

**State of New York ss.:**  
**City and County of Schenectady**

**LEGAL NOTICE**  
**TOWN OF GALWAY**  
Zoning Board of Appeals  
**PLEASE TAKE NOTICE:**  
The monthly meeting of the town of Galway Zoning Board of Appeals has been changed for the month of April 2012. The ZBA will meet the second Wednesday in April, April 11, 2012. This will be the only meeting of the Zoning Board of Appeals for the month of April.  
Carol L. DeLorme  
Clerk  
3-19 4442

**Amy Hills of the City of Schenectady, being duly sworn says that 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 March 19, 2012



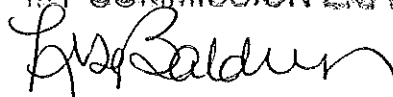
Sworn to me on this 19th day of March 2012

LISA J. BALDWIN

NOTARY PUBLIC

COMMISSION OF DEEDS

MY COMMISSION EXPIRES 8-18-2012





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

P.O. Box 219  
Galway, NY 12074  
(518) 882-6070

**ZBA MEETING AGENDA**

Meeting Date/Time: **Wednesday, April 11, 2012 @ 7:30 pm**  
Location: Town Hall Complex - 5910 Sacandaga Rd - Galway

- 1) Convene Meeting
- 2) Roll Call
- 3) Procedure and Purpose of the Zoning Board of Appeals
- 4) Review/approval of minutes of previous meeting (October 4, 2011)
- 5) SEQRA review/classification
- 6) **Public Hearing**
  - Application #12-001 – Request of Robin A. Bennett for area variance(s) to construct a 30' x 42' storage building on property located at 7202 Waterview (off Lake Rd) in the Lake District of the town of Galway, tax parcel #185.15-2-85
  - Application #12-002 – Request of Scott Hurlburt for area variance(s) to rebuild a single family, wood frame structure (26" x 28") with full basement and deck off front and east side on property located at 2700 May Rd in the Lake District of the town of Galway, tax parcel #198.06-3-4
- 7) Close Public Hearing
- 8) **Public Meeting**
  - Application #12-001 – Request of Robin A. Bennett for area variance(s) ... tax parcel #185.15-2-85
  - Application #12-002 – Request of Scott Hurlburt for area variance(s) ... tax parcel #198.06-3-4
- 9) Other Business
- 10) Adjournment



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**MINUTES OF ZBA MEETING**

Meeting Date: April 11, 2012

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, Tim Bogdan, Christine McCormack, Teresa Brett

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Carol DeLorme, Clerk, and approximately 5 people in the audience including George Weed, ZBA town board liaison

**PROCEDURE AND PURPOSE OF THE ZBA** – Chair explained the procedure and purpose of the Zoning Board of Appeals. There were no questions from the audience.

**REVIEW AND APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

All board members reviewed the minutes of the previous meeting (October 4, 2011) prior to the meeting. **Motion by Tim Bogdan** to approve the minutes as presented. **Second by Herb Kopper**. Voice vote: All ayes. Motion carried.

**SEQRA REVIEW/CLASSIFICATION**

**Motion by Tim Bogdan** that both of tonight's applications (#12-001 and 12-002) are requests for area variance, fall under the Part II of the SEQRA and, therefore, no further action under SEQRA is required. **Second by Christine McCormack**. Voice vote: All ayes. Motion carried.

**PUBLIC HEARING** – Opened at 7:35 pm - Clerk read the legal notice as it appeared in the *Daily Gazette* on 4/2/12.

**Application #12-001 – Request of Robin A. Bennett for area variance(s) to construct a 30' x 42' storage building on property located at 7202 Waterview (off Lake Rd) in the Lake District of the town of Galway, tax parcel #185.15-2-85**

Herb Kopper asked that the minutes reflect that this is the first time that he can recall that an application included a copy of cancelled checks as well as a copy of the paid tax bill. Mr. Kopper felt that it was "inappropriate" and should not have been forwarded to board members. He requested that it not be included in the future mailings, even if provided by the applicant.

Mr. Bennett was present. Stated his request for variance is to allow construction of a storage building for "lake related" things (boats, etc). There was an old camp on the property, and the storage building would be basically in the same area. It will be similar to a pole barn. Upon query from Chair, applicant responded that he would characterize the structure as a garage; it will have one overhead door and an entry door. He indicated that this property was originally two separate pieces of property but have been combined (stated this was the reason he included the copy of the tax bill). The walls will be 10' high. Chair noted that the property does have a house and an auxiliary building on it. Board received clarification last year that a detached garage is permitted [in the Lake District] in addition to a residence and

an auxiliary (accessory) building. Clarification was that a garage is not considered an accessory building. Tim Bogdan asked if measurements provided were from the drip line or the side of the building. Mr. Bennett responded that they were from the actual building. Marco Zumalo (neighbor) asked which way the overhead door would be facing. Mr. Bennett answered that it would be facing the road (Woods End). Tim Bogdan explained that variance measurements (setbacks) are from the drip line, not the sides of a structure. Following discussion between Mr. Bennett and board members, decision was reached to allow Mr. Bennett a 16' setback, resulting in a 9' variance ... drip line will need to be 16' feet back. Mr. Bennett indicated he understood. There were no other questions/comments.

**Application #12-002 – Request of Scott Hurlburt for area variance(s) to rebuild a single family, wood frame structure (26" x 28') with full basement and deck off front and east side on property located at 2700 May Rd in the Lake District of the town of Galway, tax parcel #198.06-3-4**

Mr. Hurlburt was present to explain his request. He explained that they are looking to rebuild a camp, the original camp having been torn down last summer. The original structure was just over 24' wide. They are now asking for the new structure to be 26' wide as they are looking at modular construction and standard size for modulars is 26' - 27'. They are also looking to rebuild the deck on the front of the building and would like to align the building with the side [property] lines. Application also shows a 6' covered walkway on the side. They may not do this right away. Also, his original application indicated the camp would be 38' long. Wants to amend this request to be 40' long. Again, this is a more common size for modulars. This 40' length would extend towards May Rd (away from the Lake). The height would be roughly 21' (8' side walls with a 12 – 12 pitch) plus the foundation, well within the 28' restriction. Herb Kopper stated technically he should adhere to a 50' setback from the lake. Not sure what the exact measurement is. Mark Kindinger indicated he used a rule and determined that it is about 18' from the water. Mr. Hurlburt indicated he would be willing to pull the structure back a little bit, but the septic system is located behind the camp. Also, while acknowledging that it doesn't comply with the 50' setback, it would not be much more of an infringement than the original structure or any closer to the lake than surrounding camps are. Also previous structure had a wrap-around deck. New structure will have a front deck and a covered walkway on one side. Chair explained that he is not automatically "grandfathered" to all aspect of the previous design once the original structure is town down, thereby altering the original foot print. Once you do that, it brings it under review. Now he needs a variance for what is being constructed. Going that close to the lake requires a variance. Mr. Hurlburt stated he would not have torn the structure down if he realized that. In a conversation he had with Mike Tillson last year he was told it would be grandfathered in. Tim Bogdan again reminded the applicant that all setback measurements should be from the drip edge. Variances being requested are: 23' on the east side, 7' on the west side, and 32' on the lake side.

**Motion by Christine McCormack** to close the public hearing. **Second by Tim Bogdan.** Voice vote: All ayes. Motion carried. Public hearing closed.

**PUBLIC MEETING**

**Application #12-001 ... Robin A. Bennett request for area variance(s) ... tax parcel #185.15-2-85**

Chair recapped that applicant is asking for a 9' variance from east side (Woods End road side) to the corner of the proposed structure (to the drip line) for a 30' x 42' storage garage. All members were in agreement. No further questions/comments from board. **Motion by Tim Bogdan** to grant the above stated variance. **Second by Christine McCormack.** Roll call vote: Mark Kindinger, yes; Tim Bogdan, yes; Christine McCormack, yes; Herb Kopper, yes; Teresa Brett, yes. All ayes. Motion carried. GRANTED A 9' VARIANCE ON THE EAST (ROAD) SIDE. Applicant was instructed to contact the building/code enforcement office for appropriate permits prior to beginning any work.

**Application #12-002 ... Scott Hurlburt request for area variance(s) ... tax parcel #198.06-3-4**

Chair recapped that applicant is looking for an 8' variance on the east side from the drip line of the covered walkway, a 23' variance on the west side (also from the drip line) for the main building, and a 32' variance from the lake to the edge of the front deck on the lake (north) side. All members agreed. No further discussion. **Motion by Christine McCormack** to grant the above stated variances for a 26' x 40' camp with a 6' covered side walkway and front deck. **Second by Her Kopper**. Roll call vote: Mark Kindinger, yes; Tim Bogdan, yes; Christine McCormack, yes; Herb Kopper, yes; Teresa Brett, yes. All ayes. Motion carried. GRANTED an 8' VARIANCE ON THE EAST SIDE, A 23' VARIANCE ON THE WEST SIDE, AND A 32' VARIANCE FROM THE LAKE (NORTH) SIDE. Applicant was also instructed to contact the building/code enforcement office for appropriate permits prior to beginning any work.

**PRIVILEGE OF THE FLOOR** – None requested

**OTHER BUSINESS** - None

**Motion to adjourn** by Tim Bogdan. **Second** by Herb Kopper. Voice Vote: All ayes. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

*Carol L. DeLorme*

Carol L. DeLorme, Clerk