

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

LEGAL NOTICE  
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 Wednesday  
November 6, 2019 begin-  
ning at 7:30 p.m. in the  
Town Hall, 6910 Sacan-  
daga Road, Galway, New  
York, to consider the fol-  
lowing application:  
ZB#19-008 Application  
of Cheryl Gawley  
for area variance(s) for  
construction of a 30x50  
year round residence on  
property located at 2620  
May Road (tax parcel  
no. 198.6-4-6.1) in the  
Lake District of the town  
of Galway.  
Donna M. Noble  
Clerk  
10/21 2380231

Melanie Abraham 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 October 21, 2019



Sworn to me on this 29th day of October, 2019

NOTARY PUBLIC



PAULA A. OPEL

COMMISSIONER OF DEEDS

MY COMMISSION EXPIRES 07/22/2021



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

5910 Sacandaga Rd.  
Galway, NY 12074  
(518) 882-6070

RECEIVED

OCT 17 2019

TOWN OF GALWAY

**ZBA MEETING AGENDA**

Meeting Date/Time: **Wednesday, November 6, 2019 @ 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 1, 2019 meeting
- 5) **Public Hearing:**  
**ZB#19-008** - Application of Cheryl Cawley for area variance(s) for construction of a 30x50 year round residence on property located at 2620 May Road (tax parcel no.: 198.6-4-6.1) in the Lake District of the Town of Galway.
- 6) **Public Meeting:**  
**ZB#19-008** - Application of Cheryl Cawley for area variance(s) for construction of a 30x50 year round residence on property located at 2620 May Road (tax parcel no.: 198.6-4-6.1) in the Lake District of the Town of Galway.
- 7) Other Business
- 8) Adjournment



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**ZONING BOARD OF APPEALS**  
**SARATOGA COUNTY, NY**  
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NOV - 7 2019

TOWN OF GALWAY

**MINUTES OF ZBA MEETING**

Meeting Date: Wednesday, November 6, 2019 (meeting date changed due to general election)

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, Christine McCormack, Herman Niedhammer and Andy Decker.

**MEMBERS ABSENT:** Mark Concilla.

**ALSO PRESENT:** Donna Noble, Clerk; James P. Trainor, Esq., and approximately four (4) 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 1, 2019 meeting. Motion by C. McCormack to approve the minutes. Second by H. Niedhammer. Voice vote: all ayes. Motion carried.

**PUBLIC HEARING** – opened at 7:31 pm.

**ZB#19-008** - Application of Cheryl Cawley for area variance(s) for construction of a 30x50 year round residence on property located at 2620 May Road (tax parcel no.: 198.6-4-6.1) in the Lake District of the Town of Galway. Looking for a variance, per the plot plan, they are asking for a two foot setback on one side and a two and a half foot setback on the other side. The intent is to build within nine feet of the edge of the road. This is a private road that is plowed by the residents. Mark explains that normally, this type of setback in front, against the road is problematic for snow plowing. Mark asks Ms. Cawley if there is a plan for the house and will there be an entrance on that side. Ms. Cawley says, not on the nine foot side. There will be a lot of snow in this area. Another thing Mark explains is that in the past, the board has not normally approved a setback variance less than five feet in the lake district to avoid problems. This site is unique in that there is nothing on either side. Generally, and one of the reasons the board wants at least five feet is because over the years, the next person that does a survey finds out that there is a problem so in the past the board has asked for at least five feet in the past. That does make the garage problematic. Mark asks Ms. Cawley if she has thought about putting the garage someplace else. There is discussion of where the garage could or could not be built. There are

many reasons why the garage couldn't be built in another place. It also cannot be build under the residence. The plan for the house is in its final revisions of the floor plan. It will be two bedrooms and two bathrooms. The old house is two bedrooms and one bathroom. There is discussion of the septic system. The current septic system is sized for the new house and won't be an issue. Mark asks if the well will need to be moved. It will not need to be moved. Mark explains that the front set back, if this property was on a town road, could not be approved. Because it is a private road, it can be approved. The board has many concerns with this plan. A major concern the board has is the precedence this will set with properties in the lake district going forward. Mark asks Ms. Cawley, if held to the five foot setback, what changes could be made. She said that the garage might have to go. She does intend to live in this house year round and having a garage is very important to her. They are very confined by the property. The right of way on the property is not plowed in the winter. The board looks at other ways the house and garage could be placed on this property. There are little to no options. Mark explains to Ms. Cawley that right now we are in the public hearing and we will move to the public meeting where the board will make a decision on this application. If they decide that they will hold this to the five foot setbacks (20 foot variance) to the eaves, not the foundation, then that will leave Ms. Cawley to either accommodate the setbacks with a change in her design or she would have to do something else.

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

#### **PUBLIC MEETING**

ZB#19-008 - Application of Cheryl Cawley for area variance(s) for construction of a 30x50 year round residence on property located at 2620 May Road (tax parcel no.: 198.6-4-6.1) in the Lake District of the Town of Galway. The request is for a 16 foot variance to the front of the house (west) from the private roadway. A 23 foot variance on the north side and a 22 and a 1/2 foot variance on the south side. Mark asks Mr. Trainor if the correct thing to do is to act upon what the application is asking for. Yes, Mr. Trainor agrees. The request is for a 16 foot variance on the west (frontage); a 23 foot variance on the north side and a 22 and a 1/2 foot variance on the south side. Voice vote: All nays.

**Motion by A. Decker** for a 16 foot variance on the west side; a 20 foot variance on the north side and a 20 foot variance on the south side. **Second by C. McCormack.** Voice vote: All ayes. Motion carried.

Mark tells Ms. Cawley that she has been granted a five foot variance on each side. The setback is five feet to the drip line, not the foundation. That will have to be met with the building permit issued. Also, the zoning law has a requirement that construction must start within a year from the variance being granted and the project must be completed with two years.

**PRIVILEGE OF THE FLOOR:** None

**OTHER BUSINESS:** None

**Motion to adjourn by H. Niedhammer.** **Second by A. Decker.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:05 p.m.

Respectfully submitted,

*Donna Noble*

Donna Noble, Clerk