

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



TOWN OF DUANESBURG
SCHENECTADY COUNTY

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

Town of Duanesburg
Zoning Board Minutes
December 20th, 2022
Final Copy

RECEIVED
JAN 18 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 Duanesburg Rd (**Please See Attachment**)

Nelson Gage closed the 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.

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 25,560 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.

Mr. Hitchcock explained that it will be a 2 story single family home, there is no plans drawn up for the home 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 buy 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-notice-and-public-notice>

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



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[Home Occupation Application](#)

[June 21, 2022 Zoning Board Public Hearing -
Dunnsville Rod & Gun Club](#)

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[November 15, 2022 Zoning Board Agenda](#)

November 15, 2022 - 7:00pm

[October 18, 2022 Zoning Board Meeting Agenda](#)

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[September 20, 2022](#)

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[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



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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

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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