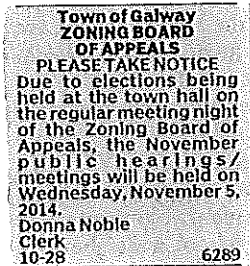
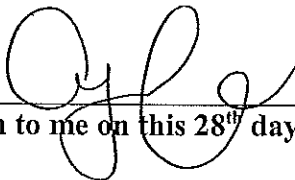


State of New York, ss.:
City and County of Schenectady

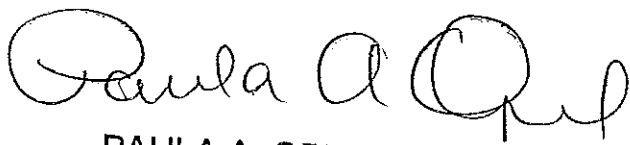


Alison Cooke of the City of Schenectady,
being duly sworn, says that he/she is Principal
Clerk in the office of the Daily Gazette Co.,
published in the City of Schenectady and that
the notice/advertisement, of which the annexed
is a printed copy, has been regularly published
in the Daily Gazette and/or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

1 insertion on October 28, 2014


Sworn to me on this 28th day of October 2014

NOTARY PUBLIC


PAULA A. OPEL
COMMISSIONER OF DEEDS
MY COMMISSION EXPIRES 10/2/2015



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: **Wednesday, November 5, 2014* @ 7:30 pm**

***Note change in meeting night due to Election Day**

- 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 7, 2014 meeting
- 5) **Public Hearing**
 - Application #ZB14010 – Request of Kenneth R. Holland for height variance required to erect a sign at the site of a Laundromat located at 5890 Rte 147 in the Commercial/Retail District of the town of Galway, tax parcel #186.-1-8.2
 - Application #ZB14011 – Request of William Tedford for area variance(s) required to construct a 6' x 28' front porch on an existing house located at 6028 Dean Lung Rd in the A/R District of the town of Galway, tax parcel #173.-1-72.2
 - Application #ZB14012 – Request of John Reale for area variance(s) needed to replace an existing structure with a new home on property located at 5834 Lake Rd in the Lake District of the town of Galway, tax parcel #185.14-1-27
- 6) **Public Meeting**
 - Application #ZBA14008 – Untabling and decision on request of Bruce Martindale ... tax parcel #198.5-1-7 (Application having been tabled at October meeting)
- 7) SEQR Review/classification / Decisions:
 - Application #ZB14010 - Kenneth R. Holland ... tax parcel #186.-1-8.2
 - Application #ZB14011 – William Tedford ... tax parcel #173.-1-72.2
 - Application #ZB14012 – John Reale ... tax parcel #185.14-1-27
- 9) Other Business
- 10) Adjournment



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MINUTES OF ZBA MEETING

Meeting Date: November 5, 2014

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 (Currently one vacancy on Board)

MEMBERS ABSENT: None

ALSO PRESENT: Donna Noble, Clerk; and approximately 15 people in the audience including applicants.

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 2014 meeting. Motion by **C. McCormack** to approve the minutes as presented. **Second by H. Kopper**. Voice vote: all ayes. Motion carried.

PUBLIC HEARING – Opened at 7:33 pm

Application #ZBA14-010 – Application of request from Kenneth R. Holland for area variance(s) to install a sign on property located at 5890 Route 147 in the Commercial District of the Town of Galway, tax parcel #: 186.-1-8.2

Clerk read the legal notice as it appeared in the *Daily Gazette* on October 21, 2014. Mr. Holland is present. MK asks him to tell the board what he is looking for and why he needs a sign. MK explains that the zoning requirement limits are 10 feet in the commercial district and asks Mr. Holland if he is looking to put up a 13 foot sign. Mr. Holland says that he already has the sign. MK asks if the 13 feet is to the top of the sign. Mr. Holland says it is from the bottom of the banner and the over all height will be 16 feet. MK says that it will be 2 feet taller then the building and asks why the sign needs to be that tall. Mr. Holland says for visibility purposes and feels that it will keep it from being vandalized. MK says he looked at the property and at other signs in the village and none are that tall. Explains that Stewart's was granted a variance based on the site lines coming across the road. MK says he drove up the road and thinks the biggest problem Mr. Holland has is the wooded lot next door which much cannot be done with. MK asks the board if they have any questions. There is discussion about the footage from the road. HK says he measured the distance from the double lines, 25 feet and it is 18 feet from the double lines to the edge of the road which means set back from the road would be 7 feet and he thinks it is a 10 foot set back. HK then says he is

mistaken, it is a 15 foot setback from the road, 10 feet from the lot lines and 15 feet from the road. Mr. Holland says he was given a number of 24 feet from the center of the road from Dave Costanzo. There is discussion about the height of the sign, setbacks and variances needed.

Application #ZBA14-011 – Application of request from William Tedford for area variance(s) to construct a front porch on property located at 6028 Dean Lung Road in the A/G District of the Town of Galway, tax parcel #: 173.-1-72.2

Clerk read the legal notice as it appeared in the *Daily Gazette* on October 21, 2014. Mr. Tedford is present. MK asks him to explain what he would like to do. Mr. Tedford explains that the house is existing since 1978 and is approximately 56 feet wide from side to side and wants to construct a porch. He was informed by the zoning inspector that the right front corner of the porch will be 35 feet from the side lot instead of the 50 feet required and is requesting a 15 foot variance. MK asks the board if they have any questions. No questions are asked.

Application #ZBA14-012 – Application of request from John Reale for area variance(s) to remove existing structure and replace it with a new home, well, and septic on property located at 5834 Lake Road, in the Lake District of the Town of Galway, tax parcel #: 185.14-1-27: Clerk read the legal notice as it appeared in the *Daily Gazette* on October 21, 2014. John Reale is not present. Mark Reale (son) is present. MK says the board has received drawings. Code enforcement officer indicates that the property has been declared an abandoned property because it has not been occupied in seven (7) years. Mr. Reale says that is incorrect. They have been fighting permits for four (4) years and that they use the property in the summer. MK says that what the difference makes is what the set backs are required and that they cannot meet any of the setbacks, whether the property is considered new or existing. It will be a matter of how the board will write the variance. Also asking for a variance on the distance of the septic system from the lake. The zoning requirements, which are also taken from the State Environmental Law, are that the septic system needs to be 100 feet from the lake. MK says that the applicant has been in discussion with Mr. Rorick about having a design of a certified system but does not think it is one that can be less than 100 feet from the lake. Mr. Reale disagrees and asks if the board has a copy of the design. There is discussion about the design. MK does not see where it shows that it is the correct system. While looking over design MK says that the drain field is still within 100 feet of the lake and does not know if that meets requirements. Mr. Reale says there is nowhere else to put the drain field and is hoping to get a variance. MK explains that the 100 foot line, while in the Town of Galway zoning law it is also derived from the State's environmental law and after the board goes through the decision process, the environmental form will need to be filled out and will have a hard time answering that it will not effect adverse change in natural resources... because it does not meet the normal setbacks. MK asks, because they are moving the well, can this be pulled back behind the 100 foot mark? MK says that it can be referred to the Town Engineer for clarification that it meets the State requirements. MK says that the board cannot take action on the whole application without doing the environmental assessment form and suggest that it be reviewed by the Town Engineer to see whether the septic system is one of the systems that meets requirements. MK suggest, in the meantime, talking to the man who did the septic plan to see whether or not it can be rotated without it being an issue to the existing well. Mr. Reale says, to be clear, rotate the system 90 degrees and push it basically North. MK points out the dotted lines on the map and says it doesn't matter where it goes as long as it on the other side of the line, the board has no

issue. Mr. Reale asks if action can be taken on the house. MK says there is only one application and to take action the board would have to deny the variance on the septic. An area variance could be granted on the location of the house the house cannot be built without a septic system and if there is a problem with placing the system there something else would have to be done and the board would deny the variance on the distance to the lake. Mr. Reale asks if action was taken on the house with a stipulation that the septic be approved somehow, someway, would he be able to move forward with the demolition. MK says that there is nothing that is stopping them from doing the demolition but they would deny the application on the septic system and a new plan would have to be submitted to Chet for whatever is going to be done with the septic. Chet is probably going to want, before we give the variance and before he approves the building permit, to see the septic plan that meets the setback. If Mr. Reale can submit documentation that the septic system is the proper system, Chet could approve the building permit as is. MK says that along with this application he adds that a letter was received from a neighbor at 5826 Lake Road as they are unable to attend the meeting and appoint Karen Rae to represent them with their concerns. They are in favor of variance as of the new dwelling as long as it will not be more than one story tall and will be a single family unit. They also question whether there is a statute of limitations on the length of time a property can be abandoned and neglected before a new building is erected as the property has been abandoned and neglected for over seven years and refer to a letter written to Chet Ciembroniewicz in 2009. MK also received calls from the Reilly's, the Bailey's and Ronald Cavanaugh. MK asks if anybody else would like to speak on this application. Mr. Reale is curious as to what MK is saying – if the septic tanks does get fixed the variances will go through. MK says that at this point in the meeting we are just discussing it. When the public meeting is held we would rule on it. We could grant the variances but deny the septic variance which would mean that you have to get something that fits the code meaning: move the leech field to outside the 100 foot mark or certified that they system that you are using is the type that can be one of those that can be as little as 50 feet away. A neighbor that is present expresses concerns about moving the septic system close because there is a stream that runs adjacent to the property and also the location of the neighbor's wells and knowing where they are. MK asks where is the stream? The stream is adjacent to the property, between the Cavanaugh's and goes to the west. There is a culvert along the road. MK said he walked the whole property and did not find any water. The neighbor said that is because it hadn't rain the whole month. MK says it is a run off and the neighbor says that when it rains it is pretty steady. Then asks if the application is a new construction. MK says that as of now, Chet is considering it an abandoned building and would require the new construction setbacks. There is discussion between the audience as to whether the property has been abandoned and the size of the lot. MK says that the lot size will have to be part of the ruling because if it hasn't been used in more then a year, because of abandonment, they lose their use of a non conforming lot. Mr. Reale asks again if any action will be taken on the variance on the structure itself. MK says not tonight, we will table it until you come back with a resolve of the septic issue. The board can only take action tonight if it is going to be a short environmental review and with the current application, it is not. Mr. Reale asks if they are able to obtain the information needed, can we come back in December? MK says yes.

Motion by T. Brett to close the public hearing on application 14010 and 14011.

Second by H. Kopper. Voice vote: All ayes. Motion carried.

Application ZB14-012 pending submission of addition information about the septic system. Mr. Reale is to give information that shows that it either meets the zoning requirements as far as setbacks to the lake or that it meets it because where it is currently positioned because it is state approved (given a certification from the engineer or designer of the system). Public hearing will be left open and the application will be tabled until the December 2, 2014 meeting.

PUBLIC MEETING

Application ZBA14-010 – Request of Kenneth Holland for a sign variance(s).

Motion is to grant a 6 foot variance for the height of the sign and a 5 foot variance from the edge of the road.

Motion by T. Brett. Second by C. McCormack. Voice vote: All ayes. Motion carried.

Application ZBA14-011 – Request of William Tedford for variance for a porch addition.

Motion is to grant a 16 foot variance (from the drip line) on the South side of the property for a porch that extends 6 feet from the existing structure

Motion by T. Brett. Second by H. Kopper . Voice vote: All ayes. Motion carried.

Application ZBA14-008 - Request of Bruce Martindale for area variance(s)

Motion is to grant 20 foot side lot variance on the South side of the property and a 20 foot variance on the East side of the property.

Motion by H. Kopper. Second by C. McCormack. Voice vote: All ayes. Motion carried.

PRIVILEGE OF THE FLOOR – None requested

OTHER BUSINESS – None.

Motion to adjourn by H. Kopper. Second by T. Brett. All ayes. Motion carried.
Meeting adjourned at 8:50 pm.

Respectfully submitted,



Donna M. Noble, Clerk