

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

**LEGAL NOTICE**  
Town of Galway  
**ZONING BOARD**  
**OF APPEALS**  
**PLEASE TAKE NOTICE:**  
The monthly meeting of  
the town of Galway Zon-  
ing Board of Appeals has  
been **CHANGED** from  
Tuesday, November 6,  
2012 to **MONDAY, NO-**  
**VEMBER 12, 2012** due to  
Election Day and voting  
taking place at the town  
hall on November 6th.  
10-30 2721

**Donna Venezio 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:**

1 insertion October 30, 2012

Donna Venezio  
Sworn to me on this 31<sup>st</sup> day of October 2012

**LISA J. BALDWIN**

**NOTARY PUBLIC**

**COMMISSION OF DEEDS**

**MY COMMISSION EXPIRES**

8-16-2014

*Lisa Baldwin*



**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: **Monday, November 12, 2012\* @ 7:30 pm**

\*denotes change in meeting night

Location: Town Hall Complex - 5910 Sacandaga Rd - Galway

- 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 4, 2012 meeting
- 5) SEQRA review/classification – Application #12-004
- 6) **Public Hearing**
  - Application #12-004 – Application of Stewart’s Shop Corp for variances needed for the redevelopment of tax parcel #172.-2-13.121 located at 1841 NYS Rte 29 in the C1 Commercial Retail District of the town of Galway for the purpose of construction of a 3,000 sq ft Stewart’s Shop convenience store with self serve gas
- 7) **Public Meeting**
  - Application #12-004 – Application of Stewart’s Shop Corp ... tax parcel #172.-2-13.121 ...
- 8) Other Business
- 9) Adjournment



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**MINUTES OF ZBA MEETING**

Meeting Date: November 12, 2012\*

\*Denotes a special meeting night

Meeting was held this night due to Presidential Elections held on regular meeting night (Nov 6, 2012)

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, Tim Bogdan, Christine McCormack, Teresa Brett

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Carol DeLorme; Clerk, Board counsel, Martin Pozefsky, and one 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 previously reviewed the minutes of the September 4, 2012 meeting. **Motion by Christine McCormack** to approve the minutes as presented. **Second by Teresa Brett.** Voice vote: All ayes. Motion carried.

**SEQRA REVIEW/CLASSIFICATION**

Chair reported that Planning Board took lead in this matter and conducted SEQR review at its meeting on October 23, 2012. Application was granted a negative SEQR declaration.

**PUBLIC HEARING** – Opened at 7:32 pm

Clerk read the legal notices as they appeared in the *Daily Gazette* on 10/30/12. (One notice regarding the change in the meeting date; one notice regarding the public hearing)

**Application #12-004 – Application of Stewart's Shops Corp for variances needed for the redevelopment of tax parcel #172.-2-13.121 located at 1841 NYS Rte 29 in the C1 Commercial Retail District of the town of Galway for the purpose of construction of a Stewart's Shops convenience store with self serve gas**

Tom Lewis of Stewart's Shops Corp was present and provided background information regarding the property (the former Dick and Jerry's Mini Mart). Stewart's was awarded the bid for the property in a recent bankruptcy proceeding but agreed to purchase only on the contingency of obtaining all needed town approvals. Therefore the bankruptcy court judge granted them a 4 month period in which to procure the necessary permits, variances, site plan approval, etc. Mr. Lewis then explained the plans for redevelopment of the property and subsequent construction of the convenience store, and briefly reviewed the plans, which had been forwarded to all board members prior to tonight's meeting. Board members posed questions regarding the sign (placement, size). Mr. Lewis responded that placement will be per DOT and/or town code requirements. Proposed height (15') is preferred for visibility/safety reasons, Mr. Lewis stating that a higher sign is visible sooner to traffic traveling at 55 mph than a sign at the allowed 10' height. The sooner people realize they may want to stop, the sooner they can plan, brake, and therefore result in a safer stopping time. Board members posed questions regarding water drainage (Tim Bogdan reported there is an underground spring there). Mr. Lewis reported this is an issue that was also raised by the PB. The town engineer and Stewart's engineer are working together to mitigate this, along with plans for storm water runoff. Tim Bogdan asked if they are complying with all state [DOT] setback requirements. Mr. Lewis responded affirmatively. No further questions/discussion.

**Motion by Tim Bogdan** to close the public hearing. **Second by Teresa Brett.** Voice vote: All ayes. Motion carried. Public hearing closed at 7:55 pm

## PUBLIC MEETING

### **Application #12-004 – Application of Stewart's Shop Corp for variances needed for the redevelopment of tax parcel #172.-2-13.121 ...**

Chair recapped there is a total of 7 variances being considered for this property.

Amounts have been verified. Variances needed are as follows:

- A .425 acre area variance from minimum lot size requirement of 2.0 acres in the C-1 Commercial Zone (lot size being 1.575 acres)
- 25' variance from 250' minimum road frontage (Rte 29)
- 23.5' setback front setback variance from required 100' on the east side (Dean Lung Rd)
- 61.5' front setback variance from required 100' on the south side (Rte 29) for gas canopy
- 51.4' front setback variance from required 100' on the east side (Dean Lung Rd) for gas canopy
- 5' height variance from the 10' maximum for a 15' high free standing sign
- 14 sq ft size variance from the maximum 30 sq ft for a 44 sq ft sign

No further discussion. Chair asked for a motion. **Motion by Herb Kopper** to grant Stewart's Shops Corporation (application #12-004) the above stated variances for

redevelopment of tax parcel #172.-1-13.121 and construction of a Stewart's Shops convenience store with self serve gas as set forth in plans submitted with application and revised 10/17/12. **Second by Christine McCormack.** No further discussion. Roll call vote: Mark Kindinger, yes; Tim Bogdan, yes; Christine McCormack, yes; Herb Kopper, yes; Teresa Brett, yes. Motion carried. GRANTED VARIANCES AS STIPULATED ABOVE. Mr. Lewis was advised that they will receive an approval letter from the ZBA. Copy will be forwarded the PB chair for use at their public hearing on 11/27/12.

**PRIVILEGE OF THE FLOOR** - None requested

**OTHER BUSINESS** – None

**Motion to adjourn by Tim Bogdan. Seconded by Christine McCormack.** Voice Vote: All ayes. Motion carried. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

*Carol L. DeLorme*

Carol L. DeLorme, Clerk