

REGULAR MEETING
August 19, 2025
GALWAY TOWN HALL

Board Chair Andy Decker called the meeting to order at 7:00 PM. The following Board Members were present:

PRESENT: Chair Andy Decker
Board Member Kiley Gregory

Board Member David Armitage
Board Member Jim Snyder

ABSENT: Herman Niedhammer

Others Present: M. Neahr, Clerk; M. Luetters, Building Inspector/Code Enforcement; Dan Clemens, Board Liaison; Glen Bruening, Esq., Town Attorney & several Town residents.

Andy opens the meeting with a reiteration of the Board's mission; to help residents of the Town with projects that may not conform to the Town's code and thereby convene to come up with a potential solution, which would allow these projects to fall within the parameters of the Code, or offer a variance allowing the completion of the proposed project if no solution can be reached.

Andy asks if the Board has received/reviewed the Minutes from June & July. All yeses though some typos/corrections were pointed out. **Andy** suggests approving the Minutes with the intention of correcting them later. Motion by **Kiley**, seconded by **Jim** to approve June Minutes.
All ayes. MOTION CARRIED

Motion by **Kiley**, seconded by **Jim** to approve July Minutes.
All ayes. MOTION CARRIED

ZBA- 25-008

Applicant: Steven Horowitz

Steven and Joanne present; **Joanne** addresses the Board. Seeks to clarify the address and tax parcel number of the property. The proper mailing address is 3011 S. Shore Drive, West Haganan NOT 3011 S. Shore Drive, Galway. **Joanne** states the Tax Parcel no. listed is incorrect. **Andy** says what is listed on the agenda is what was submitted on the application. **Joanne** approaches to review application & clears any confusion. **Max Luetters** checks GIS (Geographic Information System) and confirms the correct Tax Parcel no. is 198.11-1-41, not 198.-11-1-41.

This matter is a request for a variance for a roadside porch measuring 8 feet by 4 feet. However, her Engineer made a calculated error; the setback should be 15 feet but was done to 13.1 feet in error. She is therefore seeking a variance of 2 feet for the porch. No members of the public are present to speak on the application.

Andy states that he physically measured the porch and it actually measures 8 feet 7 inches by 4 feet 2 inches on base, not 8X4. **Andy** confirmed the Porch is done, unbeknownst to **Joanne** who states she requested that no further construction take place until after this meeting. **Joanne** shows photos from August 8th and **Jim** confirms much more has been done since those photos and the project is complete. **Andy** continues to say they cannot grant a variance if the measurements aren't correct & suggests either going with his measurements or tabling the matter. **Attorney Bruening** suggests granting a variance with an 'up to' i.e. "up to X amount". **Andy** suggests 13 feet by 9 feet to account for the roof etc. Motion made by **Jim** to close Public Hearing – Public Hearing Closed

MOTION: Variance of 2 feet to the South stretching 9 feet, to build a 4 foot by 9 foot porch centered on the house. Motion made by **Jim**, seconded by **Dave** to conclude Public Meeting.
Voice Vote: All ayes.
MOTION CARRIED

ZBA 25-009

Applicant: Daniel Pudney

Daniel Pudney present. Presents to the Board an application regarding an addition to an existing garage on his property at 2747 Galway Road. **Mr. Pudney** wishes to go back 4 feet from the property line, therein encroaching 10 feet closer to the property line. The structure is currently 37 feet from the property line and **Mr. Pudney** surmises it was constructed or modified prior to the current 50 foot minimum requirement as stated in the Code. **Andy** seeks to clarify the characteristics of the structure, confirming it is a carport (no siding etc.) & **Mr. Pudney** confirms that is the footprint he plans to follow – he is contemplating the idea of an additional garage bay, however maintains the structural footprint wouldn't change regardless. **Andy** states that situationally, he believes regardless of whether it winds up "open-air" or more of an enclosed bay shouldn't be an issue. The Board is in receipt of correspondence from neighbors & there are no objections to the proposed project.

Andy opens questions/comments up to the Board. The application is categorically a Type 2 SEQR due to it being an existing property. The original garage had a variance when it was built which is why it wasn't 50 feet from the property line. Although **Mr. Pudney** is seeking a variance totaling 24 feet, his request is only for 10 additional feet relative to the size of the existing structure. It was suggested by the **Town Attorney** to call it both to cover all bases. **Jim** asks if the 10 feet include eaves and overhang or if that is where the wall will end. **Mr. Pudney** suggests it may possibly be an additional 6 inches or so, but the slab is 10 ft. All agree giving an additional foot, making the new total 11 feet to compensate for overhang would be appropriate.

Andy asks about the depth of the structure and **Mr. Pudney** confirms 28 feet in depth. **Jim** asks if there is concern for the amount of space between the dwelling and residence and no concern was raised.

Motion to close Public Hearing:

MOTION: Variance of 25 feet to the East to add on 11 feet to the existing garage; structure totaling 28 feet in depth.

Voice Vote: All ayes.

MOTION CARRIED

ZBA 25-010

Applicant: Greg Bennett

Mr. Bennett present. **Mr. Bennett** presents to the Board an application to construct a 20x30 garage 12 feet into the setback & herein seeks a variance for said structure. It is confirmed no additional community members are present on the matter. **Jim** questions whether the structure could be relocated so no variance is required, **Mr. Bennett** confirms it cannot. **Andy** questions whether the proposed structure could be turned resulting in its dimensions going the other way & again **Mr. Bennett** confirms it cannot. It is confirmed **Mr. Bennett** also owns the lot adjacent to the parcel in this application, along the same side he would be encroaching on. **Mr. Bennett** also confirms the proposed structure would not fall within 50 feet of the road.

Motion to close Public Hearing.

Motion by **Jim**, seconded by **Kiley**.

Voice Vote: All ayes.

MOTION CARRIED

Andy notes this is a Type 2 SEQR due to it being an existing structure.

MOTION: Variance of 12 feet to the East to build a 20 foot by 30 foot garage.

Motion by **Dave**, seconded by **Jim**.

Voice Vote: All ayes.

MOTION CARRIED

ZBA 25- 011

Applicant: Sandra Saia

Ms. Saia present. **Ms. Saia** addresses the Board, states her wish to erect a fence along the Route 29 side of her property. She states they previously received a variance to push the house back 32 feet but at the time didn't realize how busy Route 29 is. She has safety concerns regarding the traffic on that road & the potential for a pet or child to accidentally be hit chasing or retrieving something etc. She confirms intention for the property to be sold upon completion of the current renovations and acknowledges the new owner may choose to take the fence down, however, feels as though it is her due diligence to take all precautions she can.

Ms. Saia approached the Board to show a visual rendering of the current location of the home and the location of the proposed 10 foot high privacy fence - 25 feet from the house and 7 feet from road; a location suggested by her engineer. The current dwelling now sits 25 feet back from where it originally sat; its original location being where **Ms. Saia's** proposed fence would situate. The property has been deemed to have two front yards, one on the North side and the other on the East side of the property. She would like to give the future residents enough yard to be able to do something with, but not enough to put something along the Route 29 side of the

property. Though her application is for a 10-foot privacy fence, she ultimately redacts that footprint and now seeks approval for one 6 to 8 feet in height. Per **Andy's** reference, the code does not permit a fence of such height in a front yard and suggests one 3 foot in height or a 5-foot chain link fence. Without violation or a variance, **Ms. Saia** could put a 3-foot fence where she is proposing, however, she doesn't feel this would suffice.

At the time of the meeting, **Ms. Saia** had a rough location for the fence marked out on her property, which per code, can be 25 feet from the property line; **Max** clarifies that the house sits 30 feet from the mockup, not the property line & 8 feet from the telephone pole/guy wire. **The Board** asked if **Ms. Saia** could ribbon her mockup higher up to provide a better visual as to how a motorist's line of sight would be affected & she agreed to do so, in addition to erecting a temporary fencing scheme to give **the Board** a more realistic concept of visibility. **Dave** believes that the current marking is too close to Route 29 & would like to see the temporary fence move 5 feet backward. It was suggested by **Jim** that the temporary fence be constructed of ribbons, string etc. & not anything solid due to potential liability should an accident occur resulting from line-of-sight issues.

A neighbor, **Nicole**, is present in the audience and voices concern that putting up a fence will obstruct the line of sight for motorists turning from Parkis Mills Road onto Route 29. She understands **Ms. Saia's** concerns, however, notes that if anything is obstructing the view it will be difficult to safely make that turn. Another member of the audience and Board Liaison, **Dan Clemens** speaks - he lives on Parkis Mills & says the house was further to the West than it is now & based on the current conceptual mockup provided has difficulty seeing how the line of sight wouldn't be obstructed. Both **Nicole & Dan** agreed that the home in its original location caused a substantial line of sight issue & **Dave** acknowledged it would therefore be counterintuitive to erect a fence of **Ms. Saia's** height and density in that same spot. **Dan** also asked if NYS Department of Transportation has any sort of overarching code/regulations that would potentially impact the specifications for this project with Route 29 being a State road; to which **Andy** stated he didn't believe there would be an issue so long as the project was out of their right-of-way. With that, the idea of assumption of risk to **Ms. Saia & any future homeowner** relative to NYS DOT maintenance measures such as the fence being damaged by plowed snow from Route 29 etc. was discussed & acknowledged that any potential damage would fall on the responsibility of the homeowner to repair/replace - not on the State.

Ms. Saia asks about a hybrid fencing scheme of sorts, potentially a privacy fence along the back of the yard up to the edge of the porch & a 5 foot chain link fence the remaining length. She also asks about a 5 foot chain link fence placed 25 feet out from the house which per code, would be permissible. OR come in 25 feet & put up an 8-foot privacy fence; however, that option would also require her to be 25 feet from Parkis Mills Road. It was confirmed Parkis Mills Road is 70 feet from the house & is therefore a nonissue. **Andy** reiterated he would like to see the height come down, at the very least from 8 feet to 6 feet, though theoretically the shorter the better; and suggests the most functionally realistic options would be to erect a 5 foot chain link/wire fence or a 3 foot solid fence.

The Board thinks to avoid any sort of liability it would be in its best interest to contact a third party engineer qualified to make a ruling on an intersection such as for insight and guidance as to what an appropriate design would be.

The Board acknowledges action of some sort needs to be taken and unanimously agrees to table **Ms. Saia's** application until October, pending **Board** follow-up at the residence to look at her mockup. Due to issues regarding the lack of safe parking and the potential for public presence, **the Board** declines to turn the previously cancelled September 2nd meeting into a visit to the property and will instead go individually or two at a time to see **Ms. Saia's** temporary fence.

MOTION: Table **Ms. Saia's** application until October to give the Board time to follow up at residence.

Motion made by **Jim**, seconded by **Dave**.

Voice Vote: All ayes.

MOTION CARRIED

Other Business- None

MOTION: Adjourn Meeting

Motion made by **Kiley**, seconded by **Dave**.

Voice Vote: All ayes.

MOTION CARRIED

Meeting adjourned: 8:20 PM

Respectfully Submitted,
Marlene R. Neahr