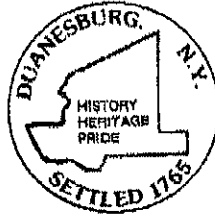


Nelson Gage, Chairperson
Chris Parslow, Town Planner
Carol Sowycz, Clerk
Teresa Bakner, Board Attorney



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
Caitlin Mattos, Board Member

Town of Duanesburg
Zoning Board Minutes
May 16, 2023
Final Copy

MEMBERS PRESENT: Jonathan Lack -Vice Chairperson, Charles Leoni, Daniel Boggs, Link Pettit, Matthew Ganster, Clerk Carol Sowycz.

INTRODUCTION:

Vice Chairperson Lack welcomed everyone to the May 16th ZBA meeting.

OPEN FORUM:

Vice Chairperson Lack opened the open forum at 7:00pm. Vice Chairman Lack asked if anyone present at the meeting or on Zoom would like to participate in the open forum. No comments were made.

Vice Chairperson Lack closed the 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 for a 2-foot height fence variance under Section 5.7.1 of the Town of Duanesburg Zoning Ordinance. Mr. Wren stated that he wants to put an 8-foot fence up along the back and side of his property for privacy and security purposes. He also stated that would help alleviate the amount of dust and dirt that is in his yard.

Lack/Boggs made a motion to open the public hearing on the variance request.

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

No comments were made by the public.

Lack/Pettit made a motion to close the public hearing.

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

Boggs/Ganster made a motion to grant Patrick Wren of 9866 Western Turnpike, Delanson, SBL#53.00-1-18 a 2-foot height variance under section 5.7.1 of the Town of Duanesburg zoning ordinance providing a building permit be obtained within 6 months and all aspects of the ordinance are followed.

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

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

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. Mr. Nichols stated that he is requesting a 40-foot front yard variance to put up a 32x48 foot garage. He stated that the garage would be a post and beam construction. The members asked Mr. Nichols about:

- 1.- Elevation change
- 2.- Whether it's a pole barn or a garage.
- 3.- What material would be used for the siding.
- 4.- The height of the garage that is proposed.
- 5.- Are there neighbors nearby.
- 6.- Where the septic and well are located.

Mr. & Mrs. Nichols answered that the requested location is due to a slope on their property. They stated that they would extend the current driveway about 20 feet to tie into the garage. Mr. Nichols claimed that the structure is a pole barn that he is going to use as a garage and that the siding will be metal, the garage will be 1 story with 12-foot ceilings. Mr. Nichols pointed out where the septic and well are located on his property. He also stated that they don't have any neighbors that are near by and there is mostly wooded area around their property.

Lack/Boggs made a motion to declare lead agency for SEQRA purposes.

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

Lack/ Leoni made a motion that the ZBA determined that the granting of this setback is an exempt type 2 action, and no further action is necessary.

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

Leoni/ Boggs made a motion to set a public hearing on June 20, 2023, at 7:00PM for Kevin Nichols at 11560 Duanesburg Rd Delanson, SBL#75.00-2-14 seeking a 40-foot variance under section 8.6(1).

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

Minutes Approval

Leoni/Lack made a motion to approve the April 18, 2023, Zoning Board minutes.

Leoni aye, Lack aye, Ganster abstain, Boggs aye, Pettit aye, **Approved.**

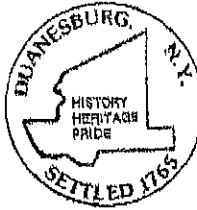
Other:

Board Member Leoni requested that the Town of Duanesburg website and the Zoning Board binders be updated with correct membership and email addresses.

Pettit/ Ganster made a motion to adjourn the 5/16/2023 ZBA meeting.

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

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 Leonl, 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

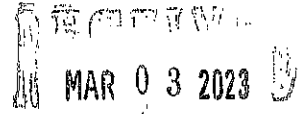
VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

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: purch9866@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)

TOWN OF DUANESBURG

Application# _____

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: _____	Name: _____
Address: _____	_____
_____	_____

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>	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? <u>YES</u> NO	Is this parcel actively farmed? YES NO
NAME: _____	NAME: _____
ADDRESS: _____	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

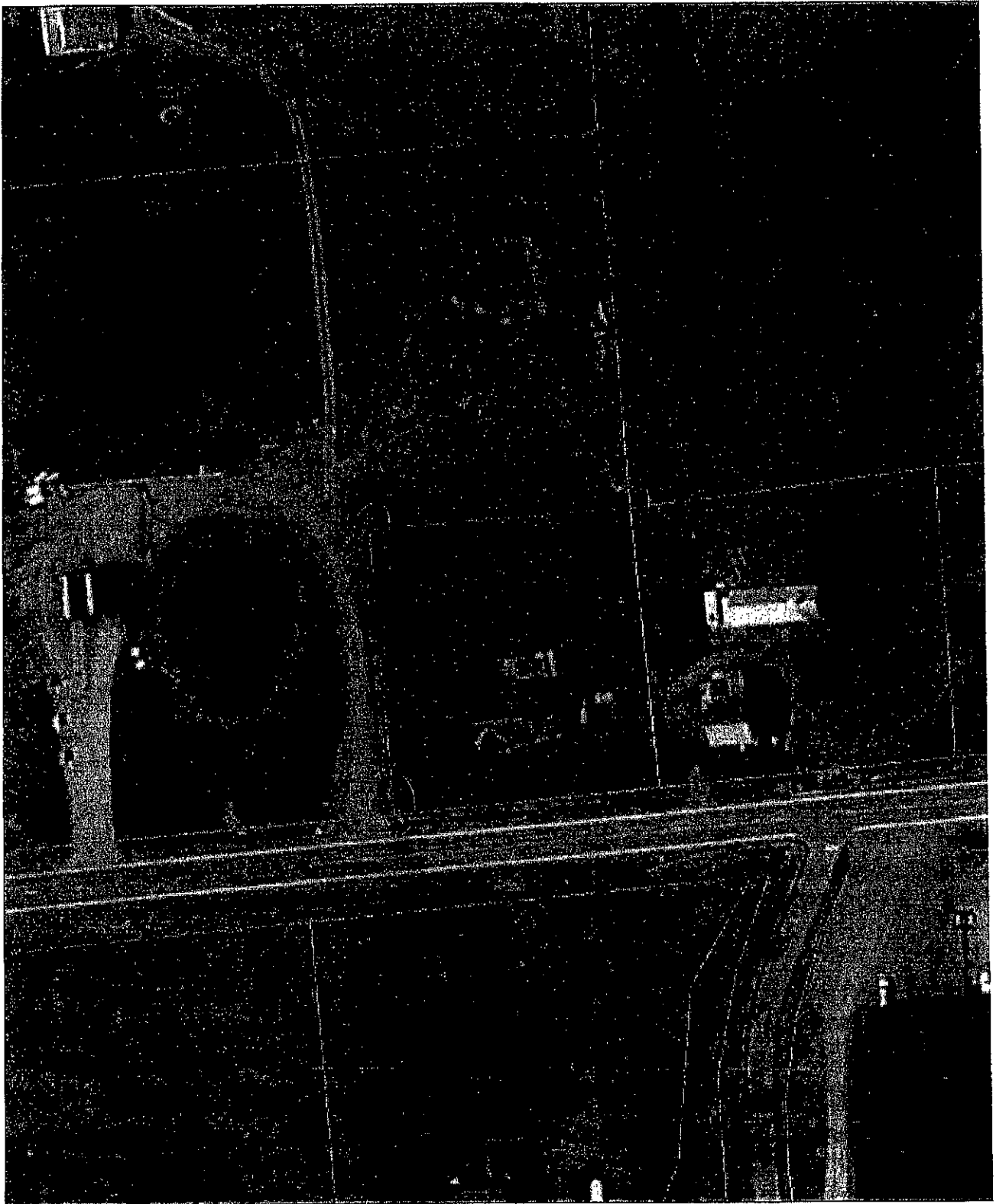
FARM NOTE

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

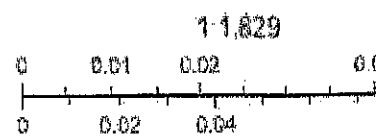
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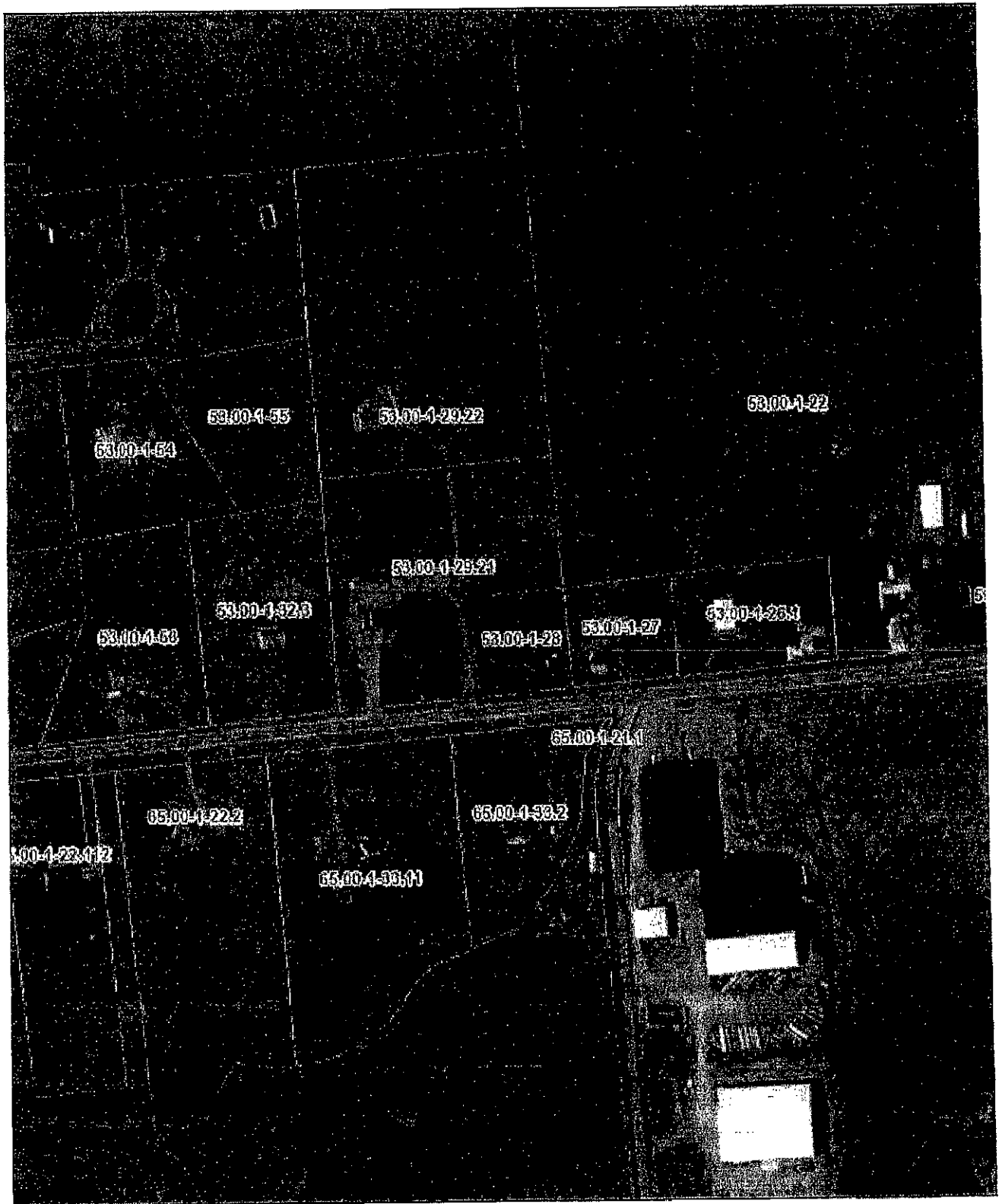
February 22, 2023

Override 1

Parcels



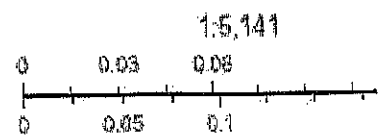
Untitled Map

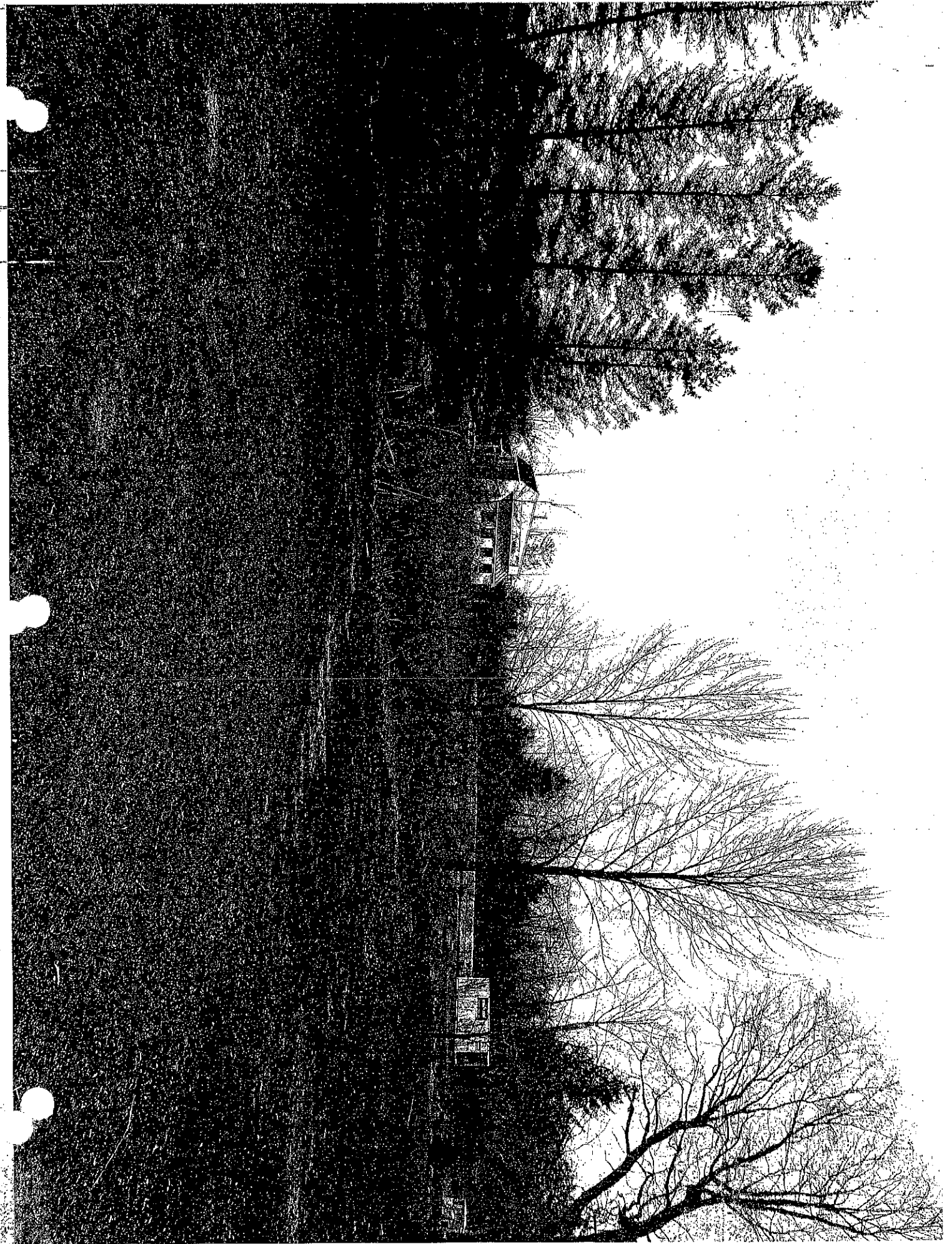


February 22, 2023

Override 1

Parcels







ZONING COORDINATION REFERRAL

For Use By SOEDDP.

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

Date: 4/6/2023

Signature

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
Applicant

4/27/23
Date

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

Kate Richard

***** (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)

KATE RICHARD
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01R16433056
Qualified in Albany County
Commission Expires May 09, 2026

ORIGINAL

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: 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:

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.

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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 SowyczTitle: Planning/Zoning ClerkAddress: 5853 Western Turnpike Duanesburg, NY 12056E-mail: csowycz@duanesburg.netPhone: (518) 895-2040Date: 5/1/2023

Signature

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF
ANY RECORD OF TITLE AND EVIDENCE TO ANY
INTEREST OF FACT AS A RESULT MAY REVEAL

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF
ANY RECORD OF TITLE AND EVIDENCE TO ANY
INTEREST OF FACT AS A RESULT MAY REVEAL

REMAINING LANDS OF
WILCOX & ATTORNEYS
L. 1862/1871
AREA: 776 ACRES

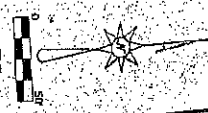
LANDS OF
WILCOX & ATTORNEYS
L. 1862/1871
AREA: 776 ACRES

LANDS OF
THOMAS & SAVILLE SON
L. 1791/1811
AREA: 1,200 ACRES

LANDS OF
ROGER C. & MAURE CANNISTRA
L. 1816/1823
AREA: 152.43

TOTAL AREA: 2,479 ACRES

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



STATE ROUTE 7

AVENUE E

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

SCALE: 1" = 50'

JANUARY 9, 2002



FERGUSON & FOSS
PROFESSIONAL LAND SURVEYORS, P.C.
60 BOX 55-CONISTOTA, NY 13611-0055
TEL: 518/366-1111 FAX: 518/366-1112