

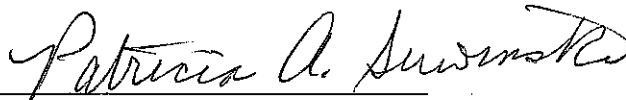
State of New York,  
City and County of Schenectady

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 **Tuesday, February 4, 2020** beginning at **7:30 p.m.** in the Town Hall, 5910 Sacandaga Road, Galway, New York, to consider the following application:  
**ZBA#20-001** - Application of Matthew Gurdineer for an area variance to construct a 26x40 pole barn on property located at 1697 Hermance Road (tax parcel #185-2-13.2) in the A/R District of the Town of Galway.  
**ZB#20-002** - Application of Brian Schotts for an area variance to construct an attached garage/mudroom at property located at 6279 Jockey Street (tax parcel #174.6-1-23) in the A/R District of the Town of Galway.  
**ZB#20-003** - Application of Ralph English and Sally Olsen for an area variance to construct a 14x16 addition on property located at 1209 Dam Road (tax parcel #198.6-2-9) in the Lake District of the Town of Galway.  
Donna M. Noble  
Clerk  
1/21 2398825

Patricia A. Suwinski 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      January 21, 2020



Sworn to me on this 18th day of February, 2020

NOTARY PUBLIC



PAULA A. OPEL  
COMMISSIONER OF DEEDS  
MY COMMISSION EXPIRES

07/22/2021



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

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

RECEIVED

TOWN OF GALWAY

**ZBA MEETING AGENDA**

Meeting Date/Time: **Tuesday, February 4, 2020 @ 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 the January 7, 2020 meeting
- 5) **Public Hearing:**
  - ZBA#20-001** - Application of Matthew Gurdineer for an area variance to construct a 26x40 pole barn on property located at 1697 Hermance Road (tax parcel #185.-2-13.2) in the A/R District of the Town of Galway.
  - ZB#20-002** - Application of Brian Schotts for an area variance to construct an attached garage/mudroom on property located at 6279 Jockey Street (tax parcel #174.6-1-23) in the A/R District of the Town of Galway.
  - ZB#20-003** - Application of Ralph English and Sally Olsen for an area variance to construct a 14'x16' addition on property located at 1209 Dam Road (tax parcel #198.6-2-9) in the Lake District of the Town of Galway.
- 6) **Public Meeting:**
  - ZBA#20-001** - Application of Matthew Gurdineer for an area variance to construct a 26x40 pole barn on property located at 1697 Hermance Road (tax parcel #185.-2-13.2) in the A/R District of the Town of Galway.
  - ZB#20-002** - Application of Brian Schotts for an area variance to construct an attached garage/mudroom on property located at 6279 Jockey Street (tax parcel #174.6-1-23) in the A/R District of the Town of Galway.
  - ZB#20-003** - Application of Ralph English and Sally Olsen for an area variance to construct a 14'x16' addition on property located at 1209 Dam Road (tax parcel #198.6-2-9) in the Lake 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

**MINUTES OF ZBA MEETING**

Meeting Date: Tuesday, February 4, 2020

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, Christine McCormack, Herman Niedhammer and Andy Decker.

**MEMBERS ABSENT:** Mark Concilla.

**ALSO PRESENT:** Donna Noble, Clerk; James P. Trainor, Esq., Treavor Gilday, Building Inspector/Code Enforcement Officer and approximately twelve (12) 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 January 7, 2020 meeting. **Motion by C. McCormack** to approve the minutes. **Second by A. Decker.** Voice vote: all ayes. **Motion carried.**

**PUBLIC HEARING** – opened at 7:33 pm.

**ZB#20-001** - Application of Matthew Gurdineer for area variance(s) for construction of a 26x40 pole barn on property located at 1697 Hermance Road (tax parcel no.: 185.-2-13.2) in the A/R District of the Town of Galway. Mr. Gurdineer is in attendance. He states that he did not receive notice that his application was on the agenda for the January meeting.

**Motion by H. Niedhammer** to re-open the prior decision and re-hear this application. **Second by C. McCormack.** Voice vote: all ayes. **Motion carried.**

Mr. Gurdineer is looking for a 35 foot variance to build a pole barn towards the back of his property. The center yard has a culvert pipe that he can't build on top of. The front of his house holds the septic tank. He does not have any room to move east or west. Mark asks how far the culvert pipe is from the property line then the board looks over the map. Mark asks Mr. Gurdineer if he could move the location of the barn forward, at least part way as he is asking for a 15 foot setback, which is a 35 foot variance. Mr. Gurdineer asks "how far? I wanted to do 15, why would I ask for 15". Mark explains that they try to minimize the variance if possible. Mrs. Gurdineer explains that the problem is that the back yard is tiered, not flat. Mr. Gurdineer says that it couldn't be done without making major changes. He does not want to fill in the whole back

yard. Mr. Cruden is in attendance. He is a neighbor directly impacted by this proposal. He comes forward with a map showing different options he drew. Mr. and Mrs. Gurdineer come forward, look and discuss these options with Mr. Cruden and the board. Mr. Gurdineer does not agree with any options. It is suggested that the building be turned. Mr. and Mrs. Gurdineer feel that they have no other options because of the hilled/tiered lawn.

**ZB#20-002** - Application of Brian Schotts for an area variance to construct an attached garage/mudroom on property located at 6279 Jockey Street (tax parcel #174.6-1-23) in the A/R District of the Town of Galway. Mr. Schotts wants to build a mudroom addition and an attached two car garage on his existing home. Stakes are measured to the foundation. He is seeking a 9 foot variance. There are no questions or comments from the board or audience.

**ZB#20-003** - Application of Ralph English and Sally Olsen for an area variance to construct a 14'x16' addition on property located at 1209 Dam Road (tax parcel #198.6-2-9) in the Lake District of the Town of Galway. Mr. English is in attendance and explains that they would like to build an addition for a bedroom to the east side of the property. They think, by looking at all other options, this is where they can build. They can't build to the west, closer to the lake or build up. The neighbors who are in attendance, are hoping that they can build west but the lake association is to the west and they won't sell any additional property. The addition will be 16 feet heading towards the property line and 14 feet deep. They are seeking a 7 foot variance. Heather McCord, neighbor, speaks to the board. She would like other options to be considered. It is her, and her families opinion, that this will addition will infringe on the open space between the homes and would like the Mr. English and Ms. Olsen to look into other options. Maybe build on the other side or back towards the garage on the other side. Mr. English explains that Ms. Olsen is the engineer and he cannot say that those will be options. Mr. Sheckton, also a neighbor on Dam Road, is concerned with the character of the neighborhood which has been his concern for years. They like their privacy on the lake and he feels that this will upset the character of the neighborhood. He also feels that there are other options to be considered. No other questions or comments.

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

## **PUBLIC MEETING**

**ZB#20-001** - Application of Matthew Gurdineer for area variance(s) for construction of a 26'x40' pole barn on property located at 1697 Hermance Road (tax parcel no.: 185.-2-13.2) in the A/R District of the Town of Galway. The request is for a 35 foot variance for a 24'x40' foot pole barn on the north side of the property.

**Motion by A. Decker** for a 35 foot variance on the north side of the property. **Second by H. Niedhammer.** Voice vote: Mark: nay; Christine: nay; Herman: nay; and Andy: nay. All nayses. Motion denied.

Mark explains to Mr. Gurdineer that he can submit a request for a building permit that meets the requirements.

**ZB#20-002** - Application of Brian Schotts for an area variance to construct an attached garage/mudroom on property located at 6279 Jockey Street (tax parcel #174.6-1-23) in the A/R District of the Town of Galway. A 9 foot variance running 26 feet on the south side of the property is the requested variance. Andy questions a rear setback. Mr. Schotts explains that they own the second parcel but never combined the two parcels. Because the two lots are not combined, Mr. Schotts would need a 48 foot rear setback. That is substantial. The board suggests that Mr. Schotts request a lot line adjustment from the planning board.

**Motion by A. Decker** for a 9 foot variance, running 26 feet deep on the south side of the property, **pending approval of a lot line adjustment** from the planning board. **Second by H. Niedhammer.** Voice vote: All ayes. Motion carried.

**ZB#20-003** - Application of Ralph English and Sally Olsen for an area variance to construct a 14'x16' addition on property located at 1209 Dam Road (tax parcel #198.6-2-9) in the Lake District of the Town of Galway. The requested variance is: 7 feet, running 14 feet along the east side of the property. The board would like to see Mr. English and Ms. Olsen explore other options as they understand that this addition will significantly impact the neighbors. A more substantial variance on the west side would be okay because it will back empty land and may be more preferable.

**Motion by C. McCormack** for a 7 foot variance, running 14 feet along the east side of the property. **Second by A. Decker.** Voice vote: Mark: nay, Andy: nay, Christine: nay and Herman: nay. All naves. Motion denied.

**PRIVILEGE OF THE FLOOR:** None

**OTHER BUSINESS:** None

**Motion to adjourn by C. McCormack. Second by A. Decker.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:27 p.m.

Respectfully submitted,

*Donna Noble*

Donna Noble, Clerk