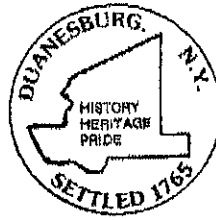


Jeffery Schmitt, Planning Board Chair  
Michael Harris, Vice Chairperson  
Teresa Bakner, Board Attorney  
Chris Parslow, Town Planner  
Carol Sowycz, Clerk



Elizabeth Novak, Board Member  
Joshua Houghton, Board Member  
Matthew Hoffman, Board Member  
Michael Walpole, Board Member

Town of Duanesburg  
Planning Board Agenda  
May 18, 2023

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

**The Town of Duanesburg offers Planning Board Meetings via zoom if you are unable to attend the meeting in person:**

Town of Duanesburg is inviting you to a scheduled Zoom meeting.

Topic: Town of Duanesburg's Planning Board Zoom Meeting

Time: This is a recurring meeting Meet anytime

**Join Zoom Meeting**

**Meeting ID:** 858 7403 2498

**Passcode:** 848175

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

**Meeting ID:** 858 7403 2498

**Passcode:** 848175

**INTRODUCTION BY CHAIRPERSON JEFFERY SCHMITT:**

**OPEN FORUM: One presentation per individual MAXIMUM 4 minutes on items not on the agenda.**

**SKETCH PLAN REVIEW:**

None

**PUBLIC HEARINGS:**

**#23-05 Hewitt, Tyler:** SBL#43.00-1-12, (R-2) located at 8554 Route 30 Delanson NY is seeking a Special Use Permit under 8.4 (10) of the Town of Duanesburg Zoning Ordinance.  
Comments: \_\_\_\_\_  
\_\_\_\_\_

**#23-06 Fusco, Salvatore:** SBL#25.00-1-6.11, (R-2) located at 756 Wells Road is seeking a Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance.  
Comments: \_\_\_\_\_  
\_\_\_\_\_

Jeffery Schmitt, Planning Board Chair  
Michael Harris, Vice Chairperson  
Teresa Bakner, Board Attorney  
Chris Parslow, Town Planner  
Carol Sowycz, Clerk



Elizabeth Novak, Board Member  
Joshua Houghton, Board Member  
Matthew Hoffman, Board Member  
Michael Walpole, Board Member

**#22-10 Kagas.Spiro:** SBL#53.00-1-29.21, (c-1) located at 9938 Western Turnpike is seeking a special use permit for the accessory parking under section 5.2.2 of the Town of Duaneburg Zoning Ordinance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OLD BUSINESS:**

**None**

**NEW BUSINESS:**

**#23-08P Chandler Jr., Robert:** SBL#44.00-1-8.21, (R-2) located at 2978 Duaneburg Churches Rd is seeking a Major Subdivision under section 3.5 of the Town of Duaneburg Subdivision Ordinance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other:**

**None**

**Minute Approval:**

**April 20, 2023, PLANNING BOARD MEETING MINUTES:**

Approved: Yes \_\_\_\_\_ No: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

**ADJOURNMENT**



TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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**NOTICE OF PUBLIC HEARING**

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
PLANNING BOARD  
TOWN OF DUANESBURG**

---

PLEASE TAKE NOTICE, THAT THE PLANNING BOARD OF THE TOWN OF  
DUANESBURG, NEW YORK, WILL MEET AT THE TOWN HALL IN THE TOWN  
OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **May 18, 2023 AT**  
**7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE

APPLICATION OF:

**#23-05 Hewitt, Tyler:** SBL#43.00-1-12, (R-2) located at 8554 Route 30 Delanson  
NY is seeking a Special Use Permit under 8.4 (10) of the Town of Duanesburg Zoning  
Ordinance.

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS

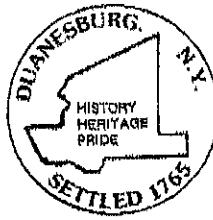
BY ORDER OF THE CHAIRPERSON  
PLANNING BOARD  
TOWN OF DUANESBURG  
CHAIRPERSON

Join Zoom Meeting <https://us02web.zoom.us/j/86499746075> Meeting ID: 864 9974 6075

Passcode: 130214 Dial in by Phone: 1-646-558-8656 Meeting ID: 864 9974 6075

Passcode: 13021

Jeffrey Schmitt, Planning Board Chair  
Chris Parslow, Town Planner  
Carol Sowycz, Clerk  
Terresa Bakner, Board Attorney



Michael Harris, Vice Chairperson  
Elizabeth Novak, Board Member  
Matthew Hoffman, Board Member  
Michael Walpole, Board Member  
Joshua Houghton, Board Member

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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## **NOTICE OF PUBLIC HEARING**

### **LEGAL NOTICE NOTICE OF PUBLIC HEARING PLANNING BOARD TOWN OF DUANESBURG**

---

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DUANESBURG, NEW YORK, WILL MEET AT THE TOWN HALL IN THE TOWN  
OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **May 18, 2023** AT  
**7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE

APPLICATION OF:

**#23-06 Fusco, Salvatore:** SBL#25.00-1-6.11, (R-2) located at 756 Wells Road is seeking a 5 Lot Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance.

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS

BY ORDER OF THE CHAIRPERSON  
PLANNING BOARD  
TOWN OF DUANESBURG  
CHAIRPERSON

Join Zoom Meeting <https://us02web.zoom.us/j/86499746075> Meeting ID: 864 9974 6075

Passcode: 130214 Dial in by Phone: 1-646-558-8656 Meeting ID: 864 9974 6075

Passcode: 13021





TOWN OF DUANESBURG  
SCHENECTADY COUNTY

---

**NOTICE OF PUBLIC HEARING**

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
PLANNING BOARD  
TOWN OF DUANESBURG**

---

PLEASE TAKE NOTICE, THAT THE PLANNING BOARD OF THE TOWN OF  
DUANESBURG, NEW YORK, WILL MEET AT THE TOWN HALL IN THE TOWN  
OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **May 18, 2023** AT  
**7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE

APPLICATION OF:

**#22-10 Kagas.Spiro:** SBL#53.00-1-29.21, (c-1) located at 9938 Western Turnpike  
is seeking a special use permit for the accessory parking under section 5.2.2 of the  
Town of Duanesburg Zoning Ordinance.

APPLICATION INFORMATION IS AVAILABLE DURING BUSINESS HOURS

BY ORDER OF THE CHAIRPERSON  
PLANNING BOARD  
TOWN OF DUANESBURG  
CHAIRPERSON

Join Zoom Meeting <https://us02web.zoom.us/j/86499746075> Meeting ID: 864 9974 6075

Passcode: 130214 Dial in by Phone: 1-646-558-8656 Meeting ID: 864 9974 6075

Passcode: 13021

**TOWN OF DUANESBURG**

**APPLICATION FOR SITE/ SKETCH DEVELOPMENT PLAN APPROVAL**

Preliminary  Date: \_\_\_\_\_ Final  Date: \_\_\_\_\_  
(Check appropriate box)

Name of proposed development Chandler Subdivision

**Applicant:**

Name Robert J. Chandler, Jr.  
Address 2978 Duanesburg Churches  
Delanson NY 12053  
Telephone 518 355 2055

**Plans Prepared by:**

Name Mark Blackstone  
Address 1152 Fort Hunter Rd  
Sch'dy NY 12303  
Telephone 518 355 1791

**Owner (if different):**

(if more than one owner, provide information for each)

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

Ownership intentions, i.e., purchase options

create 3 new lots to sell for residential construction

Location of site

South side of Hardin & East side of Duanesburg Churches

Section 44.00 Block 1 Lot 8.21

Current zoning classification \_\_\_\_\_

State and federal permits needed (list type and appropriate department)

NA

Proposed use(s) of site

Residential construction

Total site area (square feet or acres) New lots = 7 acres

Anticipated construction time 2-3 years ±

Will development be phased? as per individual lot owners

Over →

Current land use of site (agricultural, commercial, underdeveloped etc.)

Vacant wooded

Current condition of site (buildings, brush, etc.)

Vacant wooded

Character of surrounding lands (suburban, agricultural, wetlands, etc.)

Agricultural &  
Rural residential

Estimated cost of proposed improvement \$

Anticipated increase in number of residents, shoppers, employees, etc. (as applicable)

3 lots X 4 family members = 12

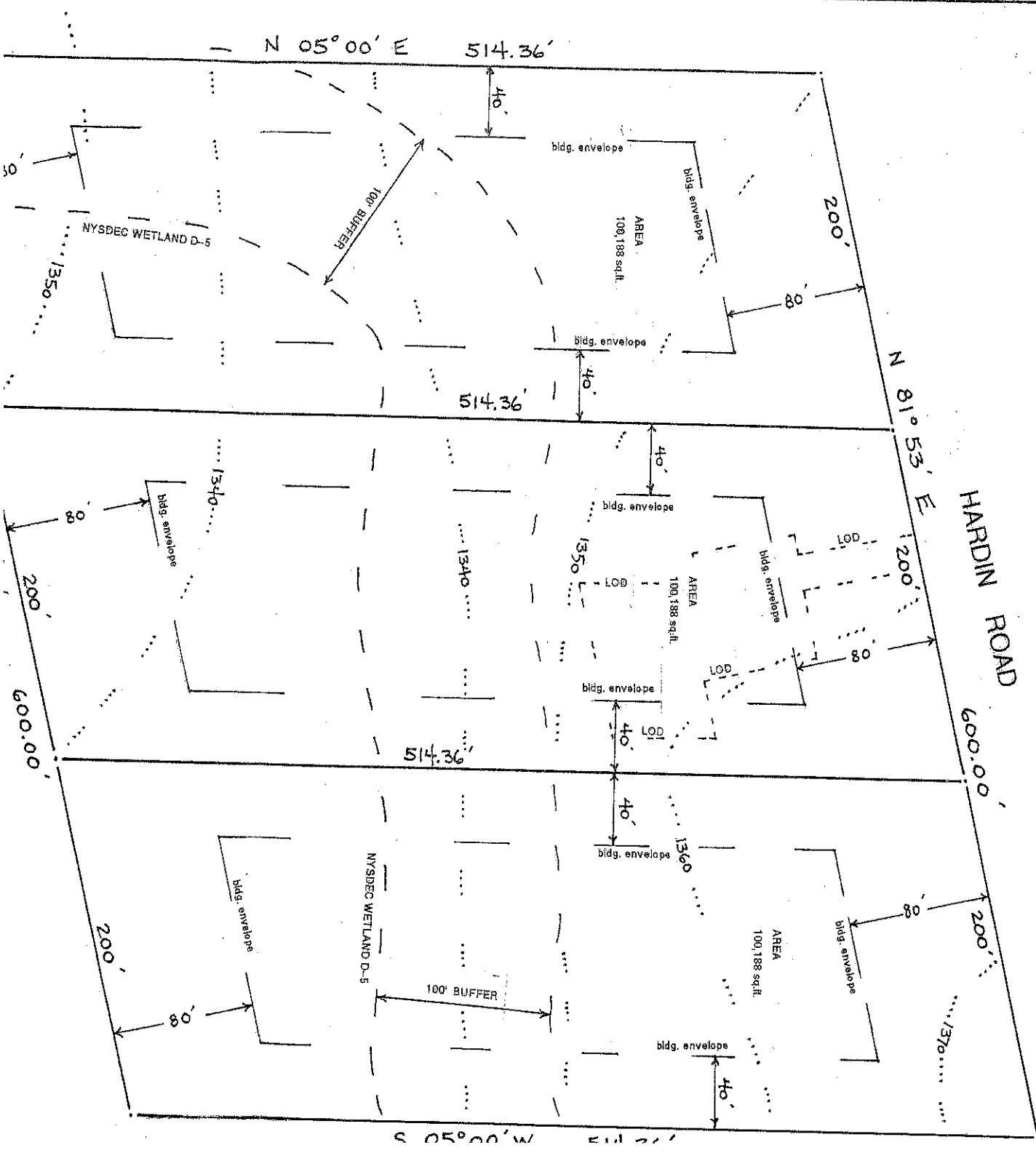
Describe proposed use, including primary and secondary uses; ground floor area; height; and number of stories for each building:

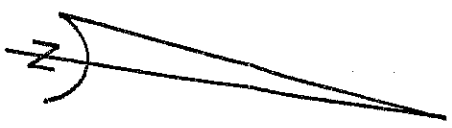
- for residential buildings include number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three or more bedrooms) and number of parking spaces to be provided.
  - For non-residential buildings, include total floor area sales area; number of automobile and truck parking spaces,
  - Other proposed structures.
- (Use separate sheet if needed)

3 lots to be improved with 3/4 bedroom

residences & 1/2 stall garages.







DUANESBURG CHURCHES ROAD

CHODNICKI

WOOD

SINDONI

800' ±

1590' ±

1000' ±

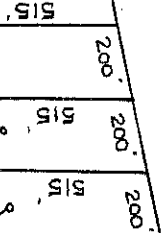
HARDIN ROAD

1200' ±

PROPOSE 3 NEW LOTS  
@ 2.3 ACRES EACH

RPTSA # 44.00 - 1 - 8.21

151 ± ACRES



DERUSSO

950' ±

DENNINGER

650' ±

COUNTY of SCHENECTADY

1400' ±

2100' ±

280' ±

570' ±

WOJCIWICZ

- WOJCIWICZ
- OSTRANDER
- OSTRANDER
- NISSELBECK
- VADNEY
- PETERSEN FAM
- PETERSEN FAMILY TRU

Jeffery Schmitt, Planning Board Chair  
Michael Harris, Vice Chairman  
Chris Parslow, Town Planner  
Carol Sowycz, Clerk  
Teresa Bakner, Board Attorney



Elizabeth Novak, Board Member  
Joshua Houghton, Board Member  
Matthew Hoffman, Board Member  
Michael Walpole, Board Member

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

---

Town of Duanesburg  
Planning Board Minutes  
April 20, 2023  
**Draft Copy**

**MEMBERS PRESENT:**

Jeffery Schmitt- Chairperson, Michael Harris- Vice Chairperson, Elizabeth Novak, Joshua Houghton, Michael Walpole, Matthew Hoffman, Teresa Bakner- Planning Board Attorney, and Clerk Carol Sowycz.

**INTRODUCTION:**

Chairperson Jeffery Schmitt opened the meeting and welcomed everyone to tonight's Planning Board meeting and stated the agenda for the meeting.

**OPEN FORUM:**

Schmitt/Novak made a motion to open the open forum at 7:01 pm.

Schmitt yes, Novak yes, Houghton yes, Hoffman yes, Walpole yes, Harris yes. **Approved.**

Resident Susan Biggs on Zoom. No comment.

Schmitt/Novak made a motion to close the open forum.

Schmitt yes, Novak yes, Houghton yes, Hoffman yes, Walpole yes, Harris yes. **Approved.**

**PUBLIC HEARINGS:**

None

**OLD BUSINESS:**

**#23-05 Hewitt, Tyler:** SBL#43.11-1-12(R-2) located at 8554 Route 30 Delanson NY is seeking a Special Use Permit under 8.4(10) of the Town of Duanesburg Ordinance.

Mr. Hewitt stated that he has provided an updated business plan & plot plan.

Board members had questions concerning:

- Are there houses across the street and to the south?
- How many vehicles would be on site at any given time?
- Is there any intent for well and septic or anything on the property?
- Is the property going to be used for personal use as well as business?
- What would the business hours be?
- What kind of fencing was put up?

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

Over➔

Mr. Hewitt responded that there are houses to the south and across the road. He stated that National Grid clear cut some trees, so he put a fence up. The fence consisted of a regular fence, pallet fence and some sort of invisible fence. He stated that he will be using the garage for both personal and business purposes. Member Novak stated that this falls under a SEQR unlisted action.

**Novak/Walpole** made a motion to set a public hearing for May 18, 2023, for the Hewitt Special Use Permit application.

Novak yes, Walpole yes, Schmidt yes, Houghton yes, Hoffman yes, Harris yes. **Approved**

#### **OLD BUSINESS:**

**#22-10 Kagas, Spiro:** SBL#53.00-1-29.21, (c-1) located at 9938 Western Turnpike is seeking a site plan approval for the accessory parking under section 5.2.2 of the Town of Duanesburg Zoning Ordinance.

Chairman Schmitt stated that Spiro Kagas was on the agenda for a site plan approval for accessory parking, but his consultant had emailed late the prior afternoon saying that they didn't want to be on the agenda. Schmitt stated that the board would like to take the opportunity to speak on this matter as they only meet once a month. He stated that they had received a letter from Doug Cole, the Town Engineer, who has reviewed the Wishy Wash site plan for accessory parking. Chairman Schmitt asked Member Hoffman to explain where this project stands as he has a lot of expertise in this field. Member Hoffman stated that he reviewed the comment letter, plans, and SWPPP and it still is out of our previously approved design standard. He stated that it doesn't appear to be going in the right direction to remedy any of the comments that have come up. He stated that it doesn't appear like they're taking the comments seriously. He also stated that at some point we either move forward with an approvable design or bring the remediated site back to existing conditions. Chairman Schmitt noted that the comment letter from the Town Engineer calls "to divert the flow into neighboring properties, an easement would be required from the landowner". It would have to be a signed permanent easement. Chairman Schmitt stated that there are representatives of the neighboring properties in attendance tonight and would give them an opportunity to speak. Heidi Kretzer stated she would never give Mr. Kagas an easement. Mr. Hoffman stated that one of the sticking points is that Mr. Kagas can't discharge the amount of water into the DOT right away because the flow and volume will be too high. Member Walpole stated that there are engineering solutions to solve the problem. He then asked Town Attorney how long do we keep turning our wheels for a solution?

Attorney Bakner stated that as she understands it, the accessory parking lot is blocked off by a gate and that the parking lot is not currently in use. Board Members and neighbors both stated that the gate is always open. Chairman Schmitt stated that per the towns seize work order the gate was supposed to be locked at all times. He also noted that there were several conditions that were a part of the permit, the other ones being the music and the screening with trees. Residents replied that the music is still playing and that there are several dead trees. Chairman Schmitt asked the Town Attorney for advice for the board to address compliance. Attorney Bakner advised the board to call for a public hearing. Patrick Wren stated that the owner is moving all of his equipment, dumpsters, trailers and barrels along his border line. He's lining them up so I can see them perfectly from my house. Member Harris wanted it to be on record that the board is not turning a blind eye to all this stuff.

**Harris/Novak** made a motion to set a Public Hearing for May 18<sup>th</sup>, 2023, for the Special Use Permit for accessory parking.

Harris yes, Novak yes, Schmitt yes, Houghton yes, Hoffman yes, Walpole yes. **Approved.**  
**Hoffman/Houghton** made a motion to table the Wishy Wash/Spiro Kagas special use permit.  
Hoffman yes, Houghton yes, Schmitt yes, Novak yes, Walpole yes, Harris yes. **Approved.**

#### **NEW BUSINESS:**

**#23-01 McKinley/Proctor:** SBL# 68.00-3-30.111, (C-1) located at 1896 Western Turnpike is seeking a Minor Subdivision under section 3.4 of the Town of Duanesburg Subdivision Ordinance. Ms. Proctor stated that she got the parcel surveyed like she was asked to do by the board. Member Hoffman asked Ms. Proctor if this is to separate the house from the barn and in the future add the back lot to the barn lot. Also asked was she looking to build a house. Ms. Proctor stated that eventually she would like to build but not right away. She stated that we are doing this to get the proper square footage or acreage. She stated that they are separating from the house parcel. Member Harris asked if she went through zoning for the variance that was needed. Ms. Proctor stated she had. The board asked where the well and septic was located. Ms. Proctor described where they are located and stated that Ed McKinley still owns all the properties, and she is doing this on his behalf. The board members and the Town Planner agreed that this should be a lot line adjustment and not a minor subdivision. The planning board determined the proposed McKinley/Proctor action neither creates an increase or decreases any environmental impact.

**Harris/Houghton** made a motion to refer to code enforcement.

Harris yes, Houghton yes, Walpole yes, Hoffman yes, Novak yes, Schmitt yes. **Approved.**

**#23-06 Fusco, Salvatore:** SBL#25.00-1-6.11, (R-2) located at 756 Wells Road is seeking a Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Luigi Palleschi P.E. and Sal Fusco/owner are in attendance. Mr. Palleschi addressed a couple of comments made by the Planning Board the prior month. He stated that they went to the site and looked where the best possible locations for the driveway would be. They revised their plans and emailed a copy to the town. He stated that on Lot#3, they are willing to remove a portion of the barn so it's not in the setbacks. Another parcel had a septic to close to the power lines, we have decided to remove that house and septic from this application. Mr. Fusco wants to keep this parcel for himself. Mr. Fusco stated that he wanted to keep it simple. Lots 2 & 3 will be removed. Mr. Palleschi stated that he will revise the map prior to the public hearing. Attorney Bakner reminded Mr. Palleschi to get the wetlands delineated before the public hearing. She also asked if there were any trees that would have to be taken down. Mr. Palleschi stated not on the north side but there is on the west side. It's a wooded area. He also stated that they had reached out to SHIPO and that they had received the no effect letter. Also, that they reached out to Army Corp. Mr. Palleschi will reach out to a wetlands specialist to move the project forward. Member Hoffman asked what the total disturbance would be for the 5 lots? Mr. Palleschi stated less than 5 acres. Member Hoffman then asked if it would be more than 1 acre? Mr. Palleschi answered yes. Member Hoffman stated that a SWPPP will need to be done. Mr. Palleschi agreed. Member Novak stated that based on all the information, she doesn't anticipate any concerns. The Fusco subdivision is deemed a SEQR negative declaration, type 1. The Town Planning Board has been established as the lead agency and we can set a public hearing for May 18, 2023.

**Novak/Harris** made a motion to set the public hearing for May 18, 2023, for the Fusco Subdivision.

Novak yes, Harris yes, Schmitt yes, Hoffman yes, Houghton yes, Walpole yes. **Approved.**

**SKETCH PLAN REVIEW:**

**#23-08P Chandler Jr., Robert:** SBL#44.00-1-8.21, (R-2) located at 2978 Duanesburg Churches Rd is seeking a Major Subdivision under section 3.5 of the Town of Duanesburg Subdivision Ordinance. Mr. Chandler stated that he didn't know he was supposed to be at the meeting. Chairman Schmitt ask Mr. Chandler what he wishes to do. Mr. Chandler stated that he would like to divide 3 lots on Hardin Road. Chairman Harris ask if the lot size would all be the same? The board asked questions about lot size, slopes, and wetlands. The board informed Mr. Chandler to come to the next planning board meeting on May 18, if he is ready.

**OLD BUSINESS:**

None

**OTHER:**

Town attorney Terresa Bakner stated that the Dollar General looks nice and neat.

**Minute Approval:**

**March 21 ,2023, PLANNING BOARD MEETING MINUTES:**

**Hoffman/Houghton** made a motion to approve the March 21, 2023, Planning Board minutes.

Hoffman yes, Houghton yes, Schmitt yes, Novak yes, Walpole yes, Harris yes. **Approved.**

**ADJOURNMENT:**

**Walpole/ Hoffman** made the motion to adjourn at 8:30 PM.

Walpole yes, Hoffman yes, Harris yes, Houghton yes, Novak yes, Schmitt yes. **Approved.**