



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: February 27th, 2024

MEETING CALLED TO ORDER at 7:00 p.m. by Ruthann Daino, Chair.

MEMBERS PRESENT: Ruthann Daino, Kylie Holland, Melissa Rathbun, Renee Roth-O'Neil, Rebecca Mitchell

MEMBERS ABSENT:

ALSO PRESENT: Amanda DeRidder – Clerk, Ryan Pezzulo Esq., and approximately Seven (7) people in the audience.

REVIEW AND APPROVAL OF MINUTES: All board members previously reviewed the minutes of the December 19th and January 2nd meeting. Corrections as noted. **Motion by Melissa** to approve the corrected minutes. **Second by Kiley**. Voice vote: all ayes. Motion carried.

CLERK'S REPORT: June 25th meeting will need to be changed due to the presidential primary being at the town hall.

CHAIR'S REPORT: N/A

PUBLIC HEARING:

PUBLIC MEETING:

Application #PB24-002 Application of Elijah Daso for Lot Line Adjustment on property located at 5674 Parkis Mills Road (tax parcel no. 186-2-14.2).

Elijah Daso is not present.

Mary (2nd Party) adjoining property – Can the application be heard if he is not here? Yes, unless you want to hear from him.

Mary – he is getting enough land for his shed to be completely on his own property in return for land to Mary, they are trading square footage. Is the line being moved to give 50' set back to the shed.

No but we have made lot line adjustments to be closer to conformance.

Rebecca – we have made lot line adjustments to property to make something closer to conformance.

Ryan- Max would you like to see a variance for set-back. No

Renee – is this a Shed or functional barn? Mary – used as a shed built in 1981.

Ruthann – Improving a situation enough without giving the full setback requirement is sufficient.



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Survey will need to show the existing and proposed property lot lines on maps for both sections. Will need the existing and proposed setbacks to be on 24x36 map to file with the county, 2 Paper and 1 Mylar.

Mary- not just the final? Ruthann – You will need the existing and the final to include proposed setback distances.

What is the 125 and 178 on the map referencing to, Is it 125 from the road moving over 18'. Shed would be 16' from property line +/-.

Max- Rural hamlets is the only deviation inside setbacks. Preexisting non-conforming with the existing shed.

Ryan – The board has the jurisdiction to enforce the improvements.

Motion by Kylie to Approve Application PB24-002 Lot Line Adjustment, **Second by Renee**.
Voice vote: All ayes. Motions Carried

Application #PB24-001 Application of Michael & Louise Churchill for Site Plan /Special Use Permit on property located at 2466 Hermance Road (tax parcel no. 186.-2-6.21).

Accessory apartment with extenuating circumstance.

Building permit was issued and house was built and shed that is existing is used as a summer home.

Deed agreement was signed with the original property owner giving egress and use of the shed. Accessory has no running water or septic; this has been a summer home since 2007.

Unsure of the requirements – Residents proposed a dry toilet. Ruthann is unsure if department of health needs to be involved as the shed is under 400 sqft – it would need a variance from the zoning.

Ryan- Clarification on buildable lot with life estate of the shed. Built a house, Classify the shed as an accessory apartment. It needs it to be habitable and have a CO.

Ruthann – is there a difference to seasonal dwelling.

Ryan -well use is most likely ok with running a line from well to sink, well was tested to main house.

Churchill – is running water required – Ryan yes it is required per code

Ryan – DOH to weigh in on compost toilet vs. running a line from existing septic at main house.

Churchill- Previous owner met with the town and previous building inspector and last year when was built nothing was said, is there a way to have this grandfathered in. Is there an option to limit how much longer they can use the shed? Its limited to seller life.

Max – can a Special Use permit have time limits, Septic, water, construction of Shed, Size issues.

2007 there was a permit issued for just a shed and not a habitable space.

Melissa – What brought this to the planning board?

Ruthann – the Homeowner getting their CO.

Homeowner – The occupant is 68 years and its only used from May to September weather dependent and its only her.

Rebeca – Would the DOH determined if water is fine with variance by ZBA, who is responsible to decide if water and sewer is acceptable.



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Max- DOH doesn't want to say they don't need to be involved but use of facility that wasn't granted the approval for the shed is the issue.

Ruthann – Gore Mt did a dry toilet at the top of the mountain that is something that needs to be figured out.

Ryan – Full time and seasonal uses have different requirements would tend to give some relief on a season issue.

Brad – There is a lake district house with a Outhouse – That's a Code enforcement issue

Max- If a design that's code compliant 75A septic code would there be any more concerns? What's the achievable goal.

Ruthann – Proposes to table this and get more information and to be put on the April ZBA for a Variance. Max will need to provide a list of what he would like to see as a plan of action with all requirements.

Renee- the variance would have limits and timelines on the use.

Andy – does the shed need any modifications to increase the use closer to complaint?

Homeowner- these are cost implications to all this ever with providing all documentation that consideration to have this grandfathered in.

Ruthann – Requests additional time to gather more information.

What Happens if they don't get approved?

Max – time is needed and send to ZBA to come to a resolution this is safe and fair.

Ruthann – Who has the ability to waive the ZBA fee's – Andy and Max to decide.

Ryan & Max to do research in the interm for guidance and create a list with proper action plan

Homeowner – How long does it take? – ZBA meeting in April with one meeting, this is not just impacting use but the person that lives in the shed and the town knew.

Max- Implications come from the code but doesn't dissolve the code enforcement from not saying something.

Renee – Electric no solar power hand pump with outhouse with woodstove is that optional

Andy- if you let it all go and something happens the potential insurance issue of egress.

Melissa – Prior to them building there were 3 sheds currently included are any of them over the size required.

Max – main concern is safety, septic system design what are the other hurdles.

Do we allow someone to live in a dwelling that is not compliant.

Technically the shed living has been breaking the code for 17 years by living in the shed as a permit was given just as a shed.

Ryan – recommendations is to Max to provide a list of action items to be followed.

Homeowner – since 2007 the property was taxed with a seasonal dwelling by the tax collector. One town official was aware.

Melissa- Issue now if we propose a list of X\$ that might sue the town for knowing that someone was living in the shed. With the fact that this was taxed as a seasonal dwelling.

Brad – if his insurance company was aware of the dwelling that most likely not insure.

Max- Deed transfer deed illustrated to comply with transaction.

Ryan- Deed transfers would not pull permits to CO.

Max- Concern is safety this is not the only one that is going to come before the PB with other open permits and new construction with single family with seasonal dwelling existing lot added. This will set a precedence. It's a long road to have everyone on board and address.

They have a deed for life – they aren't in violation of their deed if she can't use the shed to live in she can still use it Shouldn't mix the issues.



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Motion by Kylie to Table Application PB24-001 for further research, **Second by Rebecca**.
Voice vote: All ayes. Motions Carried

PRIVILEGE OF THE FLOOR:

Brad (Lake District) Tough situation going forward new things that are going in have to conform
Max has a moral and legal obligation, A person is putting an RV on a property with an outhouse.
Melissa- Are outhouses permitted?
Ryan – Not permitted in NYS.

OTHER BUSINESS: NA

Motion by Melissa to adjourn. **Second by Rebecca**. Voice vote: All ayes. Motion carried.
Meeting adjourned at 8:12 p.m.

Respectfully submitted,

Amanda DeRidder

Amanda DeRidder, Clerk