

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  
February 20, 2024**

**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:**

**#23-19 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: \_\_\_\_\_

**#23-22 Miller, Dennis:** SBL#35.06-5-44.1, (R-1) located at 180 Spring Rd is seeking a side yard variance to construct a new single-family dwelling 7' from side lot line under section 6.6(2) of the Town of Duanesburg Zoning Ordinance.  
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: \_\_\_\_\_

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

---

**NEW BUSINESS:**

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

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

---

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

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

---

**OTHER:**

**ZONING BOARD MEETING MINUTES:**

December 19, 2023

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

**ADJOURNMENT**

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



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

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

---

---

## **NOTICE OF PUBLIC HEARING**

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

---

PLEASE TAKE NOTICE, THAT THE ZONING BOARD OF APPEALS FOR THE TOWN OF DUANESBURG, WILL MEET IN THE TOWN BOARD ROOM LOCATED DOWNSTAIRS AT THE TOWN HALL IN THE TOWN OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **FEBRUARY 20, 2024 AT 7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE APPLICATION OF:

**#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.

BY ORDER OF THE CHAIRPERSON  
ZONING BOARD  
TOWN OF DUANESBURG  
CHAIRPERSON

Town of Duanesburg is also providing the meeting via zoom if you are unable to attend in person:

**Join Zoom Meeting:**  
**Meeting ID:** 825 2590 5610  
**Passcode:** 262480  
**Dial in by Phone:** 1-646-558-8656

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

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



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

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

---

---

## **NOTICE OF PUBLIC HEARING**

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

---

PLEASE TAKE NOTICE, THAT THE ZONING BOARD OF APPEALS FOR THE TOWN OF DUANESBURG, WILL MEET IN THE TOWN BOARD ROOM LOCATED DOWNSTAIRS AT THE TOWN HALL IN THE TOWN OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **JANUARY 16, 2024 AT 7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE APPLICATION OF:

**#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.

BY ORDER OF THE CHAIRPERSON  
ZONING BOARD  
TOWN OF DUANESBURG  
CHAIRPERSON

Town of Duanesburg is also providing the meeting via zoom if you are unable to attend in person:

**Join Zoom Meeting:**  
**Meeting ID:** 825 2590 5610  
**Passcode:** 262480  
**Dial in by Phone:** 1-646-558-8656

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

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

Date of Determination 11/29/23

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

Applicant CLAUDIA OLEJNIK  
Address 4609 DUANEBSBURG CHURCHES 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 DUANEBSBURG ZONING ORDINANCE ADOPTED 10/15/15 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: Christopher 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  Use Variance  Area Variance  
SBL# 33-00-2-9 Phone #: 518-275-7540 Email: \_\_\_\_\_

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 11/21/23  
Applicant 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 21st 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)

**Agricultural Data Statement**

Date: 11/21/23

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.

|  |   |
|--|---|
| <p style="text-align: center;">Applicant</p> <p>Name: <u>Claudia Olejnik</u><br/> Address: <u>4609 Duaneburg Churches Rd</u></p> | <p style="text-align: center;">Owner if Different from Applicant</p> <p>Name: _____<br/> _____<br/> _____</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: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO | NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO |
| NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO | NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO |

Claudia Olejnik  
Signature of Applicant

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

Reviewed by: Christopher Parslow

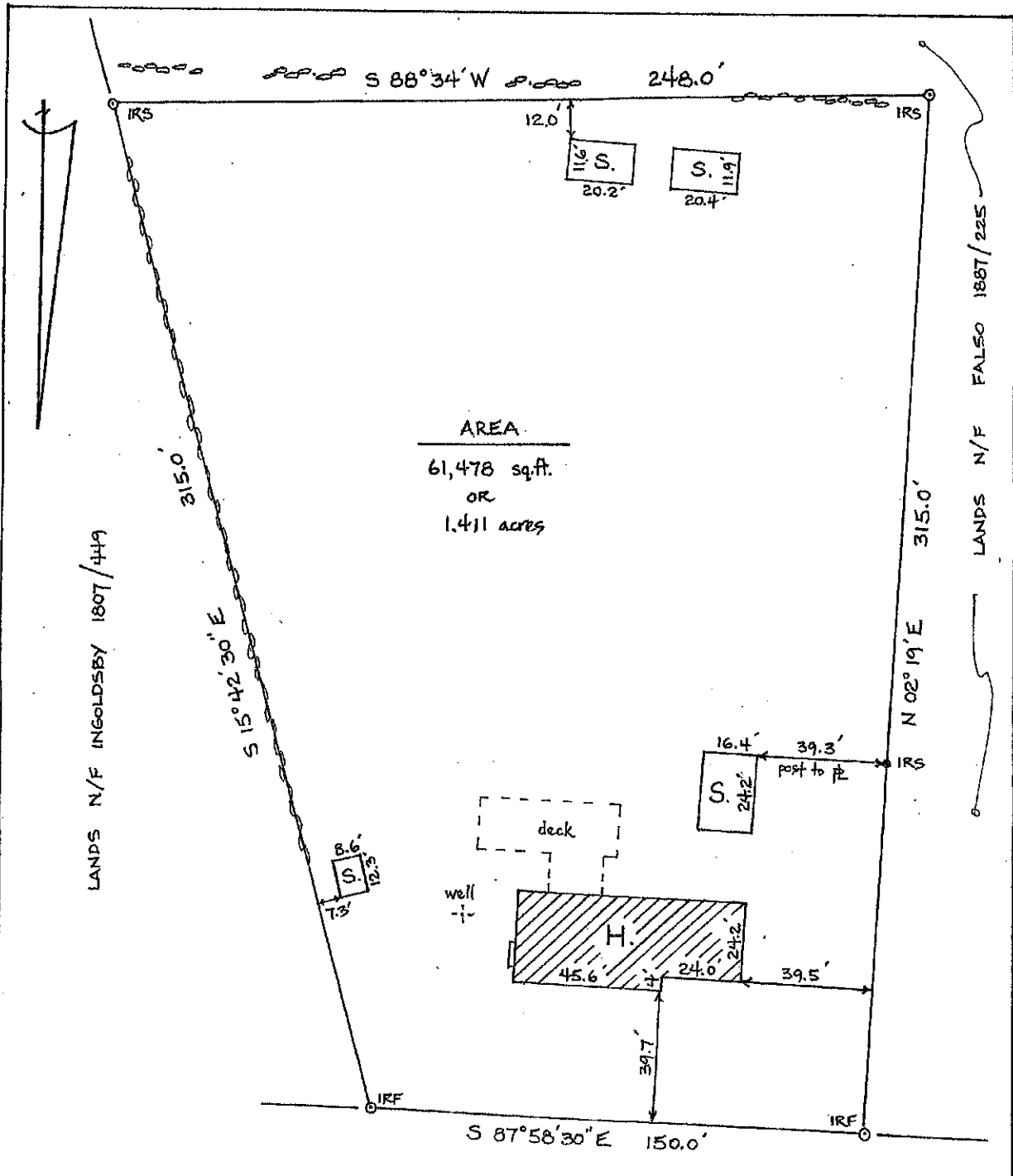
\_\_\_\_\_  
Date

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

LANDS N/F INGOLDSBY 1807/449

LANDS N/F FALSO 1887/225

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



# 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 12-13-23  
Case No. D-30-23  
Returned 1-16-24

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  
Schenectady County

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

DEC 13 2023

Economic Development  
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: 12/19/2023

SUBJECT: #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.

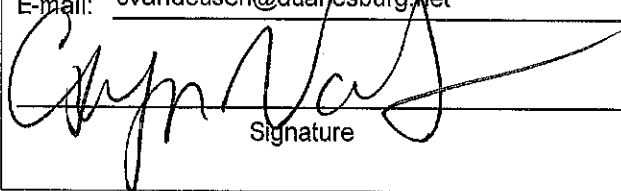
REQUIRED ENCLOSURES:

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: 12/05/2023



# PLANNING & ZONING COORDINATION REFERRAL

Case No. D-30-23

Applicant Claudia Olejnik

Referring Officer Coryn VanDeusen

Municipality Duanesburg

Considerations: Regarding a single family dwelling, requesting an area variance to construct a detached garage where the proposed side yard setback does not comply with the 40' required. Located on the south side of Duanesburg Churches Road approximately .3 miles east of SR 30.

## RECOMMENDATION

Receipt of zoning referral is acknowledged on December 13, 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.

1/2/24  
Date

Ray Giljen, Commissioner  
Economic Development and Planning

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



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

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

---

## **NOTICE OF PUBLIC HEARING**

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

---

PLEASE TAKE NOTICE, THAT THE ZONING BOARD OF APPEALS FOR THE TOWN OF DUANESBURG, WILL MEET IN THE TOWN BOARD ROOM LOCATED DOWNSTAIRS AT THE TOWN HALL IN THE TOWN OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **FEBRUARY 20, 2024 AT 7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE APPLICATION OF:

**#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 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 person:

**Join Zoom Meeting:**  
**Meeting ID:** 825 2590 5610  
**Passcode:** 262480  
**Dial in by Phone:** 1-646-558-8656

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

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



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

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

---

---

## **NOTICE OF PUBLIC HEARING**

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

---

PLEASE TAKE NOTICE, THAT THE ZONING BOARD OF APPEALS FOR THE TOWN OF DUANESBURG, WILL MEET IN THE TOWN BOARD ROOM LOCATED DOWNSTAIRS AT THE TOWN HALL IN THE TOWN OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **JANUARY 16, 2024 AT 7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE APPLICATION OF:

**#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.

BY ORDER OF THE CHAIRPERSON  
ZONING BOARD  
TOWN OF DUANESBURG  
CHAIRPERSON

Town of Duanesburg is also providing the meeting via zoom if you are unable to attend in person:

**Join Zoom Meeting:**  
**Meeting ID:** 825 2590 5610  
**Passcode:** 262480  
**Dial in by Phone:** 1-646-558-8656

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

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

Date of Determination 12/5/23

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

Applicant DANNA JOANNE JARCY 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

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 11/20/23 Zoning District R-2 Type of Variance  
 Use Variance  Area Variance  
SBL# 65-2-28.22 Phone #: 518-284-4650

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

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

Property Owner Name(if different): Donald J. & Cynthia A. Martin 11

Property Address (if different): 1035 Turnbull Rd Delawson, 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 a sketch. These sheds have been in place for over 15 years several were encroaching on neighbor John Irene Dargosits. 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.

Jeanne 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. 10/23/25

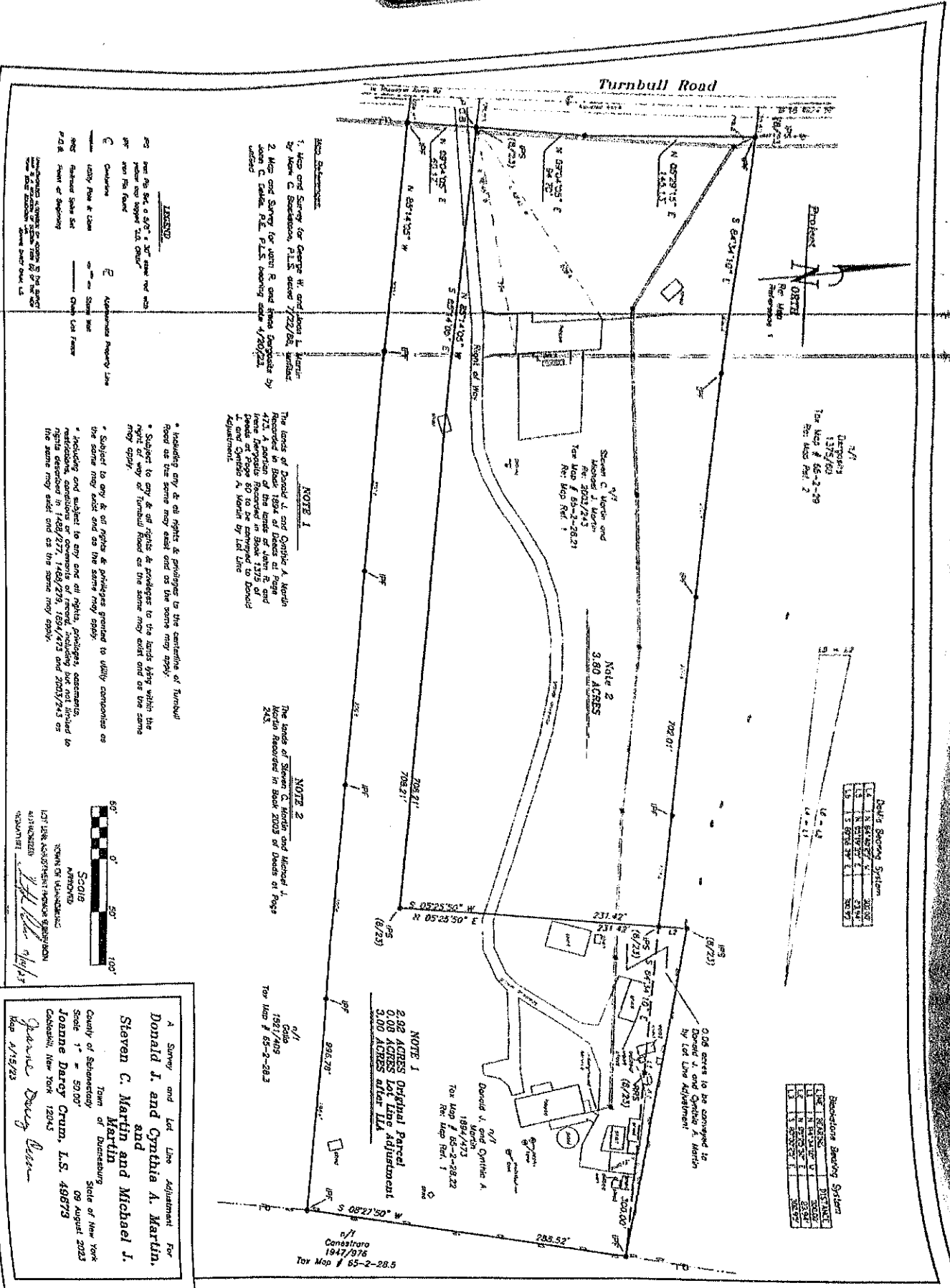
\*\*\*\*\* (For Office use only) \*\*\*\*\*  
Reviewed by \_\_\_\_\_ Date \_\_\_\_\_  
Fee \_\_\_\_\_ Date \_\_\_\_\_ Check# \_\_\_\_\_ Rec'd By \_\_\_\_\_  
Hearing Date \_\_\_\_\_ Approved: YES NO Approval Date \_\_\_\_\_

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)





**LEGEND**

--- Utility Pole & Lines  
 --- Assumed Property Line  
 --- Right of Way  
 --- Right of Way  
 --- Right of Way  
 --- Right of Way

**Notes:**

1. Map and Survey for George W. and James L. Martin by Mark C. Beckman, P.L.S. dated 7/22/08, located at Book 1934 of Deeds at Page 243.

2. Map and Survey for John R. and Irene Spicardi by John C. Sailer, P.L.S. bearing date 4/20/03, located at Book 1934 of Deeds at Page 243.

**NOTE 1**

The lands of Donald J. and Cynthia A. Martin recorded in Book 1934 of Deeds at Page 243, a portion of the lands of John R. and Irene Spicardi recorded in Book 1934 of Deeds at Page 243 to be conveyed to Donald J. and Cynthia A. Martin by Lot Line Adjustment.

**NOTE 2**

The lands of Steven C. Martin and Michael J. Martin recorded in Book 2003 of Deeds at Page 243.

**NOTE 1**

2.02 ACRES Original Parcel  
 0.08 ACRES Lot Line Adjustment  
 3.00 ACRES after ILL

**NOTE 2**

3.60 ACRES

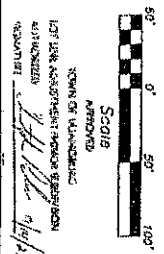
0.08 acres to be conveyed to Donald J. and Cynthia A. Martin by Lot Line Adjustment

Ditch Survey System

|   |               |         |
|---|---------------|---------|
| 1 | N 89°21'10" E | 202.01' |
| 2 | N 89°21'10" E | 202.01' |
| 3 | S 89°21'10" W | 202.01' |
| 4 | S 89°21'10" W | 202.01' |

Rectangular Survey System

|   |               |         |
|---|---------------|---------|
| 1 | N 89°21'10" E | 202.01' |
| 2 | N 89°21'10" E | 202.01' |
| 3 | S 89°21'10" W | 202.01' |
| 4 | S 89°21'10" W | 202.01' |



A Survey and Lot Line Adjustment For  
**Donald J. and Cynthia A. Martin,**  
 and  
**Steven C. Martin and Michael J. Martin**  
 Town of Bardsburg  
 County of Spenserbury  
 State of New York  
 Joanne Dacey Cunn, L.S. 49873  
 09 August 2023  
 Catherine Dacey Cunn  
 Map 8/19/23

o/n  
 Consistoro  
 1947/976  
 Tor Map # 65-2-28.5



# 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 1-16-24  
Case No. D-7-24  
Returned 1-24-24

FROM:  Legislative Body  
 Zoning Board of Appeals  
 Planning Board

JAN 29 2024

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)

JAN 16 2024

Economic Development  
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: 01/16/2024

SUBJECT: #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.

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.

- 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:

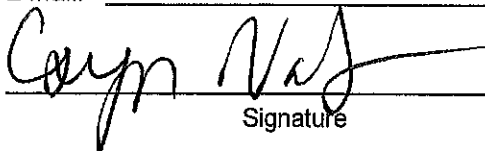
Name: Coryn VanDeusen

Title: Planning/Zoning/Building Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net

Phone: (518) 895-2040

  
Signature

Date: 01/11/2024



# PLANNING & ZONING COORDINATION REFERRAL

Case No. D-07-24

Applicant Donald Martin

Referring Officer Coryn VanDeusen

Municipality Duanesburg

Considerations: Regarding two adjoining residential properties, requesting area variances for side yard setbacks for existing accessory structures that previously encroached on the adjoining property prior to a lot line amendment. Located on the east side of Turnbull Road approximately .75 miles south of western Turnpike.

## RECOMMENDATION

Receipt of zoning referral is acknowledged on January 16, 2024. 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.

1/17/24  
Date

[Signature]  
Ray Gillen, Commissioner  
Economic Development and Planning

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



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

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

---

---

## **NOTICE OF PUBLIC HEARING**

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

---

PLEASE TAKE NOTICE, THAT THE ZONING BOARD OF APPEALS FOR THE TOWN OF  
DUANESBURG, WILL MEET IN THE TOWN BOARD ROOM LOCATED DOWNSTAIRS  
AT THE TOWN HALL IN THE TOWN  
OF DUANESBURG, 5853 WESTERN TURNPIKE, ON **FEBRUARY 20, 2024 AT  
7:00 PM** FOR THE PURPOSE OF HEARING ALL PERSONS INTERESTED IN THE  
APPLICATION OF:

**#23-22 Miller, Dennis:** SBL#35.06-5-44.1, (R-1) located at 180 Spring Rd is seeking a side yard variance to construct a new single-family dwelling 7' from side lot line under section 6.6(2) of the Town of Duanesburg Zoning Ordinance.

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

# 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 12-27-23  
Case No. D-35-23  
Returned 1-16-24

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) \_\_\_\_\_

DEC 27 2023

Economic Development  
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: 01/16/2023

SUBJECT: #23-22 Miller, Dennis: SBL#35.06-5-44.1, (R-1) located at 180 Spring rd is seeking a side yard variance to construct a new single-family dwelling 7' from side lot line under section 6.6(2) of the Town of Duanesburg Zoning Ordinance.

**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:

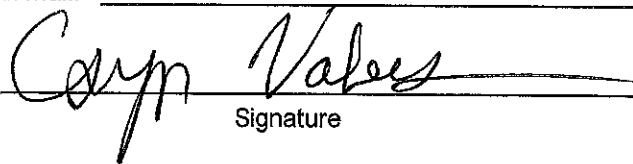
Name: Coryn VanDeusen

Title: Planning/Zoning/Building Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net

Phone: (518) 895-2040

  
Signature

Date: 12/19/2023



# PLANNING & ZONING COORDINATION REFERRAL

Case No. D-35-23

Applicant Dennis Miller

Referring Officer Coryn VanDeusen

Municipality Duanesburg

Considerations: Regarding an existing undersized nonconforming lot, requesting a area variance to construct a single family dwelling with a proposed 7' side yard setback where 40' is required. Located on the south side of Spring Road approximately 400' east of Mariaville Road (SR 159). Municipal sewer service is provided.

## RECOMMENDATION

Receipt of zoning referral is acknowledged on December 27, 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:

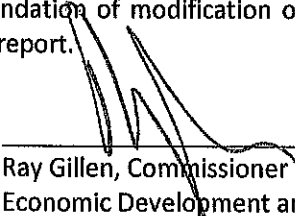
Advisory Note:

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.

1/2/24  
Date

  
Ray Gillen, Commissioner  
Economic Development and Planning

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

Date of Determination 12/19/23

Application of DENNIS MILLER under section \_\_\_\_\_  
of the (Village of Delanson) (Town of Duanesburg)  
ZONING Ordinance.

Applicant DENNIS MILLER  
Address 55 MANOR CT.  
ROTTERDAM N.Y.

Phone \_\_\_\_\_ Zoning District R-1 SBL# 35.06-5-44.1

Description of  
Project: NEED SIDE YARD VARIANCE of 20'  
CONSTRUCT NEW SINGLE FAMILY DWELLING 7' FEET FROM SIDE LOT LINE

Determination:  
SIDE YARD VARIANCE

Reason supporting determination:  
TOWN OF DUANESBURG ZONING ORDINANCE ADOPTED 6/11/15  
6.6(2) MINIMUM SIDE SETBACK SHALL BE 40' FROM  
SIDE BUILDING LINE.

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

Code Enforcement Officer: Cheryl P. [Signature]

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 12/14/23 Zoning District R-1 Type of Variance  Use Variance  Area Variance  
SBL# 35-06-5-44.1 Phone #: 757-465-6161 Email: Dennis Miller 247@icloud.com

Applicant's Name: Dennis Miller Christine Miller  
757-776-4075

Applicant's Address: 55 Manor Ct  
Rothsden NY 12300

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

Property Address (if different): 180 Spring Rd Delanson NY 12053

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

Proposal: (Brief description of request)  
Need an area variance to build new home. side yard  
of 20'

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.

Dennis Miller  
Applicant

12/19/23  
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 19<sup>th</sup> day of December 2023 Notary Public [Signature]

\*\*\*\*\* (For Office use only) \*\*\*\*\*

Reviewed by CV Date 12/19/23  
Fee \$100 Date 12/19/23 Check# \_\_\_\_\_ Rec'd By CV  
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: 12/19/23

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>Dennis Miller</u><br>Address: <u>55 Manor Ct</u><br><u>Rotterdam NY</u> | Name: _____<br>_____<br>_____     |

- Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project:  
Side yard variance of 20' to build new home
- Location of project: Address: 180 Springs Rd  
Tax Map Number (TMP) 35.06-5-44.1
- 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: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO | NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO |
| NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO | NAME: _____<br>ADDRESS: _____<br>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.



RECEIVED

DEC 22 2023

TOWN OF DUANESBURG  
TOWN CLERK

Variance Application – Supplemental Information  
Brief description of request

|                       |          |               |
|-----------------------|----------|---------------|
| Variance 1 – Lot Size | Required | 43,560        |
|                       | Provided | <u>13,800</u> |
|                       | Variance | 29,760 SF     |

Justification – Lot is existing and cannot be expanded. Lot size is similar to or larger than most other lots along Spring Road.

|                        |          |                       |
|------------------------|----------|-----------------------|
| Variance 2 – Lot Width | Required | 175'                  |
|                        | Provided | <u>129'</u>           |
|                        | Variance | <del>46'</del><br>46' |

Justification – Lot is existing and cannot be expanded. Lot width is similar to or larger than most other lots along Spring Road.

|                        |          |             |
|------------------------|----------|-------------|
| Variance 3 – Lot Depth | Required | 200'        |
|                        | Provided | <u>115'</u> |
|                        | Variance | 85'         |

Justification – Lot is existing and cannot be expanded. Lot depth is similar to or larger than most other lots along Spring Road.

|                            |          |              |
|----------------------------|----------|--------------|
| Variance 4 – Front Setback | Required | 40 ft        |
|                            | Provided | <u>32 ft</u> |
|                            | Variance | 8 ft         |

Justification – Lot is existing and cannot be expanded. Lot front setback is similar to or larger than most other lots along Spring Road.

|                           |          |             |
|---------------------------|----------|-------------|
| Variance 5 – Side Setback | Required | 40 ft       |
|                           | Provided | <u>7 ft</u> |
|                           | Variance | 33 ft       |

Justification – Lot is existing and cannot be expanded. Lot side setback is similar to or larger than most other lots along Spring Road.



# OFFICE OF THE SCHENECTADY COUNTY CLERK

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

RECEIVED

DEC 22 2023

TOWN OF DUANESBURG  
TOWN CLERK

Cara M. Ackerley  
County Clerk

Instrument Number - 202323561  
Recorded On 4/25/2023 At 2:18:21 PM

\* Instrument Type - DEED  
\* Book/Page - DEED/2106/778  
\* Total Pages - 4  
Invoice Number - 1166647      User ID: TMH  
\* Document Number - 2023-1582  
\* Grantor - CORNAIRE HART E

\*RETURN DOCUMENT TO:  
HART E CORNAIRE  
183 SPRING ROAD  
DELANSON, NY 12053

\* Grantee - CORNAIRE HART E  
ZWICK ALFRED W

\* FEES

|                         |          |
|-------------------------|----------|
| NY LAND SUR             | \$4.75   |
| NY E & A FEES           | \$241.00 |
| NY LAND COMP SUR        | \$14.25  |
| CO GENERAL REVENUE      | \$45.50  |
| CO LAND SUR             | \$0.25   |
| CO E & A FEES           | \$9.00   |
| CO LAND COMP SUR        | \$0.75   |
| CONVEYANCE NOTIFICATION | \$10.00  |
| TOTAL PAID              | \$325.50 |

TRANSFER TAX

Real Estate Transfer Tax Num - 3202  
Transfer Tax Amount - \$ 0.00

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 - 202323561



23

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY

**WARRANTY DEED**

THIS INDENTURE, Made the 17<sup>th</sup> Day of April Two Thousand Twenty-Three,

BETWEEN

**HART E. CORNAIRE, as surviving tenant by the entirety,** residing at 183 Spring Road, Delanson, New York 12053,

party of the first part, and

R+R

**HART E. CORNAIRE and ALFRED W. ZWICK, as joint tenants with right of survivorship,** with an address of 183 Spring Road, Delanson, New York 12053,

parties of the second part,

WITNESSETH, that the party of the first part, in consideration of ONE (\$1.00) DOLLAR, lawful money of the United States, and other good and valuable consideration, paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs or successors and assigns forever,

See Schedule "A"

BEING the same premises as described in the Warranty Deed to Hart E. Cornaire and Lorraine Zwick-Cornaire, his wife, dated July 31, 2014, recorded in the Schenectady County Clerk's Office on August 20, 2014, in Book 1899 of Deeds at Page 586.

THE SAID Lorraine Zwick-Cornaire died a resident of the Town of Duanesburg, Schenectady County, and State of New York on March 11, 2023.

AND the party of the first, in compliance with Section 13 of the Lien Law, covenants, that the party of the first part 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.

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

RECEIVED

DEC 22 2023

TOWN OF DUANESBURG  
TOWN CLERK

441

R.P.T.S.A.  
TAX MAP IDENT. 5  
SEC. 35-06  
BLK LOT

D



**SCHEDULE A**

**ALL THAT PIECE OR PARCEL OF LAND**, lying, situate and being: known as lot 35 on a map of property belonging to Alfred Van Buren and Alfred Van Buren Jr. made in May 1922 by Emmett Blessing, Surveyor, and filed in the Schenectady County Clerk's Office, said lot is more particularly described as follows: In the Town of DUANESBURG, commencing in the southerly margin of Coldspring Ave. where the easterly line of lot No. 34 intersects as designated on said map and running thence southerly along the last mentioned line One Hundred and Fifteen (115) Feet; thence easterly and at right angles to the last mentioned line Sixty (60) Feet to the westerly line of lot No. 36, as designated on said map; thence northerly along the last mentioned line One Hundred Fifteen (115) Feet to the southerly margin of Coldspring Ave., Sixty (60) Feet to the point and place of beginning,

**TOGETHER** with an easement for a right of way for ingress and egress to the Lake over the easterly 10 feet of Lot No. 9 which lot No. 9 is situate northerly of the above described premises.

**ALSO, ALL THAT PIECE OR PARCEL OF LAND**, with the buildings thereon, situate in the Town of Duaneburg known as lot No. 34 on a map of property belonging to Alfred Van Buren and Alfred Van Buren Jr. made in May 1922 by Emmett Blessing, Surveyor, and filed in the Schenectady County Clerk's Office, said lot is more particularly described as follows: In the town of DUANESBURG, commencing in the southerly margin of Coldspring Ave. where the easterly line of lot No. 33 intersects as designated on said map and running thence southerly along the last mentioned line One Hundred and Fifteen (115) Feet; thence easterly and at right angles to the last mentioned line Sixty (60) Feet to the westerly line of lot No. 35, as designated on said map; thence northerly along the last mentioned line One Hundred Fifteen (115) Feet to the southerly margin of Coldspring Ave. Sixty (60) Feet to the point and place of beginning. Subject to a thirty (30) foot building line restriction. Also, subject to all covenants, conditions and restrictions contained in the chain of title.

RECEIVED




DEC 22 2023

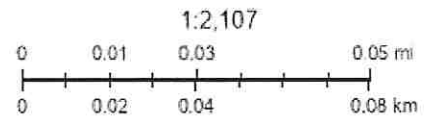
TOWN OF DUANESBURG  
TOWN CLERK

# Untitled Map



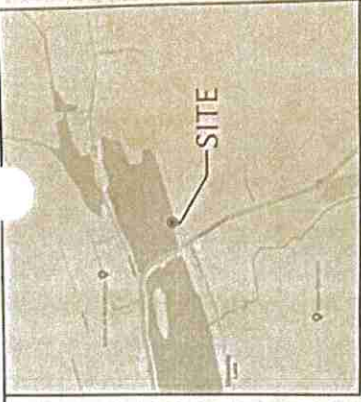
December 19, 2023

-  Override 1
-  Override 1
-  Parcels

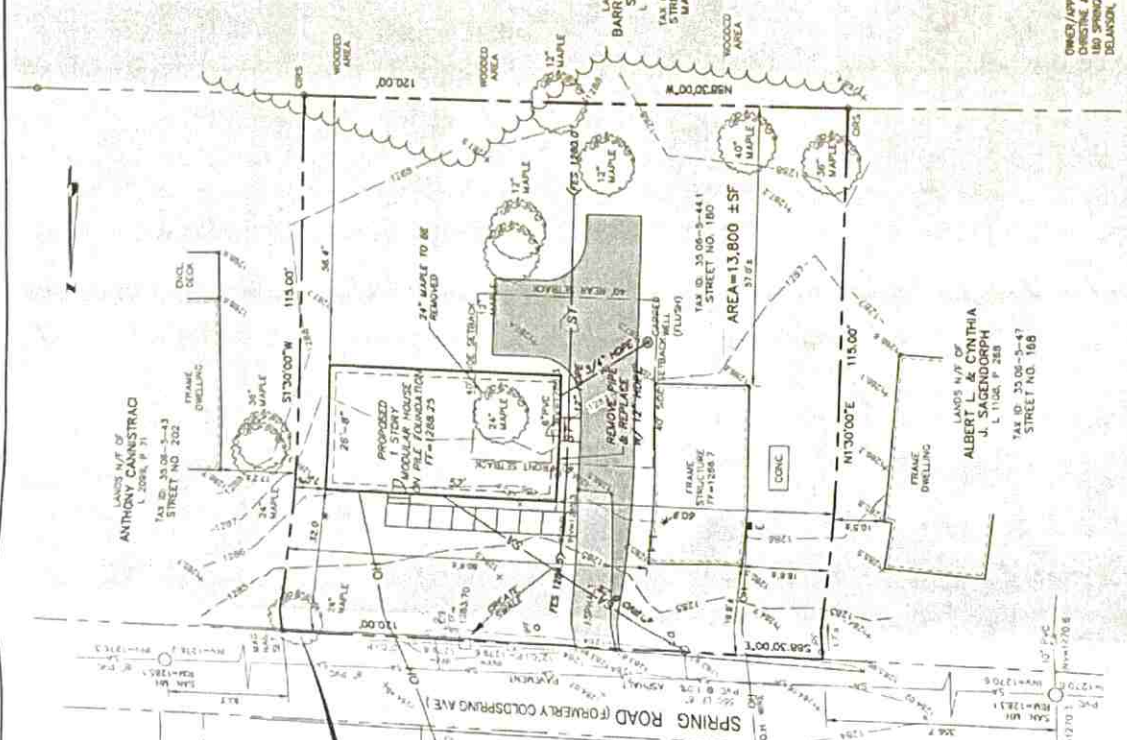


NY 3 ITS Geospatial Services

No Author  
This map and information is provided as is. We make no warranties or guarantees, expressed or implied.



SITE LOCATION



**PLOT PLAN**

LANDS NOW OR FORMERLY OF  
**CHRISTINE & DENNIS MILLER**  
 STREET NO. 180 SPRING ROAD

TOWN OF DUANESEBURG STATE OF NEW YORK  
**ABD ENGINEERS**  
 SURVEYORS  
 411 Union Street Schenectady, NY 12305  
 518-377-0315 Fax: 518-377-0379  
 www.abdeng.com

DATE: DECEMBER 6, 2023 SCALE: 1" = 20'  
 D.W.C. 5718A-PLOTZ SHEET 1 OF 1

ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS ILLEGAL



JOSEPH J. BLUMHAGEN P.E.  
 N.Y.S. LICENSE NO. 60778

| NO. | REVISION | DATE |
|-----|----------|------|
|     |          |      |



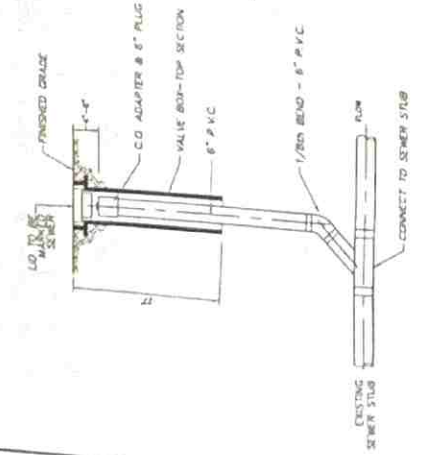
LANDS N/E OF  
**CHARLES R. DIAMONDO**  
 TAX ID. 33.08-5-11  
 STREET NO. 187  
 SPRING RD.

LANDS N/E OF  
**JOHN F. PARELLI**  
 TAX ID. 33.08-5-10  
 STREET NO. 188  
 SPRING RD.

LANDS N/E OF  
**MART E. CORNAIRE**  
 TAX ID. 33.08-5-9  
 STREET NO. 183  
 SPRING RD.

LANDS N/E OF  
**ROCCO URBANO**  
 TAX ID. 33.08-5-8  
 STREET NO. 173  
 SPRING RD.

LANDS N/E OF  
**RALPH J. FERREAU**  
 TAX ID. 33.08-5-7  
 STREET NO. 165  
 SPRING RD.



**IN-LINE CLEANOUT**  
 AND SCALE

| REQUIRED        | PROPOSED               |
|-----------------|------------------------|
| LOT SIZE        | 13,800 SF #            |
| LOT GCS         | 43,560 SF MIN          |
| LOT WIDTH       | 125' MIN               |
| LOT DEPTH       | 200' MIN               |
| LOT COVERAGE    | 30% MIN                |
| BUILDING HEIGHT | 2-1/2 STORES (55') MAX |
| BUILDING SIZE   | 62,000 SF MAX          |
| SETBACKS        |                        |
| FRONT LOT       | 32.0' #                |
| SIDE LOT        | 60' & 7.5' #           |
| REAR LOT        | 54' #                  |

# VARIANCE REQUIRED

- NOTES:**
1. BASE MAPPING PREPARED FROM A NOVEMBER 2023 FIELD SURVEY.
  2. THE PLANS SHOW SOME KNOWN STRUCTURE ABOVEGROUND STRUCTURES AND/OR BELIEVED TO EXIST IN THE WORKING AREA. EXACT LOCATION OF UNKNOWN STRUCTURES IS NOT SHOWN. APPROXIMATE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE AREA MAY BE DIFFERENT FROM THAT SHOWN OR MAY NOT BE SHOWN AND IT SHALL BE HIS RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK. 48 HOURS BEFORE YOU DIG, DRILL OR BLAST, CALL U.T.P.O. (1-800-962-7862), TOLL FREE.

6 Sept 2023

I Jacqueline A Fritche give Sophia  
Mantaviz permission to speak on my  
behalf regarding all matters for

9417 Mamauketa Pattersonville NY 12437

Thank you,

Jacqueline A. Fritche

ORIGINAL



# 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:**

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

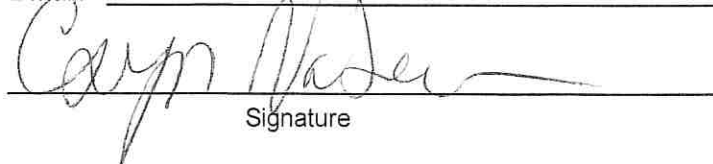
1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
  - the boundary of any city, village or town;
  - the boundary of any existing or proposed County or State park or other recreation area;
  - the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
  - the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
  - the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
  - the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

**SUBMITTED BY:**

Name: Coryn VanDeusen Title: Planning/Zoning Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net Phone: (518) 895-2040

  
Signature Date: 09/21/2023



# PLANNING & ZONING COORDINATION REFERRAL

Case No. D-18-23

Applicant Jacqueline Fritche

Referring Officer Coryn VanDeusen

Municipality Duanesburg

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

## RECOMMENDATION

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

- \*Approve of the proposal.
- Defer to local consideration (No significant county-wide or inter-community impact)
- Modify/Conditionally Approve. Conditions:

Advisory Note:

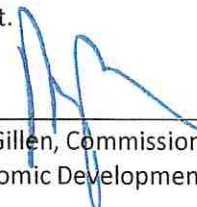
Disapprove. Reason:

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

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

10/24/23

Date

  
Ray Gillen, Commissioner  
Economic Development and Planning

# 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

00491H





ORIGINAL

Warranty Deed -- with Lien Covenant

**THIS INDENTURE**

Prior

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.  
TAXP. IDENT.  
3408  
SEC  
17  
BT

DEED Book 2113 Page 864  
Doc No 2023-5172

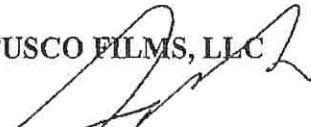
ORIGINAL

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 2023-5172

**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 MARIANVILLE 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'

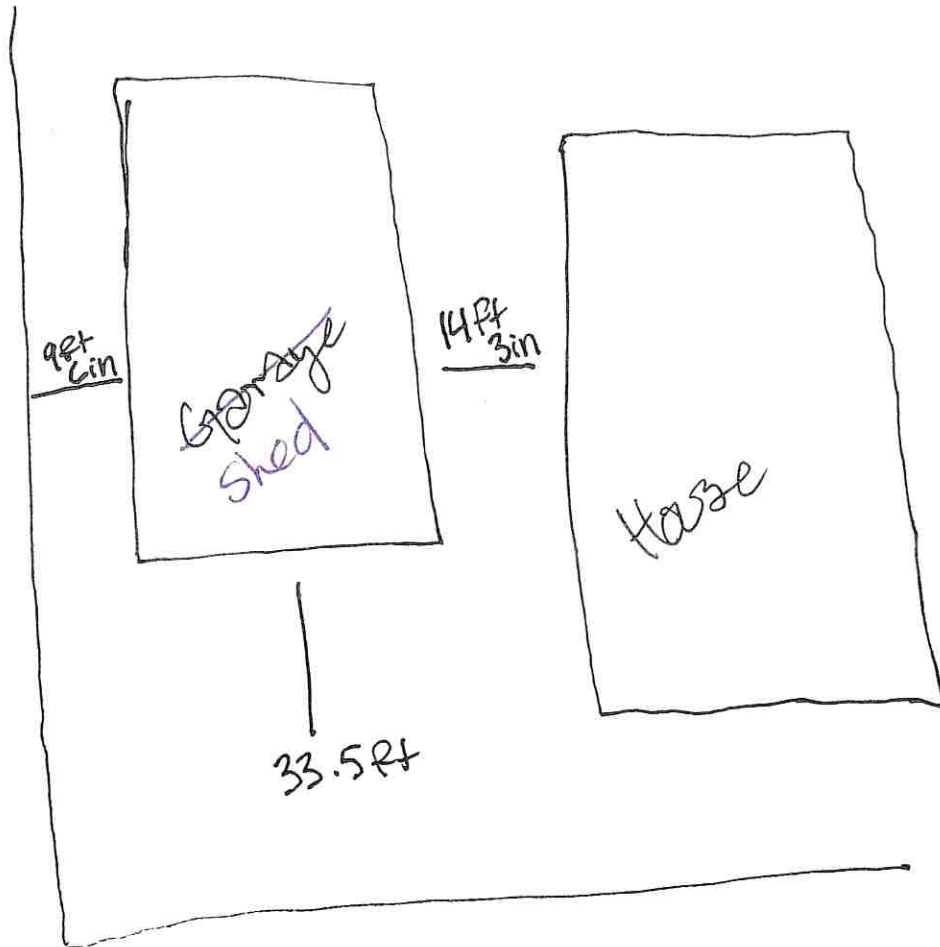
Reason supporting determination:  
TOWN OF DUANESBURG ZONING ORDINANCE ADOPTED 6/11/15 SECTION  
9.6 (0) MINIMUM SIDE SETBACK SHALL BE 15' FROM THE  
SIDE BUILDING LINE.

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

Code Enforcement Officer: *[Signature]*



ORIGINAL





VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15



ORIGINAL

Date: 9/16/23 Zoning District: H Type of Variance  
SBL# 34.08-1-17 Phone #: 518 577 8828 Email: \_\_\_\_\_  
 Use Variance  Area Variance

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.

Applicant \_\_\_\_\_

Date 6 Sept 2023

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 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

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><br>Address: <u>9417 Mariaville Rd</u><br><u>Pattersonville NY 12137</u> | Name: _____<br>_____<br>_____     |

- 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
- If YES, Agricultural District Number \_\_\_\_\_ 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: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO | NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO |
| NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO | NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO |

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: Christopher Parslow

Date

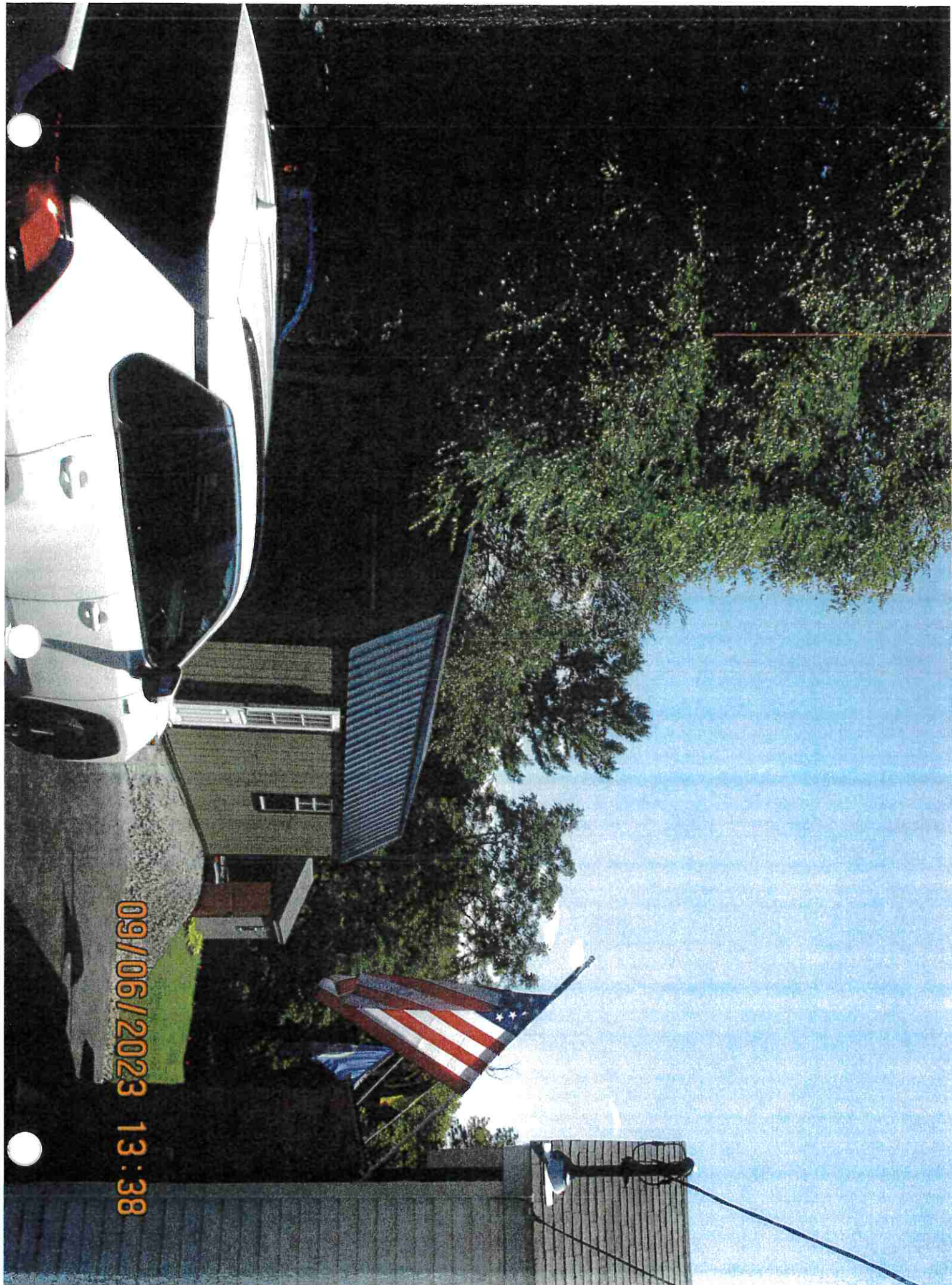
Revised 6/6/23

FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

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

09/06/2023 13:38





VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 1/18/2024 Zoning District R-2 Type of Variance  
 Use Variance  Area Variance  
SBL# 81-00-1-7.12 Phone #: 518-653-3411 Email: leigh.yatto@yahoo.com

Applicant's Name: Antone "Jesse" Paluch

Applicant's Address: 615 Barton Hill Road  
Delanson NY 12053

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

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

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

Proposal: (Brief description of request) Request to build within 26' of sideline. (8.7 yards)  
Attached addition (20x24') to existing home, Attached to gable Southern  
end. Additional living + sleeping space requested (No alterations to  
kitchen or bathrooms and no impact to existing water + septic usage)

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

1/18/2024  
Date

State of New York, county of Schenectady sworn this 18 day of JANUARY 2024

MONICA KRESHIK, ESQ.  
Notary Public, State of New York  
No. 02KR6314859  
Qualified in Rensselaer County  
Commission Expires 1/17/26

\*\*\*\*\* (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: 01/18/2024

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>Anthony J. Paluch</u><br>Address: <u>615 Barton Hill Rd</u><br><u>Delanson NY 12053</u> | Name: _____<br>_____<br>_____     |

- Type of Application: Special Use Permit; Site Plan Approval; Use Variance; Area Variance; Subdivision Approval (circle one or more)
- Description of proposed project: To build within 20' of setback (40' of established fence line) 20x24' addition attached to garage southern end. Additional living + sleeping space requested. No alterations to existing water and septic use expected.
- Location of project: Address: 615 Barton Hill Rd  
Tax Map Number (TMP) 81.00-1-7.12
- Is this parcel within an Agricultural District? YES NO (Check with your local assessor if you do not know.)
- If YES, Agricultural District Number R-2
- Is this parcel actively farmed? YES NO
- List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

|   |   |
|---|---|
| NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO | NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO |
| NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO | NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? YES NO |

[Signature]  
Signature of Applicant

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

Reviewed by: Christopher Parslow

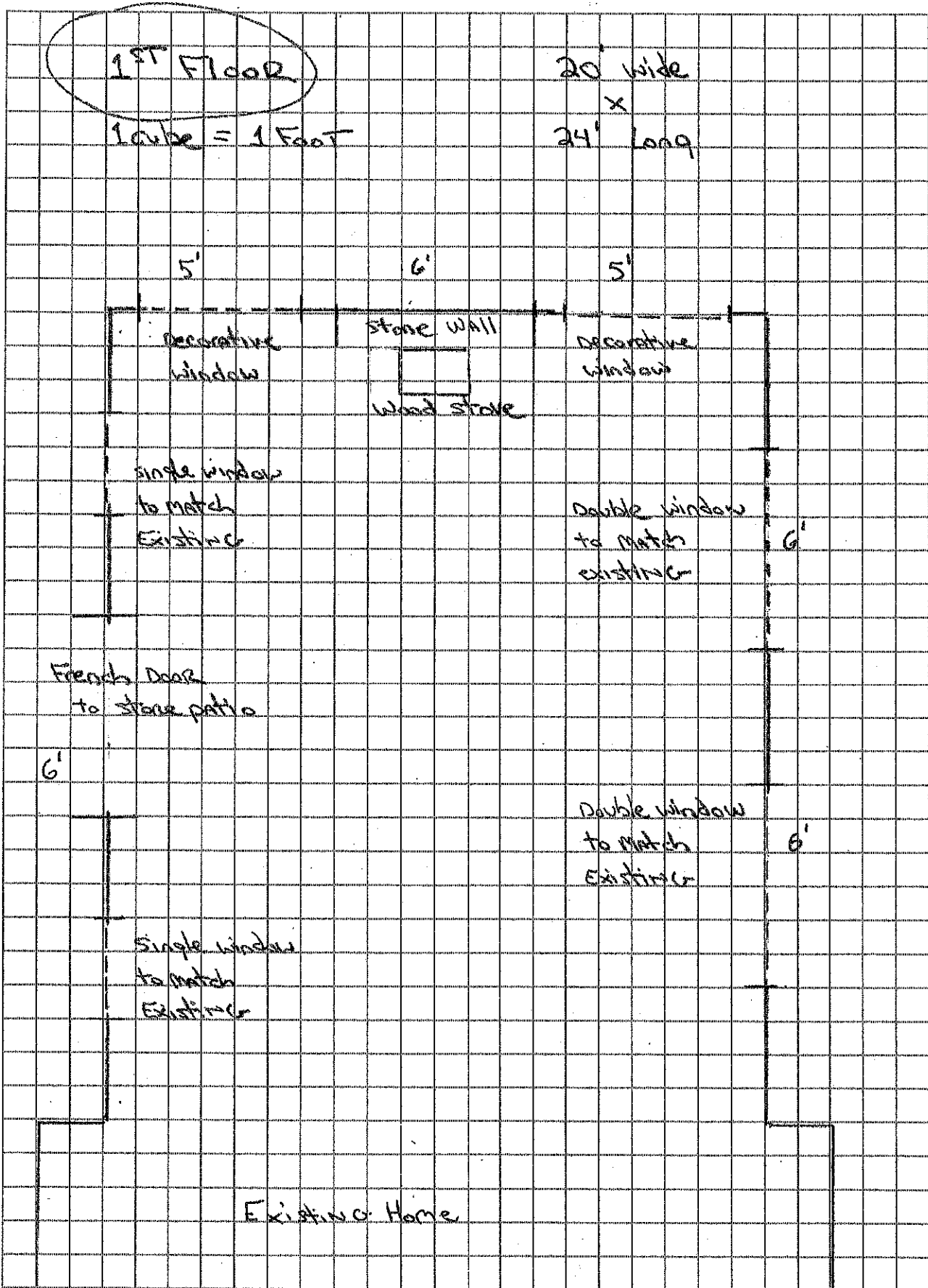
\_\_\_\_\_  
Date

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.

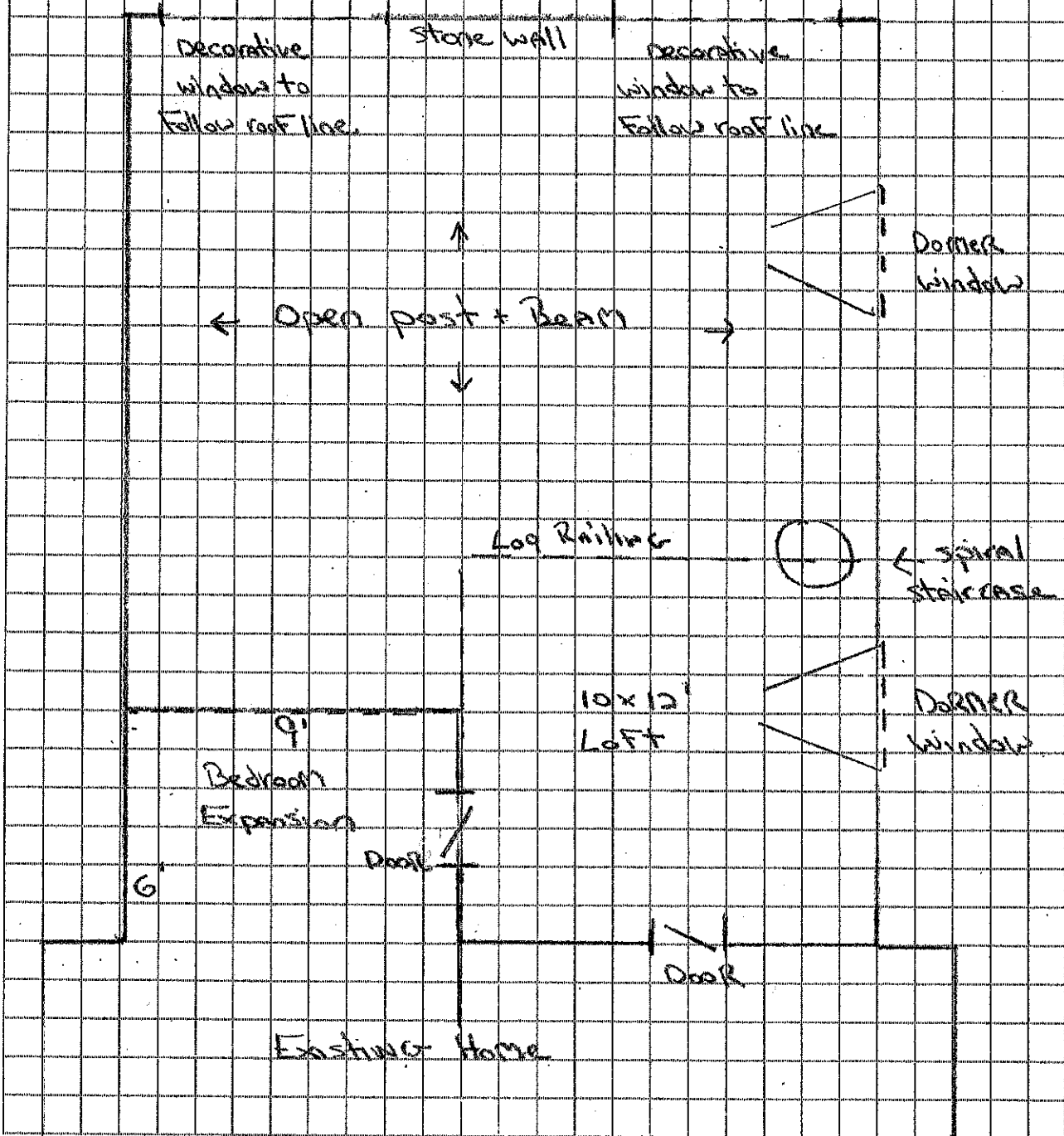
**NOTE TO REFERRAL AGENCY:** County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.



2nd Floor

1 cube = 1 Foot

20' wide  
x  
24' Long





THIS INDENTURE DATED

November 13 2018

between: MTGLQ INVESTORS, L.P., 2001 Ross Ave, Suite 2800, Dallas, TX 75201, party of the first part, and

LIZA-JAN

LIZA BOBSEINE AND ANTONE PALUCH, party of the second part residing at PO BOX 339, PHILMONT, NY 12565

WITNESSETH, that the party of the first part in consideration of TEN DOLLARS and other valuable consideration paid by party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part, forever,

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING & BEING (see attached schedule "A")

PREMISES KNOWN AS: 615 BARTON HILL ROAD, DELANSON, NY 12053

BEING & INTENDED TO BE THE SAME PREMISES CONVEYED TO PARTY OF THE FIRST PART BY DEED DATED APRIL 20, 2018 & RECORDED ON MAY 21, 2018 IN BOOK 1987 AT PAGE 617

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; 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 party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of second part shall quietly enjoy the said premises; AND that the party of the First part will WARRANT the title to the said premises, only from the date that party of the first part acquired title to same; Grantor covenants that it is seized and possessed of the said land and has a right to convey it, and warrants the title against the lawful claims of all persons claiming by, through, and under it, but not further otherwise.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

MTGLQ INVESTORS, L.P.

by: New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing

by: Joel Fowler  
AVP

**SCHEDULE A**

**PROPERTY DESCRIPTION**

Page 1 of 2

ALL that parcel of land, situate in the Town of Duanesburg, County of Schenectady, State of New York, being more particularly bounded and described as follows:

COMMENCING at an iron rod on the southeasterly highway boundary line of Berton Hill Road at its intersection with the property division line between the lands N/F of Arthur D. and Alma B. Wright on the east and the lands now or formerly of Glen Marks and Stephen Marks on the west;

THENCE South 58 degrees 22 minutes 30 seconds West along said southeasterly highway boundary line, a distance of 260.00 feet to the point of beginning, said point marked by a capped iron rod set;

THENCE the following four (4) courses through the lands now or formerly of Glen Marks and Stephen Marks;

- 1) South 04 degrees 00 minutes 00 seconds East, a distance of 149.83 feet to a capped iron rod set in a stonewall;
- 2) South 54 degrees 49 minutes 03 seconds East, being generally along a stonewall, a distance of 146.21 feet to a point;
- 3) South 51 degrees 46 minutes 03 seconds East, being generally along a stonewall, a distance of 99.30 feet to a capped iron rod set at the intersection of a stone wall;
- 4) South 54 degrees 53 minutes 27 seconds East, being generally along a stonewall, a distance of 501.42 feet to an existing iron rod at the intersection of a stonewall on the property division line between lands N/F of Arnold See, Jr. on the east and lands now or formerly of Glen Marks and Stephen Marks on the West;

THENCE South 06 degrees 30 minutes 00 seconds West, being generally along a stone wall, passing through a capped iron rod set at a distance of 526.77 feet, to a point in the centerline of an abandoned town road a distance of 544.00 feet;

THENCE along the centerline of the said abandoned town road the following four (4) courses;

- 1) North 56 degrees 47 minutes 48 seconds West, a distance of 163.68 feet to a point;
- 2) North 75 degrees 03 minutes 03 seconds West, a distance of 129.47 feet to a point;
- 3) Westerly along a curve to the right having a radius of 660.00 feet, a central angle of 08 degrees 39 minutes 30 seconds, an arc distance of 99.73 feet to a point;
- 4) North 68 degrees 23 minutes 35 seconds West, a distance of 7.12 feet to a point;

THENCE North 23 degrees 22 minutes 50 seconds West through the lands now or formerly of Glen Marks and Stephan Marks, passing through a capped iron rod set at a distance of 24.19 feet, and

Issued by

*Partners Abstract Corp.*

1025 Old Country Road Suite 409

Westbury, NY 11590

Telephone (516) 338-2655 Fax (516) 338-2751

SCHEDULE A

PROPERTY DESCRIPTION

Page 2 of 2

---

passing through a second capped iron rod set at a distance of 394.59 feet, a total distance of 939.56 feet, to a point on the aforementioned southeasterly highway boundary line of Barton Hill Road;

THENCE North 58 degrees 22 minutes 30 second East along said highway boundary line a distance of 231.03 feet to the point or place of BEGINNING.

Our policies of title insurance include such buildings and improvements thereon which by law constitute real property, unless specifically excepted therein. Now is the time to determine whether we have examined all of the property and easements which you desire to be insured. If there are appurtenant easements to be insured, please request such insurance. In some cases, our rate manual provided for an additional charges for such insurance.

FOR CONVEYANCING ONLY

TOGETHER with all right, title and interest of, in and to any land lying in the street and roads abutting the above described premises.

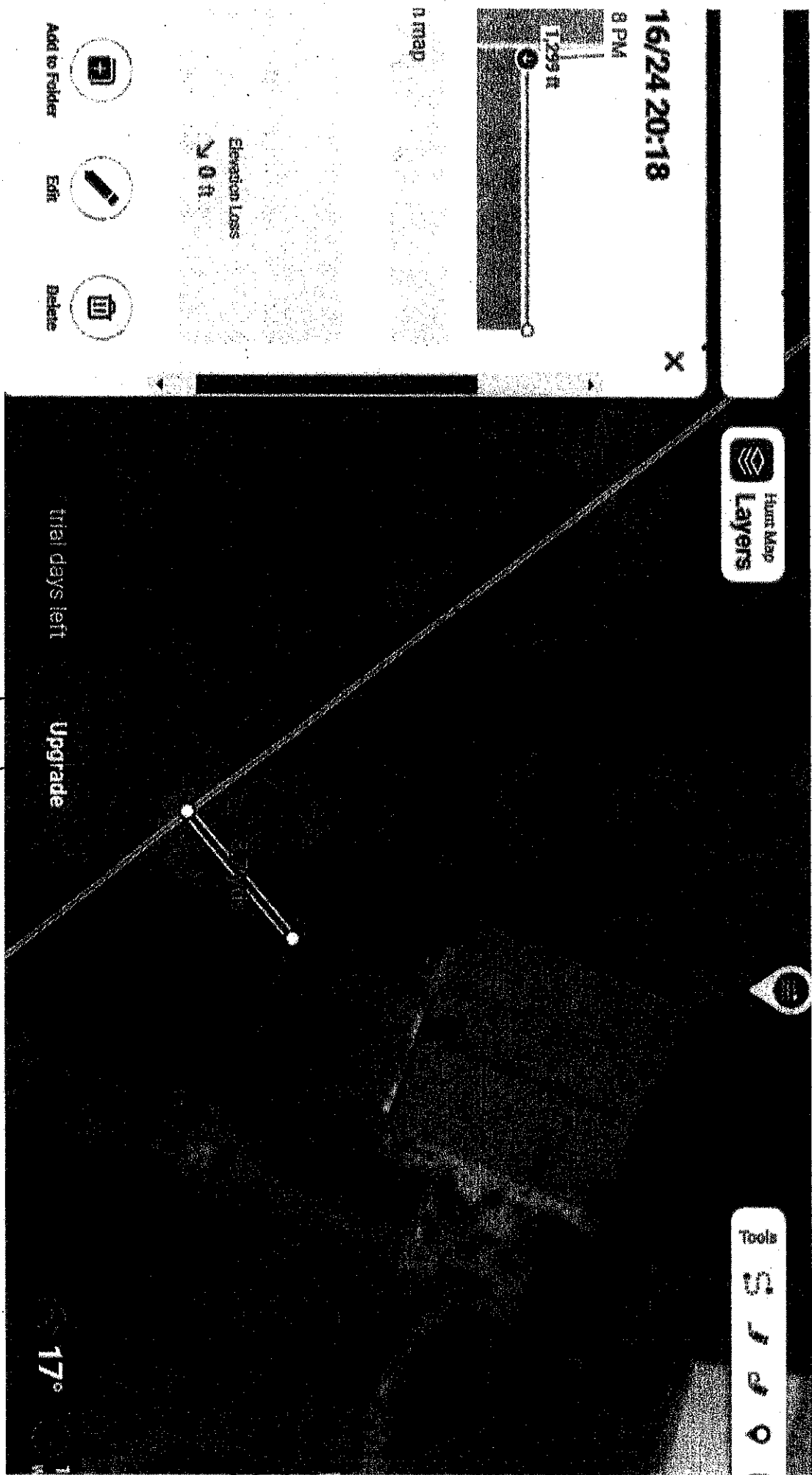
Issued by  
*Partners Abstract Corp.*  
1025 Old Country Road Suite 409  
Westbury, NY 11590  
Telephone (516) 338-2655 Fax (516) 338-2751

---

Avenue Reluch / Liza San Obispo  
81-00-1-7,12  
615 Barton Hill Road  
Delanson, NY 12053

N 1

our sapic



16/24 20:18

8 PM

1,299 ft

in map

Elevation Loss

20 ft

- Add to Folder
- Edit
- Delete

total days left

Upgrade

Established Enclosure  
w/ Rail speed

Property line (only part)

17°

Tools

5 1 2 0 1

Andrea Polach / Lisa Tom Robinson

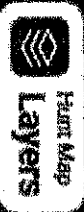
81-00-1-7.12

415 Barton Hill Rd

Delanson, NY 12053

Land of  
Patrick Ruyt ↓

N ↑



Tools

5 1 0 0

NE LIZA-JAN

X

Hunt Unit Content Weather >

ZA-JAN

HILL RD DELANSON NY 12053

137

trial days left

Upgrade

18°

Add Photo

Add Waypoint

See More

Barton Hill Rd

**Parcels**

|                  |                      |
|------------------|----------------------|
| Property Address | 615 BARTON HILL RD   |
| Municipality     | DUANESBURG           |
| Print Key        | 81.00-1-7.12         |
| SWIS Code        | 422089               |
| SBL              | 08100000010070120000 |
| Owner            | BOBSEINE, LIZA-JAN   |
| Owner Street     | 615 BARTON HILL RD   |
| Owner City-State | DELANSON, NY 12053   |

Zoom to

100m  
300ft

NOTICE OF DETERMINATION  
of the Town of Duanesburg

Date of Determination 1/25/24

Application of ANTONE "JESSE" PALUCH under section  
8.6 (2) of the (Village of Delanson/Town of Duanesburg)  
ZONING Ordinance.

Applicant ANTONE "JESSE" PALUCH  
Address 615 BAYBORN HILL RD  
DELANSON N.Y. 12053

Phone \_\_\_\_\_ Zoning District R-2 SBL# 81.00-1-7.12

Description of  
Project: CONSTRUCT A 20x24 ADDITION TO MAIN DWELLING  
20 FEET FROM SIDE SETBACK LINE.

Determination:  
ZBA FOR SIDE YARD VARIANCE OF 14' FEET

Reason supporting determination:  
TOWN OF DUANESBURG ZONING ORDINANCE ADOPTED 6/11/15 UNDER  
SECTION 8.6 (2); MINIMUM SIDE SETBACK SHALL BE 40' FROM SIDE  
BUILDING LINE.

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

Code Enforcement Officer: Chet Palow

# 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 2-10-24  
Case No. D-9-24  
Returned 2-14-24

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) 382-5599  
Schenectady County

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

Special Permit  
 Use Variance  
 Area Variance  
 Other (specify) \_\_\_\_\_

FEB 06 2024  
Economic Development  
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: 02/20/2024

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

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:

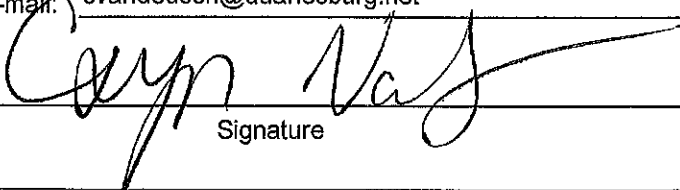
Name: Coryn VanDeusen

Title: Planning/Zoning/Building Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net

Phone: (518) 895-2040



Signature

Date: 02/02/2024

RECEIVED

FEB 15 2024

TOWN OF DUANESBURG  
TOWN CLERK





## PLANNING & ZONING COORDINATION REFERRAL

Case No. D-09-24

Applicant Antone Paluch

Referring Officer Coryn VanDeusen

Municipality Duanesburg

Considerations: Regarding a 9.6-acre lot with a single family dwelling, requesting an area variance to construct a 20' x 24' addition where the proposed side yard setback of 26' does not meet the minimum 40' required. Located on the southeasterly side of Barton Hill Road approximately 1/2 mile west of Gallupville Road.

### RECOMMENDATION

Receipt of zoning referral is acknowledged on \_\_\_\_\_. 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.

2/12/21  
Date

[Signature]  
Ray Gillen, Commissioner  
Economic Development and Planning

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

Date of Determination 1/25/24

Application of ZACHARY MILLER under section  
7.1.6 (2) of the (Village of Delanson/Town of Duanesburg)  
Zoning Ordinance.

Applicant ZACHARY MILLER  
Address 377 KENMORE AVE  
ROSTERDAM

Phone \_\_\_\_\_ Zoning District L-1 SBL# 25.09-2-10

Description of  
Project: CONSTRUCT A 2 FAMILY HOME 10' FROM WEST SIDE LOT  
LINE.

Determination:  
ZBA FOR A SIDE YARD VARIANCE OF APPROX 10'

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

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

Code Enforcement Officer: Chetah Peltor

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: JAN. 15, 2024 Zoning District L-1 Type of Variance  
Use Variance  Area Variance

SBL# 35.09-2-10 Phone #: 518-912-2668

Applicant's Name: ZACHARY MILLER

Applicant's Address: 372 KENMORE AVE., ROTTERDAM

Property Owner Name(if different): ETHEL M. PHILLIPS

Property Address (if different): 766 SQ. SHORE ROAD, DELANSON

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

Proposal: (Brief description of request) VARIANCE REQUEST OF 40' SIDE YARD SETBACK, 10.0' ON THE WEST SIDE AND 20.7' FOR THE EAST SIDE

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.

[Signature] 1/19/24  
Applicant Date

State of New York, county of Schenectady sworn this 17<sup>th</sup> day of January 2024. Notary Public

**CHRISTOPHER D. LONGO**  
Notary Public - State of New York  
No. 01106249799  
Qualified in Albany County  
My Comm. Expires October 11, 2027

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

# 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 2-6-24  
Case No. D-10-24  
Returned 2-13-24

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) \_\_\_\_\_

FEB 06 2024

Economic Development  
and Planning Dept

PUBLIC HEARING OR MEETING DATE: 02/20/2024

SUBJECT: #24-2 Miller, Zachary: SBL#35.09-2-10, (L-1) is seeking an area variance to construct a two-family dwelling 10' from west side lot line

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:

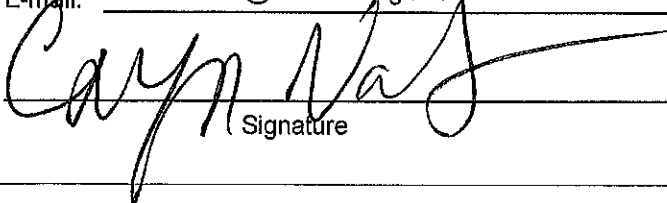
Name: Coryn VanDeusen

Title: Planning/Zoning/Building Clerk

Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net

Phone: (518) 895-2040

  
Signature

Date: 01/29/2024

RECEIVED

FEB 15 2024

TOWN OF DUANESBURG  
TOWN CLERK



# PLANNING & ZONING COORDINATION REFERRAL

Case No. D-10-24

Applicant Zachary Miller

Referring Officer Coryn VanDeusen

Municipality Duanesburg

Considerations: Regarding a .61 acre residential parcel, requesting an area variance to construct a two-family dwelling where the proposed side yard setbacks of 10' and 20.7' do not meet the 40' required. Located on the northerly side of South Shore Road approximately 3/4 mile west of Mariaville Road (SR 159). Individual well and municipal sewer is provided.

## RECOMMENDATION

Receipt of zoning referral is acknowledged on February 6, 2024. 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.

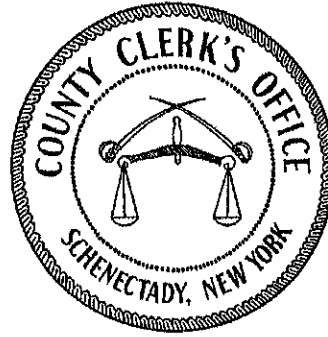
2/12/24  
Date

Ray Gillen, Commissioner  
Economic Development and Planning

23

**Schenectady County Endorsement Page**

**JOHN J. WOODWARD**  
Schenectady County Clerk  
620 State Street  
Schenectady, NY 12305



Document Type Deed  
From Party Phillip  
To Party Phillips  
  
RETURN TO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECORDED  
05/06/2009 3:42:49 PM  
County Clerk  
JOHN J. WOODWARD  
SCHENECTADY COUNTY, NY  
Book/Pages: DEED/1800/928  
Total Pages: 3  
Receipt No: 536452  
Doc No: 2009-1430  
Inst Num: 200917795  
  
NY LAND SUR \$4.75  
NY E & A FEES \$66.00  
NY LAND COMP SUR \$14.25  
CD GENERAL REVENUE \$26.00  
CD LAND SUR \$0.25  
CD E & A FEES \$9.00  
CD LAND COMP SUR \$0.75  
TOTAL PAID \$121.00  
INV: 536452 USER: DUF

RECEIVED  
\$ 0.00  
REAL ESTATE  
MAY 06, 2009  
SCHENECTADY COUNTY  
2816

**Visit our Webpage:**  
**[Schenectadycountyclerk.com](http://Schenectadycountyclerk.com)**

**NOTICE: This endorsement page constitutes the Clerk's endorsement in accordance with Local Law #7 of 1996-DO NOT DETACH-This page becomes part of the document. Upon recording, this document becomes a public record-Please refrain from using personal identifying information that should not be disclosed to the public.**

# Warranty Deed

*This Indenture* made this ~~30th~~ day of APRIL, 2009

*Between* **ETHEL M. PHILLIPS**, presently residing at P. O. Box 30, Schenectady, New York 12301, *party of the first part, and*

**ETHEL M. PHILLIPS**, presently residing at P. O. Box 30, Schenectady, New York 12301, **RANDALL A. MYERS, JR., AND COLLEEN R. MYERS**, presently residing at 2462 Putnam Road, Schenectady, New York 12306, *as joint tenants with the right of survivorship, party of the second part*

## *Witnesseth*

that the party of the first part, in consideration of One dollar and no/100 (\$1.00), lawful money of the United States, and for other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

THAT CERTAIN LOT, piece or parcel of land, situated on the Southerly side of the Mariaville Pond, in the Town of Duanesburg, County of Schenectady and State of New York, and being Lot No. 3 on map of lots belonging to Emma Bradshaw, et al, situated in the Town of Duanesburg, Schenectady County, New York, made by E. Prentice, Surveyor, in September 1910, which said map is filed in the Schenectady County Clerk's Office, which said Lot No. 3 is bounded and described as follows: On the North by Mariaville Pond, about one hundred three (103) feet along the same, Easterly by Lot No. 2, as designated on said map, two hundred fifty (250) feet along the same, Southerly by the lands of Emma H. Bradshaw and others, one hundred two and two tenths (102.2) feet along the same, and Westerly by Lot No. 4, as designated on said map, two hundred twelve (112) feet along the same.

This conveyance is made subject to any and all covenants, easements, conditions and restrictions of record.

BEING THE SAME PREMISES conveyed to James G. Phillips and Ethel M. Phillips, the party of the first part by a Deed dated November 15, 1996, and recorded in the Office of the Schenectady County Clerk on December 27, 1996 in Liber 1511 of Deeds at Page 94. The said James G. Phillips died on January 23, 2007 in the City of Albany, New York leaving Ethel M. Phillips as his surviving spouse.

THERE IS RESERVED to Ethel M. Phillips, only a life estate in and to the above described premises, as a condition of which, she agrees that she will be responsible for any repair and maintenance on the property along with the payment of all utilities, real estate taxes and other municipal assessments levied on the above premises for as long as she is able to live independently on the premises.

D 35.09 2 10





# Short Environmental Assessment Form

## Part 1 - Project Information

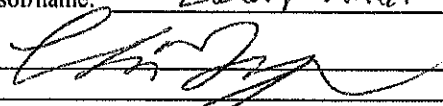
### Instructions for Completing

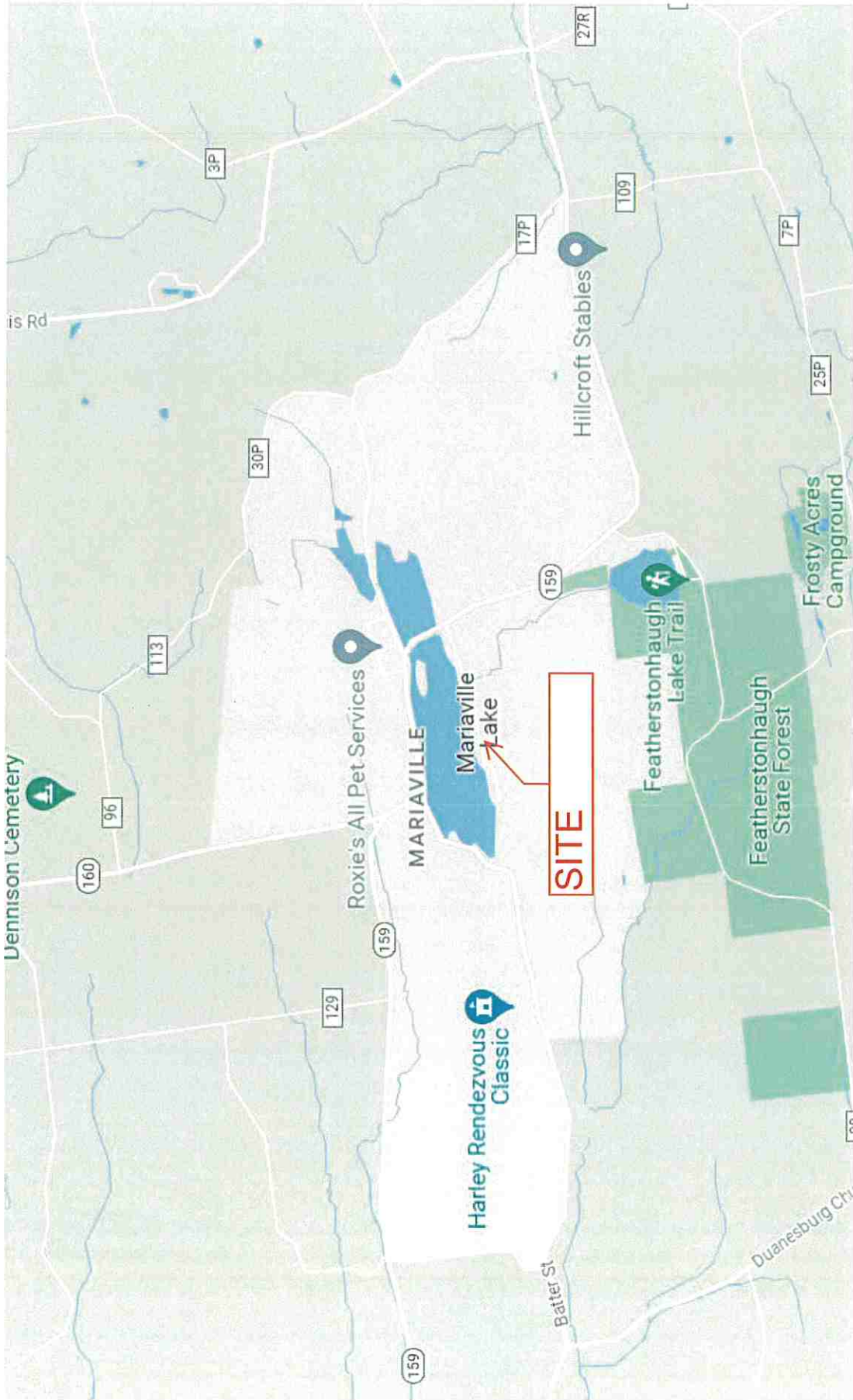
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| <b>Part 1 – Project and Sponsor Information</b>  |  |                           |                                 |
|--|--|---------------------------|---------------------------------|
| Name of Action or Project:<br>One (1), two family - single story building construction   |  |                           |                                 |
| Project Location (describe, and attach a location map):<br>766 South Shore Road, Marlaville Lake   |  |                           |                                 |
| Brief Description of Proposed Action:<br>Construction of one (1) 66 x 30' two family, four bedroom single story unit with an approximate height of 20'. Outdoor parking is proposed. An existing mobile home and shed located on the lot are to be removed.  |  |                           |                                 |
| Name of Applicant or Sponsor:<br>Zachary Miller  |  | Telephone: 518-912-2668   |                                 |
|  |  | E-Mail: zac4796@yahoo.com |                                 |
| Address:<br>372 Kenmore Ave.   |  |                           |                                 |
| City/PO:<br>Rotterdam  |  | State:<br>NY              | Zip Code:<br>12066              |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. |  |                           | NO<br><input type="checkbox"/>  |
|  |  |                           | YES<br><input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval:   |  |                           | NO<br><input type="checkbox"/>  |
|  |  |                           | YES<br><input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?  |  | 0.57 acres                |                                 |
| b. Total acreage to be physically disturbed?   |  | 0.05 acres                |                                 |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?   |  | 0.57 acres                |                                 |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:   |  |                           |                                 |
| <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)  |  |                           |                                 |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):  |  |                           |                                 |
| <input type="checkbox"/> Parkland  |  |                           |                                 |

|  |   |                                     |                                     |
|--|---|-------------------------------------|-------------------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?   | NO  | YES                                 | N/A                                 |
|  | <input checked="" type="checkbox"/>   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b. Consistent with the adopted comprehensive plan?   | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/>            |
|  | 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? |                                     | NO YES                              |
|  |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____  |   | NO YES                              |                                     |
|  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?   |   | NO YES                              |                                     |
|  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Are public transportation services available at or near the site of the proposed action?  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?   |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies:<br>_____<br>_____  |   | NO YES                              |                                     |
|  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____<br>_____   |   | NO YES                              |                                     |
|  |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____<br>_____  |   | NO YES                              |                                     |
|  |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? |   | NO YES                              |                                     |
|  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?   |   | NO YES                              |                                     |
|  |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>_____<br>_____  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

|  |                                     |                          |
|--|-------------------------------------|--------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:   |                                     |                          |
| <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban |                                     |                          |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?   | NO                                  | YES                      |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan?  | NO                                  | YES                      |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?   | NO                                  | YES                      |
| If Yes,  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If Yes, briefly describe:  |                                     |                          |
| _____  |                                     |                          |
| _____  |                                     |                          |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?  | NO                                  | YES                      |
| If Yes, explain the purpose and size of the impoundment: _____   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____  |                                     |                          |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?   | NO                                  | YES                      |
| If Yes, describe: _____  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____  |                                     |                          |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?   | NO                                  | YES                      |
| If Yes, describe: _____  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____  |                                     |                          |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  |                                     |                          |
| Applicant/sponsor/name: <u>Zachary Miller</u> Date: <u>1/18/24</u>   |                                     |                          |
| Signature: <u></u> Title: <u>Engineer for Applicant</u>   |                                     |                          |



TOWN OF DUANESBURG

Application# \_\_\_\_\_

Agricultural Data Statement

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

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

| Applicant   | Owner if Different from Applicant   |
|---|---|
| Name: <u>Zachary Miller</u><br>Address: <u>372 Kenmore Ave.</u><br><u>Rotterdam</u> | Name: <u>Ethel M. Phillips</u><br><u>766 So. Shore Rd.</u><br><u>Delanson</u> |

- Type of Application:  Special Use Permit;  Site Plan Approval;  Use Variance;  Area Variance;  Subdivision Approval (circle one or more)
- Description of proposed project: Removal of one (1) mobile home and shed. Construction of one (1) one story Two family duplex
- Location of project: Address: 766 So. Shore Road

Tax Map Number (TMP) 35.09-2-10

- 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: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? <input type="checkbox"/> YES <input type="checkbox"/> NO | NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? <input type="checkbox"/> YES <input type="checkbox"/> NO | NAME: _____<br>ADDRESS: _____<br>Is this parcel actively farmed? <input type="checkbox"/> YES <input type="checkbox"/> NO |

[Signature]  
Signature of Applicant

[Signature]  
Signature of Owner (if other than applicant)

Reviewed by: Dale R. Warner

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

Revised 6/30/08

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.



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

---

Town of Duanesburg  
Zoning Board Minutes  
December 19, 2023  
**Draft Copy**

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

**INTRODUCTION:**

Chairman Gage welcomed everyone to the December 19, 2023, ZBA meeting.

**OPEN FORUM:**

No public comments were heard.

**PUBLIC HEARING:**

**#23-15 Daus, Alisun:** SBL#45.00-2-8.2, (R-2) located at 1724 Skyline Drive is seeking a side and front yard variance under section 8.6(2) and 8.6(1) of the Town of Duanesburg Zoning Ordinance to install an above ground pool. Ms. Daus stated that she is looking for a 20-foot side yard variance and a 10-foot front yard variance. She explains that this is the only option because of the leach field, septic and well. The board raised concerns about visibility and Ms. Daus stated that there is plenty of foliage there. Chairman Gage asked the applicant about the letter from the Town of Princetown raising no concerns with the project. Town planner, Chris Parslow, stated that the reason for coordinating with them is because Ms. Daus' parcel is in both towns. Ms. Daus also informed the board that the letter from Steven at Countryside Septic confirms where the placement of her pool must be because of the septic, well, and leach field.

**Gage/Lack** made a motion to open the public hearing for the Alisun Daus application.  
Gage aye, Lack aye, Ganster aye, Leoni aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

Todd Jensen, residing at 1868 Skyline Dr, addressed the board with concerns that he would have to pay for his own survey of the property. The board advised Mr. Jensen that the town building inspector, Chris Parslow, would be supervising the construction in accordance with a building permit and inspections that coincide to make sure the setbacks and variances are abided by. Chris Parslow advised Mr. Jensen that if he is not comfortable with the pins and property line that is laid out on the Daus property that is when he could get a survey of his own if he wanted to dispute it. Mr. Jensen states that he is okay with the proposed application and the pins set out by the Harrington's, who had previously owned the property, so long as the building permit and variances are abided by.

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

**Lack/Gage** made a motion to approve the Alisun Daus application. Lack aye, Gage aye, Ganster aye, Leoni aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

**#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' 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 and that she is also in front of the planning board to obtain a special use permit. 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. Ms. Stealey advised the board that she will be using the existing well, sewer and everything. Chairman Gage advised the applicant that a letter was received from Schenectady County Health Department regarding the well and sewer not needing any change due to replacing like for like. Chairman Gage also noted that the County referral also referred to the existing well and sewer which can be disregarded as the letter from the health department confirms it is okay. Ms. Stealey advised the board that her current dwelling is 15' from the property line and she is unable to receive a mortgage for the new dwelling until the variance is received.

**Gage/Leoni** made a motion to open the public hearing for the Tricia Stealey application. Gage aye, Leoni aye, Ganster aye, Lack aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

No public comments were heard.

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

**Mattos/Pettit** made a motion to approve the Tricia Stealey application. Gage aye, Mattos aye, Ganster aye, Lack aye, Leoni aye, Boggs aye, Pettit aye. **Approved.**

**OLD BUSINESS:**



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

Sophia Mantzouris introduced herself as the representative for Jacqueline Fritche and gave a brief description of the property and where the resident would like the variance to be granted. The shed is already in place and a building permit has not been obtained. Board member Mattos advised the applicant that per the survey map obtained by the neighbor, Jeanette Ray residing at 9389 Mariaville Rd, the shed is not on Fritche's property entirely. Sophia Mantzouris stated that the applicant is getting her own survey done, but all the surveyors she has contacted are booked out at least a month. Chairman Gage asked Ms. Ray if an official stamped map is available, and Ms. Ray stated one was filed with the county. Town planner, Chris Parslow, asked Sophia Mantzouris if there is still a possibility of an agreement to buy a small piece of land from Ms. Ray and then a variance could then be granted, and Sophia Mantzouris stated that she doesn't know until Ms. Fritche's survey comes back. Chairman Gage advised that there is nothing the ZBA can do at this point because granting a variance would be inappropriate if it is on someone else's property. Jeanette Ray stated concerns to the board about liability issues since part of the property being used by Ms. Fritche is hers according to the survey map in hand. Chairman Gage advised the parties involved that the application is to be tabled for 60 days if the applicant is showing work towards getting the issue remedied.

**Gage/Mattos** made a motion to table the Fritche application for 60 days.  
Gage aye, Mattos aye, Ganster aye, Lack aye, Leoni aye, Boggs aye, Pettit aye. **Approved.**

**NEW BUSINESS:**

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

Mr. Samuelson stated to the board that at one point this was a two-family dwelling and due to septic issues, which condemned the building it lost its special use permit and was converted back to a one-family dwelling. Mr. Samuelson is currently working to get the building back into a multi-family dwelling and needs a variance for parking. Town planner, Chris Parslow, states that most of his driveway/parking area is part of Route 7 right-of-way, and the variance is necessary because a two-family dwelling requires parking for 4 cars. Mr. Samuelson stated to the board that he needs to avoid the clean out closer to Route 20 as well as his well although he considered the option of burying it, but the casing would still need to come up out of the ground. Mr. Samuelson would like the parking to be at the front near the Route 7 right-of-way. Mr. Parslow states that each parking space must be 9' wide and 18' long. Board member Mattos stated that each apartment requires two spaces each per NYS housing law. Chairman Gage states that the advisory note on the county referral says that the town may wish to resolve an encroachment issue on Route 7 and the driveway should be constructed so that cars do not have to back out onto Route 7. Board member Boggs states that the board needs to see the layout of plans.

**Leoni/Ganster** made a motion to table the Thomas Samuelson application until January. Leoni aye, Ganster aye, Gage aye, Lack aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

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

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

**Gage/Lack** made a motion to declare the Claudia Olejnik application a SEQRA Type 2 action and no further review is required. Gage aye, Lack aye, Ganster aye, Leoni aye, Mattos aye, Boggs aye, Pettit aye. **Approved.**

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

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

Joanne Darcy Crum, at 479 W Main St, Cobleskill, NY 12043, represented the Martins. Ms. Crum states to the board that the Martins owned the property from the 1980's and Donald Martin bought the property in 2003. Ms. Crum states that Blackstone had done a survey and that the line was set according to the location of the stone wall. Ms. Crum informed the board that another survey was done for Mr. Dergosits for his subdivision. Ms. Crum stated that at the time of that survey is when it was discovered multiple structures owned by the Martins were on the property of Mr. Dergosits. Ms. Crum states that Mr. Dergosits agreed to sell a portion of the land to the Martins, but they will still need variances for the structures that are larger than 144 sq. ft. Ms. Crum also advised the board that no building permits were obtained. Ms. Crum states that there is a series of sheds, an outdoor woodstove, and

an LP gas tank that encroach on the property line. Chairman Gage advised Ms. Crum that the only structures that can be granted variances are the ones greater than 144 sq. ft. because anything less isn't subject to setbacks. Vice Chairman Lack asked the representative if any variances were previously granted to which she responded no. The board advised the representative that they will use the closest building to the line for the purpose of the variance and that would be the A-frame requiring a 35-foot variance. Board member Mattos advised that the variance is exclusively for buildings already there and nothing is to be added. Mr. Dergosits, residing at 863 Turnbull Rd, stated to the board that he would be okay with one variance addressing all buildings over 144 sq. ft. so long as it is stipulated to existing buildings only. Mr. Dergosits states that in 1991 nothing was on the property, but a variance had once been granted to make a keyhole lot.

**Gage/Lack** made a motion to declare the Donald Martin application a SEQRA Type 2 action and no further review is required.

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

**Lack/Leoni** made a motion to set a public hearing for the Donald Martin application for January.

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

**#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.

Mr. Tersigni advised the board that he would like to put an attached addition approximately 10 ft by 26 ft on the house, but he cannot go West, North, or South due to the lake, well and sewage. Mr. Tersigni advised the board that he has about 20 ft of space from the existing edge of the house to the property line, but he was told to get the property surveyed. Mr. Tersigni said that he has gotten the property surveyed and is awaiting results. Mr. Tersigni advised the board that the existing garage has a variance that was granted 2 years ago. Mr. Tersigni stated that he already got DEC approval for the proximity to the lake. The board advised Mr. Tersigni that he would be needing a 10 ft variance.

**Gage/Boggs** made a motion to declare the Joseph Tersigni application a SEQRA Type 2 action and no further review is required.

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

**Boggs/Pettit** made a motion to set a public hearing for the Joseph Tersigni application for January.

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

#### **OTHER:**

Kruger Energy has requested an interpretation of the Zoning Ordinance. Michael Frenette is the representative for Kruger Energy joined by Charles Rhoades, landowner at 909 Alexander Rd. Mr. Frenette advised the board that Kruger Energy owns around 600 MW of  
Town Hall • 5853 Western Turnpike • Duanesburg, NY 12056 • (518) 895-8920

solar, wind and hydro across North America. Mr. Frenette advised the board he initially met with Mr. Rhoades in the winter of 2022 and that is when he realized the property was within proximity to the substation up the street. Mr. Frenette also advised the board that it was at the same time in 2022 when he noticed the land in the back was mostly clear, making the site suitable to him for solar. Mr. Frenette stated that an agreement was made between March and May of 2022 with the landowner and after that the Solar Ordinance was passed in 2023 making multiple good stipulations regarding abutters and setbacks. Mr. Frenette advised the board that part of the solar ordinance states that land cannot be deforested to construct solar energy facilities. Mr. Frenette stated that Mr. Rhoades did not clear his land with intent to construct a solar energy facility. Mr. Frenette stated that even if the deforestation provision were ambiguous on the subject, New York law would require the provision to be construed in favor of the property owner. Mr. Frenette stated that 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, so they believe they're covered both legally on the appeal side, but also on their interpretation of the code. Mr. Frenette stated their interpretation is that these trees were not cut down to build solar. Mr. Frenette states that it was a prior subdivision that Charlie was on the record and submitted a great number of plans to do both single-family housing and senior housing on the site in a series of meetings from 2018, 2019, to 2020. Mr. Frenette advised the board that additional clearing will need to be done, but not in a deforestation sort of way. Mr. Frenette states that Kruger Energy and Mr. Rhoades are requesting a determination that the five-year tree clearing does not apply to this parcel. Chairman Gage asked the applicant if they had submitted a special use permit to the planning board and Mr. Frenette advised the board that they had submitted a site plan for review. Mr. Frenette stated that the definition of deforestation used states clear cutting in a single contiguous area exceeding 20,000 sq. ft. Mr. Rhoades stated that he did cut trees, but he did not clear cut. Mr. Rhoades stated he put a driveway in. Mr. Rhoades stated that he removed trees starting in 2017. Board member Mattos stated that the 5-year waiting period due to deforestation is in anticipation of solar. Mr. Rhoades advised the board that he did not anticipate solar; he wanted to use the land for housing development, but when those plans got turned down, he then went to solar when offered an agreement. Mr. Parslow advised the board that the biggest issue the planning board had was the three lots up front due to those lots being participating parcels because of setbacks. Mr. Rhoades stated you must cut trees down in the wintertime due to the protection of bats. The board advised the applicant that there is a 400 ft setback, and he would either need to push back the solar panels or complete a lot line adjustment. The board advised the applicant that if they do want to clear more than 20,000 sq ft then they could always apply for a variance. Mr. Rhoades advised the board that all the logging was done between 2019 and 2020 by the logger and it was scrub brush along with real trees; he did some removal of trees himself in 2017 2018 and 2019. Mr. Frenette stated the size of the lot is a little under 26 acres.

**Gage/Leoni** made a motion that the ZBA interpretation of the Zoning Ordinance is that the clear-cutting taking place from 2019 forward was not done for the purpose of constructing a solar energy facility and should not be considered a violation of the prohibition in 7.2(Q) deforestation.

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

Chairman Gage stated that the comments submitted by Lynne Bruning would be better addressed by the planning board. Chairman Gage also advised that the accessory structure setback interpretation from last meeting needs to be addressed because there is nothing regulating or restricting structures less than 144 sq ft. Chairman Gage advised the board that recommendations on accessory structure setbacks be made to the town board. Chairman Gage also asked for the board members to complete their annual training to include the annual sexual harassment training.

**Boggs/Leoni** made a motion to approve the November 21, 2023, Zoning Board meeting minutes.

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

**Approved.**

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

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

DRAFT