

Town of Galway – Zoning Board
REGULAR MEETING
October 7, 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 Herman Niedhammer

Board Member David Armitage
Board Member Jim Snyder

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 all Board Members have received the October Minutes; all Board Members have. A request was made by October applicant **Joanne Gallucci** to amend Minutes; Minutes state her husband was present, he was not. Clerk to amend Minutes to reflect only Ms. Gallucci's present.

Motion

Approve October Minutes – Motion by Jim, Seconded by Kiley.
All ayes.

MOTION CARRIED

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

Noted that the application of Sandra Saia, ZBA has been pulled from tonight's Agenda; Andy is in receipt of an email from the applicant stating such.

ZBA #25-012: Application of Gail Doscher-Thompson for a Front Variance of 2.5 feet and a Side Variance of 5 feet for the construction of a deck, located at 1277 Point Road, Broadalbin, NY 12025 (Tax Parcel no. 198.6-1-3)

John Haynes, a Contractor for the **Applicant** is present on her behalf. States the company was hired to raise the house for the purpose of adding a basement, as well as construction of a deck on the dwelling. **Andy** asks if **the Board** has questions; **Kiley** does, seeks confirmation regarding the deck, that it goes across the front of the house with stairs on the side; **Mr. Haynes** confirms, yes, clarifies the stairs are not going toward the lake & are intended for access to the back of the home. **Nobody is present for the Public Hearing on the matter.** **Mr. Haynes** states a letter was sent to all residents on the road, 13 in total - **Andy** received the same letter via email – there was zero objection to **Ms. Doscher-Thompson's** proposed project by the residents.

MOTION to close Public Hearing

Motion by Herman, seconded by Dave.
All Ayes.

MOTION CARRIED

Public Meeting

Andy opens questions/concerns up to **the Board**. **Andy** notes the original stairs look like they're out as far as the deck is going to be; **Mr. Haynes** confirms this & adds there are no plans to go any further. **Jim** asks if a variance is needed for the front right corner of the deck since it will be closer to the lake than the stairs; **Mr. Haynes** offers an alternative option to not need an additional variance, and **Andy** agrees when the variance is issued it will encompass the deck in its entirety. **Andy** seeks confirmation on the dimensions of the deck; 35 feet total to get around the corner of the house & get the steps down. **Herman** asks about the foundation and whether the intended use for the basement is additional living space. **Andy** states it has been "semi discussed" but is ultimately going to be storage. A permit has been issued for the foundation.

Variance of 27.5 feet to the North and 5 feet to the West, for construction of a 4 foot x 35 foot deck, with the stairs going toward the South.

MOTION to approve

Motion by Jim, seconded by Herman.

All ayes.

MOTION CARRIED

Noted this is a Type 2 SEQR, as the project is relative to an existing structure.

ZBA #25-014: Application of Matthew Rose for a Side Setback Area Variance of 7 feet to the North for construction of a 24x36 foot addition to the home, located at 6243 Fish House Road Galway, NY 12074 (Tax Parcel no. 171.-1-8)

Mr. Rose is present. **Mr. Rose** explains he is trying to put an addition on his home to make more room for his family. **Nobody is present for the Public Hearing on the matter.** It's confirmed the addition is to be one story: 24 feet x 36 feet. **Jim** suggests including an additional foot in the variance to account for one-foot eaves, as the proposed dimensions are the wall-to- wall measurements. There are no other questions.

MOTION to close the Public Hearing

Motion by Herman, Seconded by Kiley.

All ayes.

MOTION CARRIED

Public Meeting

Noted this is a Type 2 SEQR, as the project is relative to an existing structure.

Andy proposes an 8-foot variance, **Dave** questions wouldn't it be 9; 6 foot on each side – **Andy** states no, because he is only going one direction.

Variance of 8 feet to the North, for construction of a 24 foot x 36 foot addition.

MOTION to approve: Motion made by Dave, seconded by Herman.

All ayes.

MOTION CARRIED

ZBA #25-015: Application of Ryan Sowle for an Area Variance for construction of a 40x30 foot pole barn more than 50 feet from the front property boundary, located at 5234 Hudson Road, Galway, NY 12074 (Tax parcel no. 199.-1-78)

Mr. Sowle is present; he is looking to construct a 40-foot x 30-foot pole barn, with the zoning issue being the location of the property being in the rural hamlet - should therefore only be 50 feet from the road, however, it is a keyhole lot & **Mr. Sowle** is too far back on the property to meet these parameters. *Noted this is a Type 2 SEQR, as the project is relative to an existing structure; Nobody is present for the Public Hearing on the matter.* It's stated that other than being beyond the 50 feet, everything else meets the setback requirements.

MOTION to close the Public Hearing: Motion by Jim, seconded by Herman.

All ayes.

MOTION CARRIED

Public Meeting

Attorney Bruening clarifies that it isn't necessary to specify allotted figures in the variance, general verbiage indicating it is a variance to exceed the maximum 50-foot setback would suffice. It is determined there is no major impact on surrounding parcels.

Variance to exceed the maximum 50-foot setback in the rural hamlet, to place a 30-foot x 40-foot pole barn; with the terms of issuance being due to a flagship lot & therefore there is no way to build the structure in accordance with the maximum 50-foot setback ordinance. It is expected that it must fall within the other 50-foot setback side yard requirements.

MOTION to approve: Motion by Kiley, seconded by Herman.

All ayes.

MOTION CARRIED

ZBA #25-016: Application of Joe Constantine for two 10-foot Side Setback Area Variances; one to the East and one to the West, to construct a 20x30 foot storage building, located at 1368 Hermance Road, Galway, NY 12074 (Tax Parcel no. 185.10-1-37)

Mr. Constantine is present; he is looking to put workshop in the backyard of the property for crafting/hobbies. *Nobody is present for the Public Hearing on the matter.* **Andy** addresses **the Board**, and both **Andy & Kiley** agree they feel as though the size of the proposed structure is excessive for the space on the property. A variance was previously granted for the construction of the house, which **Mr. Constantine** confirms to be 24 feet x 40 feet, with the proposed workshop to be 20 feet x 30 feet. **Andy** seeks clarification as to whether the original dimensions for the house were 20 x 40; **Mr. Constantine** confirms, but an additional 4 feet was included for a side entrance. **Andy** reads what the original variances were for and questions **Mr. Constantine** why the dimensions of the complete structure don't align with those approved by **the Board**. He was originally looking to put a Tiny House on the parcel; however, those are not permissible in the Town of Galway as they do not meet the Code's minimum square footage requirement. A survey of the parcel completed after the issuance of the previous variances found an 8–9-foot discrepancy in lot size (64 feet vs. the 55 foot wide lot size **the Board** issued the variances under) & **Mr. Constantine** stated that he interpreted the variance differently than what **the Board** intended; he states that since **the Board** had previously taken 24 foot into consideration & granted a Variance up to that area, that he could use that space. **Mr. Constantine** and **Andy** have different interpretations as to what **the Board** was considering and granting at that time, **Mr. Constantine** understood it as 24 feet while **Andy** states it was 20 feet and the proposed 4-foot x 12 foot porch was a separate matter. **Max** asks about the original variance issued; **Andy** states it was written with the idea that the house was going to be 20x40 & the porch was going to be 4x12. **Mr. Constantine** questions what the additional space that was discovered during the survey has to do with his current application, **Andy** states he is using the previous variance as reference to show how that project pushed beyond the intended limits of the Variance, putting a larger than intended dwelling on a lot smaller in size, and how the construction of an additional structure on that lot, especially to the scale proposed, could affect the integrity and character of the neighborhood.

The porch is now planned to go across the front of the house, as there is no entrance on the West side. **Mr. Constantine** confirms that the additional property rendered by the survey has been marked out; he wasn't concerned with the width of the parcel initially due to his intention to put a Tiny House. The survey showed 63.36 feet to the largest point, with the **Applicant** estimating 60-62 feet to the back corner of the house. **Mr. Constantine** produces a set of plans for the house for **the Board**, and **Max** produces a set of plans for the garage.

Mr. Constantine maintains he is still within the setbacks previously given, and both he & **the Board** take accountability for the disconnect in what was proposed versus what was ultimately built. **Andy** states it is important to see what the property would look like in its entirety to be sure it will look acceptable to those driving by or the neighbors looking out their back window. **Mr. Constantine** has neighbors in attendance in support of the project. **Jim** asks about the square footage of the house; **Mr. Constantine** estimates about 900 square feet downstairs plus one bedroom upstairs. **Max** asks about basement elevation; **Applicant** estimates ceiling height to be about 90 inches.

Members of the Board ask **the Applicant** a series of questions about the project, with the following being determined; the base of the proposed structure would likely be a shell frost

protected foundation, the structure would be stick built – estimated 17-18 feet tall, would like to do vaulted ceiling in the interest of ease when moving around material inside.

Max asks if the location of the porch should be addressed, as it is being moved, and **Andy** states if the porch is going on the front of the house a new variance would be required. However, that matter couldn't be addressed or rectified at this meeting because no notification was sent out regarding it. **Jim** seeks to clarify what Variances **the Board** would be looking at; confirms East/West boundaries. It's stated **the Applicant** has a total of 50 feet, states the West side is closer to 22-23 foot, but the setback on the East remains the same. It's confirmed that the measurements submitted are not exact due to a stone pile obstructing the measurement field – the measurements **the Board** has were drawn up when **Mr. Constantine** thought he was doing a Tiny House. **Mr. Constantine** goes over the survey with **the Board** and states his notes were wrong, not the survey. **Dave** thinks it would be difficult to issue a Variance if **the Board** doesn't have the correct figures to work from; **Mr. Constantine** suggests he would be fine with **the Board** working from the smaller number, 55 feet. **Jim** seeks to clarify that a Variance done on the smaller dimensions would specify the size of the garage; it would.

The Board addresses the size of the proposed structure; **Andy** states there is nothing on any surrounding parcels comparable in size and gives a few examples. **Jim** references the Code regarding the number of impermeable surfaces permissible on a parcel; at present, using the 16,000 square foot survey map **Mr. Constantine** is still below the 40% allocation, however, **Jim** suggests he stay mindful of that specification if considering a paved driveway etc... as additions to the property could very easily add on to the encompassing percentage – the Code is very specific in regard to this, particularly in the Lake District. **The Applicant** states no additional driveway would be added or needed to access the proposed shed; it would be accessed by walking across their yard with the entrance located on the North side. Properties in the Lake District are permitted to have one shed, excluding a garage & asks if **Mr. Constantine** would consider scaling down the size of the proposed structure – **Mr. Constantine** questions why; states his original plan was to make it bigger than the size proposed but could scale back to 20 X 25 – the space is to be used by both spouses as an area for crafting and small recreational projects /hobbies, not for business or to generate revenue of any kind. If it were, it would be considered "commercial" which is prohibited by the Code in the Lake District.

Andy maintains he believes it is too large for the area; **Mr. Constantine** questions how it would be seen given its proposed location on the parcel. **Andy** states the Southwesterly neighbors would see it, to which **the Applicant** states there are 75 feet of trees behind it. **Andy** suggests neighbors who gain access through Teller Lane would see it, however, it is confirmed Teller Lane doesn't connect at any point due to a creek. **Herman** asks about the accuracy of the dimensions given for the garage on the Smith property; 24-foot x 14 foot. It's believed to have been measured but has been on the property since 1945. **Max** confirms both well and septic for the property have been approved. It's confirmed that a variance for the front porch & a variance for the matter at hand can be addressed separately.

Per **Herman's** request, **Max** gives dimensions for the house's peak; the Architect expects it to fall between 26-27 feet depending on grade upon completion. **Max** clarifies the accessory structure cannot be as tall as the house, suggesting around 17 feet.

The Board continues to deliberate on whether they feel the proposed project fits within the criteria the Zoning Board follows when considering applications. **Andy** and **Mr. Constantine** continue to disagree on the impact this structure would have on his neighbors and the integrity of the neighborhood. **Herman** suggests **the Board** could show some leniency; comparatively speaking, the structure isn't far beyond the size of that on the Smith property, there are neighbors present in support of **Mr. Constantine** and he has been accommodating to **the Board's** previous requests. The proposed structure would only be 3 foot square larger than that on the Smith property.

MOTION to close the Public Hearing; Motion by Herman, seconded by Jim.

All ayes.

MOTION CARRIED

Public Meeting

Andy pitches a conceptual Variance of 11 feet to the East & West & will call out actual size of the structure because the lot winds up bigger. **Jim** seeks clarification; a 20x30 structure could move around within that but can't grow – **Max** states no, this is a concern for him, he wants to know exact dimensions and location. Regarding setting parameters for the location of the shed, it's suggested to include verbiage to the effect of "cannot exceed 30 feet from the South side of the structure." – **the Board** to work out the wording, dimensions, and where the dimensions would be pulled from – the house, Bilco doors etc.

Mr. Constantine does not have plans to build in the next month – **Max** suggests gathering accurate measurements and resubmitting new drawings reflecting those figures.

MOTION to Table to December meeting; Motion by Jim, seconded by Herman.

All ayes.

MOTION CARRIED

Other Business

Due to the Election, the November Meeting is being moved to Wednesday, November 18.

All ayes.

MOTION CARRIED

MOTION to adjourn. Motion by Herman, seconded by Dave.

Respectfully Submitted,

Marlene R. Neahr