



# 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 June 10<sup>th</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, Herman Niedhammer, Dave McKenzie, Kiley Gregory

### **MEMBERS ABSENT:**

**ALSO PRESENT:** Amanda DeRidder - Clerk, James Trainor, Esq., Dan Clemons – Board Liaison, Code Enforcement Officer -Max Luetters, and Twenty-Eight (28) 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 April 10<sup>th</sup> meeting. **Motion by Kiley** to approve the minutes. **Second by Jim.** Voice vote: all ayes. Motion carried.

### **PUBLIC HEARING –**

ZBA 24-002 Application of Gail Doscher Thompson for an Area Variance to at 1277 Point Road Galway NY 12074 (Tax Parcel no:198.6-1-3) in the town of Galway.

Applicant is looking to replace a shed that was previously there the shed is smaller than existing footprint.

**Motion** to close public hearing Application 24-002 at 1277 Point Road Tax parcel ID 198.6-1-3. **Motion by Jim. Seconds by Herman** Voice Vote: All ayes. Motion Carried.

### **PUBLIC MEETING:**

ZBA 24-002 Application of Gail Doscher Thompson for an Area Variance to at 1277 Point Road Galway NY 12074 (Tax Parcel no:198.6-1-3) in the town of Galway.

Kiley – the Upper neighbor is ok with this shed. Andy – Yes

Andy – Shed that was there was larger? Max – yes

Jim – Survey Map doesn't show septic? Max confirms they are clear.

**Motion** for a Variance of 20-foot setback, 5-foot setback on the west side spanning 10 foot to place a new shed Application 24-002 at 1277 Point Road Tax parcel ID 198.6-1-3. **Motion by Jim. Seconds by Herman** Voice Vote: All ayes. Motion Carried.



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## **PUBLIC HEARING** –

ZBA 24-003 Application of Ashley Harrison for an Area Variance to at 5190 Armer Road Galway NY 12074 (Tax Parcel no:198.6-1-3) in the town of Galway.

Applicant is looking to add a carport to an existing garage to cover a boat and camper. This would be put in line with the existing garage.

Andy- 45' variance is extensive and there are some other issues, 45' to the south would also need 50' to the west and would need a variance due to exceeding the allowable structure coverage of 40% on non-permeable space that can be 25% structure, and this is a .6 Acre lot. Existing coverage only gives you approximately 221 sqft. Trouble is such a small lot. Are you looking for this to be permanent?

Dave – Can they do a Lean-to-shed roof off the existing garage?

Andy- No that would still have the same effect.

Jim- A shed roof off the existing garage would depend on what is left of usable space 10x20 left is usable.

The existing garage is 32'. Are you looking for the most you can get and willing to downsize? Homeowner if we have to go a different way, we will but we do hope to get both a boat and camper under.

Brian – Is a carport a structure 2x2 galvanized structure permanent.

Andy – Yes you can't take it down.

Kiley – it's the building lot and sqft is the main issue.

Homeowner - building if a tent is allowed it would still be a surface

Andy- The difference is it's a permanent structure.

Max – Anything over 144 sqft would prompt a permit

Ruthann – Surface A carport or tent is considered impermeable.

Andy – Low long has the existing structure been there – 2020 prior to current homeowners.

**Motion** to close public hearing Application 24-003 at 5190 Armer Road Tax parcel ID 198.6-1-3. **Motion by Jim. Seconds by Herman** Voice Vote: All ayes. Motion Carried.

## **PUBLIC MEETING:**

ZBA 24-003 Application of Ashley Harrison for an Area Variance at 5190 Armer Road Galway NY 12074 (Tax Parcel no:198.6-1-3) in the town of Galway.

Jim – understand they could build a 10x20 and still be within the % of usable space, 10x10 in addition to the 45' setback to rear and 7' to side setback.

Herman- The previous setback was approved to the existing garage. It was there prior to 2020.

Andy – size of the lot and the number of structures is concerning.

Jim- Replace the existing carport to make a new one look better. Would a shed roof extension be viewed differently?

Andy – no

Kiley- What is the approved is within the approval but would still need the 45' set back

Andy – 10x20 approved its within existing and you can't see from road or back of home.

Jim- Its an Improvement of what is existing.



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**Motion** for a Variance 45' south and 7' to the East and Variance for 37 sqft overage of lot coverage. Car port to not have sides, Metal roof prefab aluminum Application 24-003 at 5190 Armer Road Tax parcel ID 198.6-1-3. **Motion by Herman. Seconds by Dave** Voice Vote: 4- yes /1 -No. Motion Carried.

## **PUBLIC HEARING** –

ZBA 24-001 Application of Michael Churchill for an Area Variance to at 2488 Hermance Road Galway NY 12074 (Tax Parcel no:186.-2-6.21) in the town of Galway.

Mr. Churchill – Existing camp on the property is occupied by the previous landowner, a planning board application is pending for the accessory dwelling. Its 303 sqft building and we need a 97sqft variance to be compliant.

Jim – procedurally any approvals will still need planning board approval.

Brian B- confused on what it's for?

Andy – Provided a rundown of what has happened to bring the application this far and that it's a functional dwelling with water.

Andy- What is being used isn't our decision it's a seasonal camp. Our motion is structural on size and seasonal camp.

**Motion** to close public hearing Application 24-001 at 2488 Hermance Road Tax parcel ID 186.-2-6.21. **Motion by Herman. Seconds by Jim** Voice Vote: All ayes. Motion Carried.

## **PUBLIC MEETING** –

ZBA 24-001 Application of Michael Churchill for an Area Variance to at 2488 Hermance Road Galway NY 12074 (Tax Parcel no:186.-2-6.21) in the town of Galway.

Andy questions on the application concern in dropping so low in the square footage that we are opening up a path for others in RV's as accessory seasonal camps.

Dave- built 16 years ago and permit for the original structure was not permitted but put on the tax map and tax roll as seasonal dwelling.

Jim - The concern is granted with making a president.

Kiley- When it was sold in 2021 then built a home that wasn't included.

Brian – Does this bring up any concerns with Star Farm and setting a president.

Andy - This is just a size issue. There are other criterial with the special use permit its not transferable past current occupant.

Herman- any reason why not to add 100sqft – Occupant is 70 years old and doesn't see her using it past another few years.

**Motion** for a Variance of 97 sqft strictly for floor area only of a seasonal dwelling as it exists with it being nontransferable accessory apartment per Section 115-52 B3 of Code Application 24-001 2488 Hermance Road Tax parcel ID 186.-2-6.21. **Motion by Kiley. Seconds by Herman** Voice Vote: All ayes. Motion Carried.

## **PUBLIC HEARING** –

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.

Homeowner looking to build a single-family home and the land is too small for what is there

Mark Katz- Built 50 houses and have been in business for 30 years mark and family saw building lot 1 acre called building inspector and met with Dave C highway department to get a driveway permit, got building



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lot permit survey caught in an issue with not being able to build all lots around there look similar to existing lots surrounding no one meets the lot size all setback are met and septic is met. It's lot 2 on the maps.

Andy- Pulled out minutes from the subdivision that lot 1 and 4 were to have lot 2 merged into it and town lot says unbuildable.

Mark – Was told by a town official that it was a buildable lot will fight tooth and nail to get this passed and by the realtor it was marketed as buildable.

Andy- When you bought it was sold as buildable.

Mark Katz – This has no wetlands and was sold as a lot and told it was buildable.

Collene Roads – If you own so many houses in advance, if he's such a big builder why would it matter to build and buy one acer.

Mark Katz – Bought a single lot in another area to build a single home and sell it's a nice lot.

Jim – Have you approached adjoining property owners to acquire 2 more acres?

Mark Katz – All the surrounding is occupied.

Dennis Solar – 2 acres was the reason back in the 90's was required, another builder bought properties from Edin smith and sold 2 houses on 2 lots those lots are both 4 acres the Amex of lot 1 and 4 and it's a long-standing requirement of 3 acre and Kyle Williams knew, and Mr. Katz knew. Seems odd that do business on, and that lot was taken for nonpayment on taxes 1986 was sold to Michelle Willaims then to Kyle Williams, there were 2 offers made to Mr. Willaims by the neighbors and not taken.

Mark Chris – it seems to me that people make requirements, and the board tries to be accommodating.

Richard- I mailed a drawing from 1985. When I got involved I looked into one of the lots lot 5 and talked to Don due to previous issues he couldn't get a permit cause its less than 2 Acres that's because the subdivision wasn't approved. Mr. Katz less than 200' road frontage doesn't see where any could see its not a buildable lot.

Albert Luther – stated in town records it was not a buildable lot

Kylen Prylu – concern that there is a slope and a lot of fill has been brought into make it level it's a mucky lot.

Ruthann – Looking back at records it was over limit of minor subdivision and was made a major by having people buy 2 lots. In the past lots have been approved. This lot specifically was not buildable, how it was given an SBL is unclear when it's not buildable.

Mark Katz- Have a survey. It meets road frontage and setbacks and other requirements. If he had to buy 2 other lots, it wouldn't be worth it. It meets everything else, it's not my fault that they gave a road cut permit, and the inspector said it was buildable.

Dennis – This was never a buildable lot. You get a few more acres and build. Doesn't have a reason that's based on agent fault and inspectors and doesn't see reason for someone who builds, unfortunate that Mr. Williams sold it as buildable.

Andy – use variance has much higher threshold then an area variance. Given a driveway permit doesn't deem it buildable and SBL and an Address doesn't deem it buildable.

**Motion** to close public hearing Application 24-004 at 4867 Armer road Tax parcel ID 213.-1-40.213.

**Motion by Jim. Seconds by Herman** 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.

**Motion** to Table public Meeting of Application 24-004 at 4867 Armer road Tax parcel ID 213.-1-40.213.

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



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## **PUBLIC HEARING** –

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

Looking for an area variance, bought land 4-5 years ago and have a tiny house McKenzie was given permission by previous building inspector. Ot is 399 sqft

Jim – Is that floor space or living space?

Dave – Yes.

Kiley – Any other tiny homes in Galway?

Andy – None that we know of it's becoming a trend. But there is nothing specific code wise just needs to meet NYS code.

Brian- In NYS code the 800sqft can it be moveable or permanent?

Andy - Code compliant?

Jim- Had been given prior permission – current by prior inspector.

Ruthann - Was there anything is writing; it's considered an RV since it's on a 3 acre its it intended to be permanent?

Dave- Not moving it just was not intending to take the tires off, but it has a septic and well and inspected by electrician.

It's not in DEC wetland it meets the set back of the wetlands as it's a 6 acre of land

Ruthann - Tiny homes is a structure not an RV have not allowed in the past to live in RV's

Dave- is ok with removing the tires it was told no tie downs aren't needed it skirted

Andy- Are mobile homes tied down?

Herman – Yes cement blocks and wood block weights 2800lbs and skirted on wheels but supported

Jim - Mobile homes vs. RV's?

Dave - It has log walls it's a log cabin but has wheels and needs a tractor to pull it

Andy – Are you willing to remove the wheels add tie downs brings it from RV to mobile home

Herman- Agree with the tie downs and blocks or removed.

One issue being addressed is tiny homes in the comp plan

Andy – Concerned is size or mobility

Jim - Zoning size is 400 to 800 safely and rely on Max that septic and well are to code and structure is to code.

Max – It doesn't meet code it wouldn't be issued a building permit if it doesn't meet code

Brian - If it sat on 4 Acres and tired it's not a house the 800 sqft is not applicable that is a full-time home it's a dwelling its not a house and mobile and not a camp ground to be hooked up and moved.

Max this is not a mobile home

Herman is it to building standard

Max – no

Brian - In all fairness he wouldn't have sold his house if he had to go through this

Andy- Is there any way to add sqft

Dave - No doesn't want to

Jim - If approved can there be stipulations on code expansion over time.

Lawyer- The variance runs with the land.

Herman- Doesn't have problem with size.

Kiley - That's accessory how it's going to look.

Herman- On Jockey St built a barn with a loft to live it it's not far from us.

Andy - Not the size but the mobility of it a small house with basement to NYS code.





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Brian - Someone's living in a shed and you are giving Dave a hard time

Andy - It's different and still has to go to the planning board we are trying to look at both sides

Dave - Skirting is insulated and making it more permanent make it less mobile home type

**Motion** to close public hearing of Application 24-005 at 5021 Crane Road Tax parcel ID 212-1-7.21.

**Motion by Jim. Seconds by Herman** Voice Vote: All ayes. Motion Carried.

## **PUBLIC MEETING** -

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

Andy - What are we looking for?

Herman - Block and anchors and if the property is sold its not transferable, can variance only go for him

Lawyer - yes

Kiley - Against its 800sqft code

Andy - It's a 50% reduction in size which is large

Jim - President setting how small homes tiny homes it comes up as in issue

Ruthann - Not sure what the plan is on the comp plan and not consistent meeting but can be brought up Comprehensive plan has to be completed then the zoning addressed its months to conclusion.

Jim- Can this be temp and addressed yearly.

Lawyer- Encourages the board to look at that meets and doesn't meet code

Dennis - There man is living there now, any complaints? let him live there.

Andy - Looking for 401sqft area variance for a single-family dwelling, code requirements it's detrimental change

Kiley - Makes surrounding property values drop can it be sought other ways with out a variance

Andy- Yes by making it bigger It meets 3 out of the 5 code compliance issued

**Motion** to Table public Meeting of Application 24-005 at 5021 Crane Road Tax parcel ID 212-1-7.21.

**Motion by Jim. Seconds by Herman** Voice Vote: All ayes. Motion Carried.

## **PRIVILEGE OF THE FLOOR:**

Dennis - You folks need to wrestle with the citizens of the town and stand by the code. It has a lot of requirements and people come to the board with little information bought a 10x14 shed and put it with in requirements by town not complaining, but helping people all loosie goosy

Andy - What application do you feel this way about there are occasions where its applicable

Dennis- That's not stated that they aren't concerned that not voting

Having code requirements even with documents its easier to get variance then follow rules no qualms about tiny homes fell constraint in own living that he has to follow the requirements

## **OTHER BUSINESS:**

Foil request for any information with prior Supervisor Smith and Building Inspector to get to clerk about January 2022 to December 2023 needs to go to Peg.

**Motion to adjourn by Kiley. Second by Dave.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:46 p.m.

Respectfully submitted,

Amanda DeRidder - Clerk