



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

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

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MINUTES OF ZBA MEETING

Meeting Date: Tuesday, July 6, 2021

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, Kiley Gregory, and Katie DesPres.

MEMBERS ABSENT: Herman Niedhammer.

ALSO PRESENT: Donna Noble, Clerk, Ryan Pezzulo, Esq., and approximately 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 have reviewed the minutes of the June 1, 2021 meeting. **Motion by Christine** to approve the minutes. **Second by Kiley.** Voice vote: 3 ayes, 1 abstain (Katie). Motion carried.

PUBLIC HEARING

ZBA 21-003 - Application of Medynska Holdings LLC for a variance to tear down and rebuild a seasonal camp on property located at 5728 Crooked Street (tax parcel #185.13-1-7) 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.

At this time the application of Medynska Holdings LLC is withdrawn without prejudice.

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PUBLIC HEARING

ZBA 21-004 - Application of Joseph LaCivita and Diane Conroy-LaCivita for a variance to demo a portion of the existing camp (7'x16') and replace it with a 10'x20' addition on property located at 2360 Diamond Point Road (tax parcel no.: 198.10-1-15.112) in the Lake District of the Town of Galway. Mr. LaCivita explains that they are looking for a setback. When they purchased the property they had envisioned lifting the camp, putting it on piers to create air flow and get rid of the campy smell. They obtained the necessary permits. There is a small addition on the property (there when they bought it) that already has an encroachment into the side yard of the neighbor. The addition was removed when the camp was lifted because it was old and not in good condition. They plan on building a 10'x20' addition and will need a variance for that addition. This camp will be on techno posts and will not have a basement. It is their intent to have continuing air flow under the camp. They are going to build in the same footprint and the camp will be about 3 feet off the ground. Andy asked if there was an option of moving the camp while it was in the air. That option was not looked at but they did look into purchase additional property from the neighbors on that side but, the neighbors did not consider that to be an option. There are no neighbors in attendance to oppose this application.

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

PUBLIC MEETING

ZBA 21-004 - Application of Joseph LaCivita and Diane Conroy-LaCivita for a variance to demo a portion of the existing camp (7'x16') and replace it with a 10'x20' addition on property located at 2360 Diamond Point Road (tax parcel no.: 198.10-1-15.112) in the Lake District of the Town of Galway. There are no issues or concerns from the board. A 15 foot variance to the north is needed.

Motion by Kiley for a 15 foot variance to the north to construct a 10'x20' addition to replace the previous 16.5'x7' addition. **Second by Christine.** Voice vote: All ayes. Motion carried.

PUBLIC HEARING

ZBA 21-005 - Application of David and Wendy Stokna for an area variance on property located at 1421 Perth Road (tax parcel no.: 198.-1-86) in the A/R District of the Town of Galway. Jim Craig, Esq. is in attendance with Mr. and Mrs. Stokna and speaks on their behalf. They are looking to make a 7 acre parcel into 2 parcels. One 3 acre parcel that is in compliance with the zoning code and a second 4 acre parcel which seems that it would be in compliance but is not because it has a 2-family duplex on it. The current zoning code requires a 2-family dwelling to be on a 6 acre lot. They are seeking a 33% variance. When previously in front of the board (almost a year ago) regarding the same property, requesting a variance for 3 parcels. 2 - three acre parcels and the 3rd parcel would be a 1 acre parcel with the 2-family dwelling. That variance sought was denied. Mr. Craig gives a history of the parcel. He also explains the difference in the application now is that they are looking for 2 lots, not 3, the 2-family duplex will be on 4 acres, not 1 and area variance sought is now 33% not 84% as previously requested. In looking at

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the criteria in granting an area variance they are now pretty much in compliance. There is nothing changing with the duplex so the character of the neighborhood won't change. The duplex is actually in the character of the neighborhood because it has been there for 34 years. There is no detriment to the surrounding area land owners. It is not a self created hardship. It is a hardship that was incurred due to the zoning change and has nothing to do with the owners. Paul Faust, in attendance, points out that these homes will be on two separate roads and there will not be clustering of homes. Rob Davies, in attendance lives in the Lake District but his opinion is that this variance should be granted as other, much larger variances, have been granted.

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

PUBLIC MEETING

The board agrees that this application makes more sense than the previous application. The new lot will be 3.01 acres and the 2-family duplex will be on 4 acre lot.

Motion by Christine for an area variance to put the existing 2-family duplex on 4 acres, creating a 33% area variance. **Second by Kiley.** Voice vote: all ayes. **Motion carried.**

PRIVILEGE OF THE FLOOR: None.

OTHER BUSINESS: None.

Motion to adjourn by Katie. **Second by Christine.** Voice vote: All ayes. Motion carried. Meeting adjourned at 7:54 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk