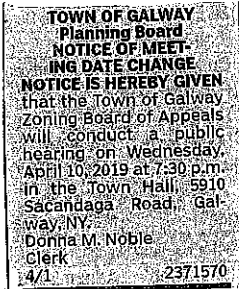


State of New York,
City and County of Schenectady

ss.:



Diana Scheuer of the City of Schenectady, being duly sworn, says that he/she is Principal Clerk in the office of the Daily Gazette Co., published in the City of Schenectady and that the notice/advertisement, of which the annexed is a printed copy, has been regularly published in the Daily Gazette and/or Sunday Gazette as follows:

1 insertion on April 1, 2019

Sworn to me on this 2nd day of April, 2019

NOTARY PUBLIC

ALISON COOKE
COMMISSIONER OF DEEDS
MY COMMISSION EXPIRES

07/21/2019


State of New York,
City and County of Schenectady

ss.:

LEGAL NOTICE
TOWN OF GALWAY
Zoning Board of Appeals
NOTICE IS HEREBY GIVEN
that a public hearing will
be held by the town of
Galway Zoning Board of
Appeals on **Wednesday,**
April 10, 2019 beginning
at 7:30 p.m. in the Town
Hall, 5910 Sacandaga
Road, Galway, New York,
to consider the following
application:
ZB#19-002 - Un-table ap-
plication of Galway Co-
Op.Com, LLC for an area
variance to construct a
24x24 garage on prop-
erty located at 6049 Fish
House Road (tax parcel
#172-1-57) in the Com-
mercial (C1) District of
the Town of Galway
Donna M. Noble
Clerk
4/1 2371571

**Diana Scheuer of the City of Schenectady,
being duly sworn, says that he/she is Principal
Clerk in the office of the Daily Gazette Co.,
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NOTARY PUBLIC



**ALISON COOKE
COMMISSIONER OF DEEDS
MY COMMISSION EXPIRES**

07/21/2019



TOWN OF GALWAY
ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

5910 Sacandaga Rd.
Galway, NY 12074
(518) 882-6070

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TOWN OF GALWAY

ZBA MEETING AGENDA

Meeting Date/Time: **Wednesday, April 10, 2019 @ 7:30 pm**

- 1) Convene Meeting
- 2) Roll Call
- 3) Explanation of Procedure and Purpose of the Zoning Board of Appeals
- 4) Review/approval of minutes of March 5, 2019 meeting
- 5) **Public Hearing:**
ZB#19-002 - Un-table application of Galway Co-Op.Com, LLC for an area variance to construct a 24x24 garage on property located at 6049 Fish House Road (tax parcel #172.-1-57) in the Commercial (C1) District of the Town of Galway.
- 6) **Public Meeting:**
ZB#19-002 - Un-table application of Galway Co-Op.Com, LLC for an area variance to construct a 24x24 garage on property located at 6049 Fish House Road (tax parcel #172.-1-57) in the Commercial (C1) District of the Town of Galway.
- 7) Other Business
- 8) Adjournment



TOWN OF GALWAY
ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

5910 Sacandaga Rd.
Galway, NY 12074
(518) 882-6070

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TOWN OF GALWAY

MINUTES OF ZBA MEETING

Meeting Date: Wednesday, April 10, 2019

Meeting Location: Town Hall – 5910 Sacandaga Road, Galway, NY

Meeting called to order at 7:30 pm by Chair, Mark Kindinger. Clerk called the roll:

MEMBERS PRESENT: Mark Kindinger, Herb Kopper, Christine McCormack, and Herman Niedhammer.

MEMBERS ABSENT: Mark Concilla.

ALSO PRESENT: Donna Noble, Clerk; Fred Arnold, Town Liaison; James Trainor, Esq., Town Attorney; Chet Ciembroniewicz, Code Enforcer and two (2) people in the audience.

PROCEDURE AND PURPOSE OF THE ZBA – Chair explained the procedure and purpose of the Zoning Board of Appeals.

REVIEW AND APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Members had previously reviewed the minutes of the March 5, 2019 meeting. **Motion by C. McCormack** to approve the minutes. **Second by H. Kopper**. Voice vote: all ayes. Motion carried.

PUBLIC HEARING – opened at 7:33 pm.

ZB#19-002 - Un-table application of Galway Co-Op.Com, LLC for an area variance to construct a 24x24 garage on property located at 6049 Fish House Road (tax parcel #172.-1-78) in the Commercial (C1) District of the Town of Galway. Mr. Sutton is speaking on behalf of the Galway Co-Op. He asks to withdraw the current application. Mr. Casadei has acquired the property across the street (the old carwash) and instead of making any further storage buildings, other than the ones already provided by the site plan, he does intend to look at the possibility of using the new property once he is in possession. **Application ZB#19-002 has been withdrawn and no other action will be taken on this application.**

Discussion regarding "0" Lake Road property - there is an outstanding issue. After consultation with the Town Attorney, Mr. Trainer, the former decision that Chet had asked for should be re-opened. He requested clarification on the law about the sunset provision for the variance. Mr. Trainer has done some research and found that the original variance granted in 2005, as we didn't add the sunset provision until 2008, does not sunset. It would be grandfathered under the previous provision. Therefore, that application, Chet would be able to act on. The appropriate thing to do is to bring a new request forward and the board will re-write the variance that was granted then but under the new setbacks as the setbacks have changed since then also. The board will update that variance based on an application so that it complies with the current language. Mr. Sutton clarifies: the board is looking for an application from the Galway Co-Op for a variance that uses the current setbacks. Mark tells him yes, that is correct. The application will be to "update the area variance". Mr. Sutton will try to get the application to the town as soon as possible to be included on the May agenda. Chet explains, regarding the neighboring wells, that they are not located on the site plan. They will need to be located before a building permit can be issued.

Discussion of the site plan review for the property at 6049 Fish House Road: Mark asks Mr. Sutton if he was involved with the site plan review and if there was a plan for a residential apartment at the property. Mr. Sutton answers no. Mark explains that it has come to the boards attention that there is an apartment on the premises and it is or will be used as an airbnb. Mr. Sutton has no knowledge of this. Mr. Trainor explains to Mr. Sutton that this creates a big problem - septic issues, parking issues, egress issues, etc. The board wanted to make Mr. Sutton aware.

Motion by C. McCormack to close public hearing. **Second by H. Kopper.** Voice vote: All ayes. Motion carried.

PUBLIC MEETING

ZB#19-002 - Un-table application of Galway Co-Op.Com, LLC for an area variance to construct a 24x24 garage on property located at 6049 Fish House Road (tax parcel #172.-1-78) in the Commercial (C1) District of the Town of Galway. **Application ZB#19-002 has been withdrawn and no other action will be taken on this application.**

PRIVILEGE OF THE FLOOR: None

OTHER BUSINESS: Herb Kopper will no longer be a member of the Zoning Board. Andy Decker has been appointed as a new member.

Motion to adjourn by **H. Kopper.** **Second by C. McCormack.** Voice vote: All ayes. Motion carried. Meeting adjourned at 7:51 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk