

Nelson Gage, Chairperson
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Teresa Bakner, Board Attorney



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

RECEIVED

DEC 28 2023

TOWN OF DUANESBURG
SCHENECTADY COUNTY

TOWN OF DUANESBURG
TOWN CLERK

Town of Duanesburg
Zoning Board Minutes
November 21, 2023
Final Copy

MEMBERS PRESENT: Nelson Gage- Chairman, Jonathan Lack -Vice Chairperson, Matthew Ganster-Member, Daniel Boggs-Member, Charles Leoni-Member, Chris Parslow-Town Planner, Coryn VanDeusen-Clerk.

INTRODUCTION:

Chairman Gage welcomed everyone to the November 21, 2023, ZBA meeting.

OPEN FORUM:

No public comments were heard.

PUBLIC HEARING:

Accessory Structure Setbacks

Chairman Gage advised that this public hearing is for the ZBA to interpret the determination by code enforcement that accessory buildings under 144 sq. ft. not requiring a building permit are exempt from the zoning ordinance setback requirements.

Lance and Wendy Manus, 143 Albert Rd, spoke of their concerns to the board. Please see attached.

The board advised that they are aware that other municipalities have regulations for this type of concern. Chairman Gage advised the residents that the zoning board is assessing whether the code enforcement officer made the correct decision regarding the concern. The board advised that again the ZBA cannot make changes to the zoning ordinance and the town board would have to give the zoning board the authority to regulate such accessory structures. Chris Parslow, town planner, stated that if it doesn't require a

building permit, then the town doesn't regulate it and if the town isn't regulating it then the setbacks do not matter.

Lack/Boggs made a motion to determine that the code enforcement officer's determination was correct; there are no regulations prescribed for accessory structures under 144 sq. ft. which do not need a building permit.

Lack aye, Boggs aye, Leoni aye, Ganster aye, Gage aye.

#21-11 Kagas, Spiro: SBL# 53.00-1-29.21, (C-1) located on 9938 Western Turnpike is seeking an area variance of 16' to reduce side yard to 24 ft' under section 11.6(2) side yard; Section 14.5.2(B) (1-5) of the Town of Duanesburg Zoning Ordinance.

Joe Bianchine, ABD Engineers, represented Spiro Kagas/Ultimate Wishy Wash. Mr. Bianchine advised the board that the application was originally submitted in 2021 and they have updated plans since including a storm water rain garden. Mr. Bianchine advised the board that the applicant would like to add an addition to the car wash and the planning board conditionally approved the project, including the additional bay, with the pending approval of the area variance. Mr. Bianchine advised the board that the applicant needs a 17-foot variance to meet the side set back of forty feet and the reason for this being proper flow of the parking lot in and out of the bay and around the back. The board advised Mr. Bianchine that plans haven't significantly changed and SEQRA was already addressed.

Lack/Gage made a motion to open the public hearing for Kagas at 7:05 pm.

Lack aye, Gage aye, Leoni aye, Boggs aye, Ganster aye.

No public comments were heard.

Lack/Ganster made a motion to close the public hearing for Kagas at 7:06 pm.

Lack aye, Ganster aye, Leoni aye, Boggs aye, Gage aye.

Lack/Gage made a motion to approve the application for Kagas provided a building permit be obtained within six months and all other details of the ordinance are complied with.

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

OLD BUSINESS:

NEW BUSINESS:

#23-18 Stealey, Tricia: SBL# 68.00-1-9.12, (C-1) located at 3215 Western Turnpike is seeking a side yard variance of 25' 2.5" under section 11.6(2) of the Town of Duanesburg Zoning Ordinance.

Ms. Stealey advised the board that she is looking to get an area variance so she can replace an old dwelling with a new one. Ms. Stealey advised the board that the current property is already over the setback line, and she is going to demo the current dwelling once the new one is complete. The board questioned whether a variance was granted for the first dwelling, but Ms.

Stealey advised that the building was in place when she bought it. The board advised Ms. Stealey that they need to know the dimensions between the two buildings and the distance from the old dwelling to the property line. Ms. Stealey advised the board that she will be using the existing well, sewer and everything and the reason as to why she won't turn the double wide the other direction is because the dwelling would be considerably close to the road. Ms. Stealey stated she won't be crowding anyone because the property of the neighbor closest to her is a renter and the dwelling is further back into their property. Chairman Gage advised Ms. Stealey that because she lives in a commercially zoned area that she also may require a special use permit.

Gage/Lack made a motion to declare the Stealey application an exempt type 2 SEQRA action and no further SEQRA actions are required.

Gage aye, Lack aye, Leoni aye, Boggs aye, Ganster aye.

Lack/Boggs made a motion to schedule the public hearing for Stealey for December 19th, 2023.

Lack aye, Boggs aye, Leoni aye, Ganster aye, Gage aye.

Other:

Boggs/Leoni made a motion to approve the October 17, 2023, Zoning Board meeting minutes with modifications to punctuation.

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

Lack/Leoni made a motion to adjourn tonight's meeting at 8:27 PM.

Lack aye, Leoni aye, Gage aye, Boggs aye, Ganster aye.

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Teresa Bakner, Attorney
nathan Lack, Vice Chair Member



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 of Appeals
November 21, 2023**

AGENDA ITEMS MAY BE ADDED, DELETED, OR ORDER CHANGED WITHOUT NOTICE

The Town of Duanesburg is offering the public the ability to attend the ZBA meeting via Zoom if participants cannot 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

INTRODUCTION BY CHAIRPERSON NELSON GAGE

OPEN FORUM

PUBLIC HEARINGS:

Accessory Structure Setbacks

#21-11 Kagas, Spiro: SBL# 53.00-1-29.21, (C-1) located on 9938 Western Turnpike is seeking an area variance of 16' to reduce side yard to 24 ft' under section 11.6(2) side yard; Section 14.5.2(B) (1-5) of the Town of Duanesburg Zoning Ordinance.

Comments: _____

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.

Comments: _____

NEW BUSINESS:

#23-17 Samuelson, Thomas: SBL#67.05-2-13.1, (H) located at 6928 Duanesburg Rd is seeking an area variance for off street parking for a 2-family dwelling under section 13.2, 13.2.1, 13.2.2 of the Town of Duanesburg Zoning Ordinance.

Comments: _____

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

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Terresa Bakner, Attorney
Nathan Lack, Vice Chair Member



Link Pettit, Board Member
Daniel Boggs, Board Member
Matthew Ganster, Board Member
Charles Leonl, Board Member
Caitlin Mattos, Board member

#23-18 Stealey, Tricia: SBL# 68.00-1-9.12, (C-1) located at 3215 Western Turnpike is seeking a side yard variance of 25' 2.5" under section 11.6(2) of the Town of Duaneburg Zoning Ordinance.

OTHER:
None

ZONING BOARD MEETING MINUTES:

October 17, 2023

Approved: Yes _____ No: _____

ADJOURNMENT

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Terresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
Matthew Ganster, Board Member
Charles Leoni, 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 **NOVEMBER 21, 2023 AT**
7:00 PM FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE
APPLICATION OF:

ACCESSORY STRUCTURE SETBACKS

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

Nelson Gage, Zoning Board Chair
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Terresa Bakner, Attorney



Jonathan Lack, Vice Chair Member
Matthew Ganster, Board Member
Charles Leoni, Board Member
Link Pettit, Board Member
Daniel Boggs, Board Member
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TOWN OF DUANESBURG
SCHENECTADY COUNTY

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LEGAL NOTICE NOTICE OF PUBLIC HEARING ZONING BOARD TOWN OF DUANESBURG

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APPLICATION OF:

#21-11 Kagas, Spiro: SBL# 53.00-1-29.21, (C-1) located on 9938 Western Turnpike is seeking an
area variance of 16' to reduce side yard to 24 ft' under section 11.6(2) side yard; section
14.5.2(B) (1-5) 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:

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

NOTICE OF DETERMINATION
of the Town of Duanesburg

Date of Determination OCT. 18, 2021

Application of Ultimate Wishy Wash under section
11.6 (2) of the (Village of Delanson/ Town of Duanesburg)
Zoning Ordinance.

Applicant Spiró Kays
Address 889 Esperance Rd.
Esperance NY 12064

Phone 518-701-4870 Zoning District C-1 SBL# 53.00-1-29.21

Description of
Project: construct a third bay car wash within
40' setback requirements

Determination:
Area Variance of 16' to reduce side yard to 24' ft.

Reason supporting determination:
Town of Duanesburg Zoning Ordinance adopted 6/11/15 Sections
11.6 (2) side yard; Section 14.5.2 (B)(1-5); Section 3.5.154;
Section 3.5.181; Section 3.5.31

Action: Refer to <u>ZBA</u> for the purpose of <u>Area Variance</u>

Code Enforcement Officer: DeWane

VARIANCE APPLICATION
TOWN OF DUANESEBURG
ZONING BOARD OF APPEALS

Revised 03/5/13

Date: 10/13/2011 Zoning District C-1

SBL# 53.00-1-29.21

Type of Variance

☐ Use Variance ☒ Area Variance

Phone #: 518-761-4870

Applicant's Name: Ultimate Wishy Wash

Applicant's Address: 889 Esperance Road
Esperance, NY 12066

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)

Construct an additional car wash bay for trucks on
the existing car wash. The bay after construction will be
25' across the property line. Code requires a 40' setback.
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.

S. L. Lopez
Applicant

10/18/11
Date

State of New York, county of Schenectady sworn this _____ day of _____ 20____ Notary Public

***** (for Office use only) *****

Reviewed by BW Date 10/18/21

Fee 100.00

Date: 10/18/21

Check# 1229

Rec'd By Cara Avery PW

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 _____

(ZBA Chairperson)

Date _____

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: <u>Ultimate Wash Wash</u>	Name: _____	
Address: <u>889 Esplanade Rd Esplanade NY 12066</u>	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:
Construct an additional car wash bay for trucks on the existing car wash.
3. Location of project: Address: 83.00-1-29.21 (889 Esplanade Rd)
Tax Map Number (TMP): _____
4. Is this parcel within an Agricultural District? YES ☒ NO ☐ (Check with your local assess or 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>John S</u>	NAME: <u>Thomas</u>
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Is this parcel actively farmed? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES <input type="checkbox"/> NO <input type="checkbox"/>	Is this parcel actively farmed? YES <input type="checkbox"/> NO <input type="checkbox"/>

[Signature]
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: [Signature]
Date: R. Warner

Date: 10/18/21

Revised 4-8-17

FARM NOTE

Proactive policies should be in place that farm operations may generate dust, odor, smoke, noise, vibration and other nuisances 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.

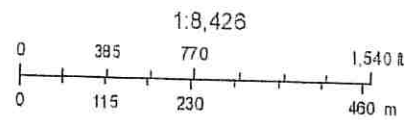
NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

SITE LOCATION MAP



October 13, 2021

Parcels



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

This map and information is provided as is. We make no warranties or guarantees, expressed or implied. WSHY WASH CAR WASH
The user assumes all risk and responsibility for data and information. This map is not intended for navigation. The data is deemed reliable but not guaranteed.



ROAD CROSS SECTION

SITE PLAN

TRAFFIC COUNT	
Direction	Count
North	100
South	100
East	100
West	100

SITE DATA	
Project Name	Ultimate Wash Car/Truck
Client	888 Experience Road
Location	888 Experience Road
City	Staten Island, NY
County	Richmond County
State	NY
Zip	10314
Project No.	100-100
Sheet No.	100-100



NOTE: TO AVOID HAZARD TO ANY CONSTRUCTION ACTIVITIES THE CONTRACTOR SHALL CONTACT THE SDG SAFETY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES - (800-841-7867)

SITE PLAN ULTIMATE WASH CAR/TRUCK 888 EXPERIENCE ROAD STATEN ISLAND, NY			I hereby certify that the above is a true and correct copy of the original as submitted to me by the applicant. Brett L. Steinhilber, P.E. Professional Engineer License No. 100-100 State of New York
PREPARED BY: DATE:	SCALE: 1" = 20' SHEET 1 OF 2		

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15



ORIGINAL

Date: 9/6/23 Zoning District H Type of Variance ☒ Use Variance ☐ Area Variance
SBL# 34.08-1-17 Phone #: 518 577 8828 Email: _____

Applicant's Name: Jacqueline A. Fritche

Applicant's Address: 9417 Mariaville Rd Potterstown NY 12137

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)

Side yard variance of 6' to install a 12x24 shed 9' from side lot line

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.

Applicant _____

6 Sep 2023
Date

JENNIFER M. HOWE

NOTARY PUBLIC-STATE OF NEW YORK

No 01H06351801

Qualified In Schenectady County

My Commission Expires 12-12-2024

State of New York, county of Schenectady sworn this 2nd day of October 2023 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)

Agricultural Data Statement

Date: 9/6/23

ORIGINAL

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: <u>Jacqueline Fritche</u> Address: <u>9417 Mariaville Rd</u> <u>Pettersonville NY 12137</u>	Name: _____ _____ _____

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:
Acquire a side yard variance of 6' to install
a 12x24 shed
3. Location of project: Address: 9417 Mariaville Rd
Tax Map Number (TMP) 34.08-1-17
4. Is this parcel within an Agricultural District? YES NO (Check with your local
5. If YES, Agricultural District Number _____ assessor if you do not know.)
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: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by:

Christopher Parslow

Date

Revised 6/6/23

FARM NOTE

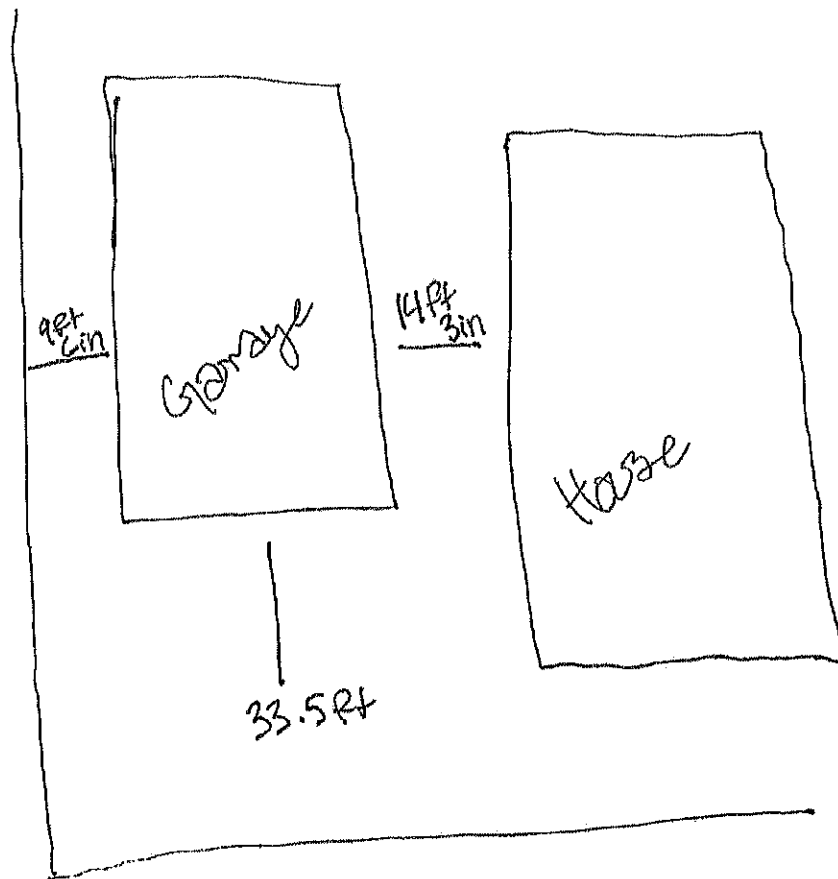
Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts 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.





ORIGINAL





OFFICE OF THE SCHENECTADY COUNTY CLERK

620 STATE STREET
SCHENECTADY, NY 12305-2114
PHONE (518) 388-4220
FAX (518) 388-4224



ORIGINAL

Cara M. Ackerley
County Clerk

Instrument Number - 202346758
Recorded On 8/17/2023 At 10:22:36 AM
* Instrument Type - DEED
* Book/Page - DEED/2113/863
* Total Pages - 4
Invoice Number - 1179900 User ID: KH
* Document Number - 2023-3172
* Grantor - FUSCO FILMS LLC
* Grantee - FRITCHE JACQUELINE

*RETURN DOCUMENT TO:
PRIORITY 1 ABSTRACT
404 TROY SCHENECTADY ROAD SUITE 2
LATHAM, NY 12110
ATTN: PPE

* FEES

NY REALTY TRANSFER TAX	\$764.00
NY LAND SUR	\$4.75
NY E & A FEES	\$116.00
NY LAND COMP SUR	\$14.25
CO GENERAL REVENUE	\$45.00
CO LAND SUR	\$0.25
CO E & A FEES	\$9.00
CO LAND COMP SUR	\$0.75
CONVEYANCE NOTIFICATION	\$10.00
TOTAL PAID	\$964.00

TRANSFER TAX

Real Estate Transfer Tax Num - 199
Transfer Tax Amount - \$ 764.00

I hereby CONFIRM that this document is
Recorded in the Schenectady County Clerk's Office
in Schenectady, New York

C. Ackerley
Cara M. Ackerley

Schenectady County Clerk

THIS IS AN ENDORSEMENT PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 202346758



Warranty Deed -- with Lien Covenant

 ORIGINAL

THIS INDENTURE

Prior 1

Made this 14 day of July, 2023

Between FUSCO FILMS, LLC, a New York Limited Liability Company with an address of 3006 Westside Avenue, Rotterdam, NY 12303

Grantor,

JACQUELINE FRITCHE, residing at 221 Reynolds Road, Schenectady, NY 12306
Grantee,

Witnesseth that the Grantor, in consideration of the sum of ONE and 00/100 DOLLARS (\$1.00) lawful money of the United States, and for other good and valuable consideration, paid by Grantee, do hereby grant and release unto Grantee, their heirs and assigns forever:

SEE SCHEDULE "A" ATTACHED HERETO

BEING the same premises conveyed to Grantor by Deed from David J. Hamil and Sandra L. Hamil, his wife, by Deed dated June 2, 2021 and recorded in the Schenectady County Clerk's Office on June 30, 2021 in Book 2061 at Page 761.

SUBJECT to any and all enforceable easements, covenants, conditions and restrictions of record and to any state of facts that would be disclosed by an accurate survey.

This property does not consist of all or substantially all of the assets of the company and is being done in the course of regular business of the company.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto Grantee, his heirs or successors and assigns forever

AND, said Grantor covenant as follows:

FIRST, that Grantor are seized of the said premises in fee simple, and has good right to convey the same;

SECOND, that Grantee shall quietly enjoy the said premises;

THIRD, that the premises are free from encumbrances, except as aforesaid,

FOURTH, that the Grantor will forever WARRANT the title to said premises;

DEED Book 2113 Page 864
Doc No 2023-3172

R.P.T.S.A.
SEC 3408 17
BY IDENT. 161

ORIGINAL

FIFTH, that Grantor, in Compliance with Sec. 13 of the New York Lien Law, will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, Grantor have hereunto set their hands and seals as of the date written above.

IN THE PRESENCE OF

FUSCO FILMS, LLC

By: Salvatore Fusco, Managing Member

L.S.

L.S.

State of New York)
County of Albany) SS.:

On this 14 day of July, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Salvatore Fusco personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals, acted, executed the instrument and that such individuals made such appearance before the undersigned.

Notary Public

Record and Return:

SUSAN H. deVOE
Notary Public, State of New York
Registration No. 4989546
Qualified in Albany County
Commission Expires December 9, 2026

Priority 1 Abstract
404 Troy Schenectady Road, Suite 2
Latham, NY 12110

ORIGINAL

SCHEDULE A
Legal Description
Title# P23-7032-SCH

ALL THAT TRACT OR PARCEL OF LAND, situate in the County of Schenectady and State of New York, being premises described on the assessment rolls of the County of Schenectady as being in the Town of Duanesburg and bearing the Tax Account Number 34.08-1-17 on the 1999 assessment rolls of the County of Schenectady.

The above described premises is more particularly bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Duanesburg and bounded and described as follows:

BEGINNING at the northeast corner of Jannet Lander's lot in the highway and running thence along the south bounds of James E. Pulver's lot south 88 minutes East 97 links to the northeast corner of John McKeon's lot; thence South one degree and fifty minutes east 98 links; thence south 20° 20' East 36 links; thence south 2° 30' East two chains and 14 links to the mill dam of David W. Walpole, also being the southeast corner of Jannet Lander's lot; thence along the said mill dam north 86° 30' West 1 chain and 20 links to the southeast corner of said Jannet Lander's; thence along the east bounds of said lot 0° 15' East 3 chains and 43 links to the place of beginning, containing one Rood and twenty rods of land, be the same more or less.

ALSO, that certain piece or parcel of land situated in the town of Duanesburg aforesaid and bounded and described as follows:

BEGINNING at the northeast corner of the lands of John Stebbins; thence east along the lands of James O. Pulver 11 feet; thence south along the lands of Martha L. Devenburgh, three chains and forty three links to the mill dam of said David W. Walpole; thence West along the same five feet to the lands of John Stebbins; thence North along the same three chains and forty three links to the place of beginning, containing about six rods of land, be the same more or less.

This security instrument covers real property improved, or to be improved, by a one or two family dwelling only.

Tax Map# 34.08-1-17

DEED Book 2113 Page 866
Doc No 2023-3172

NOTICE OF DETERMINATION
of the Town of Duanesburg

Date of Determination 9/18/23

Application of JACQUELINE FRITCHE under section
9.6 (2) of the (Village of Delanson/ Town of Duanesburg)
ZONING Ordinance.

Applicant JACQUELINE FRITCHE
Address 9417 MARIONVILLE RD.
PATTERSONVILLE NY 12127

Phone 518-577-8828 Zoning District H SBL# 34.08-1-17

Description of

Project: INSTALL A SHED 9' FROM SIDE LOT LINE
SHED IS 12X24.

Determination:

NEED TO APPLY FOR SIDE YARD VARIANCE OF 6'

Reason supporting determination:

TOWN OF DUANESBURG ZONING ORDINANCE ADOPTED 10/1/15 SECTION
9.6 (b) MINIMUM SIDE SETBACK SHALL BE 15' FROM THE
SIDE BUILDING LINE.

Action: Refer to <u>ZBA</u> for the purpose of <u>SIDE YARD</u> <u>VARIANCE</u>
--

Code Enforcement Officer: (Signature)

ZONING COORDINATION REFERRAL

ORIGINAL For Use By SCDEDP

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.) 386-2226
(fax) 382-6639

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: 10/17/23

SUBJECT: #23-16 SBL#34.08-1-17 (H) located at 9417 Maraville Rd is proposing to acquire a side yard variance of 6' under section 9.6(2) of the Town of Duanesburg Zoning Ordinance to install a shed 9' from side lot line. Shed is 12X24.

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:

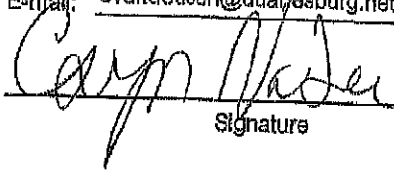
Name: Coryn VanDeusen

Title: Planning/Zoning Clerk

Address: 5863 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net

Phone: (518) 895-2040




Signature

Date: 09/21/2023



6 Sept 2023

I Jacqueline A Fritche give Sophia  ORIGINAL
Mantoria's permission to speak on my
behalf regarding all matters for

9417 Mamauketa Pattersonville NY 1437

Thank you,


Jacqueline A. Fritche

518-729-8792

Sophia

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 10-10-23
Case No. D-18-23
Returned 10-25-23

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) _____

Received
Schenectady County

OCT 10 2023

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: 10/17/23

SUBJECT: #23-16 SBL#34.08-1-17 (H) located at 9417 Mariaville Rd is proposing to acquire a side yard variance of 6' under section 9.6(2) of the Town of Duanesburg Zoning Ordinance to install a shed 9' from side lot line. Shed is 12X24.

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: Coryn VanDeusen

Title: Planning/Zoning Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net

Phone: (518) 895-2040


Signature

Date: 09/21/2023



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-18-23

Applicant Jacqueline Fritche

Referring Officer Coryn VanDeusen

Municipality Duanesburg

Considerations: Regarding a single family dwelling, requesting an area variance to construct a 12' x 24' shed 9' from the side yard where a minimum of 15' is required. Located on the south side of Mariaville Road (SR 159) approximately .4 miles west of Mariaville Scotch Church Road (SR 160).

RECOMMENDATION

Receipt of zoning referral is acknowledged on October 10, 2023. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

☐ *Approve of the proposal.

☒ Defer to local consideration (No significant county-wide or inter-community impact)

☐ Modify/Conditionally Approve. Conditions:

☐ Advisory Note:

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

10/24/23
Date

[Signature]
Ray Gillen, Commissioner
Economic Development and Planning

NOTICE OF DETERMINATION
of the Town of Duanesburg

Date of Determination 10/25/23

Application of Thomas Samuelson under section
13.2, 13.2.1, 13.2.2 of the (Village of Delanson / Town of Duanesburg)
Zoning Ordinance.

Applicant Thomas Samuelson
Address 6928 Duanesburg Rd
Duanesburg NY 12050

Phone 518-688-4971 Zoning District A SBL# 67.05-2-13.1

Description of
Project: Area Variance for Parking for 2 Family Dwelling

Determination:
Area Variance for Parking off-street

Reason supporting determination:
Town of Duanesburg Zoning Ordinance Adopted 6/8/15 Section 13.2
Off Street Parking; 13.2.1 Minimum Spaces Required for Off
Street Parking; 13.2.2 Design of Off Street Parking Facilities

Action: Refer to <u>ZBA</u> for the purpose of <u>Area Variance</u>

Code Enforcement Officer: Christy Polow

SECTION 13

SUPPLEMENTAL REGULATIONS

13.1 SPACE REGULATIONS

- 13.1.1 Uses Prohibited. Certain uses may be prohibited by the Planning Board or Zoning Board of Appeals where use is or is likely to be noxious or offensive by reason of the emission of odor, smoke, toxic or noisome fumes, radiation, gas, noise, vibration or excessive light or injurious to public health, safety or the general welfare.
- 13.1.2 Existing Small Lots. Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Zoning Board of Appeals may grant an Area Variance for the erection of a Single Family Dwelling on any separately owned Lot or any Lot under contract of sale and containing, at the time of the passage of this Ordinance, dimensions smaller than required in that District. For such purposes, the minimum side yard requirements will be reduced in proportion to the reduction of Lot Width over the specified minimum Lot Width for the District. Where two or more adjacent Lots are owned by the same applicant, combination of said Lots shall be required, unless such adjacent lot is improved with a Dwelling at the time of such application for an Area Variance.
- 13.1.3 Reduced Lot Area. No lot with an existing Dwelling shall be so reduced in area as to cause it to be smaller than prescribed in the regulations for the District.
- 13.1.4 Reduced Front Yard Depth. Each Dwelling hereafter erected may have a front yard equal in depth to the average front yard depth of the Dwellings within one hundred (100) feet thereof on each side.
- 13.1.5 Reduced Rear Yards. When a Lot is less than one hundred (100) feet deep at the time of the passage of this Ordinance, such rear yard may be decreased by one-quarter of the distance that the Lot Depth is less than the one hundred (100) feet; provided, however, that no rear yard shall be less than fifteen (15) feet in depth, and that any accessory building may be as close as six (6) feet from the rear property line.
- 13.1.6 Corner Lot Transition. On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard depth.

13.2 OFF-STREET PARKING

The purpose of this section is to provide guidance as to the appropriate parking facilities that

shall be required in conjunction with new development or a change in use.

13.2.1 Minimum spaces required for off-street parking:

1) The required minimum number of parking spaces are as follows:

Dwelling	Two (2) per unit.
Motel, Hotel, Bed and Breakfast	One (1) per each guest room.
Religious Institution	One (1) for each five (5) seating spaces in main assembly room.
School, Public or Private	Three (3) for each classroom.
Retail Business, Bank, Post Office	One (1) for each one hundred eighty (180) square feet of Total Floor Area.
Restaurant, Bar, Nightclub	One (1) for each one hundred (100) square feet of Total Floor Area.
Office Building, Health Club	One (1) for every two hundred fifty (250) square feet of Total Floor Area.
Warehousing, Storage Building, Storage Facility, Public Utility Use	One (1) for every one thousand (1000) square feet of Total Floor Area.
Light Industrial, Manufacturing	One (1) for every two (2) employees anticipated to be employed on the site at any given point in time, plus one (1) for each company vehicle parked or used at that location.
Theater, Concert Hall, Bowling Alley, Recreational Center, Amusement Park	One (1) for each (4) seats provided for its patrons (based on maximum seating capacity), or one (1) parking space for each four (4) persons permitted, based on maximum occupancy.
Health Care Facility, Group Family Day Care Home, Family Day Care Home.	One (1) for each three (3) patients based on maximum occupancy and for each three (3) Employees.
Roadside stand	Five (5) spaces per stand plus one (1) for each two hundred (200) gross square feet.

Funeral Home

1 space for every 3 persons based on maximum occupancy.

- 2.) The Planning Board and the Zoning Board of Appeals reserve the right to waive any portion of the parking requirements in the event that proximate public parking exists to support the use. Off-street parking spaces for separate uses may be provided if collectively the total number of spaces is not less than the sum of the space required for the use. However, if the applicant can establish that such collective parking area will experience reduced parking demand due to staggered hours of operation, the Planning Board may authorize a reduction of the total number of spaces by up to twenty-five percent (25%)

13.2.2 Design of Off-Street Parking Facilities.

- 1.) Each parking space shall be at least nine (9) feet wide and eighteen (18) feet long. For parallel parking, the minimum length of the space shall be twenty-three (23) feet.

Parking Lot Sizes and Dimensions

Angle (degrees)	Aisle Width - One Directional	Aisle Width - Two Directional
90	20'	24'
60	18'	22'
45	13'	22'
30	11'	22'
Parallel	11'	22'

- 2.) Driveways providing street access to parking aisles shall be at least sixteen (16) feet in width.
- 3.) Lines designating parking spaces may be drawn at various angles in relation to the curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
- 4.) Handicap parking spaces are to be supplied in accordance with Table 1106.1 of the Building Code of New York State, as may be amended from time to time.
- 5.) In the Hamlet (H) District, parking on the principal street should be minimized and where possible, should be located in the rear and side yards.

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

23-17

Date: 10/12/23 Zoning District H
SBL# 67.05-2-13.1 Phone #: 518-688-4971 Email: _____
Type of Variance
☐ Use Variance ☒ Area Variance

Applicant's Name: THOMAS A. SAMUELSON

518 688 4971

Applicant's Address: 308 LAKE ROAD, DLANEN NY 12053

Property Owner Name(if different): _____

Property Address (if different): 6928 DUANESBURG ROAD, DUANESBURG NY 12056

Property Owner's Signature [Signature]
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)

LOOKING TO OBTAIN AREA VARIANCE FOR PARKING AND LOT SIZE FOR TWO FAMILY DWELLING

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.

[Signature]
Applicant

10-12-2023
Date

JENNIFER M. HOWE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HO6351801
Qualified In Schenectady County
My Commission Expires 12-12-2024

State of New York, county of Schenectady sworn this 12th day of October 2023 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# 23-17

Agricultural Data Statement

Date: 10/12/23

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: <u>Thomas Samuelson</u> Address: <u>6928 Duaneburg Rd</u> <u>Duanesburg NY 12056</u>	Name: _____ _____ _____

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:
Looking to obtain area variance for parking and lot size for two family dwelling
3. Location of project: Address: 6928 Duaneburg Rd
Tax Map Number (TMP) 67.05-2-13.1
4. Is this parcel within an Agricultural District? YES NO (Check with your local
5. If YES, Agricultural District Number _____ assessor if you do not know.)
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: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO

Thomas Samuelson
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by:

Christopher Parslow

Date

Revised 6/6/23

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.

 ORIGINAL

Date 09-07-2023

Application type : Special Use Permit

Proposal: Return Building to a two family dwelling

Section 8.4 of 8 Ordinance.

Present Owner: Thomas Samuelson (AS IT APPEARS ON DEED!!!)

Address: 308 Lake Road Zip code: 12053

Phone # (required) 518-688-4971

Applicants Name: Thomas Samuelson Phone# 518-688-4971

Location of Property (if different from owner): 6928 Duaneburg Road

Tax Map# 67.05-2-13.1

Zoning District H



Signature of Owner (AS IT APPEARS ON DEED!)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. The Applicant hereby certifies that he is the owner of the above property or has duly authorized, in writing, by the owner of record to make this application. Further, by signing this application, the owner gives permission for a representative (s) of the town of Duaneburg to walk the property for the purpose of conducting a site review.

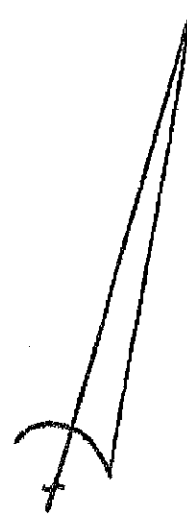


Date

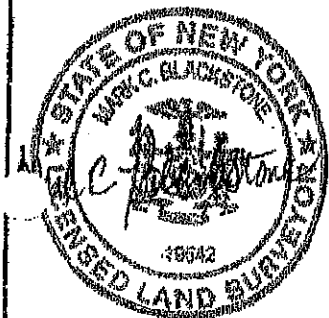
9-8-2023

Signature of Owner(S) and/or Applicant(S)

ORIGINAL



1152 FORT HUNTER RD. SCH'DY, NY 12308



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 10-17-23
Case No. 0-20-23
Returned 10-25-23

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
Received
Schenectady County

ACTION: ☐ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☐ Site Plan Review

☐ Special Permit
☐ Use Variance
☒ Area Variance
☐ Other (specify) _____

OCT 17 2023

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: 11/21/2023

SUBJECT: #23-17 Samuelson, Thomas: SBL#67.05-2-13.1 (H) located at 6928 Duanesburg Rd is proposing to convert existing residential building back to a two-family dwelling and needs an area variance for parking and lot size

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:

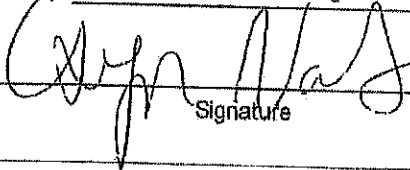
Name: Coryn VanDeusen

Title: Planning/Zoning/Building Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net

Phone: (518) 895-2040


Signature

Date: 10/12/23



PLANNING & ZONING COORDINATION REFERRAL

Case No. D-20-23

Applicant Thomas Samuelson

Referring Officer Coryn VanDeusen

Municipality Duanesburg

Considerations: Regarding an existing single family dwelling, requesting an area variance to convert the building back to a two-family dwelling where the lot size and parking provided does not meet town standards. Located between Western Turnpike and State Route 7 approximately 200' west of the Western Turnpike/SR 7 intersection. Access is proposed via SR 7.

RECOMMENDATION

Receipt of zoning referral is acknowledged on October 17, 2023. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

☐ *Approve of the proposal.

☒ Defer to local consideration (No significant county-wide or inter-community impact)

☐ Modify/Conditionally Approve. Conditions:

☒ Advisory Note:

Town may wish to resolve any encroachment issue there may be with the existing driveway on the adjoining town property. The driveway should be constructed to provide a turn out so vehicles don't need to back into State Route 7.

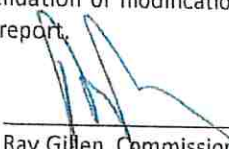
☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

10/24/23

Date


Ray Gillen, Commissioner
Economic Development and Planning

NOTICE OF DETERMINATION
of the Town of Duaneburg

Date of Determination 11/1/23

Application of TRICIA STANLEY under section
11.6(2) of the (Village of Delanson/Town of Duaneburg)
Zoning Ordinance.

Applicant TRICIA STANLEY
Address 3215 WESTERN TURNPIKE
DUANEBSBURG N.Y. 12056

Phone _____ Zoning District C-1 SBL# 68.00-1-9.12

Description of
Project: NEEDS SIDE YARD VARIANCE OF 25' 2 1/2"

Determination:
REFER TO ZBA FOR SIDE YARD VARIANCE

Reason supporting determination:
MAXIMUM SIDE SETBACK SHALL BE 40 FEET FROM
THE SIDE BUILDING LINE 11.6(2)

Action: Refer to <u>ZBA</u> for the purpose of <u>Side Yard Variances</u>

Code Enforcement Officer: Cheryl Alford

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15

23-18

Date: 11/1/23 Zoning District C-1 Type of Variance ☐ Use Variance ☒ Area Variance
SBL# 68.00-1-9.12 Phone # 518-209-4480 Email: Steeleytricia@yahoo.com

Applicant's Name: Tricia Stealey

Applicant's Address: 3215 Western Turnpike
Duanesburg, NY 12057

Property Owner Name (if different): _____

Property Address (if different): _____

Property Owner's Signature Tricia Stealey
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)
Set new double wide, 10' from existing, down existing road completion
of new one.

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.

Applicant

11-1-2023
Date

JENNIFER M. HOWE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01H06351801
Qualified in Schenectady County
My Commission Expires 12/12/24

State of New York, county of Schenectady sworn this 1st day of November 2023 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)





Lance A. Manus, P.E.

L M Associates

Consulting Engineering
P.O. Box 111
Duanesburg, N.Y. 12056

(516) 875-8788
Fax (516) 875-8788
LMAMANUS@MSN.COM

August 16, 2023

Honorable Nelson Gage, Chairman
Duanesburg Zoning Board of Appeals
5853 Western Turnpike
Duanesburg, NY 12056

RECEIVED

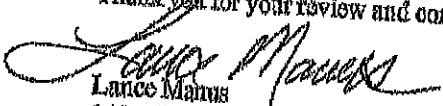
AUG 18 2023

TOWN OF DUANESBURG
TOWN CLERK

Subject: Accessory Buildings

Dear Mr. Gage,

I respectfully appeal the decision reached at the Board meeting of August 15, 2023 that accessory buildings under 144 square feet do not have to meet any requirements under the Zoning Ordinance because they don't require a building permit and request that the full board and the board attorney have an opportunity to review the situation and applicable elements of the Zoning Ordinance and applicable New York State Building Code requirements as to the specific wording. The Ordinance states that the specific intent and purpose is regulating and restricting the location and use of buildings and structures. No exceptions are mentioned. 3.5.2 No building or structure shall be erected unless in conformance with the regulations. No exceptions are mentioned. 3.5.1 Yard Requirements in General: Front, rear, and side yards shall be provided in accordance with the requirements of the principal building and accessory buildings. No exceptions are mentioned. The fact that a building permit is not required relates to the NYS Uniform Fire Prevention and Building Code. The Zoning Ordinance has several cases where a building permit is not required either by the NYS Building Code or the Zoning Code such as loading areas for commercial buildings, parking areas for residential sites, minimum parking spaces, lights, and fences. These don't require building permits yet are still regulated under the Zoning Ordinance. The mere fact that a building permit may not be required does not appear to eliminate the requirement to comply with the enumerated requirements of the Zoning Ordinance. As the NYS Uniform Fire Prevention and Building Code is incorporated in the Zoning Code there is a provision in the Fire Code 315.4 Outside Storage: Outside storage of combustible materials shall not be located within 10 feet of a lot line. Distance can be reduced to 3 feet for storage not exceeding 6 feet in height. This storage building is combustible. It may even store flammable materials. If it is determined that the Zoning Ordinance permits a combustible building on the lot line, then the NYS Fire Prevention and Building Code must be followed. The Zoning Ordinance states: If the requirements of the Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive shall govern. In any event I am sure no one wants to see the proliferation of sheds such as these placed along the road at the property line which would be permitted under this determination. Thank you for your review and consideration.


Lance Manus
143 Albert Rd. Delanson

Co: Teresa Bakner, Esq.

Steven and Ginny Sweeney

105 Albert Rd, Delanson, NY 12053

TO: Chris Parslow, Building Inspector/CEO/Town Planner

September 11, 2023

RE: SBL #65.00-1-19.2

Mr. Parslow

We received your letter on August 29, 2023 concerning a zoning board meeting to be held on September 19th in regards to a letter put forth by Mr. Manus to the Zoning Board of Appeals dated August 16.

In the letter Mr. Manus request that a building on a property should be moved as it is combustible. He specifically states "This storage building is combustible", and suggests that "it may even store flammable materials".

A review of definitions of combustible materials in the NYS Building Code, NYS Fire Code and a review of International Codes suggests that a building simply being made of wood does not fit Mr. Manus's effort to exaggerate a fire threat to his property. If wood was an issue then we would need to clear cut a swath of land alongside all property lines much like is done for fighting forest fires. Underbrush on the other hand is a known threat to spreading fires. Mr. Manus's property is quite full of underbrush, pretty much along all sides of his property, whereas our property and most of his other neighbors property is mostly grass.

The codes do specifically call out Combustible Dust, Combustible Fibers and Combustible Liquids/Fluids. We do not have those as defined in codes on our property, nor would I imagine do the majority of private residences.

We are away on the 19th. Please pass along this information to the Board.

Sincerely,


Steven and Ginny Sweeney

518-334-2511

Accessory Buildings

Lance and Wendy Manus, Albert Road

I believe the interpretation of the zoning ordinance that buildings under 144 sf are not regulated is wrong. You may think I raised this issue because of animosity toward our neighbor. This is not the case. In fact when they put up a barn of about 160 square feet 18 feet from our property line I never said a word. I don't know if they got a building permit but we never received notice that a setback variance was requested. But when they put up a second building out in front at our property line I asked the Building Department if this was going to be allowed under the zoning ordinance and was told it would have to be moved then later was told these buildings were not regulated at all. I find it incomprehensible that this was the intent of the framers of the ordinance and its many iterations. The ordinance goes to great length to define what a building is and to define what a yard space is. Nowhere in the ordinance do accessory building requirements differentiate between buildings of varying sizes. The only place size is mentioned is to state that small buildings do not need a building permit but the clause does not say they don't have to meet all the other requirements. Not requiring a building permit does not preclude regulation of fences or parking or lighting which also do not require building permits. How can you regulate fences if they don't require a building permit? So this is not a valid reason. It is one thing to see these buildings in the rear yard but when they are placed in the front yard along with the residence this is a detriment to the rural character of the community lowering property values making it look like the inner city with buildings upon buildings. This could not have been the intent of the framers of the ordinance. These buildings can be 12 feet or more in height although I would be issued a summons if I put up a fence over 6 feet and when on the property line can have roofs that drain onto the neighboring property. With no regulation there is no limit on how many can be installed or where they can be located even at the front building line. If this remains I will be curious to see how the board members view this interpretation when their neighbors start putting buildings next to their homes.

Nelson Gage, Chairperson
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Teresa Bakner, Board Attorney

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



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NOV 22 2023

TOWN OF DUANESBURG
SCHENECTADY COUNTY

TOWN OF DUANESBURG
TOWN CLERK

Town of Duanesburg
Zoning Board Minutes
October 17, 2023
Final Copy

MEMBERS PRESENT: Nelson Gage- Chairman, Jonathan Lack -Vice Chairperson, Matthew Ganster-Member, Daniel Boggs-Member, Charles Leoni-Member, Caitlin Mattos-Member.

INTRODUCTION:

Chairman Gage welcomed everyone to the October 17th, 2023 ZBA meeting. Chairman Gage announced that one new application was on the agenda for the night with one public hearing tabled for Alisun Daus until December and another public hearing on accessory structure setbacks to be held in November. Two public comments were submitted by Lynne Bruning. These comments were regarding the absence of setback requirements for certain activities on property that may impact neighboring properties. These issues would be along the lines of moving earth or construction projects that left debris or soil in a manner that is not within a setback. There are no setbacks in the town ordinance that regulate the concerns and Chairman Gage recommended that this issue be addressed when addressing the accessory structure setbacks. There are also concerns regarding the ZBA's authority to change the zoning ordinance, which is not the case. The ZBA can only recommend and interpret the ordinance. Chairman Gage discussed the necessity of a formal way of addressing resident complaints and will reach out to the town attorney for guidance.

OPEN FORUM:

Chairman Gage opened the open forum at 7:10 pm. Chairman Gage asked if anyone present at the meeting would like to participate in the open forum. Chairman Gage closed the open forum at 7:11 pm after no public comments were heard.

PUBLIC HEARING:

23-15 Daus, Alisun: SBL#45.00-2-8.2, (R-2) located at 1724 Skyline Drive is seeking a side yard variance under section 8.6(2) of the Town of Duanesburg Zoning Ordinance to install

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a pool. Alisun Daus could not attend the meeting. Chairman Gage suggested to table the public hearing until December when she is available.

Gage/Lack made a motion to table the application for Alisun Daus.
Gage aye, Lack aye, Mattos aye, Boggs aye, Leoni aye, Ganster aye.

NEW 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. Questions of where the creek and lake are located were presented by Chairman Gage. The shed is already in place and a building permit has not been obtained. A call was made to the town code enforcement officer Chris Parslow who went out and inspected the shed. The setbacks in a hamlet district are 15 feet on either side. Chairman Gage asked about the lot size, and it was determined that a tax map or survey map needs to be obtained since the width, depth, and area of the property were not provided. Chairman Gage asked if the owner will be present at the next meeting and Sophia Mantzouris advised that she will not be, and a written and signed letter was provided stating that Sophia Mantzouris is to represent Jacqueline Fritche. Jeanette Ray residing at 9389 Mariaville Rd spoke to the board addressing her concerns with two sheds, a fence, and the driveway on her property line. Jeanette Ray had her property surveyed and will bring the survey map to the next meeting. The residence was vacant for a period of time and was bought by Jacqueline Fritche in July 2023. The driveway was laid shortly thereafter and has been in use since. Chairman Gage advised that the code enforcement officer and the town attorney both investigate this application further and suggested to table the application to November. Both parties were advised to get their own copies of survey maps in case of any disagreement.

Lack/Boggs made a motion to table the Fritche application to November.
Lack aye, Boggs aye, Ganster aye, Leoni aye, Gage aye, Mattos aye.

Other:

Chairman Gage referenced the variance on Lawson Rd and stated that it was not denied, but the setback was negotiated, and the variance was granted. Chairman Gage advised that the town code enforcement officer needs to be addressed regarding the outcome of the meeting with the town attorney discussing the concerns of Lance Manus and accessory building setbacks. The board discussed Planning/Zoning training at HVCC and continued training requirements for ZBA members. The importance of at least 4 members in attendance at a meeting was discussed.

Mattos/Leoni made a motion to approve the September 19, 2023, Zoning Board meeting minutes.
Mattos aye, Leoni aye, Ganster aye, Boggs aye, Gage aye, Lack aye. **Approved.**

Mattos/Ganster made a motion to adjourn tonight's meeting at 8:06 PM.
Mattos aye, Ganster aye, Gage aye, Boggs aye, Leoni aye, Lack aye.