

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

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



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OCT 18 2023

TOWN OF DUANESBURG  
SCHENECTADY COUNTY

TOWN OF DUANESBURG  
TOWN CLERK

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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 19<sup>th</sup> 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.

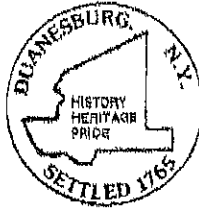
**Lack/Gage** made a motion to approve the August 15, 2023, Zoning Board meeting minutes.

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.

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  
September 19, 2023**

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**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:**

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

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

**#23-14 Mugits, Kyle:** SBL#52.00-1-43, (R-2) 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.

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

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

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

**OLD BUSINESS:**

None

**NEW BUSINESS**

**OTHER:**

None

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



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

**ZONING BOARD MEETING MINUTES:**

August 15, 2023

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

**ADJOURNMENT**

VARIANCE APPLICATION  
TOWN OF DUANESBURG  
ZONING BOARD OF APPEALS

Revised 03/5/15

Date: 6/9/23 Zoning District \_\_\_\_\_ Type of Variance  
SBL# 68.00-2-43 ☐ Use Variance ☐ Area Variance  
Phone #: 518-810-5650  
Applicant's Name: Nicholas Athanasio 518-414-1404  
Applicant's Address: 430 Schoharie Turnpike  
Duanesburg, NY 12056  
Property Owner Name (if different): Nicholas Athanasio  
Property Address (if different): 430 Schoharie Turnpike Duanesburg, NY 12056  
Property Owner's Signature Nicholas Athanasio  
(Signature of owner indicates they have reviewed the proposal and give their permission)  
Proposal: (Brief description of request) Install 28x40 2 stall 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 Athanasio  
Applicant

6/15/23  
Date

Justin M. Peabody

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

Justin M. Peabody  
Notary Public, State of New York  
Qualified in Albany County  
No. 01PE6403613

\*\*\*\*\* (For Office use only) \*\*\*\*\*  
Commission Expires January 27, 2029

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: 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>

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:  
Build a 28x40 Garage (2 car)  
28'x40' off property line  
Need 40'
3. Location of project: Address: 430 Schoharie Tpke Duanesburg NY 12056  
Tax Map Number (TMP) 68-0012-43
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: <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)

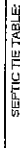
Reviewed by: \_\_\_\_\_  
Dale R. Warner

\_\_\_\_\_  
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.

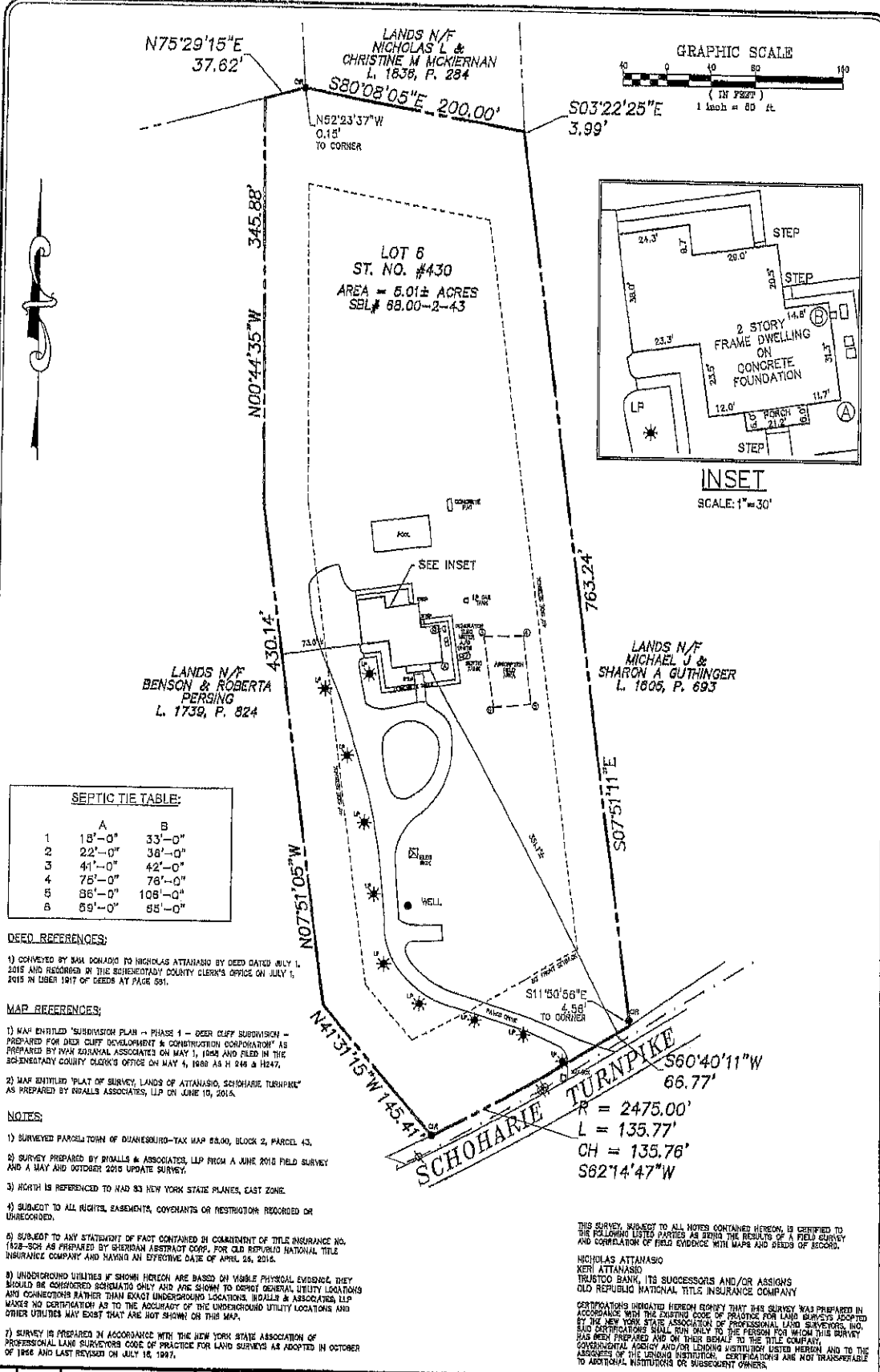
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JUN 23 2023



**SEPTIC TIE TABLE:**

	A	B
1	18'-0"	33'-0"
2	22'-0"	38'-0"
3	41'-0"	42'-0"
4	78'-0"	78'-0"
5	88'-0"	108'-0"
6	89'-0"	88'-0"

**DEED REFERENCES:**

1) CONVEYED BY NICK DONADIO TO NICHOLAS ATTANASIO BY DEED DATED JULY 1, 2015 AND RECORDED IN THE SCHOENETADY COUNTY CLERK'S OFFICE ON JULY 1, 2015 IN LIBER 1917 OF DEEDS AT PAGE 591.

**MAP REFERENCES:**

1) MAP ENTITLED "SUBDIVISION PLAN - PHASE 1 - DEER CLIFF SUBDIVISION - PREPARED FOR DEER CLIFF DEVELOPMENT & CONSTRUCTION CORPORATION" AS PREPARED BY WPA SURVIVAL ASSOCIATES ON MAY 1, 1998 AND FILED IN THE SCHOENETADY COUNTY CLERK'S OFFICE ON MAY 1, 1998 AS H 248 & H247.  
2) MAP ENTITLED "PLAT OF SURVEY, LANDS OF ATTANASIO, SCHOHARIE TURNPIKE" AS PREPARED BY INGALLS ASSOCIATES, LLP ON JUNE 10, 2015.

**NOTES:**

- 1) SURVEYED PARCELS TOWN OF DUANESEBROOK-TAX MAP 82.00, BLOCK 2, PARCEL 43.
- 2) SURVEY PREPARED BY INGALLS & ASSOCIATES, LLP FROM A JUNE 2015 FIELD SURVEY AND A MAY AND OCTOBER 2016 UPDATE SURVEY.
- 3) NORTH IS REFERENCED TO NAD 83 NEW YORK STATE PLANE, EAST ZONE.
- 4) SUBJECT TO ALL EIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS RECORDED OR UNRECORDED.
- 5) SUBJECT TO ANY STATEMENT OF FACT CONTAINED IN COMMITMENT OF TITLE INSURANCE NO. 1828-SCH AS PREPARED BY SHERRMAN ABSTRACT CORP. FOR OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND HAVING AN EXPIRATION DATE OF APRIL 26, 2016.
- 6) UNDERGROUND UTILITIES IF SHOWN HEREON ARE BASED ON VISIBLE PHYSICAL EVIDENCE. THEY SHOULD BE CONSIDERED SCHEMATIC ONLY AND ARE SHOWN TO DEPICT GENERAL UTILITY LOCATIONS AND CONNECTIONS RATHER THAN EXACT UNDERGROUND LOCATIONS. INGALLS & ASSOCIATES, LLP MAKES NO CERTIFICATION AS TO THE ACCURACY OF THE UNDERGROUND UTILITY LOCATIONS AND OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.
- 7) SURVEY IS PREPARED IN ACCORDANCE WITH THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS CODE OF PRACTICE FOR LAND SURVEYS AS ADOPTED IN OCTOBER OF 1966 AND LAST REVISED ON JULY 16, 1997.

THIS SURVEY, SUBJECT TO ALL NOTES CONTAINED HEREON, IS CERTIFIED TO THE FOLLOWING LISTED PARTIES AS BEING THE RESULTS OF A FIELD SURVEY AND CORRELATION OF FIELD EVIDENCE WITH MAPS AND RECORDS OF RECORD.

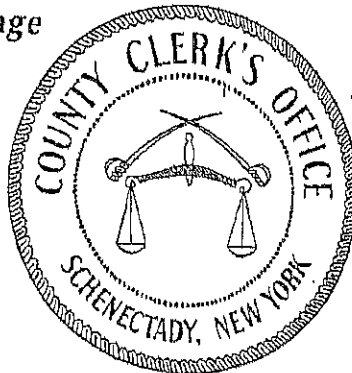
NICHOLAS ATTANASIO  
KERR ATTANASIO  
TRUSTCO BANK, ITS SUCCESSORS AND/OR ASSIGNS  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

CERTIFICATIONS INDICATED HEREON DENY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THIS SURVEY HAS BEEN PREPARED AND ON THEIR BEHALF TO THE TITLE COMPANY, GOVERNMENT AGENCY AND/OR LENDING INSTITUTION LISTED HEREON AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ANY OTHER INSTITUTIONS OR SUBSEQUENT OWNERS.

<p>UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 2206 SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES MADE FROM THE ORIGINAL OF THIS DRAWING BEARING AN ORIGINAL INKED OR EMBOSSED SEAL, AND SIGNATURE SHALL BE CONSIDERED TO BE VALID TRUE COPIES.</p> <p>© Copyright 2016 - Ingalls &amp; Associates, LLP - All rights reserved.</p>		<p><b>ingalls</b></p> <p>Ingalls &amp; Associates, LLP 2025 SCHOHARIE TURNPIKE SCHOENETADY, N.Y. 12150 PHONE: 518-353-2244 FAX: 518-353-2244</p>	<p><b>MAP OF</b> LANDS N/F OF ATTANASIO LOT 6-#430 SCHOHARIE TURNPIKE TOWN OF DUANESEBROOK COUNTY OF SCHOENETADY STATE OF NEW YORK</p> <p>DATE: MAY 6, 2016 CHECKED BY: JUP JOB NO. 15-043 SCALE: 1"=60' SHEET 1 OF 1</p>
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807  
1255.00  
120  
Schenectady County Endorsement Page

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



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

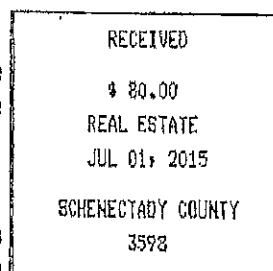
Book/Page: DEED/1917/581  
Total Pages: 4

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	\$9.00
CO LAND COMP SUR	\$0.75
TOTAL PAID	\$395.00
INV: 823088 USER: GMS	

**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 dependent 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.

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 Duanesburg, 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.I.S.A.  
TAX MAP IDENT  
68.000 BLK 2 LOT 43  
SEC

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.

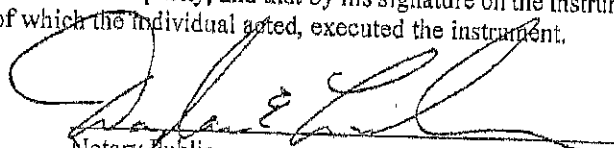
  
\_\_\_\_\_  
SAM DONADIO L.S.

STATE OF NEW YORK :

SS:

MONTGOMERY COUNTY :

On this 1<sup>st</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. 4962688  
Commission Expires February 26, 2018

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  $11^{\circ}50'56''$  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  $60^{\circ}40'11''$  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  $62^{\circ}14'47''$  WEST)

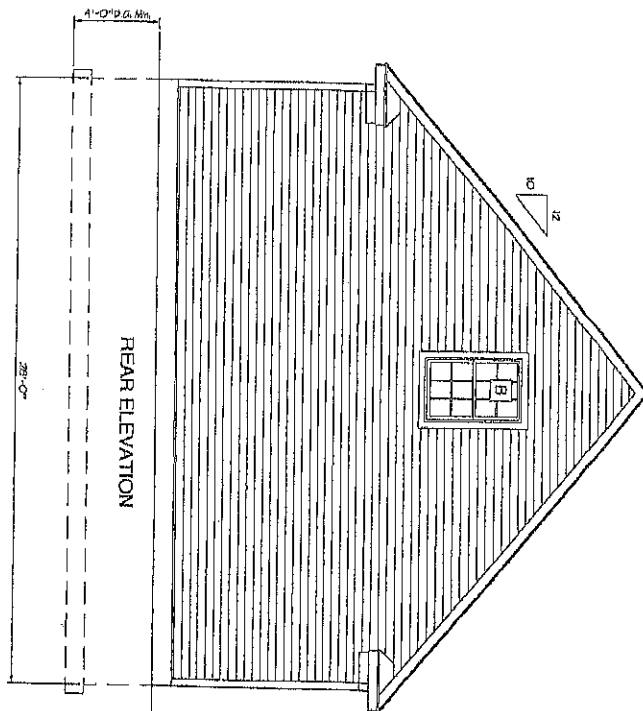
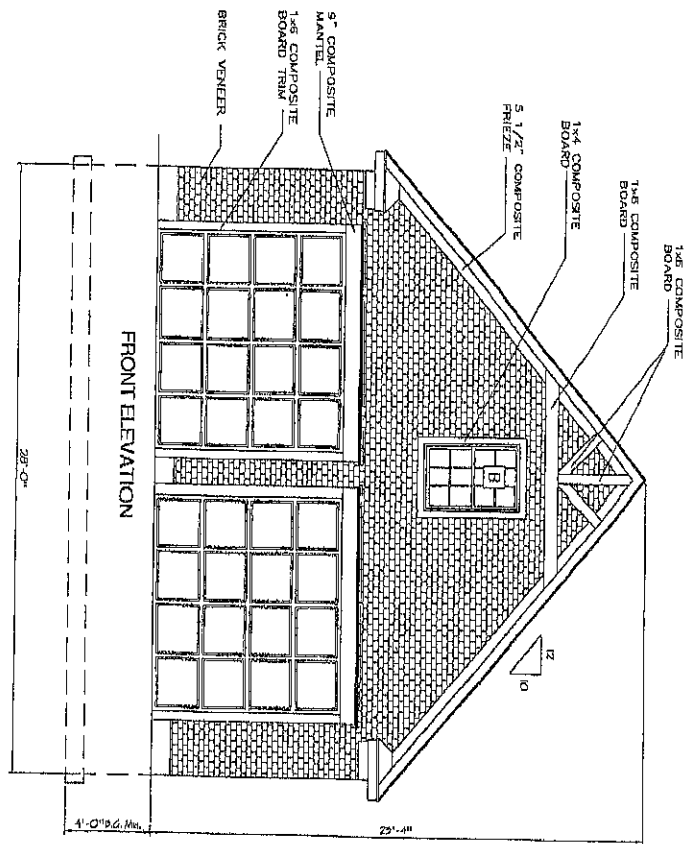
TO THE POINT OF INTERSECTION OF THE NORTHERLY SIDE OF SCHOHARIE TURNPIKE WITH THE DIVISION LINE OF THE HEREIN DESCRIBED PARCEL ON THE EAST AND LANDS OF PERSING (L. 1739, P. 824) ON THE WEST. THENCE: ALONG THE LAST MENTIONED DIVISION LINE THE FOLLOWING 3 COURSES AND DISTANCES:

1. NORTH  $41^{\circ}31'15''$  WEST, A DISTANCE OF 145.41' TO A POINT,
2. NORTH  $07^{\circ}51'05''$  WEST, A DISTANCE OF 430.14' TO A POINT,
3. NORTH  $00^{\circ}44'35''$  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  $75^{\circ}29'15''$  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  $80^{\circ}08'05''$  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  $03^{\circ}22'25''$  EAST, A DISTANCE OF 3.99' TO A POINT,
  2. SOUTH  $07^{\circ}51'11''$  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



### WINDOW SCHEDULE

#### ANDERSEN 200 SERIES WINDOWS OR EQUAL

LETTER	QTY.	CATL. NUMBER	ROUGH OPENING	LIGHT	VENT
A	4	244012050	5'-4\" x 5'-0"	18.8	10.7
B	2	244013046	3'-0\" x 4'-6"	9.29	5.42

### DOOR SCHEDULE

QTY.	UNIT	DOOR OR CASE	NOTES
1	THRESHOLD	1/2-LIGHT 2'-8\" x 6'-8\" STEEL	34 1/2\" x 82 1/2\" GARAGE SERVICE DR.

### GENERAL CONSTRUCTION NOTES

- 1.) ALL CONSTRUCTION TO COMPLY WITH NYS & LOCAL CODES.
- 2.) ALL ELECTRICAL WORK TO COMPLY WITH NATIONAL ELECTRIC CODE.
- 3.) ALL LUMBER EXCEPT WALL STUDS ARE SPRUCE-PINE-FIR #2.
- 4.) ALL HEADERS ARE TO BE 2\" x 10\"S UNLESS OTHERWISE SPECIFIED.
- 5.) ALL TRUSSES ARE TO BE ENGINEERED BY FABRICATOR AS PER DESIGN LOADS.
- 6.) DETAILED TRUSS DRAWINGS TO BE SUPPLIED BY FABRICATOR, AND TO BE APPROVED BY A NYS CERTIFIED ENGINEER.
- 7.) DESIGN LOADS:
  - SECOND FLOOR - 30 PSF LIVE LOAD
  - ROOF GROUND SNOW LOAD - 45 PSF LIVE LOAD
  - 10 PSF DEAD LOAD
  - 10PSF DEAD LOAD

A1

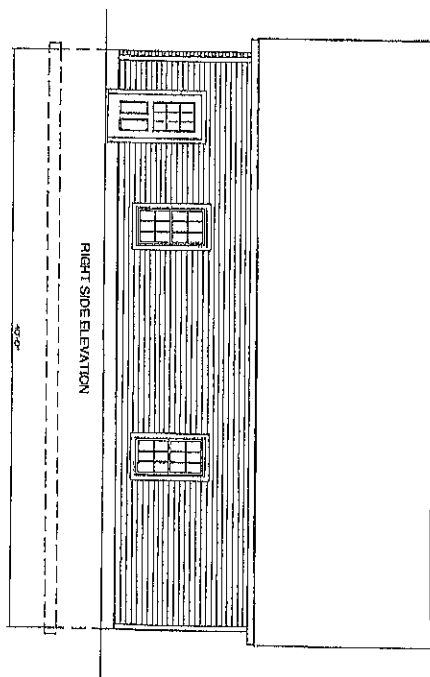
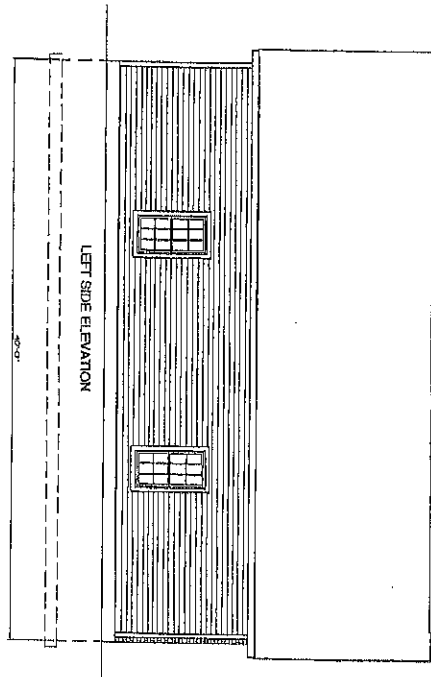
REVISION	DATE	MARK

QUANTITY	DATE	NUMBER

CAD FILE	430
DRAWN BY	WGS
CHECKED BY	WGS
SCALE	1/8\" = 1'-0"
DATE	8/16/23

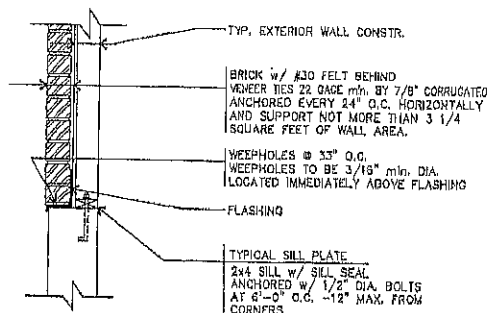
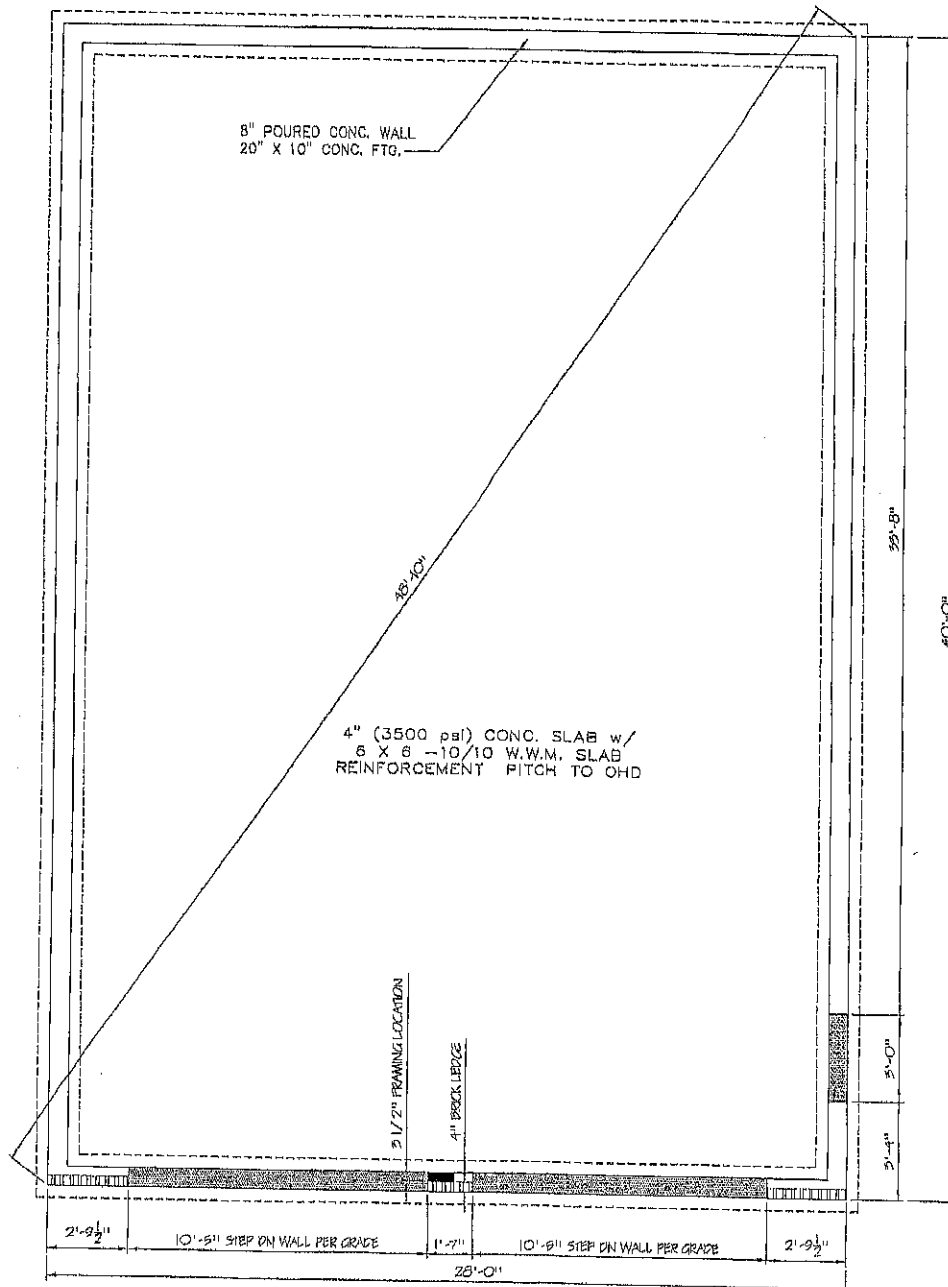
Proposed New Garage	
Duaneburg, NY 12056	
LOT #	430 Schoharie Turnpike
STREET #	

ATTANASIO RESIDENCE



SQUARE FOOTAGE STATISTICS	
GARAGE	1120
ATTIC STORAGE	410

A2	REVISION DATE      MARK		CHANGED ORDER DATE      NUMBER		DRAWN BY: 430 CHECKED BY: WGP SCALE: 1/8" = 1'-0" DATE: 6/15/73	Proposed New Garage Duaneaburg, NY 12056 LOT # STREET # 490 Schoharie Turnpike	ATTANASIO RESIDENCE
	SIDE ELEVATION CUT SECTIONS						



MASONRY VENEER WALL DETAIL

#### FOUNDATION NOTES

- 1) ALL WALLS ARE 8" CONCRETE POURED WALLS w/- 20" x 10" CONT. CONCRETE FTG.
  - 2) 2 ROWS # 4 BAR CONTINUOUS IN FOOTING.
  - 3) ALL DIMENSIONS ARE TO BE JOB VERIFIED AS PER CONTRACTOR.
  - 4) ALL DRAWINGS ARE NOT TO BE SOALED FROM FOR FIELD WORK.
- = DENOTES STEP DOWN FOUNDATION TO GRADE
- = BRICK VENEER LOCATION

A3

FOUNDATION  
PLAN

REVISION	DATE	BY	CHKD

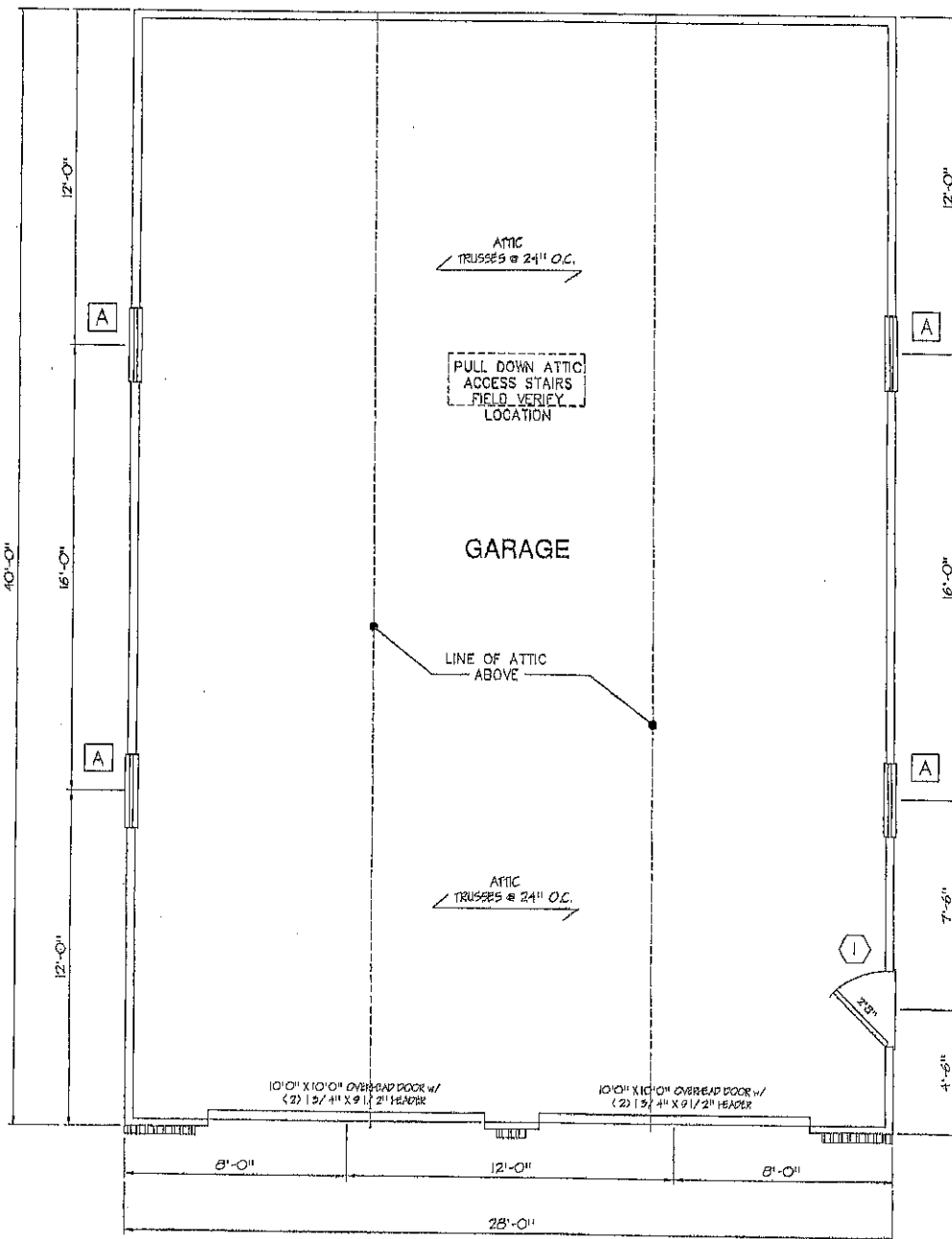
CHANGE ORDER	DATE	BY	CHKD

CADD PR-B1	430
DRAWN BY	WGS
CHECKED BY	WGS
SCALE	1/4" = 1'-0"
DATE	8/18/23

Proposed New Garage	
Duaneburg, NY 12058	
LOT #	
STREET #	430 Socharia Tumpike

ATTANASIO RESIDENCE





#### GENERAL FRAMING NOTES:

- 1) ALL 2" X 4" OUTSIDE WALLS ARE DRAWN AT A 3 1/2" THICKNESS
- 2) ALL DIMENSIONS ARE TO BE JOB VERIFIED AS PER CONTRACTOR.
- 3) ALL DRAWINGS ARE NOT TO BE SCALED FROM FOR FIELD WORK.

BRICK VENEER

A4	FIRST FLOOR PLAN	REVISION		CHANGE ORDER		CADD FILE:	430	Proposed New Garage	
		DATE	MARK	DATE	NUMBER	DRAWN BY:	WGS		
						CHECKED BY:	WGS	Duanesburg, NY 12056	
						SCALE:	1/4"=1'-0"	LOT #	430 Schcharle Turnpike
						DATE:	5/15/23	STREET #	

ATTANASIO RESIDENCE



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: \_\_\_\_\_

Applicant's Name: Kyle S. Mugits

Applicant's Address: 7660 Maria Villa Rd.  
Dunkirk 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. 01MA8403020  
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)

## 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>2660 Mariaville 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: _____ 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

Kyle S. Mugits  
Signature of Applicant

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

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

\_\_\_\_\_  
Date

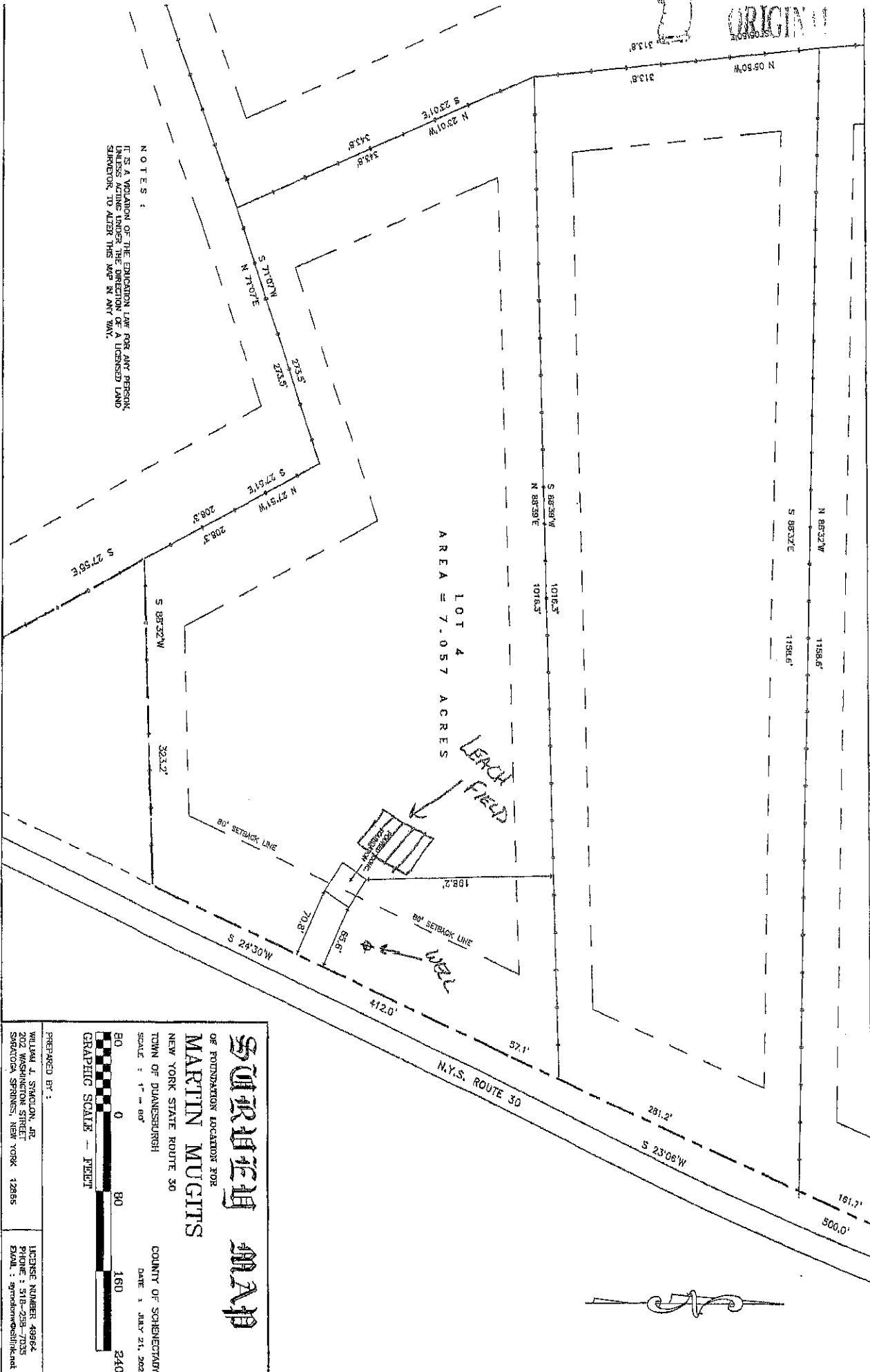
Revised 6/6/23

## 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



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 MANNER.

LOT 4  
AREA = 7.057 ACRES

LEACH FIELD

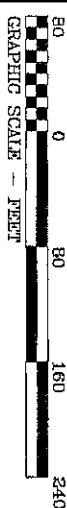
WELL

**SURVEY MAP**

OF FOUNDATION LOCATION FOR  
**MARTIN MUGITS**

NEW YORK STATE ROUTE 30  
TOWN OF DIANESEBURGH

COUNTY OF SCHENECTADY  
DATE: JULY 21, 2023



PREPARED BY:  
WILLIAM J. SANCION, JR.  
202 WASHINGTON STREET  
SARATOGA SPRINGS, NEW YORK 12866

LICENSE NUMBER 49964  
PHONE: 518-238-7235  
EMAIL: sjm@wjsa.com

## 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  
☐ Zoning Map Amendment  
☐ Subdivision Review  
☐ Site Plan Review  
☐ Special Permit  
☐ Use Variance  
☒ Area Variance  
☐ 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



**JOHN J.  
WOODWARD**  
COUNTY CLERK  
CMC

# OFFICE OF THE SCHENECTADY COUNTY CLERK

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



ORIGINAL

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*

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.

43

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

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

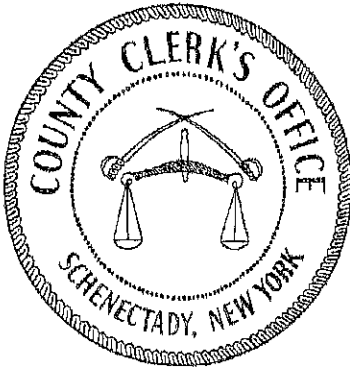
REBECCA MORSE HOUT  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ALBANY CO. #4947215  
COMMISSION EXPIRES 2/13/18

R&R

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

STATE OF NEW YORK  
SCHENECTADY COUNTY } ss:

ORIGINAL



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 6900

Applicant's Name: Alison Davis

Applicant's Address: 1724 Skyline Dr  
Schenectady NY 12306

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

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

Property Owner's Signature Alison 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.

Alison Davis  
Applicant

8/2/23  
Date

JENNIFER M. HOWE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01H06351801  
Qualified in Schenectady County  
My Commission Expires 12-12-2024

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

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

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

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

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

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

## Agricultural Data Statement

Date: 8/2/23

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

Applicant	Owner if Different from Applicant
Name: <u>Alison Davis</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) 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: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
Is this parcel actively farmed? YES NO	Is this parcel actively farmed? YES NO

Alison Davis  
Signature of Applicant

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

Reviewed by: \_\_\_\_\_

Christopher Parslow

Date \_\_\_\_\_

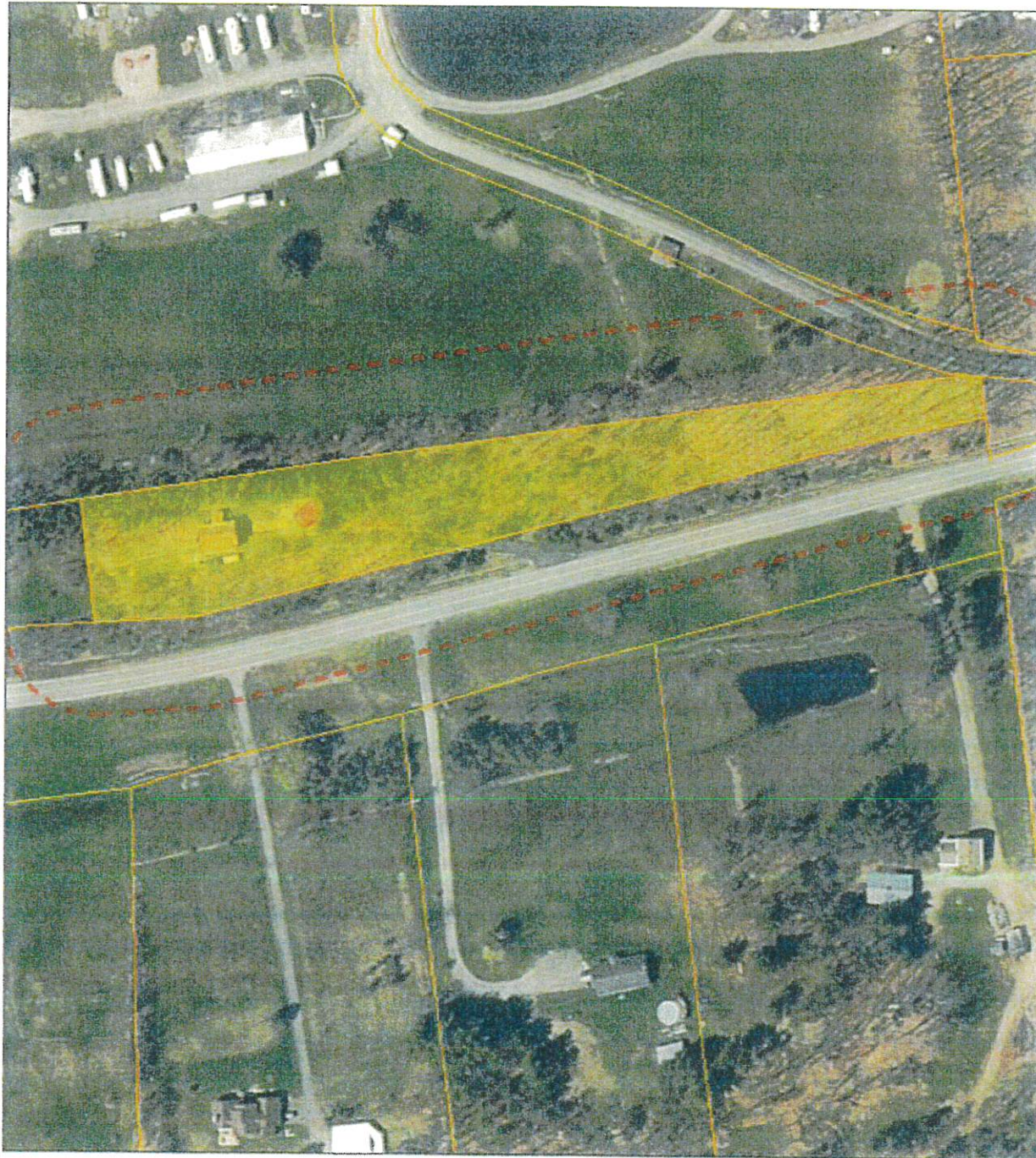
Revised 6/6/23

## 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



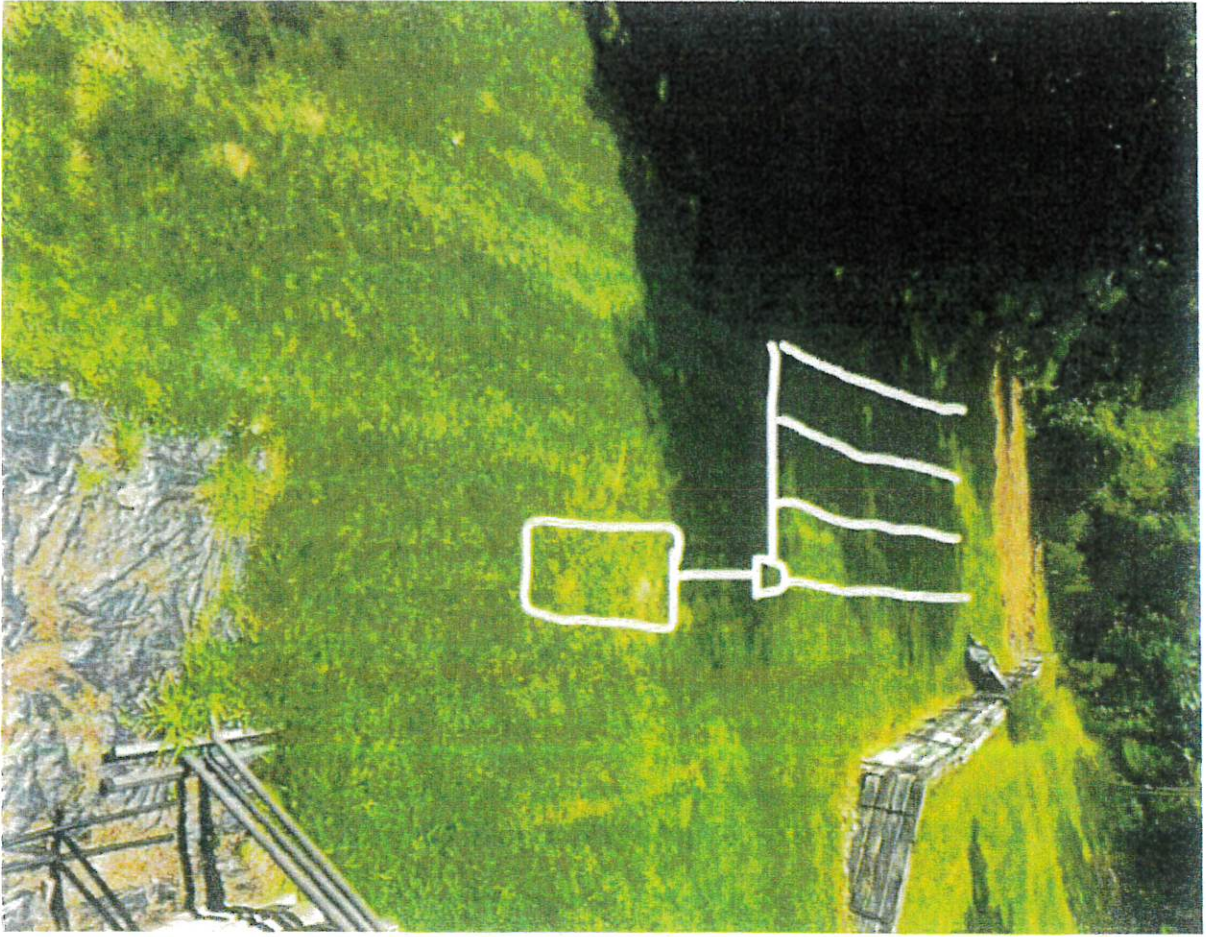
July 17, 2023

-  Override 1
-  Override 1
-  Parcels



© 2023 Google





Warranty Deed – with Lien Covenant

***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:~~

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**SEE SCHEDULE "A" ATTACHED HERETO**

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**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;

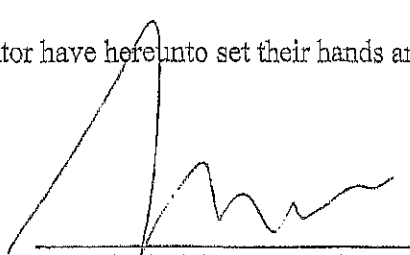
THIRD, that the premises are free from encumbrances, except as aforesaid,

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.:

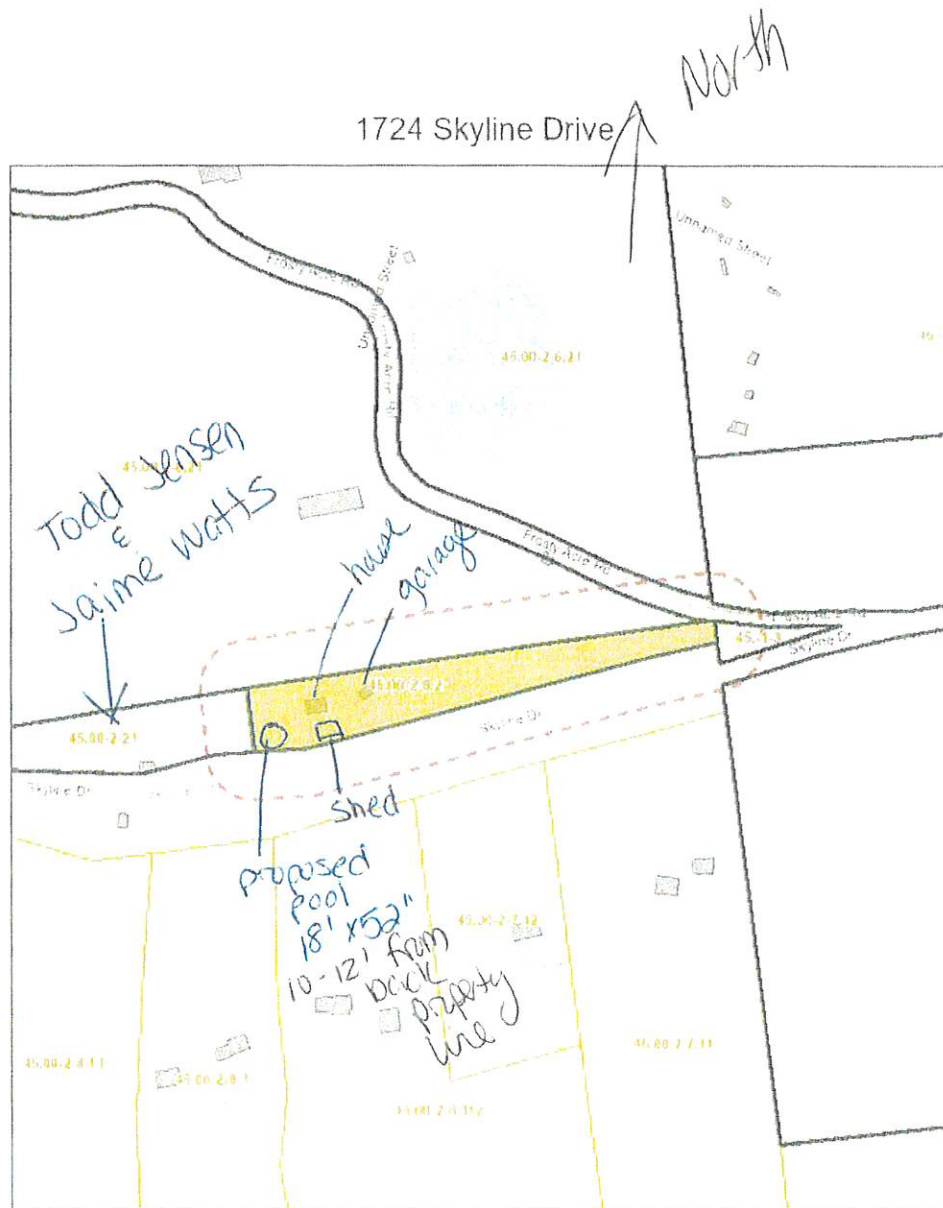
On this 14 day of JULY, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared **SALVATORE JOSEPH FUSCO** personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged 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





August 2, 2023

1:1511

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



FILED: 2023-08-02 10:14 AM

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American Council of  
Engineering Companies

## L M Associates

Lance A. Manus, P.E.

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

(518) 875-6765  
Fax (518) 875-6765  
LMAMANUS@MSN.COM

August 16, 2023

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

RECEIVED

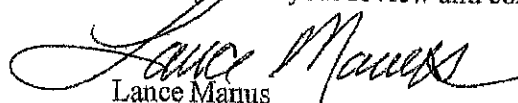
AUG 18 2023

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

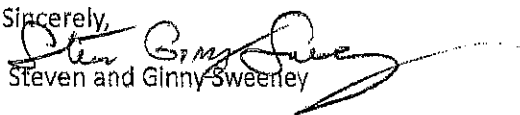
In the letter Mr. Manus request that a building on a property should be moved as it is combustible. He specifically states "This storage building is combustible", and suggests that "it may even store flammable materials".

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.

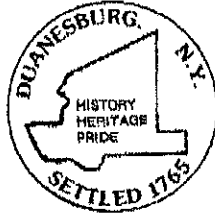
We are away on the 19<sup>th</sup>. Please pass along this information to the Board.

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

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

**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.**