

PLEASE TAKE NOTICE

The monthly meeting for the town of Galway Zoning Board of Appeals will be held on **Tuesday, May 6, 2014** beginning at 7:30pm at the town hall located at
5910 Sacandaga Road, Galway, NY 12074

The agenda is as follows:

1. Roll call.
2. Public hearing NO. ZB14003 Tax ID 199.-1-29.2 - 2467 Galway Road Area Variance to allow auto repair home occupation in an existing 1200 sq ft garage where 800 sq ft is permitted.
3. Public hearing NO. ZB14004 Tax ID 211.-1-83 - 1547 Kania Road Area Variance for a side building setback of 30 ft where 50 ft is permitted for the purpose of constructing a detached garage.
4. Public meeting NO. ZB14005 Tax ID 185.15-2-41- 6016 Top Notch Road Area Variance for a side building setback of 16'10" where 25 ft is permitted for the purpose of constructing an addition to the rear of the camp.
5. Public meeting NO. ZB14003- 2467 Galway Rd
6. Public meeting NO. ZB14004- 1547 Kania Rd.
7. Public meeting NO. ZB14005- 6016 Top Notch Rd.
8. Privilege of the Floor.
9. Other business.
10. Adjournment.



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

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

Town of Galway Zoning Board of Appeals May 6, 2014

Roll Call: Chairman Kindinger, Members Brett, Kopper, McCormack and also Clerk Talmadge.

The minutes for the April 1, 2014 meeting were approved with a motion by McCormick and a second by Brett. All members voted in favor of the motion.

Public Hearing Application No. ZB14003: McKenzie & LeTourneau - 2467 Galway Rd. Tax ID 199.-1-29.2 Request for an Area Variance to allow home occupation in an existing 1200 sq ft garage where 800 sq ft is permitted.

After the public notice was read as published, the Chairman opened the public hearing. The applicant was represented by Sue Sutch who presented a letter from the homeowner granting permission to represent their interest.

Mrs. Sutch indicated the following:

The existing garage is not readily visible from the road.

The scale of business is small.

Mr. McKenzie would like to pursue a NYS Inspection License and would be active in the home occupation part time as he has a full time job off premises.

The law allows 800 sq ft and the existing garage is 1200 sq ft. A 400 sq ft variance is needed to go back to the planning board.

Chair Kindinger advised the board that they would be voting on the square footage for a home occupation and not for the use and also, the planning board would be the deciding factor for a Special Use Permit where the use of the building would be decided.

Mr. Kopper expressed some concerns about a business in the Ag/Res district where the least intrusive use is required – no signage – and a NYS sign would be posted, a business has to run with no customers – and they would be coming and going with automobiles.

Ms. Brett indicated she believes it is not a low impact business but may be a major home occupation.

A brief discussion ensued after which Chair Kindinger advised it is not the zoning board's ruling whether or not a use is allowed – and the applicant is here for an area variance only.

Mrs. Sutch stated that they are trying to do the right thing – they went to the planning board and were referred for the area variance.

There were no public comments.

Everyone had an opportunity to speak.

The public hearing was closed.

Public hearing No. ZB14004 – 1547 Kania Road – Tax ID No. 211.-1-83 – Near – Area Variance for a side building setback of 30 feet where 50 feet is permitted for the purpose of construction a detached garage.

After the public notice was read as published the Chairman opened the public hearing. Mr. Near represented his application explaining the only reasonable place to put the garage and to be able to make the swing into it is 30 feet from the property line.

There were no public comments.

Everyone had an opportunity to speak.

The public hearing was closed.

Public hearing No. ZB14005 – 6016 Top Notch Rd – Tax ID No. 185.15-2-41 – Reilly – Area Variance of 9 feet where 25 feet is permitted for a side building setback.

After the public notice was read as published the Chairman opened the public hearing. Clerk Talmadge indicated a phone call from the adjoining neighbor indicated there are no objections to the variance, however, the construction plans call for no windows on the side of the addition and they would like that adhered to.

There were no public comments.

Everyone had an opportunity to speak.

The public hearing was closed.

The Public meeting No. ZB14003 – McKenzie.

Mr. Kopper made a motion to approve the variance of 400 sq ft to allow a home occupation in an existing 1200 sq ft garage with the stipulation that the remaining 800 sq ft be sectioned off for the home occupation and the home occupation as discussed be approved through Special Use Permit and Site Plan at the Town of Galway Planning Board.

McCormack made a second to the motion.

All members voted in favor of the motion.

Public meeting No. ZB14004 – Near.

Ms. Brett made a motion to approve the variance of 20 ft to allow a side building setback of 30 ft to the east property line from the eaves of the proposed garage.

Mr. Kopper made a second to the motion.

All members voted in favor of the motion.

Public meeting No. ZB14005 – Reilly.

Ms. McCormack made a motion to approve the variance of 9 ft to allow construction as close as 16 feet to the west side property line from the eaves of the proposed addition.

Mr. Kopper made a second to the motion.

All members voted in favor of the motion.

August meeting – Kindinger would not be in attendance therefore if an application were to come in the secretary would advise them that a full board vote would be required for approval and would give them the option of coming in September.

There will be no meeting for June as there are no new applications.

There was no other business.

The meeting was adjourned.

Respectfully submitted,
Sue Talmadge