

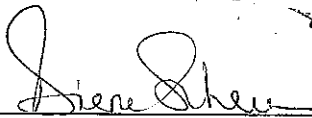
State of New York,
City and County of Schenectady

ss.:

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,**
March 5, 2019 beginning
at 7:30 p.m. In the town
Hall, 5910 Sacandaga
Road, Galway, New York,
to consider the following
application:
ZB#19-002 - Application
of Galway Co-Op.Com,
LLC for an area variance
to construct a 24x24 ga-
rage on property located
at 6049 Fish House Road
(tax parcel #172-1-57)
in the Commercial (C1)
District of the Town of
Galway.
Donna M. Noble
Clerk
2/21 2367797

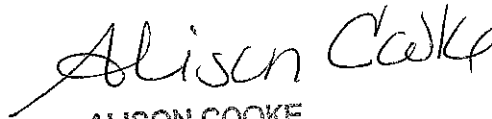
Diana Scheuer of the City of Schenectady,
being duly sworn, says that he/she is Principal
Clerk in the office of the Daily Gazette Co.,
published in the City of Schenectady and that
the notice/advertisement, of which the annexed
is a printed copy, has been regularly published
in the Daily Gazette and/or Sunday Gazette
as follows:

1 insertion on February 21, 2019



Sworn to me on this 21st day of February, 2019

NOTARY PUBLIC



ALISON COOKE
COMMISSIONER OF DEEDS
MY COMMISSION EXPIRES

7/21/19



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, March 5, 2019 @ 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 February 5, 2019 meeting
- 5) **Public Hearing:**
ZB#19-002 - Application of Galway Co-Op.Com, LLC for an area variance to construct a 24x24 garage on property located at 6049 Fish House Road (tax parcel #172.-1-57) in the Commercial (C1) District of the Town of Galway.
- 6) **Public Meeting:**
ZB#19-002 - Application of Galway Co-Op.Com, LLC for an area variance to construct a 24x24 garage on property located at 6049 Fish House Road (tax parcel #172.-1-57) in the Commercial (C1) 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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Galway, NY 12074
(518) 882-6070

RECEIVED

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TOWN OF GALWAY

MINUTES OF ZBA MEETING

Meeting Date: Tuesday, March 5, 2019

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, and Christine McCormack.

MEMBERS ABSENT: Mark Concilla.

ALSO PRESENT: Donna Noble, Clerk; Fred Arnold, Town Liaison; James Trainor, Esq., Town Attorney; Chet Ciembroniewicz, Code Enforcer and one (1) person 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 February 5, 2019 meeting. **Motion by C. McCormack** to approve the minutes with two corrections. **Second by H. Kopper.** Voice vote: all ayes. **Motion carried.**

PUBLIC HEARING – opened at 7:33 pm.

ZB#19-002 - Application of Galway Co-Op.Com, LLC for an area variance to construct a 24x24 garage on property located at 6049 Fish House Road (tax parcel #172.-1-78) in the Commercial (C1) District of the Town of Galway. Mr. Sutton is speaking on behalf of the Galway Co-Op. He explains that Mr. Casadei is proposing to build a 24'x24' garage. The map does not show that there had been a previous variance granted to build a 12'x24' garage... Mark recalls granting variances for a structure and two lean-to sheds along the property line but does not remember granting a variance for a building in the area that this garage is being proposed. There is nothing on the map that they had at the time the variances were granted (that Mark and Mr. Sutton are looking at). Mark explains that when he went to the site he was confused because there is now a structure there. There is an existing structure and ribbon for another one. The existing structure does not have an active variance. He will need a variance for the existing structure and the one to be built next to it which has not been applied for. Mr. Sutton asks if this

hearing can be continued for next month. Mark and the board agree. Mark suggests that the best thing for Mr. Casadei to do is to present a map with everything (all structures, existing and to be built) on it. Also, the application will need to be amended. This application will be tabled until next month. A new map and amended application will be submitted.

Next there is discussion of last month's application regarding "0" Lake Road. Mr. Casadei has not yet filed a request for this property. Mr. Sutton does have an original and a copy of an application to be joined with the Town's application of last month. Mark explains to Mr. Sutton that the interpretation of the Town's application is that the current zoning law does have the provision that a variance that is un-acted upon within a year and/or isn't completed within two years, the variance expires. In looking at the situation as discussed last month, the board believes that at the time the variance was granted, that section of the law might not have been in effect. That if a new application was presented, the board would approve a variance under the current provision. The old variance was based on different setbacks. They will make the variance reflect the current 25 foot setbacks. Mark tells Mr. Sutton to present an application and the board can rule on that variance for the proposal that he has made. Mr. Sutton says, as he understands it, that State law does not allow a variance to be taken away unless the circumstances can be shown to be different enough. Mark says that he made a call to the experts they seek advice on zoning matters and they always say that the variance doesn't expire it stays with the property but in this case, the structure was never built and that in our law it states that if the structure isn't built the variance expires. The experts commented that if it is in our law then it is fine. Mr. Sutton does not agree - he says it is not fine. Mr. Trainor explains that with interpretations, the ZBA has a burden to make certain showings. Based on what he read in the minutes, he does not think this is one of those cases. He actually thinks that the law is such that Mr. Casadei's burden to show that things haven't changed. Mr. Sutton says that one of the things they don't want to do in the future is continue Mr. Casadei's practice of suing the Town which may involve litigation. This is an area where he believes progress can be made. He is not sure where to go from here. He will talk to Mr. Casadei and Mr. Trainor and go from there. Mark asks Mr. Sutton if he understands that the board will grant a variance. Mr. Sutton says that the board is going to do it the way they think is appropriate which may not be best for the Town in the future. Mark says that may be and suggest that they take it up with the Town Board and they can amend the law if they wish but this is what the law is now. The application heard last month was NOT tabled. It was acted upon.

Motion by C. McCormack to close public hearing. **Second by H. Kopper.** Voice vote: All ayes. Motion carried.

PUBLIC MEETING

ZB#19-002 - Application of Galway Co-Op.Com, LLC for an area variance to construct a 24x24 garage on property located at 6049 Fish House Road (tax parcel #172.-1-78) in the Commercial (C1) District of the Town of Galway. Mr. Sutton is speaking on behalf of the Galway Co-Op. This application will be tabled until the April meeting of the Zoning Board.

Motion by C. McCormack to table this application until the April meeting. **Second by H. Kopper.** Voice Vote: all ayes. Motion carried.

PRIVILEGE OF THE FLOOR: None

OTHER BUSINESS: April's meeting date will need to be changed as Mark will not be here. The Board agrees to meet on Wednesday, April 10.

Motion to adjourn by **H. Kopper.** **Second by C. McCormack.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:08 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk