady County Clerk's Office August 2, 1967
in Book 891 of Deeds at page 153.

REAL ESTATE DEPT. OF STATE
RECORDED NOV 27 1973
Schenectady County
1760

COUNTY CLERK'S OFFICE
1973 NOV 12 AM 11:02
SCHENECTADY, N. Y.

Together with the appurtenances and all the estate and rights of the part les of the first part in and to said premises,
To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

And said parties of the first part covenant as follows:
First, That the parties of the second part shall quietly enjoy the said premises;
Second, That said parties of the first part will forever Warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantors 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.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

Beverly Graham
Donald Graham

State of New York
County of SCHENECTADY

On this 9th day of November
Nineteen Hundred and Seventy-three
before me, the subscriber, personally appeared
DONALD GRAHAM and BEVERLY GRAHAM

to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they duly acknowledged to me that they executed the same.

[Signature]
NOTARY PUBLIC

REC. BOOK	DATE
	11-12
	11-13
	11-13

1760

5636

Deed
WARRANT WITH LIEN CONVEYANCE

DONALD GRAHAM and
BEVERLY GRAHAM

TO

WILLIAM W. VAN BUREN and
MARION F. VAN BUREN
1211 W. ... N.Y. 12113

Dated, 1973

STATE OF NEW YORK

County of SCHENECTADY

RECORDED ON THE
12 day of November 1973
at 11:03 AM
in LIBER 974 of DEEDS
at Page 583 and examined

[Signature]

61

4



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H.C. SWAN

1911

TYPE

NO.

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Attorney



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

**PUBLIC HEARING
LEGAL NOTICE
FOR THE
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS**

NOTICE OF PUBLIC HEARING

Please Take Notice, that the Zoning Board of Appeals for the Town of Duanesburg, will meet in the Town board room located downstairs of the Town Hall at 5853 Western Turnpike Duanesburg NY, on December 20th, 2022, at 7:00 pm for the purpose of hearing all persons interested in the application of:

#22-10 Beliveau, Matt located at 2157 West Old St Rd Altamont NY for his property on Hillside Rd: SBL#35.06-2-9 seeking an Area Variance and an East Side Yard Variance on a preexisting undersized lot to build a new single-family home in a R-1 Zoning District under sections 6.6(2);6.5(1) of the Town of Duanesburg Zoning Ordinance.

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS. PLEASE CONTACT:

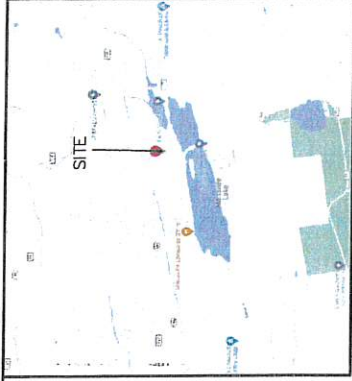
Melissa Deffer Building, Planning and Zoning Clerk
P# 518-895-2040
EMAIL: Mdeffer@duanesburg.net

BY ORDER OF THE
TOWN OF
DUANESBURG ZONING BOARD OF APPEALS
CHAIRPERSON

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



SITE LOCATION MAP



NOTES:

1. BASE MAPPING TAKEN FROM SCHENECTADY COUNTY GIS MAPPING AND MAP REFERENCES.
2. THE PLANS SHOW SOME KNOWN STRUCTURE, ABOVEGROUND STRUCTURES AND/OR UTILITIES BELIEVED TO EXIST IN THE WORKING AREA. EXACT LOCATION OF UTILITIES IS NOT SHOWN. THE CONTRACTOR IS WARNED THAT THE EXACT LOCATION, PARTICULAR, APPROXIMATE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE ARE MAY BE DIFFERENT FROM THAT SHOWN OR INDICATED ON THESE PLANS. THIS RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXCUTING ANY WORK SHALL BE YOURS. YOU DIG, DRILL OR BLAST, CALL U.F.P.O. (1-800-982-7862), TOLL FREE.

MAP REFERENCE:

"SURVEY MAP OF LANDS N/F JOSEPH S. VERRIGNI", PREPARED BY INSITE NORTHEAST ENGINEERING & LAND SURVEYING, P.C., DATED JULY 26, 2022.

ZONING:

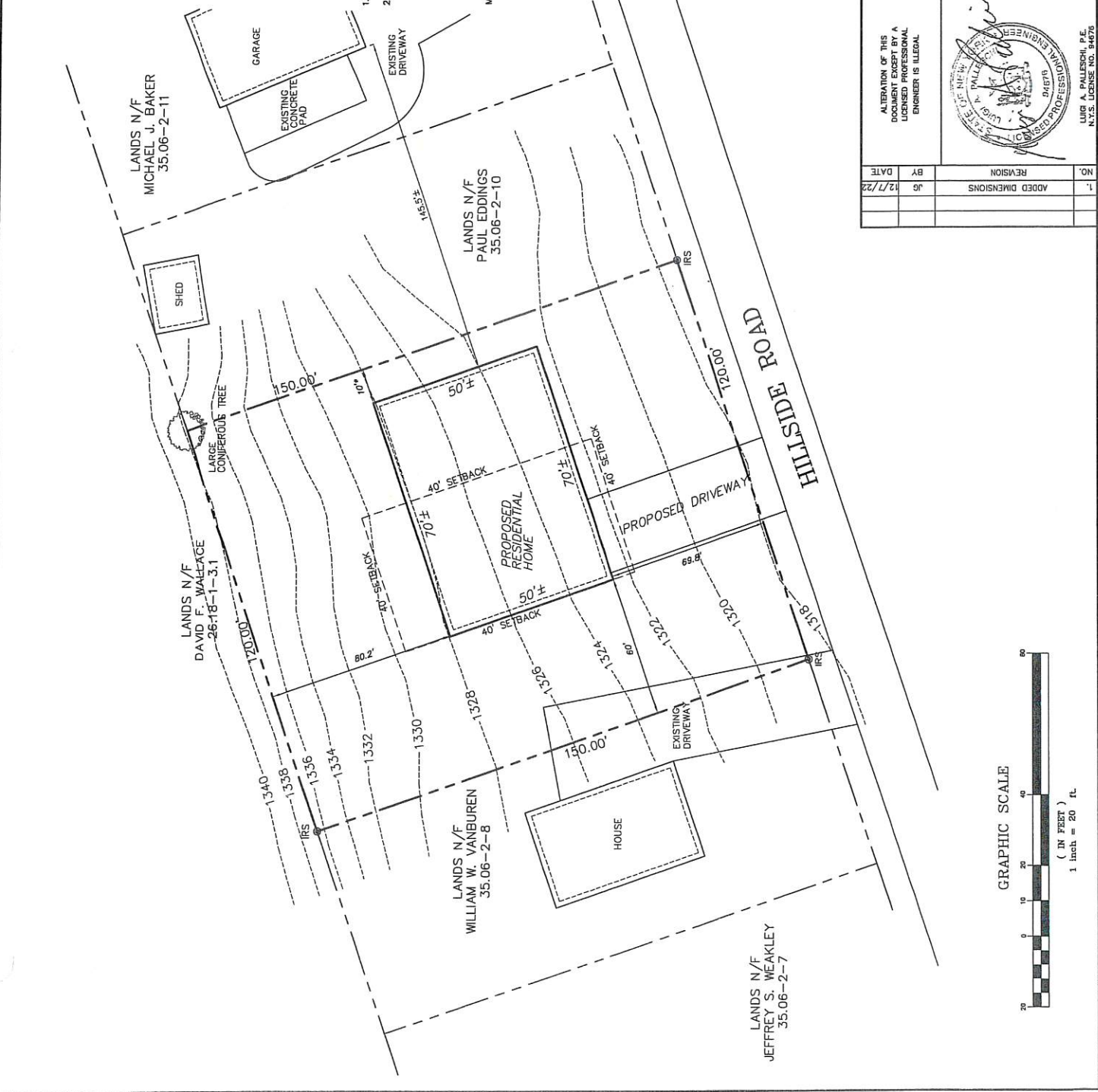
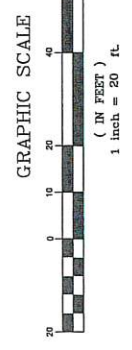
- MIN LOT SIZE 43,560 SF
- MIN LOT WIDTH 175 FT
- MIN LOT DEPTH 100 FT
- MAX LOT COVERAGE 30%
- MIN FRONT SETBACK 40 FT
- MIN REAR SETBACK 40 FT
- *VARIANCE REQUIRED (PREEXISTING NONCONFORMING)

OWNER/APPLICANT:
 MATT BELVEAU
 2167 WEST OLD STATE RD
 ALBANY, NY, 12009

TAX MAP #: 35.06-2-9 (LOT AREA=0.41± AC)

PLOT PLAN
 HILLSIDE ROAD
 TAX MAP: 35.06-2-9

ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS ILLEGAL.	STATE OF NEW YORK LUIGI A. PALLESCHI, P.E. N.Y.S. LICENSE NO. 94676
NO. 1	DATE 12/17/22
ADDED DIMENSIONS	REVISION
BY JG	DATE



VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/31/15

Date: October 12, 2022 Zoning District L-1 Type of Variance
 Use Variance Area Variance
SBL# 20.08-2.9 Phone #: _____

Applicant's Name: Mat Beliveau

Applicant's Address: 7157 West Old State Road
Altamont, NY 12009

Property Owner Name (if different): Beliveau Brothers, LLC

Property Address (if different): _____

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

Proposal: (Brief description of request)
To build a residential home with sufficient living space, meeting NYS Building Code. The site of proposed home will need to encroach side setbacks and, therefore, an area variance is being requested.

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 (12) 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.

[Signature] 10/15/2022
Applicant Date

State of New York, county of Schoenectady sworn this _____ day of _____ 20____. 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)

**Attachment to Variance Application
Hillside Avenue (Tax Map: 35.06-2-9)**

The provision sets forth five factors for the board to consider granting the area variance.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.

Lot is pre-existing, nonconforming with frontage similar or greater to other frontages on the street. The area variance requested for side setback will not create an undesirable change in the character of the neighborhood as other houses on the lot are closer to the property line than the required 40 foot side setback.

2. Whether the benefit sought by the applicant can be achieved by some other feasible method other than the variance.

No, applicant does not have additional land to increase lot width. House could be smaller to increase side setback, but not feasible for adequate living space.

3. Whether the requested variance is substantial.

No, the requested setback is greater to the property line than most of the existing houses in the area.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No, the lot is large enough to accommodate a decent size house while meeting minimum NYS codes to property line. Additionally, the lot has access to the public sewer.

5. Whether the alleged difficulty was self-created, (that it was will not necessarily preclude the granting of the area variance.)

No, this is a pre-existing lot that already does not meet minimum lot requirements.

43

Schenectady County Endorsement Page

JOHN J. WOODWARD
Schenectady County Clerk
620 State Street
Schenectady, NY 12305

RECORDED
12/14/2005 12:07:33 PM
County Clerk
JOHN J. WOODWARD
SCHEENCTADY COUNTY, NY

Document Type: **Executor's Deed**

Book/Page: DEED/1722/513
Total Pages: 3

From Party: **Marlene Verrigni, Executrix of the Estate of Rocco Verrigni**

Serial No: 364880
Doc No: 2005-7117
Inst Num: 200552109

To Party: **Joseph S. Verrigni**

NY LAND SUR \$4.75
NY E & A FEES \$156.00
NY LAND COMP SUR \$14.25
CD GENERAL REVENUE \$26.50
CD LAND SUR \$0.25
CD E & A FEES \$9.00
CD LAND COMP SUR \$0.75
TOTAL \$211.50
INV: 364880 USER: TMH

RETURN TO:

Dean Riggi, Esq.
101 Mohawk Avenue
Scotia, NY 12302

RECEIVED
\$ 0.00
REAL ESTATE
DEC 14, 2005
SCHEENCTADY COUNTY
2366

Important: This endorsement page constitutes the Clerk's endorsement in accordance with Local Law #7 of 1996-DO NOT DETACH-upon recording, this page becomes part of the document

EXECUTOR'S DEED

THIS INDENTURE made the 22nd day of August, 2005.

Between:

MARLENE VERRIGNI, residing at 105 7th Street, Saratoga Springs, New York 12866, as Executrix of the Estate of Rocco Verrigni a/k/a Rocco T. Verrigni by virtue of the Last Will and Testament of Rocco Verrigni, late of the County of Saratoga, deceased,
party of the first part, and

JOSEPH S. VERRIGNI, residing at 3313 Mariaville Road, Schenectady, New York 12306,
party of the second part,

Witnesseth, that the party of the first part, by virtue of the power and authority to her give in and by the said Last Will and Testament, and in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration, paid by the party of the second part, her heirs, and assigns forever, **ALL**

THAT CERTAIN TRACT OR PARCEL OF LAND situate, lying and being on the Northerly side of Rightview Avenue near the Village of Mariaville, Town of Duanesburg, County of Schenectady State of New York consisting of Lots Nos. 38 and 39, as said lots are shown and designated on "The Lakeview Heights No. 1, Maria Lake, belonging to T.C. Swart, Town of Duanesburg, Schenectady County, New York Emmett Blessing, Surveyor, dated September 1922" and filed in the Schenectady County Clerk's Office and together bounded and described as follows: with reference to said map; Southerly and in front by Rightview Avenue, 120 feet along the same; Northerly and in the rear by other lands now or formerly of T.C. Swart, 120 feet along the same and Westerly by Lot No. 37, 150 feet along the same, Easterly by Lot No. 40, 150 feet along the same.

Subject to any and all covenants, conditions, restrictions and easements of record.

The said Rocco T. Verrigni died a resident of the County of Saratoga on December 29, 2003. On October 5, 2004 Letters Testamentary of the Last Will and Testament of Rocco T. Verrigni were issued to Marlene Verrigni.

BEING the same premises conveyed to Rocco T. Verrigni and Joseph S. Verrigni by Warranty Deed dated March 5, 1992 and recorded in the Schenectady County Clerk's Office on March 6, 1992 in Book 1334 of Deeds at Page 287.

Together with the appurtenances, and also all the estate which the said Testator had and at the time of his decease, in said premises, and also the estate therein, which the party of the first part has or have power to convey or dispose of, whether individually, or by virtue of said Will or otherwise.


0
SEC
35.06
2
9

To have and to hold the premises herein granted unto the party of the second part, and assigns forever.

Subject to the Trust Fund provisions of Section Thirteen of the Lien Law.

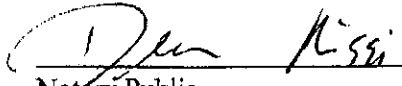
And the party of the first part covenant that she has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year of first above written.


MARLENE VERRIGNI
Executrix under the Last Will and
Testament of Rocco T. Verrigni, deceased.

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

On the 22nd day of August, 2005, before me, the undersigned, a Notary Public in and for the State, personally appeared **Marlene Verrigni**, personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and by her signature on the instrument, the individual or the person upon belief of which this individual acted, executed the instrument.


Notary Public

DEAN RIGGI
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires Jan. 5, 2007

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: _____ Zoning District C-1 + R-2 Type of Variance
 Use Variance Area Variance
SBL# _____ Phone #: _____ Email: _____

Applicant's Name: Charles Proctor

Applicant's Address: 319 Mott Rd

Property Owner Name (if different): Ed McKinley

Property Address (if different): 1896 Western Turnpike

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

Proposal: (Brief description of request)
Separation of property on 1896 Western Turnpike

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.

[Signature]
Applicant

12-8-22
Date

State of New York, county of Schenectady sworn this _____ day of _____, 20____, 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: _____

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: _____ Address: _____ _____	Name: _____ _____

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:

3. Location of project: Address: _____
Tax Map Number (TMP) _____

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: <u>Murphy #122</u> ADDRESS: _____ Is this parcel actively farmed? <input checked="" type="checkbox"/> 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

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____

Dale R. Warner

Date

10/25/22

Revised 4/4/17

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.

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

WARRANTY DEED

THIS INDENTURE, Made the 10th Day of April, Two Thousand Three

BETWEEN Ann Marie Dockal, residing at 679 Schoharie Turnpike, Duanesburg, New York 12056, and Tina Markle, residing at 221 Chiswell Road, Schenectady, New York 12304,

Grantor, and

VAMR Development, LLC, with an address at 1614 McGuire School Road, Delanson, New York 12053,

Grantee,

WITNESSETH, that the grantor, in consideration of ONE (\$1.00) DOLLAR, lawful money of the United States, and other good and valuable consideration, paid by the grantee, hereby grants and releases unto the grantee, the heirs or successors and assigns of the grantee forever,

ALL that parcel of land, situate in the Town of Duanesburg, County of Schenectady and State of New York, lying westerly of Mott Road, more particularly described as follows: Beginning at a point located in the westerly bounds of Mott Road (County Road 76), said point being located N. 11 deg.-07'-09" E., 289.15 feet along said westerly bounds from its intersection with the northerly bounds of U.S. Route 20; thence N. 69 deg.-11'-15" W., through lands now or formerly of Alan S. and Helen R. Wood, a distance of 751.26 feet to a point located in the division line between lands now or formerly of Waldron on the south and lands herein described on the north; thence N. 71 deg.-00'-01" W., along said division line, a distance of 212.70 feet to a point located in the division line between lands now or formerly of Konwisarz on the west and lands herein described on the east; thence N. 07 deg.-39'-54" E., along said division line, 200.00 feet to a point; thence S. 76 deg.-29'-08" E., through lands now or formerly of Alan S. and Helen R. Wood, a distance of 964.12 feet to a point located in the aforementioned westerly bounds of Mott Road; thence S. 11 deg.-07'-09" W., along said westerly bounds, a distance of 315.00 feet to the point of beginning, being 5.58 acres, more or less.

The above described premises being Lot 2 on a map entitled "Grandview Subdivision" filed in Schenectady County on July 22, 1992 as Map #1-159.

BEING the same premises as described in a Warranty Deed dated April 26, 2000 and recorded in the Schenectady County Clerks Office in Book 1577 of Deeds at Page 291.

SUBJECT to the provisions of the zoning ordinance, rules and regulations and all enforceable covenants, conditions, restrictions and/or easements of record, if any, affecting same.

R.P.T.S.A.
TAX MAP IDENT
SEC. 68.00 BLK. 3 LOT 30.4

DEED Book 1649 Page 377
Doc No 2003-2184

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

TO HAVE AND TO HOLD the premises herein granted unto the grantee, the 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 grantor 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 grantor has executed this Deed the day and year first above written.

IN PRESENCE OF

 L.S.
ANN MARIE DOCKAL

 L.S.
TINA MARKLE

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

On April 10, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Anne Marie Dockal and Tina Markle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

R+R: ANDREW T. PELLETIER, ESQ.
400 ALTAMONT RD.
ALTAMONT, NY 12009


NOTARY PUBLIC

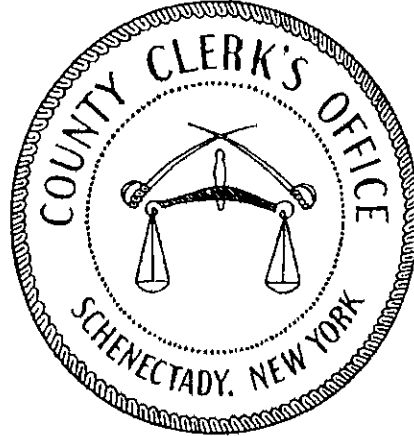


PAUL M. CALLAHAN
Notary Public, State of New York
No. 4822613
Qualified in Schenectady County
Commission Expires February 28, 2006

DEED Book 1649 Page 378
Doc No 2003-2184

Schenectady County Endorsement Page

JOHN J. WOODWARD
Schenectady County Clerk
620 State Street
Schenectady, NY 12305



Document Type WARRANTY DEED

From Party AND MARIE DOGKAL AND TINA MARKER

To Party VAMR DEVELOPMENT, LLC

RETURN TO ANDREW T. PELLETIER, ESQ.

400 ALTAMONT ROAD

ALTAMONT, NY 12009

RECORDED
06/22/2003 11:28:48 AM
County Clerk
JOHN J. WOODWARD
SCHENECTADY COUNTY, NY

Book/Page: DEED/1649/376
Total Pages: 3

Receipt No: 207953
Doc No: 2003-2184
Inst Num: 200317704

CO GENERAL REVENUE	\$19.50
CO E & A FEES	\$3.00
CO LAND COMP SUR	\$0.75
CO LAND SUR	\$0.25
NY E & A FEES	\$22.00
NY LAND COMP SUR	\$14.25
NY LAND SUR	\$4.75
NY REALTY TRANSFER TAX	\$1,280.00
TOTAL	\$1,344.50

INV: 207953 USER: DDF

RECEIVED
\$ 1,280.00
REAL ESTATE
APR 22, 2003
SCHENECTADY COUNTY
4284

Important: This endorsement page constitutes the Clerk's endorsement in accordance with Local Law #7 of 1996-DO NOT DETACH-Upon recording, this page becomes part of the document.

PEMBERTON AND BRIGGS

ATTORNEYS AT LAW

202 Union Street

Schenectady, New York 12305

Ph: (518) 372-5689

Fax: (518) 372-5768

E-Mail Address: paul@pembertonbriggs.com

August 12, 2022

Attorney Terrèsa M. Bakner
Planning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Re: Town of Duanesburg Planning Board
McKinley/Proctor

Dear Attorney Bakner:

I represent Charles Proctor. Mr. Proctor has a matter before the Town Planning Board concerning the purchase of a portion of the property at 1896 Western Turnpike from Edward E. McKinley, IV. That parcel at 1896 Western Turnpike consists of two separately described parcels. I have knowledge of this matter as I assisted Mr. McKinley in combining the two parcels on one deed. The first parcel is 2.59 acres in size on which is located Mr. McKinley's home. The second parcel is 2.12 acres in size on which is located a barn and a riding arena.

A foreclosure action has been commenced by U.S. Bank Trust against Mr. McKinley in Schenectady County Supreme Court (Index #: 2019-2201). I am in possession of the summons and complaint. The complaint seeks to foreclose as against the 2.59 acre parcel only. I have compared the legal description in the complaint to confirm that the 2.59 acre parcel is the only lands affected by the foreclosure action.

Mr. Proctor is purchasing only the 2.12 acre parcel which parcel is not encumbered by the foreclosure action.

Respectfully yours,



PAUL BRIGGS

PB/kmm
cc: Charles Proctor

September 6, 2022

Charles Proctor
319 Mott Road
Duanesburgh, NY 12056

Re: McKinley/Proctor

Dear Mr. Proctor:

Duanesburgh Planning Board Attorney Teresa M. Bakner has advised me that the August 12, 2022 letter I sent her has cleared the way for the subdivision and your purchase of the 2.12 acre parcel. The lien/judgment search against Ed McKinley came back clean – no judgments or liens encumbering the parcel you are purchasing.

Please advise me whether you need additional assistance. Attached is my bill for legal services to date.

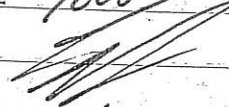
Very truly yours,

PAUL BRIGGS

PB/kmm

Enclosure

11/07/21
I. EDWARD MCKINLEY GIVE PERMISSION
TO CHECK PROCTOR TO REPRESENT ME REGARDING
ANY QUESTIONS PERTAINING TO THE PROPERTIES ~~IN~~ ALONG
RT. 20 AND ADJOINING HIS PROPERTY.
PLEASE CALL ME w/ ANY QUESTIONS AT 518-366-7508
THANK YOU


Edward McKinley

3-30.111

30.41

Deanna Proctor
518-542-3818 Deeproctor143@gmail.com

Chuck Proctor
518-~~000~~ 376-4991

MAP IDENTIFICATION NUMBER:
68.00-3-30.111 & 30.41

DATE PRINTED: May 17, 2021

TOWN OF DUANESBURG



This tax map is prepared for tax purposes only and is not to be reproduced or used for surveying or conveyancing.

Nelson Gage, Zoning Board Chair
Dale Warner, Town Planner
Melissa Deffer, 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

TOWN OF DUANESBURG
SCHENECTADY COUNTY

Town of Duaneburg
Zoning Board Minutes
December 20th, 2022
Draft Copy

RECEIVED

JAN 09 2023

TOWN OF DUANESBURG
TOWN CLERK

MEMBERS PRESENT: Nelson Gage- Chairperson, Jonathan Lack- Vice Chairperson, Matthew Ganster, Charles Leoni, and Daniel Boggs. Also attending Clerk -Melissa Deffer.

INTRODUCTION:

Nelson Gage opened the meeting at 7:00 pm. Gage welcomed everyone to tonight's meeting.

OPEN FORUM:

Nelson Gage opened the open forum.

Lynne Bruning located at 13388 Duaneburg Rd (**Please See Attachment**)

Nelson Gage closed the open forum.

PUBLIC HEARINGS:

#22-10 Bellevue, Matt: SBL#35-06-2-9, (R-1) located at Hillside Rd is seeking an Area Variance and a Side Yard Variance under sections 6.6(2);6.5(1) of the Town of Duaneburg Zoning Ordinance.

John Hitchcock from ABD Engineering was at the meeting via zoom gave his presentation to the public.

Chairperson Gage asked if the distance to the house on the east side of the property that was requested shows as 170 ft.

Mr. Hitchcock agreed that 170 ft is correct.

Chairperson Gage stated another concern that was raised was the indication of the tree line to the east side with the labeling with the type of trees.

Mr. Hitchcock stated that most of the trees there are mainly pines and maples, that are on the neighboring property that will not be effected by the construction. There will be no tree removal on the neighboring properties land.

Chairperson Gage also explained that this lot is considered a preexisting undersized lot and a 27,560 sqft area variance will be needed as well. Sewer is also available to this parcel. Board Member Boggs would like to know if there is a plan for the house yet? How many stories would it be and what is the sq footage.

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

Mr. Hitchcock explained that it will be a 2 story single family home, there is no plans drawn up for the house as of yet. The landowner would like to receive the variance before paying for drawings that he could potentially not be approved for. The Owner is aware that there is a height maximum that he cannot exceed and keep it under 35 ft in height.

Chairperson Gage asked if the structure will have a garage built into it as well.

Mr. Hitchcock explained an attached garage is what they are looking to do, as far as it being a side loader garage or front loader it all depends on if they must move the structure to the west it eliminates the side load garage.

Chairperson Gage would like to know if there has ever been a structure on this lot before.

Mr. Hitchcock does not believe so.

Gage/Leoni made a motion to open the public hearing for the **#22-10 Beliveau, Matt** application.

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

Nancy Eddings located at 260 Hillside Rd stated that she owns the vacant lot to the east of the parcel applying for the variance. The lot is a vacant lot with a structure on it and pond. Mrs. Eddings believes that this map that was submitted is not correct because the 60ft from Mr. VanBuren's house to the building is 70ft with a 10 ft space to the east, there is a tree line, where a pond is. Mrs. Eddings feels it is not fair to her to have her neighbor build and do possible damage to her tree line. Mrs. Eddings does not want to sit at her pond and see a house 17 ft away from where she is sitting to enjoy the pond. She has lived there 52 years and does not understand why a single-family home must be built there. All the little properties in Mariaville are being sold and structures are being put up.

Mr. Hitchcock explained to the public that they can not remove trees that are not on their property and no trees will be removed from her land.

Chairperson Gage explained that the lot in question is undersized and a sewer lateral was provided for the lot, with the intentions of a home being built in the future.

Nancy Eddings stated that the homes being built in Mariaville are monstrous. It does improve the look of Mariaville, but years ago these lots had much smaller structures built on them. A 70ft high house that is being proposed is unreasonable. Mrs. Eddings owns that vacant lot and does not want it disturbed, she allows kids to ride dirt bikes and ice skate on her pond.

Chairperson Gage explained that they are smaller lots and originally, they were more suited for seasonal camps. The Trend now is that people are buying these lots and living in them all year round. There are setbacks in the R-1 zoning district on a buildable lot, if the lot is preexisting undersized lot the setbacks can be prorated.

Nancy Eddings would just like her concerns to be taking into consideration because she pays taxes on the parcel. Mrs. Eddings tried to but those lots years ago, but the owner wouldn't sell them.

William VanBuren located at 189 Hillside Rd would like to know why Mr. Beliveau can build a house, but he was told he couldn't build a garage by Code Enforcement.

Board Member Lack stated that it may have been Code Enforcement that said that he could build but would just have to appeal to the Zoning Board for a Variance.

Chairperson Gage would like to know if the proposed house is a concern to the proximity of his property line.

William VanBuren does have a concern of the home being to close to his line and the fact that the map shown shows Mr. VanBuren's driveway on Mr. Beliveau lot.

Mr. Hitchcock explained that it meets the 40 ft set back to the west property line. The reason the land owner would like to put the house where it is proposed is because the property to the east is vacant with a tree line buffer where as the property to the west has a single family home on it.

Board Member Lack asked if there were a chance the property owner would cut the house from a 70ft house to a 60 ft house, and shifted 10ft to the west more, so the Variance request would then be a 8ft request and still in the prorated distance.

Mr. Hitchcock would have to talk to the property owner.

Nancy Eddings stated that this isn't fair and is not beneficial to anyone but the property owner. It's all very upsetting and does not want Mariaville to be like Rotterdam, with houses jammed together.

Chairperson Gage explained that the property owner does have a right to build on the lot, it's a matter of if the variance is substantial or not and if the law allows it. In theory if the property owner wanted to build a smaller structure they could do so, and the Board would not have the opportunity to say where it would be beneficial to the neighbors.

Lynne Bruning located at 13388 Duanesburg Rd (Please See Attachment)

Board Member Ganster feels that a 7000 sqft, 2 story single family home on a preexisting undersized lot is a little excessive.

Board Member Leoni asked the question of why cant the home be turned 90 degrees and have a 50ft dimension, and would meet all the setbacks.

Mr. Hitchcock stated that turning it sideways is less desirable because the slope of the land. The house is not going to be 2 stories of 3000 sqft footprint. The whole house isn't going to be upstairs and downstairs only a portion of the house will be. The neighbor to the west, Their driveway encroaches on the property in question and if they moved the house closer to the west property line it will be closer to not only their driveway but their home as well. The east side of the property line has a natural tree buffer and is a vacant lot.

William VanBuren does believe that his driveway is on Mr. Beliveau's land and that the survey submitted is wrong according to his deed.

Mr. Hitchcock stated that the survey is stamped and signed by a licensed professional Northeast engineering and land surveying on July 26th, 2022. ABD is trying to lookout for the neighbors and not just shoving it to one side for no reason.

Board Member Boggs would like to know the square footage of Mr. VanBuren's house.

William VanBuren does not know the size, but the lot is 60ft. and the driveway has been there since he moved in.

Chairperson Gage asked the Board if they felt comfortable with asking the applicant to move 10 ft to the west property line. The Home would then be 20ft from the east and the actual variance request would be 8 ft.

Mr. Hitchcock stated that he would prefer 15ft from the east property line but are willing to work with the Board and the neighbors.

Board Member Boggs would like to know if the Owner would also be willing to reduce the sq footage of the home. Boggs feels that, that big of a home is out of character for the community. A 10ft reduction of the house size would make it so the applicant wouldn't even need a variance which is the goal.

Mr. Hitchcock explained that he will have to talk to the owner, but he doesn't seem to think he would have a problem with it but does not want to commit to anything.

Board Member Lack stated that the Board will still need to approve the area variance for sq

footage.

Marion VanBuren located at 189 Hillside Rd would like to know how if it is a preexisting undersized lot, how can they even build over there.

Mr. Hitchcock explained that ABD did not do the survey but another licensed professional did and they submitted the stamped and sealed copy to the town with the application. If the neighbors would like to contest it then they would have to hire a surveyor to survey their land. It would be a property line dispute between the neighbors.

For the next meeting the Board would like to have Mr. VanBuren submit his deed to the Board.

Gage/Ganster made a motion to extend the public hearing for the **#22-10 Beliveau, Matt** application until January 17th, 2023.

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

New Business:

None

OLD BUSINESS:

None

OTHER:

None

MINUTES APPROVAL:

Lack/Ganster made a motion to approve the November 15th, 2022, Zoning Board minutes with a minor correction.

Lack aye, Ganster aye, Gage aye, Boggs abstained, Leoni aye. **Approved.**

ADJOURNMENT:

Leoni/Boggs made a motion to adjourn at 8:52 pm.

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

PO Box 160
Quaker Street, NY 12141

Nelson Gage, Chair
Zoning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Transmitted via email: jhowe@duanesburg.net

December 20, 2022

Re: Public Hearing

Dear Nelson Gage,

Tonight's agenda was not posted to the town's website. The draft November 2022 minutes are not posted on the town website. The public hearing notice is not posted on the town website. <https://www.duanesburg.net/legal-notices-and-public-notices>

Because the documents for the public hearing are not provided I am unable to speak specifically to dimensions shown on the site plan under review.

The applicant's property rights end where the neighbor's rights begin. The board needs to be fair and square to all taxpayers.

The applicant states that they chose to site the house closer to the vacant lot. The applicant also states that they don't want to be near the other neighbor's driveway. The lot may be 120 feet in width and 150 feet in depth. The set back required may be 40 feet. The variance requested may be 27 feet.

The requested variance may diminish the vacant lot owners' use, enjoyment and future development of their lands. Restricting development options for the vacant lot may diminish this land owner's property values.

Has the final signed and stamped survey as submitted to the county been provided to the board?
Did the surveyor place monuments?
Did the survey provide a search of abutting survey maps?
Should the zoning board perform a site visit?

It appears that the applicant may be a real estate developer or builder attempting to maximize the building envelope for future development without consideration to the existing character of the neighborhood.

Please protect the town and request the applicant provide the engineers stamped survey for the site and confirm if any monuments were placed. Request that the applicant provide the deed for the land.

Thank you for your time and consideration.

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

Enc: Screenshot Zoning board agenda taken December 20, 2022
Screenshot Zoning board minutes taken December 20, 2022
Screenshot of town website "Legal and Public Hearing Notices" taken December 20, 2022
Screenshot of zoom meeting with chat window where I posted additional questions



- [Board Meeting Videos](#)
- [Home Occupation Application](#)
- [June 21, 2022 Zoning Board Public Hearing - Dunnsville Rod & Gun Club](#)
- [June 21, 2022 Zoning Board Public Hearing - Urbano/Caschera](#)
- [Variance Application](#)
- [Variance Application Instructions](#)

Home » Zoning Board of Appeals » All Zoning Board of Appeals Meeting Agendas

2022 Zoning Board of Appeals Meeting Agendas

November 15, 2022 Zoning Board Agenda
November 15, 2022 - 7:00pm

October 18, 2022 Zoning Board Meeting Agenda
October 18, 2022 - 7:00pm

September 20, 2022
September 20, 2022 - 7:00pm

August 16, 2022
August 16, 2022 - 7:00pm

July 19, 2022 Zoning Board Meeting Agenda
July 19, 2022 - 7:00pm

July 19, 2022 Zoning Board Meeting Minutes Final
July 19, 2022 - 7:00pm

June 21, 2021 Zoning Board Meeting Agenda
June 21, 2022 - 7:00pm

May 17, 2022 Zoning Board Meeting Agenda
May 17, 2022 - 7:00pm

April 19, 2022
April 19, 2022 - 7:00pm

March 15, 2022 - Updated with Supporting Documents
March 15, 2022 - 7:00pm

February 15, 2022 - Zoning Board Agenda
February 15, 2022 - 7:00pm

January 18, 2022
January 20, 2022 - 7:00pm



Duanesburg NEW YORK

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Summer Hours: Monday - Thursday: 8am to 4pm (*closed: 12pm to 1pm) Friday - 8:00am to 12pm.

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- June 21, 2022 Zoning Board Public Hearing - Dunnsville Rod & Gun Club
- June 21, 2022 Zoning Board Public Hearing - Urbano/Caschera
- Variance Application
- Variance Application Instructions

Home » Zoning Board of Appeals » All Zoning Board of Appeals Meeting Minutes

2022 Zoning Board of Appeals Meeting Minutes

October 18, 2022 Zoning Board Meeting Minutes
October 18, 2022

September 20, 2022 Zoning Board Meeting Minutes
September 20, 2022

August 16, 2022 Zoning Board Meeting Minutes
August 16, 2022

June 21, 2022 Zoning Board Meeting Minutes Final
June 21, 2022

June 21, 2022 Zoning Board Meeting Minutes
June 21, 2022

May 17, 2022
May 17, 2022

April 19, 2022
April 19, 2022

March 15, 2022
March 15, 2022

February 15, 2022
February 15, 2022

January 18, 2022
January 18, 2022



Duanesburg
NEW YORK



- Local Law #1 of 2021 re Amending Zoning Ordinance as of July 22, 2021
- NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM**
- Proposed Local Law #1 of 2022 entitled, "A Local Law to Opt-In to the New Provisions of the Open Meetings Law".**
- Resolution 161-17 Gazette Publication Sewer District 3
- The Town amending Sewer Use Law section 605

Home



Legal Notices and Public Notices

October 2022

- [Notice of Public Hearing on 2023 Preliminary Budget](#)
- [Exceeding The Tax Cap for 2023](#)

April 2022

- [Invitation to Bid for Town Hall Addition](#)

September 2021

- [September 23, 2021 Public Hearing for Local Law No. 2 of 2021](#)

June 2021

- [June 10, 2021 Public Notice Local Law 2 of 2021](#)
- [June 10, 2021 Public Notice for Local Law 1 of 2021](#)

January 2020

- [January 9, 2020 Public Hearing for Local Law No. 1 of 2020](#)

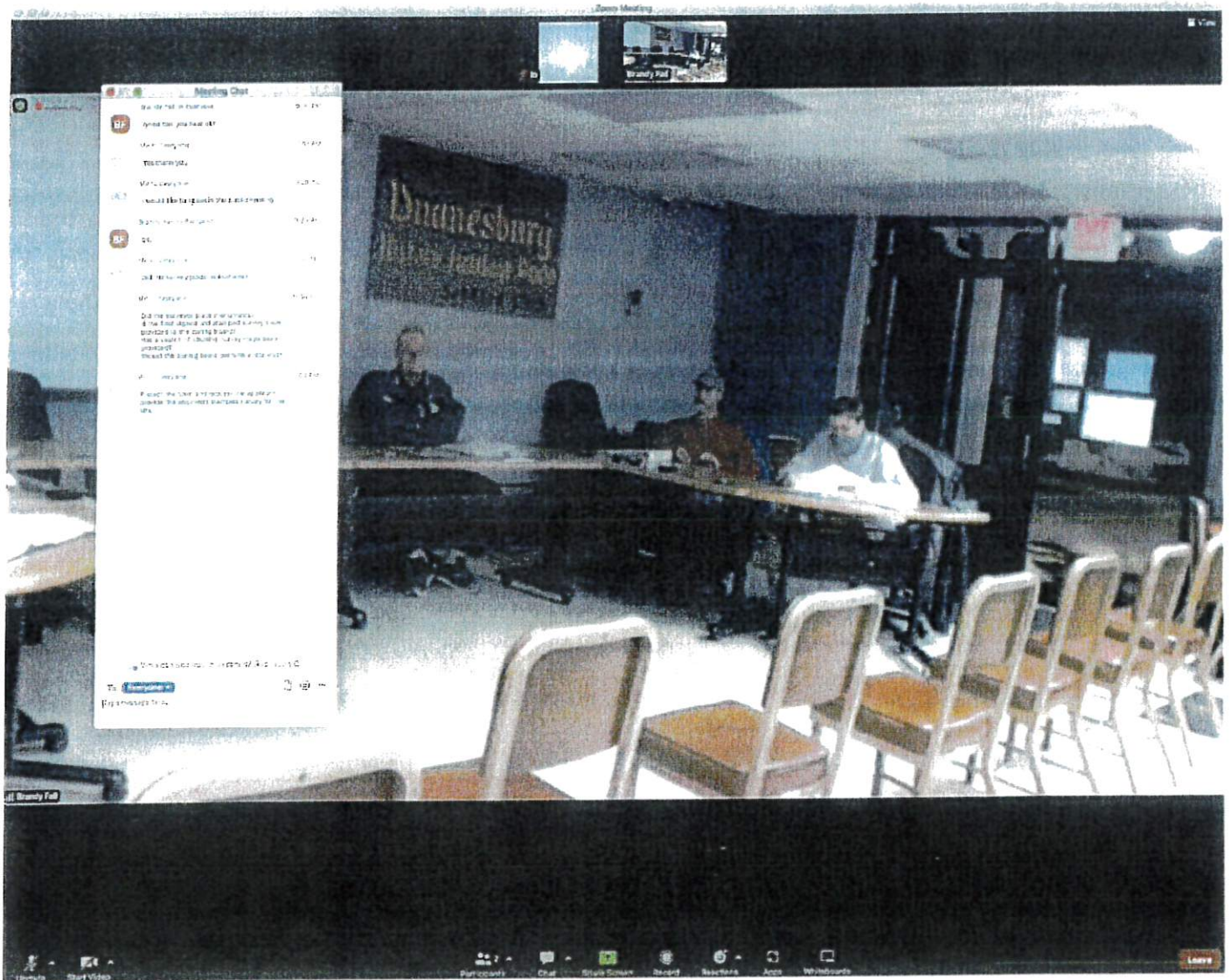
October 2019

- [October 24, 2019 Public Hearing Notice for Tax Cap Override for FY 2020](#)
- [October 10, 2019 Public Hearing Notice for the Assessment Roll for the Sewer Districts](#)

June 2019

- [June 13, 2019 Public Hearing Notice for Local Law No. 2 of 2019](#)
- [June 13, 2019 Public Hearing Notice for Local Law No 1 of 2019](#)

May 2019



PO Box 160
Quaker Street, NY 12141

Nelson Gage, Chair
Zoning Board
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

Transmitted via email: jhowe@duanesburg.net

December 20, 2022

Re: Privilege of the Floor

Dear Nelson Gage,

Tonight's agenda was not posted to the town's website. I wasn't sure if there would be a meeting tonight.

The zoom link to tonight's meeting is posted on the town's website home page. This provides one click log on to the zoning board meeting. This system is consistent with how the town board meetings are posted.

On December 19, 2022 the Schenectady Daily Gazette had an article by Chad Arnold about Duanesburg's draft 2023 solar law. He reported "In 2016, the town adopted its original solar solar, which was revised last year." According to town board meeting minutes this is incorrect and may mislead the readers.

In July 2021 the town board continued a public hearing for the draft 2021 solar law. During the hearing a resident pointed out that the draft law presented at the meeting did not include the revisions provided by the zoning board. The town attorney said they would look into the matter. The town board did not vote. It appears that the town board minutes do not address the 2021 draft solar law again.

We wish you happy holidays and thank you for your time and service to the town.

Respectfully,
Susan Biggs
Lynne Bruning
720-272-0956
lynnebruning@gmail.com