



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

5910 Sacandaga Road
Galway, New York 12074
518-882-6070

Town of Galway Zoning Board of Appeals
Regular Meeting
Tuesday, June 30, 2026 @ 7 PM

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 Wittig
Board Member Jim Snyder Board Member David Armitage

NOT PRESENT: Board Member Herman Niedhammer

Also Present: Building Inspector/Code Enforcement Officer; Max Luetters, Town Attorney; Gabriel Raia, Town Board Liaison & 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 all Board Members have received the June Minutes; all Board Members have.

MOTION to approve June Minutes, **Motion** made by **Dave**, seconded by **Jim**.

All ayes.

MOTION CARRIED

ZBA #26-005: Application of Jerrol Kain, for a *Side Variance on each side of the house, in addition to a front yard Variance to replace an existing patio with an elevated deck*, for a property located at 2320 Diamond Point Road, Hagaman, NY 12074, (Tax Parcel no. 198.10-1-19) located in the Town of Galway.

The **applicant or representative of the applicant** does not produce any new drawings to **the Board**, states they are now considering doing a no-pier, freestanding deck that will not go beyond the retaining wall. **The Board** reviews previously submitted drawings; has questions regarding but not limited to survey/property line details, cantilever/curvature, stairs and dimensions of conceptual deck. It's confirmed the Lake Association has not reached out to him.

Nobody is present for the Public Hearing on the matter.

MOTION to close the Public Hearing: **Motion** made by **Kiley**, seconded by **Jim**.

All ayes.

MOTION CARRIED



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

5910 Sacandaga Road
Galway, New York 12074
518-882-6070

ZB #26-006: Application of Erik Larson, for an *Area Variance for side yard setback to build a barn*, for a property located at 2777 NYS Route 29, Middle Grove, NY 12850 (Tax parcel no. 161.-1-8.1) located in the Town of Galway.

Mr. Larson is present and gives a brief description of his proposed project; construction of a standard 30-foot X 80-foot pole barn to be used for storage of equipment, lumbar etc. Confusion is cleared up regarding the amount of footage requested for the Variance. **Jim** points out there will need to be specific verbiage in the Variance that it will not encompass/ extend the inclusion of shelter for animals, should the applicant wish to use it for that purpose down the road. Per Code, those have their own set of setbacks that would need to be met. – Code section 115-16 D7B2, for reference.

Nobody is present for the Public Hearing on the matter.

MOTION to close the Public Hearing: **Motion** made by **Dave**, seconded by **Kiley**.

All ayes.

MOTION CARRIED

ZB #26-007: Application of Dawn Heritage, *for an Area Variance for a fence in the front yard and an Area Variance for side yard setback for a shed*, for a property located at 4966 Bliss Road, Ballston Spa, NY 12020 (Tax Parcel no. 231.-1-31) located in the Town of Galway.

Ms. Heritage is present, gives brief description of the proposed project. She is a longtime resident and seemingly very active member of the Galway community and states she has the support of many neighbors regarding both her fence and shed. Due to ongoing medical issues with a family member as well as a German Shepherd dog, she states the fence provides safety and privacy safeguards for both.

A neighbor, **Ray Knizek**, residing at 4961 Bliss Road is present for the Public Hearing and voices his dissatisfaction with the current condition/cosmetics of the fence as well as several unauthorized additions/modifications to the home. **Mr. Knizek** states the only positive is it does keep her allegedly aggressive German Shepherd contained and continues to voice his opinion on both the dog and **Ms. Heritage's** permanently disabled son (resulted from two traumatic brain injuries)

Discussion continues regarding fence/shed dimensions, surveying, tension amongst the neighbors etc. **Andy** has particular concern with the height, relative to the dimensions cited in the Code, of the fence in the front yard – 8 feet. **Ms. Heritage** maintains, due to her property being on a hill, this is the only sufficient height, however, states she is willing to move it back in line with the driveway. She admits she does have a shorter fence in the backyard, a four-foot fence, but it does not keep the dog contained.

MOTION to close the Public Hearing: **Motion** made by **Kiley**, seconded by **Jim**.

All ayes.

MOTION CARRIED



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

5910 Sacandaga Road
Galway, New York 12074
518-882-6070

6) Public Meeting

ZBA #26-005: Application of Jerrol Kain, for a *Side Variance on each side of the house, in addition to a front yard Variance to replace an existing patio with an elevated deck*, for a property located at 2320 Diamond Point Road, Hagaman, NY 12074, (Tax Parcel no. 198.10-1-19) located in the Town of Galway.

Andy suggests inclusion in the Variance that nothing can be put on top of the deck, so it effectively cannot be enclosed by a screen/enclosure or roofing of any kind.

Variance of 20 feet to the West, 14 feet to the East and 50 feet to the North to construct a freestanding deck not to go beyond the present retaining wall. This Variance does not allow an enclosure of any kind in the future, except for safety guards.

MOTION to approve: **Motion** made by **Jim**, seconded by **Dave**.

All ayes.

MOTION CARRIED

ZB #26-006 Application of Erik Larson, for an *Area Variance for side yard setback to build a barn*, for a property located at 2777 NYS Route 29, Middle Grove, NY 12850 (Tax parcel no. 161.-1-8.1) located in the Town of Galway.

The Board has no further questions on the matter.

Variance of 25 feet to the East to construct a 30-foot X 80-foot pole barn for the purpose of storing agricultural equipment and such, no livestock per Code section 115-16 D7B2.

MOTION to approve: **Motion** made by **Kiley**, seconded by **Jim**.

All ayes.

MOTION CARRIED

ZB #26-007 Application of Dawn Heritage, for an *Area Variance for a fence in the front yard and an Area Variance for side yard setback for a shed*, for a property located at 4966 Bliss Road, Ballston Spa, NY 12020 (Tax Parcel no. 231.-1-31) located in the Town of Galway.

The Board confirms they are dividing this into two separate variances; shed & fence. **Ms. Heritage** requests, and is willing, to move the fence to the edge of her blacktop driveway. Piggybacking on this conceptual resolution, **Andy** suggests a tapered fence – starting around approximately 5 feet directly out front and gradually increasing in height as it reaches the tree line, thinking the trees may help camouflage the taller fencing posts/panels. **Ms. Heritage** is not willing to concede to a five-foot chain-length fence, she doesn't feel this will be adequate. There are several other conceptual proposals, however no mutually accepted resolution between **the Board** and applicant regarding the fence was able to be reached.



TOWN OF GALWAY

ZONING BOARD OF APPEALS
SARATOGA COUNTY, NY
ESTABLISHED 1792

5910 Sacandaga Road
Galway, New York 12074
518-882-6070

The Board doesn't feel it can act on the application at present and will do another site visit to see how the fence is anchored, exact location relative to the property line etc.

Currently, the shed is 16 feet off the property line; **Ms. Heritage** states that was the most level spot on the property. After brief discussion, the Board agrees there are no issues with the shed.

Variance of 34 feet to the South for an existing 12-foot X 20-foot shed.

MOTION to approve: **Motion** made by **Jim**, seconded by **Dave**.

All ayes.

MOTION CARRIED

MOTION to table the fence component of the application: **Motion** made by **Jim**, seconded by **Kiley**.

There is no other business to address.

MOTION to adjourn: **Motion** made by **Jim**, seconded by **Dave**.

All ayes.

MOTION CARRIED

Respectfully Submitted,

Marlene R. Neahr