



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

DRAFT

MINUTES OF ZBA MEETING

Meeting Date: Tuesday September 3rd 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, Herman Niedhammer

MEMBERS ABSENT:

ALSO PRESENT: Amanda DeRidder - Clerk, Diana DeSanto ESQ., Dan Clemons – Board Liaison, Code Enforcement Officer -Max Luetters, and Twenty-two (22) 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 August 2024 meeting. **Motion by Kiley** to approve the minutes. **Second by Dave.** Voice vote: all ayes. Motion carried.

PUBLIC HEARING:

ZBA 24-009 Application of Fredrick Metzger for a Area Variance at 1219 Old Dam Road Galway NY 12074 (Tax Parcel no:198.06-2-5) in the town of Galway.

Cecil on behalf of Dr Rozoti there is a pre existing non conforming camp that they would like to demo and rebuild into and existing footprint and meet the set back requirements.

Andy -is there going into the same footprint is there a reason it couldn't move over its 45' wide the lot is 100' wide if you move to the middle you wouldn't need a variance only difference is you don't have the 200' road frontage

Jim- are they trying to preserve the trees?

Andy – the well and septic are placed

Homeowner yes well and septic will be new

Jim will it be in the same place

Homeowner if they would rather it be centered that fine

Andy it's a non conforming lot it would be easier

Jim do we have to do anything about the non confirming road frontage

Andy if we are looking for 1 side we could put it in there

Homeowner we are fine with centering it we were concerned with non conforming



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

Andy road frontage wont change as long as the side are met they already meet the road and lake setback

Diana no something we are concerned with as its existing
Brad B Lake a question about the septic with the in the lake district
Max no septic permits are issued with out a DOH plan

Motion to close Public Hearing on Application 24-009 at 1219 Old Dam Road Tax parcel ID 198.06-2-5.
Motion by Jim. Seconds by Herman Voice Vote: All eye's Motion Carried

PUBLIC MEETING –

ZBA 24-009 Application of 1219 Old Dam Road for an Area Variance for Fredrick Metzger Galway NY 12074 (Tax Parcel no:198.06-2-5) in the town of Galway.

Andy calls out the 100' road frontage and that no variance is needed now.

Diana – is keeping with the general practice of the board we acknowledge that there is only a 100' of road frontage

Motion to close public meeting of Application 24-009 at 1219 Old Dam Road Tax parcel ID 198.06-2-5. **Motion by Kiley. Seconds by Jim** Voice Vote: All ayes. Motion Carried.

PUBLIC HEARING:

ZBA 24-010 Application of Jonathan Morley for an Area Variance at 6027 Hermit Point Road Galway NY 12074 (Tax Parcel no:185.15-3-24) in the town of Galway.

Applicant is not present

What is the action if they do not show up

Andy its an existing house with a deck on the sides they are removing and now want to build a new one on the front 12' from the property line on each side and its 13' its closer to the south side then the north side- Do residents have access to see what's proposed

Max they are not encroaching on the North or South property line the original porch is being replaced they are adding is to the front of the house not towards the lake

Raymond 6028 Hermit Point Road we haven't seen the plans we want to make sure there is no encroachment to the south or North

Lucas is it legal that he already had a porch was there a variance for the existing

Raymond some of that was existing before his time

Maz the porch is preexisting to the zoning regulations

Motion to Table Public Hearing on Application 24-010 at 6027 Hermit Point Road Tax parcel ID 185.15-3-24. **Motion by Jim. Seconds by Dave** Voice Vote: All eye's Motion Carried

PUBLIC HEARING:

ZBA 24-011 Application of American Builders on Behalf of Pete Driscoll for a Area Variance at 9382 Hart Road B Galway NY 12074 (Tax Parcel no:185.18-1-20) 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

American Builders would like a variance for road setback with moving a staircase, not moving it would cause a logistical issues and with the decks current position it would cause an issue. The revised plan is within the original footprint and all within the property lines.

Andy – a walkway following the road is approximately 17' from the road, and the end of the deck is 20.5' from the road to the corner and 5' off the house facing the road that puts you at the stone wall correct?

Jim – set back are 25' for non lake front is it 25' or 50' needed.

Kristin owner of property next door – presented the plans saw and walked with homeowner and approved to neighbors with signatures.

Motion to close Public Hearing on Application 24-011 at 6027 9382 Hart Road B Road Tax parcel ID 188.18-1-20. **Motion by Kiley. Seconds by Dave** Voice Vote: All eye's Motion Carried

PUBLIC MEETING:

ZBA 24-011 Application of American Builders on Behalf of Pete Driscoll for a Area Variance at 9382 Hart Road B Galway NY 12074 (Tax Parcel no:185.18-1-20) in the town of Galway.

Andy- Look like the current stairs will come out about as far as the new stairs, its only going to where the current location is now and replaced with actual stairs

Jim- How much of a variance are we looking at dimensions of the stairs?

American Builders- yes about 6' if you look at the colored photo

Jim- how much farther is the projections?

American Builders – 66" total projection out overall tread – its 6 steps 11" for tread and 5' of deck.

Andy – its at a angle so determining the orientation is difficult

Max – the stairs are on the east side

Andy – width of the stairs?

Austin – 4' wide

Andy – overall width of the deck on the house?

Herman – Looks like 24 ½

Motion for a 24' deck starting at a 7' Variance to the north to a 5' variance to the south with a additional 4' stairway not to exceed 6' from the deck. Northern edge of the stairs stairway to be 132" from the southern corner of the new deck. on Application 24-011 at 6027 9382 Hart Road B Road Tax parcel ID 188.18-1-20. **Motion by Herman. Seconds by Dave** Voice Vote: All eye's Motion Carried

PUBLIC HEARING:

ZBA 24-012 Application of Town of Galway Code enforcement for a Code Interpretation in the town of Galway.

Motion to close Public Hearing on Application 24-012 . **Motion by Kiley. Seconds by Jim** Voice Vote: All eye's Motion Carried

PUBLIC MEETING:

ZBA 24-012 Application of Town of Galway Code enforcement for a Code Interpretation in the town of Galway.

Dave – What is the explanation for?



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

Andy- determination in our code for 115-20 E (3) Buildings located in the lake district shall not be more than 2 levels. Basement a level if its finished its taxed and subgrade. Is a walk out basement a level.

Dave- finished basement or a walkout is a level if it's a closed basement with nothing in it then no.

Andy – if it's a 2 story with a basement below subgrade that would be acceptable

Kiley – a level or story span of 5' below it is matching about a split level it's a messy decision

Dave- Code was made up to only go so high in the lake

Andy 0 from ground level is the height in feet restriction if they were building into a hall on a non lake side its measured from the roadside the mean elevations could potentially put you with in the height.

Jim – plenty of height difference in the lake as to what's currently built in the lake area.

Andy – issue would be against you build a house 2 story's with basement and then finish it after. If you can access from the outside is that considered a level or unfinished a level

Herman- if its livable / habitable yes, Bilko with 2 way of egress would determine uninhabitable. A ceiling height of 6' with a basement would still be unlivable,

A finished basement is a level

A walkout basement is a level is ceiling height is over 6'8"

What about lofts – anything over ceiling height of 6'8" is habitual

Jessica- in rubex grove they have restrictions built into their regulations

Andy – rubex grove has independent additional regulations from the town of Galway

Andy – 28' on the main entrance of the house is the height or 28' from the ground at the lakeside.

Interpretation of Galway Town Code 115-20 E (3) The Interpretation is that a finished basement is a level, a walkout basement with in Ceiling height of over 6'8" is a level. Any floor in reference to a loft with a ceiling height above 6'8" is a level.

Motion to close Public Meeting on Application 24-012 . **Motion by Herman. Seconds by Dave** Voice Vote: All eye's Motion Carried

PRIVILEGE OF THE FLOOR:

Brad – write up what the interpretation should be and send to the town board?

Joe Constantine – bought property 50'x300' not on the lake but looking to get guidelines for what we can and can not do, thoughts of something 8'6" x24'

Andy – a dwelling need to be at a minimum of 800sqft the tiny homes is an issue it doesn't fit into our code, the tiny homes fit more with in the RV range and those don't meet code requirements

Joe- we couldn't get a variance to put a tiny home all the neighbors are on a 50' lots builder for 45 years.

Andy – was there ever a house there?

Joe – we cleared a lot of trees but no

Andy – a variance is the only option but keep it narrow

Joe – NYS has an Addendum for tiny homes

Andy – at this time Galway doesn't and accessory dwelling you would need a main building

Joe- the time home wouldn't be any area variance

Andy – those are just to much of a sqft difference

Joe-point Road those houses they fit nicely on those lot

Andy - if it's a building lot or non-conforming it might of never had a house.



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

Sandy – Rt 29 and Parkis Mills hoping to save the house and we want to build the same size home but move it 20' off the road and put in a new septic, the house is 27x30 and the new house would be 26x35 with a porch on the front that's not shown on the drawing, by the next meeting we will have the house and septic location.

An- variance and application and get as close as you can to the set backs are you can with all sides push bac off Rt 29 as far as you can.

Sandy – Pushing it back will keep the septic as from the stream, the well is going to be an artisan well they don't want to open it or move it, the septic is behind the back corner and it needs to be replaced.

Him- driveway off 29 or stay there

Sany – any advise will be a x12 roof pitch concern is getting it demoed safely at this point

Andy – get off rt 29 as you can ideally 5-' going in the right direction

OTHER BUSINESS:

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

Respectfully submitted,

Amanda DeRidder - Clerk