



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

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

ZBA MEETING AGENDA

Meeting Date/Time: **Tuesday July 3, 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 June 5, 2018 meeting
- 5) **Public Hearing:**
 - 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.
 - ZB#18-005** - Application of Robert and Barbara Flynt for a variance(s)/building permit to construct a deck on property located at 5222 Bliss Road (tax parcel # 200.-1-27) in the A/R 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.
 - ZB#18-005** - Application of Robert and Barbara Flynt for a variance(s)/building permit to construct a deck on property located at 5222 Bliss Road (tax parcel # 200.-1-27) in the A/R District of the Town of Galway.
- 7) Other Business
- 8) Adjournment



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TOWN OF GALWAY

MINUTES OF ZBA MEETING

Meeting Date: Tuesday, July 3, 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; Chet Ciembroniewicz, Building Inspector/Code Enforcer; and nine (9) 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 June 5, 2018 meeting. Motion by **H. Kopper** to approve the minutes. **Second by C. McCormack**. Voice vote: all ayes. Motion carried.

PUBLIC HEARING – opened at 7:34 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, or a representative on his behalf, is not in attendance to discuss this application. Application will be tabled until next month's 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. Kathleen Boni is speaking on behalf of this application. She is interested in purchasing the property from Mr. and Mrs. Delos. They want to move an existing log cabin that is constructed at a different location onto this property. They are looking for a nineteen foot variance for each side of the house. The submitted drawing shows the leach field north of the house. Mark asks if they are looking to put in a regular septic system. Yes, they are. Mark explains that on the property and the adjacent property there are phragmites (reeds) growing and that this is normally an indication of a class 2 wetland. He asks if anybody has contacted DEC. Nobody has contacted DEC. As the building

needs to be 100 feet away from any wetlands Mark tells Ms. Boni that DEC will need to look at the property. A variance on the 100 feet distance from any wetlands cannot be given and DEC will need to say that there are no wetlands. Mark suggests that we table the application until the next meeting. Ms. Boni would like to continue with this hearing to hear the boards and publics comments to see if there are/will be other issues. Bruce Rowell, President of the Galway Lake Campers Association addresses the board. He discusses his letter that was sent to the board members and states the concerns about the safety and reliability of any septic system that will be put on the lot. There has not been a perk test or a soil test performed. They would like to recommend that a PE be required before any variances are approved for this site. Antone Dreslin, owner of the property 2 lots over. He is unclear, as his understanding is that Galway, in the Lake District, requires a one acre lot to build on, why isn't that being discussed? This lot is not one acre. Mark explains that pretty much every property on the lake is a substandard lot and a variance is normally needed. He also has concerns about the septic tank. A perk test only tests the ability of the water to flow through the soil. It doesn't mean anything about the ability to contain the affluent from contaminating the neighbors properties or the lake. Just because you put in a septic that perks it doesn't mean the lake won't be polluted and the lake already has issues, especially in this corner. He feels that putting up something that doesn't protect the neighboring properties and the property values is something that needs to be addressed. Mark explains that the Zoning Board of Appeals has limited ability to address the septic systems as it is not this boards job to engineer them. The code enforcer handles that then hands it off to the town engineer and then they sign off on it. Mark says that he would encourage Mr. Dreslin to bring up to the town board about clarifying what the regulations are in the lake district concerning waste water treatment. There is discussion of holding tanks as opposed to a septic system. There is more discussion of the lot size. Mark again explains that this is a substandard lot and it does carry with it a somewhat "grandfathered" status. It is still a lot and you would have the option of approaching the board for a variance. Bruce, from Galway Lake Camper's Association just wants to make the point that there is a significant algae formation on that shore line. They have spent a great deal of money trying to figure out what the primary cause of the excessive nutrients in the lake are that have promoted excessive re-growth and the formation of algae. The conclusion is that the excessive nutrients from the bacteria they are finding in the lake now is due to either failed or failing residential septic systems. The shore line that is being discussed now is showing significant algae formation.

ZB#18-005 - Application of Robert and Barbara Flynt for a variance(s)/building permit to construct a deck on property located at 5222 Bliss Road (tax parcel # 200.-1-27) in the A/R District of the Town of Galway. Mr. Flynt explains that he would like to build a deck. When he bought his property the front door had a little porch with steps that sloped downward. They ripped off the porch and underneath was deteriorating concrete steps. On the side of the house there is a concrete walkway that he tried to dig up but it is too thick and can't be dug up. He would like the deck to cover the steps and walkway. Also, the deck would provide security for his dogs. There are no questions or comments from the board.

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

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. Mr. Semo, or a representative on his behalf, is not in attendance to discuss this application. Application will be tabled until the August 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. This application will be tabled until the August meeting, upon DEC review

ZB#18-005 - Application of Robert and Barbara Flynt for a variance(s)/building permit to construct a deck on property located at 5222 Bliss Road (tax parcel # 200.-1-27) in the A/R District of the Town of Galway. Mr. Flynt is looking for a variance on the south side yard, 6 feet to run 26 feet along the south side of the house to allow the construction of a deck and stairs. **Motion by H. Kopper** to approve a variance of 6 feet on the south side to extend 26 feet to construct a deck and stairs. **Second by R. Flinton.**

PRIVILEGE OF THE FLOOR: None

OTHER BUSINESS: None.

Motion to adjourn by **C. McCormack**. **Second by H. Kopper**. Voice vote: All ayes.
Motion carried. Meeting adjourned at 8:11 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk