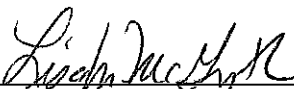


State of New York,
City and County of Schenectady

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: August 27, 2020

 (signature)

Lisa M. McGrath (printed name)

Sworn to me on this 31st day of August 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 Tuesday, September 1, 2020 beginning at 7:30 p.m. in the Town Hall, 5910 Sacandaga Road, Galway, New York, to consider the following application:

ZBA#20-010 - Application of Thomas Eletto for a area variance to construct of single family, two-story home on property located at 1265 Hermandance Road (tax parcel #18510-1-1) in the Lake District of the Town of Galway.

Donna M. Noble
Clerk

8/27

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

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

RECEIVED

AUG 25 2020

TOWN OF GALWAY

ZBA MEETING AGENDA

Meeting Date/Time: **Tuesday, September 1, 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 August 4, 2020 meeting
- 5) **Public Hearing:**
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.
- 6) **Public Meeting:**
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.
- 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
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TOWN OF GALWAY

MINUTES OF ZBA MEETING

Meeting Date: Tuesday, September 1, 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, Mark Concilla, and Kiley Gregory.

MEMBERS ABSENT: None.

ALSO PRESENT: Donna Noble, Clerk; James P. Trainor, Esq., Treavor Gilday, Building Inspector/Code Enforcement Officer and approximately eleven (7) 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 August 4, 2020 meeting. **Motion by Christine** to approve the minutes. **Second by Kiley**. Voice vote: three ayes, two abstain (Herman and Mark). **Motion carried.**

PUBLIC HEARING – opened at 7:32 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. Mr. Eletto is in attendance and explains what he would like to do. He would like a 25 foot variance to build a single family, two story home on property he has owned since 1988. Andy explains that this would be new construction on the lot because there was never a home or building on this lot. It was a parking lot. He would be looking for a left and rear (north and west) variance. He is also short on road frontage. He has 150 feet but 200 feet are needed. The drawing that was

supplied is what Mr. Eletto would like to build. The structure is 60'x32' with two decks but Mr. Eletto explains that he would only build a front deck. "Front" being roadside. There is question of the size of the house without the deck. The actual width of the house is 60 feet. 32 feet length without either deck. Andy opens the floor to the public.

Terrilee Sykes, neighbor at 1265 Hermance Road (to the west) has many concerns. She has not seen the plan and does not know where the septic is/will be. This is a large house on a small lot (less than 1 acre) that will need a substantial variance. She is concerned what the effects of this large home will have on her property. The Galway Lake district has a character of country living, not suburbia. The Town's code requires a one acre lot to build a home. This variance being requested is certainly substantial. She has health and environmental concerns about where the well will be located and if it will draw water from the vein that supports her household. She is concerned about the septic field location. She knows that this parcel is very wet and is worried that if Mr. Eletto has to use fill to make it dry so that he can build, this process may affect the water table in such a way that her land will become soggy and her basement will become wet. She also explains that Mr. Eletto purchased several lots in the Lake District and divided the parcels so he could add lake rights. Mr. Eletto is responsible for the division of his lands into the parcel sizes that they are. She, and her neighbors, object to him now asking for a substantial area variance so that he can now build a large home on a very small lot of his own making.

Karen Miltner, neighbor at 1272 Hermance Road (directly across from the vacant lot that Mr. Eletto wants to build on) also has many concerns. If Mr. Eletto was to build a two story home on top of a garage at ground level on a very small lot, an undesirable change would be produced in the character of the neighborhood and it would be a detriment to her property. Her home is lower on the road and she would be looking at garage doors when looking out her front window. Drainage is also a major concern for her. Since the construction of the new house next door to her at 1276 Hermance Road, she has had water issues. She fears that the disruption of the water table would add to her current water problems. Again, Mr. Eletto's issues in trying to build this lot is of his own making. He chose to divide the parcels the way he did and now the difficulty he is facing is self-created. Mr. Eletto did not come to the neighbors with his plan. Ms. Miltner and her neighbors are depending on the Zoning Board to offer them protection against this undesirable development.

Robert Kozlowski and Evelyn St. Louis, neighbors to the North on Ridge Road (Robert) and also on School Road (Evelyn). Mr. Kozlowski's biggest concern is the elevation. Ms. St. Louis is also concerned with the height of the house and does not want to see the back of the house. She will not be able to see the lake. The people that buy this house will get to enjoy the lake and she will see the back of the house. Mr. Kozlowski asks what the exact elevation is. The height limit is 28 feet in the Lake District. Mr. Eletto does not believe that 28 feet will cause a problem as Ms. St. Louis is so far up. The neighbors state to Mr. Eletto - he says it will be a two story home but he is not going to put the basement underground as it is too wet. Andy asks Mr. Eletto if he is going into the bank at all. Yes, he is. Ms. St. Louis is concerned that if he goes into the bank, this house will be right on her line. Mr. Eletto isn't happy that the neighbors are upset and think he would harm their property. He says he would never do anything to disturb the neighbors properties. He has known them for many years. They ask him

why then didn't they come to him with this project. He said he didn't think about it. He apologizes to everybody that he didn't come to them.

Polly Stahl, 5744 Crooked Street (around the corner) states that it is her understanding that the zoning laws are put into place for a reason. This project totally violates the zoning law. A couple of feet for a variance is understandable but the variances here are very substantial on a small lot and it does not make any sense to her that this is even being looked at.

Andy asks Mr. Eletto if it is his intention to live in this house. No. Mr. Eletto's son will be living there. Mr. Trainor asks if this lot was subdivided from a larger lot. No, this lot has always been this way since he bought it in 1988. This was the parking lot for the old Rose Garden. Andy asks Mr. Eletto what the livable size of the house will be. It will be 2,000 square feet. He also states that the size can be changed. Mr. Eletto is willing to talk to everybody and make adjustments to his plans. The Board agrees to table this application to allow time for Mr. Eletto to talk to his neighbors and discuss any adjustments that he may or may not make to the plan.

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

PUBLIC MEETING

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

PRIVILEGE OF THE FLOOR: None.

OTHER BUSINESS: None.

Motion to adjourn by Mark. **Second by Kiley**. Voice vote: All ayes. Motion carried.
Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk