

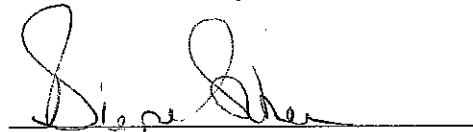
State of New York,
City and County of Schenectady

ss.:

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 3, 2019 begin-
ning at 7:30 p.m. in the
Town Hall, 5910 Sacan-
daga Road, Galway, New
York, to consider the fol-
lowing application:
ZB#19-004 - Application
of Gary Kalinkewicz for
area variance(s) to con-
struct 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 - Application
of Galway Co-Op for
an area variance(s) for
placement of two sheds.
One - 12x24 and one
- 24x24 on property lo-
cated at 6049 Fish House
Road (tax parcel no.:
172-1-78) in the Commer-
cial (C-1) District of
the Town of Galway.
Donna M. Noble
Clerk
8/20 2384365

Diana Scheuer 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 August 20, 2019



Sworn to me on this 20th day of August, 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, September 3, 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 May 7, 2019 meeting
- 5) **Public Hearing:**
 - 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.
 - 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.
- 6) **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.
 - 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.
- 7) Other Business
- 8) Adjournment



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ZONING BOARD OF APPEALS
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TOWN OF GALWAY

MINUTES OF ZBA MEETING

Meeting Date: Tuesday, September 3, 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 and Andy Decker.

MEMBERS ABSENT: Herman Niedhammer and Mark Concilla.

ALSO PRESENT: Donna Noble, Clerk; Chet Ciembroniewicz, Code Enforcement Officer; James P. Trainor, Esq., and approximately ten (10) 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 May 7, 2019 meeting. **Motion by C. McCormack** to approve the minutes. **Second by A. Decker.** Voice vote: all ayes. **Motion carried.**

PUBLIC HEARING – opened at 7:33 pm.

ZB#19-004 - 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 explain that they are looking to purchase a building to be used as a 2 car garage and I. The dimensions have changed since they submitted the application. They present a new map and state that the new dimensions will make the structure more narrow. Changing it from 22 feet wide to 18.6 feet wide and 20 feet long. They will need to bring the building in three feet so that the snow doesn't fall on the neighbors property. The new building will be in line with the existing garage. The dimensions showing on the drawing includes the drip line. Mark's concern is that the building will be very close to the cement walkway. There is roughly 6 feet 8 inches between the walkway and the new building. Mark states that the fire company does not like that for

firefighting purposes; that they ask for approximately 15 feet. In the past, under certain circumstances that distance has been shrunk down but typically those instances have been where the structure is less constructing than what is being proposed. The complicating factor here is that there is a fence and a drop off making it harder for fire fighters to get to the house. That is one concern. Another concern is - what is the total acreage? Mark asks Mr. and Mrs. Kalinkewicz if they know the square footage of their house as there is a limit on the percentage of the property that can be built which includes structures and paved areas. They do not know the square footage. Chet checks to see if he can find it. He does not find it. Mark tells Mr. and Mrs. Kalinkewicz that the board will need the total square footage (the house, the existing garage and anything that is paved and what change the garage will make). Andy points out that there is a shed on the property. Marks asks. Mr. and Mrs. Kalinkewicz states that there is a small, portable shed on the property. Mark explains that in the lake district, there is only one auxiliary building allowed on the property and the shed would have to be taken down or moved inside the garage. Mark asks if there are any questions or comments from the audience. A neighbor (did not get his name) asks what the height of the garage will be. It will be 10 feet high (cannot be higher than 18 feet). As a 50 year plus property owner on the lake, he voices his concern in that if this garage is built, he will lose his view of the lake and the breeze from the lake. His concerns are noted. Mark explains that the variances being asked for is very substantial. He again notes his concern that this variance is not to an open lawn. There is a fence and a significant drop off and he suggests that Mr. and Mrs. Kalincewicz talk to somebody at the fire house regarding this issue.

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. Casadei hands out a copy of the proposed 24'x24' garage plan. Mark states that he does not see the dimensions on the map for the 12'x24' shed that is already existing. Mark ask how far will this be from the road. Mr. Casadei says that it should say it on the map. Mark is looking at the wrong map, he does not have the updated plan that was submitted. It is on the back of the application. It still only shows a square. The existing shed is 25 feet from the road and 10 feet from the property line. Each building is a 10 foot setback. Mark calculates the dimensions of each garage. He tells Mr. Casadei that it will end up wherever it ends up..... Mr. Casadei says that it won't end up in the driveway. Mark says that it is a ten foot setback and where it starts it will go forward 24 feet. Mr. Casadei says that he is not sure if the scale of the map is correct but what he is asking for is a 10 foot setback. Mark says that it will have to be a 10 foot setback and if it turns out to be in the middle of the driveway - Mr. Casadei says "that's on us". Mark tells Mr. Casadei that the State was concerned about it being close to the road and that if there is a bad snow year, he may have snow pushed up against the garage and that they will not claim liability for that. Mr. Casadei says that he understands. The variances asked for on the proposed building are: 75 foot variance in the front and a 40 foot variance in the rear. Mr. Trainor states that the use in the C1 district is subject to the site plan approval/special use permit and there is already a site plan application in front of the planning board. Mr. Casadei explains that, yes, he does but he already has approval for two sheds from a previous ZBA meeting. Mr. Trainor asks what is the primary use of the property and what will the sheds be used for? Mr. Casadie explains that the primary use is what the new site plan indicates: A liquor store on the first floor, two apartments above and office space on the bottom. It is explained that there are area variances that determines the use. The previous usage was

determined as retail. Mark asks Mr. Trainor if the board can rule on the area variance without final approval for the use. Mr. Trainor says that the approval of the use is subject to the site plan/special use permit and he does not think that there is a separate use variance. Mark agrees. Mr. Trainor thinks that there should be some type of classification of the use either by the applicant or the code enforcer. The use has not been approved. Mark does not think there is a problem considering the area variance without the use approval. Still, without the proper amount of members, a decision cannot be made on this application of the application of Mr. and Mrs. Kalincewicz. Both applications will need to be tabled until the next meeting.

Motion by A. Decker to table both application until the October meeting and close the public hearing. **Second by C. McCormack.** Voice vote: All ayes. Motion carried.

PUBLIC MEETING

There is not a public meeting as both applications have been tabled until next month's meeting.

PRIVILEGE OF THE FLOOR: David Dimeo is here to seek guidance ask questions regarding the construction of storage buildings in the C1 District on Route 29. Mark tells Mr. Dimeo that the only requirements he would have to come back to the ZBA for is if he was going to violate the setbacks. He is just looking for clarification on the space being used on the size of the lot. Mark explains that how Mr. Dimeo explained it is how he would read it but Mr. Dimeo would need to go the Planning Board. Mr. Dimeo understand that and will submit an application to the Planning Board. Mr. Dimeo also states that he noticed that zoning doesn't have any laws regarding the use of solar panels and/or solar farms. Mark explains that the Town Board is reviewing a law change for a solar panel law that will address a solar farm.

OTHER BUSINESS: None.

Motion to adjourn by C. McCormack. Second by A. Decker. Voice vote: All ayes. Motion carried. Meeting adjourned at 8:14 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk