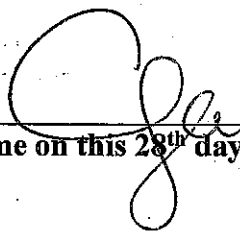


State of New York,
City and County of Schenectady

ss.:

Alison Cooke 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 April 28, 2016



Sworn to me on this 28th day of April, 2016

NOTARY PUBLIC

LISA J. BALDWIN

COMMISSION OF DEEDS

MY COMMISSION EXPIRES

Lisa Baldwin 12-22-17

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, May
3, 2016 beginning at 7:30
p.m. in the Town Hall, 5910
Sacandaga Road, Galway,
New York, to consider the
following application:
Application #ZB16-001 -
On-table application of
Thomas Maloney, for a
reversal of abandonment;
area variance(s); and right
to re-build at property lo-
cated at 3083 Ridgewood
Drive, (tax parcel no.:
198.11-1-100.3) in the Lake
District of the Town of Gal-
way.
Donna Noble
Clerk
4/28 2261071



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

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

ZBA MEETING AGENDA

Meeting Date/Time: **Tuesday, May 3, 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 March 1, 2016 meeting
- 5) **Public Hearing**
 - Application #ZB16-001 – Un-table application of Thomas Maloney, for a reversal of abandonment; area variance(s); and right to re-build at property located at 3083 Ridgewood Drive, (tax parcel #198.11-1-100.3) in the Lake District of the Town of Galway.
- 6) **Public Meeting**
 - Application #ZB16-001 – Application of Thomas Maloney, for a reversal of abandonment; area variance(s); and right to re-build at property located at 3083 Ridgewood Drive, (tax parcel #198.11-1-100.3) in the Lake District of the Town of Galway.
- 7) Other Business
- 8) Adjournment



TOWN OF GALWAY
ZONING BOARD OF APPEALS
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ESTABLISHED 1792

P.O. Box 219
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MINUTES OF ZBA MEETING

Meeting Date: May 3, 2016

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

Meeting called to order at 7:32 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 6 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 April 5, 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 7:34 pm

Application #ZB16-001 – Un-tabling the application of Thomas Maloney, for a reversal of abandonment; area variance(s); and right to re-build at property located at 3083 Ridgewood Drive, (tax parcel #198.11-1-100.3) in the Lake District of the Town of Galway: Frederick Metzger is in attendance on behalf of the applicant. Mark explains that when this application originally came to the board, due to a court challenge, the abandonment procedure that was used previously is not viable and the board can reverse the abandonment declaration by the code enforcement officer and that the issue with this application become area variances as requested. Mr. Metzger explains that his client is looking to take down the camp that has pretty much fallen down and re-place it with a one bedroom chalet. They want to utilize the existing well and go more with "Plan B" (of two different plans presented to the board) and to have a holding tank placed on site. Mark explains that the board can grant variances requested but they would still have to go through Chet to get a building permit which includes approval of a septic tank. Herb points out to Mr. Metzger that there are height restrictions when re-building. Mark asks if anybody in attendance would like to speak. Mr. Eidens, neighbor, speaks. He does not feel that the applicant has any standing when making his request. He points out that the application is not signed and that Jean Maloney, the rightful owner of the property, has died. He also feels that in reference to the side yard requirement - that at 50 feet wide it is not a building lot and was never a building lot. That the only reason a camp was built on it long ago was for reasons for historical purpose unknown to them. He feels that once the camp fell down it is no longer in existence. Mark states

that Mr. Eidens has a point about the application. It is not signed and the board will need the property owner to sign the application. Mr. Metzger explains that they are in the process with a local attorney to have everything straightened out with the ownership of the property. Mark explains that this was a non-conforming lot, in existence at the time, has been an individual ownership through that period. Where the board was using abandonment as a way to control the non-conforming lots, saying that non-use had abandoned the non conforming status, the town was reversed in court and that abandonment does not apply to the non-conforming lot. Mark tells Mr. Metzger again that he will need to submit a signed application by the property owner.

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

PUBLIC MEETING:

Application #ZB16-001 – Un-tabling the application of Thomas Maloney, for a reversal of abandonment; area variance(s); and right to re-build at property located at 3083 Ridgewood Drive, (tax parcel #198.11-1-100.3) in the Lake District of the Town of Galway: The board has determined in the public hearing that because there is no application signed by the owner there is not a valid application and the applicant will need to submit a new application.

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

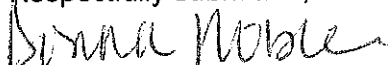
PRIVILEGE OF THE FLOOR: Frank Marqueeto is purchasing a lot on Lake road that previously burned down. He asks the board for guidance and information as to what needs to be done to re-build the property. The property has a septic tank and a well. Mark explains the process and the steps that Mr. Marqueeto needs to take.

Andrew McPherson speaks to the board regarding variances that were previously granted to him by the board on his property located 1022 Camp Ave., South side of the road (tax parcel #185.17-1-42) in the Lake District of the Town of Galway. After he was granted his variances, Mr. McPherson had his property re-surveyed and found that the measurement are not correct and wants to know if he can proceed with the variances that were granted. Mark explains to Mr. McPherson what his options are. Everybody is in agreement that based on new evidence presented, Mr. McPherson will need to request an amendment to the area variances that were previously granted and that there will have to be a new public hearing and meeting.

OTHER BUSINESS: Mark talks to the board about conflict of interest. If anybody has a conflict of interest with any application or an appearance of a conflict, the board member will have to acknowledge that conflict and recuse themselves from consideration of the application.

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

Respectfully submitted,



Donna Noble, Clerk