



# TOWN OF GALWAY

ZONING BOARD OF APPEALS  
SARATOGA COUNTY, NY  
ESTABLISHED 1792

5910 Sacandaga Road  
Galway, New York 12074  
518-882-6070

## **MINUTES OF ZBA MEETING**

Meeting Date: Tuesday December 5<sup>th</sup> 2023

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

Meeting called to order at 7:02 pm by Chair, Andy Decker.  
Clerk called the roll:

**MEMBERS PRESENT:** Andy Decker, Dave McKenzie, Kiley Gregory, Herman Niedhammer

**MEMBERS ABSENT:** Christine McCormack

**ALSO PRESENT:** Amanda DeRidder - Clerk, Diane DeSanto, Esq., JD Arnold, Code Enforcement Officer -Max Luetters, and Thirty (30) 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 September 5<sup>th</sup> 2023 meeting. **Motion by Kiley** to approve the minutes. **Second by Herman.** Voice vote: all ayes. Motion carried.

## **PUBLIC HEARING** –

ZBA 23-010 Application of Thomas Lueissen for an Area Variance to at 6017 Middleline Road Galway NY 12074 (Tax Parcel no:185.15-2-42) in the town of Galway.

Thomas – owner of the property just bought it recently and was advised that the back 10' of the camp was built on piers and all the plumbing is inaccessible. He would like to remove the existing 10' and then add 17' back on to the house for a total of 17'x22' in line with the existing roof line on the home and a 12x22' covered deck.

Andy – Where does the septic run to?

Homeowner – the opposite side of the house and property line.

Andy – its in line with the current home.

Kiley – actually 7'x22' would be the size of the home – Correct.

Andy – so taking off the 10' and putting back 17' then 12.'

Homeowner – Trying to maintain line of the home if they need to change the roof line it would then end up being over the septic tank and that is what they are trying to avoid.

Andy – Current property is  $\frac{3}{4}$  of an acre.

Homeowner – you would come out of the kitchen and be under the cover of a roof if the 12' extended patio was an issue he would be willing to eliminate it.

Andy – most neighbors have provided support and documents that they do not have any issue with this addition.

Brad (Lake Association) Septic systems are an issue in the lake.



# TOWN OF GALWAY

ZONING BOARD OF APPEALS  
SARATOGA COUNTY, NY  
ESTABLISHED 1792

5910 Sacandaga Road  
Galway, New York 12074  
518-882-6070

Homeowner – this is actually a reduction in bedroom and kitchen was added with a bathroom and laundry room.

**Motion** to close the public hearing on application ZBA23-010. **Motion by Herman. Second by Dave** Voice vote: All ayes. Motion carried.

## **Public Meeting:**

ZBA 23-010 Application of Thomas Lueissen for an Area Variance to at 6017 Middleline Road Galway NY 12074 (Tax Parcel no:185.15-2-42) in the town of Galway.

Concerns with roof direction, Nothing on the other side of the property.

Herman – Keeps with the same roof line.

Andy – No Neighbor issues.

**Motion** to Approve Application 23-010 an Variance of 17' to the east side from the rear of the property line running for 19' taking into account the 17' being removed and rebuilt into the same foot print. **Motion by Kiley. Seconds by Herman** Voice Vote: All ayes. Motion Carried.

## **PUBLIC HEARING –**

ZBA 23-011 Application of Stephanie Burns for an Area Variance to at Old Mills Road Galway NY 12074 (Tax Parcel no:185.15-2-42) in the town of Galway.

Bryan Burns- road frontage is 165' would like to sell 6 acres to make this a buildable lot. 6 acres out of the 32.49 acres. Getting lot line adjustment to accommodate the property into 2453 Cruthers road of the remaining area to become part of that new property.

Andy – so your selling 6 acres

Bryan – Correct.

Kiley- clarity that area variance is for 165'

Mary – Letter received this past Saturday and got information to late to get important information, wants the record to be accurate to the information.

Mary -34.29 Acres doesn't have to be addressed and it was bought in the early 2000's, current application says home to be built in the middle of the new property

Kiley- the letter says Curthers road and use variance.

Confirmed that resident based on tax parcel tax ID were notified

Andy- house being put into the middle. Why?

Bryan – In speaking with past code enforcement officer to sell the building lot that the 6' giving the buyer enough building to meet all setbacks if needed to meet.

Larry – property owner adjacent how far back would the house have to be

Bryan – Anything behind 200' line would be able to be built.

Andy- 200' note has nothing to do with the variance, this is for road frontage not side to side.

Ruthann – original parcel is a flag lot has to have 40' at the road and 200' this will no longer be a flag lot once bought.

Herman – 50' from the road and meeting side setbacks.

Andy – Application will need to be revised to start area variance and all letters will need to be remailed out for the Jan 2024 meeting.



# TOWN OF GALWAY

ZONING BOARD OF APPEALS  
SARATOGA COUNTY, NY  
ESTABLISHED 1792

5910 Sacandaga Road  
Galway, New York 12074  
518-882-6070

**Motion** to Table Application 23-011 **Motion by Kiley. Seconds by Herman** Voice Vote: All ayes.  
Motion Carried.

## **PUBLIC HEARING** –

ZBA 23-012 Application of Jessica Keller for an use Variance to at 5676 Lake road Galway NY 12074 (Tax Parcel no:185.15-3-72) in the town of Galway.

Jessica – Has recently combined 2 parcels into 1 lot, would like to put a temporary structure for friends to put a tiny house and tie into the septic system which is built for a 3 bedroom home, Her home is 1 bedroom.

Andy – this use is not permitted use in the lake district

Andy – Variance is 40% if the mail structure. 2 tax maps are now 1 lot that gives frontage and has a new parcel ID. There are concerns with going down this road that anyone with a acre would then be able to have by combining the lots you are now creating a conforming lot, the issue is creating a 2<sup>nd</sup> dwelling which would potentially create overload.

Defining the movable structure with tiny home and what is acceptable.

Question – Why should it be OK?

Jessica – its energy efficient tiny homes are being brought all over the US just not in Saratoga county, they would be able to share resources and more sustainable living with other family.

Main Difference is that this is the lake district and not the town. Definition of temp dwellings is not something at this time. Temp dwellings is not the issue, it's the 2<sup>nd</sup> dwelling with in the lake district.

Once you let 1 in it will take off and get out of control around the lake.

Ruthann – This is not a tiny home it is and RV

Andy- You have enough lane to put an addition on the home

Jessica – if this is the RV is she parks it into the lot is that ok with out hooking it up.

Andy – this would have to be looked into if its free standing and not tied into the system.

**Motion** to close the public hearing on application ZBA23-012. **Motion by Herman. Second by Kiley** Voice vote: All ayes. Motion carried.

## **PUBLIC MEETING** –

ZBA 23-012 Application of Jessica Keller for an use Variance to at 5676 Lake road Galway NY 12074 (Tax Parcel no:185.15-3-72) in the town of Galway.

Use Variance to put a Temp Structure / trailer to be used as a accessory dwelling.

**Motion** to Deny Application 23-012 **Motion by Kiley. Seconds by Herman** Voice Vote: All ayes.  
Motion Carried.

## **PUBLIC HEARING** –

ZBA 23-013 Application of Medynska Holdings for an area Variance to at 5728 Crooked Street Galway NY 12074 (Tax Parcel no:185.13-17) in the town of Galway.

Architect of Record – Heing was originally in accordance with regulations.



# TOWN OF GALWAY

ZONING BOARD OF APPEALS  
SARATOGA COUNTY, NY  
ESTABLISHED 1792

5910 Sacandaga Road  
Galway, New York 12074  
518-882-6070

Andy – Height of 28' on the lake on the roadside is the code on the water 28' to the mean height of the lake side not the road side.

Brad – What code is that – 115.7 Section of the building.

Andy – mean elevation avg between the eaves and the peak.

Brad – Peak 50' eaves 40' that mean would be 45'

Andy- Original Plans meet the prior height that measured from the roadside.

Architect – Measured from the front entrance.

Herman – Can you play with the grading to achieve the requirements.

Architect – mean elevation of the lake side of the building? Mean of 33' from the ground to the 3<sup>rd</sup> roof on the lake side. Would need a variance of 5' to meet code requirements.

Andy – setting a precedent from now on that this requirement.

Owner Rep – Client received a ZBA approval and then a letter was written from the building department. Truss have been bought and are built as they had a long lead time.

**Motion** to close the public hearing on application ZBA23-013. **Motion by Herman. Second by Dave** Voice vote: All ayes. Motion carried.

## PUBLIC MEETING –

ZBA 23-013 Application of Medynska Holdings for an area Variance to at 5728 Crooked Street Galway NY 12074 (Tax Parcel no:185.13-17) in the town of Galway.

Dave- Measuring from the Front?

Architect – 33' from the ground

Dave – Any houses next door would this effect

Architect – Adjacent neighbors view would be fine and have advocated for them.

Andy – Moving forward the code is the precedent.

Dave- how hard would it be to reduce the height

Architect- Extremely hard as the trusses have been bought and are onsite.

Brad – What's the true peak height at the lake side?

Architect – 36' from the lake to point of ridge from bottom of foundation.

Dave – creative grading could assist achieving the height requirements.

Andy – option to being in fill?

Architect - that would create a large amount of dirt on the lake side.

**Motion** to Approve Height variance of 5' for 5728 Crooked Street for drawings dated 10/22/2023 in reference to page A2 for a total span to the 2<sup>nd</sup> floor of 20'6" Application 23-013 **Motion by Kiley. Seconds by Herman** Voice Vote: All ayes. Motion Carried.

## PRIVILEGE OF THE FLOOR:

Bryan – Issue with Tax ID's and issue with holding up the process with the paperwork and mailings that this is holding up the sale of the property, that they were given direction and that they got letters. Andy – That they don't want to muddy the waters and postpone this for missing information and unclear paperwork. There were conversations since old mills road doesn't have an address this property was offered to the neighbors to buy to be shut down for the letters being incorrect that this information was given to them from.

Legal – because it was tabled, and people have already left the meeting.



# TOWN OF GALWAY

ZONING BOARD OF APPEALS  
SARATOGA COUNTY, NY  
ESTABLISHED 1792

5910 Sacandaga Road  
Galway, New York 12074  
518-882-6070

## **OTHER BUSINESS:**

Christine McCormick has resigned from the Board – We will be taking resume of letter of intent to go through the process of interested parties Interviews will be end of January.

**Motion to adjourn by Herman. Second by Kiley.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:39 p.m.

Respectfully submitted,

*Amanda DeRidder*

Amanda Barnes, Clerk