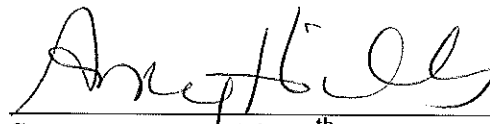


State of New York, ss.:
City and County of Schenectady

LEGAL NOTICE
TOWN OF GALWAY
Zoning Board of Appeals
PLEASE TAKE NOTICE:
The MONTHLY MEETING
NIGHT for the town of
Galway ZONING BOARD
OF APPEALS, has been
changed to the FIRST
TUESDAY of each month,
beginning August 2, 2011.
The ZBA will not meet
on Wednesdays until fur-
ther notice.
Carol L. DeLorme
Clerk
7-25 5188

Amy Hills 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 July 25, 2011



Sworn to me on this 25th day of July 2011

LISA J. BALDWIN

COMMISSION OF DEEDS NOTARY PUBLIC

MY COMMISSION EXPIRES

Lisa Baldwin 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: **Tuesday, August 2, 2011 @ 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 (May 11, 2011)
- 5) SEQRA review/classification
- 6) **Public Hearing**
 - Application #11-003 – Request of Arthur and Mary Pagano for an area variance to construct a 24' x 24', 2-car garage on their property located at 2395 Hermance Rd in the A/R District of the town of Galway, tax parcel #186.-2-7
 - Application #11-004 – Request of Lisa K. Letourneau for an area variance to construct a 2-car cold storage garage unit on property located at 2467 Galway Rd in the A/R District of the town of Galway, tax parcel #199.-1-29.2
- 7) Close Public Hearing
- 8) **Public Meeting**
 - Application #11-003 ... Arthur & Mary Pagano ... area variance ... tax parcel #186.-2-7
 - Application #11-004 ... Lisa K. Letourneau ... area variance ... tax parcel #199.-1-29.2
- 9) Other Business
- 10) Adjournment



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

P.O. Box 219
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MINUTES OF ZBA MEETING

Meeting Date: August 2, 2011

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

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

MEMBERS PRESENT: Jon Hallgren, Herb Kopper, Brian Hendrie, and Tim Bogdan

MEMBERS ABSENT: Mark Kindinger (excused)

ALSO PRESENT: Carol DeLorme; Clerk, Martin Pozefsky; Board Counsel, and approximately 9 people in the audience including George Weed; town board liaison, and Chet Ciembroniewicz, code enforcement officer.

PROCEDURE AND PURPOSE OF THE ZBA – Chair read/explained the procedure and purpose of the Zoning Board of Appeals. Applicants indicated they were familiar with and understood the procedure. Chair also explained that due to the absence of one board member, approval would require a unanimous yes vote by the board and asked the applicants if anyone wished to postpone ruling on their request until a full board was available. Neither applicant expressed a desire to postpone.

REVIEW AND APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

All board members previously reviewed the minutes of the May 11, 2011 meeting. **Motion by Brian Hendrie** to approve the minutes as submitted. **Second by Tim Bogdan.** Voice vote: All ayes. Motion carried.

SEQRA REVIEW/CLASSIFICATION

Motion by Brian Hendrie that both of tonight's applications (#11-003 and #11-004) fall under the Type II SEQR list and, therefore, no further action under SEQR is required. **Second by Tim Bogdan.** Voice vote: All yeas. Motion carried.

PUBLIC HEARING – Opened at 7:35 pm

Clerk read the legal notice as it appeared in the *Daily Gazette* on 7/25/11

Application #11-003 – Request of Arthur and Mary Pagano for an area variance to construct a 24' x 24', 2-car garage on their property located at 2395 Hermance Rd in the A/R District of the town of Galway, tax parcel #186.-2-7

Mr. and Mrs. Pagano were both present at tonight's proceedings. Mr. Pagano explained their project and the request for variance. They would like to build a 2-car garage at the end of their current driveway. View the most logical location to be at the end of the existing driveway. Their septic system junction box is located just beyond the proposed garage site, and the septic system is located in the rear yard. They would also like to leave enough distance between the garage and

house to allow truck access should the septic system ever need servicing. Placing the garage in the front yard would still require a variance (and a more significant variance) and would not be as aesthetically pleasing. Chair noted for the record that this is a substandard size lot but an area variance for lot size is not required as it is pre-existing. Chair also informed Mr. Pagano that the requested variance should be measured from the drip edge of the building. While the proposed location will only be 7' off the east boundary of the property, board members felt maintaining a truck width distance between the garage and house was a better option, especially from a safety standpoint. There were no questions/concerns expressed by members of the audience. No further questions from board members.

Application #11-004 – Request of Lisa K. Letourneau for an area variance to construct a 2-car cold storage garage unit on property located at 2467 Galway Rd in the A/R District of the town of Galway, tax parcel #199.-1-29.2

Mr. and Mrs. Letourneau were present. Mrs. Letourneau explained their request for variance. They would like to build a 30' x 40' garage for storage of cars, lawn mowers, etc. Upon questioning from the Chair, Mrs. Letourneau explained that the term "cold storage" only meant that it will not be heated. Proposed location is desirable so that it will not take up more of their back yard. Chair explained to the applicants that while they apparently submitted a plot plan to the building department, it was not included with the application to the ZBA. Therefore, board members were seeing it for the first time tonight, resulting in additional questioning this evening. Brian Hendrie asked what the building was going to look like and if it would conform to the neighborhood. Mr. Letourneau explained that it will be a pole barn with overhang, steel siding that will be two-tone in color, and with upgraded doors. The walls will be 16' high. Mr. Letourneau stated he presented the building department with a copy of the builder's drawing of the garage, but this apparently was not forwarded with the application either. The roof will be 22' at the peak. Following deliberation by the board, consensus was that moving the structure over an additional 5' from the property line was more desirable. There were no questions or concerns expressed by members of the audience. No further comments or questions from the board.

Motion by Brian Hendrie to close the public hearing. **Second by Tim Bogdan.** Voice vote: All yeas. Motion carried. Public hearing closed at 7:48 pm

PUBLIC MEETING

Application #11-003. Request of Arthur & Mary Pagano ... tax parcel #186.-2-7

Chair recapped that the Paganos were requesting an area variance for construction of a 24' x 24' 2-car garage. The request is for a 43' variance (from the drip line), resulting in a 7' setback from the east side property line. No other variance is required. Request is seen as a little substantial, but due to the nature of the smaller lot there aren't many options. The addition of a garage fits with the character of the neighborhood. **Motion by Brian Hendrie** to grant Arthur and Mary Pagano the requested 43' variance from the east side property line. **Second by Tim Bogdan.** No further discussion. Roll call vote: Jon Hallgren, yes; Tim Bogdan, yes; Herb Kopper, yes; Brian Hendrie, yes. Unanimous vote; motion carried. GRANTED A 43' SIDE LOT VARIANCE. It was explained to the applicants that once they receive a letter of approval from the ZBA, they should contact the Building Department for a building permit prior to beginning construction.

Application #11-004 ... Request of Lisa K. Letourneau ... tax parcel #199.-1-29.2

Chair again recapped. This is also a request for area variance. The applicants are seeking a 30' variance, for a 20' setback on the east side property line (setback being measured from the drip line of the structure) for a 30' x 40' cold storage garage. It was also noted that the 30' side of the building will be facing Galway Road. Brian Hendrie posed questions/concerns about possible increased storm water runoff should the owners pave the driveway at some point. Mr. Hendrie wondered if the minutes should state that the property owners declared that they were going to put a crushed stone driveway in (not paved). After some deliberation Chair stated that while this is a good concern, it does not fall under the jurisdiction of the ZBA. This would be a code enforcement issue should a drainage problem arise. **Motion by Herb Kopper** to grant a 30' variance on the east side property line, resulting in a 20' setback (from the drip line) for a 30' x 40' cold storage garage, with the 30' side of the building facing Galway Road. **Second by Brian Hendrie**. No further questions or comments. Roll call vote: Jon Hallgren, yes; Tim Bogdan, yes; Herb Kopper, yes; Brian Hendrie, yes. Unanimous vote; motion carried. GRANTED A 30' SIDE LOT VARIANCE. It was explained to the applicants that once they receive a letter of approval from the ZBA they should contact the Building Department for a building permit prior to beginning construction.

PRIVILEGE OF THE FLOOR – None requested

OTHER BUSINESS

Chair brought up the matter of the lack of information on applications (in particular the Letourneau application tonight). Discussion followed between the board and the CEO (Chet Ciembroniewicz). Chair agreed to review applications with Chet for a brief period of time to make certain they are complete and that all information has been included (i.e., plot plans) prior to forwarding on to the clerk for processing. Tim Bogdan agreed to be back up should Jon not be available.

Attorney Pozefsky offered favorable comments regarding the manner in which the ZBA was conducting its meeting. Also agreed with Chair that while Brian's earlier stated concerns regarding water runoff appear warranted, that would be a matter for the Building/Code Enforcement officer.

Motion to adjourn by Tim Bogdan. Seconded by Herb Kopper. Voice Vote: All yeas. Motion carried. Meeting adjourned at 6:12 p.m.

Respectfully submitted,

Carol L. DeLorme

Carol L. DeLorme, Clerk