

State of New York,  
City and County of Schenectady

ss.:

**LEGAL NOTICE  
TOWN OF GALWAY  
Zoning Board of Appeals  
CORRECTED MEET-  
ING DATE**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the town of Galway Zoning Board of Appeals on **October 1, 2019** beginning at 7:30 p.m. in the Town Hall, 5910 Sacandaga Road, Galway, New York, to consider the following application:

**ZB#19-004** - Un-table application of Gary Kalinkewicz for area variance(s) to construct a 2 car garage on property located at 7120 Pinewood Trail Road (tax parcel #185.15-2-63) in the Lake District of the Town of Galway.

**ZB#19-005** - Un-table application of Galway Co-Op for an area variance(s) for placement of two sheds. One - 12x24 and one - 24x24 on property located at 6049 Fish House Road (tax parcel no.: 172-1-78) in the Commercial (C-1) District of the Town of Galway.

**ZB#19-006** - Application of Christie Hoyt for area variance(s) to construct a 32'x30' garage on property located at 7122 Pinewood Trail Road (tax parcel #185.15-12-64) in the Lake District of the Town of Galway.

**ZB#19-007** - Application of Michael McGillin for area variance(s) to construct a storage building on property located at 1608 Perth Road (tax parcel #198-1-40) in the Lake District of the Town of Galway.

Donna M. Noble  
Clerk  
9/19 2387130

**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 Septemember 19, 2019**



**Sworn to me on this 14th 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

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TOWN OF GALWAY

**ZBA MEETING AGENDA**

Meeting Date/Time: **Tuesday, October 1, 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 September 3, 2019 meeting
- 5) **Public Hearing:**
  - ZB#19-004** - Un-table application of Gary Kalinkewicz for area variance(s) to construct a 2 car garage on property located at 7120 Pinewood Trail Road (tax parcel #185.15-2-63) in the Lake District of the Town of Galway.
  - ZB#19-005** - Un-table application of Galway Co-Op for an area variance(s) for placement of two sheds. One - 12x24 and one - 24x24 on property located at 6049 Fish House Road (tax parcel no.: 172.-1-78) in the Commercial (C-1) District of the Town of Galway.
  - ZB#19-006** - Application of Christie Hoyt for area variance(s) to construct a 32'x30' garage on property located at 7122 Pinewood Trail Road (tax parcel #185.15-12-64) in the Lake District of the Town of Galway.
  - ZB#19-007** - Application of Michael McGillin for area variance(s) to construct a storage building on property located at 1608 Perth Road (tax parcel #198.-1-40) in the Lake District of the Town of Galway.
- 6) **Public Meeting:**
  - ZB#19-004** - Un-table application of Gary Kalinkewicz for area variance(s) to construct a 2 car garage on property located at 7120 Pinewood Trail Road (tax parcel #185.15-2-63) in the Lake District of the Town of Galway.
  - ZB#19-005** - Un-table application of Galway Co-Op for an area variance(s) for placement of two sheds. One - 12x24 and one - 24x24 on property located at 6049 Fish House Road (tax parcel no.: 172.-1-78) in the Commercial (C-1) District of the Town of Galway.
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  - ZB#19-007** - Application of Michael McGillin for area variance(s) to construct a storage building on property located at 1608 Perth Road (tax parcel #198.-1-40) in the Lake District of the Town of Galway.
- 7) Other Business
- 8) Adjournment



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

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Galway, NY 12074  
(518) 882-6070

**RECEIVED**  
OCT - 2 2019  
TOWN OF GALWAY

**MINUTES OF ZBA MEETING**

Meeting Date: Tuesday, October 1, 2019

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; Chet Ciembroniewicz, Code Enforcement Officer; James P. Trainor, Esq., and approximately seven (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 September 3, 2019 meeting. **Motion by C. McCormack** to approve the minutes. **Second by A. Decker.** Voice vote: all ayes. **Motion carried.**

**PUBLIC HEARING** – opened at 7:32 pm.

**ZB#19-004 - Application of Gary Kalinkewicz for area variance(s) to construct a 2 car garage on property located at 7120 Pinewood Trail Road (tax parcel #185.15-2-63) in the Lake District of the Town of Galway.** Mr. and Mrs. Kalincewitz are not in attendance. Will move on to the next application.

**ZB#19-005 - Application of Galway Co-Op for an area variance(s) for placement of two sheds. One - 12x24 and one - 24x24 on property located at 6049 Fish House Road (tax parcel no.: 172.-1-78) in the Commercial (C-1) District of the Town of Galway.** Mr. Sutton is here on behalf of the Galway Co-Op. At last month's meeting it is unclear about the exact variances needed. There is one existing shed and one that is being proposed. Mark states that the Board does not have the most current map. The map that the board has does not give the exact location of where the 24' x 24' shed is.

Mr. Sutton asks for 10 minutes to go to his office and get the updated maps. He apologizes and says that he thought that all the materials had been provided.

We will move on to the next application while waiting for Mr. Sutton to return.

Mr. Sutton returns. He gives the Board the new map. The 12x24 shed is already there. The 24x24 is proposed. For each of the sheds there is a 10 foot setback. They will sit on the same line as previously indicated. A 40 foot variance is needed for each shed. The Board is clear and there are no other questions or comments.

**ZB#19-006 - Application of Christie Hoyt for area variance(s) to construct a 32'x30' garage on property located at 7122 Pinewood Trail Road (tax parcel #185.15-12-64) in the Lake District of the Town of Galway.** Mr. Hoyt explains the proposed project: The garage will sit where the old shed and carport were except it will sit back towards the lake more. It will give them more room to pull into the driveway. Mark asks if the garage will be attached to the house. Yes, the proposed garage will be attached to the house (the house is not built yet). Mark explains that as one structure they will need an area variance for the house and the garage. It looks like a variance is needed for the side lot. The plan has changed because of the height restriction. They removed a third floor and made the structure wider. From 32 feet wide to 44 feet wide. The structure will still be 46 feet in length. There is discussion of the "front yard". The definition of the front yard is lake side. The front door of this structure will be on the side. The front yard will be where the driveway is and the lake side will be the back yard. They are looking for an 11 foot variance on the north side of the property and a 15 foot variance on the east side. No other comments or concerns from the Board or audience.

**ZB#19-007 - Application of Michael McGillin for area variance(s) to construct a storage building on property located at 1608 Perth Road (tax parcel #198.-1-40) in the Lake District of the Town of Galway.** Mr. McGillin explains his project. He is looking to place a 12'x30' shed on the opposite side of where the garage is now. If you pull up the driveway if you go to the left, you go into the garage. If you go to the right you go to the shed. He would like to position this shed as close to the stone wall as possible. Mark suggest that it be 5 feet from the side property line as being too close to the property line can cause issues in the future. There are no questions or comments from the Board or audience.

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

### PUBLIC MEETING

**ZB#19-004 - Application of Gary Kalinkewicz for area variance(s) to construct a 2 car garage on property located at 7120 Pinewood Trail Road (tax parcel #185.15-2-63) in the Lake District of the Town of Galway.** There were many concerns with this proposal. Mark proposes that this application be un-tabled and denied without prejudice for the future so that if they want to come back with revised plan the Board can look at it. **Motion by H. Niedhammer** to un-table and deny this application for an area variance without prejudice. **Second by C. McCormack.** Voice vote: All ayes. Motion carried.

**ZB#19-005 - Application of Galway Co-Op for an area variance(s) for placement of two sheds. One - 12x24 and one - 24x24 on property located at 6049 Fish House Road (tax parcel no.: 172.-1-78) in the Commercial (C-1) District of the Town of Galway.** The application is for a side lot variance for two sheds. A 12' x 24' shed and a 24' x 24' foot garage. The request is for a 10 foot setback which would be a 40 foot variance in the commercial district. This is consistent with the previously approved variances. **\*This variance replaces the two 20' x 20' lean-to sheds on the north property line.** The 12' x 24' foot shed is located approximately 100 feet from the western property corner. This will be a 40 foot variance running 12 feet to allow for the 12' x 24' foot shed. The 24' x 24' garage will be a 40 foot variance running 24 feet on the northwest property line.

**Motion by A. Decker** for two variances: a 40 foot variance running 12 feet on the northwest property line to allow for a 12' x 24' foot shed; and a 40 foot variance running 24 feet on the northwest property line to allow for a 24' x 24' garage. **Second by H. Niedhammer.** Voice vote: All ayes. Motion carried.

**ZB#19-006 - Application of Christie Hoyt for area variance(s) to construct a 32'x30' garage on property located at 7122 Pinewood Trail Road (tax parcel #185.15-12-64) in the Lake District of the Town of Galway.** This variance will be stated a little different than what is asked for because the actual variance sought is for the building that includes the garage. The variances requested are: 11 feet on the north property line running at an angle off the corner to the south and a 15 foot variance to the corner of the building on the east property line to allow placement of a house and garage. The building is canted slightly to the south.

**Motion by C. McCormack** for two variances: an 11 foot variance on the north property line and a 15 foot variance on the east property line to allow the construction of a garage (approximately 30' x 32') and house (approximately 44' x 46') combination. **Second by A. Decker.** Voice vote: All ayes. Motion carried.

\*Mark mentions to Mr. and Mrs. Hoyt that the zoning law has a one year requirement that construction must start within a year from the variance being granted and the project must be completed with two years.

**ZB#19-007 - Application of Michael McGillin for area variance(s) to construct a storage building on property located at 1608 Perth Road (tax parcel #198.-1-40) in the Lake District of the Town of Galway.** The variance sought is for placement of a shed. The variance is 45 feet to place the shed within 5 feet of the property line. This is to the drip line of the shed.

**Motion by A. Decker** for a 45 foot variance on the west property line for placement of a 12' x 30' shed. **Second by H. Niedhammer.** Voice vote: All ayes. Motion carried.

**PRIVILEGE OF THE FLOOR:** None

**OTHER BUSINESS:** The Zoning Board of Appeals meeting for the month of November will be changed to Wednesday, 11/6 due to election day.

**Motion to adjourn by C. McCormack.** **Second by A. Decker.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:03 p.m.

Respectfully submitted,

*Donna Noble*

Donna Noble, Clerk