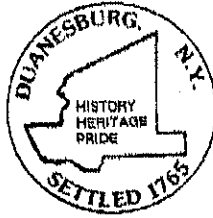


Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Melissa Deffer, Clerk
Teresa Bakner, Board Attorney



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
January 16th, 2023
Final Copy

MEMBERS PRESENT: Nelson Gage- Chairperson, Jonathan Lack- Vice Chairperson, Matthew Ganster, Charles Leoni via zoom, and Daniel Boggs, Link Pettit. Also attending Chris Parslow- Town Planner, and 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 at 7:01pm.

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

The Clerk explained that the job posting is on the Facebook page, her last day is Friday January 27th and will no longer be working for the Town of Duanesburg.

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.

and Luigi Palleschi from ABD Engineering were present at the meeting via zoom. Mr.

Palleschi gave his presentation to the public and explained he is representing Mr. Beliveau who bought the property last fall and is part of Beliveau Brothers, LLC.

Mr. Palleschi explained the changes that were made to the map and stated that the landowner agreed to push the eastside setback to 20ft instead of 10ft, making the west side still within the prorated distance. The house will still have the same blueprint 50X70 with a 2-car front load garage built in. The finished height of the house will not exceed the 35 ft height maximum. The reason there are no blueprints drawn up is because they wanted to get the approvals before paying someone to draw a house, they will not be able to build potentially. The house will be in line with all the other houses on Hillside Rd.

Chairperson Gage did go out and do a site visit and measured with a wheel tape, his

findings were the same as the surveyors and did note that it is a double lot. Gage explained that the house Mr. Beliveau would like to build to is no bigger in land coverage than the rest of the homes preexisting on the single lots.

Nancy Eddings located at 260 Hillside Rd would like to know if any of the Board Members have gone out to visit the site. Mrs. Eddings expressed that she is not happy with this big of a house being built in Mariaville. It will not be in the characteristic of the neighborhood.

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

Town Planner explained that if you wanted to renovate or change an existing structure you would have to get a survey and potentially must move the structure. Along with getting a building permit/variance. You do have rights to the driveway because you have been maintaining it for years.

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

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

Lack/Gage made a motion to grant **#22-10 Beliveau, Matt**: SBL#35.06-2-9, (R-1) located at Hillside Rd a 25,560 sqft Area Variance.

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

Lack/Gage made a motion to grant **#22-10 Beliveau, Matt**: SBL#35.06-2-9, (R-1) located at Hillside Rd an 8ft East Side Yard Variance to construct a 50x70 single family dwelling with a incorporated garage provided a building permit be obtained within 6 months.

Lack nay, Gage aye, Ganster nay, Boggs nay, Pettit nay. **Denied.**

Luigi Palleschi from ABD Engineering would like to know the reasoning behind the denial of the side yard variance.

Chairperson Gage explained that the Board based their decision on the fact that it does not meet the characteristics of Hillside Rd. The goal of the ZBA is if there is a way to make it so the Board doesn't have to alter the Zoning law which in this case if you reduce the house size by 5ft a variance is not needed on the east side, therefore the Board denied the request.

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 Zoning Ordinance. Mr. Proctor and his Daughter Deanna Proctor were both present at the meeting. Mr. Proctor stated that on the current property there is an existing house, barn, and an arena. The barn and arena are not deeded with the house, and they would like to take the barn and arena off from the house because the house is being foreclosed on. Deanna stated that she would like to buy the house and register it as historic and restore the house and barn back to the 1850's look. Deanna plans on buying the house as soon as she can figure out what bank currently owns it. Also, Deanna plans to merge the vacant lot parcel and the parcel with the barn and arena. For the next meeting the Board would like to have the Town Planner review the Survey and determine how many feet is needed for the variance.

Gage/Ganster made a motion that the **#23-01 McKinley/Proctor** application is and exempt Type II action pursuant to Title 6 NYCRR Section 671.5(c)(16).

No further action pursuant to SEQRA is required.

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

Boggs/Lack made a motion to set a public hearing for February 21st, 2023, at 7pm, or there about for the application of **#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 Zoning Ordinance.

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

OLD BUSINESS:

None

OTHER:

Chairperson Gage thanked the Board for getting their training done. Also, the Town Board passed a Local Law for Zoom meetings. All participants are encouraged to show up in person, if something happens that you can not attend the meeting there is zoom but there are certain conditions the Board members need to be meet.

MINUTES APPROVAL:

Lack/Pettit made a motion to approve the December 20th, 2022, Zoning Board minutes with minor corrections.

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

ADJOURNMENT:

Pettit/Ganster made a motion to adjourn at 8:39 pm.

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

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: October 12, 2022

Zoning District L-1

Type of Variance

☐ Use Variance ☒ Area Variance

SBL# 30.05-2-B

Phone #:

Applicant's Name: Matt Bellevue

Applicant's Address: 2157 West Old State Road

Albion, NY 12009

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

Property Address (if different):

Property Owner's Signature Matt Bellevue

(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 width 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.

Matt Bellevue
Applicant

10/15/2022
Date

State of New York, County of Schoharie, sworn this _____ day of _____ 20____, Notary Public

***** (For Office use only) *****

Reviewed by _____ Date _____

Fee \$100.00

Date 11-9-22

Checks 34282

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.

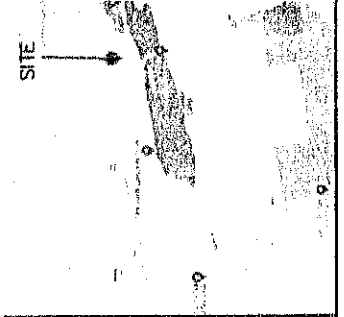
Other Conditions include:

Authorized Signature

Edison W. Sage
(ZBA Chairperson)

Date

1/17/23



SITE LOCATION MAP



- NOTES:**
1. BASE MAPS TAKEN FROM SCHENECTADY COUNTY GIS MAPPING AND MAP REFERENCES.
 2. THE PLANS SHOW SOME KNOWN STRUCTURE, ABOVEGROUND STRUCTURE AND/OR UTILITIES BELIEVED TO EXIST IN THE WORKING AREA. EXACT LOCATION OF THE STRUCTURE AND/OR UTILITIES IS NOT GUARANTEED. THE CONTRACTOR IS WARNED THAT THE EXACT LOCATION OF THE STRUCTURE AND/OR UTILITIES IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURE AND/OR UTILITIES IN THE AREA MAY BE DIFFERENT FROM THAT SHOWN ON THIS MAP. THE CONTRACTOR SHALL BE HIS RESPONSIBILITY TO PROTECT WITH GREAT CARE IN EXECUTING ANY WORK. 48 HOURS BEFORE ANY DIG, DRILL OR BLAST, CALL U.P.S.O. (1-800-662-7862), TOLL FREE.
- MAP REFERENCE:**
- "SURVEY MAP OF LANDS N/F JOSEPH S. VERRILLI, PREPARED BY NORTHEAST ENGINEERING & LAND SURVEYING, P.C., DATED JULY 2, 2009"

ZONING:

MIN LOT SIZE 43,560 SF
MIN LOT WIDTH 175 FT
MIN LOT DEPTH 200 FT
MAX LOT COVERAGE 30%
MIN FRONT SETBACK 40 FT
MIN SIDE SETBACK 40 FT
MIN REAR SETBACK 40 FT
*VARIANCE REQUIRED
(PREEXISTING NONCONFORMING)

OWNER/APPLICANT:
MATT BELINEAU
2157 WEST OLD STATE RD
ALBANY, NY 12209

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

ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS ILLEGAL

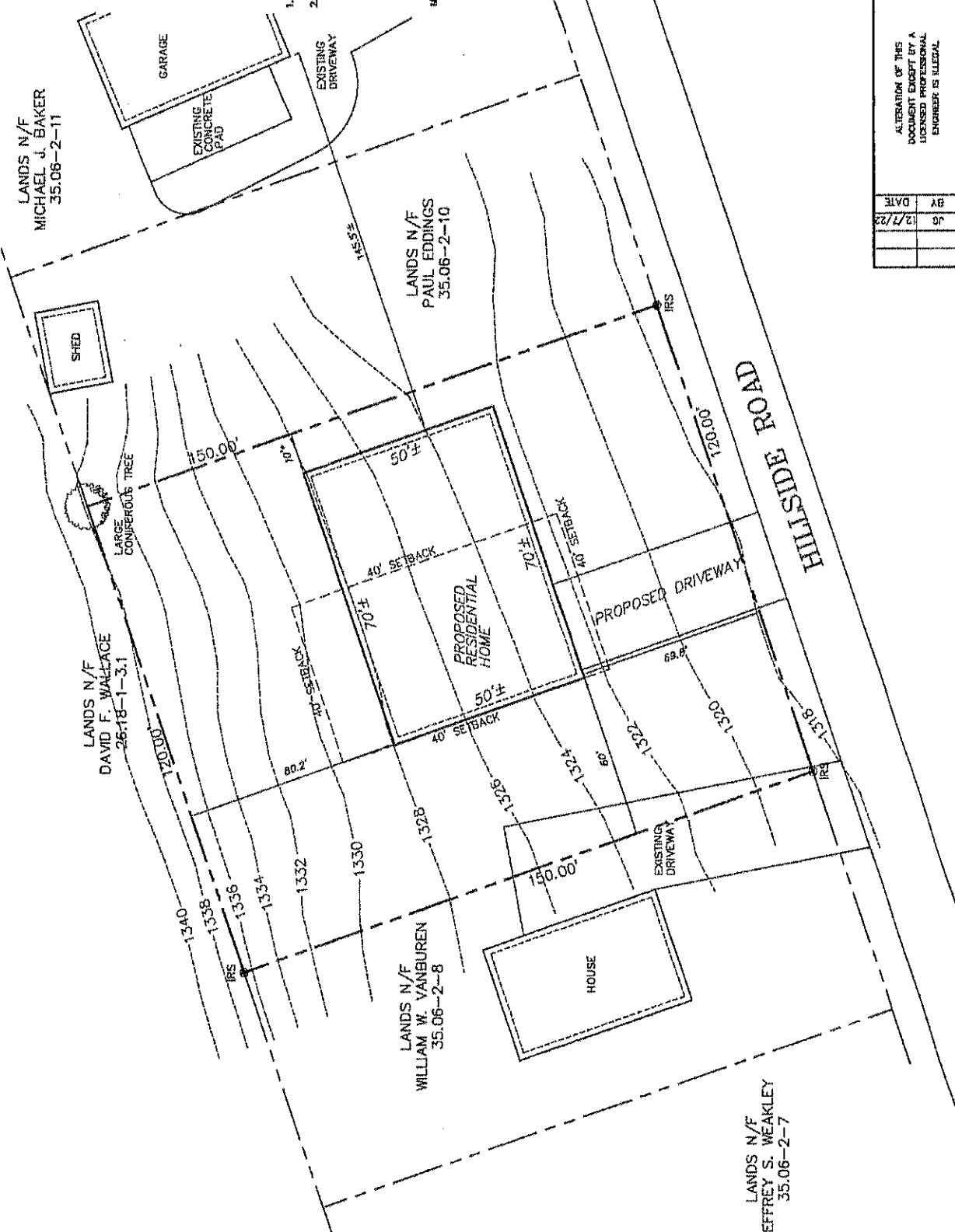
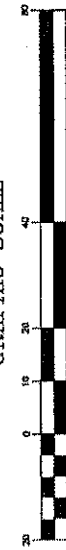


ADDED DIMENSIONS		REVISION	
BY	DATE	BY	DATE
JS	12/1/22		

TOWN OF DUANESEBURG
COUNTY OF SCHENECTADY
STATE OF NEW YORK
ENGINEERS, LLP
411 Union Street
Schenectady, NY 12305
(518) 377-0215 Fax: 518-377-0170

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

GRAPHIC SCALE

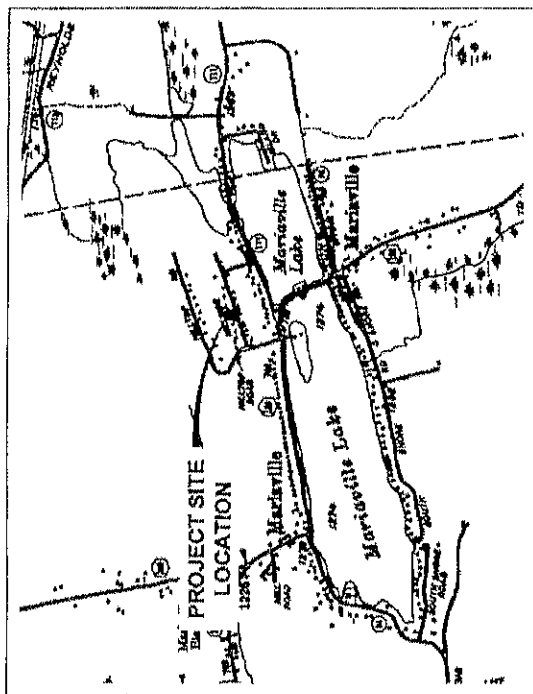


LEGEND

— EXISTING PROPERTY LINE

- - - EXISTING ADJACENT PROPERTY LINE

⊙ IRON ROD SET



PARCEL KEY

1" = 2000'

NOTES:

1. UNDERGROUND UTILITIES SHOWN HEREON BASED ON UTILITY EVIDENCE VISIBLE AT GROUND SURFACE AND RECORD DRAWINGS AND ARE SUBJECT TO FIELD VERIFICATION BY EXCAVATION.
2. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES.
3. THE OFFSETS OR DIMENSIONS SHOWN HEREON, FROM THE PROPERTY LINES TO THE STRUCTURES, ARE FOR A SPECIFIC PURPOSE AND USE THEREFORE, THEY ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR TO GUIDE THE ERECTION OF FENCES, ADDITIONAL STRUCTURES, OR ANY OTHER IMPROVEMENT.
4. EASEMENTS AND/OR SUBSURFACE STRUCTURES RECORDED OR UNRECORDED ARE NOT GUARANTEED UNLESS PHYSICALLY EVIDENT ON THE PREMISES AT THE TIME OF THE SURVEY.
5. TAX MAP DESIGNATION: 33.06-2-8

MAP REFERENCES:

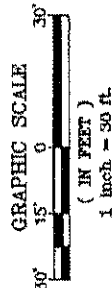
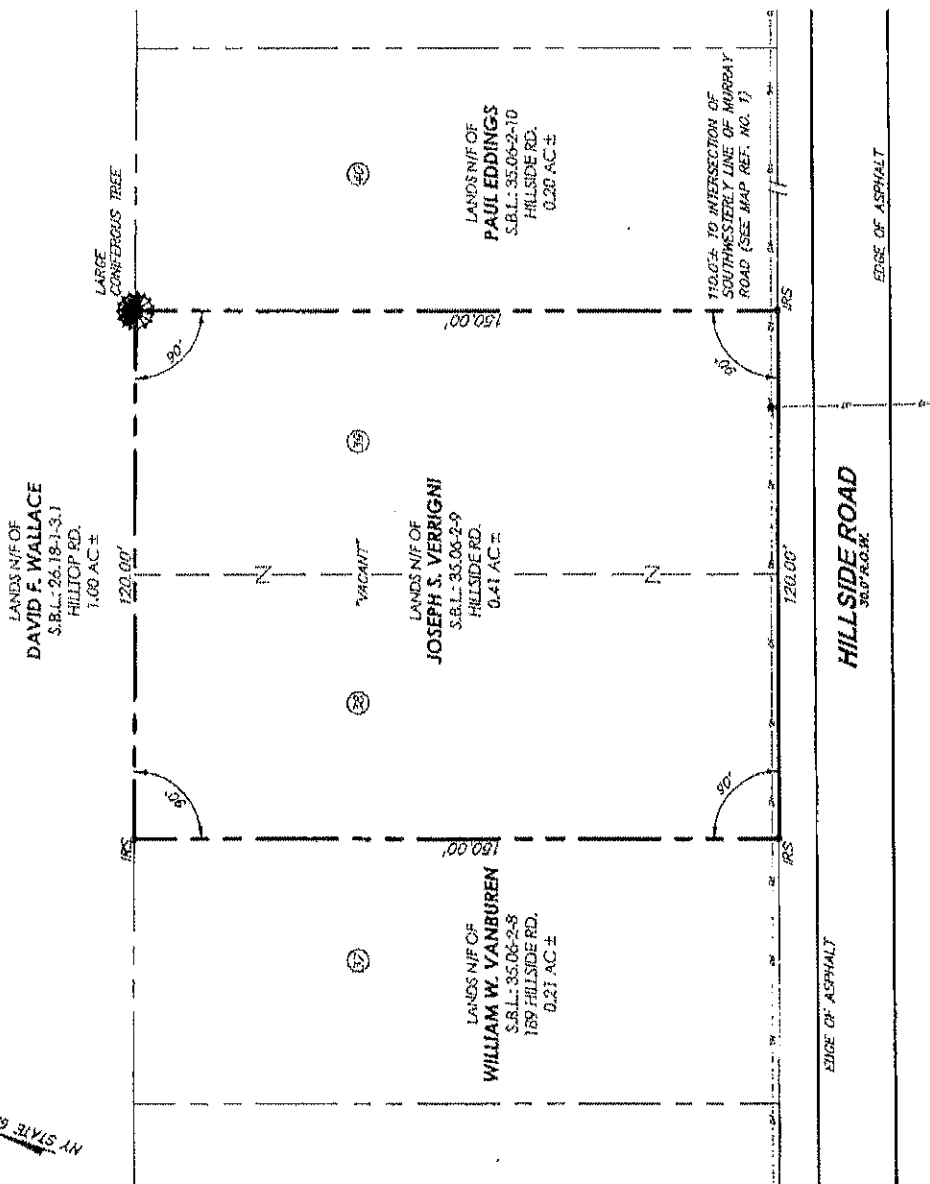
1. AS SHOWN ON THE LAKE VIEW MAPS, NO. 1, MARIA LAKE, BELONGING TO T.C. SWART, TOWN OF MARIETTE, SHERBURN COUNTY, MINNESOTA, PREPARED BY ROBERT BLESSING, SURVEYOR, FILED IN THE SHERBURN COUNTY CLERK'S OFFICE AS MAP BOOK 82, PAGE 54, BEARING A DATE OF SEPTEMBER 27, 1922.

DEED REFERENCES:

1. REFER TO DEED DATED DECEMBER 14, 2005 FROM MARLENE VERRIGNI, EXECUTRIX OF THE ESTATE OF ROCCO VERRIGNI TO JOSEPH S. VERRIGNI AND RECORDED IN THE SHERBURN COUNTY CLERK'S OFFICE AS BOOK 1722, PAGE 510.

CERTIFICATIONS INDICATED HEREON SHOW THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING LAKE VIEW MAPS, NO. 1, MARIA LAKE, BELONGING TO T.C. SWART, TOWN OF MARIETTE, SHERBURN COUNTY, MINNESOTA, PREPARED BY ROBERT BLESSING, SURVEYOR, FILED IN THE SHERBURN COUNTY CLERK'S OFFICE AS MAP BOOK 82, PAGE 54, BEARING A DATE OF SEPTEMBER 27, 1922, AND ON THE BEHALF OF THE TITL COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

BELJEAU BROTHERS LLC



Google Maps 247 Hillside Rd

Pattersonville, New York

Google

Street View - Oct 2007

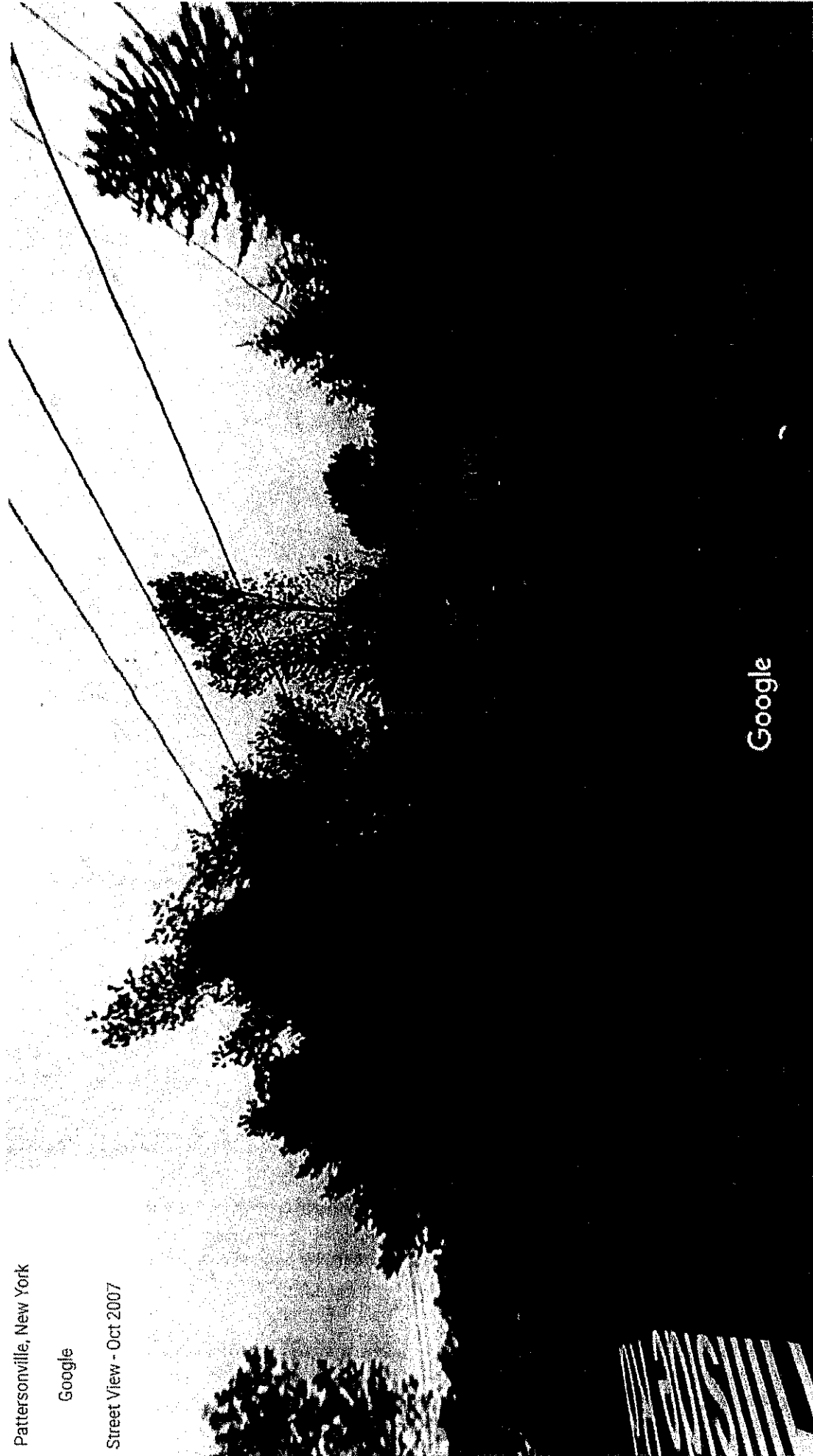


Image capture: Oct 2007 © 2022 Google

247 Hillside Rd

Hillside

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

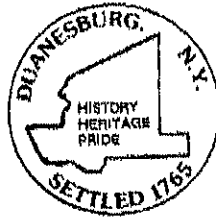
BY ORDER OF THE
TOWN OF
DUANESBURG ZONING BOARD OF APPEALS
CHAIRPERSON

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

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

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

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
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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 February 21st, 2023, at 7:00 pm for the purpose of hearing all persons interested in the application of:

#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.

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

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

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 21th, 2023

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

Date: _____

Signature

MAP IDENTIFICATION NUMBER:
68.00-3-30.111 & 30.41

DATE PRINTED: May 17, 2021

TOWN OF DUANESBURG

0 250

