

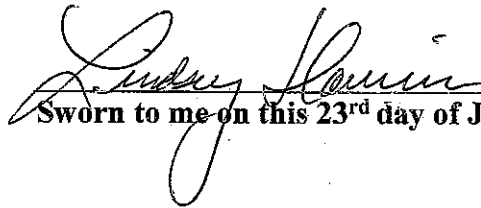
State of New York,
City and County of Schenectady

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, July 5, 2016 beginning at 7:30 p.m. in the Town Hall, 5910 Sacandaga Road, Galway, New York to consider the following application:
Application #ZB-16-003 Application of Clarence and Mary Bassett Family Trust for area variance(s) on property located at 4002 Wilson Road, Ruback Grove (tax parcel #198-7-2-31) in the Lake District of the Town of Galway.
Application #ZB-16-003 Application of Fred and Ann Wolpert for area variance(s) on property located at 4076 Stuart Lane, Ruback Grove (tax parcel #198-7-1-72) in the Lake District of the Town of Galway.
Application #ZB-16-004 Application of Matthew Reale to appeal a decision denying a permit to build a deck on property located at 5834 Lake Road (tax parcel #185-14-1-27) in the Lake District of the Town of Galway.
Donna Noble
Clerk
6/23 2267564

Lindsey Harrison 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:

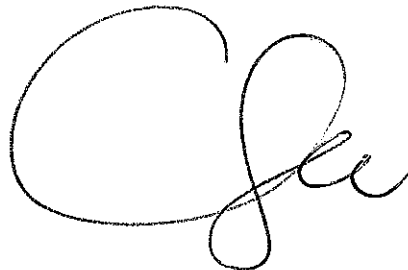
1 insertion on June 23, 2016


Sworn to me on this 23rd day of June, 2016

NOTARY PUBLIC

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

4/2/2017





TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

P.O. Box 219
Galway, NY 12074
(518) 882-6070

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JUN 21 2016

TOWN OF GALWAY

ZBA MEETING AGENDA

Meeting Date/Time: **Tuesday, July 5, 2016 @ 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 May 3, 2016 meeting
- 5) **Public Hearing**
 - Application #ZB16-003 – Application of Clarence and Mary Bassett Family Trust, for area variance(s) on property located at 4002 Wilson Road, Ruback Grove, (tax parcel #198.7-2-31) in the Lake District of the Town of Galway.
 - Application #ZB-16-003 - Application of Fred and Ann Wolpert, for area variance(s) on property located at 4076 Stuart Lane, Ruback Grove, (tax parcel #198.7-1-72) in the Lake District of the Town of Galway.
 - Application #ZB-16-004 - Application of Matthew Reale, to appeal a decision deny a permit to build a deck on property located at 5834 Lake Road (tax parcel #185.14-1-27) in the Lake District of the Town of Galway.
- 6) **Public Meeting**
 - Application #ZB16-003 – Application of Clarence and Mary Bassett Family Trust, for area variance(s) on property located at 4002 Wilson Road, Ruback Grove, (tax parcel #198.7-2-31) in the Lake District of the Town of Galway.
 - Application #ZB-16-003 - Application of Fred and Ann Wolpert, for area variance(s) on property located at 4076 Stuart Lane, Ruback Grove, (tax parcel #198.7-1-72) in the Lake District of the Town of Galway.
 - Application #ZB-16-004 - Application of Matthew Reale, to appeal a decision deny a permit to build a deck on property located at 5834 Lake Road (tax parcel #185.14-1-27) 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

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JUL 12 2016

TOWN OF GALWAY

MINUTES OF ZBA MEETING

Meeting Date: July 5, 2016

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

Meeting called to order at 7:31 pm by Chair, Mark Kindinger. Clerk called the roll:

MEMBERS PRESENT: Mark Kindinger, Herb Kopper, Teresa Brett, Christine McCormack and Ryan Flinton

MEMBERS ABSENT: none

ALSO PRESENT: Donna Noble, Clerk; Chet Ciembroniewicz, Building Inspector/Code Enforcement Officer; and 13 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 7, 2016 meeting. Motion by **H. Kopper** to approve the minutes as presented. **Second by C. McCormack**. Voice vote: all ayes. Motion carried.

PUBLIC HEARING – opened at 7:33 pm

Application #ZB16-003 – Application of Clarence and Mary Bassett Family Trust, for area variance(s) on property located at 4002 Wilson Road, Ruback Grove, (tax parcel #198.7-2-31) in the Lake District of the Town of Galway. Clarence Bassett explains that they were going by a 10 foot setback which was a ruling by the grove but have discovered that there is a 20 foot setback requirement and need about a 20-25 foot setback. Mark discusses a letter sent by John Sutton, Esq. that raises an issue that the Town shouldn't require variances because there has been a long standing situation that Ruback Grove is a single piece of property even though each person gets a separate tax bill. Mark has not heard from the town attorney regarding this matter and feels that the board can rule on the current requests for variances rather than waiting for a legal decision. There is nothing in the zoning law about the special situation in Ruback Grove and there are separate tax parcels for property owners in the grove. Clarence and Mary are looking for a 20.5 foot variance for the new structure on the North side of the property.

Application #ZB-16-004 - Application of Fred and Ann Wolpert, for area variance(s) on property located at 4076 Stuart Lane, Ruback Grove, (tax parcel #198.7-1-72) in the Lake District of the Town of Galway. Mr. Wolpert explains that they are looking for a variance. They had designed the camp to fit in the original footprint. When the property was ready to dig the footing shifted making a corner approximately 2 feet closer than originally planned. Mark noted that the camp will also have eaves. Looking for a 3 foot variance on the North side of the property. Neighbor on the North is not in opposition.

Application #ZB-16-005 - Application of Matthew Reale, to appeal a decision deny a permit to build a deck on property located at 5834 Lake Road (tax parcel #185.14-1-27) in the Lake District of the Town of Galway. First question is who owns the property? Camille is the owner of the property but the application is signed by Matthew. Mark states that the application must be signed by the owner. Matthew is not the power of attorney for Camille. The application will be sent to Camille for her signature and brought back. The issue is that they want to build a deck to extend the current line of the house extending the previous variance granted an additional 10 feet on the West side of the home. The original structure was larger than the current house. With the deck included, this structure is not larger than the original footprint.

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

PUBLIC MEETING:

Application #ZB16-003 – Application of Clarence and Mary Bassett Family Trust, for area variance(s) on property located at 4002 Wilson Road, Ruback Grove, (tax parcel #198.7-2-31) in the Lake District of the Town of Galway. Request for a variance 4.5 feet away from the property line which would be 21.5 feet extending 14 feet to accommodate the addition on the South side of the property. Motion by **R. Flinton** to grant a 21.5 foot variance, extending 14 feet to accommodate the addition on the South side of the property. Second by **T. Brett**. Voice vote: All ayes. Motion carried.

Application #ZB-16-004 - Application of Fred and Ann Wolpert, for area variance(s) on property located at 4076 Stuart Lane, Ruback Grove, (tax parcel #198.7-1-72) in the Lake District of the Town of Galway. Request for a variance 3 feet on the NW side of the property, 25 feet long to accommodate the position of the current building. Motion by **C. McCormack** to grant a 3 foot variance on the NW side of the property, 25 feet long to accommodate the position of the current building. Second by **H. Kopper**. Voice vote: All ayes. Motion carried.

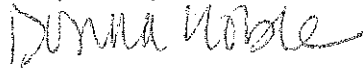
Application #ZB-16-005 - Application of Matthew Reale, to appeal a decision deny a permit to build a deck on property located at 5834 Lake Road (tax parcel #185.14-1-27) in the Lake District of the Town of Galway. Request for a variance 7 feet to extend the existing structure 10 feet towards the West along the North side of the property. Motion by **R. Flinton** to grant a 7 foot variance to extend the existing structure 10 feet towards the West along the North side of the property upon submittal of the application signed by Camille Reale, owner of the property. Second by **H. Kopper**. Voice vote: All ayes. Motion carried.

PRIVILEGE OF THE FLOOR: Chet asks regarding Ruback Grove variances granted - if it is the boards interpretation, at this point, that the setbacks apply. Chet would like to find out on his end - what exclusions do they have from the grove. Mark does not see any exclusion in the law for Ruback Grove from the zoning law. The argument made by John Sutton is that Ruback Grove is a single piece of property and it is merely a convenience that they have separate tax bills, separate tax parcels with separate parcel boundaries. Mark's view is that he doesn't see anything in the Zoning Law that would exempt Ruback Grove from the Zoning Law in general. The intent of the Zoning Law is to essentially balance the needs of the individuals with the community and with the Zoning Law.

OTHER BUSINESS: None

Motion to adjourn by H. Kopper. Second by C. McCormack. Voice vote: All ayes.
Motion carried. Meeting adjourned at 8:12 pm.

Respectfully submitted,



Donna Noble, Clerk