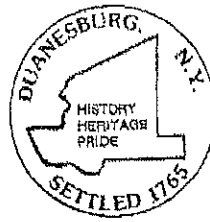


Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Carol Sowycz, Clerk
Teresa Bakner, Attorney
Jonathan Lack, Vice Chair Member



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

**Town of Duanesburg
Zoning Board of Appeals
May 16, 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:

#23-08 Wren, Patrick: SBL:53.00-1-18, (R-2) located at 9866 Western Turnpike, Delanson NY 12053 is seeking an area variance under Section 5.7.1 of the Town of Duanesburg Zoning Ordinance.

Comments: _____

Approved: Yes _____ No: _____

Comments: _____

Approved: Yes _____ No: _____

OLD BUSINESS:

None

NEW BUSINESS:

#23-09 Nichols, Kevin: SBL#75.00-2-14, (R-2) located at 11560 Duanesburg Road is seeking a front yard variance under Section 8.6(1) of the Town of Duanesburg Zoning Ordinance.

Comments: _____

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Carol Sowycz, 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
Caitlin Mattos, Board member

Comments: _____

OTHER:

None

ZONING BOARD MEETING MINUTES:

April 18, 2023

Approved: Yes _____ No: _____

Comments: _____

ADJOURNMENT

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Carol Sowycz, Clerk
Teresa Bakner, Attorney



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

TOWN OF DUANESBURG
SCHENECTADY COUNTY

NOTICE OF PUBLIC HEARING

LEGAL NOTICE NOTICE OF PUBLIC HEARING ZONING BOARD TOWN OF DUANESBURG

PLEASE TAKE NOTICE, THAT THE ZONING BOARD OF APPEALS FOR THE TOWN OF DUANESBURG, WILL MEET IN THE TOWN BOARD ROOM LOCATED DOWNSTAIRS AT THE TOWN HALL IN THE TOWN OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **May 16, 2023**, AT **7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE APPLICATION OF:

#23-08 Wren, Patrick: SBL:53.00-1-28, (R-2) located at 9866 Western Turnpike, Delanson NY 12053 is seeking an area variance under Section 5.7.1 of the Town of Duanesburg Zoning Ordinance.

BY ORDER OF THE CHAIRPERSON
ZONING BOARD
TOWN OF DUANESBURG
CHAIRPERSON

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

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

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

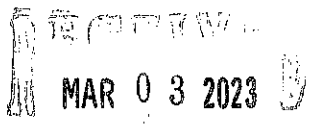
VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 2/22/23 Zoning District R2 Type of Variance
 Use Variance Area Variance
SBL# 53.00-1-18 Phone #: 518-657-9150 Email: pwren9866@gmail.com

Applicant's Name: Patrick Wren

Applicant's Address: 9866 Western Turnpike
Delanson NY 12053



Property Owner Name(if different): _____

Property Address (if different): _____

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

Proposal: (Brief description of request)
To build a fence higher than 6' to screen my property from
the activity at the car wash bordering my property.

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.

Patrick Wren
Applicant

3/3/23
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>Thomas</u> ADDRESS: _____ _____	NAME: _____ ADDRESS: _____ _____
Is this parcel actively farmed? <u>YES</u> 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

Date

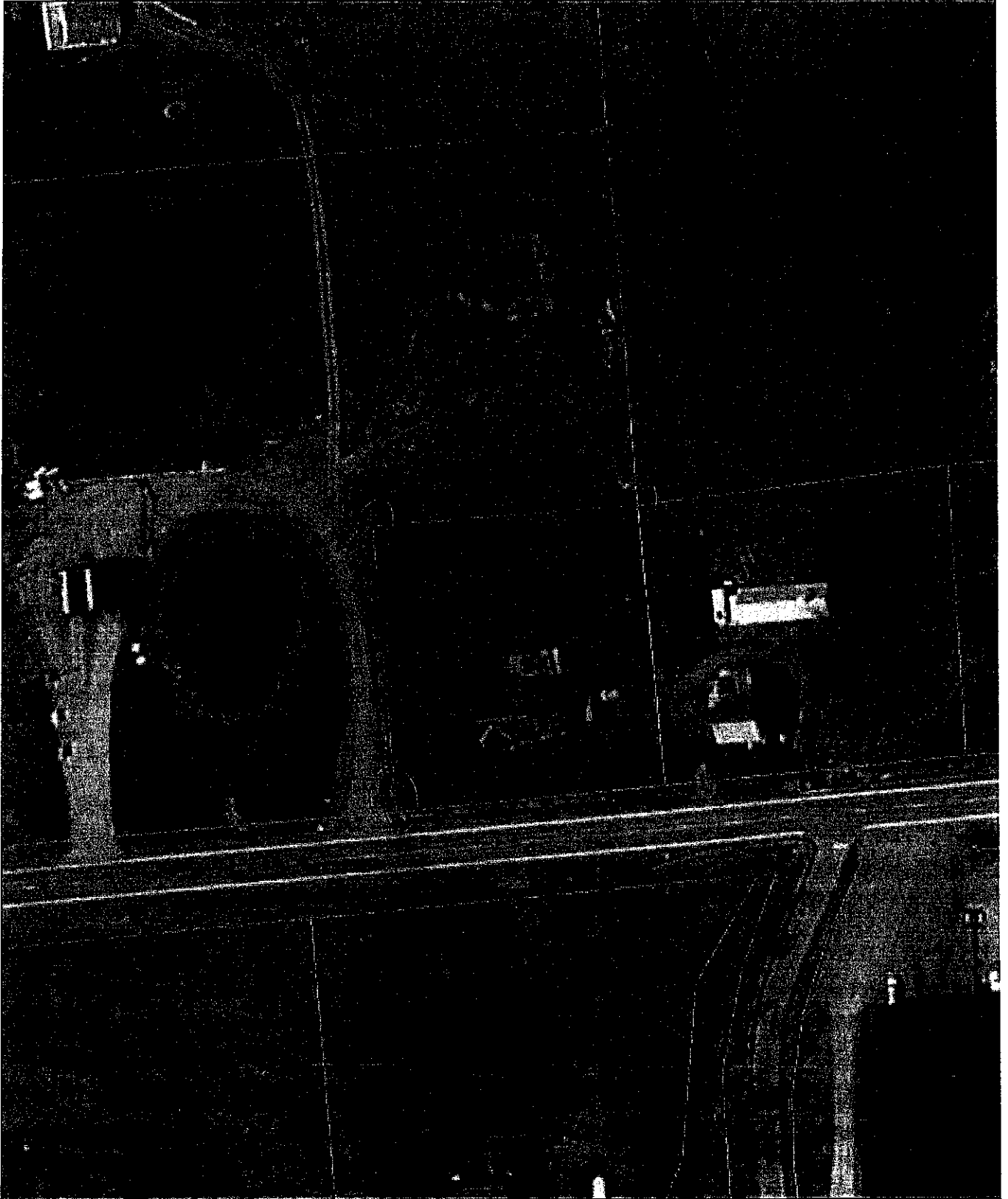
Revised 4/4/17

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.

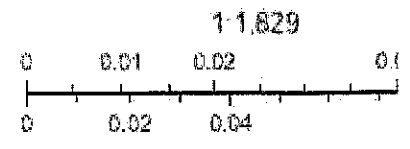
Untitled Map $\begin{matrix} \uparrow \\ \leftarrow N \rightarrow \\ | \\ E \end{matrix}$



February 22, 2023

Override 1

 Parcels




Untitled Map

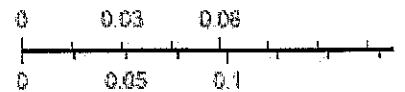


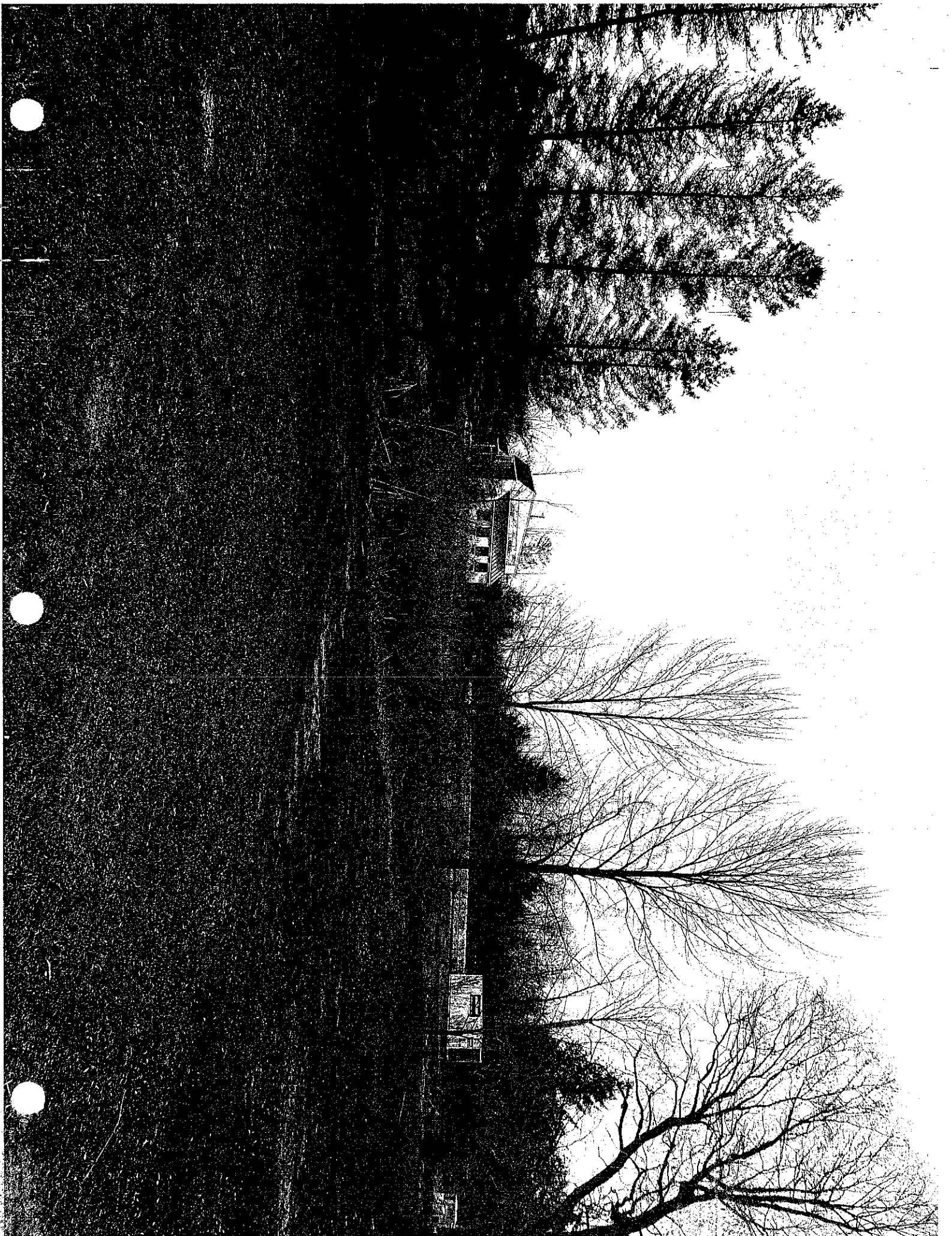
February 22, 2023

1:5,141

 Override 1

 Parcels







ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

Received: _____
Case No. _____
Returned: _____

FROM: Legislative Body
 Zoning Board of Appeals
 Planning Board

Municipality:
Town of Duanesburg

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

ACTION: Zoning Code/Law Amendment
 Zoning Map Amendment
 Subdivision Review
 Site Plan Review

Special Permit
 Use Variance
 Area Variance
 Other (specify) _____

PUBLIC HEARING OR MEETING DATE: March 16th, 2023

SUBJECT: #23-08 Wren, Patrick: SBL#53.00-1-18,(R-2) located at 9866 Western Turnpike, Delanson NY 12053 is seeking an area variance under Section 5.7.1 of the Town of Duanesburg Zoning Ordinance.


REQUIRED ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - the boundary of any city, village or town;
 - the boundary of any existing or proposed County or State park or other recreation area;
 - the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Carol Sowycz Title: Planning/Zoning Clerk
Address: 5853 Western Turnpike Duanesburg, NY 12056
E-mail: csowycz@duanesburg.net Phone: (518) 895-2040


Signature

Date: 4/6/2023

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 4/27/23 Zoning District R2 Type of Variance
SBL# 75-00-2-14 Use Variance Area Variance
Phone #: 518-424-1991

Applicant's Name: Kevin Nichols

Applicant's Address: 11510 Duaneburg Rd
Delanson, NY 12033

Property Owner Name(if different): _____

Property Address (if different): _____

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

Proposal: (Brief description of request)
Requesting front yard variance 40' to build pole
barn for garage/storage (32x48)

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

REQUIRED INFORMATION:

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

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

Kevin Nichols 4/27/23
Applicant Date

State of New York, county of Schenectady sworn this 27th day of April 2023 Notary Public

Kate M

KATE RICHARD
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01R1643056
Qualified in Albany County
Commission Expires May 09, 2026

***** (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)

ORIGINAL

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

Received _____
Case No. _____
Returned _____

FROM: Legislative Body
 Zoning Board of Appeals
 Planning Board

Municipality:
Town of Duanesburg

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

ACTION: Zoning Code/Law Amendment Special Permit
 Zoning Map Amendment Use Variance
 Subdivision Review Area Variance
 Site Plan Review Other (specify) _____

PUBLIC HEARING OR MEETING DATE: May 16, 2023

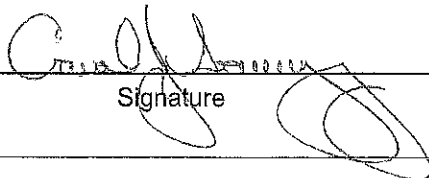
SUBJECT: #23-09 Nichols, Kevin: SBL#75.00-2-14, (R-2) located at 11560 Duanesburg Road is seeking a front yard variance under Section 8.6(1) of the Town of Duanesburg Zoning Ordinance.

- REQUIRED ENCLOSURES:**
- Public hearing notice & copy of the application.
 - Map of property affected. (Including Tax Map I.D. number if available)
 - Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

- This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
- This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - the boundary of any city, village or town;
 - the boundary of any existing or proposed County or State park or other recreation area;
 - the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

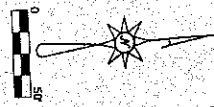
SUBMITTED BY:

Name: Carol Sowycz Title: Planning/Zoning Clerk
Address: 5853 Western Turnpike Duanesburg, NY 12056
E-mail: csowycz@duanesburg.net Phone: (518) 895-2040


Signature

Date: 5/1/2023

- LEGEND
- ▲ CONCRETE MONUMENT
 - NYS DOT ROD FOUND
 - ⊙ IRON ROD FOUND
 - IRON PIPE FOUND
 - IRON BAR FOUND
 - IRON ROD SET
 - OVERHEAD UTILITY LINE



TOTAL AREA: 2.479 ACRES

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATEMENT OF FACTS IN ABSTRACT MAY REVEAL

REMAINING LANDS OF
WILCOX & WANDA ERANE
S.B.L. 7-2-1211
AREA: 74+ ACRES

LANDS OF
THOMAS A. SAMUELSON
S.B.L. 7-2-1211

LANDS OF
ROGER G. SAMBERG & ANASTASIA
S.B.L. 75-2-13

KEVIN C. & GRACE A. NICHOLS
TOWN OF DUANESEBURG
COUNTY OF SCHENECTADY
STATE OF NEW YORK

SCALE: 1" = 50'

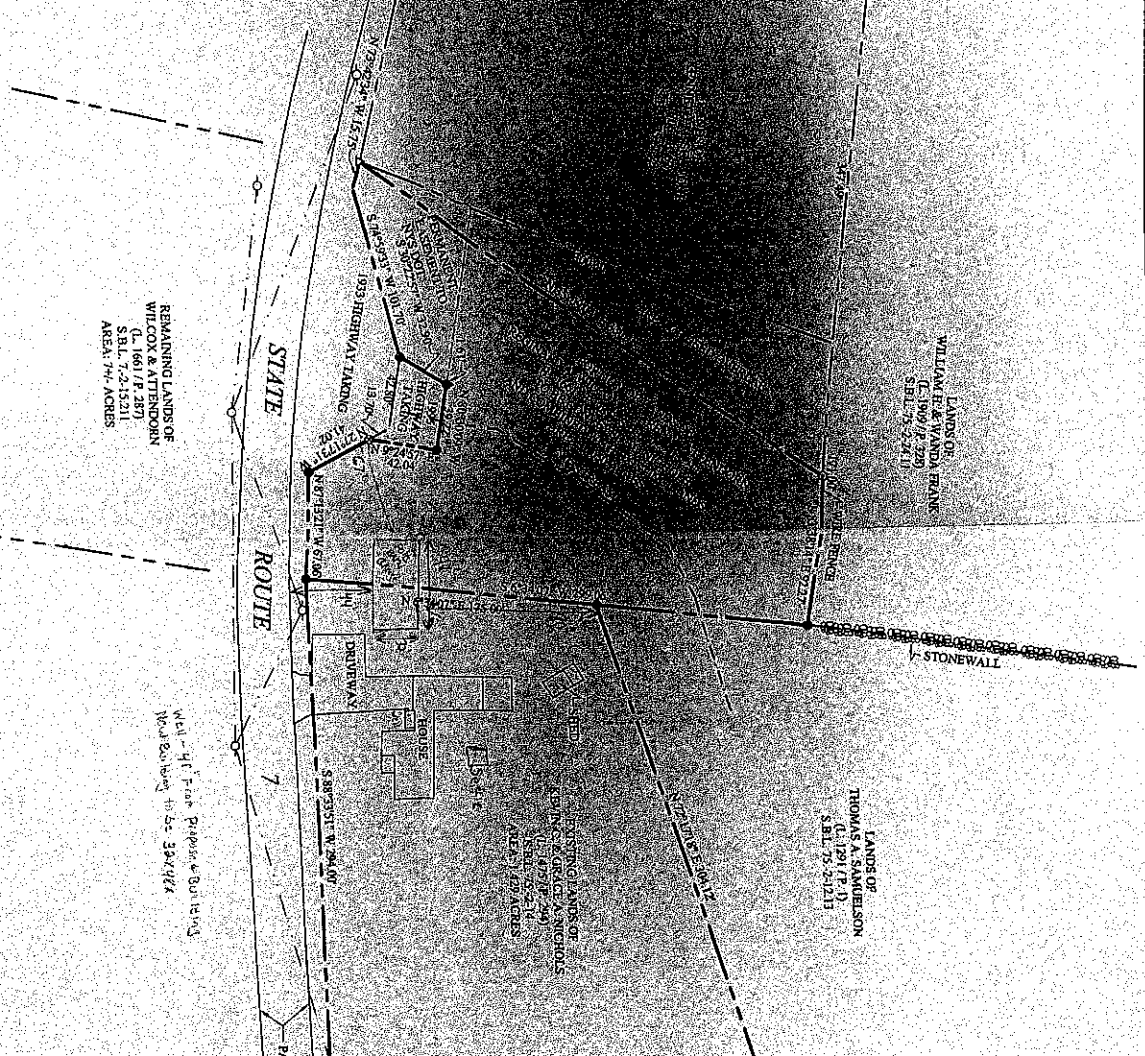
JANUARY 9, 2023

PERGUSON & FOSS
PROFESSIONAL LAND SURVEYORS, PC
630 ROUTE 316-DUNSTON, NY 12093 518-782-9977
EMAIL: ds@pergusonfoss.com

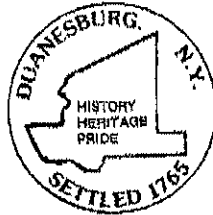


ALL RIGHTS TO SECTION 84 ARE RESERVED
NUMBER 84 BEING IN THE COUNTY OF
COUNTY NEW YORK STATE OF NEW YORK
ON A CERTAIN PART OF THE QUAD OF THIS SURVEY
RECORDING OFFICE OF THE LAND SURVEYOR STATE
OF NEW YORK COUNTY OF SCHENECTADY

Well - 41' from proposed buildings
You hereby to be Surveyed



Nelson Gage, Chairperson
Chris Parslow, Town Planner
Carol Sowycz, Clerk
Teresa Bakner, Board Attorney



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

TOWN OF DUANESBURG
SCHENECTADY COUNTY

Town of Duanesburg
Zoning Board Minutes
April 18, 2023
Draft Copy

MEMBERS PRESENT: Nelson Gage- Chairperson, Charles Leoni, Caitlin Mattos, Jonathan Lack, Daniel Boggs, Town Planner Chris Parslow, Clerk Carol Sowycz.

INTRODUCTION:

Chairperson Gage welcomed everyone to the April 18th ZBA meeting.

OPEN FORUM:

Chairperson Gage opened the open forum at 7:01pm. Chairman Gage ask if anyone present at the meeting or on Zoom would like to participate in the open forum. No comments were made. Chairperson Gage closed the open forum.

PUBLIC HEARINGS:

#23-02 Govel, George: SBL# 68.00-1-24.1, (R-2) located at 3000 Western Turnpike is seeking an area variance under section 8.2(6) of the Town of Duanesburg Zoning Ordinance. Mr. Govel stated that he is looking to erect a detached 30 x 50-foot 1 story garage with 14 feet ceilings for storage, hobby, and personal use along the eastern border of his property. He also stated that there isn't going to be any drains, no bathrooms, no sinks, just heated storage. Board member Boggs asked if there is a driveway from Route 20 to the garage being planned? Mr. Govel answered that there is a driveway and there will be an approximately 25-foot pavement extension off the back to connect the garage at some point in the future.

Gage/Lack made a motion to open the public hearing regarding this application. Gage aye, Lack aye, Mattos aye, Leoni aye, Boggs aye. **Approved.** No comment from the public.

Gage/Lack made a motion to close the public hearing. Gage aye, Lack aye, Mattos aye, Leoni aye, Boggs aye. **Approved.**

Lack/Boggs made a motion to approve the application of **Govel, George:** SBL# 68.00-1-24.1, (R-2) located at 3000 Western Turnpike for an east side area variance of 20 feet

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

under Section 8.2(6) of the Town of Duanesburg ordinance to construct a 30x50 foot, one story garage provided that a building permit be obtained within 6 months.
Lack aye, Boggs aye, Leoni aye, Mattos aye, Gage aye. **Approved.**

#23-03 Bushnell, Elizabeth: SBL#35.06-5-26, (Lake 1) located at 383 Spring Road is seeking an area variance under section 7.1.6(2) of the Town of Duanesburg Zoning Ordinance. Mr. Bushnell gave his presentation to the public and answered all questions asked by the board members.

Gage/Lack made a motion to open the public hearing regarding the variance request.
Gage aye, Lack aye, Mattos aye, Leoni aye, Boggs aye. **Approved.**

Resident Tina Bacon, 373 Spring Road was in attendance.

Gage/Leoni made a motion to close the public hearing.

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

Boggs/ Lack made a motion to grant Elizabeth Bushnell of 383 Spring Road Duanesburg, SBL#35.06-5-26 a side yard setback of 9 feet, a front yard setback variance of 31 feet and an area variance of 32,760 sq. ft. to construct a 30x28 foot 2 story attached garage providing a building permit is obtained within 6 months under Section 7.1.5.

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

New Business:

#23-08 Wren, Patrick: SBL:53.00-1-28, (R-2) located at 9866 Western Turnpike, Delanson NY 12053 is seeking an area variance under Section 5.7.1 of the Town of Duanesburg Zoning Ordinance. Mr. Wren stated he lives right next to the Wishy Wash Car Wash. Mr. Wren stated that he is asking for a variance of the height of a fence that he would be allowed to put up bordering his property. He says that the area directly behind his property used to be a wooded area and the current owner of the car wash has now cleared it and filled it with stone. He states that where the driveway goes up to the car wash, every time a truck or car pulls up there, there is dirt and dust and noise. Mr. Wren is asking to put up a fence on the side that borders the driveway and across the back of the property, it has become a privacy and security issue. Mr. Wren stated that the vehicles go back there late at night. He is concerned that it's dark, and someone could just park back there and walk directly into his yard. Also, the view from his back deck now includes dumpsters, vehicles, and plows. He also stated he would like to put up an 8-foot fence opposed to the 6 feet that the town allows. Mr. Wren explains where he wants the fence placed and that he is looking into a cedar wood basket weave fence that would blend in with the surroundings. Chairman Gage states that this application falls under a type 2 action, so the ZBA hereby determines that the request for a fence is an exempt type 2 action pursuant #6NYCCR- Section 671.5C16 and no further action is required.

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

Lack/Gage made a motion that we set the public hearing for May 16th at 7:00PM for Patrick Wren of 9866 Western Turnpike, Delanson SBL#53.00-1-18 for a 2-foot fence size variance under section 5.7.1 of the Town of Duanesburg Zoning Ordinance.

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

Minutes Approval

Leoni/Mattos made a motion to approve the March 21st Zoning Board minutes with minor corrections.

Leoni aye, Mattos aye, Boggs abstain, Lack aye, Gage aye. **Approved.**

Mattos/Leoni made a motion to adjourn at 8:01 pm.

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

DRAFT