


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,
June 5, 2018 beginning
at 7:30 p.m.** in the Town
Hall, 5910 Sacandaga
Road, Galway, New York,
to consider the following
application:
Application of Primax
Properties LLC for
variance(s) to build a
Dollar General store on
property located on the
corner of Routes 29 and
147 (tax parcel #172.00-
2-15.1) in the C-1 Com-
mercial District of the
Town of Galway.
Donna M. Noble
Clerk
5/16 2339956

**Diana Scheuer 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 May 16, 2018


Sworn to me on this 17th day of May, 2018

NOTARY PUBLIC

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

7/12/19





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, June 5, 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 May 1, 2018. Motion by **C. McCormack** to approve the minutes. **Second by H. Kopper**. Voice vote: all ayes.
Motion carried.

PUBLIC HEARING – opened at 7:32 pm.

Application #ZB18-002 – Application of Primax Properties LLC for variance(s) to build a Dollar General store on property located on the corner of Routes 29 and 147 (tax parcel #172.00-2-15.1) in the C-1 Commercial District of the Town of Galway. Caryn Mlodzianowski and Chris Boyea from Bohler Engineering are present along with Robert Neill of Primax Properties (applicant and developer). Ms. Mlodzianowski explains the proposed project. Primax Properties is proposing a plan to build a 9,100 square foot Dollar General store on the corner of Routes 29 and 147, just north of the Town Hall. The project will involve a subdivision of approximately a 3.3 acre parcel from an overall parcel of 27+/- acre parcel. In addition to the subdivision they are in front of the Planning Board for a special use permit/site plan review. They will also require variances from the Zoning Board. Ms. Mlodzianowski and the Board review the site plan. The variances being sought are relief from the 100 foot front yard setback, front yard parking and relief from the 5,000 sq. ft. foot print as the proposed building is 9,300 sq. feet. They do not feel that the variances requested are not substantial. They are excited to get the board and the public's comments/feedback/questions. Mark asks if the board has questions or comments. Ryan clarifies that they are seeking three (3) variances: area variance on the size of the building, front yard setback, and the front yard parking. The board does not have any questions. Mark opens the meeting to the floor. Tim Bibbens, Whalen's Horseradish, comments. He likes the changes made from the standard Dollar General design. He applauds the architecture. His concern is if

Dollar General is fulfilling a need for the Township with regards to what a Dollar General represents for a town and what it brings to the community. Mark notes Mr. Bibben's concerns and states that the Zoning Board is only looking at the specifics of the zoning law and that the Planning Board should hear Mr. Bibben's concerns. Justin Kapon comments that from the zoning standpoint, the requested variances are reasonable and that a Dollar General store would be a great addition to the community. There is discussion of the proposed design and the proposed roof. There are no other comments or questions.

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

PUBLIC MEETING

Application #ZB18-002 – Application of Primax Properties LLC for variance(s) to build a Dollar General store on property located on the corner of Routes 29 and 147 (tax parcel #172.00-2-15.1) in the C-1 Commercial District of the Town of Galway. Mark states that they are looking for three variances:

1. The first is a variance of 4,300 sq. ft. on the 5,000 foot limit to accommodate 9300 sq. ft.. The variance requested is substantial and is required by the business. Proportion wise, it doesn't look out of scale. **Motion by H. Kopper** for a variance of 4,300 sq. feet on the limit of the size of the building. **Second by R. Flinton.** Voice Vote: All ayes. Motion carried.

2. A variance is needed to allow parking in the front of the building. Such a variance was approved for Stewart's Shop across the street. Also, there are not a substantial amount of parking spaces. **Motion by H. Kopper** for a variance to allow parking in the front of the building. **Second C. McCormack.** Voice vote: All ayes. Motion carried.

3. A variance on the setback requirements. There are multiple measurements. Looking at a setback variance of 6 feet to the NE property line from the corner of the building which increases to 6.7 feet to the east property line and further increases to the back corner of the building at the SE corner of the building to 20.7 feet. **Motion by R. Flinton** for a variance of 6 feet to the NE corner of the property line, 6.7 feet to the east property line from the NE corner of the building and 20.7 feet to the property line from the SE corner of the building. **Second by H. Kopper.** Voice Vote: All ayes. Motion carried.

4. An official ruling is needed that: the design proposed with the peaked central portion and step down roof along the facade is an adequate attempt to meet the zoning requirements of a peaked roof given the structural limitations of the building. **Motion by R. Flinton** that the proposed roof is acceptable and satisfies the restrictions of flat roof buildings under the zoning code. **Second by H. Kopper.** Voice vote: All ayes. Motion carried.

5. Another official ruling is needed that: the design submitted is a significant alteration on the normal corporate design of the building and meets the restriction on using corporate architecture. **Motion by R. Flinton** the design submitted is a significant alteration on the normal corporate design of the building and meets the restriction on using corporate architecture. **Second by H. Kopper.** Voice vote: All ayes. Motion carried.

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 8:09 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk
