

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 Leoni, Board Member  
Caitlin Mattos, Board member

**Town of Duanesburg  
Zoning Board of Appeals  
December 19, 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:**

**#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 a pool.

**Comments:** \_\_\_\_\_  
\_\_\_\_\_

**#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.

**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:**

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 Leoni, Board Member  
Caitlin Mattos, Board member

**#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: \_\_\_\_\_  
\_\_\_\_\_

**#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.

Comments: \_\_\_\_\_  
\_\_\_\_\_

**#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.

Comments: \_\_\_\_\_  
\_\_\_\_\_

**#23-21 Tersigni, Joseph:** SBL#35.10-2-1.1, (L-1) located at 270 S Shore Rd is seeking an area variance for an addition of a single level building under section 7.1.6(2) of the Town of Duanesburg Zoning Ordinance.

Comments: \_\_\_\_\_  
\_\_\_\_\_

**OTHER:**

**Kruger Energy**

**ZONING BOARD MEETING MINUTES:**

November 21, 2023

Approved: Yes \_\_\_\_\_ No: \_\_\_\_\_

**ADJOURNMENT**

Nelson Gage, Zoning Board Chair  
Chris Parslow, Town Planner  
Coryn VanDeusen, Clerk  
Teresa 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**

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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 **DECEMBER 19, 2023 AT**  
**7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE  
APPLICATION OF:

**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 a pool.

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

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 8/2/23 Zoning District R2

Type of Variance

Use Variance  Area Variance

SBL# 45.00-2-8.2

Phone #: 518 878 6906

Applicant's Name: Alison Daus



ORIGINAL

Applicant's Address: 1724 Skyline Dr  
Schenectady NY 12306

Property Owner Name(if different): \_\_\_\_\_

Property Address (if different): \_\_\_\_\_

Property Owner's Signature Alison Daus

(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)

Permit # 6791

Pool installation closer than 40' from property line due to  
placement of septic & leach field see attachment from septic  
company

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.

Alison Daus  
Applicant

8/2/23  
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 August 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: 8/2/23

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.

ORIGINAL

Applicant	Owner if Different from Applicant
Name: <u>Alison Pauls</u> Address: <u>1724 Skyline Dr Schuylar NY 12306</u>	Name: _____ _____ _____

- Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project:  
Pool installation closer than 40' from property line due to location of septic & leach field
- Location of project: Address: 1724 Skyline Dr Schuylar NY 12306  
Tax Map Number (TMP) 45.00-2-8.2
- Is this parcel within an Agricultural District? YES ~~NO~~ (Check with your local
- If YES, Agricultural District Number 50 assessor if you do not know.)
- Is this parcel actively farmed? YES NO
- 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]  
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.

**NOTICE OF DETERMINATION**  
**of the Town of Duanesburg**

Date of Determination 8/3/23

Application of FRONT YARD AND SIDE YARD under section  
8.6(1) AND 8.6(2) of the (Village of Delanson / Town of Duanesburg)  
ZONING Ordinance.

Applicant ALISON DAUS  
Address 1724 SKYLINE DR  
SCHWARTZKY N.Y. 12306

Phone 518-878-6906 Zoning District R-2 SBL# 45.00-2-8.2

Description of  
Project: INSTALLATION OF SWIMMING POOL 70' FROM FRONT PROPERTY  
LINE AND FEET FROM SIDE PROPERTY LINE.

Determination: 10'  
APPLY FOR FRONT YARD AND SIDE YARD VARIANCE OF 18'

Reason supporting determination:

TOWN OF DUANESBURG ZONING ORDINANCE ADOPTED 6/11/15 SECTION 8.6(1)  
MINIMUM FRONT SETBACK SHALL BE 80' FROM BUILDING LINE AND SECTION 8.6(2)  
MINIMUM SIDE SETBACK SHALL BE 40' FROM BUILDING LINE.

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

Code Enforcement Officer: Clay Palow



A

22 Feet back from  
line / that you spoke  
about

Variance - 15 to 20 Variance

# ZONING COORDINATION REFERRAL

SCHEENECTADY 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 8-22-23  
Case No. D-15-23  
Returned 8-12-23

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) \_\_\_\_\_

PUBLIC HEARING OR MEETING DATE: \_\_\_\_\_

SUBJECT: 23-15 Daus, Alisun: SBL#45.00-2-8.2, (2) located at 1724 Skyline Drive is seeking a front and side yard variance under sections 8.6(1) and 8.6(2) of the Town of Duanesburg Zoning Ordinance to install a pool.

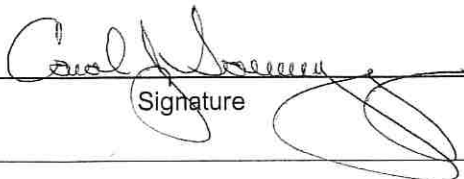
**REQUIRED ENCLOSURES:**

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

  
Signature

Date: 8-15-2023

RECEIVED

SEP 14 2023



ORIGINAL

TOWN OF DUANESBURG  
TOWN CLERK





# PLANNING & ZONING COORDINATION REFERRAL

Case No. D-15-23

Applicant Alisun Daus

Referring Officer Carol Sowycz

Municipality Duanesburg

Considerations: Regarding an existing single family residence, requesting an area variance to install a pool where the proposed property line setback does not meet town standards. Located on the north side of Skyline Drive (CR 86) approximately 1/2 mile east of Tidball Lane.

## RECOMMENDATION

Receipt of zoning referral is acknowledged on August 22, 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.

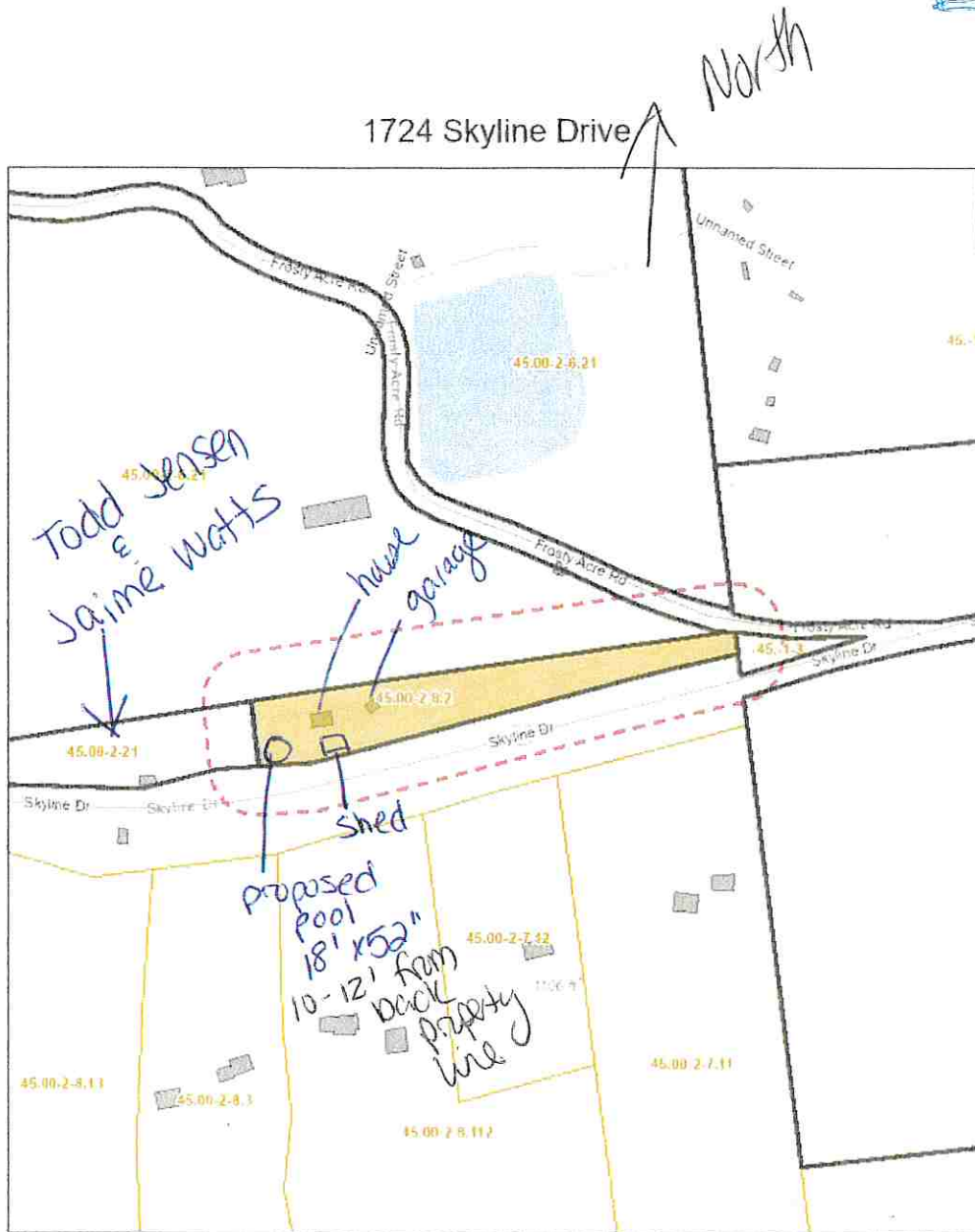
9/11/23  
Date

Ray Gillen, Commissioner  
Economic Development and Planning





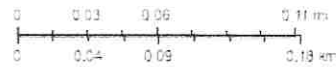
ORIGINAL



August 2, 2023

1:4,514

- Road Labels
- ▭ Parcels
- ▭ Override 1
- ▭ Roads
- - - Override 1
- ▭ Parcel Labels
- ▭ Override 1
- ▭ Building Footprints

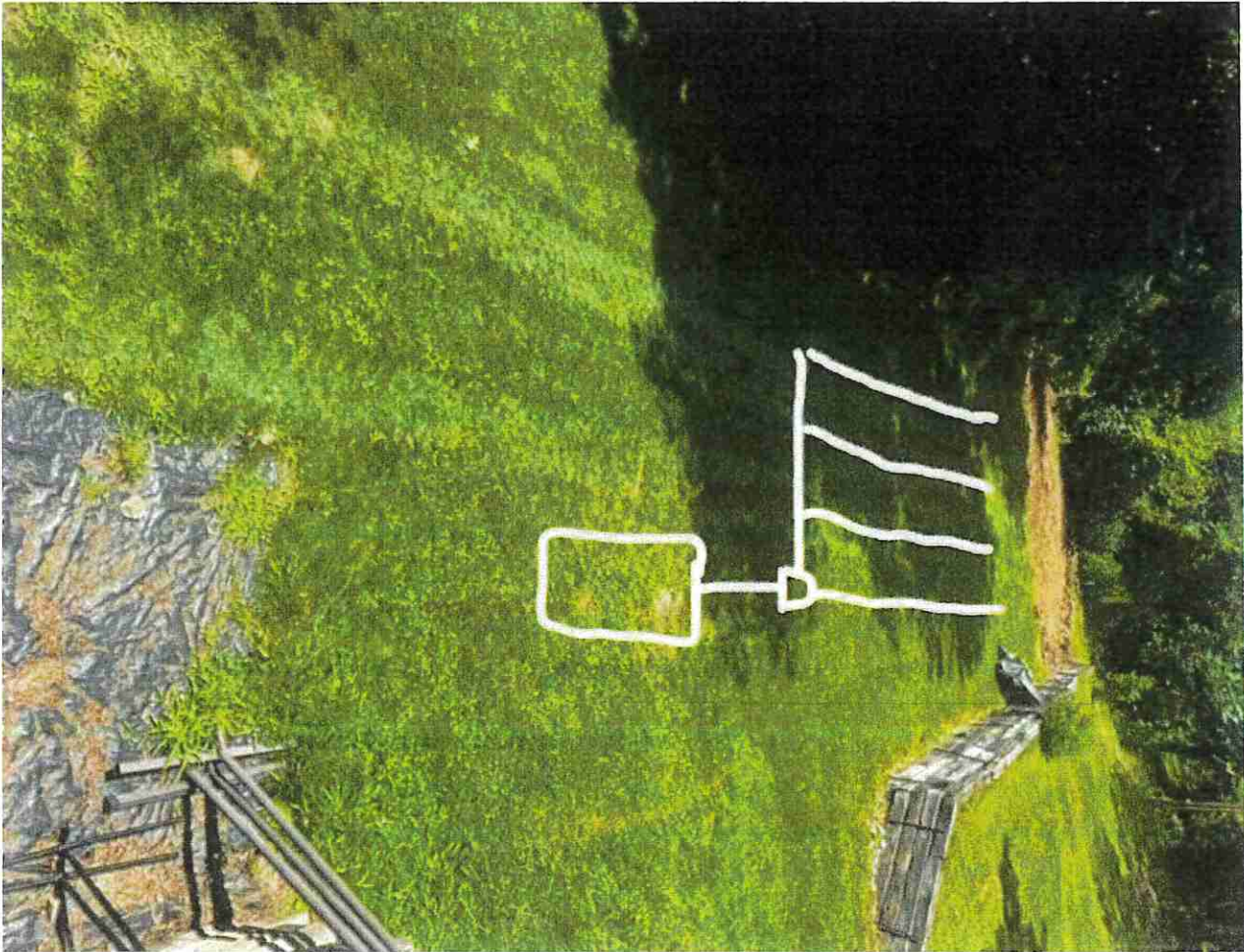


ESTIMATED BY HERE DATA MOVEMENT LOGS EPA LOGS

No Author  
This map and information is provided as a service and cannot be original source or address of any kind.



ORIGINAL



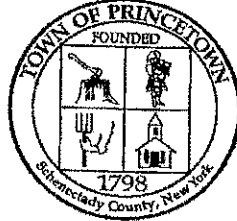
**TOWN OF PRINCETOWN**  
**165 PRINCETOWN PLAZA**  
**SCHENECTADY, NEW YORK 12306-5877**  
518-357-4045/FAX 518-357-4048  
STATEWIDE RELAY SYSTEM TDD 800-662-1220

**SUPERVISOR**  
Louis Esposito

**TOWN BOARD**  
Doug Gray  
Nicole Maura  
Benjamin Jacaruso  
James Pavoldi

**HIGHWAY SUPERINTENDENT**  
Nicholas Maura, Jr.

**TOWN CLERK**  
Crystle Cuomo



**TOWN JUSTICE**  
Michelle VanWoeart

**WATER COMMISSIONER**

**BUILDING INSPECTOR**  
Thomas Verrigni

**TOWN ASSESSOR**  
John Bonanno

September 6<sup>th</sup> 2023

Town of Duanesburg  
Zoning Board of Appeals  
5853 Western Tpke  
Duanesburg, NY 12056

RECEIVED

SEP 13 2023

TOWN OF DUANESBURG  
TOWN CLERK

To whom it may concern:

Based on the information provided for the Alisun Daus area variance, the Princetown Planning Board believed the request was a reasonable one. This assumes the request is consistent with the Town's requirements and Zoning Law allowances.

If the Duanesburg Zoning Board of Appeals approves the request, the Princetown PB would agree with their determination.

The PB Members wish to thank the Town of Duanesburg for the opportunity to review and comment on the referral.

Respectfully submitted;

Anthony Torre, Chairperson.

## Re: 1724 Skyline Dr

From: Steven Oravsky (steve.countrysideseptic@gmail.com)

To: [ajedrd@yahoo.com](mailto:ajedrd@yahoo.com)

Date: Tuesday, August 1, 2023 at 08:53 PM EDT

Good evening Alisun,

Yes I've completed septic work at your home, 1724 Skyline Dr, last year.

I drew the location of the septic tank and leach field in the picture and sent it back to you.

Your location of the pool is where it needs to be.

Any closer, and it will be on top of the leach field, where it could affect the leach field's performance.

-Steve

Countryside Septic

518-765-4358

On Tue, Aug 1, 2023 at 6:24 PM Alisun Daus <[ajedrd@yahoo.com](mailto:ajedrd@yahoo.com)> wrote:

Also, do you have an idea of where the leach field ends? Could we move the pool any closer to the house if that is as far down as they are digging?

Sent from my iPhone

> On Aug 1, 2023, at 5:12 PM, Alisun Daus <[ajedrd@yahoo.com](mailto:ajedrd@yahoo.com)> wrote:

>

> Hi Steve, I understand that you replaced baffles and pumped the septic (in Oct 2022) at the property we recently purchased. It has recently come into question where the septic and leach field are on the property. It is my understanding (from the picture attached) that the tank is below the rocks and the leach field then goes back toward where the digging for the pool has begun. Can you confirm if this is in fact the placement of the septic and leach field?

>

> Regards,

> Alisun

>

> <image0.jpeg>

>

>

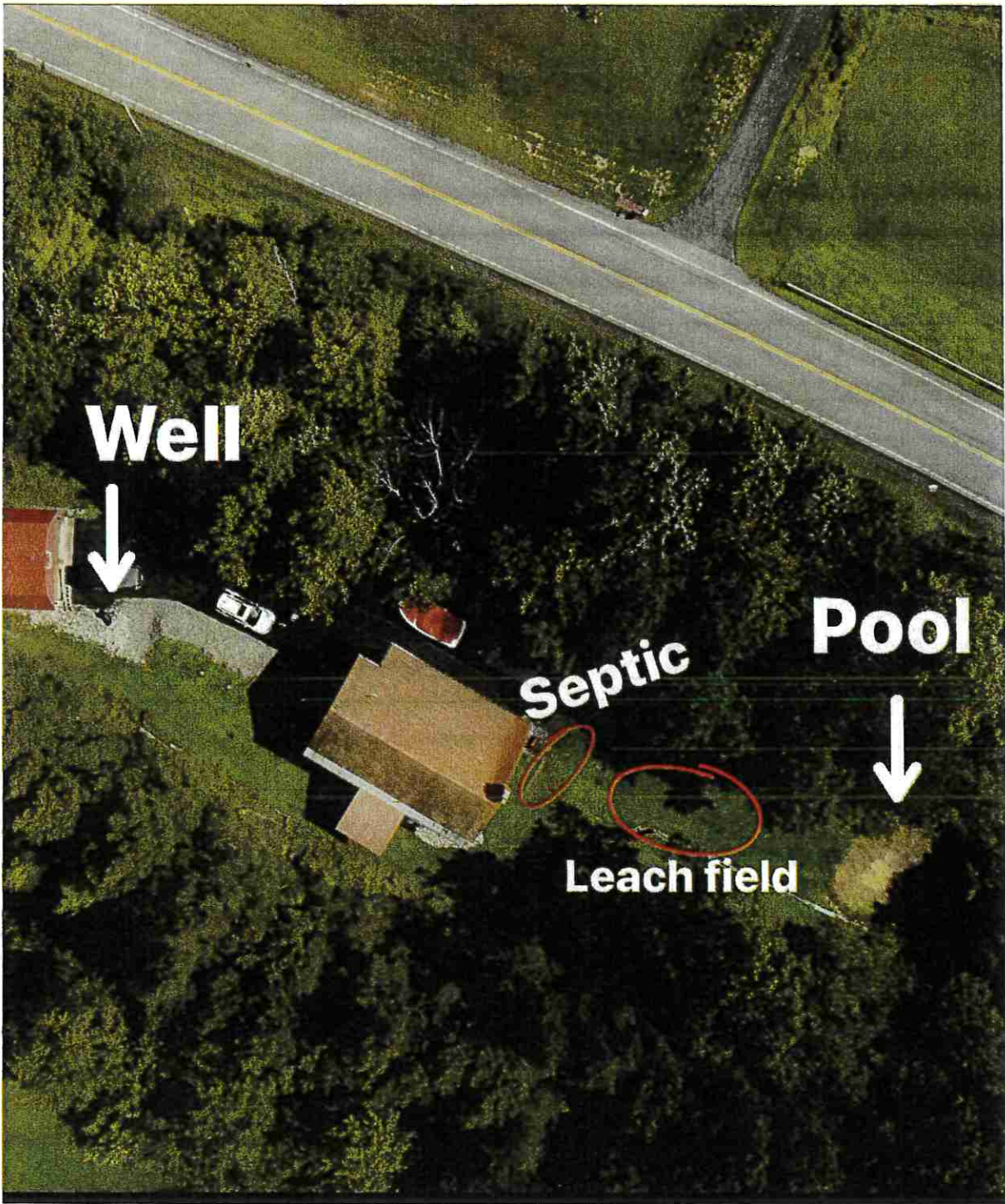
> Sent from my iPhone



1724 Skyline Dr - Septic System.jpg

136.1kB





Warranty Deed – with Lien Covenant

 ORIGINAL

***THIS INDENTURE***

Made this 14 day of **JULY, 2023**

**Between SALVATORE JOSEPH FUSCO**, residing at  
1724 Skyline Drive, Schenectady, NY 12306

Grantor,

**JASON DAUS and ALISUN DAUS**, his wife, residing at  
1230 Esperance Road, Esperance, NY 12066

Grantees,

**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, does hereby grant and release unto Grantees, their heirs and assigns forever:

**SEE SCHEDULE "A" ATTACHED HERETO**

**BEING** the same premises conveyed to Grantor by Deed from Russell C. Harrington, individually and as Trustee of the Russell C. Harrington Revocable Living Trust dated July 23, 2014, said deed dated February 17, 2021, and recorded in the Schenectady County Clerk's Office on March 24, 2021 in Book 2055 of Deeds at Page 54.

**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.

**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;



ORIGINAL

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

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

**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**

**SALVATORE JOSEPH FUSCO**

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 JOSEPH 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

SUSAN H. deVOE  
Notary Public, State of New York  
Registration No. 4989546  
Qualified in Albany County  
Commission Expires December 9, 2025

**RECORD & RETURN TO:**

Nelson Gage, Zoning Board Chair  
Chris Parslow, Town Planner  
Coryn VanDeusen, Clerk  
Teresa 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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## **NOTICE OF PUBLIC HEARING**

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
ZONING BOARD  
TOWN OF DUANESBURG**

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PLEASE TAKE NOTICE, THAT THE ZONING BOARD OF APPEALS FOR THE TOWN OF  
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AT THE TOWN HALL IN THE TOWN  
OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **DECEMBER 19, 2023 AT  
7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE  
APPLICATION OF:

**#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.

BY ORDER OF THE CHAIRPERSON  
ZONING BOARD  
TOWN OF DUANESBURG  
CHAIRPERSON

Town of Duaneburg is also providing the meeting via zoom if you are unable to attend in  
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**Meeting ID:** 825 2590 5610  
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**Dial in by Phone:** 1-646-558-8656

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



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  
SBL# 68.00-1-9.12 Phone #: 518-209-4480  Use Variance  Area Variance  
Email: Steeleytricia@yahoo.com

Applicant's Name: Tricia Stealey

Applicant's Address: 3215 Western Turnpike  
Duanesburg, NY 12056

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 coveys doublewide, 10' from EXISTING, DEMO EXISTING upon 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.

Tricia Stealey  
Applicant

11-1-2023  
Date

JENNIFER M. HOWE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01HO6351801  
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)



**NOTICE OF DETERMINATION**  
**of the Town of Duaneburg**

Date of Determination 11/1/23

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

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

Phone \_\_\_\_\_ Zoning District C-1 SBL# 6800-1-9.12

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

Determination:  
REFER TO ZBA FOR SIDE YARD VARIANCE

Reason supporting determination:  
MINIMUM 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 VARIANCE</u>
--

Code Enforcement Officer: Cliff Pulaw

## Coryn VanDeusen

---

**From:** Tricia Stealey <tstealey@fpimechanical.com>  
**Sent:** Thursday, December 7, 2023 8:51 AM  
**To:** Coryn VanDeusen  
**Subject:** FW: 3215 Western Turnpike

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Coryn,

Can you please send this to Chris, I am all set with the septic situation.

Best Regards,

*Tricia Stealey*

FPI Mechanical, Inc.  
11 Green Mountain Drive  
Cohoes, NY 12047  
Office: 518-783-7066 ext. 307  
Cell: 518-858-3974

**From:** Dominick DiCarlo <Dominick.DiCarlo@schenectadycountyny.gov>  
**Sent:** Thursday, December 7, 2023 8:48 AM  
**To:** Tricia Stealey <tstealey@fpimechanical.com>  
**Subject:** RE: 3215 Western Turnpike

Tricia, I discussed this issue with my director and a representative from the NYS Dept. of Health and they agreed that it is OK to replace the existing "mobile home" with another mobile home with the same number of bedrooms, providing the existing septic system is functioning properly. This particular situation is considered to be replacing "like for like".

Thanks,

Dominick DiCarlo  
Sr. Public Health Sanitarian  
Schenectady County Dept. of Environmental Health  
518-386-2818 ext. 1242

**From:** Tricia Stealey <tstealey@fpimechanical.com>  
**Sent:** Tuesday, December 5, 2023 8:10 AM  
**To:** Dominick DiCarlo <Dominick.DiCarlo@schenectadycountyny.gov>  
**Subject:** 3215 Western Turnpike

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dominick,



Good morning, I was advised that I need to review my plans with you. I left you a message but have not heard back from you so I figured an email might work. I am putting in a new double wide on my property. I will have the same exact bedrooms, bathrooms and people living there. Can you let me know what I need from you to move forward with getting this approved by your department??

Best Regards,

*Tricia Stealey*

FPI Mechanical, Inc.

11 Green Mountain Drive

Cohoes, NY 12047

Office: 518-783-7066 ext. 307

Cell: 518-858-3974

---

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

# ZONING COORDINATION REFERRAL

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 11-9-23  
Case No. D-23-23  
Returned 11-28-23

**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) 386-5539  
Schenectady County

**ACTION:**  Zoning Code/Law Amendment  
 Zoning Map Amendment  
 Subdivision Review  
 Site Plan Review  
 Special Permit  
 Use Variance  
 Area Variance  
 Other (specify)

**NOV 09 2023**  
Economic Development  
and Planning Dept.

**PUBLIC HEARING OR MEETING DATE:** 11/21/2023

**SUBJECT:** #23-18 Stealey, Tricia: SBL#68.00-1-9.12,(C-1) located at 3215 Western Turnpike Duanesburg NY 12056 is seeking a side yard variance under Section 11.6(2) 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:**

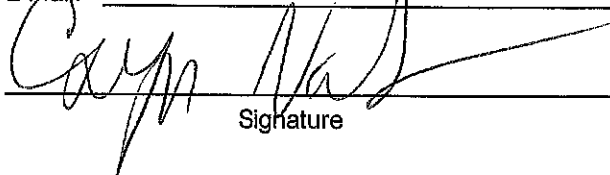
Name: Coryn VanDeusen

Title: Planning/Zoning/Building Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net

Phone: (518) 895-2040

  
Signature

Date: 11/01/23



# PLANNING & ZONING COORDINATION REFERRAL

Case No. D-23-23

Applicant Tricia Stealey

Referring Officer Coryn VanDeusen

Municipality Duanesburg

Considerations: Regarding an existing 2.3 acre residential lot with a residential trailer, requesting an area variance to place a new trailer 15' from the side lot line where 40' is required.

## RECOMMENDATION

Receipt of zoning referral is acknowledged on November 9, 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:

County Environmental Health approval of wastewater treatment system.

Advisory Note:

Replacing the existing trailer with a new double wide trailer constitutes new construction consequently the wastewater treatment system needs to meet current standards.

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.

11/20/23  
Date

Ray Gillen, Commissioner  
Economic Development and Planning

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15



ORIGINAL

Date: 9/6/23 Zoning District: H Type of Variance  
SBL# 34.08-1-17 Phone #: 518 577 8808  Use Variance  Area Variance  
Email: \_\_\_\_\_

Applicant's Name: Jacqueline A. Fritche

Applicant's Address: 9417 Mariaville Rd Pattersonville 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.

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

Applicant Jacqueline A. Fritche

Date 6 Sep 2023

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>Pattersonville NY 12137</u>	Name: _____ _____ _____

- Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project:  
Acquire a side yard variance of 6' to install a 12x24 shed
- Location of project: Address: 9417 Mariaville Rd  
Tax Map Number (TMP) 34.08-1-17
- Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
- If YES, Agricultural District Number \_\_\_\_\_
- Is this parcel actively farmed? YES NO
- 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]  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: Christopher Parslow

Date: \_\_\_\_\_

Revised 6/6/23

FARM NOTE

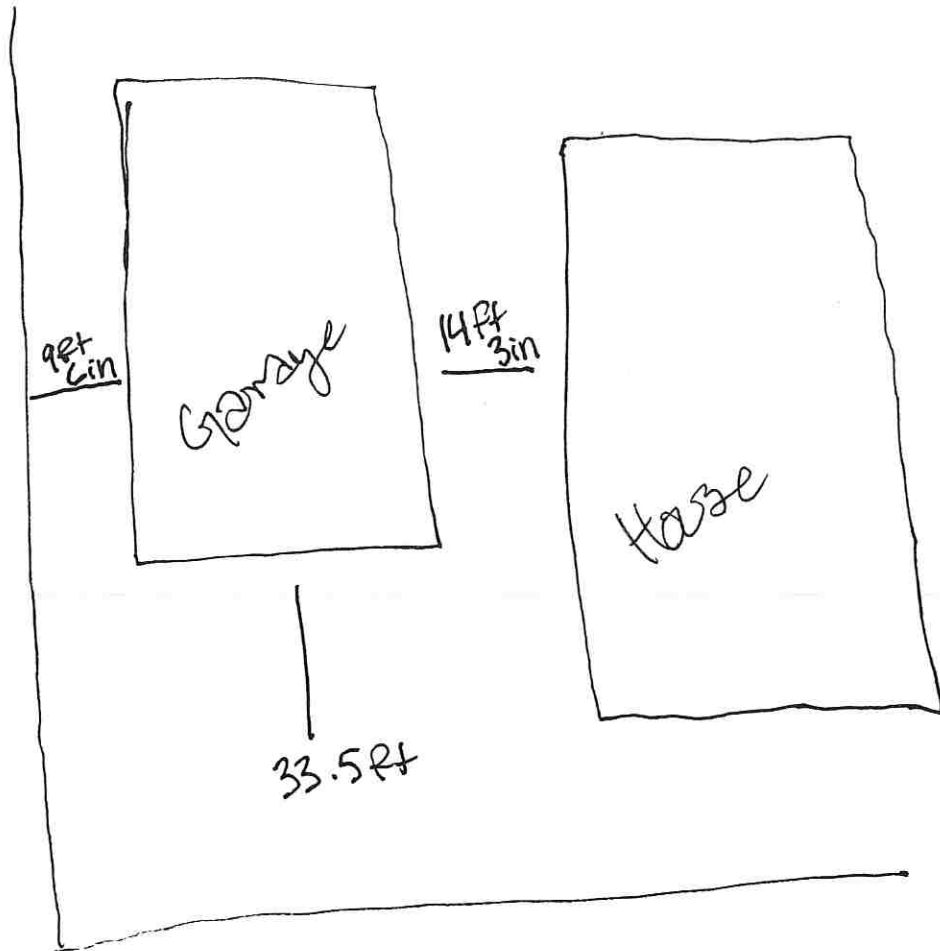
Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts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

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



 ORIGINAL

Warranty Deed – with Lien Covenant

**THIS INDENTURE**

Rior 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;

R.P.T.S.A.  
TAX EXEMPT.  
3488  
SEC  
DT

DEED Book 2113 Page 864  
Doc No 2023-3172

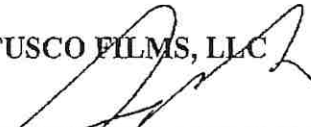
 ORIGINAL

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:  L.S.  
Salvatore Fusco, Managing Member

\_\_\_\_\_ 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, 2025

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:

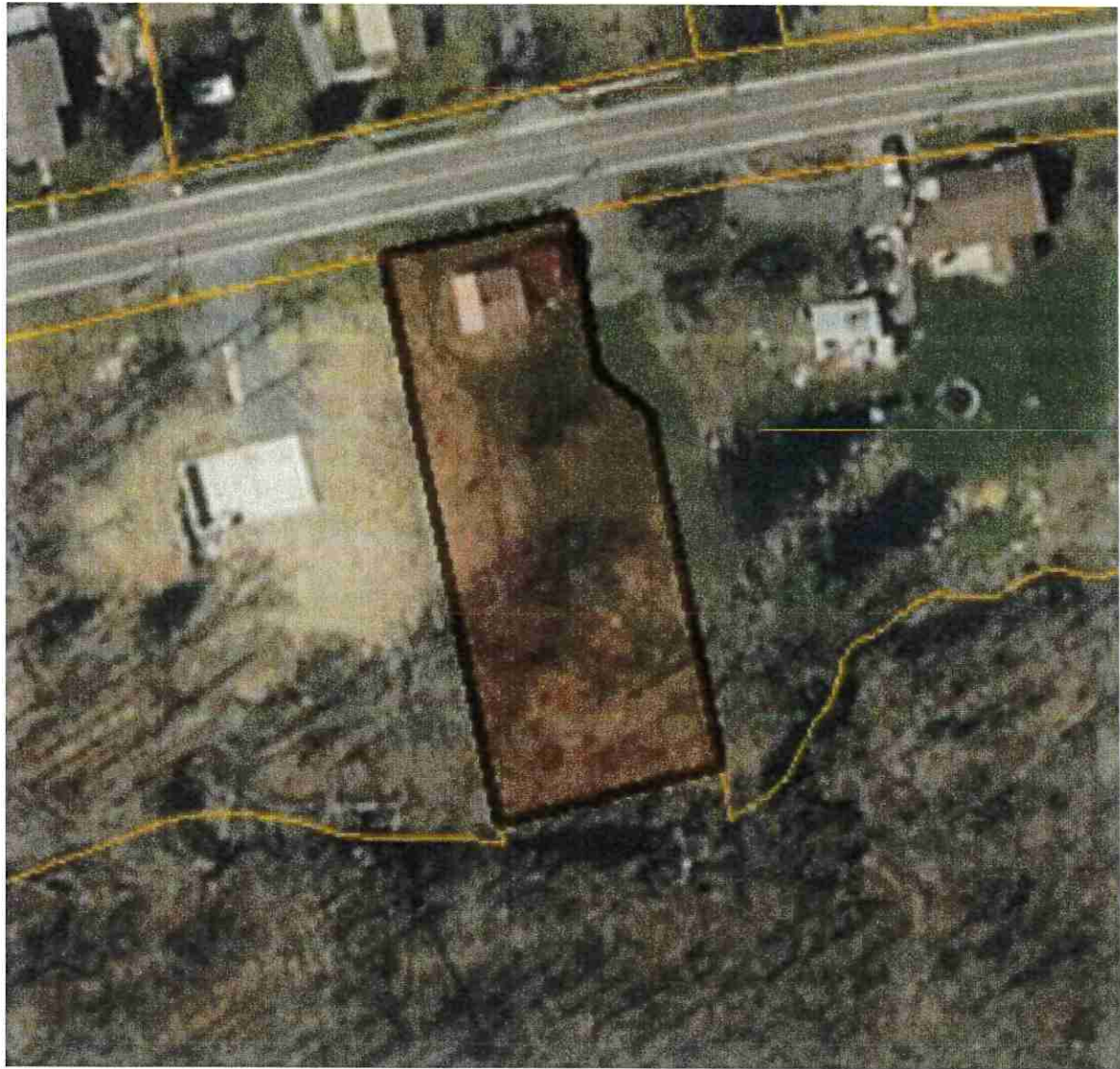
BEGINNING at the northeast corner of the lands of John Stebbins; thence east along the lands of James O. Pulver 11 feet; thence south along the lands of Martha L. Devenburgh, three chains and forty three links to the mill dam of said David W. Walpole; thence West along the same five feet to the lands 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 846  
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 MARIAVILLE RD.  
PATTERSONVILLE NY 12137

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.

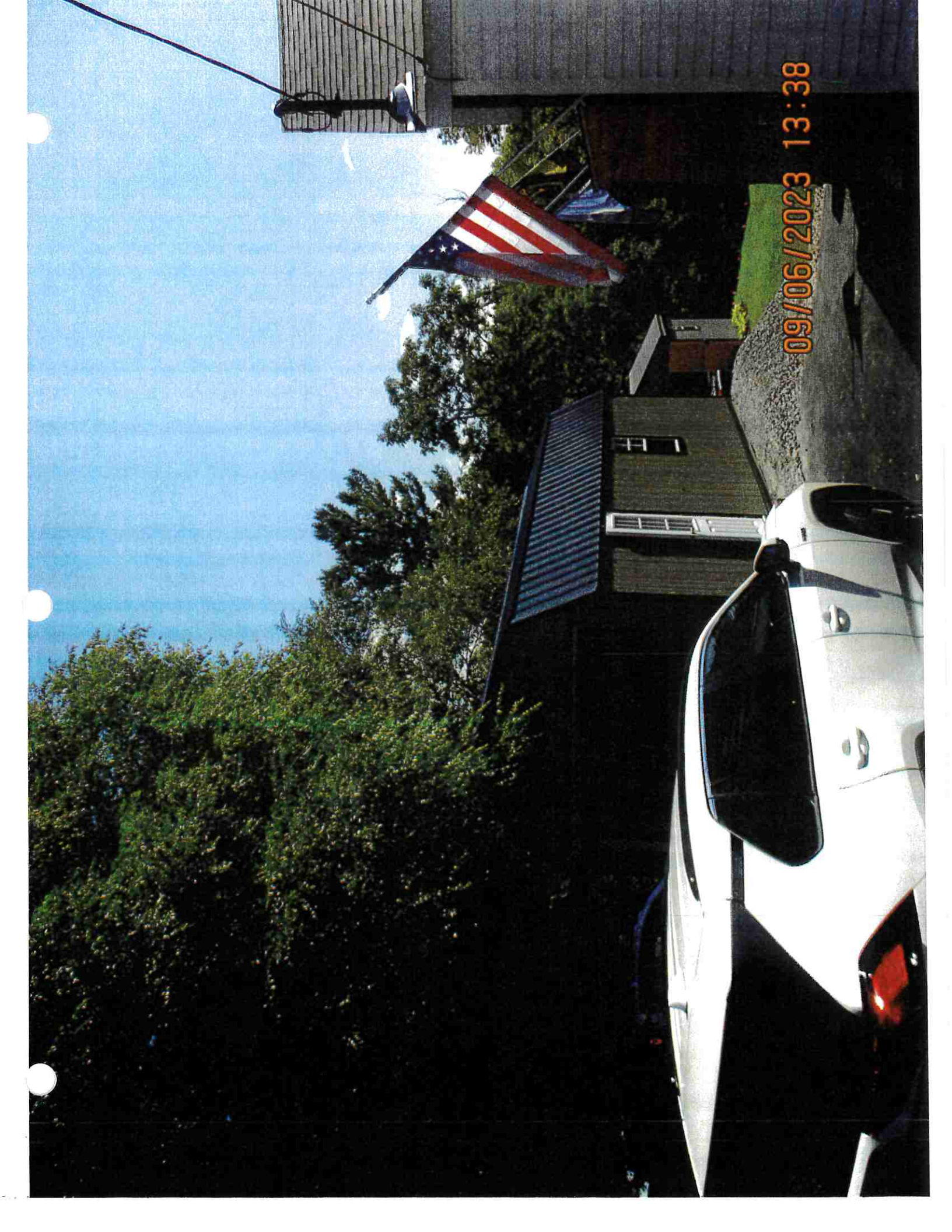
Determination:  
NEED TO APPLY FOR SIDE YARD VARIANCE OF 6'

Reason supporting determination:  
TOWN OF DUANESBURG ZONING ORDINANCE ADOPTED 6/11/15 SECTION  
9.6 (2) MINIMUM SIDE SETBACK SHALL BE 15' FROM THE  
SIDE BUILDING LINE.

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

Code Enforcement Officer: *[Signature]*






09/06/2023 13:38

6 Sept 2023

I Jacqueline A Fritche give Sophia  
Mantaris permission to speak on my  
behalf regarding all matters for  
9417 Mainville Rd Pattersonville NY 12437

ORIGINAL

Thank you,  
  
Jacqueline A. Fritche

518-729-8792  
Sophia



# ZONING COORDINATION REFERRAL

ORIG

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 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

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 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:**
- Public hearing notice & copy of the application.
  - Map of property affected. (Including Tax Map I.D. number if available)
  - 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.

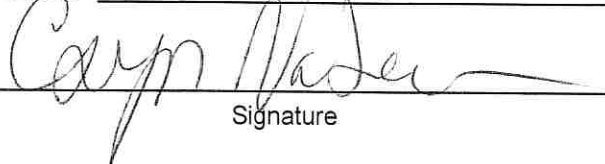
- This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
- This material is sent to you for review and recommendation because the property affected by the proposed action is located within 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

  
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 N.Y. 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 4/10/15 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>
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Code Enforcement Officer: Christy Palow

## 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 Type of Variance  
SBL# 67-05-2-13.1 Phone #: 518-688-4971  Use Variance  Area Variance Email: \_\_\_\_\_  
Applicant's Name: THOMAS A. SAMUELSON 5186884971  
Applicant's Address: 308 LAKE ROAD, DELANER NY 12853

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 12<sup>th</sup> 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: 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 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: _____ 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]  
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 Duanesburg Road

Tax Map# 67.05-2-13.1

Zoning District H



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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 Duanesburg to walk the property for the purpose of conducting a site review.

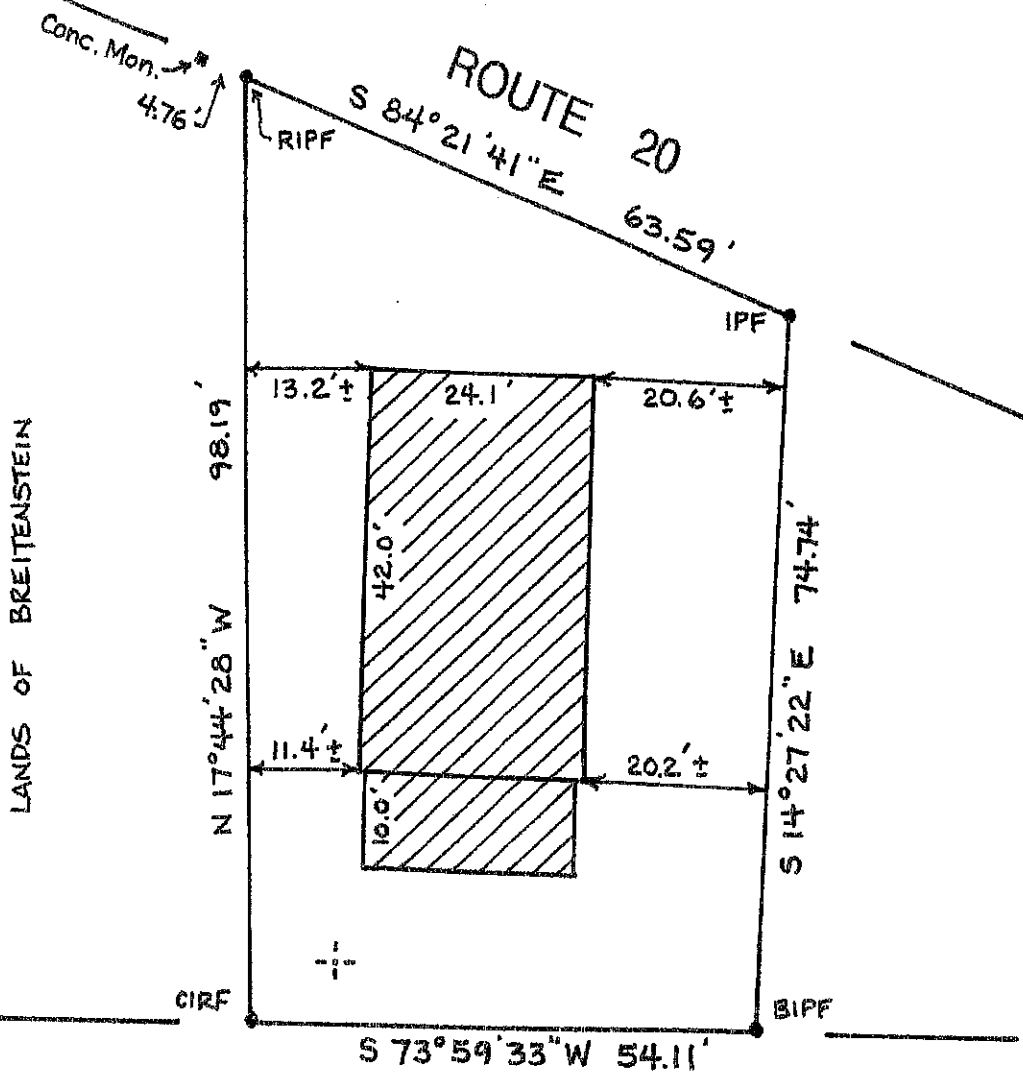


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Date 9-8-2023

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

ORIGINAL



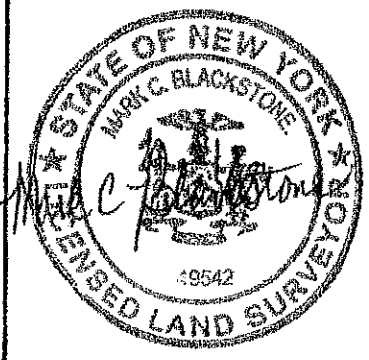
- CIRF Capped Iron Rod Found
- BIPF Bent Iron Pipe Found
- RIFP Reset Iron Pipe Found
- IPF Iron Pipe Found

MAP SHOWING SURVEY OF THE LANDS OF

THOMAS A. SAMUELSON

TOWN OF DUANESBURG  
SCHENECTADY COUNTY, N.Y.

SCALE 1" = 20'  
NOVEMBER 30, 2011



BLACKSTONE LAND SURVEYORS

1152 FORT HUNTER RD. SCH'DY, NY 12303



# 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. D-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

Date: 10/12/23

  
Signature



# 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.

10/29/23  
Date

Ray Gillen, Commissioner  
Economic Development and Planning

**NOTICE OF DETERMINATION**  
**of the Town of Duanesburg**

Date of Determination 11/29/23

Application of CLAUDIA OLEJNIK under section  
8.6 (2) of the (Village of Delanson Town of Duanesburg)  
ZONING Ordinance.

Applicant CLAUDIA OLEJNIK  
Address 4609 DUANESBURG CHARACTERS RD  
DELANSON N.Y. 12053

Phone \_\_\_\_\_ Zoning District R-2 SBL# 33.00-2-9

Description of  
Project: BEGAN CONSTRUCTING A GARAGE < 40' FROM PROPERTY LINE  
STOPPED WORK TO APPLY FOR A VARIANCE.

Determination:  
NEED TO APPLY FOR SIDE YARD VARIANCE

Reason supporting determination:  
TOWN OF DUANESBURG ZONING ORDINANCE ADAPTED 10/21/15 SECTION 8.6(2)  
MINIMUM SIDE SETBACK SHALL BE 40 FEET FROM THE SIDE  
BUILDING LINE.

**Action: Refer to ZBA for the purpose of SIDE YARD VARIANCE**

Code Enforcement Officer: Chitra Paha

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 11/21/23 Zoning District R-2 Type of Variance  
SBL# 33-00-2-9 Phone #: 518275 7540  Use Variance  Area Variance

Applicant's Name: Claudia Olejnik  
Applicant's Address: 4609 Duaneburg Churches Rd

 ORIGINAL

Property Owner Name(if different): \_\_\_\_\_  
Property Address (if different): \_\_\_\_\_

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

Proposal: (Brief description of request)  
Side yard variance 37'

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

Claudia Olejnik  
Applicant

11/21/23  
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 21<sup>st</sup> 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)

ORIGINAL

**Agricultural Data Statement**

Date: 11/21/23

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.

<p style="text-align: center;">Applicant</p> <p>Name: <u>Claudia Olesnik</u>  Address: <u>4609 Duaneburg Churches Rd</u></p>	<p style="text-align: center;">Owner if Different from Applicant</p> <p>Name: _____  _____  _____</p>
--	---

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:  
Side yard variance of 37'
3. Location of project: Address: 4609 Duaneburg Churches Rd  
Tax Map Number (TMP) 33.00-2-9
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: _____ 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

Claudia Olesnik  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: Christopher Parslow

\_\_\_\_\_  
Date

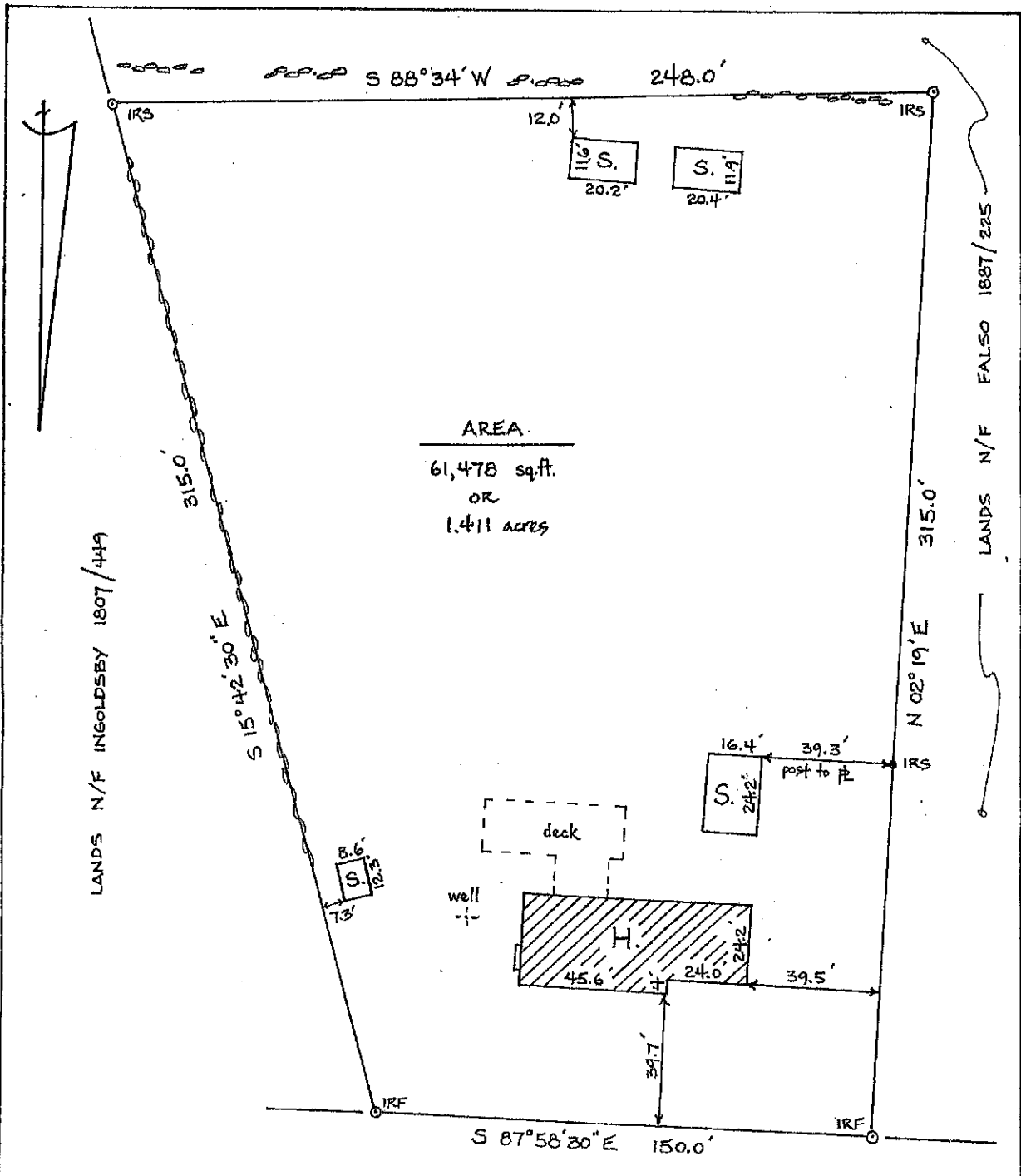
Revised 6/6/23

**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.





AREA.  
 61,478 sq.ft.  
 OR  
 1.411 acres

DUANESBURG CHURCHES ROAD



MAP SHOWING SURVEY OF THE LANDS OF  
 CLAUDIA J. OLEJNIK  
 TOWN OF DUANESBURG  
 SCHENECTADY COUNTY, N.Y.  
 SCALE 1" = 30'  
 NOVEMBER 5, 2021  
 BLACKSTONE LAND SURVEYORS  
 1152 FORT HUNTER RD. SCH'DY, NY 12303

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 11/20/23 Zoning District R-2 Type of Variance  
SBL# 65-2-28-22 Phone #: 518-234-4630  
 Use Variance  Area Variance

Applicant's Name: Joanne Darcy Conroy, L.S. for Donald & Cynthia Martin

Applicant's Address: 479 West Main St  
Cobleskill NY 12043

Property Owner Name(if different): Donald J. & Cynthia A. Martin

Property Address (if different): 1035 Turnbull Rd Delawares NY 12053

Property Owner's Signature Donald J. Martin  
(Signature of owner indicates they have reviewed the proposal and give their permission)

Proposal: (Brief description of request)  
set backs as shown on sketch. These sheds have been in place for over 15 years several were encroaching on neighbor Joantinne Dergosits. We are currently in front Planning Board to convey O.D.E.A.C to Martin.  
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.

Joanne Darcy Conroy 11/22/23  
Applicant Date

State of New York, county of Schenectady sworn this 22nd day of November 2023. Notary Public

Jill S. Thompson  
Notary Public, State of NY  
No. 01TH5050908, Qualified in Otsego Cty.  
Commission Exp. 12/29/25

\*\*\*\*\* (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)

**NOTICE OF DETERMINATION**  
**of the Town of Duaneburg**

Date of Determination 12/5/23

Application of DONALD + CYNTHIA MARTIN under section  
8.6(2) of the (Village of Delanson Town of Duaneburg)  
Zoning Ordinance.

Applicant Donna Joanne Darcy Crum  
Address 479 WEST MAIN ST.  
COBLESKILL N.Y 12043

Phone \_\_\_\_\_ Zoning District R-2 SBL# 65-2-28.22

Description of  
Project: STRUCTURES W/IN SETBACKS

Determination:  
SIDE YARD VARIANCE

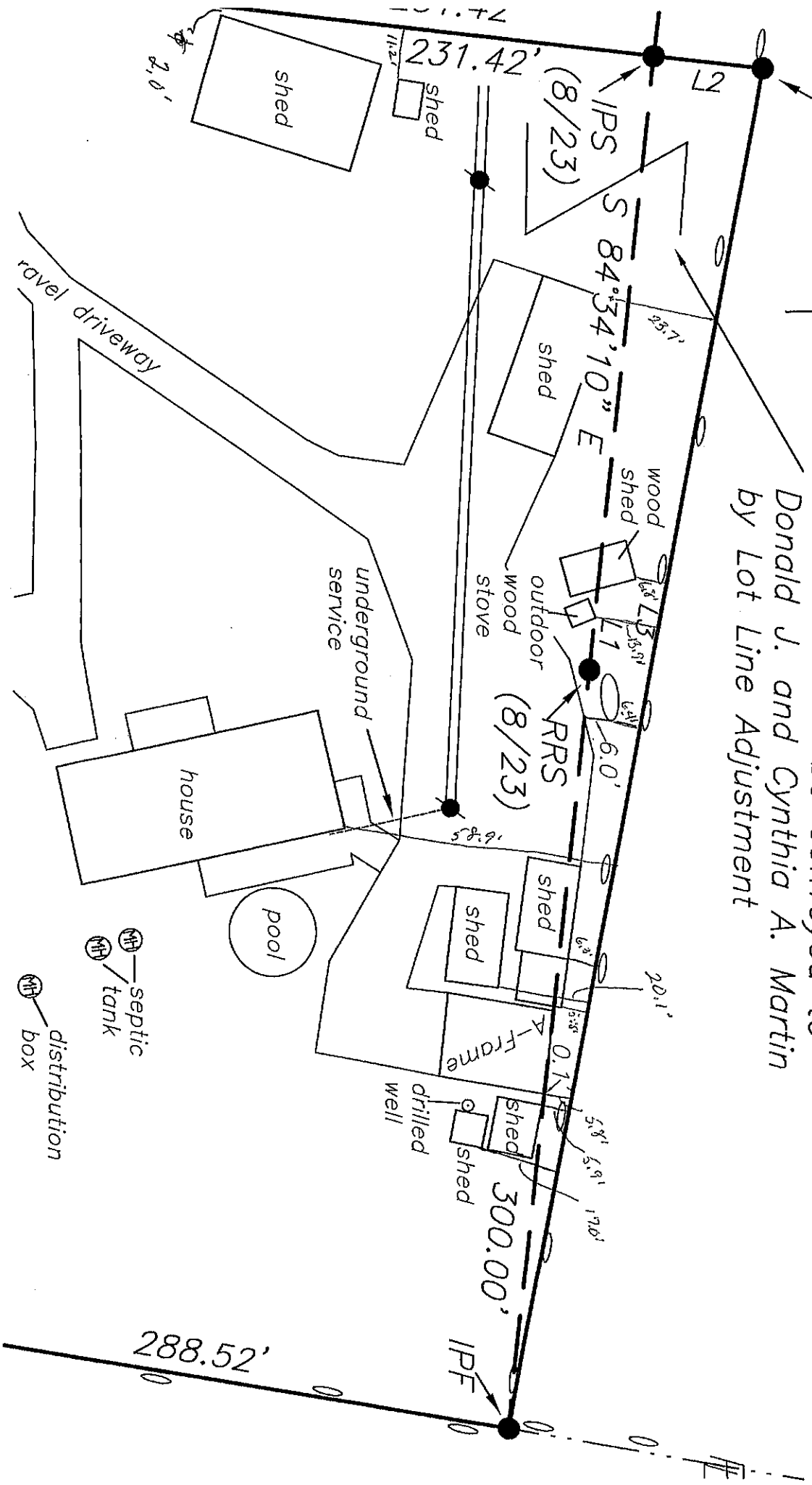
Reason supporting determination:  
Town of Duaneburg, Zoning Ordinance Adopted 6/11/15  
SECTION 8.6 (2) Minimum Side Setback Shall Be 40'  
From Side Building Line

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

Code Enforcement Officer: Cliff Palen

Detail of Building Objects from current / proposed Property Line  
 Donald + Cynthia Martin  
 See map A/15/23

0.08 acres to be conveyed to  
 Donald J. and Cynthia A. Martin  
 by Lot Line Adjustment







VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 12/4/23 Zoning District L-1 Type of Variance  Use Variance  Area Variance  
SBL# 35.10-2-1.1 Phone #: 518 864 2045 (H) Email: j3signse@gmail.com  
518-256-8446 (C)

Applicant's Name: Joseph & Patricia Tersigni  
Applicant's Address: 270 South Shore Rd.  
Delanson NY 12053



Property Owner Name(if different): N/A  
Property Address (if different): N/A

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

Proposal: (Brief description of request)  
Addition of a single level building approx 10 ft x 26 ft.  
To include 1 bedroom and 1 walk in closet.

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

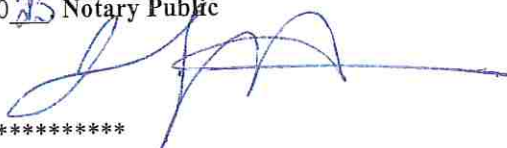
I certify that all the information submitted is true and accurate to the best of my knowledge.

Joseph Tersigni  
Applicant

Dec 4, 2023  
Date

JENNIFER M. HOWE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01HO6351801  
Qualified In Schenectady County  
My Commission Expires 12/13/2024

State of New York, county of Schenectady sworn this 4th day of December 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: 12/4/23

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.

ORIGINAL



Applicant	Owner if Different from Applicant
Name: <u>Joseph Fersigni</u>	Name: _____
Address: <u>270 S Shore Rd</u>	_____
<u>Delanson NY</u>	_____

- Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project:  
Addition of single level building 10' x 26'
- Location of project: Address: 270 S Shore Rd  
Tax Map Number (TMP) \_\_\_\_\_
- Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
- If YES, Agricultural District Number \_\_\_\_\_
- Is this parcel actively farmed? YES NO
- 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

Joseph Fersigni  
Signature of Applicant

N/A  
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.

**NOTICE OF DETERMINATION**  
**of the Town of Duanesburg**

Date of Determination 12/5/23

Application of ~~John~~ Joseph TERSIGNI under section  
7.1.6 (2) of the (Village of Delanson Town of Duanesburg)  
ZONING Ordinance.

Applicant Joseph & Patricia TERSIGNI  
Address 270 SOUTH SHORE RD  
DELANSON N.Y. 12053

Phone \_\_\_\_\_ Zoning District L-1 SBL# 35-10-2-1.1

Description of  
Project: ADDITION OF A SINGLE LEVEL BUILDING APPROX 10x26 TO  
INCLUDE 1 BEDROOM AND 1 WALK IN CLOSET

Determination:  
SIDE YARD VARIANCE NEEDED

Reason supporting determination:  
TOWN OF DUANESBURG ZONING ORDINANCE ADOPTED 6/11/15 SECTION  
7.1.6 (2) MINIMUM SIDE SETBACK SHALL BE 40 FEET  
FROM SIDE BUILDING LINE.

Action: Refer to ZBA for the purpose of SIDE YARD VARIANCE

Code Enforcement Officer: Christy Plouf





# OFFICE OF THE SCHENECTADY COUNTY CLERK

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

Maryellen Brehm

Alicia Godlewski

Jeffrey Morrette

Carla Saglimbeni  
Deputy County Clerks

Cara M. Ackerley  
County Clerk



**ORIGINAL**

Instrument Number - 202031896  
Recorded On 10/15/2020 At 9:15:10 AM  
\* Instrument Type - DEED  
\* Book/Page - DEED/2043/466  
\* Total Pages - 3  
Invoice Number - 1060032      User ID: LPD  
\* Document Number - 2020-3705  
\* Grantor - MARTIN BRUCE L  
  
\* Grantee - TERSIGNI JOSEPH  
TERSIGNI PATRICIA

\*RETURN DOCUMENT TO:  
KEITH DANIELS  
1510 CENTRAL AVE  
SUITE 240  
ALBANY, NY 12205  
ATTN: PPE

\* FEES  
NY REALTY TRANSFER TAX      \$1,128.00  
NY LAND SUR      \$4.75  
NY E & A FEES      \$116.00  
NY LAND COMP SUR      \$14.25  
CO GENERAL REVENUE      \$40.50  
CO LAND SUR      \$0.25  
CO E & A FEES      \$9.00  
CO LAND COMP SUR      \$0.75  
CONVEYANCE NOTIFICATION      \$10.00  
TOTAL PAID      \$1,323.50

TRANSFER TAX  
Real Estate Transfer Tax Num - 942  
Transfer Tax Amount - \$ 1,128.00

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 - 202031896





This Indenture, Made the 20th day of September, Two Thousand  
Twenty

Between,

BRUCE L. MARTIN, residing at 1601 Albatross Drive, Punta Gorda, FL 33950,  
party of the first part, and

JOSEPH TERSIGNI AND PATRICIA TERSIGNI, his wife, residing at 23 Maxwell  
Road, Latham, New York 12110,  
parties of the second part.

Witnesseth, that the parties of the first part, in consideration of \_\_\_\_\_  
\_\_\_\_\_ ONE and 00/100 \_\_\_\_\_ Dollar (\$1.00)--- lawful  
money of the United States, and other good and valuable consideration paid by the party of the  
second part, do hereby grant and release unto the party of the second part, his heirs and assigns  
forever,

ALL THAT TRACT OR PARCEL OF LAND known as 270 South Shore Road, Town  
of Duanesburg, County of Schenectady, New York, more particularly described as follows:

ALL THAT TRACT, PIECE OR PARCEL of land, with the buildings thereon, situate,  
lying and being in the Town of Duanesburg, County of Schenectady and State of New York,  
known and designated as a portion of Lot Number Fourteen (14) on the southerly shore of  
Mariaville Lake as shown on a map entitled "Map of Property belonging to Springsted, Smith  
and Swart", made by Emmitt Blessing, Surveyor, dated October 23, 1922, and filed in the  
Schenectady County Clerk's Office on November 6, 1922, and filed in the Schenectady County  
Clerk's Office on November 6, 1922, in Drawer 60-A, Map No. 66, as more particularly bounded  
and described as follows:

BEGINNING at a point on the northerly line of Lake Avenue, which point is westerly  
788.6 feet from the westerly line of Mariaville Road, and runs thence along said northerly line of  
Lake Avenue South 79 degrees West, a distance of 94.15 feet to a point; thence through Lot 14 as  
shown on Map referred to above along the newly established westerly line of Lot 14, North 5  
degrees 34 minutes west, a distance of 145.92 feet to a point on the southerly waters edge of  
Mariaville Lake; thence along said southerly waters edge of Mariaville Lake westerly a distance  
of about 90 feet to a point; thence along the westerly line of a 10 foot wide path separating Lots  
14 and 15, South 11 degrees east, a distance of 194.6 feet to the point or place of beginning,  
containing about 0.35 acres of land.

ALSO, ALL THAT CERTAIN TRACT, piece or parcel of land, situate in the Town of  
Duanesburg, County of Schenectady and State of New York, conveyed to the County of  
Schenectady pursuant to Article 10 of the Real Property Tax Law of the State of New York, by  
A. Albert Shapiro, County Commissioner of Finance, as County Treasurer of the County of  
Schenectady; by deeds dated and recorded in the Office of the Schenectady County Clerk on the  
dates and in the Libers of Deeds at the pages and with the description as follows: Deed Date  
8/24/1984, Recording Date 09/24/1984, Liber No. 1075, Page No. 1124, Description: South  
Shore Drive, Section 35.10 Block 2 Lot 28, Vacant. Said parcel of land which is more  
particularly identified as Lot No. 12 as shown on a map of lands of Springsted, Smith and Swart,  
made by Emmitt Blessing, Surveyor and filed in the Schenectady County Clerk's Office on  
November 6, 1922, Cabinet D Page 89.

R.P.T.S.A.  
MAP IDENT. 2  
SEC. 35.10  
BLK. 2  
LOT 28

D

BEING the same premises conveyed to the party of the first part by Carolyn Meyer, by warranty deed dated September 30, 2014, and recorded in the Office of the Schenectady County Clerk on October 1, 2014, in Book 1902 of Deeds at Page 292.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

And said party of the first part covenants as follows:

First, That the parties of the second part shall quietly enjoy the said premises;

Second, That said party of the first part will forever Warrant the title to said premises;

Third, That in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the rights 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, the party of the first part has hereunto set his hand and seal the day and year first above written.

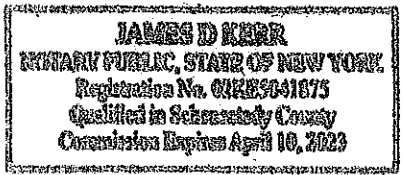
IN PRESENCE OF

Bruce L. Martin  
BRUCE L. MARTIN

STATE OF NEW YORK )  
COUNTY OF Schenectady ) s.s.:

On the 17th day of July, 2020, before me, the undersigned, personally appeared BRUCE L. MARTIN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
State of New York -- Notary Public



R & R: Keith Daniels, Esq., 1510 Central Avenue, Suite 240, Albany, NY 12205





S Shore Rd

S Shore Rd

Lake Ave

SHORE  
WALK

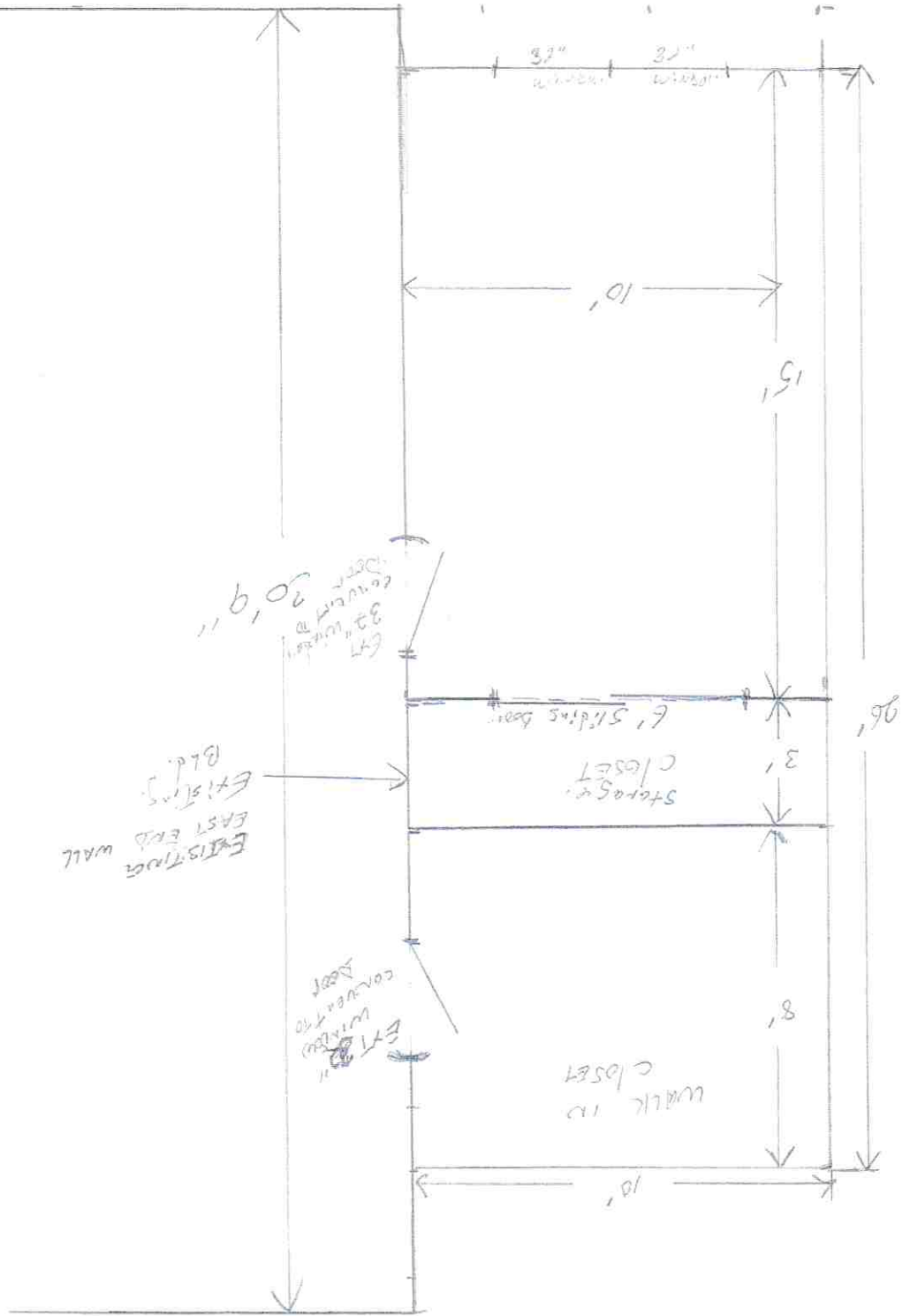
234 S  
SHORE

238

270







South Shore Rd EDGE (STREET)

Site map  
Property of  
Karla Cote  
2341 Sa. Shore Rd.

ALL MEASUREMENTS  
APPROXIMATE

Proposed 10'x26'  
SINGLE STORY  
ADDITION

10'x15' Room +  
walk in closet

LAKE  
AVE



Well  
Approx

Public Sewers.  
in Sa Shore Rd  
NO SEPTIC

10FT  
WIDE  
OF  
WAY

Grinder Pump  
Shut off valve

20'

EXISTING  
FENCE

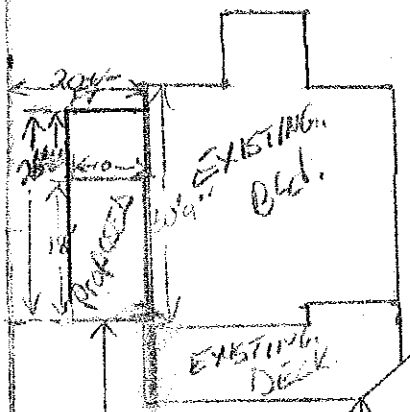
Approx  
well  
EAST  
238 Lake Ave  
Bank Foreclosure.  
unknown owner

WEST  
274  
Property of  
Chris & Eric Lense

Grinder  
Pump

Well

EXISTING  
FENCE



Lot  
STAKE

WATER FRONT

North  
↓

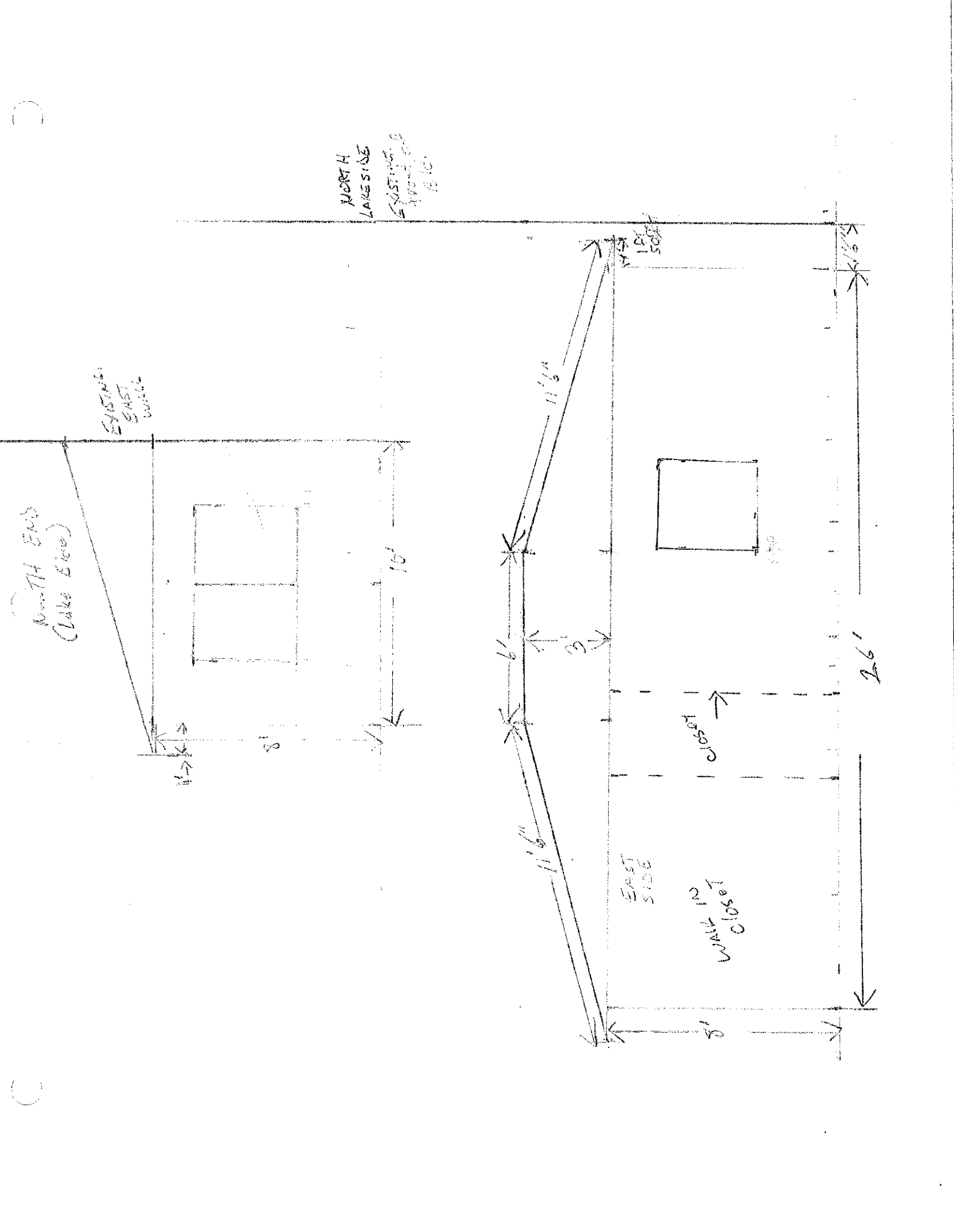
Lot  
STAKE

Approx  
3'

Approx  
16'

LAKE





NORTH END  
(Lake Side)

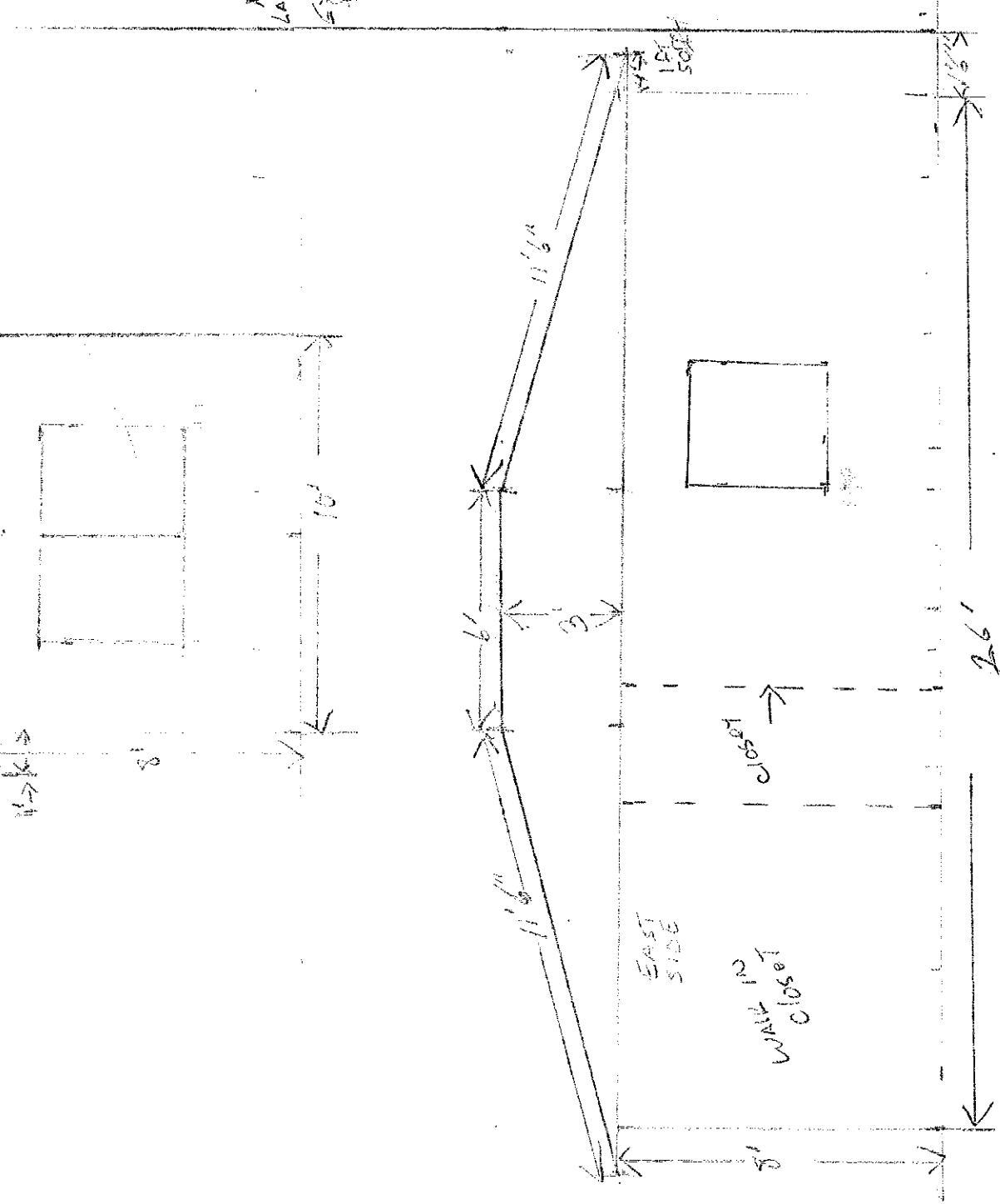
EXISTING  
EAST  
WALL

NORTH  
LAKESIDE  
EXISTING  
APPROXIMATE  
15' 10"

EAST  
SIDE

closet

WALK IN  
CLOSET



**From:** Dominick Arico <aricoassociates@gmail.com>  
**Sent:** Tuesday, August 8, 2023 2:44 PM  
**To:** Carol Sowycz  
**Cc:** Matthew Bond; Michael Frenette; Oliver Crighton; Dan; Anthony Stephan  
**Subject:** Re: Solar application

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Carol,

Below is a list to date we have for discussion with the planning board. Thanks for your attention to this matter and we look forward to further discussions at the August 17th meeting.

1. Array setback east boundary along Alexander Road. Based on definition we interpret the two properties along Alexander Road as a "participating landowner" and therefore meets the 200 ft setback requirement. Looking for confirmation.
2. If the interpretation of the setback is not correct, can a waiver be issued in place of a variance?
3. What specifically should the landscaping plan include at this point in the application? Are species and counts required?
4. What areas require screening? Is this based on visuals from adjacent properties and/or right-of-ways?
5. Our analysis is to provide a SWPPP based on existing conditions. Please confirm this and if there are any other matters to be considered in our evaluation.
6. What are the tree clear cut rules and how will they be applied in this case? What is considered contiguous? Does there have to be a certain amount or size of trees to be considered?
7. Since the site is already cleared, the remaining trees to be removed will not be more than 20,000 sf of contiguous area.

Thank you for taking these questions prior to the meeting. If we have anything further, we will forward, or bring them to the meeting.

*Dom*

On Wed, Aug 2, 2023 at 10:21 AM Anthony Stephan <[Anthony.Stephan@kruger.com](mailto:Anthony.Stephan@kruger.com)> wrote:

Carol:

Good morning. Yes, please add Kruger Energy to the agenda for the August 17<sup>th</sup> meeting. We revert with questions.

Thank you.

**From:** Carol Sowycz <[CSowycz@duanesburg.net](mailto:CSowycz@duanesburg.net)>  
**Sent:** Wednesday, August 2, 2023 8:50 AM



ORIGINAL

## Coryn VanDeusen

---

**From:** Anthony Stephan <Anthony.Stephan@kruger.com>  
**Sent:** Wednesday, September 20, 2023 4:47 PM  
**To:** Coryn VanDeusen  
**Subject:** Re: Planning Board Meeting 09/21/23 Town of Duanesburg

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Coryn : Thanks for reaching out. February 2022 was the initial discussion.

Hope this helps. My understanding is that our representatives and the landowner will be at the meeting tomorrow night.

Feel free to reach out if there are other questions.

Get [Outlook for iOS](#)

---

**From:** Coryn VanDeusen <CVanDeusen@duanesburg.net>  
**Sent:** Wednesday, September 20, 2023 10:09:09 AM  
**To:** Anthony Stephan <Anthony.Stephan@kruger.com>  
**Subject:** Planning Board Meeting 09/21/23 Town of Duanesburg

Good morning,

I have been addressed by one of our board members with a question for you. When was the very first initial contact your company had with the landowner concerning this project? We have the date the contract was signed, but they want to know that initial date. If you can please email me back it would be greatly appreciated. Thank you!

## Coryn VanDeusen

Planning & Zoning Clerk  
Town of Duanesburg  
5853 Western Turnpike  
Duanesburg, NY 12056  
P# 518-895-2040

**"BASIC"**

**STORMWATER POLLUTION PREVENTION PLAN**

**EROSION & SEDIMENT CONTROLS ONLY**

**Lands N/F Charles Rhoades  
Alexander Road, Town of Duaneburg  
Schenectady County, New York**

---

A 73.0± acre parcel on Alexander Road will be divided into five (5) new building lots. The lots will be buildable per the zoning code and will be developed on a lot by lot basis with Lot 5 as remaining land totaling 47± acres. Each buildable lot will consist of a proposed building, driveway, well, and septic system. The 73.0± acre parcel currently consist of grass and lightly wooded areas. Total soil disturbance is about 2.7± acres for the proposed construction on the five (5) lots.

Soil disturbing activities include site grading, foundation excavation, trenching for utilities, driveway paving, and landscaping. Erosion and sediment controls will include, at a minimum, the use of the following:

1. Installation of silt fence downhill of all disturbed areas until soils are stabilized by reseeded, mulch, etc.
2. Installation of a stabilized construction entrance at the location where construction traffic is leaving the site.
3. Concrete washout areas at each site where concrete is poured or otherwise formed.

Standards and specifications for the applicable erosion and sediment control practices are attached.

“BASIC”

STORMWATER POLLUTION PREVENTION PLAN

EROSION & SEDIMENT CONTROLS ONLY

Lands N/F Charles Rhoades  
Alexander Road, Town of Duaneburg  
Schenectady County, New York

---

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• SITE LOCATION MAP	
• SOIL INFORMATION	
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• NYSDEC CONSTRUCTION ACTIVITY PERMIT NO. GP-0-15-002	
6. APPENDIX B	
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- STABILIZED CONSTRUCTION ACCESS	
- MULCHING	
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- TOPSOILING	
- SILT FENCE	
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• NOTICE OF INTENT	
• NOTICE OF TERMINATION	
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• SITE PLANS	

March 11, 2019

Project #4972A

Prepared By:  
Joseph J. Bianchine, P.E.  
ABD Engineers, LLP  
411 Union Street  
Schenectady, NY 12305  
(518) 377-0315



### Construction Sequence

1. Identify limits of clearing and grading.
2. Stabilized entrance to be installed at location of driveway.
3. Silt fence to be installed in locations shown on the plans at all down slope areas.
4. Driveway installation to proceed to provide access for well installation.
5. Topsoil to be stripped and stockpiled. Any temporary stockpiles to be left longer than 14 days are to be seeded and mulched.
6. Septic sand to be installed in the proposed septic system location and to be left in place for at least one freeze/thaw cycle.
7. Removal of excess site excavation material to proceed with rough site grading.
8. Building construction to proceed.
9. Utility installation to proceed.
10. Filling and grading around building to rough finish grade.
11. Final grading, topsoil, seeding, and landscaping.
12. Finish driveway paving.
13. Grass to be established prior to any silt fence being removed.

### Contractor's General Guidelines

1. Keep set of Plans with SWPPP at all times.
2. Install all preliminary erosion control items before starting construction.
3. Prior to construction, appropriate erosion and sediment controls should be adequately installed and implemented.
4. Pick up litter on a daily basis.
5. Only work within the defined limits. Do not change the work limits shown on the plans without getting approvals to do so.

## NOTICE OF INTENT



## New York State Department of Environmental Conservation

## Division of Water

625 Broadway, 4th Floor

Albany, New York 12233-3505

NYR     

(For DEC use only)

Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-15-002  
 All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

**- IMPORTANT -****RETURN THIS FORM TO THE ADDRESS ABOVE****OWNER/OPERATOR MUST SIGN FORM**

## Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)

C H A R L E S R H O A D E S

Owner/Operator Contact Person Last Name (NOT CONSULTANT)

R H O A D E S

Owner/Operator Contact Person First Name

C H A R L E S

Owner/Operator Mailing Address

3 3 6 4 U S R O U T E 2 0

City

S L O A N S V I L L E

State

N Y

Zip

1 2 1 6 0 -

Phone (Owner/Operator)

  -   -  

Fax (Owner/Operator)

  -   -  

Email (Owner/Operator)

FED. TAX. ID.

 - 

(not required for individuals)

Project Site Information

Project/Site Name

L A N D S N / F C H A R L E S R H O A D E S

Street Address (NOT P.O. BOX)

A L E X A N D E R R O A D

Side of Street

North  South  East  West

City/Town/Village (THAT ISSUES BUILDING PERMIT)

D U A N E S B U R G

State Zip

N Y 1 2 0 5 3 -

County

S C H E N E C T A D Y

DEC Region

4

Name of Nearest Cross Street

M A I N S T R E E T

Distance to Nearest Cross Street (Feet)

2 5 0 0

Project In Relation to Cross Street

North  South  East  West

Tax Map Numbers

Section-Block-Parcel

6 5 - 2 - 1 5

Tax Map Numbers

1. Provide the Geographic Coordinates for the project site in NYTM Units. To do this you must go to the NYSDEC Stormwater Interactive Map on the DEC website at:

[www.dec.ny.gov/imsmaps/stormwater/viewer.htm](http://www.dec.ny.gov/imsmaps/stormwater/viewer.htm)

Zoom into your Project Location such that you can accurately click on the centroid of your site. Once you have located your project site, go to the tool boxes on the top and choose "i" (identify). Then click on the center of your site and a new window containing the X, Y coordinates in UTM will pop up. Transcribe these coordinates into the boxes below. For problems with the interactive map use the help function.

X Coordinates (Easting)

5 6 5 6 9 8

Y Coordinates (Northing)

4 7 3 3 4 6 4

2. What is the nature of this construction project?

New Construction

Redevelopment with increase in impervious area

Redevelopment with no increase in impervious area

3. Select the predominant land use for both pre and post development conditions.  
 SELECT ONLY ONE CHOICE FOR EACH

Pre-Development  
Existing Land Use

Post-Development  
Future Land Use

Number of Lots

- FOREST
- PASTURE/OPEN LAND
- CULTIVATED LAND
- SINGLE FAMILY HOME
- SINGLE FAMILY SUBDIVISION
- TOWN HOME RESIDENTIAL
- MULTIFAMILY RESIDENTIAL
- INSTITUTIONAL/SCHOOL

- SINGLE FAMILY HOME
- SINGLE FAMILY SUBDIVISION
- TOWN HOME RESIDENTIAL
- MULTIFAMILY RESIDENTIAL
- INSTITUTIONAL/SCHOOL
- INDUSTRIAL
- COMMERCIAL
- MUNICIPAL

		5
--	--	---

- INDUSTRIAL
- COMMERCIAL
- ROAD/HIGHWAY
- RECREATIONAL/SPORTS FIELD
- BIKE PATH/TRAIL
- LINEAR UTILITY
- PARKING LOT
- OTHER

- ROAD/HIGHWAY
- RECREATIONAL/SPORTS FIELD
- BIKE PATH/TRAIL
- LINEAR UTILITY (water, sewer, gas, etc.)
- PARKING LOT
- CLEARING/GRADING ONLY
- DEMOLITION, NO REDEVELOPMENT
- WELL DRILLING ACTIVITY \*(Oil, Gas, etc.)
- OTHER

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

\*Note: for gas well drilling, non-high volume hydraulic fractured wells only

4. In accordance with the larger common plan of development or sale, enter the total project site area; the total area to be disturbed; existing impervious area to be disturbed (for redevelopment activities); and the future impervious area constructed within the disturbed area. (Round to the nearest tenth of an acre.)

Total Site Area	Total Area To Be Disturbed	Existing Impervious Area To Be Disturbed	Future Impervious Area Within Disturbed Area
73.0	4.0	0.0	0.8

5. Do you plan to disturb more than 5 acres of soil at any one time?  Yes  No

6. Indicate the percentage of each Hydrologic Soil Group (HSG) at the site.

A	B	C	D
0%	0%	14%	86%

7. Is this a phased project?  Yes  No

8. Enter the planned start and end dates of the disturbance activities.

Start Date		End Date	
04 / 01 / 2019	-	12 / 31 / 2020	





15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)?  Yes  No  Unknown

16. What is the name of the municipality/entity that owns the separate storm sewer system?

Two rows of empty rectangular boxes for text entry.

17. Does any runoff from the site enter a sewer classified as a Combined Sewer?  Yes  No  Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?  Yes  No

19. Is this property owned by a state authority, state agency, federal government or local government?  Yes  No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.)  Yes  No

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?  Yes  No

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?  Yes  No  
If No, skip questions 23 and 27-39.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual?  Yes  No





Post-construction Stormwater Management Practice (SMP) Requirements

Important: Completion of Questions 27-39 is not required if response to Question 22 is No.

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.

- Preservation of Undisturbed Areas
- Preservation of Buffers
- Reduction of Clearing and Grading
- Locating Development in Less Sensitive Areas
- ~~Roadway Reduction~~
- ~~Sidewalk Reduction~~
- Driveway Reduction
- Cul-de-sac Reduction
- Building Footprint Reduction
- Parking Reduction

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6 ("Soil Restoration") of the Design Manual (2010 version).

- All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).
- Compacted areas were considered as impervious cover when calculating the WQv Required, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout).

Total WQv Required

.     acre-feet

29. Identify the RR techniques (Area Reduction), RR techniques (Volume Reduction) and Standard SMPs with RRv Capacity in Table 1 (See Page 9) that were used to reduce the Total WQv Required (#28).

Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use Tables 1 and 2 to identify the SMPs used to treat and/or reduce the WQv required. - If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

Table 1 - Runoff Reduction (RR) Techniques and Standard Stormwater Management Practices (SMPs)

<u>RR Techniques (Area Reduction)</u>	<u>Total Contributing Area (acres)</u>		<u>Total Contributing Impervious Area (acres)</u>	
<input type="checkbox"/> Conservation of Natural Areas (RR-1) ...	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="checkbox"/> Sheetflow to Riparian Buffers/Filters Strips (RR-2) .....	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="checkbox"/> Tree Planting/Tree Pit (RR-3) .....	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="checkbox"/> Disconnection of Rooftop Runoff (RR-4) ..	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<u>RR Techniques (Volume Reduction)</u>				
<input type="checkbox"/> Vegetated Swale (RR-5) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Rain Garden (RR-6) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Stormwater Planter (RR-7) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Rain Barrel/Cistern (RR-8) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Porous Pavement (RR-9) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Green Roof (RR-10) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<u>Standard SMPs with RRV Capacity</u>				
<input type="checkbox"/> Infiltration Trench (I-1) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Infiltration Basin (I-2) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Dry Well (I-3) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Underground Infiltration System (I-4) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Bioretention (F-5) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Dry Swale (O-1) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<u>Standard SMPs</u>				
<input type="checkbox"/> Micropool Extended Detention (P-1) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Wet Pond (P-2) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Wet Extended Detention (P-3) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Multiple Pond System (P-4) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Pocket Pond (P-5) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Surface Sand Filter (F-1) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Underground Sand Filter (F-2) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Perimeter Sand Filter (F-3) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Organic Filter (F-4) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Shallow Wetland (W-1) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Extended Detention Wetland (W-2) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Pond/Wetland System (W-3) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Pocket Wetland (W-4) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="checkbox"/> Wet Swale (O-2) .....	<input type="text"/>	<input type="text"/>		<input type="text"/>











Owner/Operator Certification

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Print First Name

C H A R L E S

MI

Print Last Name

R H O A D E S

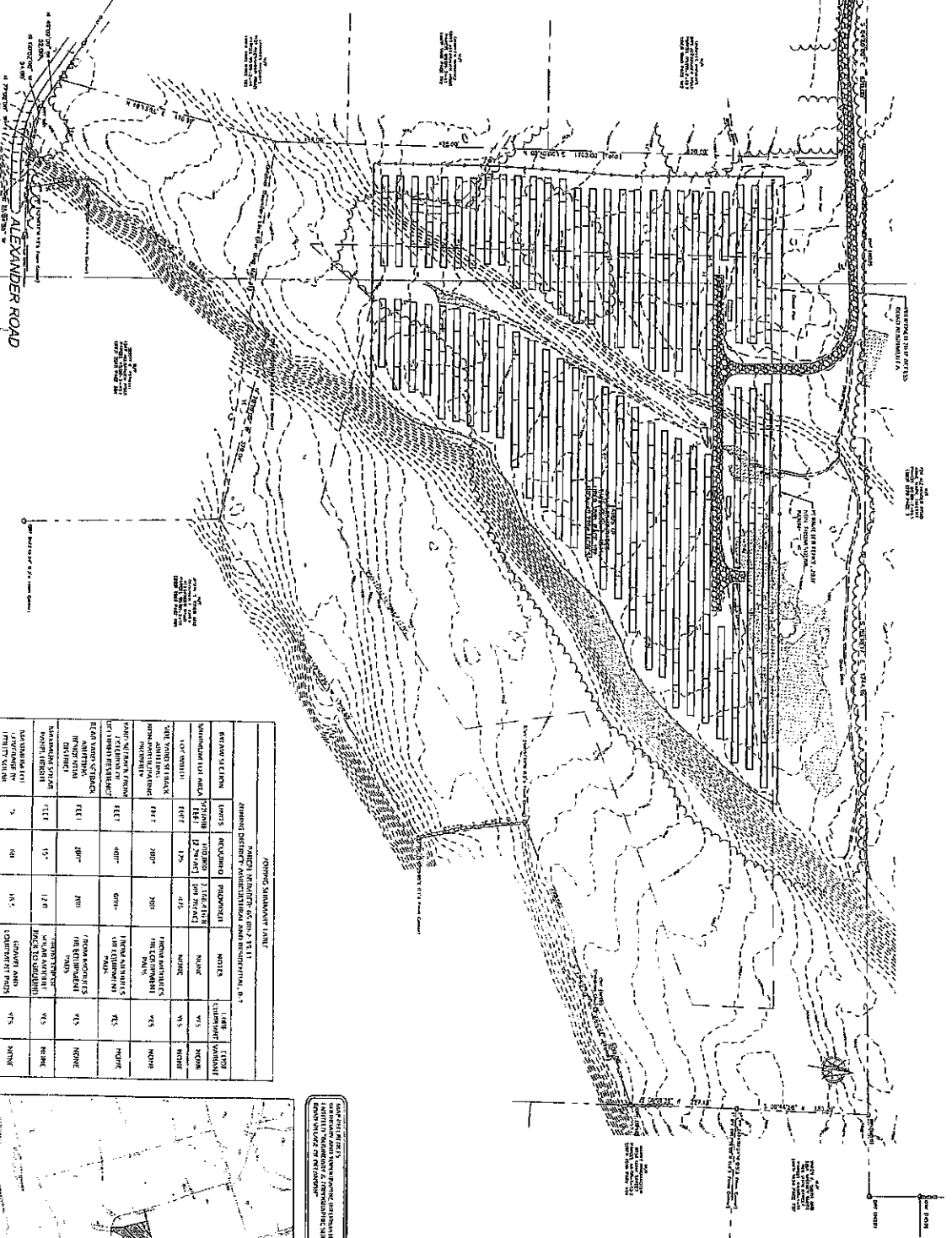
Owner/Operator Signature

Date

/ /

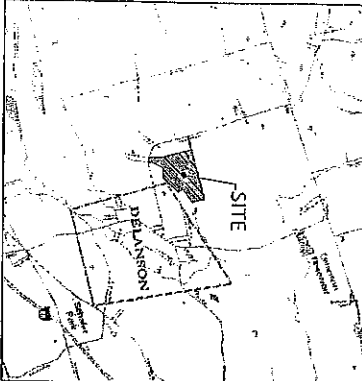


ALEXANDER ROAD



1 OVERALL SITE PLAN  
SCALE: 1" = 100'

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS	DATE
1	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11
2	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11
3	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11
4	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11
5	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11
6	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11
7	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11
8	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11
9	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11
10	FOUNDATION FOR PV PANELS	100	SQ. FT.	CONCRETE	10/15/11



THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND FOR THE RESULTS OF ANY INVESTIGATION OR CONSTRUCTION WORK PERFORMED IN ACCORDANCE WITH THIS PLAN.

C100  
SHEET 1 OF X

EXISTING CONDITIONS PLAN  
PROPOSED PV PLANT - 909 ALEXANDER RD  
KRUGER ENERGY, L.P.  
TAX MAP ID: 65 00 2-15 11  
TOWN OF DELANSON  
SCALE AS SHOWN

**Barber Engineering**  
PO Box 456 - Niagara, New York 12123  
E. 518.431.4095 - E. design@barbereng.com  
STORMWATER INSPECTION AND ENGINEERING

**ARICO ASSOCIATES**  
ENGINEERS  
LAND PLANNERS  
& CONSULTANTS  
1407 Route 9 - Bldg 2, Suite 6  
CLIFTON PARK, NY 12065  
aricoassociates@gmail.com

**Kruger Energy**



*Town of Duanesburg*  
5853 Western Turnpike  
Duanesburg, New York 12056

Chris Parslow  
Building Inspector/CEO  
Town Planner

Phone (518) 895-2040  
cparslow@duanesburg.net

October 10th, 2023

SBL:65.00-2-15.11

Dear Kruger Energy and Mr. Charles Rhoades,

You have requested a determination whether an application may be submitted to the Town Planning Board for a utility scale solar facility under Local Law 1 of 2023. This was also discussed at the pre-application meeting with the Town of Duanesburg Planning Board for the Kruger energy solar project on Alexander Road located in Delanson NY.

It is my determination based on Local Law 1 of 2023, entitled "Solar Energies Facilities Law", Section Q "Deforestation", that trees have been cleared on the property in excess of that allowed in the Section which states, "Brush and isolated trees or stands of trees in otherwise open fields or scrubland may be cut, however clear cutting of trees more than three inches in diameter at breast height in a single continuous area exceeding 20,000 square feet is prohibited....Any portion of a property that has been clear-cut in excess of the area described in the paragraph above shall not be included in an application for a utility-scale solar project for a period of five years following such clear-cutting."

To allow for an application to the Town of Duanesburg Planning Board you would first need to apply for an area variance to the Town of Duanesburg Zoning Board of Appeals. With an approved area variance, you could then apply with the Planning Board for a utility scale solar project.

Sincerely,

Chris Parslow

LAW OFFICES OF  
**SNYDER & SNYDER, LLP**

84 WHITE PLAINS ROAD  
TARRYTOWN, NEW YORK 10591  
(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

[dwarden@snyderlaw.net](mailto:dwarden@snyderlaw.net)

December 7, 2023

NEW JERSEY OFFICE  
ONE GATEWAY CENTER, SUITE 2600  
NEWARK, NEW JERSEY 07102  
(973) 824-9772  
FAX (973) 824-9774

REPLY TO:

TARRYTOWN OFFICE

TOWN OF DUANESBURG  
TOWN CLERK  
DEC 08 2023  
RECEIVED

NEW YORK OFFICE  
445 PARK AVENUE, 9TH FLOOR  
NEW YORK, NEW YORK 10022  
(212) 749-1448  
FAX (212) 932-2693

LESLIE J. SNYDER  
ROBERT D. GAUDIOSO (NY/NJ)  
DOUGLAS W. WARDEN  
JORDAN M. FRY  
MICHAEL SHERIDAN (NY/NJ)  
DAVID KENNY (NY/NJ)

DAVID L. SNYDER  
(1956-2012)

Chairperson Nelson Gage and  
Members of the Zoning Board  
5853 Western Turnpike  
Duaneburg, New York 12056

Re: Appeal of Building Inspector Determination  
Kruger Energy (USA) Inc. and Charles Rhoades  
Solar Facility  
909 Alexander Road  
Duaneburg, New York 12053

Dear Chairperson Gage  
and Members of the Zoning Board:

We represent Kruger Energy (USA) Inc. ("Applicant") in connection with its efforts to obtain the necessary authorizations to construct and operate a Utility-Scale Solar Energy System ("Project") on property known as 909 Alexander Road, Duaneburg, New York 12053 ("Premises"). The Premises is owned by Charles Rhoades ("Property Owner"). On October 10, 2023 Building Inspector Chris Parslow issued a determination ("Building Inspector Determination") with respect to the application of Town of Duaneburg Local Law 1 of 2023 ("Solar Code") to the Premises. We write, pursuant to Town Law Section 267-b(1), to appeal the Building Inspector Determination.

**Solar Code Deforestation Provisions and the Request for Determination**

Section 7(2)(Q) of the Solar Code ("Deforestation Provision") provides that "[f]orested sites shall not be deforested to construct solar energy facilities" (emphasis supplied). The Deforestation Provision further compels that "[C]lear cutting of trees more than three inches in diameter at breast height in a single contiguous area exceeding 20,000 square feet is prohibited." Finally, the Deforestation Provision states that "[a]ny portion of a property that has been clear-cut in excess of [20,000 square feet] shall not be included in an application for a utility-scale solar project for a period of five years following such clear-cutting." A complete copy of the text of the Deforestation Provision is attached hereto as Exhibit A.

In other words, the Deforestation Provision forbids solar facilities from being located on land where tree-clearing in excess of 20,000 square feet has been undertaken "to construct solar energy

facilities" if such tree-clearing has taken place within five (5) years. Tree clearing undertaken for other purposes is not within the ambit of the Deforestation Provision.

On September 11, 2023 the Applicant submitted a request for a determination ("Request for Determination") to Town Building Inspector Chris Parslow regarding the application of the Deforestation Provision to the Premises. A copy of the Request for Determination is attached hereto as Exhibit B. The Request for Determination asked for confirmation that the Deforestation Provision only relates to tree-clearing in excess of 20,000 square feet that was undertaken "to construct solar energy facilities." The Request for Determination specifically asked for confirmation that the Deforestation Provision does not apply to tree-clearing that previously occurred for the purposes of residential development because such tree-clearing was not undertaken with the goal of constructing a solar energy facility.

On October 10, 2023 the Building Inspector issued the Building Inspector Determination. A copy of the Building Inspector Determination is attached hereto as Exhibit C. The Building Inspector Determination indicated, contrary to the text of the Deforestation Provision, that the Deforestation Provision forbids solar facilities where there has been any tree-clearing for any reason in excess of 20,000 feet and within a five-year lookback period. See Exhibit C. We believe this determination is incorrect.

### The Building Inspector Determination Should Be Overturned

The Building Inspector Determination should be overturned because it runs counter to the express text of the Deforestation Provision. That provision explicitly states that it only applies to deforestation efforts undertaken for the purpose of constructing solar facilities. In fact, the provision specifically states that "[f]orested sites shall not be deforested to construct solar energy facilities."

The Building Inspector Determination ignores and contains no reference to the language of the Deforestation Provision that confines its application to sites that have been "deforested to construct solar energy systems." As such the Building Inspector Determination violates well established principles of New York law to the effect that a statute must not be construed to render any of its provisions superfluous. As the New York Court of Appeals has stated:

Yet another canon supports the plain text reading. "[A] statute should be construed to avoid rendering any of its provisions superfluous" (*Kimmel*, 29 NY3d at 393; see also *People v Bac Tran*, 80 NY2d 170, 176, 603 NE2d 950, 589 NYS2d 845 [1992] [rejecting a reading of a statute that would render an important word "useless or superfluous"]; *Matter of Rodriguez v Perales*, 86 NY2d 361, 366, 657 NE2d 247, 633 NYS2d 252 [1995] ["It is well settled that in the interpretation of a statute we must assume that the Legislature did not deliberately place a phrase in the statute which was intended to serve no purpose . . . and each word must be read and given a distinct and consistent meaning"], quoting *Matter of Smathers*, 309 NY 487, 495, 131 NE2d 896 [1956])

*Matter of Alvarez v. Annuccl*, 38 NY3d 974, 984-985 (2022).

The language of the Deforestation Provision is clear in confining its application to deforestation undertaken for the specific purpose of constructing a solar facility. See Deforestation Provision. But, even if the Deforestation Provision were ambiguous on the subject, New York law would require that the provision be construed in favor of the Property Owner. As New York's highest court, the Court of Appeals has repeatedly held: "Since zoning regulations are in derogation of the common law, they must be strictly construed against the municipality which has enacted and seeks to enforce them." *Allen v Adami*, 39 NY2d 275, 277 (1976).

Here, the Property Owner has submitted a statement in support ("Statement in Support") establishing that, while he has undertaken certain tree-clearing in excess of 20,000 square feet within the five-year lookback period, that tree clearing was not done "to construct solar energy systems." Rather, the tree-clearing was done as part of a pending and duly submitted application before the Planning Board to subdivide the Premises for residential use. See Statement in Support, ¶¶ 5-8. The Property Owner further confirmed that such work was done contemporaneously with other residential improvements such as septic system improvements that are self-evidently not related to solar facilities. Id. The Property Owner further states that the foregoing tree-clearing and work was undertaken before he had a lease with a solar company or had even been contacted by a solar company. Id. at ¶¶ 3-4.

In fact, the Deforestation Provision explicitly states that the type of clearing undertaken by the Property Owner as outlined in his Statement in Support qualifies the Premises as a "preferred location." The Deforestation Provision states in its very first sentence that "[p]reviously cleared or disturbed areas are preferred locations for solar projects." See Deforestation Provision. Here, the Property Owner attempted to engage in certain tree-clearing in connection with an unsuccessful residential subdivision development effort. As such, the Premises constitutes a "previously cleared or disturbed area" that the Deforestation Provision designates as a "preferred location" in order to eliminate the need for future unnecessary clearing.

In light of the foregoing, it is respectfully submitted that the Zoning Board should issue a determination confirming that only tree-clearing specifically undertaken for the purpose of "construct[ing] solar energy facilities" is subject to the Town's five (5) year limitation on tree-clearing.

#### Tree-Clearing on the Setback Parcels

The layout of the Project further requires that certain adjoining parcels ("Setback Parcels") also owned by the Property Owner be included with the Premises for the sole purpose of ensuring that the Project meets all applicable setbacks. No physical portion of the Project will actually be located on the Setback Parcels. Nevertheless, my client has been informed by the Town that any tree-clearing activity performed on the Setback Parcels for any purpose whatsoever may also be subject to the five (5) year limitation of the Deforestation Provision.

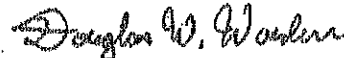
As noted above, this five (5) year limitation cannot be applicable to tree-clearing undertaken for any purpose at all given the express language of the Deforestation Provision. Moreover, no tree clearing would even be necessary on the Setback Parcels "to construct a solar facility" because no physical construction of the Project will be located on the Setback Parcels. The Setback Parcels are included for setback provisions only, so the Deforestation Provision is simply inapplicable to tree-clearing on those parcels.

#### Conclusion

Based on the foregoing, the Applicant respectfully requests that the Zoning Board of Appeals issue a determination that the five (5) year limitation on tree-clearing "to construct solar energy facilities" only applies to activities specifically undertaken for the purpose of constructing solar energy facilities. The Applicant further respectfully requests a determination that the five (5) year tree-clearing prohibition does not apply to parcels that aid in meeting setbacks, but which will not contain any portion of the Project and where no tree-clearing was taken on those parcels in contemplation of a solar project.

We look forward to discussing this matter further with the Zoning Board of Appeals further on this matter at its next convenient meeting.

Very truly yours,



Douglas W. Warden

DWW/bto

cc: Kruger Energy (USA) Inc.



# EXHIBIT A

Requirements "Q" through "W" below shall apply only in the R-2 and C-1 zoning districts:

Q. Deforestation

Previously cleared or disturbed areas are preferred locations for solar projects. Forested sites shall not be deforested to construct solar energy facilities. Brush and isolated trees or stands of trees in otherwise open fields or scrubland may be cut, however clear cutting of trees more than three inches in diameter at breast height in a single contiguous area exceeding 20,000 square feet is prohibited. This clearing restriction shall not apply to trees cleared for the access road.

Any portion of a property that has been clear-cut in excess of the area described in the paragraph above shall not be included in an application for a utility-scale solar project for a period of five years following such clear-cutting.

Site disturbance, including but not limited to, grading, soil removal, excavation and soil compaction in connection with installation of utility-scale solar energy facilities shall be minimized to the extent practicable.

R. Setbacks

There shall be a minimum 200 foot buffer between any structures and equipment of the utility-scale solar energy system and the parcel boundary line with any non-participating property, public road or public area. In addition, all structures and equipment shall be set back a minimum of 450 feet from the exterior of any occupied residence located on a non-participating property. Fencing, collection lines, access roads and landscaping may occur within the setbacks.

S. Wildlife

Solar energy systems shall avoid or minimize adverse impacts to species in need of protection, as defined herein, or their occupied habitats, to the maximum extent practicable.

T. Agriculture

Solar energy systems shall limit the use of agricultural areas within their project limits to no more than 10 percent of soils classified by the NYS Department of Agriculture and Markets' Agricultural Land Classification as mineral soils groups 1 through 4. All solar energy systems shall adhere to the Department of Agriculture and Markets' Guidelines for Construction Mitigation for Agricultural Lands.

# EXHIBIT B

Chris Parslow

Provisional Building Inspector/Code Enforcement/Town Planner

Town of Duaneburg

RE: Rhoades Solar Project Special Use Permit

Size: 4.199 Mw AC (Fixed Tilt modules, No Battery Storage)

Location: 909 Alexander Rd. Duaneburg NY 12053

Tax ID: 65.00-2.15.11

Acreage: 49.78

Chris:

Per our conversation, please accept this note as a request for determination of applicability of the *Solar Energy Facilities Town of Duaneburg Local Law No. 1 2023* under Section 2. Permitting Requirements Deforestation Clause (C) as it relates to the proposed site development for the parcel listed above.

We are requesting that the Town provide guidance on how it will apply the law under the proposed special use permit discussed at the Town public hearing on July 20<sup>th</sup> and August 17<sup>th</sup> 2023.

It is our understanding that the site was cleared prior to the April 2023 lease agreement executed between Kruger Energy (USA) Inc. and the landowner. Based on the information received from the FOIL request, the prior site development was initiated under permits to develop the property for residential housing sometime during 2019. Thus, it is our understanding that the site was NOT cleared in anticipation of the construction of solar energy facilities but rather for residential housing and therefore the clearing limits do not apply.

Should, however, the Town conclude that the landowner cut trees in excess of the limits under the Deforestation Clause (C) and did so in anticipation of a solar development, please indicate which areas should not be included in the SUP application, the rationale of the determination, and method that the Town used to mark the timeframe of the clear-cutting. It would be helpful to know what future date this property would be eligible for solar development if the Town applies the "five-year" rule.

Thank you and please feel free to reach out to me for steps that we should take to process the application.

TS

# EXHIBIT C



*Town of Duanesburg*  
5853 Western Turnpike  
Duanesburg, New York 12056

Chris Parslow  
Building Inspector/CEO  
Town Planner

Phone (518) 895-2040  
cparslow@duanesburg.net

October 10th, 2023

SBL:65.00-2-15.11

Dear Kruger Energy and Mr. Charles Rhoades,

You have requested a determination whether an application may be submitted to the Town Planning Board for a utility scale solar facility under Local Law 1 of 2023. This was also discussed at the pre-application meeting with the Town of Duanesburg Planning Board for the Kruger energy solar project on Alexander Road located in Delanson NY.

It is my determination based on Local Law 1 of 2023, entitled "Solar Energies Facilities Law", Section Q "Deforestation", that trees have been cleared on the property in excess of that allowed in the Section which states, "Brush and isolated trees or stands of trees in otherwise open fields or scrubland may be cut, however clear cutting of trees more than three inches in diameter at breast height in a single continuous area exceeding 20,000 square feet is prohibited....Any portion of a property that has been clear-cut in excess of the area described in the paragraph above shall not be included in an application for a utility-scale solar project for a period of five years following such clear-cutting."

To allow for an application to the Town of Duanesburg Planning Board you would first need to apply for an area variance to the Town of Duanesburg Zoning Board of Appeals. With an approved area variance, you could then apply with the Planning Board for a utility scale solar project.

Sincerely,

Chris Parslow



EXHIBIT A-1

MAP OF PROPERTY





-----X  
In the matter of the application of

**Kruger Energy (USA) Inc., and  
Charles Rhoades**

**STATEMENT IN  
SUPPORT**

Premises: Parcel Number: 65.-2-15.11  
909 Alexander Road  
Duanesburg, New York 12053

-----X

1. My name is Charles Rhoades and I am the owner of the property known as 909 Alexander Road, Duanesburg, New York 12053 (Parcel Number 65.-2-15.11) (“Premises”).

2. I submit this Statement in Support of the above-referenced appeal of the October 10<sup>th</sup> Determination (“Parslow Determination”) of Town of Duanesburg Building Inspector Chris Parslow regarding the Premises. A copy of the Parslow Determination is submitted herewith.

Five-Year Tree-Clearing Ban

3. On March 21, 2022 I entered into a Solar Lease Agreement (“Lease”) with Kruger Energy (USA) Inc. (“Kruger”) to locate a Utility-Scale Solar Energy System (“Project”) on the Premises. A map of the Premises and a rough schemata of the proposed Project is attached hereto as “Exhibit A.” My initial contact with Kruger regarding the Project was in April of 2021.

4. Prior to the foregoing I had no plans whatsoever to locate a Solar Energy System on the Premises.

5. Rather, my intention was to develop the Premises for a residential subdivision consistent with my 2019 residential subdivision application (“Residential Subdivision Application”) to the Planning Board of the Town of Duanesburg.

---

6. I performed certain improvements (“Residential Subdivision Improvements”) to the Premises and additional adjoining parcels under my ownership in connection with my Residential Subdivision Application.

7. Some of the Residential Subdivision Improvements include matters such as the following:

- a. Clearing approximately 2-6 acres of growth on the Premises in the fall of 2017;
- b. Clearing approximately 2-4 acres during 2018;
- c. Clearing approximately an additional 3-4 acres in 2019;
- d. Clearing approximately 15 acres in February of 2020; and
- e. Undertaking substantial work in efforts to install a septic system with approximately \$8,000.00 worth of septic sand in 2020.

8. As noted above, all the foregoing work was done in contemplation of using the Premises for a residential subdivision and was not performed to construct a solar facility.

9. My 2020 efforts to install a septic system and expend \$8,000.00 on septic sand are particularly illustrative of my intention at the time to develop the Premises for residential/multiple family/Senior Housing subdivision purposes, as solar facilities do not require septic improvements.

10. It is my understanding that Section 7(2)(Q) of the Town of Duanesburg Solar Law forbids solar facilities to be located on land where tree-clearing has been undertaken “to construct solar energy facilities” within five (5) years of such tree-clearing. I believe that this five (5) year period does not apply to the Residential Subdivision Improvements or other similar

tree-clearing relating to residential uses because none of those activities were undertaken “to construct solar energy facilities” as indicated by the dates and timeline set forth above.

11. I should not be penalized for having engaged in a good-faith effort to prepare the Premises in connection with the Residential/Multiple Family/Senior Housing Subdivision Application.

12. The foregoing establishes that I had not been contacted by a solar company, I had not entered into a lease, and had no other intention to develop the Premises for a solar facility when I undertook the Residential Subdivision Improvements.

13. I therefore request an interpretation from the Zoning Board that only tree-clearing specifically undertaken for the purpose of “construct[ing] solar energy facilities” is subject to the Town’s five (5) year limitation on tree-clearing.

#### The Setback Parcels

14. The Project further requires that certain adjoining parcels (“Setback Parcels”) I also own be included with the Premises solely for the purposes of ensuring that the Project meets all applicable setbacks.

15. I have been informed by the Town of Duanesburg that any tree-clearing activity performed on the Setback Parcels for any purpose whatsoever may also be subject to the five (5) year tree-clearing limitation.

16. As noted above, this five (5) year limitation cannot be applicable to tree-clearing undertaken for any purpose at all—particularly when such tree-clearing was undertaken in furtherance of a duly submitted Residential Subdivision Application.

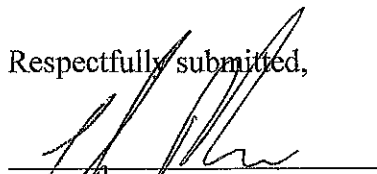
17. Moreover, no tree-clearing would even need to have been performed “to construct solar energy facilities” on the Setback Parcels because tree-clearing is not germane to the issue of setbacks and tree-clearing is not necessary for a property to serve as additional setback area.

**Conclusion**

Based on the foregoing, I respectfully request that the Zoning Board of Appeals issue a determination that the five (5) year limitation on tree-clearing “to construct solar energy facilities” only applies to activities specifically undertaken for the purpose of constructing solar energy facilities. I further respectfully request a determination that the five (5) year tree-clearing prohibition does not apply to parcels that aid in meeting setbacks, but which will not contain any portion of the Project and where no tree-clearing was taken on those parcels in contemplation of a solar project. I also want clearly on the record that there are existing, healthy, hickory trees that were left up purposely for the atmosphere of the aforementioned multiple family/senior housing atmosphere. The existing access road built to town specs was intended for multiple family/senior housing, and cost excess of \$15,000 to build. I’m in the professional contracting business, and this \$15,000 does not begin to include the full cost of hiring a contractor to put in a road of this size.

Dated: December 8, 2023

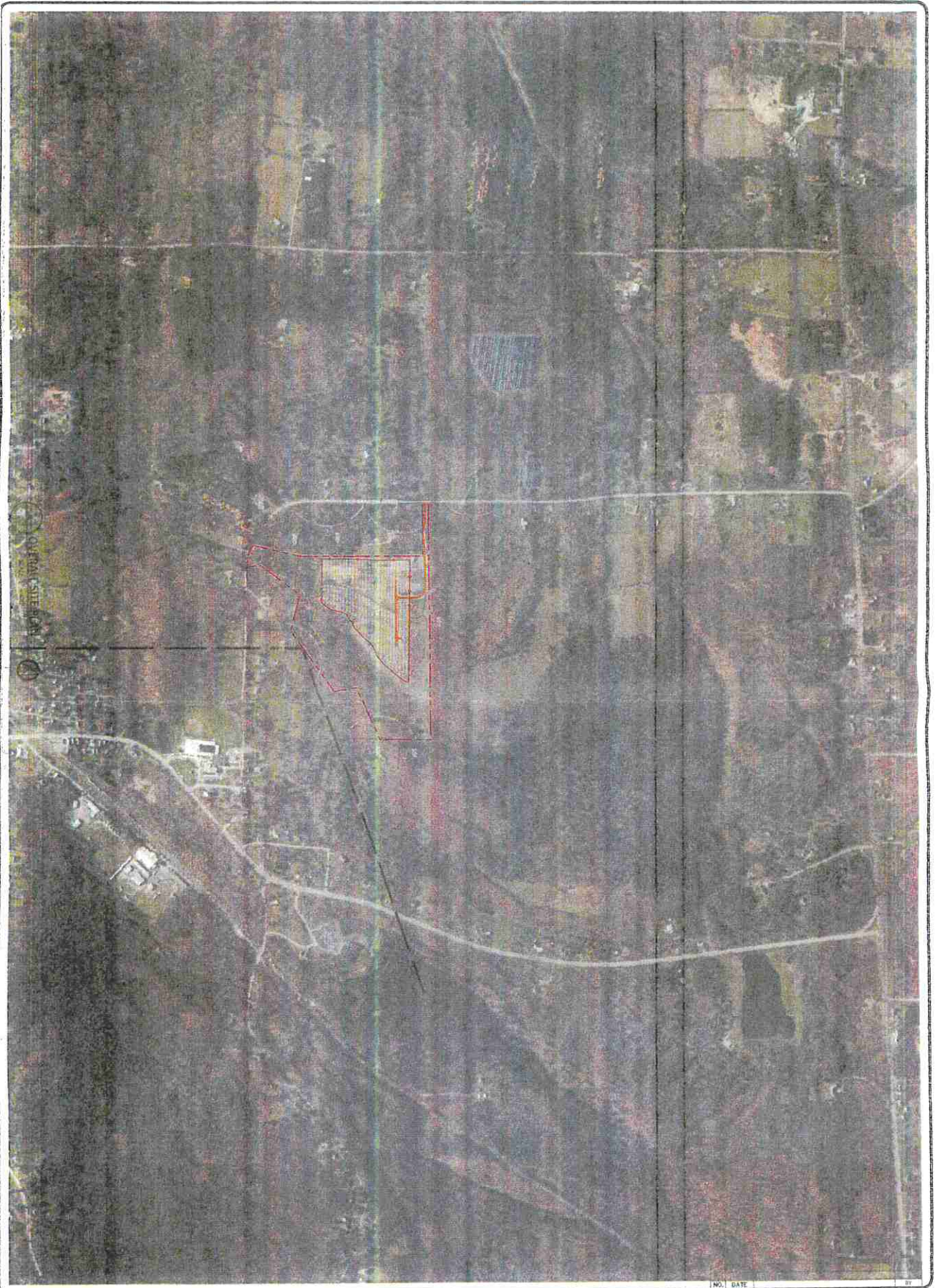
Respectfully submitted,



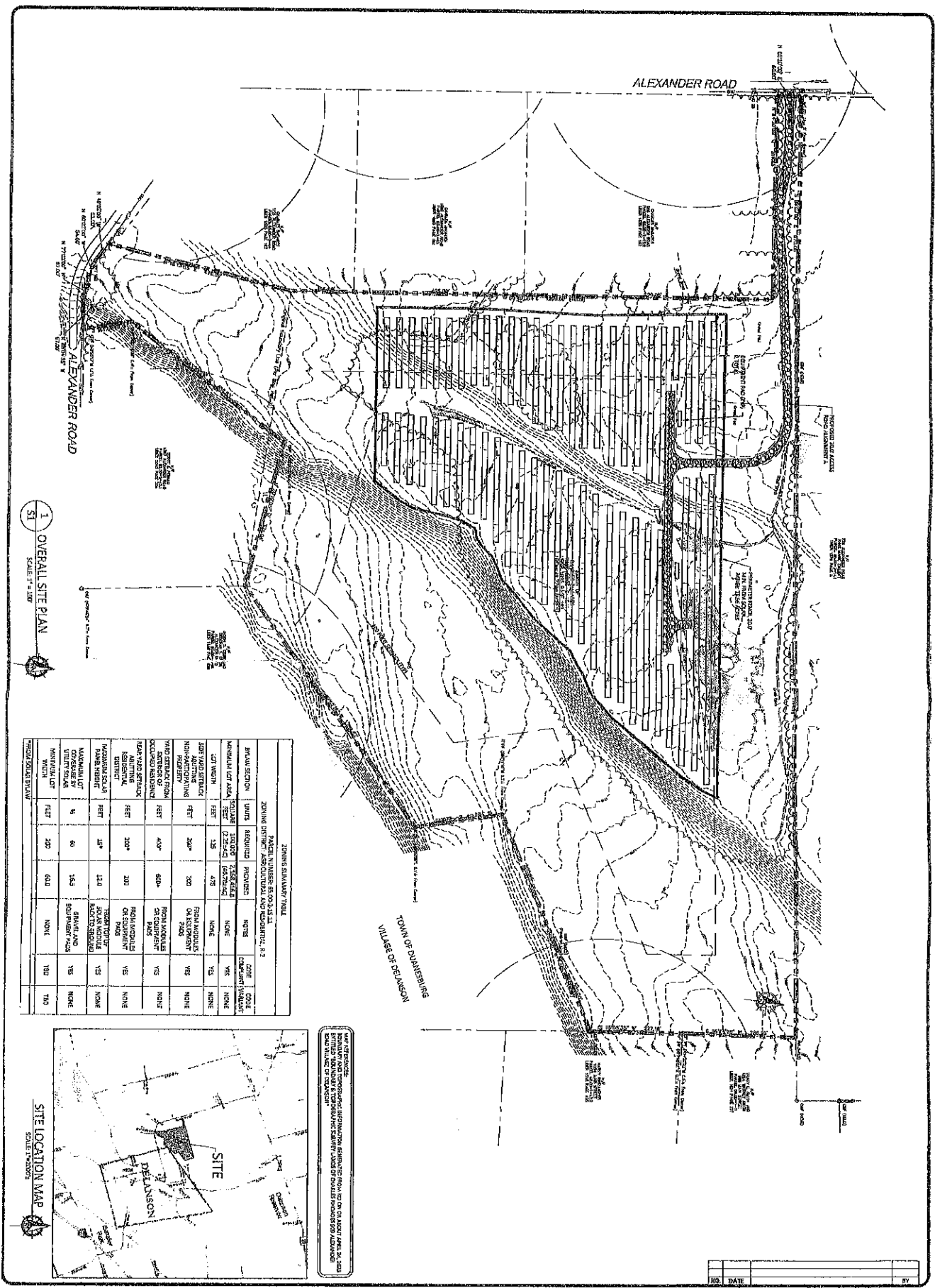
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Charles Rhoades



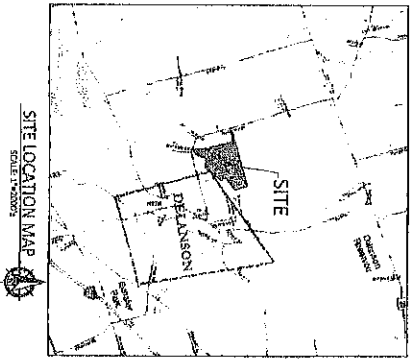


SHEET 1 OF X <b>C100</b>	<b>EXISTING CONDITIONS PLAN</b> PROPOSED PV PLANT - 909 ALEXANDER RD KRUGER ENERGY, L.P. TAX MAP ID: 65.00-Z-15.11	<b>Barber Engineering</b> 200 E. 456 - Newark, New York 12503 516.531.4950 E design@bbeng.com 1.908-707-9222 Fax 516.531.4957	<b>ARICO ASSOCIATES</b> ENGINEERS LAND PLANNERS & CONSULTANTS 1407 ROUTE 9 - Bldg 2, Suite 6 CLIFTON PARK, NY 12065 aricoassociates@gmail.com	
	SCHENECTADY COUNTY TOWN OF DANVERSBURG NEW YORK			



1 OVERALL SITE PLAN  
SCALE: 1" = 100'

ZONING REGULATIONS									
MUNICIPALITY OF DANBURY, CONNECTICUT									
ZONING DISTRICT: AGRICULTURAL AND RESIDENTIAL, A-2									
PROPOSED SECTION	MINIMUM LOT AREA (SQUARE FEET)	MINIMUM LOT WIDTH (FEET)	MINIMUM LOT DEPTH (FEET)	MINIMUM LOT AREA (SQUARE FEET)	MINIMUM LOT WIDTH (FEET)	MINIMUM LOT DEPTH (FEET)	MINIMUM LOT AREA (SQUARE FEET)	MINIMUM LOT WIDTH (FEET)	MINIMUM LOT DEPTH (FEET)
RESIDENTIAL	10,000	100	100	10,000	100	100	10,000	100	100
COMMERCIAL	10,000	100	100	10,000	100	100	10,000	100	100
INDUSTRIAL	10,000	100	100	10,000	100	100	10,000	100	100
AGRICULTURAL	10,000	100	100	10,000	100	100	10,000	100	100



NO. DATE

C100  
SHEET 1 OF X

EXISTING CONDITIONS PLAN  
PROPOSED PV PLANT - 909 ALEXANDER RD  
KRUGER ENERGY, L.P.  
TAX MAP ID: 65.00-2-15.11

TOWN OF DANBURY, CONNECTICUT

DATE: 05/08/2010

SCALE: AS SHOWN

MATTHEW J. BOND  
REGISTERED PROFESSIONAL ENGINEER

**Barber Engineering**  
PO Box 454 - Hebron, New York 12123  
T: 518.531.4089 - E: design@barbereng.com  
STORMWATER INSPECTION AND ENGINEERING

**AARICO ASSOCIATES**  
ENGINEERS  
LAND PLANNERS  
& CONSULTANTS  
1407 Route 0 - Bldg 2, Suite 6  
CLIFTON PARK, NY 12065  
aaricoassociates@gmail.com

**Kruger Energy**



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

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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Town of Duanesburg  
Zoning Board Minutes  
November 21, 2023  
**Draft 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 19<sup>th</sup>, 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.

## 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.



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 19<sup>th</sup> in regards to a letter put forth by Mr. Manus to the Zoning Board of Appeals dated August 16.

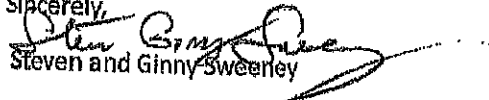
In the letter Mr. Manus request that a building on a property should be moved as it is combustible. He specifically states "This storage building is combustible", and suggests that "it may even store flammable materials".

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 19<sup>th</sup>. Please pass along this information to the Board.

Sincerely,

  
Steven and Ginny Sweeney

518-334-2511



# L M Associates

Consulting Engineering  
P.O. Box 111  
Duanesburg, N.Y. 12096

(518) 878-8788  
Fax (518) 878-8788  
L.M.ASSOCIATES@GMAIL.COM

August 16, 2023

Honorable Nelson Gage, Chairman  
Duanesburg Zoning Board of Appeals  
5853 Western Turnpike  
Duanesburg, NY 12096

RECEIVED

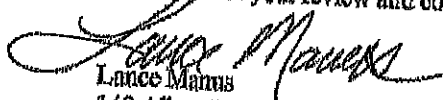
AUG 18 2023

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. 3.3.1 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. Delansan

Cc: Terresa Bakner, Esq.