

# VILLAGE OF DELANSON

## Zoning Board of Appeals

### Minutes of Special Meeting

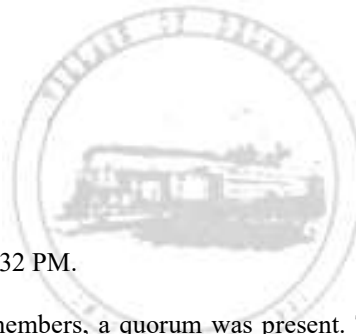
November 6, 2023  
Scheduled for 6:30 PM  
at the Village Fire Hall

#### Board Members Present

Lawrence J. O'Connor, Chair  
Jill Mackie, Member  
Casey LeClair, Member  
Daryl Risley, Member - Absent  
George Martin, Member - Absent

#### Officials and Members of Public Present

Mayor Gayle Gifford  
Trustee Joshua O'Connor  
Chris Parslow, Building Inspector  
Thomas Malczyk, Resident  
Tom White, Duanesburg Resident  
Chris White, Duanesburg Resident  
Roy Compton, Resident



The Chair called the meeting to order at 6:32 PM.

The Chair noted that with three of five members, a quorum was present. The purpose of this Special Meeting, as noticed and posted on November 3, 2023, is to consider the schedule for a Public Hearing to consider the October 31, 2023 application of Thomas Malczyk for a Special Use Permit and variance from the requirements of the Village Zoning Law.

Mr. Malczyk is requesting permission to locate a camper trailer on his property during the reconstruction of his residence which was damaged by fire on March 21, 2023. The Building Inspector provided a Notice of Determination dated November 3, 2023 that the proposed use is not permitted by the Village Zoning Law (Section 6.2, C, 9). The Village Zoning Ordinance makes no provision for the type of use proposed.

The Chair proposed that the hearing be held during the regularly scheduled meeting to be held on November 22, 2023. The Public Hearing would commence at 7:15 PM within the agenda of the meeting.

Some procedural issues were discussed. Trustee O'Connor stated that action on a variance would require a State Environmental Quality Review (SEQR) be filed. There is a mandatory 30-day review period (for Type 1 and Unlisted Actions) where the proposed SEQR determination is circulated to various Town, County and State offices for review. The building inspector reported that this is likely a Type II action which does not require the 30-day review period.

The SEQR Short Form EAF (Environmental Assessment Form) should still be filed to document the Village's determination that the proposed action is, in fact, a Type II action. Trustee O'Connor suggested that a fillable PDF of the form is available on the NYS DEC website. Mr. Tom White is a relative of Mr. Malczyk who will assist in preparing the EAF for the proposed action.

Mr. Malczyk is expected to submit the EAF promptly to enable staff to review it before the proposed Public Hearing. A positive review by staff is necessary to verify that this is a Type II action. If it is a Type II action, it would be possible to consider approval of the action at the same meeting as the Public Hearing. If it is not a Type II action, approval would have to be put off until after the conclusion of the 30-day reviews.

Mr. O'Connor requested a motion to schedule the hearing. Motion made by Mr. LeClair, seconded by Ms. Mackie, motion carried.

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Mr. O'Connor presented draft minutes of the October 25, 2023 meeting for review and approval. Mr. LeClair moved for approval; Mayor Gifford seconded the motion (as ex officio member of the ZBA). Motion carried; minutes were approved as submitted.

The meeting was adjourned at 07:10 PM.

Respectfully submitted,

L. J. O'Connor  
Chair, Delanson Board of Appeals

