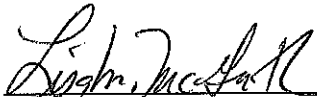


State of New York,  
City and County of Schenectady

ss.:

**Lisa M. McGrath of the Town of Rotterdam, 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:            September 22, 2020**

 (signature)

Lisa M. McGrath (printed name)

Sworn to me on this 24th day of September 2020

  
NOTARY PUBLIC

PAULA A. OPEL  
COMMISSIONER OF DEEDS  
MY COMMISSION EXPIRES 07/22/2021

**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 October 6, 2020 beginning at 7:30 p.m. in the Town Hall, 5910 Sacandaga Road, Galway, New York, to consider the following application:

**ZBA 20-011** - Application of Deborah Gauthier for a variance to construct a garage on property located at 1616 Mechanic Street (tax parcel #172-2-25.11) in the A/R District of the Town of Galway.

**ZBA#20-010** - Application of Thomas Eletto for a variance to construct of single family, two-story home on property located at 1265 Hermandance Road (tax parcel #185.10-1-1) in the Lake District of the Town of Galway.

Donna M. Noble  
Clerk

9/22

2418384



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

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

RECEIVED  
SEP 23 2020  
TOWN OF GALWAY

**ZBA MEETING AGENDA**

Meeting Date/Time: **Tuesday, October 6, 2020 @ 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 the September 1, 2020 meeting
- 5) **Public Hearing:**  
**ZBA 20-011** - Application of Deborah Gauthier for a variance to construct a garage on property located at 1616 Mechanic Street (tax parcel #172.-2-25.11) in the A/R District of the Town of Galway.  
**ZBA#20-010** - Application of Thomas Eletto for a variance to construct a single family, two-story home on property located at 1265 Hermance Road (tax parcel #185.10-1-1) in the Lake District of the Town of Galway.
- 6) **Public Meeting:**  
**ZBA 20-011** - Application of Deborah Gauthier for a variance to construct a garage on property located at 1616 Mechanic Street (tax parcel #172.-2-25.11) in the A/R District of the Town of Galway.  
**ZBA#20-010** - Application of Thomas Eletto for a variance to construct a single family, two-story home on property located at 1265 Hermance Road (tax parcel #185.10-1-1) in the Lake District of the Town of Galway.
- 7) Other Business
- 8) Adjournment

**\*\*Applicants - please wear a mask when attending this meeting. Also, please wait in the parking lot until your matter is called before the Zoning Board.**

**THANK YOU in advance for your cooperation.**



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

5910 Sacandaga Rd.  
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(518) 882-6070

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OCT 13 2020

TOWN OF GALWAY

**MINUTES OF ZBA MEETING**

Meeting Date: Tuesday, October 6, 2020

Meeting Location: Town Hall – 5910 Sacandaga Road, Galway, NY

Meeting called to order at 7:30 pm by Chair, Andy Decker. Clerk called the roll:

**MEMBERS PRESENT:** Christine McCormack, Herman Niedhammer, and Kiley Gregory.

**MEMBERS ABSENT:** Mark Concilla

**ALSO PRESENT:** Donna Noble, Clerk; James P. Trainor, Esq., Treavor Gilday, Building Inspector/Code Enforcement Officer and approximately fourteen (14) people in the audience, all wearing masks and all six feet apart.

**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 1, 2020 meeting. **Motion by Herman** to approve the minutes. **Second by Christine.** Voice vote: all ayes. Motion carried.

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

**ZBA 20-011** - Application of Deborah Gauthier for a variance to construct a garage on property located at 1616 Mechanic Street (tax parcel #172.-2-25.11) in the A/R District of the Town of Galway. Mrs. Gauthier is in attendance and explains that they are looking to build a pole barn. The placement of the pole barn is the flattest part of the property, 30 feet from the lot line and is here to ask for a variance. The pole barn will be 30' x 40'. Mr. Trainor verifies with Mrs. Gauthier that it is a pole barn being built, not a garage as

stated on the application. Yes, it is a pole barn. An e-mail was sent in wherein the Gauthier's had told their neighbors what they are planning to do. The neighbors are fine with this project and have no objections. There are no questions or concerns from the board.

**Motion by Christine** to close the public hearing. **Second by Kiley.** Voice vote: All ayes. Motion carried.

### **PUBLIC MEETING**

Mrs. Gauthier is looking for a 20 foot variance on the east side of the property.

**Motion by Christine** to grant a 20 foot variance to place a 30'x40' pole barn on the east side of the property. **Second by Herman.** Voice vote: All ayes. Motion carried.

### **PUBLIC HEARING** - opened at 7:44 pm

**ZBA#20-010** - Application of Thomas Eletto for a area variance to construct a single family, two-story home on property located at 1265 Hermance Road (tax parcel #185.10-1-1) in the Lake District of the Town of Galway.

**Motion by Christine** to un-table this application. **Second by Kiley.** Voice vote: All ayes. Motion carried.

Mr. Eletto is in attendance. Mark DeJong (Professional Engineer) is also in attendance to address septic and well issues that were brought up at last meeting. Andy asks Mr. Eletto if anything has changed with the application or is he moving forward with what he had presented at last month's meeting. Mr. DeJong designed the septic system. What he would like to address is the separation distance from the well to the septic and also the concern that one of the neighbors had about the wells being too close together. Mr. DeJong moved the system further from the neighbors well making it 65 feet v. the 45 feet that was originally proposed. Mr. DeJong also addresses the elevation issue and the concern that the rear neighbor would lose their view of the lake. He prepared a quick drawing showing the elevation at the back of this property, the roof elevation of Mr. Eletto's proposed house. They have 46 feet and Mr. Eletto's house will be approximately 28 feet so you will definitely be able to see over the top of the proposed house. Also, the neighbor across the street has concern over water and their foundation. Mr. DeJong states that is a foundation issue. Mr. DeJong then explains the septic system that would be used. It is an aerobic treatment system. The "cadillac" of septic systems. This system has to be maintained yearly. Andy asks the board if they have any questions at this point. No. Andy then opens the floor to the public.

**Terrilee Sykes**, neighbor at 1265 Hermance Road (to the west) reads a letter (placed in the file) that she, and many surrounding neighbors, have written. The neighbors all stand together in opposing this project. They were surprised to receive another letter notifying them of this hearing because at last month's meeting all parties agreed to sit and talk about this matter together and Mr. Eletto did not do that.

**Karen Miltner**, neighbor at 1272 Hermance Road (directly across from the vacant lot that Mr. Eletto wants to build on) states that, along with the concerns in the letter, her biggest concern is that the large house on the small lot will not fit the characteristic of the neighborhood. Also, she states that since last month's meeting Mr. Eletto is filling the lot up with junk.

**Polly Stahl**, 5744 Crooked Street (around the corner) is also concerned that water run-off goes across the road and runs into her basement.

The couple (cannot make out their names) who are under contract to purchase 1276 Hermance Road are in attendance. They do not know any of the neighbors and are not included in the letter that was read but they are very concerned that the septic will be right up-stream from his well, directly across the street. Anything that goes out of there could end up effecting his water and possibly his family's health. Mr. DeJong states that, as an Engineer he has to follow standards. He is bound by his codes and ethic. He will do no harm to the environment and that is why he put his seal on this drawing. The proposed septic system is the best system out there for residential waste water treatment. He stands by this design and that it meets NY State standards.

Mr. Trainor asks Mr. Eletto - at the last meeting you mentioned that you might be looking at reducing the size of the building which might reduce the need for the variance setbacks and did you make a decision on that. Mr. Eletto wants to continue with the setbacks he is asking for.

**Robert Kozlowski and Evelyn St. Louis**, neighbors to the North on Ridge Road (Robert) and also on School Road (Evelyn). Mr. Kozlowski's asks how will Mr. Eletto maintain the banks from erosion. Mr. DeJong says that it is not an easy excavation but it can be done.

**Motion by Herman** to close the public hearing. **Second by Christine**. Voice vote: All ayes. Motion carried.

### PUBLIC MEETING

The board looks and questions the application as it relates to the code.

Is this an undesirable change to the neighborhood? - definite issue in comparison to the properties around this lot as most of them are an acre or better. This lot is much smaller.

Can Mr. Eletto find relief in some other way? Yes, he could go alot smaller. This doesn't seem to be something Mr. Eletto is interested in doing.

Will this have an adverse effect on the physical or adverse affects on the environmental conditions of the neighborhood - this is up in the air. One professional is saying no but there are a lot of people with a lot of concerns.

Is this a self-created hardship - also up in the air. The timeline would need to be looked into as when the lots were sold and when the zoning changed.

Is the area variance substantial? - yes - he has less than half the area of what is needed. This is considered "newly created" because there isn't, and never was, a structure on this property. Setback requirements are 50 feet for a newly created lot and 1 acre is required.

Mr. Eletto is looking for a variance of 20 feet to the west and 25 feet to the north. A variance for the 150 foot road frontage v. 200 foot road frontage and a variance for the .6 acre lot coverage.

**Motion by Christine** for a 20 foot variance to the west; 25 foot variance to the north; 150 foot road front v. 200 foot road front; and a .6 acre lot (1 acre needed). **Second by Kiley.** Voice vote: Andy: no. Herman: no. Christine: no. Kylie: no. All nays. Motion denied.

**PRIVILEGE OF THE FLOOR:** None.

**OTHER BUSINESS:** None.

**Motion to adjourn by Christine. Second by Herman.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:37 p.m.

Respectfully submitted,

*Donna Noble*

Donna Noble, Clerk