



# AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK )  
CITY AND COUNTY OF SCHENECTADY )<sup>ss</sup>

Gloria Cabrera of the City of Schenectady, being duly sworn, says that 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:

10/30/15

Sworn to or affirmed before me on 10/30/2015.



Notary Public

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

4/2/2017



**Town of Galway**  
**ZONING BOARD**  
**OF APPEALS**  
PLEASE TAKE NOTICE  
Due to elections being held at the town hall on the regular meeting night of the Zoning Board of Appeals, the November public hearings/meetings will be held on Wednesday, November 4, 2015.  
Donna Noble  
Clerk  
10/30 2241362



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

5910 Sacandaga Rd  
Galway, New York 12074  
518-882-6070

**ZBA MEETING AGENDA**

Meeting Date/Time: **Wednesday, November 4, 2015 @ 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 September, 2015 meeting
- 5) **Public Hearing**
  - Application #ZB15-007 – Untabing of Application of Galway Co-Op, tax parcel #185.13-15 for an interpretation of the Zoning law as it pertains to abandoned property.
- 6) **Public Meeting**
  - Application #ZB15-007 – Untabing of Application of Galway Co-Op, tax parcel #185.13-15 for an interpretation of the Zoning law as it pertains to abandoned property.
- 7) Other Business
- 8) Adjournment



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TOWN OF GALWAY

**MINUTES OF ZBA MEETING**

Meeting Date: November 4, 2015

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, Teresa Brett and Ryan Flinton

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Donna Noble, Clerk; Chet Ciembroniewicz, Building Inspector/Code Enforcement Officer and 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 October 2015 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 7:31 pm

**Application #ZBA15-007 – Application of The Galway Co-Op for an interpretation of the Zoning law as it pertains to abandoned property. Tax Map No.: 185.-13-15.**

Applicant not in attendance. Sarah Green Esq. did call to say they would not be at this meeting and to make a decision based on what is already known. Move directly to the public meeting to make a decision.

**PUBLIC MEETING**

**Application #ZBA15-007 – Application of The Galway Co-Op for an interpretation of the Zoning law as it pertains to abandoned property. Tax Map No.: 185.-13-15.**

5698 Crooked Street-looking for an interpretation of the Zoning law concerning abandonment. By looking at the code: Section 115-34 Nonconforming uses: a-1: "any residential lot held by a single separate ownership prior to the adoption of the chapter that areas width or depth is less than the specified minimum lot requirement will be considered to be complying with the minimum lot requirement. No variance shall be required". This would apply to this case because it was separately owned. However, in Section 115-34, b-4 Abandonment: "When a non conforming use has been abandoned it

shall not thereafter be re-established. When a non conforming use has been vacated, not used or occupied or discontinued for a period of one year it shall be presumed to have been abandoned". Zoning Board can reverse an abandonment decision under extraordinary circumstances. August 22, 2011 Galway Co-Op affirms that the property is not habitable at this time, does not have to comply with the Order of Remedy from August 8, 2011 where it is noted that they have not had the waste water treatment certified and that they have no intent to do that because it was not intended to be occupied at this time. Responding to that, on a site visit October 1, 2013, Mr. Casadei (agent for the Galway Co-Op) says that it is not being inhabited, that somebody was there fishing and had a fire. They are not staying. He is not sure what he is doing with the property. That was 2011-2013 which is more than a year that the property was not occupied, therefore meets the definition of abandonment. Chet also says that between 2013 until now he has not gotten any calls that somebody has been staying there. Because of issues at other properties on Crooked Street, he is on that road probably three (3) nights a week and he has never witnessed anybody inside the property. There has been no activity.

**Motion by C. McCormack** to decide that under Section 115-34 we are finding that b-4 under the definition of abandonment that the non conforming use was discontinued or not used for a period of at least a year and therefore the abandonment decision is appropriate and will not be reversed at this time. That Mr. Casadei's assertion that the property was occupied would have made the property in violation of the Zoning law and it is not creditable. This decision is not made with prejudice. **Second by R. Flinton.** Voice vote: All ayes. Motion carried.

**Motion to adjourn the public meeting by C. McCormack. Second by H. Kopper.** Voice vote: All ayes. Motion carried.

**PRIVILEGE OF THE FLOOR** – None.

**OTHER BUSINESS** – None.

**Motion to adjourn by H. Kopper. Second by T. Brett.** Voice vote: All ayes. Motion carried. Meeting adjourned at 7:45 pm.

Respectfully submitted,



Donna Noble, Clerk