



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 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 an 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 non-conforming camp that they would like to demo and rebuild into an existing footprint and meet the setback requirements.

Andy -is this 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's fine

Andy- it's a non-conforming lot, it would be easier.

Jim- do we have to do anything about the nonconforming 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.



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Andy- road frontage won't change as long as the side are met, they already meet the road and lake setback.

Diana- not something we are concerned with as its existing.

Brad B Lake- a question about the septic within the lake district

Max- no septic permits are issued without 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 it's 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' it's closer to the south side then the north side-

Lucas-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

Max-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 an Area Variance at 9382 Hart Road B Galway NY 12074 (Tax Parcel no:185.18-1-20) in the town of Galway.



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American Builders would like a variance for road setback with moving a staircase, not moving it would cause 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 stonewall, correct?

Jim – set back are 25' for non-lakefront 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 an Area Variance at 9382 Hart Road B Galway NY 12074 (Tax Parcel no:185.18-1-20) in the town of Galway.

Andy- Looks like the current stairs will come out about as far as the new stairs, it's 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 are the projections?

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

Andy – it's at an 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 an 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 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 Code Interpretation in the town of Galway.

Dave – What is the explanation for?



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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 it's finished its taxed and subgrade. Is a walkout 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 within the height.

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

Andy – the issue would be someone would build a house 2 stories with a 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 ways of egress would determine uninhabitable.

Andy- 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"

Brad/Lake- What about lofts

Andy- anything over ceiling height of 6'8" is habitual

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

Andy – Ruback 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 a 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 and cannot do, thoughts of something 8'6" x 24'

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 tiny home wouldn't be any area variance

Andy – those are just too much of a sqft difference

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

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



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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.

Andy- variance and application and get as close as you can to the setbacks are you can with all sides push back off Rt 29 as far as you can.

Sandy – Pushing it back will keep the septic as far 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.

Jim- is the current driveway off Rt 29 and planning on staying there.

Sandy – at this time we will leave the driveway alone, any advice will be appreciated.

Andy – get off Rt 29 as far as you can is ideally 50' is going in the right direction.

OTHER BUSINESS: N/A

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