



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 August 6th, 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 Twelve (12) 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 2024 meeting. **Motion by Kiley** to approve the minutes. **Second by Jim.** Voice vote: all ayes. Motion carried.

Members have reviewed the minutes of the July 2024 meeting. **Motion by Jim** to approve the minutes. **Second by Dave.** Voice vote: all ayes. Motion carried.

PUBLIC MEETING:

ZBA 24-004 Application of Katz Excavation for a Use Variance at 4867 Armer Road Galway NY 12074 (Tax Parcel no:213-1-4.213) in the town of Galway.

Andy – Application is to build a single-family home on a 1.1-acre lot. Last month they were given the opportunity to appear, there is no applicant present.

Andy – All paperwork presented no new paperwork has been submitted.

Dave- I think he was going to buy more land.

Motion for a Use Variance to build a single-family home on a 1.1-acre lot for Application 24-004 at 4867 Armer Road Tax parcel ID 213-1-4.213. **Motion by Kiley. Seconds by Dave** Voice Vote: All No's. Motion Denied.

PUBLIC MEETING –

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.



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

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' narrower than 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'.

Additional information with setbacks has been provided with 11x17 drawings from the July 2nd meeting.

Applicant – we are unable to put the leach field on the front property so we have had our engineer adjust, the engineer has received direction from Department of Labor and Department of Health for 2 holding tanks, this will increase all setbacks.

Andy – The DOH has approved this location?

Applicant – Yes, the engineers worked with Department of Health to provide a waiver for this location.

Andy – At this time the side variance and front variance are the ones that are short.

Applicant – We now meet the setbacks on neighboring wells and holding tank setbacks, because of the size we are 25' from the lake, this makes it more than the previous house.

Andy- You moved the house back from the lake and provided more setbacks on the sides as well.

Dave- Setback on the side is 7.2'?

Andy- Yes 7' keeping it an even number.

Dave – That should be 25'.

Andy – Correct.

Jim- The new proposed setback is equal to or greater than the structure that was demolished.

Andy – Yes, it looks like it's the same in the east and then the west it's a little greater and to the north its twice as far. Maybe three times and far.

Applicant – The back lot will now not be used.

Kiley – Where is the driveway?

Applicant – We are not placing that at this time, the driveway and potential shed are something we will determine down the road. If we do, we will need to cut the trees back.

Dave- Are you going to use the back lot for parking?

Applicant – That is the intention eventually.

Jim – last time we met on this there was discussion about drainage between he proposed new structure and existing structure on the west.

Applicant – Yes, the engineers and builders are confident that all concerns with drainage are in consideration. And put in what they need to I am not sure what exactly they are putting in, but I can provide that information, he is confident.

Jim- the builder is confident that the 7' variance is given that he has engineer drainage in there between the house and the property line and that is adequate space?

Max- Subgrade and holding tank have been discussed.

Applicant – there is more space now than there was, the engineer, DOH and building are confident that the old deck was closer to the lake and will not cause concern. Spoke to the engineer several times and he stated it's not an issue.

Andy- it does look like the old house was as close to the holding tank, will be 5' from property line.

Dave- Holding tanks going to be 5' from the property line?

Andy- Yes



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

Jim – why didn't they make the tanks more centrally located?

Applicant – the holding tanks were located to accommodate the setbacks and the well separation to maintain the 50' separation from the neighboring well. The well is now in the back to maintain the 50' from the well to septic tank as well.

Max – DOH tells the applicant where the tanks need to go the builder proposed the location and the DOH is responsible for determining the placement and location. It's meant to be the best placement.

Jim – Considering grade and drainage into that decision?

Max- Yes

Applicant – We pressed the engineer and the building for the best location, they are putting the 5' basement in, the builder builds multimillion dollar homes in Saratoga. I'm confident he knows.

Board discussion on the stair location and the best placement in regard to the setbacks and approval.

Max- advises that at completion of foundation and determination of final grade they will understand if there is a need to evaluate the stairs further and if any revision to the variance request will be needed.

Motion to approve a Variance for front setback of 10' to the North and 18' to the West stretching 28' and 18' to the East stretching 28' for a 24'x28' dwelling, not to exceed the greatest points including an addition of the 12'x8' screened in porch on the front side of the building coming off 8' to the North for 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.

PRIVILEGE OF THE FLOOR:

Austin (5248 Sacandaga Road) here as the contractor on behalf of 9382 Harts Road tax ID 185-18-1-20 for a variance to the preexisting deck as it is non conforming to code, the proposed is in regard to the landscape and will not hinder any view, many other residents have similar decks in that area.

Andy- Andy suggestions on the stairs? Could they come off the side and not by the road?

Austin – Yes, we can make that change as you approach from the road, they use the railroad ties as seps that grade can be played with to shorten up that area.

Kiley- all 1 level coming from the front door?

Austin- currently the front deck wraps around and then comes to grade as you reach the back corner.

OTHER BUSINESS:

Motion to adjourn by Jim. Second by Kiley. Voice vote: All ayes. Motion carried. Meeting adjourned at 8:06 p.m.

Respectfully submitted,

Amanda DeRidder - Clerk