



# 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: Monday July 2<sup>nd</sup>, 2024

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

Meeting called to order at 7:00 pm by Chair, Andy Decker.

Clerk called the roll:

**MEMBERS PRESENT:** Andy Decker, Jim Snyder, Dave McKenzie, Kiley Gregory

**MEMBERS ABSENT:** Herman Niedhammer

**ALSO PRESENT:** Amanda DeRidder - Clerk, Diana DeSanto ESQ., Dan Clemons – Board Liaison, Code Enforcement Officer -Max Luetters, and Twenty-Three (23) 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 10<sup>th</sup> meeting. – **Minuets to be reviewed further**

## PUBLIC HEARING –

ZBA 24-006 Application of Amy Carter for an Area Variance to at 1019 Camp Road Galway NY 12074 (Tax Parcel no:185.17-1-40) in the town of Galway.

Applicant is looking for an area variance for a deck replacement and wants to add a ramp to the existing deck, this will be smaller than the original footprint but with the ramp would be the same size as the steps.

Andy- do you know where your property line is?

Applicant – Yes there are pins put in recently

Andy- how close if the fence on the right-hand side?

Applicant- It's a foot on the one side then the other is crooked, not the dog fence the one that holds the rose bush, posts with beans is the actual boundary line.

Andy- the new deck is going with existing? - using the property line and using fence and deck that is 35' long. Is the ramp going in on the east side or left side or the West side of the house?

Applicant – Its going full length the lake side, not sure which is North, South, East West?

Andy- Ramp is on the South Side.

**Motion** to close public hearing Application 24-006 at 1019 Camp Road Tax parcel ID 185.17-1-40.  
**Motion by Kiley. Seconds by Jim** Voice Vote: All ayes. Motion Carried.



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## **PUBLIC MEETING:**

ZBA 24-006 Application of Amy Carter for an Area Variance to at 1019 Camp Road Galway NY 12074 (Tax Parcel no:185.17-1-40) in the town of Galway.

Andy – Anyone have any further questions?

Dave- Just confirming they are replacing the existing deck?

Andy- Correct.

**Motion** for a Area Variance to build a deck and ramp no grater then off the South side of the house, 34 feet from the East to the West and 20 Feet to the South Application 24-006 at 1019 Camp Road Tax parcel ID 185.14-1-40. **Motion by Jim. Seconds by Herman** Voice Vote: All ayes. Motion Carried.

## **PUBLIC HEARING –**

ZBA 24-007 Application of Selwyn & Judith Harlow for an Area Variance to at 2010 East Fork Road Galway NY 12074 (Tax Parcel no:198.10-1-40) in the town of Galway.

Applicant – Looking to replace an existing deck that is unsafe, it's about 4 foot from the shore line, Putting a small 8x24 foot addition onto the existing with pressure treated railings that comply. The 2<sup>nd</sup> and 3<sup>rd</sup> pages are the overlay in regard to the lot and property lines. Upside down sunfish that is on the deck in the photos of the current deck was not build in a sound manner it's close and sagging to the shoreline, Photos show the existing deck with brown railing is sound, we would remove the existing and make a new 8x20' to attached. Drawings are to scale provide both existing and proposed.

Andy- Any idea how far you are from the sideline?

Applicant – Lot is about 75 foot wide, and deck is quite centered.

Andy- looks like there is nothing needed from the sides just from the water.

Kiley – Is it stepping down?

Applicant -its level.

Andy – Staying with the existing steps.

Applicant – Yes

Dave – Existing is 4 feet from the water, Shorting it to 14 feet away?

Applicant – Correct

William Wise – On the East side just a replacement of the existing deck is that correct?

Applicant – No extension on either side, deck is going between steps.

**Motion** to close public hearing Application 24-004 at 2010 East Fork Tax parcel ID 198.10-1-40.

**Motion by Kiley. Seconds by Dave** Voice Vote: All ayes. Motion Carried.

## **PUBLIC MEETING:**

ZBA 24-007 Application of Selwyn & Judith Harlow for an Area Variance to at 2010 East Fork Road Galway NY 12074 (Tax Parcel no:198.10-1-40) in the town of Galway.

Jim – Thanks for the Photos.

Andy – Any Concerns?

Kiley- Set back is 25' from lake correct?

Andy- out at the lake it should be 50' looking for the 36' variance with was 4' prior, Not sure the camp can meet the set back.



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**Motion** for a Variance 36' to the North to build a 24' wide deck attached to the existing deck Application 24-007 at 2010 East Fork Road Tax parcel ID 198.10-1-40. **Motion by Jim. Seconds by Dave** Voice Vote: All Ayes. Motion Carried.

## **PUBLIC HEARING** –

ZBA 24-008 Application of 3011 S. Shore Drive for an Area Variance for Steve Horowitz & Joanne Gallucci Galway NY 12074 (Tax Parcel no:198.11-1-41) in the town of Galway.

Applicant - Bought a distressed asset building on piers and has a failed septic it was recently demoed and they would like to build a 24'x28' new home in the existing footprint, it was built originally 92 years ago and was built to code with all the setbacks and variances, it will be 2' narrow then the original home, the front meets the setbacks, Site plan front should be front facing the lake, We meet the 15' rear and moving the house closer to the road with 34' rear setback, 50' front yard setback is per town code and proposed is 28'. The DOH has approved the septic and absorption field, a 1500-gallon combination concrete septic tank and pump station will be by the road meeting the separations. Survey well meets all horizontal separations to lake.

Andy- The leach field on the other side of the road? Are the tax parcel on the other side in that counts in rear setback over a private road?

Diana- It being a private road would be the concern.

Andy- it wouldn't need that set back then, Is there any thoughts about moving the house to the other side?

Applicant – It was not feasible for the leach field to be on the front part of the house because it would not meet the horizontal separation distance from the lake (“Stream”/”wetland”) .

Kiley – Are you planning on a deck?

Applicant – deck was there previous. We would like to substitute a porch in lieu of a deck.

Andy- Are these plans for what is actually being built?

Applicant – This is currently just the design.

Jim – Is the entrance on the lake and Road?

Applicant – Correct there is nothing on the side, we would like to have a basement

Andy – As long as you are under the house height and there are only two floors and the basement is not livable.

Applicant – Can it be storage?

Andy- Yes the level can't exceed 28' if you put in a full basement, be careful of the levels you can only have 3.

Applicant – Not livable just to put canoes and storage in.

Andy – Storage yes and not a walk out.

Applicant – Three floors change the elevation, screened-in porch on the lake side, 17' height not including the roof on the shoreline or edge of house elevation is the lake side edge of the house is no more than 28'.

Will Weiss – Owner of the roadway – It's a right of way and not a public property I'm all in favor of them using their property or part of any other property, It's not Gove property thought.

Andy- Other than the variance the legality of under road?

Will Weiss – Using the road is private.

Application – Can it go under the road by the builder?

Will Weiss - We own the road. We have had issues in the past. It has nothing to do with the Association.

Applicant – We were told we could do whatever they wanted when we bought the house.



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Tony – Is the footprint 2’ narrower or wider?

Applicant – House is narrower, the space between the houses is wider.

Tony- Under Will Weiss culvert pipe at the neighbors would keep it clean if you put a foundation, it will flood his way without proper drainage on that side. The home is on piers as long as there is drainage I am ok.

Andy – It won’t affect the view and issues with the septic you are 28’ from the lowest point of land, Mean elevation is 28’ from the ground to top of ridge line and soffit its ½ of those the shed line would come into play if you have an A frame in this case there is a shed roof.

**Motion** to close public hearing Application 24-008 at 3011 S. Shore Drive Tax parcel ID 198.11-1-41.  
**Motion by Kiley. Seconds by Dave** Voice Vote: All ayes. Motion Carried.

## PUBLIC MEETING –

ZBA 24-008 Application of 3011 S. Shore Drive for an Area Variance to at Steve Horowitz & Joanne Gallucci Galway NY 12074 (Tax Parcel no:198.11-1-41) in the town of Galway.

Andy – We will need to look into more information to find out if this is Two lots or one, and any information regarding the drainage and road situation before we give a variance

**Motion** for a Table Public Meeting for Application 24-008 3011 S. Shore Drive Tax parcel ID 198.11-1-41. **Motion by Jim. Second by Dave** Voice Vote: All ayes. Motion Carried.

## PUBLIC MEETING –

ZBA 24-004 Application of Katz Excavating and Construction for a Use Variance to at 4867 Armer Road Galway NY 12074 (Tax Parcel no:213.-1-40.213) in the town of Galway.

Andy – No one here for this application can we take action if no one is here? They requested the Tabling.

Diana – Table for one more month with them wanting to have representation.

**Motion** to Table public Meeting of Application 24-004 at 4867 Armer road Tax parcel ID 213.-1-40.213.  
**Motion by Jim. Seconds by Kiley** Voice Vote: All ayes. Motion Carried.

## PUBLIC MEETING –

ZBA 24-005 Application of David McKenzie for an Area Variance to at 5021 Crane Road Galway NY 12074 (Tax Parcel no:212-1-7.12) in the town of Galway.

This is an Area Variance for a Small Home.

Andy – Concern is still the 800 Sqft doesn’t not necessarily agree with code but there is currently only 362sqft of living space.

Kiley – that is less than 50%

Dave – I can enclose the deck and covered porch.

Jim – and use for living space?

Dave- yes that adds another 100sqft

Andy – 10x11 is 110sqft plus or minus to give you 472sqft total with is over half.

Dave- only thing he can think of that wouldn’t cost a fortune, I have talked to neighbors and there are no complaints.

Jim- Concerned with setting a president going into town in regards to tiny homes and it’s on wheels.



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Andy – definition of a mobile home is over 40ft long but still hits that 800sqft even if it's a single wide is 14-18' by 66-80' long which brings you into the 800sqft, if that was their intention than a camper/RV would not be included.

Dave- it's skirted now and talking about anchors and removed the tires and 2 axles.

Andy – it puts you over an accessory dwelling in size with the enclosed porch.

Jim- are they full time use? Accessory dwellings

Andy- Yes they can be full time use.

Jim – is the town in the process of reinstating the solar moratorium? There is a code on solar in place prior to the project where we to sign off would it be appropriate to have a moratorium on it to prevent the president to back stop with the small home.

Dave- NYS needs to do something with their regulations.

Jim- if the local law takes action prior to the NYS within home rule if you create rules prior to NYS rather than abiding by all NYS rules.

Dave- Not sure if they can get away with going that way.

Brian Burns – I think Jim has a good idea there are houses around that are 400K a lot of people cannot afford them,

Andy- is there a spot we can add on to the house beyond the porch?

Dave- can add onto the side but it comes down to what can be afforded.

Jim- Is it proportionate to other accessory dwellings.

Andy – if the porch were closed in do we feel comfortable? Outside is 399 sqft of living space inside is smaller without the porch it is 44'8" with 6" walls x 10' so 470 sqft with the porch.

Jim- Not limiting to just the porch that's the minimum effort.

Dave- Building a wall and engineer would need to look at it to give directions on completion.

Andy – a Variance of 330 sqft maximum.

Jim- would allow him to go larger.

Andy – there is a dormer there is it tall enough for head space?

Dave – it's a bedroom but you can't stand up.

Jim- is there any intention for this to ever move?

Dave – No

Kiley – how did we get here knowing it was a 800sqft minimum.

Dave – A year and 4 months ago I talked to Treavor he stated as long as it has wheels it was considered and RV.

Kiley – He led you to believe it's and RV and a RV is not a full time residence.

Andy- Where online is there a 40' RV.

Kiley- Is a Use variance to use it as an RV and live in it full time a better direction?

Jim- What can we indicate as the planning board and town to establish the code.

Andy- assuming the code goes in that direction that the 800 is the way they want to stay.

Understand that tiny homes traditionally are around 600sqft with stick framed.

Dave- Willing to give another 120 but not more.

Bill Byer – not a permanent foundation if you build out it will be uneven you can't build it out. Treavor approved that over a year ago and was allowed to being a code official.

Dave – he deemed it an RV

Andy -in theory can't build due to an addition with foundation would have to move it and build and make larger.

Kiley- over 50% to make larger concerned with the lake and doing this over again.



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Daina – it would require us have an unanimous decision due to being 3 people are need to make a quorum for approval.

**Motion** to Approve a 330 sqft area variance with the condition to enclose the covered porch. Application 24-005 at 5021 Crane Road Tax parcel ID 212-1-7.21. **Motion by Jim. Seconds by Kiley** Voice Vote: Andy – No, Jim – Yes, Kiley -Obtained. Motion Denied.

### **PRIVILEGE OF THE FLOOR:**

Brian Burns - The Katz situation he wanted to have counsel since he has counsel gives him an edge it didn't meet the use, Thought the board granted him leniency he's not here and neither is his attorney.

### **OTHER BUSINESS:**

**Motion to adjourn by Jim. Second by Kiley.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:17 p.m.

Respectfully submitted,

Amanda DeRidder - Clerk