



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

5910 Sacandaga Rd  
Galway, New York 12074  
(518) 882-6070

**MINUTES OF ZBA MEETING**

Meeting Date: September 2, 2014

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

Meeting called to order at 7:30 pm by Chair, Mark Kindinger. (Acting) Clerk called the roll:

**MEMBERS PRESENT:** Mark Kindinger, Herb Kopper, Christine McCormack, Teresa Brett (Currently one vacancy on Board)

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Carol DeLorme; (Acting) Clerk, and approximately 6 people in the audience including applicants.

**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 July 2014 meeting. **Motion by C McCormack** to approve the minutes as presented. **Second by H Kopper**. Voice vote: All ayes. Motion carried.

**PUBLIC HEARING** – Opened at 7:33 pm

(Acting) Clerk read the legal notice as it appeared in the *Daily Gazette* on 8/20/14

**Application #ZBA14-007 - Request of Rene and Anne LaRoche for area variance(s) necessary to allow construction of a 20' x 12' deck facing Galway Lake off an existing camp located at 3084 Ridgewood Drive (tax parcel #198.11-1-55) in Weiss' Grove in the Lake District of the town of Galway**

Mr. and Mrs. LaRoche were both present and explained their application. Deck to be as specified. Will also have a set of stairs (13' from east side property line). E. J. Willard (property location 3082 Ridgewood Dr) was present and stated he had no objection to the proposal. No other comments/questions from audience or Board members.

**Application #ZBA14-008 – Re-application of request from Robert and Kelley Aschmutat for setback variance needed to allow subdivision of their 6.74A lot located at 1994 Alexander Rd (tax parcel #186.-1-47) in the town of Galway into two, 3+A building lots**

Mr. and Mrs. Aschmutat had appeared before the ZBA in July 2014 at which time they withdrew their request. Chair reported he subsequently counseled with ZBA attorney Martin Pozefsky and learned that this property would be considered a pre-existing non-conforming use (i.e. two separate residences less than 1000' apart on one property) and would, therefore, be grand-fathered in, and thus can be considered for variance. The Aschmutats are looking to subdivide their property, creating a new 6+A lot on which to build a new home. Mr. Aschmutat stated the existing shed on the property can and will be moved to retain the 50' setback requirement. It is only the older mobile home that cannot be moved and therefore would be 45.5' from the property line. Mr. Aschmutat still maintains this mobile home will eventually be removed from the property. No comments/questions from the audience. No further discussion from Board members.

**Motion by T Brett** to close the Public hearings. **Second from C McCormack.** Voice vote: All ayes. Motion carried. Public hearing closed at 7:40

### PUBLIC MEETING

**Application #ZBA14-007-Request of Rene and Anne LaRoche for area variance(s) ... tax parcel #198.11-1-55**

**Motion by T Brett** to approve the Chair's ruling that this application would have only minor or no environmental impact. **Second by H Kopper.** Voice vote: All ayes. Motion carried.

**Motion by C McCormack** to grant Rene and Anne LaRoche (application #ZBA14-007) a 15' side lot variance resulting in a 10' setback from the west side property line, a 12' side lot variance resulting in a 13' setback from the east side property line, as well as a 1' rear variance resulting in a 14' setback from the rear property line for construction of a 20' x 12' deck off an existing camp. **Second by T Brett.** Roll call vote: All ayes. Motion carried.

Applicants were advised to obtain a building permit from the Building Inspector prior to beginning any work on this project.

**Application #ZBA14-008 – Re-application of Robert and Kelley Aschmutat for area variance ... tax parcel #186.-1-47**

**Motion by T Brett** to approve the Chair's ruling that this application would have only minor or no environmental impact. **Second by C McCormack.** Voice vote: All ayes. Motion carried.

**Motion by H Kopper** to grant Robert and Kelley Aschmutat (application #ZBA14-008) a 4.5' side lot variance resulting in a 45.5' setback of an existing mobile home from the east side property line of property located 1994 Alexander Road (tax parcel #186.-1-47). **Second by T Brett.** No further discussion. Roll call vote: All ayes.

Motion carried.

Applicants were advised to proceed with their application to the PB if they wish to pursue subdivision of this property.

PRIVILEGE OF THE FLOOR - None requested

OTHER BUSINESS – None

**Motion to adjourn** by H Kopper. **Seconded** by C McCormack. Voice vote: All ayes. Motion carried. Meeting adjourned at 7:50 p.m.

Respectfully submitted,

*Carol L. DeLorme*

Carol L. DeLorme, (Acting) Clerk