Town of Galway – Zoning Board
REGULAR MEETING
September 1, 2026
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 David Armitage
Board Member Kiley Gregory
Board Member Jim Snyder
Board Member Herman Niedhammer

Also Present: Clerk; Marlene Neahr, Building Inspector/Code Enforcement Officer; Max Luetters, Town Attorney; Glen Bruening, Esq., & 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.

Review/approval of August Meeting Minutes: MOTION to approve: **Motion** made by Jim, seconded by Kiley.

All ayes. MOTION CARRIED

Public Hearing

ZBA #26-009 Application of Paul F. Foust, for an ***Area Variance to make a pre-existing non-conforming lot smaller,*** for a property located at 2595 May Road, Galway NY 12074, (Tax parcel no. 198.10-1-15.2) located in the Town of Galway.

Mr. Foust is present & gives a summary of the proposed project. All neighbors agree. ***Nobody is present for the Public Hearing on the matter***. **Max** confirms tax parcel ID number and address have been amended on the application to reflect the proper party.

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

ZBA #26-010 Application of Tim & Sandy Taylor, for a ***Side Setback Variance, for a 30x34 accessory structure,*** for a property located at 5354 Jockey Street, Galway NY 12074, (Tax parcel no. 200.-1-71) located in the Town of Galway.

The Applicants are present, give summary of proposed project. Variance request due to objective of having it on the level piece of the parcel as opposed to the pitched piece. **Evan Blumberg**, neighbor to the North, is present for the Public Hearing following up on previously

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submitted written correspondence to **the Board** regarding concern with the location of the proposed structure. **The Board** feels that on the 11-acre parcel there is likely another spot for the structure to go to get it off the property line. **Mr. Taylor** states this was the excavator's suggested location due to topography of the parcel, a pond down the back of the property and delineated wetlands. **Mr. Taylor** is willing to be flexible to get this issue rectified and his project completed before winter. Members of **the Board** would like to make a second site visit to take a closer look at the property.

MOTION to table the application; **Motion** made by Kiley, seconded by Jim.

All ayes. MOTION CARRIED

Public Meeting

ZBA #25-016 Application of Joe Constantine, for a ***20x20 accessory structure with a 4-foot overhang to the East***, for a property located at 1368 Hermance Road, Galway NY 12074, (Tax parcel no. 185.10-1-37) located in the Town of Galway.

Mr. Constantine is present and gives an update on his amended application. He realized previously submitted dimensions were too big for the proposed area, so he reduced the footprint of the proposed structure. There is concern from neighbors; **Mr. Constantine** has a commercial shop in Amsterdam & the neighbors worry this shop will ultimately be used for commercial use. **Mr. Constantine** states this is not the case; he has been in the construction business for 46 years & is looking to retire – he has a satellite location to his current shop where any equipment etc. that doesn't sell in the business liquidation will be moved to. The 4-foot overhang is needed to keep firewood dry; after some discussions and several proposed options, all are in agreement the overhang will move to the back of the structure.

Variance to build a 20x20 garage, with a 4-foot x20- foot overhang to the South, which would be a Variance to the West of 15 feet stretching 24 feet & a variance of two feet to the East stretching 24 feet; Not to exceed 16 feet in height at the peak/ridge, from grade.

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

ZBA #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.

Lengthy discussion commenced & was an effectively exact reiteration of concerns of the previous several months, including but not limited to: Board/applicant dialogue, proposed/potential solutions, non-unanimous interpretation of the previously mentioned fence clause of the Code, convoluted reasoning for the necessity of the tall fence in the front to contain the dog while there is a short fence in the backyard, right-of-way measurements, and the appeal of a "sunset" clause on any resolution. **The Board** is in receipt of correspondence from a

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neighbor/community member regarding **Ms. Heritage's** dog & relative safety concerns. Despite **Ms. Heritage's** continued plea for hardship consideration, **Attorney Bruening** reiterates to **the Board** that personal/medical/privacy needs do not supersede nor bear legal weight on the matter of non-compliance. **The Board** reviews the 5 criteria that need to be met to support a Variance:

1. Undesirable/detrimental change to the neighborhood
2. Can a solution be reached by pursuing another avenue?
3. Whether the request area variance is substantial
4. Whether the variance would have adverse effect on the physical or environmental conditions of the neighborhood/district
5. Whether the alleged difficulty was self-created – can be taken into consideration by the ZBA but is not a mandated factor in their decision making.

There are feelings amongst members of **the Board** that granting a variance for this application would go against their mission to uphold these pillars and would adversely affect the community.

Proposed Variance: ***Variance for a fence located on the Northwest corner at 48 feet from the center line of the road, to the North side of the driveway entrance at 35 feet, the fence would be at the Southwest corner, would be 45 feet from the centerline of the road stretching 15 feet, and the gate connecting that point to the North side of the driveway entrance point. Not to exceed 6 feet in height along the front West side, and not to exceed 6 ft in height on the North and South sides until the 60-foot mark – measured from the centerline of the road. The variance will sunset at 5 years or the sale of the property, whichever comes first. In reference to map 46-435 with ZBA signatures on 9/1/26.***

MOTION to Vote on the above- captioned proposed variance: **Motion** made by **Jim**, seconded by **Dave**.

Yes: Herman, Jim & Dave

No: Kiley & Andy: Believe it so too large of a variance request, would warrant an undesirable change to the neighborhood, a solution could be achieved in other ways, doesn't believe the applicant has presented a legitimate zoning hardship, excessive of height, may have ingress/egress visibility issues, self-created as the fence was erected prior to getting a variance.

Attorney Bruening notes **Board** members can change their votes if they see fit after hearing reasoning from other members who have voted differently.

The 3 yes/2 no split passes. Variance is approved.

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The parcel will go from .49 acres to .48 acres; a concession of .01 acres so **Mr. Foust** can own his driveway.
Variance to reduce tax map parcel no. 198.10-1-2 from 0.49 acres to 0.48 acres, in reference to survey map #2026-05-05, dated August 4, 2026.
MOTION: **Motion** made by **Jim,** seconded by **Dave.**
All ayes. MOTION CARRIED

ZBA #26-010 Application of Tim & Sandy Taylor, for ***a Side Setback Variance, for a 30x34 accessory structure***, for a property located at 5354 Jockey Street, Galway NY 12074, (Tax parcel no. 200.-1-71) located in the Town of Galway.

No public meeting on the application - will remain tabled in the Public Hearing.

Other Business

There is no other business.

MOTION to adjourn: **Motion** made by **Kiley**, seconded by **Herman**.
All ayes. MOTION CARRIED

Respectfully submitted,

Marlene R. Neahr

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