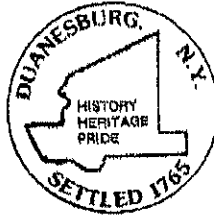


Nelson Gage, Chairperson  
Chris Parslow, Town Planner  
Carol Sowycz, Clerk  
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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

RECEIVED

Town of Duanesburg  
Zoning Board Minutes  
August 15, 2023  
**Final Copy**

SEP 20 2023

TOWN OF DUANESBURG  
TOWN CLERK

**MEMBERS PRESENT:** Nelson Gage- Chairman, Jonathan Lack -Vice Chairperson, Link Pettit-Member, Caitlin Mattos- Member.

**INTRODUCTION:**

Chairman Gage welcomed everyone to the August 15<sup>th</sup> ZBA meeting. He stated that there are 3 new applications and an approval of the July 18<sup>th</sup>, 2023, meeting minutes.

**OPEN FORUM:**

Chairman Gage opened the open forum at 7:01pm. Chairman Gage asked if anyone present at the meeting or on Zoom would like to participate in the open forum. Lance & Wendy Manus residing at 143 Albert Rd. spoke to the board about there not being any setbacks for accessory structures that are less than 144 square feet in the TOD zoning ordinance. The board stated that they will speak to the town attorney concerning the issue.

**NEW BUSINESS:**

**#23-13 Attanasio, Nichols:** SBL#68.00-2-43, (R-2) located at 430 Schoharie Turnpike is seeking a side yard variance under Section #8.6.2 of the Town of Duanesburg Zoning Ordinance. Dean Attanasio introduced himself and gave a brief description of the property and where he would like to build a 28 x 40 foot, 1 story garage.

**Gage/Lack** made a motion that the ZBA determined that this request for a side yard variance is an exempt type 2 action pursuant to Title 6 NYCRR Section 671.5 and no further action is required.

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

**Lack/Pettit** made a motion to set a public hearing for the Attanasio application for September 19, 2023.

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

**#23-14 Mugits, Kyle:** SBL#52.00-1-43, (R2) located at 6363 St Hwy 30 is seeking a front yard variance for a single family dwelling under section 8.6(1) of the Town of Duanesburg Zoning Ordinance. Mr. Mugits is requesting a 15 feet front yard variance because he measured incorrectly. The mistake was discovered during an inspection. He stopped working at the site at that time.

**Gage/Lack** made a motion that the ZBA determined that the request for a front yard variance for a single-family residence is an exempt type 2 action pursuant to Title 6 NYCRR Section 671.5 and no further action is required,

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

**Lack/Pettit** made a motion to set the public hearing for the Kyle Mugits variance.

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

**23-15 Daus, Alisun:** SBL#45.00-2-8.2, (R2) located at 1724 Skyline Drive is seeking a side yard variance under section 8.6(2) of the Town of Duanesburg Zoning Ordinance to install an above ground pool. Ms. Daus stated that she is looking for a 15-to-20-foot side yard variance. She explains that this is the only option because of the leach field and her property is hilly. Chairman Gage requested that Ms. Daus draw a larger map to bring to the public hearing.

**Gage/Lack** made a motion that the ZBA determined that the Daus request for a side yard variance is an exempt type 2 action pursuant to Title 6 NYCRR Section 671.5 and no further action is required.

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

**Lack/ Pettit** made a motion to set up a public hearing for Alisun Daus for September 19, 2023, ZBA meeting.

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

**Lack/Mattos** made a motion to approve the July 18th, 2023, Zoning Board meeting minutes.

Lack aye, Mattos aye, Pettit aye, Gage aye.

**Pettit/Mattos** made a motion to adjourn tonight's meeting. 8:09 PM.

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

Nelson Gage, Zoning Board Chair  
Chris Parslow, Town Planner  
Carol Sowycz, Clerk  
Terresa Bakner, Attorney  
Jonathan 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  
August 15, 2023**

---

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

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

**Join Zoom Meeting**

**Meeting ID:** 825 2590 5610

**Passcode:** 262480

**Dial in by Phone:** 1-646-558-8656

**Meeting ID:** 825 2590 5610

**Passcode:** 262480

**INTRODUCTION BY CHAIRPERSON NELSON GAGE:**

**OPEN FORUM**

**PUBLIC HEARINGS:**

None

**NEW BUSINESS:**

**#23-13 Attanasio, Nichols:** SBL#68.00-2-43, (C-1) located at 430 Schoharie Turnpike is seeking a side yard variance under Section #8.6.1 of the Town of Duanesburg Zoning Ordinance.

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

**#23-14 Mugits, Kyle:** SBL#52.00-1-43, (R2) located at 6363 St Hwy 30 is seeking a single family dwelling under section 8.6(1) of the Town of Duanesburg Zoning Ordinance.

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

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

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

**OLD BUSINESS:**

None

Nelson Gage, Zoning Board Chair  
Chris Parslow, Town Planner  
Carol Sowycz, Clerk  
Teresa Bakner, Attorney  
Jonathan Lack, Vice Chair Member



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

**OTHER:**

None

**ZONING BOARD MEETING MINUTES:**

July 18, 2023

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

**ADJOURNMENT**

ORIGINAL

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

RECEIVED  
JUN 15 2023

Date: 6/9/23 Zoning District \_\_\_\_\_  
SBL# 68.00-2-43 Type of Variance  
☐ Use Variance ☐ Area Variance  
Phone #: 518-810-5650  
518-414-1404

Applicant's Name: Nicholas Attanasio

Applicant's Address: 430 Schoharie Turnpike  
Duanesburg, NY 12056

Property Owner Name(if different): Nicholas Attanasio ☐

Property Address (if different): 430 Schoharie Turnpike Duanesburg, NY 12056

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

Proposal: (Brief description of request) Install 28x40 2 steel Garage on  
property (28'6") off property 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. 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.

Nicholas Attanasio  
Applicant

6/15/23  
Date

State of New York, county of Schenectady sworn this 15 day of June 2023. Notary Public  
Rensselaer

Justin M. Peabody

Justin M. Peabody  
Notary Public, State of New York  
Qualified in Albany County  
No. 01PE6403513  
Commission Expires January 27, 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)



ORIGINAL

RECEIVED  
JUN 15 2023

## TOWN OF DUANESBURG

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

## Agricultural Data Statement

Date: 6/15/23

**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>Nicholas Attanasio</u>	Name: <u>Nicholas Attanasio</u>
Address: <u>430 Schoharie Tpke</u> <u>Duanesburg, NY 12056</u>	Address: <u>430 Schoharie Tpke</u> <u>Duanesburg, NY 12056</u>

- Type of Application: ☐ Special Use Permit; ☐ Site Plan Approval; ☒ Use Variance; ☐ Area Variance; ☐ Subdivision Approval (circle one or more)
- Description of proposed project:  
Build a 28x40 Garage (2 car)  
28' ft off property line  
Need 40'
- Location of project: Address: 430 Schoharie Tpke Duanesburg NY 12056  
Tax Map Number (TMP): 68.00.2-43
- 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: <u>NONE</u>	NAME: <u>NONE</u>
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Is this parcel actively farmed? <input type="checkbox"/> YES <input type="checkbox"/> NO
NAME: <u>NONE</u>	NAME: <u>NONE</u>
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? <input type="checkbox"/> YES <input type="checkbox"/> NO	Is this parcel actively farmed? <input type="checkbox"/> YES <input type="checkbox"/> NO

Nick Attanasio  
Signature of Applicant

Nick Attanasio  
Signature of Owner (if other than applicant)

Reviewed by: Dale R. Warner

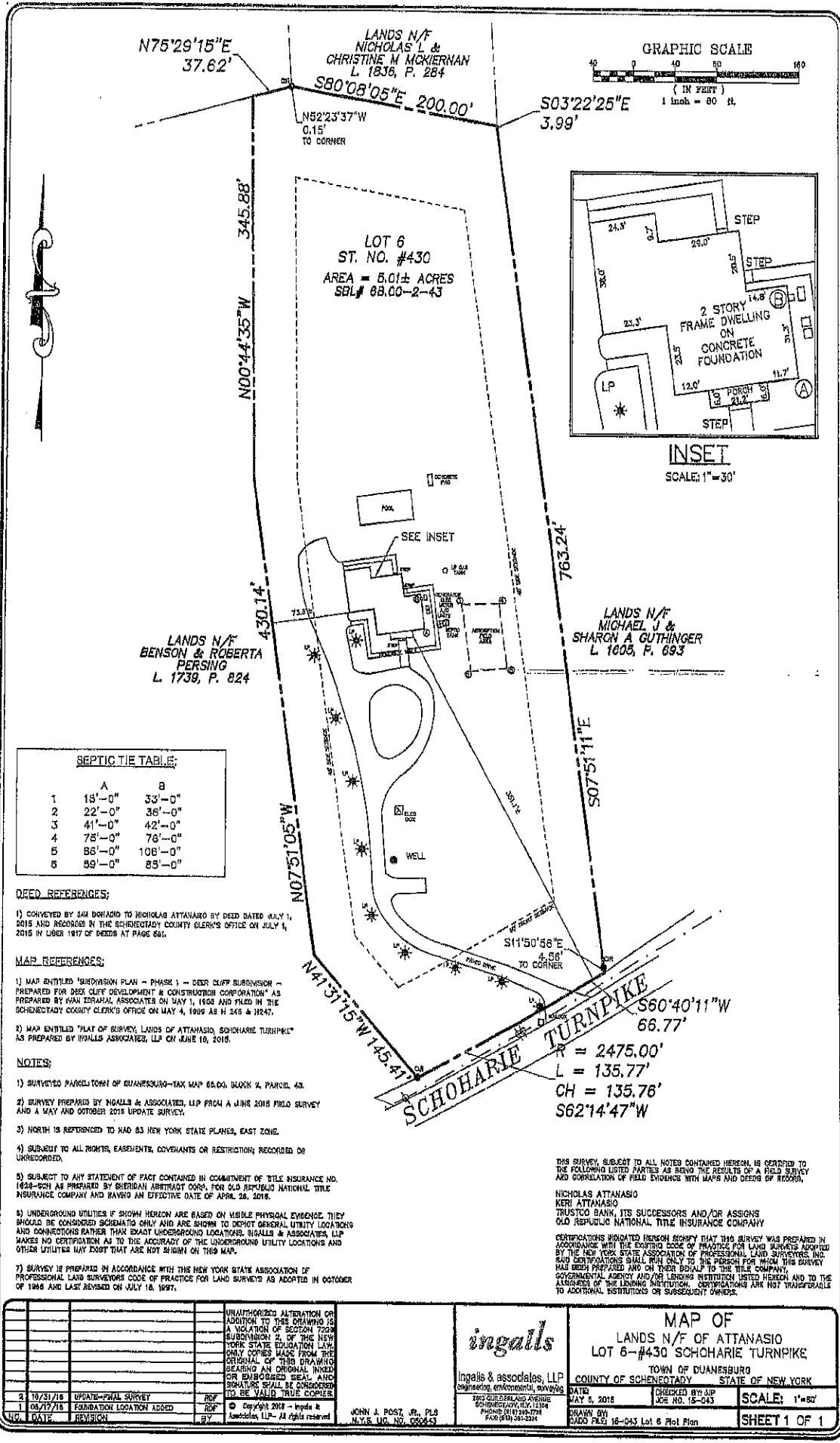
Date: \_\_\_\_\_

Revised 6/30/08

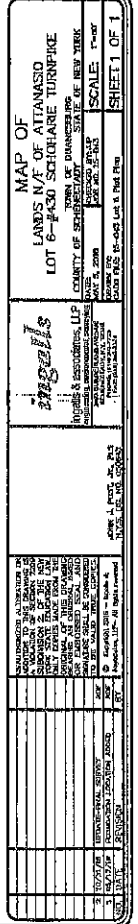
NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

ORIGINAL

RECEIVED  
JUN 23 2023



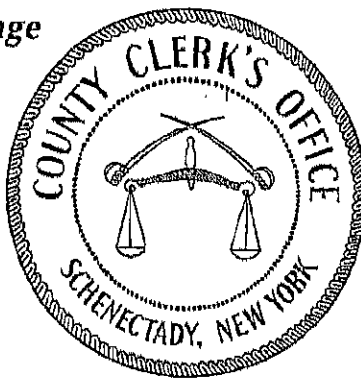
ORIGINAL





80-  
156-  
160-  
Schenectady County Endorsement Page

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



RECEIVED  
JUN 15 2023

Document Type Warranty Deed

From Party Sam Donadio

To Party Nicholas Attanasio

RETURN TO Kathleen Tashjian Eso.

101 Mohawk Ave.

Scotia, N.Y. 12302

RECORDED  
07/01/2015 12:15:08 PM  
County Clerk  
JOHN J. WOODWARD  
SCHENECTADY COUNTY, NY

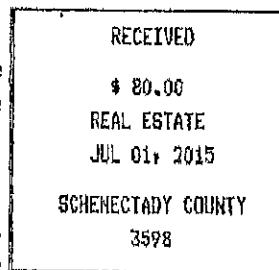
Book/Pages: DEED/1917/581  
Total Pages: 4

Receipt No: 823088  
Doc No: 2015-2351  
Inst Num: 201529645

NY REALTY TRANSFER TAX	\$80.00
NY LAND SUR	\$4.75
NY E & A FEES	\$241.00
NY LAND COMP SUR	\$14.25
CO GENERAL REVENUE	\$45.00
CO LAND SUR	\$0.25
CO E & A FEES	\$7.00
CO LAND COMP SUR	\$0.75
TOTAL PAID	\$395.00
INV: 823088 USER: GNS	

**ATTENTION:** If the R & R (Record and Return to) on the cover page is different from the one on the document, the document will be returned to the one on the cover page.

**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.



Please be advised that General Business Law Section 399-dd(6) states as follows:

No person may file any document available for public inspection with any state agency, political subdivision, or in any court of this state that contains a social security account number of any person, unless such other person is a dependant child, or has consented to such filing, except as required by federal or state law or regulation, or by court rule.

It further states that under General Business Law Section 399-dd(7) that the NYS Attorney General's Office may take action against you for any violation of General Business Law Section 399-dd.

RECEIVED  
JUN 15 2023

RECORD & RETURN TO:  
DEAN RIGGI, ESQ.  
101 Mohawk Avenue, Scotia, NY 12302

## WARRANTY DEED

THIS INDENTURE, made the 1<sup>st</sup> day of July, 2015,

BETWEEN

**SAM DONADIO**, residing at 231 South Wescott Road, Schenectady, New York 12306,  
party of the first part, *and*

**NICHOLAS ATTANSIO**, residing at 2133 Robinwood Avenue, Schenectady, New York 12306,  
party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration, does hereby grant and release unto the party of the second part, his heirs and assigns forever,

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND**, situate, lying and being in the Town of Duaneburg, County of Schenectady and State of New York, more particularly described as follows: Lot No. Six (6) in the Subdivision Plan - Phase 1 Deer Cliff Subdivision, made by Ivan Zdrahal Associates, dated May 1, 1998 and filed in the Schenectady County Clerk's Office on May 4, 1989 in Cabinet H as Map Nos. 246 and 247.

A more modern description is **SCHEDULE A ATTACHED AND MADE A PART OF THIS DEED.**

Subject to any existing right of way and easements, and any and all existing restrictions, conditions and covenants of record.

BEING the same premises conveyed by the County of Schenectady, New York to Sam Donadio by Quit Claim Deeds dated December 11, 2002 and recorded in the Schenectady County Clerk's Office on December 12, 2002 in Book 1640 of Deeds at Page 147.

**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, his heirs and assigns forever.

R.P.T.S.A.  
TAX MAP IDENT  
SEC 68.00 BLK 2 LOT 43

RECEIVED  
JUN 15 2023

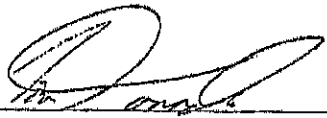
AND the said party of the first part covenant as follows:

FIRST, that the party of the second part shall quietly enjoy the said premises;

SECOND, that said party of the first part will forever WARRANT the title to said premises.

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

  
\_\_\_\_\_  
SAM DONADIO L.S.

STATE OF NEW YORK :

SS:

MONTGOMERY COUNTY :

On this 15<sup>th</sup> day of July, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared, SAM DONADIO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

DOUGLAS E. LANDON  
Notary Public, State of New York  
Qualified in Montgomery County  
No. 4982688  
Commission Expires February 26, 2018

RECEIVED  
JUN 15 2023

DEED Book 1917 Page 584...  
Doc No 2015-2351

SCHEDULE A

DESCRIPTION 5.01 ACRE PARCEL

ALL THAT PIECE OR PARCEL OF LAND LOCATED WITHIN THE TOWN OF DUANESBURG, COUNTY OF SCHENECTADY, AND STATE OF NEW. SAID PARCEL LYING ON THE NORTHERLY SIDE OF SCHOHARIE TURNPIKE AND BEING APPROXIMATELY 1715' SOUTHWESTERLY OF THE INTERSECTION OF ROUTE 20 - WESTERN TURNPIKE AND THE SCHOHARIE TURNPIKE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY SIDE OF THE SCHOHARIE TURNPIKE WITH THE DIVISION LINE OF THE HEREIN DESCRIBED PARCEL ON THE WEST AND LANDS OF GUTHINGER (L. 1605, P. 693) ON THE EAST. SAID POINT ALSO BEING SOUTH 11°50' 56" EAST, A DISTANCE OF 4.56" FROM AN EXISTING CAPPED IRON ROD. THENCE: ALONG THE NORTHERLY SIDE OF THE SCHOHARIE TURNPIKE THE FOLLOWING 2 COURSES AND DISTANCES:

1. SOUTH 60°40' 11" WEST, A DISTANCE OF 66.77' TO A POINT OF CURVATURE,
2. ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2475.00' AND ARC LENGTH OF 135.77' (CH = 135.76', SOUTH 62°14' 47" WEST)

TO THE POINT OF INTERSECTION OF THE NORTHERLY SIDE OF SCHOHARIE TURNPIKE WITH THE DIVISION LINE OF THE HEREIN DESCRIBED PARCEL ON THE EAST AND LANDS OF PERSING (L. 1739, P. 824) ON THE WEST. THENCE: ALONG THE LAST MENTIONED DIVISION LINE THE FOLLOWING 3 COURSES AND DISTANCES:

1. NORTH 41°31' 15" WEST, A DISTANCE OF 145.41' TO A POINT,
2. NORTH 07°51' 05" WEST, A DISTANCE OF 430.14' TO A POINT,
3. NORTH 00°44' 35" WEST, A DISTANCE OF 345.88' TO THE POINT

OF INTERSECTION OF THE LAST MENTION DIVISION LINE WITH THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL ON THE SOUTH AND LANDS OF ASKEW (L. 1890, P. 703) ON THE NORTH. THENCE: NORTH 75°29' 15" EAST, A DISTANCE OF 37.62' TO THE POINT OF INTERSECTION OF THE LAST MENTIONED DIVISION LINE WITH THE DIVISION LINE OF THE HEREIN DESCRIBED PARCEL ON THE SOUTH AND LANDS OF MCKIERNAN (L. 1836, P. 284) ON THE NORTH. THENCE: SOUTH 80°08' 05" EAST, A DISTANCE OF 200.00' TO THE POINT OF INTERSECTION OF THE LAST MENTIONED DIVISION LINE WITH THE DIVISION LINE OF THE HEREIN DESCRIBED PARCEL ON THE WEST AND LANDS OF GUTHINGER (L. 1605, P. 693) ON THE EAST. THENCE ALONG THE LAST MENTIONED DIVISION LINE THE FOLLOWING 2 COURSES AND DISTANCES:

1. SOUTH 03°22' 25" EAST, A DISTANCE OF 3.99' TO A POINT,
2. SOUTH 07°51' 11" EAST, A DISTANCE OF 763.24' TO THE POINT

OR PLACE OF BEGINNING AND CONTAINING 5.01+/- ACRES OF LANDS.

PARCEL IS SHOWN ON MAP ENTITLED "PLAT OF SURVEY - LANDS OF ATTANASIO - SCHOHARIE TURNPIKE" AS PREPARED BY INGALLS & ASSOCIATES LLP ON JUNE 10, 2015

## 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 \_\_\_\_\_  
Case No. \_\_\_\_\_  
Returned \_\_\_\_\_

FROM: ☐ Legislative Body  
☒ Zoning Board of Appeals  
☐ Planning Board

Municipality: \_\_\_\_\_

TO: Schenectady County Department of Economic Development and Planning  
Schaffer Heights, 107 Nott Terrace, Suite 303  
Schenectady, NY 12308

(tel.) 386-2225  
(fax) 382-5539

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

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

SUBJECT: #23-13 Attanasio, Nichols: SBL#68.00-2-43, (C-1) located at 430 Schoharie Turnpike is seeking a side yard variance under Section #8.6.1 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: Carol Sowycz Title: Planning & Zoning Clerk  
Address: 5853 Western Turnpike Duanesburg NY 12056  
E-mail: csowycz@duanesburg.net Phone: (518) 895-2040

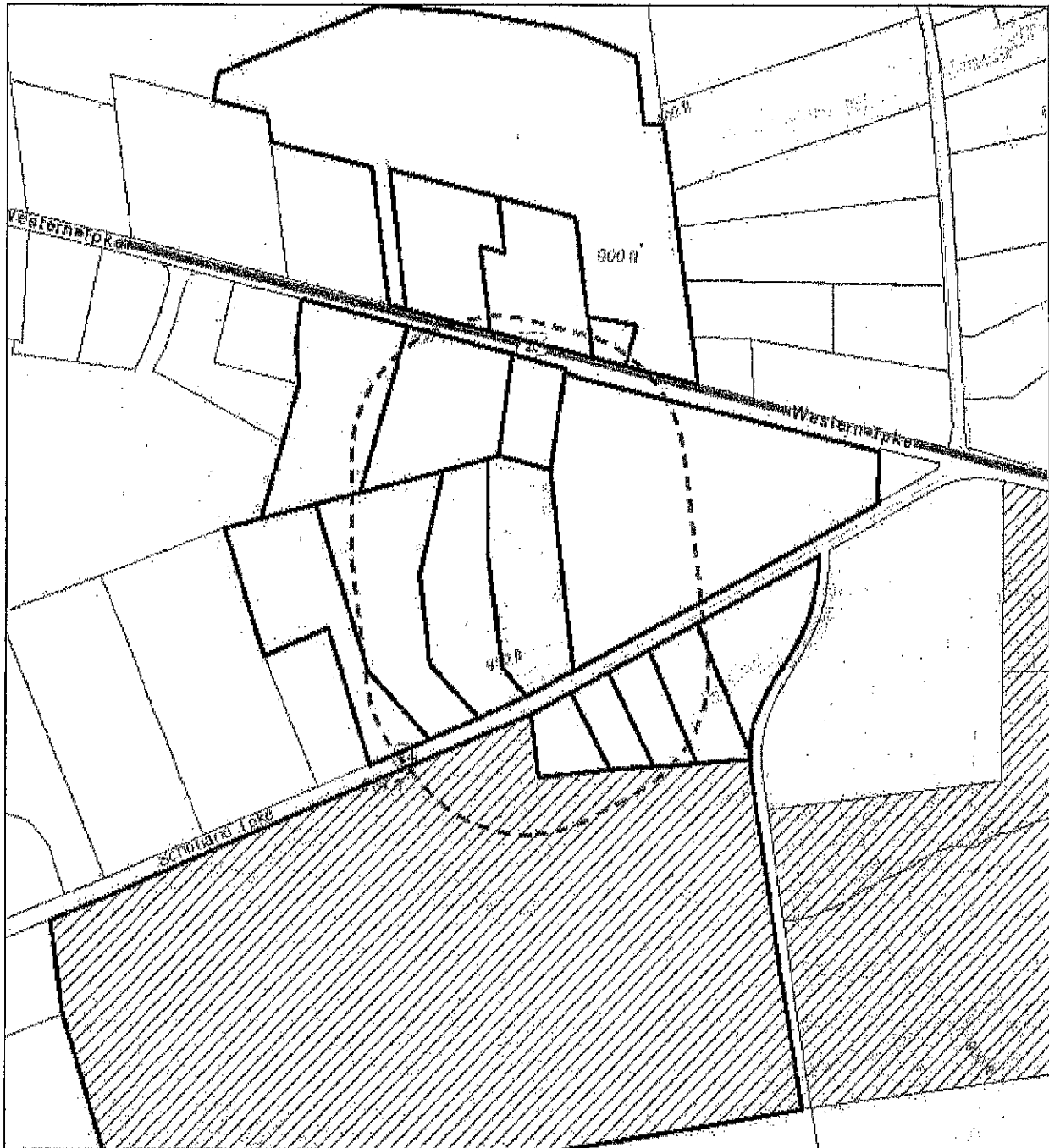
Date: 07/12/2023

Signature





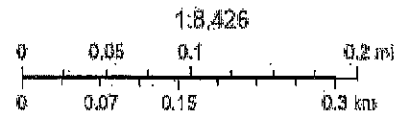
ORIGINAL

# Untitled Map



July 12, 2023

- Override 1  Parcels
- Override 1  AG Districts
- Override 1



Esri, Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, iVIGOR, NAVTEQ, NGA, NPS, NRC, USGS, USN, USRA

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

Nelson Gage, Zoning Board Chair  
Chris Parslow, Town Planner  
Carol Sowycz, Clerk  
Terresa Bakner, Attorney



TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 7-27-23 Zoning District R 2 Type of Variance  
☐ Use Variance ☒ Area Variance  
SBL# 52.00-1-43 Phone #: 518-864-5997 Email: \_\_\_\_\_

1 ORIGINAL

Applicant's Name: Kyle S. Mugits

Applicant's Address: 7660 Maria Villa Rd.  
Delanson N.Y. 12053

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

Property Address (if different): 6363 State Hwy Rt 30 Duanesburg N.Y.

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

Proposal: (Brief description of request)  
Building set back of front

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.

Kyle S. Mugits  
Applicant

7-27-23  
Date

DIANE J. MARTIN  
Notary Public, State of New York  
No. 01MA6403020  
Qualified in Schenectady County  
Commission Expires: 1-13-2024

State of New York, county of Schenectady sworn this 27<sup>th</sup> day of July 2023, Notary Public

Diane J. Martin

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

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_  
Fee \_\_\_\_\_ Date \_\_\_\_\_ Check# \_\_\_\_\_ Rec'd By \_\_\_\_\_  
Hearing Date \_\_\_\_\_ Approved: YES NO Approval Date \_\_\_\_\_

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the Zoning Ordinance must be followed or the approval becomes null and void.

Other Conditions include: \_\_\_\_\_

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
(ZBA Chairperson)



## TOWN OF DUANESBURG

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

## Agricultural Data Statement

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

ORIGINAL

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

Applicant	Owner if Different from Applicant
Name: <u>Kyle S. Mugits</u>	Name: _____
Address: <u>7660 Maria Vile Rd</u>	_____
<u>Delanson N.Y. 12053</u>	_____

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:

15' FRONT YARD VARIANCE FOR NEW SINGLE FAMILY DWELLING

3. Location of project: Address: \_\_\_\_\_  
 Tax Map Number (TMP) \_\_\_\_\_

4. Is this parcel within an Agricultural District? ☒ YES ☐ NO (Check with your local  
 5. If YES, Agricultural District Number R-2 assessor if you do not know.)  
 6. Is this parcel actively farmed? YES ☐ NO ☒  
 7. List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES <input type="radio"/> NO <input type="radio"/>	Is this parcel actively farmed? YES <input type="radio"/> NO <input type="radio"/>
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES <input type="radio"/> NO <input type="radio"/>	Is this parcel actively farmed? YES <input type="radio"/> NO <input type="radio"/>

Kyle S. Mugits  
 Signature of Applicant

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

Reviewed by: \_\_\_\_\_  
 Christopher Parslow

\_\_\_\_\_  
 Date

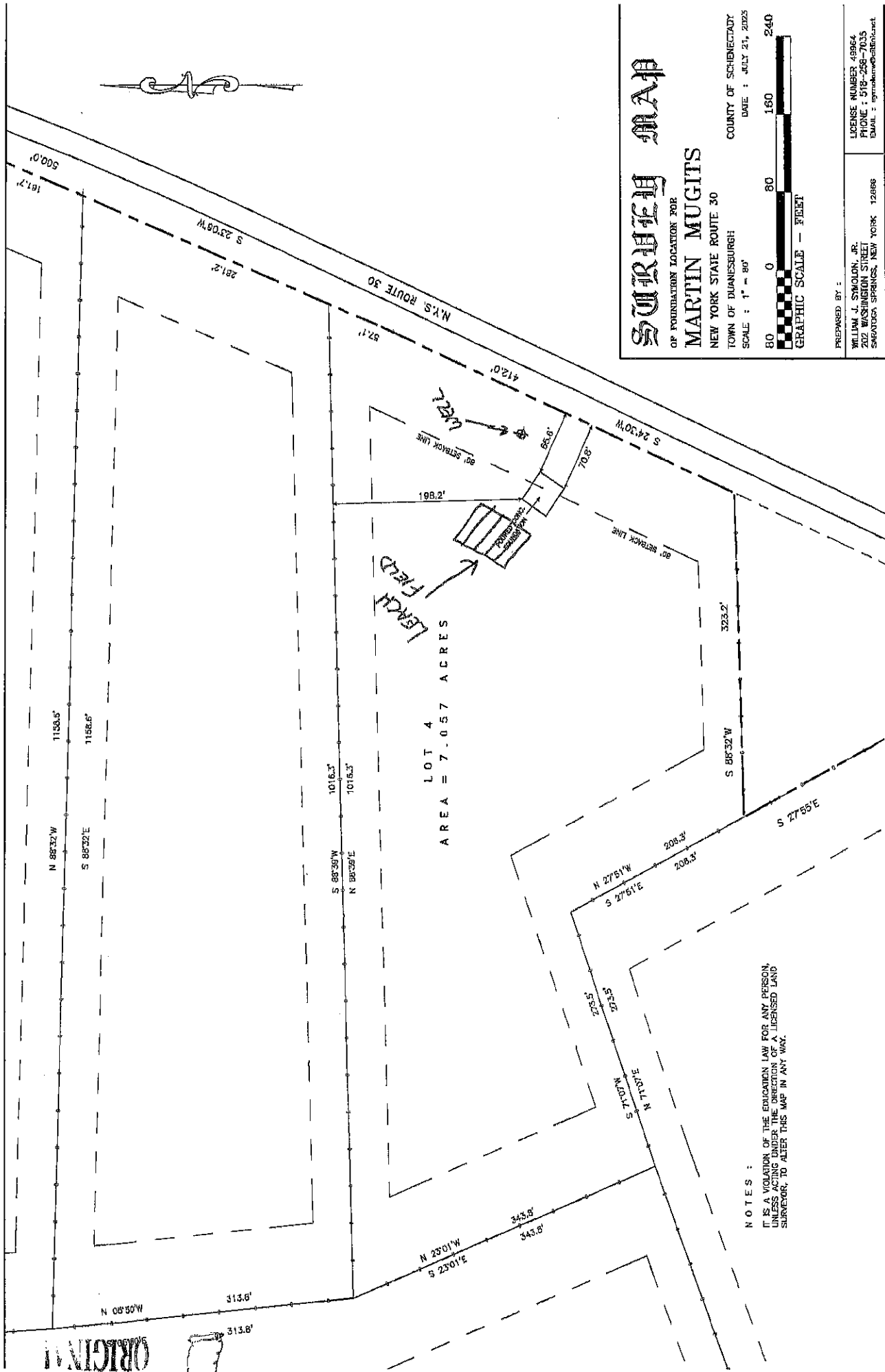
Revised 6/6/23

## FARM NOTE

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

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

ORIGINAL



LOT 4  
AREA = 7.057 ACRES

LEACH FIELD

90° SETBACK LINE

# SURVEY MAP

OF FOUNDATION LOCATION FOR  
MARTIN MUGITS

NEW YORK STATE ROUTE 30

TOWN OF DUANESEBURGH

SCALE : 1" = 80'

COUNTY OF SCHENECTADY

DATE : JULY 21, 2023



PREPARED BY :

WILLIAM J. SHOLAN, JR.  
2102 WASHINGTON STREET  
SARATOGA SPRINGS, NEW YORK 12866

LICENSE NUMBER 49964  
PHONE : 518-258-7035  
EMAIL : wjsholan@earthlink.net

## NOTES :

IT IS A VIOLATION OF THE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER THIS MAP IN ANY WAY.

## 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 \_\_\_\_\_  
Case No. \_\_\_\_\_  
Returned \_\_\_\_\_

**FROM:** ☐ Legislative Body  
☒ Zoning Board of Appeals  
☐ Planning Board



Municipality: \_\_\_\_\_  
Town of Duanesburg

**TO:** Schenectady County Department of Economic Development and Planning  
Schaffer Heights, 107 Nott Terrace, Suite 303  
Schenectady, NY 12308

(tel.) 386-2225  
(fax) 382-5539

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

**PUBLIC HEARING OR MEETING DATE:** October 19, 2017

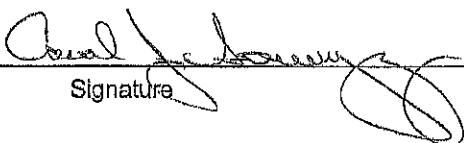
**SUBJECT:** Muglis, Kyle: SBL#52.00-1-43, (R2) located at 6363 State Highway 30 is seeking a front yard variance of 14 1/2 feet for a single family dwelling under section 8.6(1) of the Town of Duanesburg Zoning Ordinance.

**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: Carol Sowycz Title: Planning/Zoning Clerk  
Address: 5853 Western Turnpike Duanesburg, NY 12056  
E-mail: csowycz@duanesburg.net Phone: (518) 895-2040

  
Signature

Date: 8-3-2023

★

# OFFICE OF THE SCHENECTADY COUNTY CLERK

ORIGINAL



**JOHN J.  
WOODWARD**  
COUNTY CLERK  
CMC

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

MARYELLEN  
BREHM

CYNTHIA REEDY

CARA  
JASENSKI

JEFF MORRETTE  
DEPUTY COUNTY  
CLERKS

Instrument Number - 201731318  
Recorded On 7/13/2017 At 12:26:34 PM  
\* Instrument Type - DEED  
\* Book/Page - DEED/1966/891  
\* Total Pages - 3  
Invoice Number - 922490 User ID: ELM  
\* Document Number - 2017-3206  
\* Grantor - HELDERBERG REALTY LLC  
  
\* Grantee - MUGITS KYLE S

\*RETURN DOCUMENT TO:  
REBECCA MORSE HOUT ESQ  
PO BOX 528  
ALTAMONT, NY 12009


\* FEES

NY REALTY TRANSFER TAX	\$112.00
NY LAND SUR	\$4.75
NY E & A FEES	\$241.00
NY LAND COMP SUR	\$14.25
CO GENERAL REVENUE	\$40.00
CO LAND SUR	\$0.25
CO E & A FEES	\$9.00
CO LAND COMP SUR	\$0.75
TOTAL PAID	\$422.00

TRANSFER TAX

Real Estate Transfer Tax Num - 4519  
Transfer Tax Amount - \$ 112.00

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

  
John J. Woodward  
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 - 201731318



ORIGINAL

THIS INDENTURE, made the 18<sup>th</sup> day of July, 2017,

BETWEEN **HELDERBERG REALTY LLC**, a domestic limited liability corporation,  
having its principal offices located at 325 Old Stage Road, Altamont, New  
York 12009,

Party of the first part,

AND **KYLE S. MUGITS**, residing at 7660 Mariaville Road, Delanson, New York  
12053,

Party of the second part,

Witnesseth, that the party of the first part, in consideration

ONE and no/100----- (\$1.00) Dollar, lawful money  
of the United States, and 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, his heirs and assigns forever,

ALL THAT PIECE OR PARCEL of land situate in the Town of Duanesburg, County of Schenectady  
and State of New York being described as follows:

BEGINNING at a set re-rod in the westerly margin of New York State Route 30 where said westerly  
margin is intersected by the northerly line of lands conveyed to Borst by deed recorded in Book 1089 at page  
612 and running thence along said northerly line and along a stonewall S 88 degrees 32 minutes W a distance of  
332.34 feet to a set re-rod, thence through lands of Helderberg Realty and along a stonewall the following four  
courses: N 27 degrees 51 minutes W a distance of 208.27 feet to a set re-rod, S 71 degrees 07 minutes W a  
distance of 273.50 feet to a set re-rod, N 23 degrees 01 minutes W a distance of 343.76 feet to a set re-rod and N  
88 degrees 39 degrees E a distance of 1,016.26 feet to a set re-rod in the westerly margin of New York State  
Route 30, thence along said westerly margin the following two courses: S 23 degrees 06 minutes W a distance  
of 57.15 feet to a point and S 24 degrees 30 minutes W a distance of 411.98 feet to the point or place of  
beginning and containing 7.057 acres of land.

BEING a portion of the premises conveyed to Helderberg Realty, LLC, by Deed from Steven D.  
Poisman and Shirley T. Dorion, as Trustees of the Carol Poisman Family Living Trust, dated September 2, 2016  
and recorded in the Schenectady County Clerk's Office on September 6, 2016 in Book 1945 of Deeds at Page  
392.

This conveyance is made subject to the Declarations of Covenants recorded on April 11, 2017 in Book  
1960 of Deeds at Page 543.

Together with the appurtenances, and also 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, her heirs and assigns  
forever.

And said party of the first part covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises.

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

Third, That, in compliance with Section 13 of the Lien Law, the grantor 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 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.

R.P.T.S.A.  
TAX INCIDENT.  
52.00  
SEC 52.00  
LOT 1

43

0

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal the day and year first above written.

IN PRESENCE OF

Henry A. Whipple  
Helderberg Realty LLC  
By: Henry A. Whipple, President

STATE OF NEW YORK )  
COUNTY OF ALBANY ) SS.:

On the 10<sup>th</sup> day of July, 2017, before me, the undersigned, personally appeared HENRY A. WHIPPLE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Rebecca Morse Hout  
Notary Public

REBECCA MORSE HOUT  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ALBANY CO. #1947215  
COMMISSION EXPIRES 2/13/18

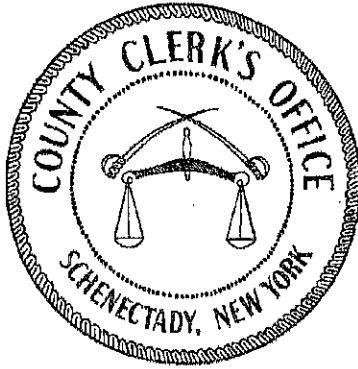
R.R.

Law Offices of Rebecca Morse Hout  
PO Box 528  
Altamont, New York 12009



ORIGINAL

STATE OF NEW YORK  
SCHENECTADY COUNTY } ss:



I, **Cara M. Ackerley**, Clerk of said County, and also Clerk of the Supreme and County Courts, being Courts of Record held therein, do hereby certify that I have compared the foregoing copy of:

Deed

With the original thereof as entered, filed and/or recorded in the office on July 13, 2017 in Book No.1966, commencing at page 891 and that the same is a true copy and transcript therefrom and of the whole thereof.

IN TESTIMONY WHEREOF, I have  
hereunto set my hand and affixed the  
seal of said Courts and County, the 24th day of July, 2023.

C. Ackerley

County Clerk

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 8/2/23 Zoning District R2 Type of Variance  
☐ Use Variance ☒ Area Variance  
SBL# 45.00-2-8.2 Phone #: 518 878 6906

Applicant's Name: Mison Davis

Applicant's Address: 103 1724 Skyline Dr  
Schenectady NY 12306

 ORIGINAL

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

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

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

Proposal: (Brief description of request) Permit # 6791  
Pool installation closer than 40' from property line due to  
placement of septic & leach field see attachment from septic  
company

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Twelve (15) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

**REQUIRED INFORMATION:**

- Copy of the property deed
- Location map showing the location of the property with
  - A) Name of applicant and SBL#
  - B) North arrow; Street and if applicable the lake shore
  - C) Adjoining property owners names with location of wells and septic systems within 100ft of the adjoining property boundaries
- Property map to scale
  - A) Name of applicant and SBL#
  - B) North arrow; Location of any structures currently on the property with dimensions of the structures and distances to the property boundaries
  - C) Location of proposed structure, dimensions and intended use; Distances from the proposed structure to the property boundaries
  - D) Location of well and septic system; Any easements or right of ways and any other geographic or environmental characteristics of the property which may have a bearing on the Board's decision

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

Mison Davis  
Applicant

8/2/23  
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 2nd day of August 2023 Notary Public

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

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_  
Fee \_\_\_\_\_ Date \_\_\_\_\_ Check# \_\_\_\_\_ Rec'd By \_\_\_\_\_  
Hearing Date \_\_\_\_\_ Approved: YES NO Approval Date \_\_\_\_\_

Conditions of approval: A permit must be obtained within 6 months of approval of this application and all other aspects of the Zoning Ordinance must be followed or the approval becomes null and void.

Other Conditions include: \_\_\_\_\_

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
(ZBA Chairperson)



## TOWN OF DUANESBURG

Application# 23-15

## Agricultural Data Statement

Date: 8/2/23

Instructions: Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review and approval would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

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

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:

Pool installation closer than 40' from property line  
due to location of septic & leach field

3. Location of project; Address: 1724 Skyline Dr Schady NY 12306

Tax Map Number (TMP) U 46.00-2-8.2

4. Is this parcel within an Agricultural District? ☒ YES ☐ NO (Check with your local  
 5. If YES, Agricultural District Number 50 assessor if you do not know.)  
 6. Is this parcel actively farmed? YES ☐ NO ☒  
 7. List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO
NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO	NAME: _____ ADDRESS: _____ Is this parcel actively farmed? YES NO

Alison Pauls  
 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.

# Untitled Map



ORIGINAL



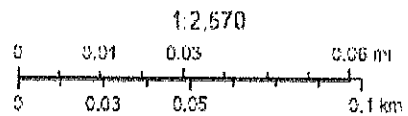
July 17, 2023

Override 1

0 0.01 0.02 0.03 0.04 0.05 0.06 0.07 0.08 0.09 0.1

Override 1

Parcels



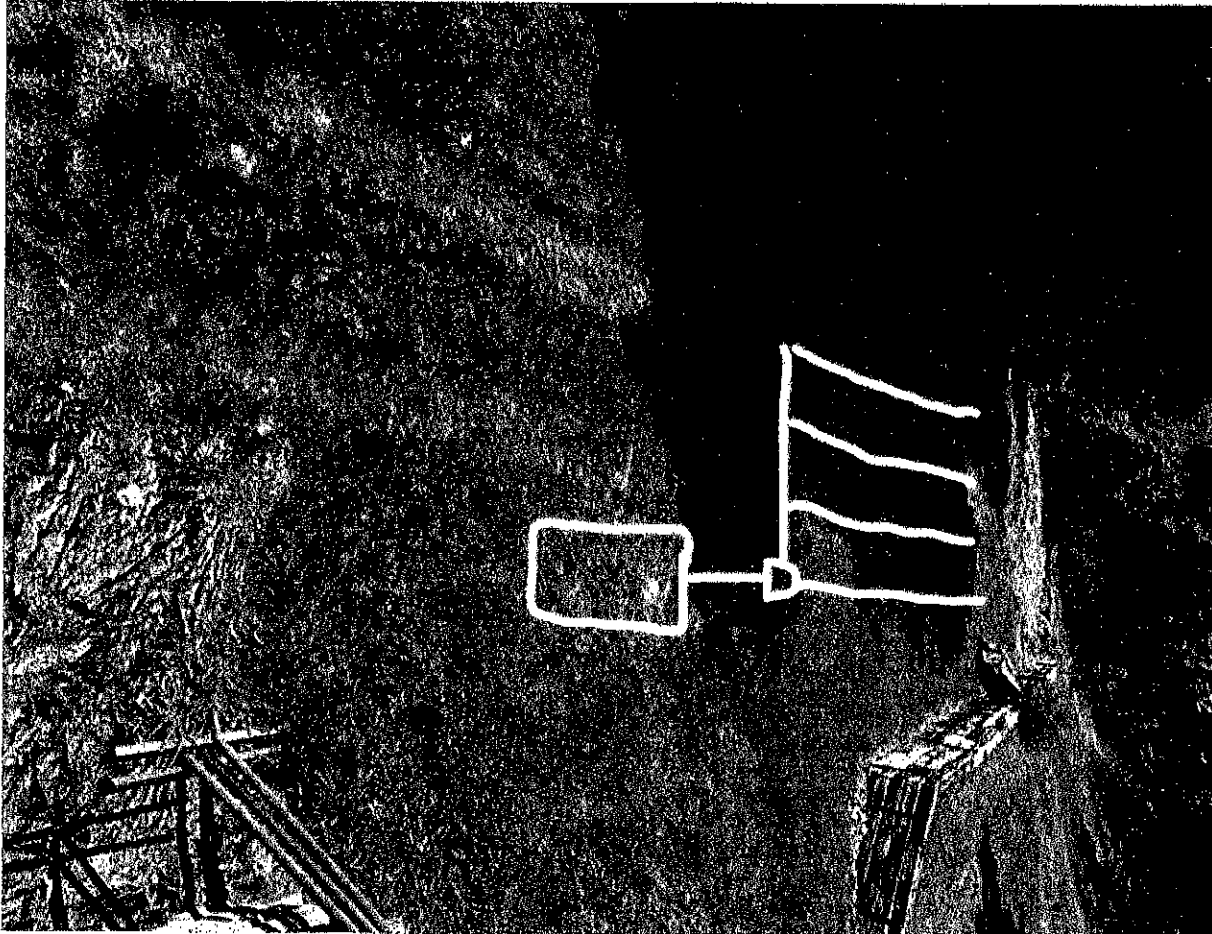
NYS GIS Program Office

No Author

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



ORIGINAL



***THIS INDENTURE***

Made this 14 day of JULY, 2023

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

Grantor,

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

Grantees,

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

**SEE SCHEDULE "A" ATTACHED HERETO**

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

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

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

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

**AND**, said Grantor covenant as follows:

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

**SECOND**, that Grantee shall quietly enjoy the said premises;

2 ORIGINAL

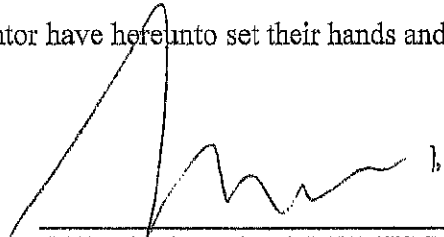
**THIRD**, that the premises are free from encumbrances, except as aforesaid,

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

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

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


**IN THE PRESENCE OF**

  
\_\_\_\_\_  
**SALVATORE JOSEPH FUSCO** L.S.

\_\_\_\_\_  
L.S.

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

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

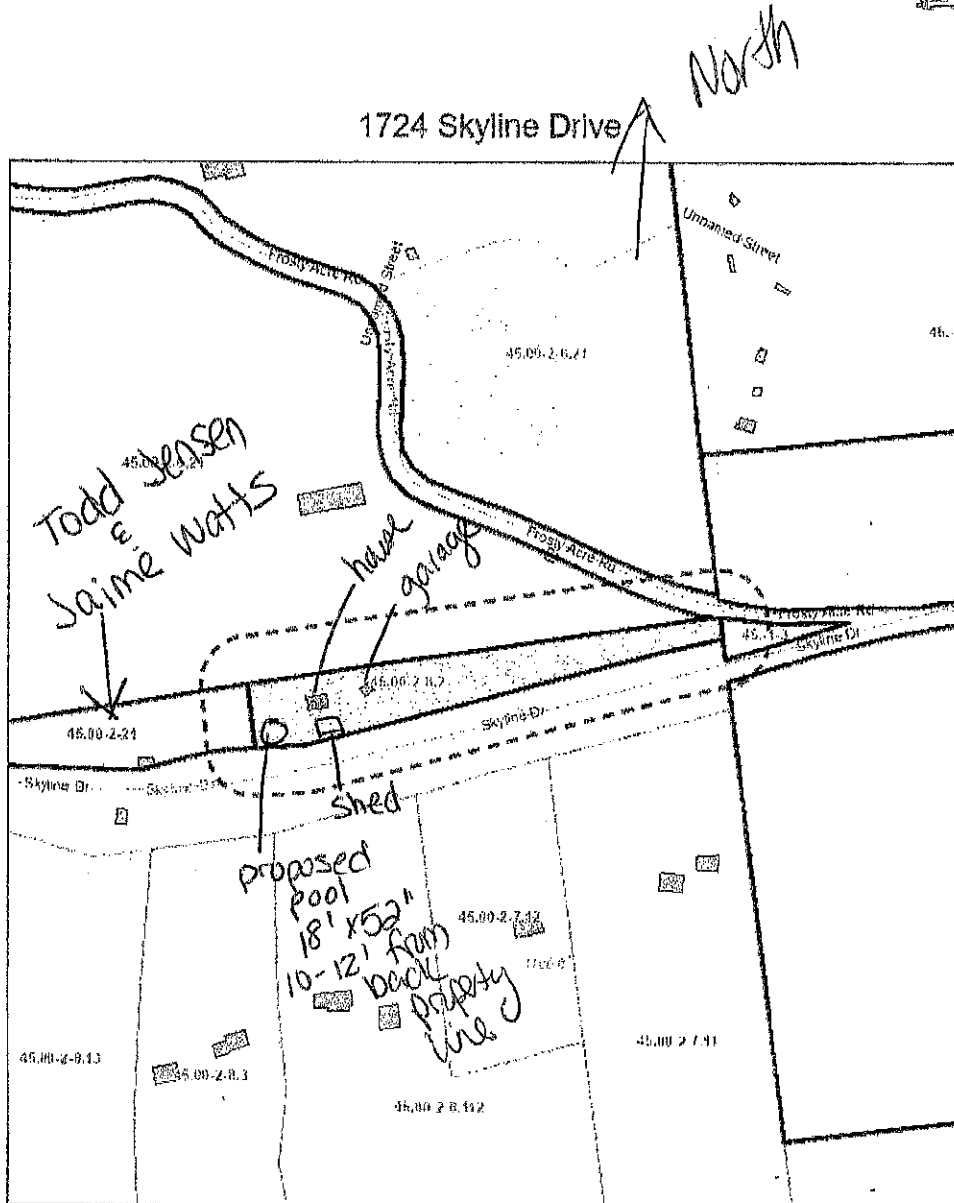
  
\_\_\_\_\_  
Notary Public

**RECORD & RETURN TO:**

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

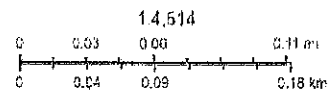


ORIGINAL



August 2, 2023

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



EST 021333 EPI HERE SAME, NOREMENT P USGS EPA USGS

No Author  
This map and story 3011 is provided as is. We have no warranties or guarantees, expressed or implied.

Nelson Gage, Chairperson  
Chris Parslow, Town Planner  
Carol Sowycz, Clerk  
Teresa Bakner, Board Attorney



TOWN OF DUANESBURG  
SCHENECTADY COUNTY

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

---

Town of Duanesburg  
Zoning Board Minutes  
July 18, 2023  
**Final Copy**

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

**INTRODUCTION:**

Chairman Gage welcomed everyone to the July 18<sup>th</sup> ZBA meeting. He stated that there are 3 public hearings and approval of the June 20<sup>th</sup>, 2023, meeting.

**OPEN FORUM:**

Chairman Gage opened the open forum at 7:01pm. Chairman Gage asked if anyone present at the meeting or on Zoom would like to participate in the open forum. No comments were made. Chairman Gage closed the open forum at 7:02PM.

**PUBLIC HEARINGS:**

**#23-11 Gervasio, Peter:** SBL#34.00-2-24, (R-2) located at 2503 Batter St. is seeking a front yard variance under Section #8.6.1 of the Town of Duanesburg Zoning Ordinance. Mr. & Mrs. Gervasio detailed that they are looking to build a 24x24 foot garage to the left side of their house, that the 40-foot front yard variance will allow them to place the garage in line with their 200-year-old house.

**Gage/Ganster** made a motion to open the public hearing regarding the Gervasio variance.

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

No comments made.

**Gage/Leoni** made a motion to close the public hearing for the Gervasio application.

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

**Ganster/Leoni** made a motion to grant Peter Gervasio a 40 feet front yard variance under Section 8.6(1) of the Town of Duanesburg Zoning Ordinance to build a 24x24 foot garage.

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

**#23-10 Bartoszek, Stephen:** SBL# 65.00-1-31-132, (R-2) located at 690 Gage Road Is seeking a 20-foot side yard variance under Section 8.6.2 of the Town of Duaneburg Zoning Ordinance. Mr. Bartoszek indicated that he is looking for a side yard variance to build a 24x40 foot pole barn.

**Gage/ Lack** made a motion to open the public hearing for the Stephen Bartoszek variance. Gage aye, Lack aye, Ganster aye, Boggs aye, Leoni aye. **Approved.**

No comment.

**Gage/Boggs** made a motion to close the public hearing for Stephen Bartoszek.

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

**Leoni/Boggs** made a motion to grant Mr. Bartoszek a 20-foot side yard variance under Section 8.6.2 of the Town of Duaneburg Zoning Ordinance.

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

**#23-12 Bollentin, Robert:** SBL#67.04-1-21, (R) located at 604 Duane Lake Road is seeking a front yard and side yard variance under section 7.2.6(1) & 7.2.6(2) of the Town of Duaneburg Zoning Ordinance. Mr. Bollentin stated that he is seeking the variance to build a 24x24 foot, 2 story, standalone garage on his property.

**Gage/Leoni** made a motion to close the public hearing for Robert Bollentin.

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

**Boggs/ Lack** made a motion to grant Mr. Bollentin a front and side yard variance under sections 7.2.6(1) & 7.2.6(2) of the Town of Duaneburg Zoning Ordinance.

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

Chairman Gage reopens the open forum at 7:30PM. Resident Lynn Bruning, 13388 Duaneburg Rd. stated that two more solar applications are in front of the planning board. She updated everyone on the Oak Hill Solar project stating:

1.- That in December 2022 several panels fell to the ground, and they remain there.

2.- That there has been no mowing done this year.

3.- There are pallets sitting on the side of Duaneburg Road that have been there since December 2022.

4.- That AMP vacated the structure in February 2023 and announced that the project had been sold. That all AMP projects in the USA are now owned by Canadian and Australian companies. She also stated that the company changed its name to Pure Sky Energy LLC. Which doesn't seem to be registered anywhere in the USA.

Chris Parslow, Code Enforcement Officer stated that the company was going to start mowing the next day and they would be starting construction in August.

Ms. Bruning also noted that more and more solar projects in nearby towns are being denied because they are not compliant with the Comprehensive Plan.

**Lack/Gage** made a motion to approve the June 20<sup>th</sup>, 2023, Zoning Board meeting minutes.

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

**Ganster/ Leoni** made a motion to adjourn tonight's meeting.

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