

Town of Galway

Meeting Date/Time: **April 23, 2013 7:30 p.m.**

Location: Town Hall 5910 Sacandaga Road, Galway NY

1. Convene Meeting.
2. Roll Call.
3. Review of minutes of previous meeting (March 26, 2013).
4. Clerk's Report.
5. Chair's Report.
6. Public Hearing -- None scheduled.
7. Public Meeting -- Continue preliminary review/SEQR review/Classification:
Application # 13/001 -- Application of Judy A. Kenyon and Joanne Gomula for
subdivision of an approximate 5 acre lot from an approximated 100 -- acre parcel
located at 4604 Jersey Hill Road Tax I.D. No. 211.-1-26 in the A/R district of the
Town of Galway.
8. Public Meeting -- Preliminary review/SEQR review/Classification: Application #
13/002 - Application of Galay Co-op.com LLC and James Dotterweich (owner)
for site plan and special permit to allow Engine repair, propane tank sales,
propane filling station at 6049 Fishhouse Rd (nw corner of NYS Rt 29 &
Fishhouse Rds)
9. Privilege of the floor.
10. Other business.
11. Adjournment.



TOWN OF GALWAY

*PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792*

*P.O. Box 219
Galway, NY 12074
(518) 882-6070*

Town of Galway NY Planning Board Minutes of April 23, 2013

7:30 pm the meeting was called to order by Chair Ruthann Daino. Attendance: Rebecca Mitchell, Mary Lynn Kopper, Win McIntyre, Mikel Shakarjian, Attorney Martin Pozefsky, Board Liaison Mike Tillson and Clerk Susan Talmadge. There were approximately 12 people in the audience.

APPROVAL OF THE MINUTES - Motion by Mary Lynn Kopper to approve the meeting minutes of March 26, 2013 as written. Win McIntyre made a second. All members voted in favor. Motion carried.

STEWART'S SHOPS - Tom Lewis addressed the board on behalf of Stewart's Shop's regarding their approved site plan on the NW corner of Route 147 and NYS Route 29. Lewis indicated they would like approval to change the color of the siding and stone on the new building and asked for site plan approval modification. The new colors were displayed.

After a brief discussion a motion was made by Rebecca Mitchell to approve the modification to site plan and special permit dated November 27, 2012. Mary Lynn Kopper made a second to the motion. All members voted in favor of the motion. Motion carried.

JUDY A. KENYON & JOANNE GOMULA Application #13/001 – Continue review for a two lot subdivision of a 5 acre lot from a 100 acre parcel located at 4604 Jersey Hill Rd. Tax No. 211.-1-26.

Chair Daino inquired if the deed and maintenance documents that were requested by the board had been prepared.

Ms. Kenyon indicated she had agreed to the maintenance of the private roadway, but the owner cannot put a name on the deed at this time.

Joseph Bell, owner of 4602 Jersey Hill Road indicated there is a revised agreement for the driveway maintenance. In addition, he is in support of the subdivision and will do whatever he can to help, but cannot put her name on the deed at this time due to his property being a part of a court action.

Dave Conrad, Fort Johnson NY read a letter of support for replacement of the existing mobile home that is on the property and support for the proposed subdivision.

Chair Daino explained current subdivision law does not allow for a driveway with no frontage, and the board has no authority to by-pass the laws.

Attorney Pozefsky referred to NYS Town Law Section 280A – in order to have access to the land it must border a public road or access by the sub-divider. Access by easement is allowed – when the property is subdivided it has to follow the law – the applicant could also offer the roadway to the town and ask them to accept it.

Chair Daino added the owners would have to upgrade to town standards.

Attorney Pozefsky indicated the simplest way is to add Ms. Kenyon name to the deed for the maintenance agreement.

Mr. Bell indicated his attorney had advised that a maintenance agreement should suffice.

Attorney Pozefsky disagreed, referring to Section 280A and adding that emergency access is important and access has to be suitable.

After a brief discussion Win McIntyre made a motion to dismiss the application without prejudice. Mary Lynn Kopper made a second. All members voted in favor. Motion carried. Chair Daino explained if they can work it out then the applicant could come back to the board for subdivision as no action was taken by the board so there is no timeline.

GALWAY CO-OP – Application # 13/002 James Dotterweich (owner) represented by Galway Co-Op, Michael Casadei and Dominick Arico. Pre-application for site plan and special permit – review, discussion and recommendations for Engine repair, propane tank sales, office, propane filling station at 6049 Fishhouse Rd Tax No. 172.-1-57.

Attorney Pozefsky advised the applicant a letter of permission from the property owner granting permission for representation of the proposed project is required and shall be submitted for any future meetings.

Mr. Arico addressed the board indicating the applicant would like to do maintenance on the building inside and out – reface the façade, create a showroom for propane tank sales, small engine maintenance and repair and propane filling station.

Discussion ensued regarding the proposed uses and how they relate to the current zoning laws.

Chair Daino advised the small engine maintenance and repair shop would need approval for Special Permit and Site plan. The propane filling station would require a use variance because it is under definition Storage-Bulk and is not listed on the Use Regulations – therefore the use is not allowed. The acreage of retail sales requires 2 acres - the property is 1 ½ acres – an area variance would be required.

Mr. Arico indicated no storage of small propane tanks would be on site and no new buildings would be added. The sign would meet the town sign regulations and further indicated he will meet with the Zoning Officer and submit for zoning variances prior to coming in with application for site plan and special permit that would include complete details.

Mitchell made a motion to refer the applicant to the Zoning Officer for variance application. McIntyre made a second to the motion. All members voted in favor. Motion carried.

PRIVILEGE OF THE FLOOR - A resident land owner on Graves Road inquired about what is required for subdivision approval.

There was no OTHER BUSINESS. The meeting was adjourned at 9:05 pm.

Susan Talmadge
Planning Clerk