



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

NO LEGAL NOTICE PLACED IN DAILY GAZETTE DUE TO CLERICAL ERROR

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **August 25, 2015 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of July 28, 2015 meeting
4. Clerk's Report
5. Chair's Report
6. Public Hearing:
Application #PB15-006: Application of Kurt Mason, for a home occupation permit at property located at 1528 Hermance Road (tax parcel no.: 185.-0002-038) in the A/R District of the Town of Galway
7. Public Meetings:
Application #PB15-006: Application of Kurt Mason, for a home occupation permit at property located at 1528 Hermance Road (tax parcel no.: 185.-0002-038) in the A/R District of the Town of Galway
Application #PB14-012: Application of Galway Co-Op, tax parcel no.: 172.-1-57 for review of new documents submitted and classification of use.
8. Privilege of the floor
9. Other business
10. Adjournment



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MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: August 25, 2015 - 7:30 p.m.

MEETING CALLED TO ORDER at 7:30 p.m. by Chair, Ruthann Daino.

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

MEMBERS ABSENT: none

ALSO PRESENT: Present in the audience: Applicants and approximately 7 other people.

REVIEW AND APPROVAL OF MINUTES:

All board members previously reviewed the minutes of the July 28, 2015 meeting.

Motion by Mary Lynn to approve the minutes. **Second by Win.** Voice vote: Four (4) ayes. Abstain by Mikel. Motion carried.

CLERK'S REPORT: One (1) map (Douglas and Amber Eaton) filed.

CHAIR'S REPORT: Significant correspondence regarding the Galway Co-Op which will be discussed in other business.

PUBLIC HEARING:

Application #PB15-006: Application of Kurt Mason, for a home occupation permit at property located at 1528 Hermance Road (tax parcel no.: 185.-0002-038) in the A/R District of the Town of Galway. No questions or comments. **Motion by Win** to close public hearing. **Second by Mary Lynn.** Voice vote: All ayes. Motion carried.

PUBLIC MEETING:

Application #PB15-006: Application of Kurt Mason, for a home occupation permit at property located at 1528 Hermance Road (tax parcel no.: 185.-0002-038) in the A/R District of the Town of Galway. Chair asks if there are any questions or comments from the board. There are no changes from last month. Mr. Mason is informed that he will have to submit his sign design to Chet for approval. **Motion by Win** to approve Application #PB15-006 for a home occupation permit. **Second by Rebecca.** Voice vote: All ayes. Motion carried.

Application #PB14-012: Application of Galway Co-Op, tax parcel no.: 172.-1-57 for review of new documents submitted and classification of use. Ruthann asks Martin Pozefsky, Esq. for direction as to where to start. Andy Brick, Esq. on behalf of Michael Casadei and the Galway Co-Op starts. Mr. Brick hasn't appeared in Galway before but

from Saratoga County quit claiming the area back which puts them at approximately 1.3 acres in total. It is not believed that the NYS DOT curb cut permit has been applied for. Mr. Brick says that they have an existing curb cut on Route 29. They have obtained everything that is required by NY State. Ruthann points out that it was not originally a curb cut permit but rather a highway work permit and that has expired. It was only to do work in the right of way. Mr. Brick says that if they don't have what is required by NY State they will obtain it. Next step is to go through Mike McNamera's letter. Mr. McNamera reads the letter, point by point. **Septic System:** Mr. Arico assures the board that the system that was installed is adequate for the facility that is being proposed. Mr. McNamera asks if the proper testing was done. Yes, it was. Mr. Brick says that they will get Mike whatever he needs to do the proper review to confirm what was installed will work. **Grading:** Ruthann says it is hard to tell from the plan how the handicap parking space is going to work and how they will access the building. Mr. Arico says that it is a level two alteration to an existing building and in the building code the handicap alteration/access can be maintained as it to the existing building as long as the building maintains the same use. They are providing a handicap parking space but the code does not require for an existing building that is not being added to or altered. Ruthann says it has been extremely added to and altered from its previous use. Mr. Arico says it hasn't, not according to the building code. Mr. Pozefsky suggests that that type of answer be put in writing and cite the specific parts of the building code. Again, they are planning on putting in a handicap space but not planning on putting in pavement and sidewalks into the building. Mr. Brick suggests that they will provide the specific codes that Mr. Arico references to Mr. McNamara. As far as the comment that comes up about section number 5 which talks about a previous request from the requirement that a grading plan is to be shown. It is Mr. Brick's understanding, in speaking with Mr. Arico, that request has been made because the grading isn't being changed and they didn't want to put in the time and expense providing a grading plan. With that being said, they leave it up to the board to grant whether or not to grant that waiver and what he is asking now is that if you don't want to grant the waiver and you want to see a grading plan, let them know now. Ruthann says that the board is not necessarily looking for a complete grading plan of the site but just spots to show that the drainage will work and will not create problems and that the handicap parking space is not three feet higher than the building or something ridiculous. Discussion of the handicap parking space, whether or not access is there, where the landing to the stairs comes down on the parking space etc. All of these things brings up the question as to whether or not the access is there. If the answer is that its not necessary, then all of the questions would basically go away. Mr. Brick asks "so we are going to show grading in the front?" Ruthann answers spot elevation, possibly at a larger scale to show what is happening in the front of the building near the handicap parking space, the stairs coming down on the outside of the building, and the drainage away from the building. **The existing tree line:** Concerns about an access road and whether or not a truck will be able to go down there and is the intent to take the trees down or cut them back. If they will be cut back, and are on the neighbor's property, there is a legal question as to whether there is a right to clear them back. Mr. McNamera is looking for some kind of idea as to what the plan is to do with the trees. Mr. McNamera reads paragraphs 7-15 with no comments or questions from the board or the applicant. **Lean-to buildings:** Zoning ordinance requires a 50 foot minimum set back. Interpretation from the code enforcer officer is necessary to determine the meaning of "lean-to buildings". Ruthann asks what kind of structure is it. A temporary structure that can be picked up and moved. Mr. Brick says there is no intention of picking it up and moving it. The intended use of that area is for the company truck. Maybe it should be noted on the plan that they are not permanent structures. Marty

mentions he looked back in his notes. There was a planning board meeting in 2007 at which time the prior owner came here for a site plan. At that time the zoning was different but the chair did state his opinion that perhaps the lot was grandfathered. Marty has looked at two current code sections and there are two concerns that he has: Section 115-34 A.1 of the zoning law: Only grandfathers residential lot size and: only uses are grandfathered not lot size. Marty suggest that counsel looks at those two things and address them. If it turns out that a variance is needed, the set backs will have to be a part of the application from the curb to the area that is in question (being grandfathered). There is discussion of the code violation. Marty says that the planning board is not allowed to review an application with a pending code violation. Marty recommends that there by a temporary suspension on the violation that can be withdrawn at any time. Chet agrees to suspend the violation (until further notice) for the purpose of discussion at this meeting. The board would like to see a complete application. Grading for drainage and handicap accessibility needs to be shown on the plan in more detail in addition to any items discussed tonight and/or in the engineering review. Applicant must replenish escrow for the engineer fees. The Galway Co-Op will tentatively be scheduled on the agenda for the next planning board meeting (September 22) as long as all items discussed tonight be submitted by September 8.

Motion by Marylynn to consider application incomplete until addition information is provided, that the escrow for engineer fees be replenished and that the violation can be re-issued at Chet's discretion. **Second by Rebecca.** Voice vote: All ayes. Motion carried.

PRIVILEGE OF THE FLOOR: None

OTHER BUSINESS:

Motion for adjournment by Win. Second by Rebecca. Voice vote: All ayes. Motion carried. Meeting adjourned at 9:53 p.m.

Respectfully submitted,


Donna M. Noble, Clerk