



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **August 23, 2011 – 7:30 p.m.**

Location: Town Hall – 5910 Sacandaga Road, Galway, NY

1. Convene Meeting
2. Roll Call
3. Clerk's Report
4. Chair's Report
5. Public Hearing – None scheduled
6. Public Meeting
 - Continuation of discussion/decision regarding
 - Application #11/002: Request of Dirk J. Weaver for subdivision of an approximate 22-acre lot from an approximate 50-acre parcel located at 2005 NYS Route 29 in the A/R district of the town of Galway, tax parcel #173.-1-60.1, a 2-lot minor subdivision
 - SEQR Review/Classification/Possible Decision
 - Application #11/004: Request of Peter & Christina Guidarelli for a lot line adjustment of tax parcel #185.17-2-9.2
 - Application #11/005: Resubmission of previously approved lot line adjustment/annexation (Application #09/009) between tax parcel #200.-1-59.12 and 200.-1-59.131 and subsequent 2-lot minor subdivision
7. Privilege of the Floor
8. Other Business
9. Adjournment



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MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: August 23, 2011 – 7:30 p.m.

MEETING CALLED TO ORDER at 7:31 p.m. by Chair, Ruthann Daino.

MEMBERS PRESENT: Ruthann Daino, Mary Lynn Kopper, Rebecca Mitchell, Win McIntyre, and Mikel Shakarjian

MEMBERS ABSENT: None

ALSO PRESENT: Carol DeLorme, Clerk. Present in the audience: Mike Tillson, town board liaison, and approximately 7 people including the applicants

REVIEW AND APPROVAL OF MINUTES

All board members previously reviewed the minutes of the July 26, 2011 meeting. Chair proposed amending pg. 3, line 8 to read "... a storage unit building is listed as a permitted use 'if the property is located in the commercial zone' ..." **Motion by Mary Lynn Kopper** to approve the minutes with the noted change. **Second by Rebecca Mitchell.** Voice vote: All yeas. Motion carried.

CLERK'S REPORT

Letter received from SC Planning Board regarding their review of the Dirk Weaver application (copy in file). Their decision was to approve. Clerk stated that a copy of the letter was sent to Mr. Weaver.

CHAIR'S REPORT

Several phone conversations with Bill Hansen, Judy Kenyon, and Martin Pozefsky, which will be discussed further under Other Business

PUBLIC HEARING – None scheduled

PUBLIC MEETING

Application #11/002: Request of Dirk J. Weaver for subdivision of an approximate 22-acre lot from an approximate 50-acre parcel located at 2005 NYS Route 29 in the A/R district of the town of Galway, tax parcel #173.-1-60.1, a 2-lot minor subdivision - Mr. Weaver's daughter and son-in-law were present. Review of the survey/subdivision map submitted this evening revealed that the map was exactly the same as what was submitted last month. Surveyor was supposed to modify the map to: 1) show the location of the proposed driveway a little more accurately, and 2) show a modification of the driveway curves with the radii specified (refer to July 26, 2011 minutes). It was noted that the third request of the board (regarding modification of the driveway note wording) has been satisfactorily met. Chair noted that normally the board doesn't get that involved with the actual driveway, but because of the topography here and because of the way the driveway was depicted on the map, it became a "red flag". Following discussion, board members agreed that in the best interest of the applicants and to not unduly delay their project, the board would propose approving the request for subdivision contingent upon modification of the

map to show the requested changes. Board members agreed Chair could review the map prior to signing without their individual review. **Motion by Mary Lynn Kopper** to grant final approval to the request of Dirk Weaver (application #11/002) for subdivision of an approximate 22-acre lot from an approximate 50-acre parcel located at 2005 NYS Route 29 in the A/R district of the town of Galway, tax parcel #173.-1-60.1, a 2-lot minor subdivision, and approve for filing contingent upon revision of the survey/subdivision map submitted 8/23/11 to show compliance with board requests 1) and 2) as specified in the July 26, 2011 minutes with regard to the proposed driveway configuration and radii. **Second by Win McIntyre**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Mikel Shakarjian; Rebecca Mitchell, yes. All yeas. Motion carried. GRANTED A 2-LOT MINOR SUBDIVISION WITH CONDITIONS.

Application fee (\$50) and additional subdivision fee of \$50 (for creation of 1 new building lot) is due. Applicants were instructed to submit the modified maps for signing (2 paper and 1 Mylar) by the Chair. They will then have 62 days in which to file 1 paper and 1 Mylar with the Saratoga County Clerk Office.

Application #11/004 - Request of Peter & Christina Guidarelli for a lot line adjustment of tax parcel #185.17-2-9.1 and 185.17-2-9.2 (Lake District) - Mr. Guidarelli was present and explained that he received approval for subdivision in 2007. At that time the parcel was split in half crosswise, creating a rear lot (now tax parcel #185.17-2-9.2). He would now like to adjust the lot line to split the parcel lengthwise, creating two side-by-side lots (each would then have lake frontage). Mr. Guidarelli still proposes the septic for the new house to be located in the rear (across the 40' easement to Nassel Rd). Septic for the existing camp on 185.17-2-9.1 is located in front of the camp. Mr. Guidarelli had questions as to whether or not the two camps could share a well or if he would have to drill a separate well for the new structure. Chair referred question to Mike Tillson. Although the copies of the Regulations available to board members do not specify side yard setback requirements for the Lake District, Mike Tillson informed board members that it is 25' (informed them that copy available on line contains this information). Mr. Guidarelli's sketch shows a 15' setback (for both the existing camp as well as the proposed new structure). Therefore, proposal would require a variance from the ZBA. Questions were posed to Mr. Guidarelli as to whether or not he could move the proposed new structure back further on the lot (possibly eliminating the need for variance or at least reducing the amount of variance needed). Board also suggested he modify the lot line (move it over) enough so that the existing camp can meet the 25' setback requirement, thereby bringing the proposal into compliance. Mr. Guidarelli indicated it was a possibility. Setback from existing septic to new proposed lot line also appears very close (must be a minimum of 10'). Question also arose as to whether or not the two lots would meet the road frontage requirement. Chair will confer with board attorney, Martin Pozefsky to see what, if any, variances might be required for this proposal. No formal action taken on application.

Application #11/005 – Request of Cathal Carr for resubmission of previously approved lot line adjustment/annexation and subsequent 2-lot minor subdivision (Application #09/009) - Tax parcel #200.-1-59.12 - Ms. Carr was present and explained to the board that due to extenuating circumstances, she did not get the approved subdivision map filed with the County after approval was granted in 2009. Chair explained that since she can't just simply re-stamp/sign the maps, Ms. Carr had to resubmit the application. Chair confirmed with Ms. Carr that nothing has changed [in the configuration of the lots]. Clerk researched past files and determined that public hearing has been waived in similar cases (cited Frisbro Enterprises' Beaver Lake subdivision). **Motion by Mary Lynn Kopper** to waive additional subdivision fees, waive SEQR and public hearing requirements, and grant final approval to the request of Cathal Carr (application #11/005) for resubmission of her previously approved request (application #09/009) for lot line

adjustment and subsequent 2-lot minor subdivision of 40± acres located at 2498 Galway Road in the Rural/Agricultural District of the Town of Galway (and within the boundaries of Consolidated Agricultural District #2), tax parcel # 200.-1-59.12, and approve for filing. **Second by Mikel Shakarjian.** Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Mikel Shakarjian; Rebecca Mitchell, yes. All yeas. Motion carried. GRANTED LOT LINE ADJUSTMENT AND 2-LOT MINOR SUBDIVISION.

PRIVILEGE OF THE FLOOR

Judy Kenyon addressed the board regarding a previously denied request for subdivision (May 2011). Mrs. Kenyon is still seeking resolution of the road frontage requirement in order to allow her sister (Joann Gomula, also present) to give her a parcel of property so that she can obtain a FEMA trailer. Chair explained the background for new board members. Mrs. Kenyon reports that Mrs. Kress, owner of the access driveway, is willing to put Mrs. Kenyon's name on the deed, thereby making her a co-owner of the driveway. Mrs. Kenyon wants to know if this would satisfy the road frontage requirement (one of the reasons for denial being that she did not have deeded ownership to the access driveway; only deeded right-of-way). Chair had question of whether or not conditions PB usually sets for creation of new driveways in excess of 500' in length would apply to an existing access drive. Also raised issue with the size of the lot (flag lots must be a minimum of 5 acres) and reiterated that the fire department had questions about the suitability of access. Mrs. Gomula indicated she would be willing to make the lot 5 acres. Chair reported she conferred with Martin Pozefsky regarding this proposal. In response, Mr. Pozefsky researched case law and gave his opinion that as long as the subdivider had joint ownership of the road at the time of subdivision approval and the PB required a written agreement addressing access/maintenance and possibly dedication issues, the intent of the rules would be satisfied. It was also Mr. Pozefsky's opinion that regardless of who later owns the road/lot, any future subdivider would also have to own the road and the road would also have to provide suitable access to the new subdivision as well. Chair then referenced Subdivision Regulations §100-29 - Modifications and waivers, as well as §100-30 – Conditions and posed the possibility that since this is a pre-existing driveway, the board could modify what is required, thereby considering it a suitable access. Mary Lynn Kopper cited the fact that this driveway has provided access for many, many years (Mrs. Gomula reported the house dates back to the 1800's and her parents bought the property in 1965), and the fact that there has also been a mobile home there for years (this would be a replacement home). Felt as long as the board gets a copy of the deed naming Mrs. Kenyon a co-owner the board could reconsider the application. Board members were in agreement with reconsidering the application. Mrs. Kenyon was instructed to submit a new application, along with maps (8 copies) and copy of the deed naming her co-owner of the driveway if she wishes to reapply.

OTHER BUSINESS

Chair reported that Bill Hansen did find out that his property (on Rte 29) had been inadvertently omitted from the maps of the Commercial Zone when the zoning regulations were revised. This is in the process of being remedied by the town board.

ADJOURNMENT - Motion for adjournment by Rebecca Mitchell. Second by Win McIntyre. Voice Vote: All yeas. Motion carried. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Carol L. DeLorme

Carol L. DeLorme, Clerk