

Town of Galway – Zoning Board
REGULAR MEETING
December 2, 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 Jim Snyder

Board Member Kiley Wittig
Board Member Herman Niedhammer

Not Present: Board Member David Armitage
Clerk Marlene Neahr

Also Present: Building Inspector/Code Enforcement Officer; Max Luetters, Town Attorney; Glen Bruening, Esq. Dan Clemens, Liason

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.

Public Hearing:

ZBA #25-018: Application of **James Kennelly** for a *Variance for a front yard setback, and a Variance to exceed 150 sq ft to construct an accessory structure in the Lake District*, located at 3067 Gateway Road, Galway, NY 12074 (Tax Parcel no. 198.-1-68) in the Town of Galway.

Mr. Kennelly is present. The **Applicant** updated a structure, accessory to the main structure of the property, including turning the building to face the Lake – Upon **Max**'s request, **Mr. Kennelly** stopped work & brought his project forward to be sure it fit within the parameters of the Town Code. Clarification was needed as to whether this structure was new or existing – **Mr. Kennelly** confirms though it is the exact footprint of the previous structure & sits on the original frame, it is a new structure. **Mr. Kennelly** states he has two neighbors, as well as Dan Szabo, President of Weiss Grove, in support of his project.

Concern was raised that the height of the building exceeds 18 feet – measured from the sill plate, not from the ground. **Max** argues **Andy**'s calculations don't compute to the height estimate. The **Applicant** also states there were two additional sheds on the property, and proports directive he was given indicated he could move these anywhere on the parcel – one was ultimately adjoined to the structure, making the new structure larger than the original. Lengthy dialogue took place for clarification regarding but not limited to; square footage, sheds/structures being moved or torn down, accuracy of footprint comparative to the original structure – **Mr. Kennelly**

believes the new structure is, with a few minor changes, a replica of the original structure, however, **the Board** disagrees.

Jim questions as to why the structure was moved closer to the Lake; the **Applicant** states when it was turned to face the Lake as opposed to the side of the house the amount of space between the structure and a nearby tree could have led to potential accessibility issues, so he had to move it forward.

MOTION to close public hearing: **Motion** made by **Jim**, Seconded by **Kiley**.

All ayes.

MOTION CARRIED

Public Meeting:

In addition to the structure moving closer to the Lake, **Andy** has concern that this is not the same structure that was taken down, finds the concept of sharing/transfer of square footage from one structure to another problematic in regard to precedent, as there are many properties in the Lake District that have accessory structures & could conceptually attempt the same thing. It's confirmed the original structure was initially moved & turned – the intent was not for it to be torn down – but this revealed structural decomposition therefore forcing the **Applicant** to build new.

Andy questions whether it suits Lake District character – believes it likely looks nice, however doesn't think neighbors have similar structures in their front (Lake side) yard. **Andy** recites pertinent Lake District Town Code statutes, in summation, that *a parcel may have one accessory structure that may not exceed 150 feet, not excluding a garage*. Had **Mr. Kennelly** not moved the original structure he could have built on the exact footprint with a building permit & without further issue, due to it being a pre-existing non-conforming use zoning determination. **The Board** calls the original structure 234 sq feet & questions whether they should take the deck and shed off the back, giving the **Applicant** the main structure & the loft as that follows the original footprint – give more/less, have them move the structure back etc... **Andy** suggests if **Mr. Kennelly** wants a structure of this size he has enough property to conceptually subdivide & put one up, however, **Mr. Kennelly** is disinterested in that avenue.

Jim suggests, based upon his interpretation of the drawing, that **Mr. Kennelly** has area to the North to move the structure without encroaching on any setbacks. **Andy** panels **the Board**, seeing whether they feel as though the greater concern is with the front yard setback or the size of the structure; this initiates conversation weighing pros/cons of modifying the structure to come into compliance – the **Applicant** confirms he is willing to move the structure back. When asked for input, **Max** expresses his belief the matter should be Tabled, given the magnitude of the decisions **the Board** is facing with the Application; **the Board** continues to deliberate to reach a decision – **Herman** suggests removal of the shed, allowing the dwelling to remain where it is. **Kiley** acknowledges how people will want to build a large accessory structure if this is allowed, however this instance can be justified due to its pre-existence.

The Board reviews their concessions with the **Applicant**, which include elimination of the back shed & stipulation that the property remains as it is, specifically no screened in porch. Additionally, **Jim** questions about height – **Andy** states that will be left to **Max**, as the height must fall under a certain amount for the **Applicant** to obtain their CC.

MOTION: *A Variance of 12 feet, for a front yard setback (Westerly Lake side) to build an accessory structure that encompasses the following: A Variance to build an accessory structure of 250 sq ft. to replace a preexisting structure of approximately the same size. In addition, a deck on the Westerly front side to measure 10' deep and 18'6" wide. The deck will have a roof but no other enclosure other than safety guards permitted by Code.*

MOTION made by **Jim**, 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)

Application Tabled until January Meeting.

No other business.

MOTION to Adjourn: **Motion** made by **Kiley**, seconded by **Herman**.

All ayes.

MOTION CARRIED

Respectfully Submitted,

Marlene R. Neahr