

Nelson Gage, Chairperson
Chris Parslow, Town Planner
Coryn VanDeusen, 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
February 20, 2024
Final Copy

MEMBERS PRESENT: Nelson Gage- Chairman, Jonathan Lack -Vice Chairperson, Matthew Ganster-Member, Daniel Boggs-Member, Caitlin Mattos-Member, Link Pettit-Member, Coryn VanDeusen-Clerk.

INTRODUCTION:

Chairman Gage welcomed everyone to the February 20, 2024, ZBA meeting.

OPEN FORUM:

No public comments were heard.

PUBLIC HEARING:

#23-20 Martin, Donald: SBL#65.00-2-28.22, (R-2) located at 1035 Turnbull Rd is seeking an area variance for structures to be within setbacks under section 8.6(2) of the Town of Duanesburg Zoning Ordinance.

Joanne Darcy Crum, at 479 W Main St, Cobleskill, NY 12043, represented the Martins. Ms. Crum states to the board that George Martin owned the property from 1986 and Donald Martin bought the property in 2014. Ms. Crum states that Blackstone had done a survey and that the line was set according to the location of the stone wall. Ms. Crum informed the board that another survey was done for Mr. Dergosits for his subdivision. Ms. Crum stated that at the time of that survey is when it was discovered multiple structures owned by the Martins were on the property of Mr. Dergosits. Ms. Crum states that Mr. Dergosits agreed to sell a portion of the land to the Martins, but they will still need variances for the structures that are larger than 144 sq. ft. Ms. Crum also advised the board that no building permits were obtained. Ms. Crum states that there is a series of sheds, an outdoor woodstove, and an LP gas tank that encroach on the property line. Chairman Gage advised Ms. Crum that the only structures that can be granted variances are the ones greater than 144 sq. ft.

because anything less isn't subject to setbacks. Vice Chairman Lack asked the representative if any variances were previously granted to which she responded no. The board advised the representative that they will use the closest building to the line for the purpose of the variance and that would be the A-frame requiring a 35-foot variance. Board member Mattos advised that the variance is exclusively for buildings already there and nothing is to be added.

Gage/Lack made a motion to open the Public Hearing for Donald Martin application. Gage aye, Lack aye, Mattos aye, Boggs aye, Ganster aye, Pettit aye. **Approved.**

Mr. Dergosits, residing at 863 Turnbull Rd, stated to the board that he would be okay with one variance addressing all buildings over 144 sq. ft. so long as it is stipulated to existing buildings only.

Gage/Mattos made a motion to close the public hearing for the Donald Martin application. Gage aye, Mattos aye, Lack aye, Ganster aye, Boggs aye, Pettit aye. **Approved.**

Gage/Mattos made a motion to approve the application of Donald Martin. 35' variance for the existing A frame, outdoor wood stove, LP tank and sheds. No other structures and no rebuilding of said structures. Gage aye, Mattos aye, Lack aye, Ganster aye, Boggs, Pettit aye. **Approved.**

#23-22 Miller, Dennis: SBL#35.06-5-44.1, (R-1) located at 180 Spring Rd is seeking a side yard variance to construct a new single-family dwelling 7' from side lot line under section 6.6(2) of the Town of Duanesburg Zoning Ordinance. Existing steam runs through the middle of the lot. Only building location on lot, and a Pre-existing undersized lot, will allow for a reduction to 29' looking for a 22' east side yard variance, and an 8' front yard variance for the construction of a single-story, single-family residence. Provided a building permit is obtained within 6 months and all other aspects of the Zoning Ordinance are followed.

Lack/Ganster made a motion to open the Public Hearing for Dennis Miller application. Lack aye, Ganster aye, Gage aye, Boggs aye, Pettit aye, Mattos aye. **Approved.**

Gage/Pettit made a motion to close the Public Hearing for Dennis Miller application. Gage aye, Pettit aye, Lack aye, Boggs aye, Ganster aye, Mattos aye. **Approved.**

Lack/Gage made a motion to approve the application for Dennis Miller. Lack aye, Gage aye, Ganster aye, Boggs aye, Pettit aye, Mattos aye. **Approved.**

#23-19 Olejnik, Claudia: SBL#33.00-2-9, (R-2) located at 4609 Duanesburg Churches Rd is seeking an area variance to construct a garage less than 40' from property line under section 8.6(2) of the Town of Duanesburg Zoning Ordinance.

Ms. Olejnik states that the garage is already partially built, and she failed to obtain a building permit prior. Chairman Gage asked how far from the house is the garage? Ms. Olejnik stated the

distance is 6' from the house and she has trouble getting around, so it is necessary for the building to be as close to the house as possible. Ms. Olejnik states that the garage is only three feet from the property line and in between her dwelling and the neighbors is a row of trees. Chris Parslow, town planner, states that the garage is being built on pavement and is already lagged in. Chairman Gage advised the applicant that the exact size of the garage is needed, and Ms. Olejnik provided plans that show the garage is 28X30. The board considered different options of placement for the garage and Mr. Parslow advised them that the applicant's driveway is sloped. Ms. Olejnik stated that she cannot put the garage anywhere else due to her limited mobility, well and septic. Chairman Gage asked the board if they would be willing to consider a 37-foot variance to which they responded yes. Board member Mattos asked the applicant if a single bay would be considered, and Ms. Olejnik stated no because she has equipment that needs storage. The board advised the applicant that a public hearing needs to be held to allow neighbors to comment and during that time she may want to consider how this can possibly be remedied differently.

Gage made a motion to open the Public Hearing for the Claudia Olejnik application. Gage aye, Lack aye, Ganster aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

Neighbor Mary commented that she was not sure if the property was surveyed, and that is the actual location of the property line.

Gage made a motion to close the public hearing for the Claudia Olejnik application. Gage aye, Lack aye, Ganster aye, Boggs aye, Pettit aye, Mattos aye. **Approved.**

Gage made a motion to deny this particular request and to allow the applicant to resubmit a revised application that does not require such a substantial request. Gage aye, Boggs aye, Lack aye, Ganster aye, Pettit aye, Mattos aye. **Denied.**

OLD BUSINESS:

#23-16 Fritche, Jacqueline: SBL#34.08-1-17, (H) located at 9417 Mariaville Road is seeking a side yard variance of 6' to install a 12X24 shed 9' from side lot line under Section #9.6(2) of the Town of Duanesburg Zoning Ordinance.

Sophia Mantzouris introduced herself as the representative for Jacqueline Fritche and gave a brief description of the property and where the resident would like the variance to be granted. The shed is already in place and a building permit has not been obtained. Board member Mattos advised the applicant that per the survey map obtained by the neighbor, Jeanette Ray residing at 9389 Mariaville Rd, the shed is not on Fritche's property entirely. Sophia Mantzouris stated that the applicant is willing to move the shed 15' but, will need time to move the shed at which point no variance would be needed. Code Enforcement will need to verify that. End of March 31st. to be moved.

Gage/Mattos made a motion to deny the application of Jacqueline Fritche based on the applicant moving the shed to 15' from property line. Gage aye, Mattos aye, Lack aye, Ganster aye, Boggs aye, Pettit aye. **Denied.**

NEW BUSINESS:

#24-1 Paluch, Antone: SBL#81.00-1-7.12, (R-2) located at 615 Barton Hill Rd is seeking an area variance to construct a 20X24 addition to main dwelling 26 ft from side setback line under section 8.6(2) of the Town of Duanesburg Zoning Ordinance.

20x24 Two story addition to add more living space. Applicant is seeking a 14' west side yard variance.

Gage/Lack ZBA determines this request for a side yard variance is a Type II action exempt from SEQRA review.

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

It is not near well or septic or any neighboring properties.

Boggs/Mattos made a motion to set a public hearing for **March 19th at 7 pm** for the Antone Paluch application.

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

#24-2 Miller, Zachary: SBL#35.09-2-10, (L-1) located at 766 S Shore Rd is seeking a side yard variance of 14' to construct a 2-family home 10' from west side lot line under section 7.1.6(2) of the Town of Duanesburg Zoning Ordinance.

Only place he can place house based on National Grid power poles which run through middle of property and needs to meet setback requirements from power lines. Is within Sewer District #2 and has an existing well. Single story side by side duplex. 150' long and 102' wide is property size.

Gage/Lack ZBA determines this request for a side yard variance is a Type II action exempt from SEQRA review.

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

Lack/Mattos made a motion for a Public Hearing for **March 19th at 7 pm** for the Zachary Miller application.

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

OTHER:

Discussion on small accessory buildings and setbacks what is not addressed in the Zoning Ordinance what size 144 sq ft. doesn't required setback over 144 sq ft. does require a permit and meet setback requirements. Between 80 sq ft and 144 sq ft. number of units allowed and height. Think about some sizes that may be subject to setback requirements. Matching characteristics of the home. Liability of buildings too close to road or property lines. Exempting shelters for children, garbage can holders, etc.

Mattos/Lack made a motion to approve the December 19, 2023, Zoning Board meeting minutes.

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

Mattos/ made a motion to adjourn tonight's meeting. **Approved.**

Mattos aye, Ganster aye, Gage aye, Boggs aye, Pettit aye, Lack aye.