

State of New York,  
City and County of Schenectady

ss.:

**NOTICE OF PUBLIC HEARING**  
**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 Tuesday, August 7, 2018 beginning at 7:30 p.m. in the Town Hall, 5910 Sacandaga Road, Galway, New York, to consider the following application:

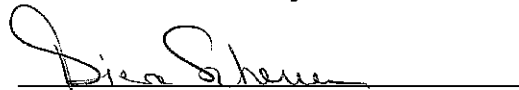
**ZB#18-003** Un-table application of David Semo for a variance(s)/building permit to construct a garage on property located on Hermance Road (tax parcel #185.10-144) in the Lake District of the Town of Galway.

**ZB#18-004** Un-table application of Peter J. and Kathryn DeLos for a variance(s)/building permit to re-construct existing log cabin and detached garage on property located at 1278 Hermance Road (tax parcel #185.10-150) in the Lake District of the Town of Galway.

Donna M. Noble  
Clerk  
7/10 2345677

**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 July 12, 2018**



**Sworn to me on this 12<sup>th</sup> day of July, 2018**

**NOTARY PUBLIC**

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

7/12/19





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

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

**RECEIVED:**

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**TOWN OF GALWAY**

**ZBA MEETING AGENDA**

Meeting Date/Time: **Tuesday August 7, 2018 @ 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 July 3, 2018 meeting
- 5) **Public Hearing:**
  - ZB#18-003** - Un-table application of David Semo for a variance(s)/building permit to construct a garage on property located on Hermance Road (tax parcel #185.10-1-44) in the Lake District of the Town of Galway.
  - ZB#18-004** - Un-table application of Peter J. and Kathryn Delos for variance(s)/building permit to reconstruct existing log cabin and detached garage on property located at 1278 Hermance Road (tax parcel #185.10-1-50) in the Lake District of the Town of Galway.
- 6) **Public Meeting:**
  - ZB#18-003** - Application of David Semo for a variance(s)/building permit to construct a garage on property located on Hermance Road (tax parcel #185.10-1-44) in the Lake District of the Town of Galway.
  - ZB#18-004** - Application of Peter J. and Kathryn Delos for variance(s)/building permit to reconstruct existing log cabin and detached garage on property located at 1278 Hermance Road (tax parcel #185.10-1-50) in the Lake District of the Town of Galway.
- 7) Other Business
- 8) Adjournment



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OCT - 3 2018

**TOWN OF GALWAY**

**MINUTES OF ZBA MEETING**

Meeting Date: Tuesday, August 7, 2018

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 Ryan Flinton.

**MEMBERS ABSENT:** None.

**ALSO PRESENT:** Donna Noble, Clerk; and four (4) 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 July 3, 2018 meeting. **Motion by C. McCormack** to approve the minutes. **Second by H. Kopper.** Voice vote: all ayes. Motion carried.

**PUBLIC HEARING** – opened at 7:32 pm.

**ZB#18-003** - Application of David Semo for a variance(s)/building permit to construct a garage on property located on Hermance Road (tax parcel #185.10-1-44) in the Lake District of the Town of Galway. Mr. Semo has called to inform the board that he is withdrawing his application until further notice. Application has been withdrawn. Mr. Semo can reapply at a later date.

**ZB#18-004** - Application of Peter J. and Kathryn Delos for variance(s)/building permit to reconstruct existing log cabin and detached garage on property located at 1278 Hermance Road (tax parcel #185.10-1-50) in the Lake District of the Town of Galway. At the public hearing it was requested that the State be contacted to get a ruling as to potential wetlands in the area. The State has sent a letter stating that there are no wetlands at this site. The letter has settled any concern of wetlands. There are no changes in the site plan. Mr. and Mrs. Delos are looking at potential variances on both sides of the property. 19 feet on both sides of the house and a 20 foot variance for the garage. Mark explains that the property next door, if building a house, they could potentially ask for the same variance, not leaving much access to the rest of the property. Mr. and Mrs. Delos understand. There is discussion of the septic tank. They are proposing a regular leach field system septic system. A holding tank will not work as

they do not know at this point if they will be living at the property year round. They discuss different types of systems. This will be worked out with Chet. Mark asks how tall is the building? Mr. Delos says that it is a 1 and a half story and will not be over 28 feet tall. Mark asks if there are any comments/concerns from the audience. Bruce Kniskern from Galway Lake Campers Association addresses the board. Galway Lake Camper's Association is an abutting property. Mr. Kniskern has a couple of things he would like to point out. As stated in the July hearing, their primary interest in this matter has to do with the septic/onsite waste water management. This property in particular because it has characteristics that are not conducive to proper operation of an onsite waste water treatment system. There is a great deal of spring activity. The type of system cannot be determined until the "test hold" is complete. Department of Health Appendix 75 A. Board to address the onsite waste water treatment requirements because of the location of the septic system. It will have a bearing on the location of the building. An engineer design may indicate that the site is not acceptable for a traditional system and the only option may be a holding tank. Mr. Kniskern wants to make sure that his concerns are registered. There is one more reason for concern: the shoreline along Hermance Road and part of Crooked Street is the most polluted shoreline on the lake. The problem has become so severe over a period of time that they have had to issue a letter to nine (9) of the homeowners along that shore. Because of the problems with potential toxins and bacteria they do not recommend recreational use of that water. The letter was issued twenty years ago and they have not gotten to a point yet where they can rescind that letter. Mark explains that the engineering of the septic system is between the home owner and the code enforcer and granting of the building permit. The board cannot make stipulations on what type of system. If the Town Engineer okays the system, it can be used. Mark strongly urges the homeowners and the Camper's Association to think about another way of handling this - if they want stricter requirements for housing, the town board is the place to do it. Mr. Kniskern explains that they are not looking for stricter requirements, they are asking if the Engineer is responsible for developing the plans for the onsite waste water system and can ensure that the system was designed according to the provisions of Appendix 75-a of Title 10 of the Health Code of the State of NY and that any decisions made will protect the health and welfare of not only the abutting property owners, but also, the lake. There is a discussion as to whether the engineer is aware of the standards of Appendix 75-a, as this is considered new construction. **Appendix 75-a of Title 10 of the Health Code of the State of NY is what is applicable to this application.** The engineer the Bonni's are using is a professional, licensed engineer. There are no other comments or questions.

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

#### **PUBLIC MEETING**

**ZB#18-004** - Application of Peter J. and Kathryn Delos for variance(s)/building permit to reconstruct existing log cabin and detached garage on property located at 1278 Hermance Road (tax parcel #185.10-1-50) in the Lake District of the Town of Galway. Seeking three variances. first one is a 19 foot variance on the west side beginning approximately 110 feet from the center line of the road approximately 35 feet in length. second is a 19 foot variance on the east side beginning approximately 110 feet from the center line of the road approximately 35 feet in length the third one is a 20 foot variance also on the east side beginning approximately 90 feet from the center line of the road to accommodate a 20'x20' garage.

**Motion by R. Flinton** to approve the following variances: 19 feet on the west side beginning approximately 110 feet from the center line of the road approximately 35 feet in length; 19 feet on the east side beginning approximately 110 feet from the center line of the road approximately 35 feet in length; and; 20 foot variance also on the east side beginning approximately 90 feet from the center line of the road to accommodate a 20'x20' garage. **Second by H. Kopper.** Voice vote: All ayes. Motion carried.

**PRIVILEGE OF THE FLOOR:** None

**OTHER BUSINESS:** None.

Motion to adjourn by **H. Kopper.** **Second by C. McCormack.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:04 p.m.

Respectfully submitted,

*Donna Noble*

Donna Noble, Clerk