

Town of Galway – Planning Board  
REGULAR MEETING  
October 15, 2025  
GALWAY TOWN HALL

Board Chair **Ruthann Daino** called the meeting to order at 7:00 PM. The following Board Members were present:

PRESENT: Chair Ruthann Daino  
Board Member Renee Roth-O'Neill

Board Member Kylie Holland  
Board Member Melissa Rathbun

Others Present: M. Neahr, Clerk; M. Luetters, Building Inspector/Code Enforcement; Board Liaison, J. Ross, G. Bruening, Esq., Town Attorney & many Town residents.

Due to the extensiveness of the August Minutes **Ruthann** requests a Motion to keep the June & July Minutes Tabled for updates/correction.

Additions/Corrections to September Minutes – **Clerk** to amend Minutes to reflect correct spelling of applicant's last name - "Larson" from "Larsen".

**MOTION to approve September Meeting; Motion made by Kylie, seconded by Renee.**

*All Ayes.*

MOTION CARRIED

**Public Hearing:**

*PB Application #25-008 Einar Larsen for a **Special Use Permit** for an accessory apartment located at 3026 Galway Road (Tax Parcel no. 200.-1-32.2) in the Town of Galway.*

**Mr. Larsen** present: Neighbor *Michael Reynolds*, 3064 Galway Road, *is present for the Public Hearing*, wondering where on the property the accessory apartment is going to be located. **Mr. Larsen** reviews the map displayed with him, confirms the apartment is for family use – not Airbnb etc.. and there are no further questions.

**MOTION to close the Public Hearing; Motion made by Melissa, seconded by Kylie.**

*All ayes.*

MOTION CARRIED

**Public Meeting**

**New Business:**

*PB Application #25-012 Kimberly Bryja, Cellco Partnership, DBA Verizon Wireless by Crown Castle USA Inc., for a **Special Use Permit**, swap antennas and ancillary equipment at 2089 Route 29, Galway, NY 12074 (Tax Parcel no. 173.-1-59.22) in the Town of Galway.*

**William Stone**, representative from **Crown Castle** is present on the matter, looking to upgrade nine antennas for the purpose of improved broadband connectivity. **Rep.** states there will be no

new changes or ground disturbances inside the compound, and the equipment swap will not cause significant changes to the appearance of the tower. **Ruthann's** main concerns with the project are the status of the bond and the size of the turnaround of the access road; comments received from the engineer stated they would like to see the turnaround reflected on the plans, which is now reflected on an updated set of plans to be submitted within the week. The updated set of plans will also reflect the access road going around the East side of the tower, as opposed to the West side as depicted in the one on file from original site approval – estimates will also be drawn up by **both Crown Castle's engineer & the Town's engineer** to determine, & accordingly label, how far back on the parcel the tower sits. As above, due to the timing of the County meeting **the Board** cannot act on this application until the December meeting, and it cannot be sent to the County without an updated site plan but will schedule it for Public Hearing for November.

After discussion, the following has been determined: Upon completion of a structural analysis, the tower will have what's estimated to be about 35% capacity left after this upgrade, however, **Mr. Stone** suggests AT&T may have a slightly more accurate figure; **Crown Castle** owns the tower; \$60,000 is the amount of the original bond but it likely needs to be updated – **Ruthann** is in the process of getting that from the **Bookkeeper** and will follow up with the **Town engineer** as needed; the switch would result in a decreased fire hazard, as the new equipment would be transitioning from the use of traditional coax cable to fiberoptics; any damage to the tower in the act of the contractors performing the upgrade would be covered; inspections will be performed upon completion of the project; there is a turnaround of 30 feet x 15 feet which is presumed to be large enough for an emergency vehicle to access if necessary.

**MOTION to complete Part II of SEQR:** Motion made by **Kylie**, seconded by **Renee**.  
All ayes. MOTION CARRIED

**Part II of SEQR completed.**

**MOTION to set for November Public Hearing:** Motion made by **Melissa**, seconded by **Renee**.  
All ayes. MOTION CARRIED

**PB Application #25-013** Martha Grady, as agent for AT&T Mobility, for a **Special Use Permit** for proposal to remove (4) antennas and install (4) antennas at existing telecommunication facility as an eligible facilities request, located at 2089 Route 29, Galway, NY 12074 (Tax Parcel no. 173.-1-59.22)

**MOTION to Table Application until November:** Motion made by **Kylie**, seconded by **Renee**.  
All ayes.

MOTION CARRIED

**Old Business:**

**PB Application #PB25-008** Einar Larsen for a **Special Use Permit** for an accessory apartment located at 3026 Galway Road (Tax Parcel no. 200.-1-32.2) in the Town of Galway.

This application was being reviewed by the County the following day, so no action could be taken by **the Board** at the meeting. It will be placed on the November Agenda – by law, **the Board** is not authorized to grant contingent approval.

*PB Application #25-011 Erik and Kara Larson for **Lot Line Adjustment** at New York State Route 29 East Galway, NY (Tax Parcel no. 161.-1-8.1) in the Town of Galway.*

***Applicants not present; application Tabled to November.***

***MOTION to Table the Application:** Motion made by **Melissa**, seconded by **Kylie**.*

*All ayes.*

MOTION CARRIED

*Application #PB25-007 Matthew Dzierga/Christopher and Amy Kelley is requesting 6 Lot **Major Subdivision** for the creation of 3 new lots on Crooked Street (Tax Parcel no. 198.-1-87.111) in the Town of Galway.*

**Ms. Kelley** is present: It's been confirmed by **James White** at DEC that delineated Wetland no.1 is non-DEC jurisdictional and therefore *does not* need the 100-foot buffer – Wetlands no.2 & no.3 are & therefore require the buffer, which has been added. It's confirmed that the road and driveway have been there & **Ms. Kelley** reports she has a permit from the County for both, and per **James White**, additional permissions would only be needed if they wanted to add fill to the driveway – which he told **Ms. Kelley** are typically granted. The application has been submitted to the County for review at their October meeting. No further action could be taken on the matter, but a Public Hearing will be set for November.

***MOTION to complete Part II of SEQR:** Motion made by **Kylie**, seconded by **Melissa**.*

*All ayes.*

MOTION CARRIED

***Part II of SEQR completed.***

***MOTION to set for November Public Hearing:** Motion made by **Renee**, seconded by **Melissa**.*

*All ayes.*

MOTION CARRIED.

*PB Application #PB25-009 Kiley Wittig for an **Alteration to a Special Use Permit** of pre-existing non-conforming use at 5831 Sacandaga Road (Tax Parcel no. 186.-1-15.211) in the Town of Galway.*

**Ms. Wittig** is present; **Ms. Wittig** produces a floor plan and a site plan for **the Board's** review, which **the Board** deems inadequate; it is not what **the Board** has asked for as there is, but not limited to, no labelling of specified use, permanent fixtures, dimensions of each space. **The Board** believes it is too antiquated to submit to the County and an inaccurate representation of the current footprint of the property. **Ms. Wittig** maintains it is an accurate representation of the site; the building, the parking lot, the house etc. Again, **the Board** recommends **Ms. Wittig**

contact the surveyor to come to the property & if the findings are supportive of such, sign off attesting to the accuracy of the submitted site plan. However, it still doesn't address **the Board's** continuing concern of lack of delineated ingress and egress and handicapped accessibility – these were required upon issuance of the *Special Use Permit* in effect at the time **Ms. Wittig** purchased the building, and without them she is, by default, *in violation of the existing Special Use Permit*. **Ms. Wittig** states they have done the ramps. **Ruthann** read the feedback from the County from the 2006 application and attention to these issues was explicitly addressed.

**Ruthann** states that **Ms. Wittig's** submission has addressed the new tenancy *Provisions*, but not the tattoo shop turned office space usage of the back unit of the property – which, *under the current Special Use Permit in a non-conforming use, was an unauthorized change in use*. As in previous meetings, **Ms. Wittig** expresses her frustration with **the Board** and their strict interpretation of the original *Special Use Permit* which was issued off a list of 10-12 proposed uses. **Ms. Wittig** questions why this is suddenly an issue; **Ruthann** states there were updated permits issued in 1995 and 2006. **Ms. Wittig** argues these are two instances out of dozens; there have been numerous businesses over the last 35 years not named on that list. **Ms. Wittig** feels as though **the Board** is unreasonable and unfair in requiring her to undergo the process of updating her *Special Use Permit* when other owners of the building over the years were not held to the same standard.

Attempting to rectify the situation, **Ms. Wittig** proposes **the Board** *waive the site plan requirement, which is permissible by both a vote and stipulated Motion*. However, **Ruthann** states this *will not grant her a Special Use Permit*, as this application ultimately needs to go to County review & they will not honor that clause of the Code – in addition, it's suggested by the **Town Attorney** that this would set a negative precedent. It is still unclear to **Ms. Wittig** as to what **the Board** is looking for regarding the site plan – **Attorney Bruening** reads from the Code to help clarify. The 2006 application proved to be comprehensive, with septic, well, dimensions of each space etc. outlined and could serve **Ms. Wittig** as a valuable guide as to **the Board's** submission requirements. It was suggested she reviewed this application, which had dimensions notated, & that is why she didn't submit any with her application. It's confirmed, by **Max**, that **Ms. Wittig** *does not need to note the property's ANSUL system, toilets, or sinks* on her submission, and she states she has been in contact with the surveyor, though she cannot attest to the timeliness of their response.

**Attorney Bruening** suggests if **Max** can see the dimensions and these can be verified in the field, he could potentially offer interpretations as to what has already been approved under the *Special Use Permit* and what has not, so the application material **Ms. Wittig** has can sufficiently describe what has not been approved, allowing **the Board** to be able to then decide whether or not to modify the *Special Use Permit*. It's confirmed by **Max** this would be acceptable protocol for both the floor plan and the site plan. **Ms. Wittig** has concern regarding the obvious change to the house on the property, as the front porch was knocked off in an accident on 147 therefore altering what the site plan would look like – **Ruthann** confirms the concern of **the Board** lies with the business/commercial aspect of the property & the modification of the porch shouldn't impact the site plan.

Regarding wording of the *Special Use Permit*, **Kylie** suggests trying to find some way to modernize the existing list, as consideration should be given to the approved uses many years ago and believes **the Board** should develop a mechanism of sorts to keep the previously approved uses and the potential future uses fluid.

**Ms. Wittig** concludes that she plans to address the **Town Board** to mend what she perceives to be a broken Code; she maintains this is a simple change in tenancy and should be treated as such moving forward. **Attorney Bruening** reminds her this is a situation regarding *non-conforming use*, and comparatively, most Towns don't have exceptions without certain and specific language.

**MOTION to Table Application to November:** Motion made by **Kylie**, seconded by **Renee**.  
*All ayes.*

MOTION CARRIED

**Other Business**

*None.*

**MOTION to adjourn:** Motion by **Melissa**, seconded by **Kylie**.  
*All ayes.*

Respectfully submitted,  
Marlene R. Neahr