

Town of Galway Zoning Board of Appeals

The monthly meeting for the town of Galway Zoning Board of Appeals will be held on **Tuesday, July 1, 2014** beginning at 7:30pm at the town hall located at 5910 Sacandaga Road, Galway, NY 12074

The agenda is as follows:

1. Roll call.
2. Approval of the May 6, 2014 meeting minutes.
3. Clerk's report.
4. Chair's report
5. Public hearing No. ZB14006 – Aschmutat – 1994 Alexander Road – Tax ID 186.-1-47 – Area Variance.
6. Public meeting No. ZB14006 – Aschmutat.
7. Privilege of the Floor.
8. Other business.
9. Adjournment.



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

P.O. Box 219
Galway, NY 12074
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Town of Galway Zoning Zoning Board of Appeals
July 1, 2014

Attendance: Chair Mark Kindinger, Members Herb Kopper, Teresa Brett, Christine McCormack. Also present Secretary Sue Talmadge.

The minutes of the May 6, 2014 meeting were approved with a motion by Kopper, a second by McCormack.

All members voted in favor of the motion.

Chair Kindinger opened the meeting:

The Zoning Board can make restrictions and amend them and the question is when looking at a variance is it an undesirable change, can other means be taken, is it substantial, is it to have an adverse impact and is it a self created hardship.

Relief for the property owners is the purpose of the board.

Public hearing No. ZB14006 – Aschmutat – 1994 Alexander Road – Tax ID 186.-1-47 – Area Variance.

The application was represented by both Robert and Kelly Aschmutat, property owners. The public notice as published 6/14/14 in the Daily Gazette was read into the record.

Mr. Aschmutat indicated he has an existing rental home and would like to build a new home and continue to rent the home out for a while - a variance is needed for setbacks due to the proximity of the wetlands.

Chair Kindinger inquired if he had been referred to the ZBA by the planning board.

Mr. Aschmutat indicated he had only been to the planning board under privilege of the floor and had come through the code enforcement office.

Chair Kindinger explained there is a problem with the application – noting that three acres is required for each dwelling.

Currently the property has approximately 7 ½ acres and there are two dwellings on the property.

Nothing is grandfathered in the zoning as the property currently meets the zoning for acreage. If there a single dwelling then a variance would be no problem. Two new lots with 3 acres per dwelling would comply with zoning.

By creating the new lot line, you would be creating a zoning problem as it would be self created.

Discussion ensued in regards to the two mobile homes and the date of installation which was determined to be back in the early 1970's.

Mr. Aschmutat indicted he believes he is entitled to one acre zoning each for the mobile homes as that was what the zoning was at the time of install.

Further discussion resulted in the board collectively determining that one mobile home would have to be removed in order to facilitate creation of new building lot.

Chair Kindinger advised the zoning laws were changed and three acres is the minimum per dwelling.

Board discussion ensued in regards to the prospect of a possible area density variance resulting in board agreement that a density variance would set a precedence they would not want to set.

Mr. Aschmutat indicated he believes a board member may have a conflict of interest as she is a neighbor.

Chair Kindinger advised the board could vote tonight or the applicant could withdraw his application for this meeting and he would seek advice on behalf of the board from the town zoning attorney.

Mr. Aschmutat stated he would see his own attorney and to consider the application withdrawn.

There was no other business.

The meeting was adjourned.

Respectfully submitted,

Sue Talmadge
Clerk