Nelson Gage, Zoning Board Chair Dale Warner, 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 October 18<sup>th</sup>, 2022

# 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:

PUBLIC HEARINGS:
None
OLD BUSINESS:
None

# **NEW BUSINESS:**

**ADJOURNMENT** 

**OPEN FORUM** 

#22-09 Ferri, Matthew	<u>: SBL#65.00-2-5.1, (R-2) located at 243 Knight Rd is seekii</u>
an Area Variance and Sid	le Yard Variance on a preexisting undersized lot in a R-2
Zoning District under see	ctions 8.5(1);8.6(2) of the Town of Duanesburg Zoning
Ordinance.	
Comments:	
Summer of the second se	
Other:	
None	
<b>ZONING BOARD MEETI</b>	NG MINUTES:
September 20th, 2022	
Approved: Yes	No:
Comments:	

# VARIANCE APPLICATION TOWN OF DUANESBURG ZONING BOARD OF APPEALS

		ACTIO SOIL	TED OX TEXT EMPLE	J	
Date: 9/21/22	Zoning Distric	et & 2	Type of Varia		
SBL# 65.00	-2.5.1	Pho	one#:	ce 🗷 Area Variance	_
Applicant's Name:	MATTHEW FE	PEI	<u>(5</u> 18)	577 6364	a rative
Applicant's Address:	15G BARBIN ESPERANCE N	RD 17 12066		<del></del>	DECEIVE N SEP 3 0 2022
Property Owner Nam					
Property Address (if	different): <u>243 K</u>	lIGHT RP	DELANSON	NY 12053	
Property Owner's Sig (Signature of owner ind	gnature Hatter icates they have reviewed the	e proposal and give th	eir permission)	<u>-</u>	
Proposal: (Brief description	ription of request)  32' x 24  Feet	Garage	Seek 179	a side	yard reduction
A copy of this notarize	ed application and the acc placed on the ZBA agence	companying informa	tion must be submi	tted to the Planning a	nd Zoning Department for
<ul> <li>A) Name of app</li> <li>B) North arrow;</li> <li>C) Adjoining property map to sea</li> <li>A) Name of app</li> <li>B) North arrow;</li> <li>property boun</li> <li>C) Location of p</li> <li>boundaries</li> <li>D) Location of w</li> </ul>	deed ng the location of the proplicant and SBL# Street and if applicable the perty owners names with the lie icant and SBL# Location of any structures	ne lake shore I location of wells a scurrently on the presions and intended u	roperty with dimens se; Distances from t t of ways and any o	ions of the structures the proposed structure ther geographic or en	e to the property
I certify that all the in	nformation submitted is		to the best of my k  21/22  Date	nowledge.	÷
State of New York, cou	unty of Schenectady sworn	n this da	ny of	20 Notary	Public
Reviewed by Kuller Fee 100,00 Hearing Date	*********** (For Office Date 9-30-27 Date 9-30-27 Approved	Check#_ <b>_2_7</b> l: YES NO	Rec'd By Approval	Q Date	
Zoning Ordinance mu	l: A permit must be obt: st be followed or the app e:	proval becomes nu	iths of approval of ll and void.	this application an	d all other aspects of the
Authorized Signature _	(ZBA Chairperson)		Date	·····	

$TO^{1}$	N/X/	$\Omega \mathbf{r}$	DITA	NES:	DITO	~
$\mathbf{L}\mathbf{U}$	YYII	V.	DUB	LL DO	אוונס	١,

Application#	
_	
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:
<ol> <li>Type of Application: Special Use Per Area Variance Subdivision Approval</li> <li>Description of proposed project:</li> </ol>	· · · · · · · · · · · · · · · · · · ·
<ul> <li>4. Is this parcel within an Agricultural Dis</li> <li>5. If YES, Agricultural District Number</li> <li>6. Is this parcel actively farmed? YES</li> </ul>	er (TMP) 65.00 - 2 -* 5.  strict? YES NO (Check with your local
NAME:ADDRESS:	NAME: ADDRESS:
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO
NAME: ADDRESS:	NAME: ADDRESS:
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO
Signature of Applicant	Signature of Owner (if other than applicant)
Reviewed by:  Dale R. Warner	3/16/22 Date

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.

# OFFICE OF THE SCHENECTADY



**COUNTY CLERK** 

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

Alicia Godlewski

Jeffrey Morrette

Carla Saglimbeni Deputy County Clerks

Cara M. Ackerley County Clerk

Instrument Number - 201909172 Recorded On 3/1/2019 At 3:47:20 PM

- \* Instrument Type DEED
- \* Book/Page DEED/2006/686
- \* Total Pages 4 Invoice Number - 998663

User ID: TMH

- \* Document Number 2019-845
- \* Grantor ROCKWELL DENISE M
- \* Grantee FERRI MATTHEW J

\*RETURN DOCUMENT TO: FRANK M PUTORTI JR ESQ 1338 UNION ST SCHDY, NY 12308

# \* FEES

NY	REALTY TRANSFER	TAX	\$600.00
NY	LAND SUR		\$4.75
NY	E & A FEES		\$116.00
NY	LAND COMP SUR		\$14.25
CO	GENERAL REVENUE		\$45.00
CO	LAND SUR		\$0.25
CO	E & A FEES		\$9.00
CO	LAND COMP SUR		\$0.75
TOT	PAT, PATD		\$790.00

#### TRANSFER TAX

Real Estate Transfer Tax Num - 2742 Transfer Tax Amount - \$ 600.00

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

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.

0014TD

**INSTRUMENT NUMBER - 201909172** 

## WARRANTY DEED WITH LIEN COVENANT

## THIS INDENTURE

Made this 16 day of 1ct, Two Thousand Eighteen,

BETWEEN

DEED Book 2006 Page 687 Doc No 2019-845 4

DENISE M. ROCKWELL

residing at 243 Knight Road, Delanson, New York 12053,

Party of the first part, and

MATTHEW J. FERRI.

residing at 156 Barbin Road, Esperance, New York 12066,

Party of the second part,

**WITNESSETH** that the party of the first part, in consideration of One and NO/100 (\$1.00) Dollars lawful money of the United States, and other good and valuable considerations paid by the party of the second part, does hereby grant and release unto the party of the second part, his heirs and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Duanesburg, County of Schenectady and State of New York, being bounded and described as follows:

# See Schedule "A" Attached

This conveyance is made subject to any and all covenants, conditions, easements and restrictions of record.

The parcel is entirely owned by the transferor.

Together with the appurtenances and all estate and rights of the party of the first part in and to said premises,

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

And said party of the first part covenants as follows:

First, that the party of the second part shall enjoy the said premises;

**Second**, that said party of the first part will forever *Warrant* the title to said premises.

Third, that, in Compliance with Sec. 13 of the Lien Law, the grantor 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 before using any part of the total of the same for any other purpose.

65.00

In Witness Whereof, the party of the first part has hereunto set her hand and seal the day and year first above written.

IN PRESENCE OF

DENISE M. ROCKWELL

STATE OF NEW YORK )
COUNTY OF Schenectady )SS.:

On this 16 day of Oct , Two Thousand Eighteen, before me, the undersigned, a Notary Public in and for said State, personally appeared DENISE M. ROCKWELL, 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 that by her signature on the instrument, the individual executed the instrument.

Notary Public

THER ESE A. WRIGHT

NOTARY PUBLIC, #4800330

SCHOHARIE CO UNTY, STATE OF NEW YORK

JUMMISSION E XPIRES AUGUST 31, 20 22

R+R

Frank M. Potorti Jr.
1338 Union Street
Scholy, N.Y. 12308

# SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Duanesburg, County of Schenectady and State of New York, being bounded and described as follows:

Beginning at a point at the Northeasterly corner of the east equal half of Lot 153, known and recorded in the Office of the Clerk of Schenectady County as Locust Farm and running thence in a Southerly direction along the boundary line between the lands formerly of the John Hoag Estate and the lands of Abram P. Ball (this being also the Eastern boundary of the Knight Road), one hundred (100) feet to a point; thence in a westerly direction through the lands of Abram P. Ball, two hundred fifty (250) feet to a point; thence in a Northerly direction through the lands of Abram P. Ball, one hundred (100) feet to a point on the boundary line between the lands now owned by Abram P. Ball and the lands owned by Arthur Coons to a point; thence in an easterly direction along said boundary line for two hundred fifty (250) feet to the point of beginning.

The premises above descried are sold and conveyed subject to the following restriction:
That no intoxicating liquors shall be manufactured, made or sold on the premises and this restriction is to run with the land.

**BEING** the same premises conveyed from Lawrence F. Rockwell and Kathie W. Rockwell, to Denise M. Rockwell, by Deed dated November 13<sup>th</sup>, 1997 and recorded in the Schenectady County Clerk's Office on November 18, 1997 in Book 1527 of Deeds at Page 362.

# AND

Beginning at a point located in the division line between Lot 3 to the southwest and a portion or land to be merged with lands now or formerly of Denise M. Rockwell to the northwest; thence along said division line and through the lands now or formerly of James Cole (Book 1771, Page 273) the following two courses and distances:

- 1. North 85~-20'-19" West, a distance of 247.99 feet to a point;
- 2. North 03e~29~-3 1" East, a distance of 70.01 feet to a point

located in the division line between lands of Cole to the southwest and lands now or formerly of Denise M. Rockwell (Book 1527, Page 362) to the northeast; thence along said division line South 85~-20'-19" East, a distance of 250.00 feet to a point located in the western road boundary of Knight Road; thence along the western road boundary of Knight Road South 05~-08'-28" West, a distance of 70.00 feet to the point or place of beginning; containing 0.40+1- acres more or less.

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

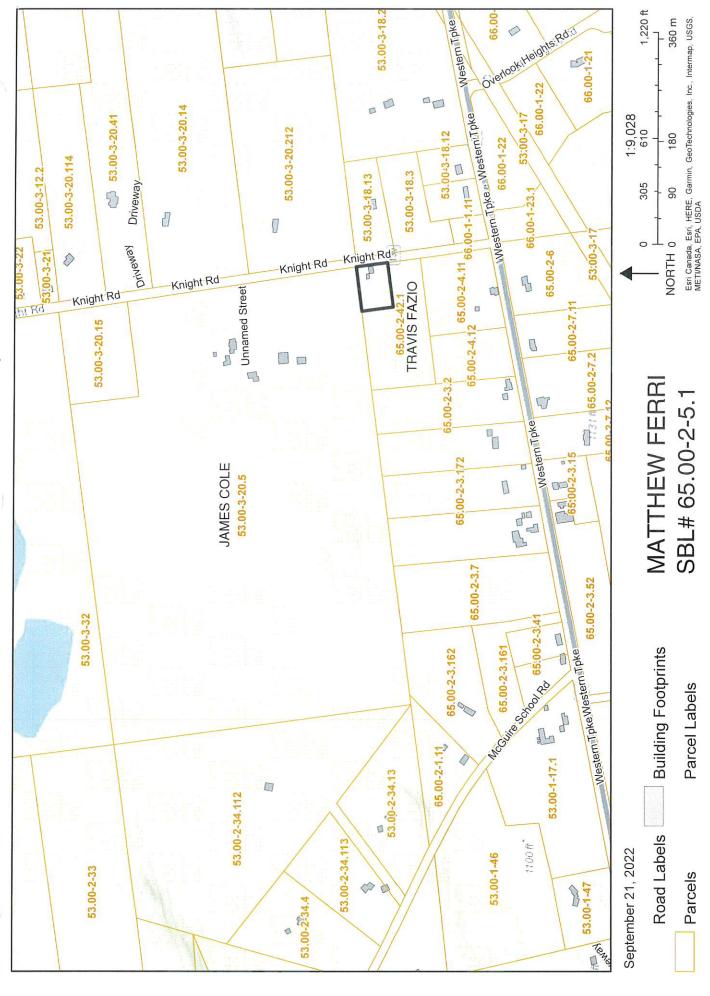
The said premises are further described on a Map filed in the Schenectady County Clerk's Office on March 5, 2008, Document #2008-15.

**BEING** the same premises conveyed from James A. Cole, to Denise M. Rockwell, by Deed dated October 30, 2008 and recorded in the Schenectady County Clerk's Office on November 6, 2008 in Book 1792 of Deeds at Page 738.



Map data @2022 , Map data @2022

# 243 Knight Td Parcel Map



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

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



SCHENECTADY COUNTY

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

SEP 27 2022

Town of Duanesburg Zoning Board Minutes September 20<sup>th</sup>, 2022 **Draft Copy** 

MEMBERS PRESENT: Nelson Gage- Chairperson, Jonathan Lack- Vice Chairperson, Matthew Ganster (Via Zoom), and Danial 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 to open form at 7:01 pm.

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

Nelson Gage closed the open forum at 7:05 pm.

# PUBLIC HEARINGS:

None 🐔

# New Business:

#22-07 Tiscione. Matthew: \$BL#35.06-5-25, (L-1) located at 365 Spring Rd is seeking an area variance and side yard variance to replace an existing structure with a new structure under sections 7.1.5 7.1.6(2) of the Town of Duanesburg Zoning Ordinance.

Mr. Tiscione gave his presentation to the public.

Gage/Lack made a motion to open opened the public hearing for the #22-07 Tiscione, Matthew application.

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

Brice Hill located at 400 Spring Rd would like to know what does the 34,000 sqft means. Board Member Lack explained that in the Town of Duanesburg Zoning Law in a L-1 zoning district a buildable lot is 1 acre and this particular lot is preexisting undersized lots that needs a variance for the square footage.

Shirley Venette located at 404 Spring Rd would like to know if the 10 ft strip is a right of way to the lake for the public that's to the left of the property.

**Gage/Lack** made a motion to close the public hearing for the #22-07 Tiscione. Matthew application.

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

Ganster/Boggs made a motion to approve the application of #22-07 Tiscione, Matthew: SBL#35.06-5-25, (L-1) located at 365 Spring Rd for a 34,960 sqft area variance, 8ft front yard variance and a 4 ft east side yard variance to construct an approximately 28X50 one and a half story dwelling on a preexisting undersized lot under sections 13.1.2;7.1.5; 7.1.6(1)(2) of the Town of Duanesburg Zoning Ordinance providing a building permit but obtained within 6 months and all other aspects of the Zoning Ordinance be followed. Ganster aye, Boggs aye, Gage aye, Lack aye. Approved.

#22-08 May. Denise: SBL#67.04-1-6, (L-2) located at 234 Duane Lake Rd is seeking a right-side yard variance of 4.5ft and left side yard variance of 6.4 ft to replace an existing structure with a new structure under section 7.2.6(2) of the Town of Duanesburg Zoning Ordinance.

Mitchel Blackfield from Clayton homes is representing Denise May. Mr. Blackfield gave his presentation to the public.

Gage/Boggs made a motion to open opened the public hearing for the #22-08 May. Denise application.

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

Alan R. Knight located at 1399 W. Duane Lake Rd (**Please See Attachment**)
Patricia Huff located at 252 Duane Lake Rd is very concerned with the septic system that is going to be a half raised mounded system. Patricia is worried that if it fails her lawn will become contaminated. Stated also was that about two feet down is nothing but bedrock. Another concern is that the shared driveway that is going to be used the corner of the house shown on the plans will be roughly four feet away and, in the wintertime, will be a very tight when the plow goes through. Patricia stated multiple times that she is very concerned with the septic system and would like to know who to contact if it does indeed fail.

Nancy Weis located at 236 Duane Lake Rd is towards the end of the private shared driveway and would like to know what is the chances that putting in a new well 100ft away from her well will affect how much water she gets. Every year in the spring her property floods and she calls it "the little Duane Lake". A swale was put a long time ago down the shared driveway and Mrs. Weis would also like to know if the new landowner would not affect this as it helps divert the runoff down the road. With all the construction equipment coming in and out of the property if the landowner would also repair the damage that may be caused?

Gage/Lack made a motion to close the public hearing for the #22-08 May. Denise application. Gage aye, Lack aye, Boggs aye, Ganster aye. Approved.

Lack/Gage made a motion to approve the application of #22-08 May. Denise: SBL#67.04-1-6, (L-2) located at 234 Duane Lake Rd for a north side yard variance of 6 ft and a south side yard variance of 4ft to construct an approximately 30X52 one story dwelling under section 7.2.6(2) of the Town of Duanesburg Zoning Ordinance providing a building permit but obtained within 6 months and options for different septic's to be explored.

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

# **OLD BUSINESS:**

None

# **OTHER:**

#22-06 Callahan. Paul: SBL#67.00-2-11.41, (R-2) located at 646 W Duane Lake Rd is seeking an Area Variance to sell an existing undersize lot as a building lot in a R-2 Zoning District under section 8.5(1) of the Town of Duanesburg Zoning Ordinance. Mr. Callahan was not in attendance and no new information was submitted to the Board.

Lack/Gage made a motion to table the #22-06 Callahane Raul application until the October 18th, 2022, meeting.

# MINUTES APPROVAL:

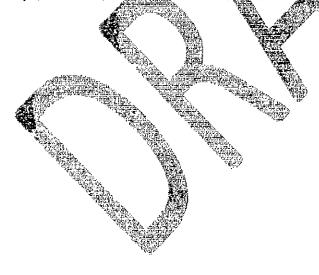
Lack/Boggs made a motion to approve the August 16th, 2022, Zoning Board minutes with minor corrections.

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

Lack aye, Gage aye, Leoni aye, Ganster aye.

# ADJOURNMENT:

Boggs/Ganster made a motion to adjourn at 8:46 pm. Boffs aye, Ganster aye, Gage aye, Lack aye. Approved



Nelson Gage, Chairman Zoning Board Town of Duanesburg 5853 Western Tumpike Duanesburg, NY 12056

Transmitted via email: jhowe@duanesburg.net

September 20, 2022

Re: Privilege of the Floor September 20, 2022 - website zoning board transparency and accountability

Dear Chairman Gage and the Zoning Board,

At the September 8, 2022 town board meeting Council member John Ganther announced his departure from the board in October 2022. The board did not discuss how or when a replacement council member would be appointed.

Two items that may improve the zoning boards transparency and accountability with the taxpayers.

1. Concerned citizens have to hunt and peck through the town website to find the meeting agenda and then manually type the zoom meeting information into the zoom application.

Town board meeting notifications include zoom log on details and a hot-link to the zoom platform. This notification is posted on the town website home page. Residents may easily find meeting notifications and participate in town meetings.

The September 2022 planning board meeting notification was posted on the town homepage and provided a hotlink to the zoom meeting.

Zoning board meeting notification and zoom log on details are found on the agenda and do not provide a hotlink to the zoom platform.

Please provide log on information for zoom meetings on the town website home page in the same manner as the town board and planning board meetings.

2. The town website provides a link to "Legal Notices and Public Notices <a href="https://www.duanesburg.net/legal-notices-and-public-notices">https://www.duanesburg.net/legal-notices-and-public-notices</a>

# This page lists:

# "September 2021

Public Hearing Notice for Local Law No. 2 of 2021 entitled "2021 Temporary Moratorium Law on Major Solar Energy Systems including Battery Energy Storage Systems."

#### October 2018

- October 30, 2018 Public Hearing for Cable Agreement
- October 25, 2018 Public Hearing for Preliminary Budget and LL# 7 of 2018
- October 25, 2018 Sewer District Assessment Roll Public Hearing
- October 4, 2018 Town Board Special Meeting

# September 2018

- September 27, 2018 Special Town Board Meeting Budget Workshop
- September 22, 2018 Special Town Board Meeting
- Instructions for Spectrum Broadband cost aid in construction
- Seebold/Livingston Public Notice
- Schworm/BEB Drilling Public Notice

# August 2018

- · Dog Control Law Amendment
- · Zoning Board of Appeals Public Hearing

# July 2018

• Public Hearing on the proposed improvements to Mariaville Lake Sewer District #2 pursuant to Town law §202-b.

#### June 2018

- Hawes Major subdivision Public Hearing
- Hawes Special Use Public Hearing

# May 2018

Town Board Supplemental bond Resolution Legal Notice Town Board Local Law #3 of 2018 Legal Notice DiCaprio Planning Board Legal Notice Schworm Planning Board Legal Notice Schworm #2 Planning Board Legal Notice

#### April 2018

Residents may now connect to Sewer District #3

Sewer District 1 & 3 Legal Notice

March 2018

Unserviced Roads- Please confirm your road is listed. If it is not let us know so we can update our records.

February 2018

Fire Protection District #3 Contract Public Hearing

# January 2018

Schenectady County Recreational Facilities Closure Notice

## June 2017

Sewer User Public Notice

# Archived Legal Notices

• View Older Public Notices and Announcements
https://www.duanesburg.net/legal-notices-and-public-notices/pages/archived-legal-notices"

Is the zoning board their best to inform the taxpayers of board actions and public hearings? Is the zoning board doing their best to be transparent and accountable about board actions and public hearings?

I request that the zoning board follow the town board's standard of providing a meeting notice including the zoom hot-link on the town website home page.

I request that public hearing notices are posted on the town webpage for "Legal Notices and Public Notices."

Thank you for your time and consideration.

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

(No subject)

Patricia Huff <pathuff1@hotmail.com>

Tue 9/20/2022 5:55 PM

To: Patricia Huff <pathuff1@hotmail.com>

I am president of the Duane Lake Association and I am here in that capacity. The mission of our association is stewardship of the waters of the lake. This is no frivolous task. About half the homes around the lake use the lake for their household water supply and a third use it for drinking water. Why? Because very commonly deeply drilled wells at Duane Lake find no water.

The variance being discussed tonight pertains to septic systems. This is important. Nobody at Duane Lake wants to be drinking a neighbor's septic effluent. And some water tests of the lake do show evidence of E. coli . . . a product of septic effluent.

It is crucial that septic systems at Duane Lake be as effective as possible. It is a matter of public health.

New technology exists--and has been approved for Schenectady County--that treats septic effluent before it reaches the septic. drainage field. These systems have undergone rigorous EPA testing and are being installed now at Lake George, Saranac Lake, and Skaneateles Lake--the primary reservoir for the city of Syracuse.

They cost less than conventional backyard septic systems, do a better job of protecting lakes, and require smaller septic drainage fields than conventional septic systems.

If such a system were installed at the property in question, this variance would not be needed. The customer would save money, and the lake would be better protected.

On behalf of the 62 homeowners who are dues-paying members of the Duane Lake Association—as well as the other 10 or so who are not—I strongly encourage this Board to recommend such applicants at Duane Lake utilize this better technology.

Respectfully, Alan R. Knight President

· · 1