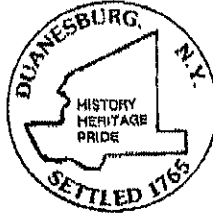


Nelson Gage, Chairperson
Chris Parslow, Town Planner
Coryn VanDeusen, Clerk
Teresa Bakner, Board Attorney

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



RECEIVED

NOV 22 2023

TOWN OF DUANESBURG
SCHENECTADY COUNTY

TOWN OF DUANESBURG
TOWN CLERK

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

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

INTRODUCTION:

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

OPEN FORUM:

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

PUBLIC HEARING:

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

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

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

NEW BUSINESS:

#23-16 Fritche, Jacqueline: SBL#34.08-1-17, (H) located at 9417 Mariaville Road is seeking a side yard variance of 6' to install a 12X24 shed 9' from side lot line under Section #9.6(2) of the Town of Duanesburg Zoning Ordinance. Sophia Mantzouris introduced herself as the representative for Jacqueline Fritche and gave a brief description of the property and where the resident would like the variance to be granted. Questions of where the creek and lake are located were presented by Chairman Gage. The shed is already in place and a building permit has not been obtained. A call was made to the town code enforcement officer Chris Parslow who went out and inspected the shed. The setbacks in a hamlet district are 15 feet on either side. Chairman Gage asked about the lot size, and it was determined that a tax map or survey map needs to be obtained since the width, depth, and area of the property were not provided. Chairman Gage asked if the owner will be present at the next meeting and Sophia Mantzouris advised that she will not be, and a written and signed letter was provided stating that Sophia Mantzouris is to represent Jacqueline Fritche. Jeanette Ray residing at 9389 Mariaville Rd spoke to the board addressing her concerns with two sheds, a fence, and the driveway on her property line. Jeanette Ray had her property surveyed and will bring the survey map to the next meeting. The residence was vacant for a period of time and was bought by Jacqueline Fritche in July 2023. The driveway was laid shortly thereafter and has been in use since. Chairman Gage advised that the code enforcement officer and the town attorney both investigate this application further and suggested to table the application to November. Both parties were advised to get their own copies of survey maps in case of any disagreement.

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

Other:

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

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

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

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

**Town of Duanesburg
Zoning Board of Appeals
October 17, 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:

OLD BUSINESS:

NEW BUSINESS:

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

Comments: _____

OTHER:

None

ZONING BOARD MEETING MINUTES:

September 19, 2023

Approved: Yes _____ No: _____

ADJOURNMENT

VARIANCE APPLICATION
TOWN OF DUANESBURG
ZONING BOARD OF APPEALS

Revised 03/5/15



ORIGINAL

Date: 9/16/23 Zoning District: H Type of Variance: ☒ Use Variance ☐ Area Variance
SBL# 34.08-1-17 Phone #: 518 571 8828 Email: _____

Applicant's Name: Jacqueline A. Fritche

Applicant's Address: 9417 Mariaville Rd Pattersonville NY 12137

Property Owner Name(if different): _____

Property Address (if different): _____

Property Owner's Signature _____

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

Proposal: (Brief description of request)

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

A copy of this notarized application and the accompanying information must be submitted to the Planning and Zoning Department for approval before being placed on the ZBA agenda. Eight (8) copies of this application must be reviewed and filed at least 10 days prior to the next ZBA meeting.

REQUIRED INFORMATION:

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

I certify that all the information submitted is true and accurate to the best of my knowledge. NOTARY PUBLIC-STATE OF NEW YORK

Applicant _____

Date

6 Sep 2023

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

JENNIFER M. HOWE
No 01H06351801
Qualified In Schenectady County
My Commission Expires 12-12-2024

***** (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# 23-16

Agricultural Data Statement

Date: 9/6/23

ORIGINAL

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

Applicant	Owner if Different from Applicant
Name: <u>Jacqueline Fritche</u> Address: <u>9417 Mariaville Rd</u> <u>Pattersonville NY 12137</u>	Name: _____ _____ _____

1. Type of Application: Special Use Permit; Site Plan Approval; Use Variance;
Area Variance; Subdivision Approval (circle one or more)
2. Description of proposed project:
Acquire a side yard variance of 6' to install
a 12x24 shed
3. Location of project: Address: 9417 Mariaville Rd
Tax Map Number (TMP) 34.08-1-17
4. Is this parcel within an Agricultural District? YES NO (Check with your local
5. If YES, Agricultural District Number _____ assessor if you do not know.)
6. Is this parcel actively farmed? YES NO
7. List all farm operations within 500 feet of your parcel. Attach additional sheet if necessary.

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

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by:

Christopher Parslow

Date

Revised 6/6/23

FARM NOTE

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

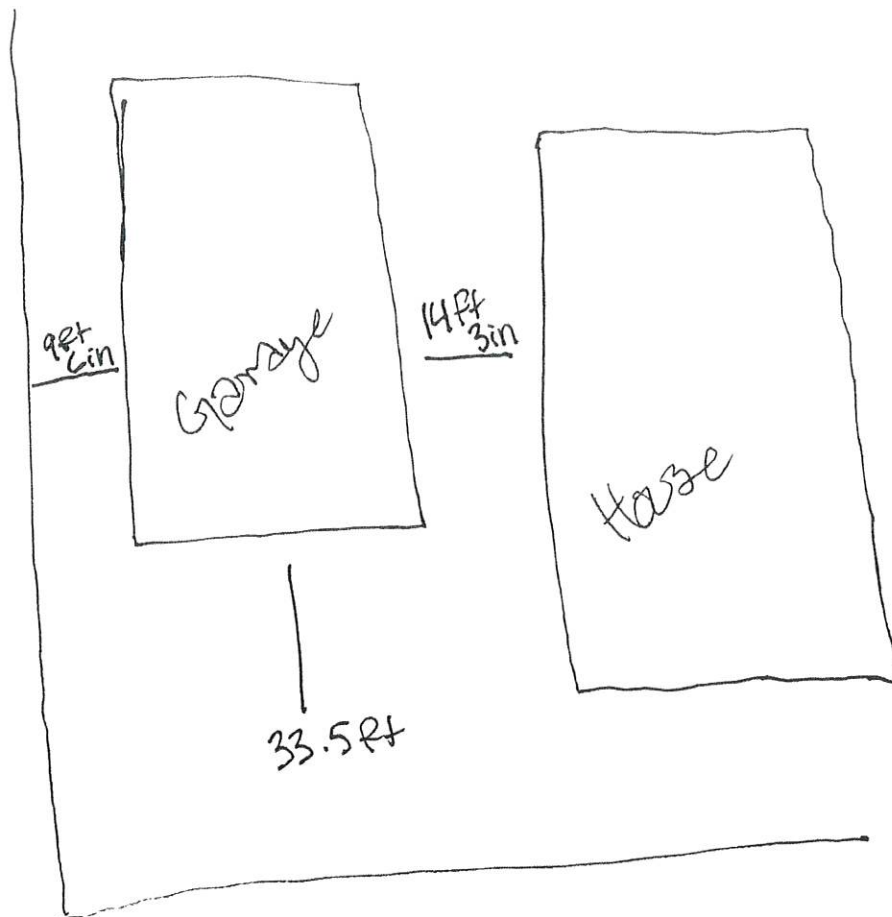
NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.



09/06/2023 13:38



ORIGINAL





OFFICE OF THE SCHENECTADY COUNTY CLERK

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



ORIGINAL

Cara M. Ackerley
County Clerk

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

* Grantee - FRITCHE JACQUELINE

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

* FEES

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

TRANSFER TAX

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

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

Cara M. Ackerley
Schenectady County Clerk

THIS IS AN ENDORSEMENT PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

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

INSTRUMENT NUMBER - 202346758

00491H



Warranty Deed -- with Lien Covenant



ORIGINAL

THIS INDENTURE

Rior 1

Made this 14 day of July, 2023

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

Grantor,

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

Grantee,

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

SEE SCHEDULE "A" ATTACHED HERETO

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

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

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

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

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

AND, said Grantor covenant as follows:

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

SECOND, that Grantee shall quietly enjoy the said premises;

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

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

17
R.P.T.S.A.
SEC 3488
IDENT.
DT

1

DEED Book 2113 Page 864
Doc No 2023-3172

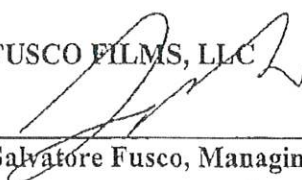
 ORIGINAL

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

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

IN THE PRESENCE OF

FUSCO FILMS, LLC


By: 
Salvatore Fusco, Managing Member

L.S.

L.S.

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

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


Notary Public

Record and Return:

SUSAN H. deVOE
Notary Public, State of New York
Registration No. 4989546
Qualified in Albany County
Commission Expires December 9, 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 866
Doc No 2023-3172

NOTICE OF DETERMINATION
of the Town of Duaneburg

Date of Determination 9/18/23

Application of JACQUELINE FRITCHE under section
9.6 (2) of the (Village of Delanson/ Town of Duaneburg)
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 DUANEBURG ZONING ORDINANCE ADOPTED 6/11/15 SECTION
9.6 (2) MINIMUM SIDE SETBACK SHALL BE 15' FROM THE
SIDE BUILDING LINE.

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

Code Enforcement Officer: *[Signature]*

ZONING COORDINATION REFERRAL

ORIGINAL For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the
proposed action.

Received _____
Case No. _____
Returned _____

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

Municipality:
Town of Duanesburg

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

(tel.) 386-2225
(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: 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 8' 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 1. Public hearing notice & copy of the application.
ENCLOSURES: 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:

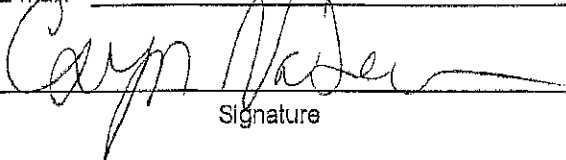
Name: Coryn VanDeusen

Title: Planning/Zoning Clerk

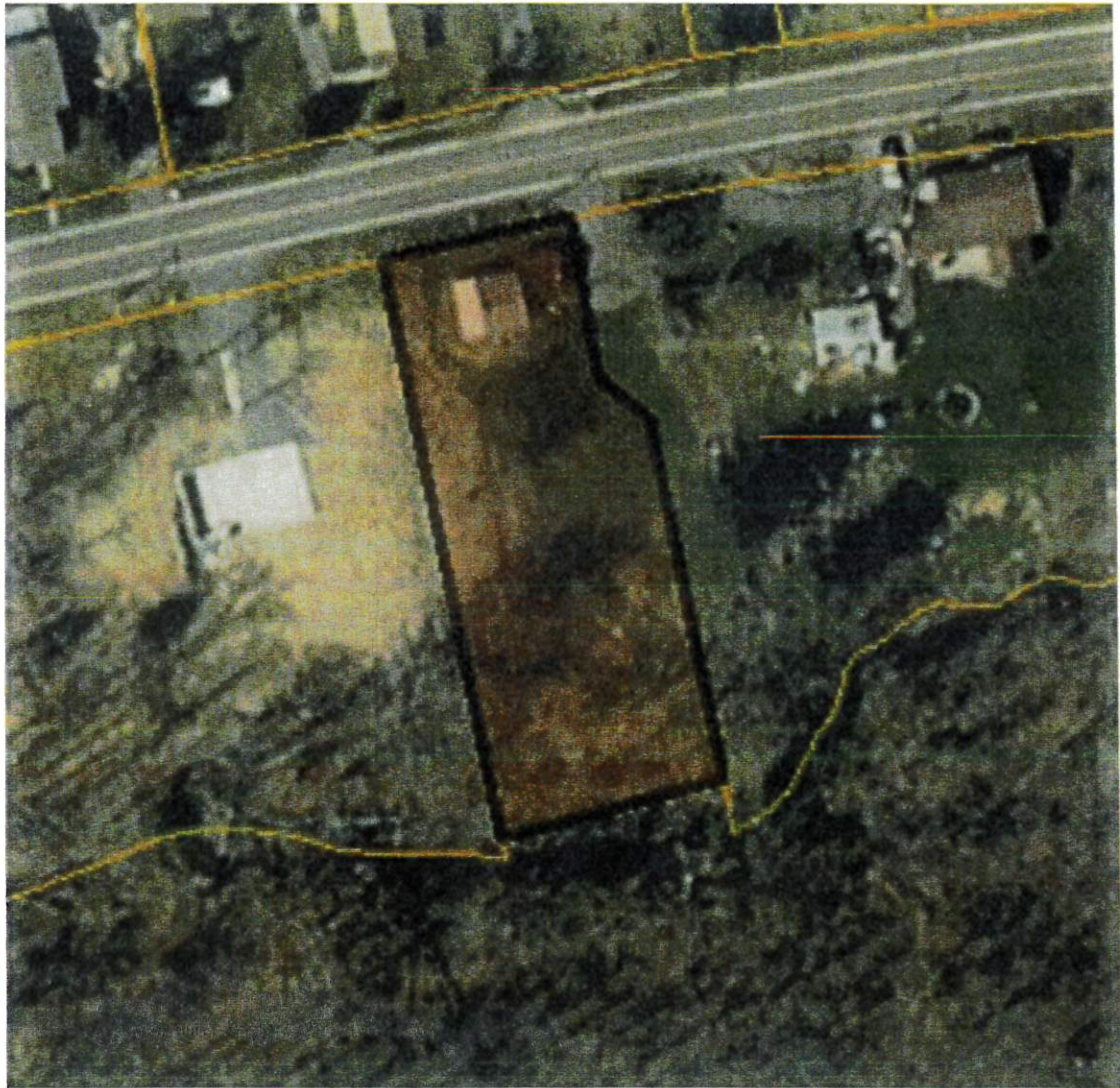
Address: 5853 Western Turnpike Duanesburg, NY 12056

E-mail: cvandeusen@duanesburg.net

Phone: (518) 895-2040


Signature

Date: 09/21/2023





American Council of
Engineering Companies

Lance A. Manus, P.E.

L M Associates

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

(518) 875-0785
Fax (518) 875-0785
LMAMANUS@MSN.COM

August 16, 2023

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

RECEIVED

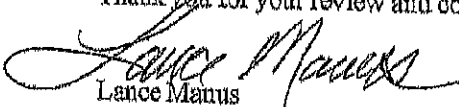
AUG 18 2023

Subject: Accessory Buildings

TOWN OF DUANESBURG
TOWN CLERK

Dear Mr. Gage,

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


Lance Manus

143 Albert Rd. Delanson

Cc: Teresa Bakner, Esq.

Steven and Ginny Sweeney

105 Albert Rd, Delanson, NY 12053

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

September 11, 2023

RE: SBL #65.00-1-19.2

Mr. Parslow

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

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

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

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

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

Sincerely,


Steven and Ginny Sweeney

518-334-2511

Nelson Gage, Chairperson
Chris Parslow, Town Planner
Coryn VanDeusen, 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
September 19, 2023
Final Copy

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

INTRODUCTION:

Chairman Gage welcomed everyone to the September 19th ZBA meeting. He stated that there are 2 public hearings with a third for Alisun Daus rescheduled to October because she couldn't be in attendance. He stated you can submit public comments prior to this meeting or be present in attendance. He asked if there was anyone in attendance regarding this matter on which there was no public comment.

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. Robert Eager residing at 768 Lawson Rd. spoke to the board about a zoning violation regarding a garage built too close to a property line. He brought a survey report showing this. The property owner had applied for a variance of 40 to 20 feet but was denied. The property owner then still went on to build the garage less than 10 feet from the property line with an issued permit. Chris Parslow, the town planner, states the landowner applied for variance in 2010 which was denied, but a building permit was issued with a 40-foot setback which was not abided by. A CO was issued, but the land was then surveyed thereafter, and it is only 9.6 feet from the property line. The board stated that this is an issue that needs to be addressed by the town attorney. Mr. Eager states that under Section 15 of the Town of Duanesburg ordinance the property owner should be notified and be asked to provide remedy to this issue. Chairman Gage reiterates that the town attorney must be addressed to resolve this issue. Chris Parslow, town planner, expresses to Mr. Eager that we are waiting to get advisement from the town attorney to properly send notice to the property owner. The town attorney is to be addressed Thursday 09/21/23 to address this issue and Mr. Eager shall receive correspondence by 09/22/2023. A garage was built with setbacks that were not abided by and broke the Zoning Law. Chairman Gage states he does not recall this application and the attorney and the Zoning Board need answers who will then give notice pertaining to this issue. Chairman Gage asks if Dale Warner, retired town planner, recalls the case. Chris Parslow states

Dale Warner signed the permit. The board states that this issue needs to be revisited and asks Mr. Eager when he has come aware of the issue. Mr. Eager states he became aware after researching online through SIMS and he then approached the property owner. Mr. Eager had the property surveyed to try to resolve issues for his family. Again, the board advises that the town attorney addresses the issue and Chris Parslow is to follow up with Mr. Eager.

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. Please see attached.

Chairman Gage states that the town attorney was approached regarding this issue, and she advised the board to hold a public hearing regarding this matter. Gage states that a motion to set a public hearing on October 17, 2023, to address an interpretation of the zoning code and an appeal of the building inspector's interpretation regarding setback requirements for accessory buildings 144 square feet or less is necessary.

Chairman Gage states that Zoom participation is now limited to audio only.

PUBLIC HEARING:

#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/Leoni made a motion to open a public hearing for Attanasio.

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

Mike Guthinger residing at 2003 Western Turnpike states his concern for water damage to his property due to this construction/drainage. Gary Relations residing 464 Schoharie Turnpike states that he has no issue with the construction of this building and that he supports it due to his property and horse pasture not being affected.

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

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

The Board states the findings of this application. It is a 12-foot variance on the west side. It will not affect the community/environment provided adequate water control is constructed.

Ganster/Boggs made a motion to approve the Attanasio application with conditions preventing runoff and adequate water control pursuant to Section 8.6.1 and a building permit must be obtained within 6 months.

Ganster aye, Boggs aye, Gage aye, Leoni aye, Lack 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 to open the public hearing regarding the Mugits application.

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

No public comment.

Gage/Boggs made a motion to close the public hearing regarding the Mugits application. The Board states the findings of this application. There is no impact on the environment or nearby properties.

Lack/Gage made a motion to approve the Mugits application, a 15-foot front yard variance, provided a new building permit be issued within 6 months.

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

Other:

The board discussed the setback requirements for accessory buildings under 144 square feet informally and a formal response is to come per town attorney Teresa.

Gage/Lack made a motion to set a public hearing on October 17, 2023, to address an interpretation of the zoning code and an appeal of the building inspector's interpretation regarding setback requirements for accessory buildings 144 square feet or less.

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

The board discussed Planning/Zoning training at HVCC.

Lack/Gage made a motion to approve the August 15, 2023, Zoning Board meeting minutes.

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

Lack/Gage made a motion to adjourn tonight's meeting. 8:36 PM.

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