



## 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 October 1<sup>st</sup>, 2024

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

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

The clerk called the roll:

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

**MEMBERS ABSENT:** NA

**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 September 2024 meeting. **Motion by Kiley** to approve the minutes. **Second by Herman.** 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:185.1-3-24) in the town of Galway.

Homeowner We are replacing the existing deck, and we want to add 10' to the West End and the roof will be rising about 2' to accommodate 8' walls.

Andy -There's one question I had before was there's no stairs that are going to be coming off the deck

Homeowner - There's two sets of stairs that come off the deck. There's a step to the West, and there's a set that faces the South.

Andy -does that extend past the deck or is it inside, and what is the overall dimension from West to East

Homeowner – it is 29' for the whole width of the deck

Herman – to the drip edge or walls

Homeowner – Roofline

Andy- Width or depth is the 29'

Homeowner – West to East is 39'7" overall

Kiley – there were a lot of neighbors here last time worried you were extending past the current footprint have you spoken to them.

Homeowner – yes



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**Motion** to close 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 MEETING –

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

No comments

**Motion** for a Area Variance to the South of 13' and North 13" Stretching for 40' on each side for Application 24-010 at 6027 Hermit Point Road Tax parcel ID 185.15-3-24. **Motion by Kiley. Seconds by Dave** Voice Vote: All ayes. Motion Carried.

### PUBLIC HEARING:

ZBA 24-013 Application of Planning Board Code Interpretation for a determination if a private commercial use in a permitted use (Tax Parcel no:213.-1-94) in the town of Galway.

Andy -We'll put in there first. We did get one e-mail from someone. Just concerns with the application, we're here to determine if it is a permitted use within the AR district. There is some concern that the range isn't actually private. Anybody that goes to S&K Can end up there.

Brian Burns 2453 Cruthers road - in regard to private or Commercial or whatever verbiage is it, it wouldn't be a private range because he is subletting the land, its private use with SK training, The address has been corrected as there are multiple commercial business in use at this property, and I guess that's what you're here to decide tonight. The bigger issue Is that it is public use, because anyone who retains S&K, the pistol permit portion of the training, It's not just multiple shots It's a couple hundred shots in a short period of time. We've had a class of 10 people. And they did correct the address on this application for the tax ID. The two addresses pertaining to that tax ID already exist. Multiple businesses, and I understand most of them are farm related. But there's also, you know, a trucking business, how many businesses can they have on one party or land and operating simultaneously including a farm with animals and livestock as far as what you're going to decide, that piece of land is commercial or whatever the use is so. That's, my two cents on the decision here tonight.

Wendy Scheening Donnon Road - Thank you. I'm I'm actually here to oppose what's happening a little bit, but I'll focus it More on the zoning, The land we own my husband and I own. 38 acres are behind the Gallway preserve. But kind of diagonal to where What's going on. We haven't built out here because every time we've been out here in the last four years, it sounds a little bit like a war Zone as a result. Town's missing Out on a whole lot of tax Money out of our pockets Which is neither here nor There I guess, but the zoning. As long as we own the property has been agricultural residential. And in Gallway zoning was requirement Whatever they're called specifically says that not only does the town value it for its rural character, but it also contributes to the overall quality of life. The purpose of the district is to encourage allow variety of uses, including agriculture, forestry. The low-density residential development gun ranges are not agricultural, although I actually have a request in the Department of Agriculture to see if they have any kind of reading on that. I haven't heard back from them, so we would argue that it's an improper use based on the zoning for the piece of property. I met Mr. Flinton for the first time, even



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though I know he said he talked to the neighbors and not sure he talked to all of them because we've never even met him. And he said, well, I believe in property rights. Well, I believe in property rights also and zoning is here to make sure that both of our property rights and those of our neighbors are respected. We Should be able to do whatever you want. You really don't have that as an option, so we hope and request that you recognize it as a nonagricultural Activity and make that decision that way.

Julie Hoxsie 2520 Northline Road - I always thought planning and zoning board's purpose was to protect individual residential from new neighbors, starting things like junkyards, building a factory and other incompatible Uses loud noises, offensive smells under registered junk cars. I looked up the purpose of zoning and found the following grouping similar uses to certain geographic areas to promote harmony. In use compatibility and to protect the value of land a shooting range is not compatible in residential agricultural zone and will devalue neighboring properties. I hear shots a little less than one mile away, which sound like machine guns or a war zone. It is upsetting to hear people say putting time restrictions on this. If you made it permitted it would then Go back to The Planning Board I understand, and they can make restrictions like that, and many People are saying. We can restrict the times for the days. Who among you would like an outdoor shooting range near your home? Would it be OK to hear 1002 thousand rounds on Tuesday morning, Thursday afternoon, Saturday. The shooting range business is run by a third party, not even the property owner, but regardless has no place in agricultural residential zone and should not be declared a permitted use. I was told by neighbors previously that the range was for law enforcement, which misimpression was shared by many, including the Saratoga County Planning Board.

Renee Roth-O'Neil Planning Board Member - private commercial use, district or zoning that we already have, you know. I would also agree it's a very hard argument to try to justify that this is a private situation when it's open to the public and it is being run by a third party. There is also a Question mark in my mind as to what the fees really are because I haven't seen proof of those fees for this service that's happening. And both would not be fitting with private commercial use. And then in addition, I think that being that this borders a nature preserve by permitting this kind of designation, it's opening the town off to potential liability. If anyone were to be injured. The situation, you know, where it's geographically located as well should be taken into consideration. And yes, I think overall this is not what the Intent ones by allowing commercial use when you've got an address zone already, So I think for all of those reasons. It's an issue.

**Motion to Table** Public Hearing on Application 24-013 at Planning Board Interpretation Tax parcel ID 213.-1-94 **Motion by Jim. Seconds by Kiley** Voice Vote: All eye's Motion Carried

**Commented [JS1]:** Was the motion to Table, or was that from a prior meeting. I think this may have been the Motion to close the Public Hearing.

### **PUBLIC MEETING:**

ZBA 24-013 Application of Planning Board Code Interpretation for a determination if a private commercial use in a permitted use (Tax Parcel no:213.-1-94) in the town of Galway.

Andy - I'll start with the obvious, it isn't listed as a use. Obviously, we've gone down the road before, if not every use in the world can be listed. But. It isn't listed. So that's the obvious one, I guess. And then I guess the next question would be anybody have anything that can fall into use?

Jim - I don't see anything

Andy - Rec facility might but this doesn't apply as it's a mandatory requirement with SK

Jim - the Rec facility doesn't apply as it leans towards commercial

Andy It mentioned hunting preserve but not that much shooting and non-Vehicular would be for the noise and traffic would be more towards a racetrack.



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Herman – I don't know if it would fall under like private membership club because you and you can't just walk on this property and go shoot a gun. I can't walk on Property and shoot the Gun. They would have signed up and under the direction of S&K directly.

Jim and Andy Discuss the definition of Private membership

Herman – the pit is 3' and fires directly towards my house it's a few hours on a Saturday, its shooting away from the preserve facing east.

Ruthann its not about when and where it about the code.

**Motion** to see if a private commercial shooting range is permitted in our code on Application 24-013 at Cruthers Road Tax parcel ID 213.-1-94. **Motion by Kiley. Seconds by Jim** Voice Vote: Andy-No /Herman -Yes/Kiley -No/ Dave- Yes / Jim - No Motion Denied

**Motion** to close Public Meeting on Application 24-013 Tax parcel ID 213.-1-94. **Motion by Kiley. Seconds by Jim** Voice Vote: All eye's Motion Carried

### **PUBLIC HEARING:**

ZBA 24-014 Application of Joseph Constantine for an Area Variance at 1368 Hermance Road Galway NY 12074 (Tax Parcel no:18.10-1-97) in the town of Galway.

Joe – we are trying to use the lot and build something on 55'x300' lot and a smaller home was mentioned at the last meeting so have come up and presented 3 drawings with options the first is about 1192 SQFT then I was informed that there is a 800sqft requirement and talked to a former zoning board member about that and we don't want to hurt the aesthetic of the neighborhood, the 2<sup>nd</sup> is between 8-900sqft but it fills up the lot to much and with Gary being above them as it stands now he has a view of the lake and we don't want to ruin the view. The 3<sup>rd</sup> is 650 sqft and on wheel with frost protected slab and we can use a holding tank.

Andy- the idea is Mobil homes are not permitted on the lake. We had a discussion on the property about building a one-story house with a basement.

Joe- desperate words, it doesn't fit with what we want to accomplish in the next couple years

Andy- we need to keep in mind that it's a narrow lot with size and setbacks

Kiley – you want to do a home on wheels?

Joe – I would if the board would agree but I'll do something different if that's the direction

Dave- Can you make it longer

Joe- no, and I don't want to block off the east side for the view doing the math is still casts a shadow with is being 20'x40' this is 28' and 1' off the ground with the height being 6-8ft

Andy – why can't it get any longer? 1 story at 40'

Joe- I don't want 40' at 12x28, it's the perfect size with the porch.

Herman – does the screen porch included in the living space

Andy – not unless its heated and enclosed

Jim- it's close to 650-672sqft

Andy – how big is the enclosed porch?

Discussion on the dimensions of the covered porch and what is included.

Jim- can you go back further on the lot.

Jo – getting close to the electrical pedestal and bush and would limit the access for first responders.

Jim- by adding an addition 5-6' on the enclosed porch that would get you closer.

Andy – you can easily get up to the 800sqft



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Joe- I can I just don't feel it's the right thing to do.

Herman- were you purchasing this home or building it?

Joe- I was going to buy it prefabricated and it comes custom

Gary Smith – Neighbor I'm at a higher elevation and joe has worked at taking the pine trees down that effected my property as I was already afraid of the big trees coming down on my house, by removing these trees that were expensive he has been cooperative, we don't want bigger place.

Brad B – Seems complicated to be voting on at this point the aside setbacks road frontage septic and well issues seem non defined

Andy- going to bed 2 side variances and the lot being 55' side in the front, that is a valid point there is nothing solid.

Discussion on whether the wheels would be able to stay on the home. And additional issues with the current options being presented.

Andy – if you can get to 800 sqft and 15'-16' off each side of the property lines that would be in line with what is common in the lake district. in

**Motion** to close the public hearing on Application 24-014 at 1368 Hermance Road Tax parcel ID 185.10-1-97. **Motion by Herman. Seconds by Dave** Voice Vote: All eye's Motion Carried

### **PUBLIC MEETING:**

**Motion** Table the public Meeting on Application 24-014 at 1368 Hermance Road Tax parcel ID 185.10-1-97. **Motion by Jim. Seconds by Kiley** Voice Vote: All eye's Motion Carried

### **PUBLIC HEARING:**

ZBA 24-015 Application of Sandra Saia for an Area Variance at 2230 RT 29 Galway NY 12074 (Tax Parcel no:173.1-54) in the town of Galway.

We bought this house and knew it can't be saved we would like to push the house back and rebuild a similar footprint in the same shape.

Laurie Klamp – I run the Water Wheel across the street and knows the house well but is concerned that the work being done will impact her business and the demo will impact RT29 and traffic

**Motion** to close the public hearing on Application 24-015 at 2230 RT 29 Tax parcel ID 173.1-4. **Motion by Herman. Seconds by Dave** Voice Vote: All eye's Motion Carried

### **PUBLIC MEETING:**

ZBA 24-015 Application of Sandra Saia for an Area Variance at 2230 RT 29 Galway NY 12074 (Tax Parcel no:173.1-54) in the town of Galway.

The current Variance is for 20' to the west and 26' to the North, There are no porches or is that part of the 35'.

Sandra – the porch is going to be 6' on the front and go the full length of the house.

Discussion on the layout of the porch, the location and the determination of the house can be shifted or not to line up with the property lines.

**Motion** for Variance of 20' to the west stretching for 35' and a Variance to the North of 30' stretching 34' on Application 24-015 at 2230 RT 29 Tax parcel ID 173.1-4. **Motion by Herman. Seconds by Dave** Voice Vote: All eye's Motion Carried



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

Brad – I missed the interpretation explanation what it was not a permitted use? And that the vote was 3/2? Can you explain? Interpretation of the private commercial use for Ryan Flinton. Can you kind of explain what you guys voted on and what the vote was?

Andy – the Vote was a 3/2 that it is not a permitted use.

Ruthann- They have the option to apply for a use variance and at the last month's meeting it would be up to them to take it to the town board if they wanted to make a change.

Do they still have the right to use the shooting range and how do we ensure they don't use it.

Andy – the zoning board has made their determination, and it is now up to code enforcement to look into any concerns with this still being used.

### **OTHER BUSINESS:**

Andy -Need to Potentially address is. Interpretation of levels from last month's meeting, we said 6'8" and that was what we came up with For a Number technically, New York State is 7 feet. So really that should be 7 feet rather than 6 foot 8" that we were saying.

Diana - Because it's not rewriting any sort of town code or anything like that. It's just the way you're interpreting it, and because that's what New York State says, and we can't deviate from that anyway. It's a clarification more so than anything else.

When you were talking about last month's meeting, the level is that going to be sent to the town board?

Doesn't need to be because it's an interpretation. We could send it to them if they wanted to do some sort of amendment. To the code I guess, but they.

Yeah, it's ultimately up to the town board if they choose. They want to make some changes to the town code. It's not necessarily because the zoning board has interpreted something that way that the town board automatically makes that change.

Discussion of the above should be written to provide the town board for a rewrite into the code and discussion that the Zoning board does not write code, that will have to come with the comprehensive plans addressed.

**Motion to adjourn by Kiley. Second by Jim.** Voice vote: All ayes. Motion carried. Meeting adjourned.

Respectfully submitted,  
Amanda DeRidder - Clerk