

State of New York, ss.:
City and County of Schenectady

Lisa M. McGrath of the Town of Rotterdam, 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: May 26, 2020

Lisa M. McGrath (signature)

Lisa M. McGrath (printed name)

Sworn to me on this 27th day of May 2020

NOTARY PUBLIC

Paula A. Opel

PAULA A. OPEL

COMMISSIONER OF DEEDS

MY COMMISSION EXPIRES 07/22/2021

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,
June 2, 2020 beginning
at 7:30 p.m. in the Town
Hall, 5910 Sacandaga
Road, Galway, New York,
to consider the following
application:

ZBA#20-004 - Applica-
tion of Frank J. Merchitto
for an area variance to
construct a new home
on property located at
5857 Lake Road (tax par-
cel #185.14-1-9) in the
Lake District of the Town
of Galway.

ZBA#20-005 - Applica-
tion of Terese and Thom-
as O'Brien for an area
variance to construction
a new camp on property
located at 6037 Hermit
Point Road (tax parcel
#185.19-1-8) in the Lake
District of the Town of
Galway.

ZBA#20-006 - Applica-
tion of Theodore J. Hen-
nessy for an area vari-
ance to construction
a garage on property
located at 1233 Perth
Road (tax parcel #198.-1-
100.4) in the A/R District
of the Town of Galway.

Donna M. Noble

Clerk

5/26

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

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

RECEIVED

MAY 22 2020

TOWN OF GALWAY

ZBA MEETING AGENDA

Meeting Date/Time: **Tuesday, June 2, 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 February 4, 2020 meeting
- 5) **Public Hearing:**
 - ZBA#20-004** - Application of Frank J. Marchitto for an area variance to construct a new home on property located at 5867 Lake Road (tax parcel #185.14-1-9) in the Lake District of the Town of Galway.
 - ZBA#20-005** - Application of Terese and Thomas O'Brien for an area variance to construction a new camp on property located at 6037 Hermit Point Road (tax parcel #185.19-1-8) in the Lake District of the Town of Galway.
 - ZBA#20-006** - Application of Theodore J. Hennessy for an area variance to construction a garage on property located at 1233 Perth Road (tax parcel #198.-1-100.4) in the A/R District of the Town of Galway.
- 6) **Public Meeting:**
 - ZBA#20-004** - Application of Frank J. Marchitto for an area variance to construct a new home on property located at 5867 Lake Road (tax parcel #185.14-1-9) in the Lake District of the Town of Galway.
 - ZBA#20-005** - Application of Terese and Thomas O'Brien for an area variance to construction a new camp on property located at 6037 Hermit Point Road (tax parcel #185.19-1-8) in the Lake District of the Town of Galway.
 - ZBA#20-006** - Application of Theodore J. Hennessy for an area variance to construction a garage on property located at 1233 Perth Road (tax parcel #198.-1-100.4) in the A/R District of the Town of Galway.
- 7) Other Business
- 8) Adjournment

****Applicants - please wear a mask when attending this meeting. Also, please wait in the parking lot until your matter is called before the Planning Board.**

THANK YOU in advance for your cooperation.



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

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JUN - 9 2020

TOWN OF GALWAY

MINUTES OF ZBA MEETING

Meeting Date: Tuesday, June 2, 2020

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

Meeting called to order at 7:36 pm by Acting Chair, Andy Decker. Clerk called the roll:

MEMBERS PRESENT: Christine McCormack, Herman Niedhammer and Mark Concilla.

MEMBERS ABSENT: None.

ALSO PRESENT: Donna Noble, Clerk; James P. Trainor, Esq., Treavor Gilday, Building Inspector/Code Enforcement Officer.

PROCEDURE AND PURPOSE OF THE ZBA -- Acting 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 February, 2020 meeting. Motion by Herman to approve the minutes. Second by Christine. Voice vote: three eyes, one abstain. Motion carried.

PUBLIC HEARING -- opened at 7:41 pm.

ZB#20-004 - Application of Frank J. Marchitto for an area variance to construct a new home on property located at 5867 Lake Road (tax parcel #185.14-1-9) in the Lake District of the Town of Galway. Mr. Marchitto explains that he bought this property 3 years ago. There was a fire, he cleaned it all up and now would like to build a new camp, trying to stay in the same footprint by keeping the camp in the same place as it was before the fire. A letter was sent in on behalf of neighbors John Bradley and Kathy Weaver. They are in objection to Mr. Marchitto's application as the proposed new construction cannot conform with the zoning code. There are many substantial variances requested. Andy explains that the letter brings up good points that are also a concern to the board as well. He asks Mr. Marchitto if he is open to changing his plan. Again, the variances requested are very substantial. There are ways to construct a camp but the camp would be considerably smaller. Mr. Marchitto bought this property in 2017. The fire was in 2016. This application falls into new construction because there hasn't been a building on the property in many years. That will change the setbacks as well. There is discussion on how the building plan could change. Mr. Trainor asks and

talks about when the property was bought and how this changes the use. Because of the time that has passed, this property has lost its use and is now considered a non-conforming lot. Mr. Marchitto understands.

Motion by Herman to close the public hearing. Second by Mark. Voice vote: All ayes. Motion carried.

PUBLIC MEETING

Motion by Mark to deny this application. Second by Christine. Voice vote: All ayes. Motion carried.

PUBLIC HEARING - Opened at 7:55

ZBA#20-005 - Application of Terese and Thomas O'Brien for an area variance to construction a new camp on property located at 6037 Hermit Point Road (tax parcel #185.19-1-8) in the Lake District of the Town of Galway. Mr. and Mrs. O'Brien explain that they would like to build a new camp "10 feet over" because the old camp sat one foot from the property line. Mark Habiniek is with Mr. and Mrs. O'Brien. Andy asks the dimensions of the new camp (32'x18') and will be approximately 20 feet off the property line. Mr. Trainor asks if because this camp is on the corner, will they need a front setback? Treavor states that this is a private road. There is a discussion of what variances are needed.

Motion by Herman to close the public hearing. Second by Mark. Voice vote: All ayes. Motion carried.

PUBLIC MEETING

Two variances will be needed; 15 feet on the south side and 3 feet on the north side.

Motion by Mark for a 15 foot variance on the South and a 3 foot variance on the North. Second by Herman. Voice vote: All ayes. Motion carried.

PUBLIC HEARING - opened at 8:09

ZBA#20-006 - Application of Theodore J. Hennessy for an area variance to construction a garage on property located at 1233 Perth Road (tax parcel #198.-1-100.4) in the A/R District of the Town of Galway. Mr. and Mrs. Hennessy are in attendance and explain what they would like to do. They are looking to build a garage but have limited area to build. They cannot go too far back. They are 14 feet to close to the road. Treavor explains that from the edge of the road they are 50 feet back but from actual right of way he is 36 feet back. A spot has already been cleared to build on. There are no neighbors in opposition of this application. There is discussion of what variances are needed.

Motion by Herman to close the public hearing. Second by Christine. Voice vote: All ayes. Motion carried.

PUBLIC MEETING

Motion by Mark for a 28 foot variance on the west and a 14 foot variance on the south (road front). Second by Herman. Voice vote: All ayes. Motion carried.

PRIVILEGE OF THE FLOOR: None

OTHER BUSINESS: Mark Kindinger has resigned as Chair. Andy Decker will be the Acting Chair until appointed to the position by the Town Board.

Motion to adjourn by Mark. Second by Herman. Voice vote: All ayes. Motion carried. Meeting adjourned at 8:24 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk