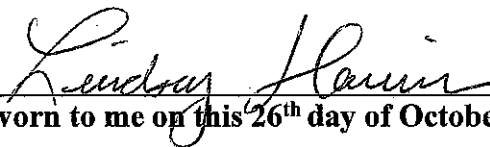


State of New York, ss.:
City and County of Schenectady

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, November 1, 2016 beginning at 7:30 p.m. in the Town Hall, 5910 Sacandaga Road, Galway, New York, to consider the following application:
• Application #ZB16-009 Application of Daniel Lennon for a building permit to build on vacant land at 5317 Faber Road (tax parcel # 185-1-13) in the A/R District of the Town of Galway.
• Application #ZB16-011 Application of Thomas Maloney for area variance(s) on property located at 3083 Ridgewood Drive, (tax parcel #198-11-1-100.3) in the Lake District of the Town of Galway.
Donna Noble
Clerk
10/26 2281174

Lindsey Harrison 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 October 26, 2016


Sworn to me on this 26th day of October, 2016

NOTARY PUBLIC

ALISON COOKE
COMMISSIONER OF DEEDS
MY COMMISSION EXPIRES
4/2/2017





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

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

RECEIVED

OCT 25 2016

TOWN OF GALWAY

ZBA MEETING AGENDA

Meeting Date/Time: **Tuesday, November 1, 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 October 4, 2016 meeting
- 5) **Public Hearing**
 - Application #ZB16-009 - Un-Table application of Daniel Lennon for a building permit to build on vacant land at 5317 Faber Road (tax parcel # 185.-1-13) in the A/R District of the Town of Galway.
 - Application #ZB16-011 - Application of Thomas Maloney, for area variance(s) on 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 #ZB16-009 - Un-Table application of Daniel Lennon for a building permit to build on vacant land at 5317 Faber Road (tax parcel # 185.-1-13) in the A/R District of the Town of Galway.
 - Application #ZB16-011 - Application of Thomas Maloney, for area variance(s) on 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

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TOWN OF GALWAY

MINUTES OF ZBA MEETING

Meeting Date: November 1, 2016

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

Meeting called to order at 7:36 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, Code Enforcement Official; and 7 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 : October 4, 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 7:38 pm

Application #ZB16-009 - Application of Daniel Lennon for a building permit to build on vacant land at 5317 Faber Road (tax parcel # 185.-1-13) in the A/R District of the Town of Galway. Mr. Lennon presents the survey to the property that he did not have at last meeting. There was a perk test and septic test done on the property as well. All testing is done. Mark questions the wetlands on the property. Mr. Lennon says there is confusion as to why that is there. He had been told by DEC that there are no wetlands on the property. What is shown on the map is a wetlands buffer zone because there is a creek that runs in the back of the property. The survey shows that the property is just about 1 acre. Total lot size is 1.26 acres. Last time Mr. Lennon was here, he explained he was living next door. He purchased this property so that nobody else could buy it and build on it (because it was his understanding that this lot could be built on). Now they have moved and want to sell the lot. They are here in front of the board to find out if it is a buildable lot. Mark explains that the zoning law requires a three (3) acre lot to build

on. Therefore it is not a buildable lot as such and a variance would be needed to build and that is what the board will be considering.

Application #ZB16-0011 - Application of Thomas Maloney, for area variance(s) on property located at 3083 Ridgewood Drive, (tax parcel #198.11-1-100.3) in the Lake District of the Town of Galway. Mr. Metzger is here to speak on behalf of Thomas Maloney. They are seeking side and rear variances on the property to build a new camp. Mark reads letters from Mr. Eidens and Mr. Nastar. Both neighbors are in opposition and do not want variances granted. Also, Mr. Nastar had previously given permission to drive over his property for construction purposes but is now rescinding that permission. Mark lets Mr. Metzger know that they will need to stay off of his property. There is discussion of the size of the building that will be built. The owners have not picked out anything specific. It is suggested that the variance requested allows for a front porch/steps. It is easier to build smaller than to build too big. There is also discussion of the septic and well.

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

Public Meeting

Application #ZB16-009 - Application of Daniel Lennon for a building permit to build on vacant land at 5317 Faber Road (tax parcel # 185.-1-13) in the A/R District of the Town of Galway. The Board runs through the requirements. The variance being asked for is substantial, the building size lot for land is 3 acres, this is only a 1 acre lot. Building on this lot will put a house very close to the neighbors properties. The 50 foot frontage is an issue. There should be 200 feet frontage. There could be as little as 60 feet. The right of way does not count for frontage. This meets neither requirement. Running through the factors and say the hardship here is that they want to sell the lot as a buildable lot and believed it was a buildable lot when it was purchased. It is not buildable under the current zoning law. It would potentially change the character of the neighborhood. The variance is substantial. It is only 1/3 of the required lot. The interpretation of the Zoning Law: can the Board grant a variance in the lot size to make this a buildable lot? The board agrees that they cannot do that. **Motion by R. Flinton** to deny a variance of the lot size in order to build a house on the 1 acre lot. **Second by C. McCormack.** Voice vote to deny: All ayes. Motion carried.

Application #ZB16-0011 - Application of Thomas Maloney, for area variance(s) on property located at 3083 Ridgewood Drive, (tax parcel #198.11-1-100.3) in the Lake District of the Town of Galway. Ryan would like confirmation that all the Board is considering at this time is the side and rear lot set-backs. Yes, that is correct. The proposed plan generally squares the property up on the lot, improves it on the East side, improves it on the West side. The re-orientation is positive. The well and septic issues are a matter for Chet, the Code Enforcement Officer, to hash through which will require engineering analysis. The proposed variance is: a 13 foot variance on the south side of the property, a 15.3 variance on both the east side running 40 feet to include a 4 foot stairs and 15.3 feet on the west side running 36 feet

Motion by H. Kopper to grant a variance of 13 feet on the rear set-back, 15.3 feet on the East side extending 40 feet long to include 4 foot stairs and 15.3 feet, extending 36

feet on the West side. **Second by C. McCormack.** Voice vote: 4 ayes, 1 nay. Motion carried.

PRIVILEGE OF THE FLOOR: None

OTHER BUSINESS: Discussion of the Town Board Liaison. Where is he and how do we get him to the meetings? The Board feels that it is important to have communication with and have the Liaison at each monthly meeting. Discussion of the application of Russell Sparks and family that will be in front of the Board. Ryder Truck Systems is looking to use the Sparks property as a rental truck repair facility. The property is located at 2948 Route 29. The problem is that they are in the A/R district, not in the commercial district. There is a business use of the site but it is unclear whether it was approved in the past, or if it is something they just did. It seems they are talking about a substantial use of the site. Question is would the Board grant a special use permit to do so. The Board points out that this would be a good time for the Town Board Liaison to be present.

Motion to adjourn by **H. Kopper.** **Second by R. Flinton.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk