

State of New York,  
City and County of Schenectady

ss.:

Lisa M. McGrath of the Town of Rotterdam,  
being duly sworn, says that he/she is Principal  
Clerk in the office of the Daily Gazette Co.,  
published in the City of Schenectady and that  
the notice/advertisement, of which the annexed  
is a printed copy, has been regularly published  
in the Daily Gazette and/or Sunday Gazette  
as follows:

1 insertion: August 13, 2020

  
\_\_\_\_\_ (signature)

Lisa M. McGrath \_\_\_\_\_ (printed name)

Sworn to me on this 14<sup>th</sup> day of August 2020

  
\_\_\_\_\_  
NOTARY PUBLIC

PAULA A. OPEL  
COMMISSIONER OF DEEDS  
MY COMMISSION EXPIRES 07/22/2021

**LEGAL NOTICE  
TOWN OF GALWAY  
Planning Board**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the town of Galway Planning Board on **Tuesday, August 25, 2020** beginning at **7:30 p.m.** in the Town Hall, 5910 Sacandaga Road, Galway, New York, to consider the following application:

**Application #PB20-005** - Application of Joanna Yesse and Brian Pritchard for a Lot Line Adjustment and a Minor/Major Subdivision of property located on Mechanic Street (tax parcel no.: 172-2-47) in the A/R District of the Town of Galway.

Donna M. Noble

Clerk

8/13

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**TOWN OF GALWAY**  
**PLANNING BOARD**  
**SARATOGA COUNTY, NY**  
**ESTABLISHED 1792**

5910 Sacandaga Rd.  
Galway, NY 12074  
(518) 882-6070

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AUG 11 2020

TOWN OF GALWAY

**PLANNING BOARD MEETING AGENDA**

Meeting Date/Time: **August 25, 2020 - 7:30 p.m.**  
Location: Town Hall – 5910 Sacandaga Road, Galway, NY

1. Convene Meeting
2. Roll Call
3. Review of minutes of the **July 28, 2020** meeting
4. Clerk's Report
5. Chair's Report
6. Public Hearing:
7. **Application #PB20-005** - Application of Joanna Yesse and Brian Pritchard for a Lot Line Adjustment and a Minor/Major Subdivision of property located on Mechanic Street (tax parcel no.: 172.-2-47) in the A/R District of the Town of Galway.
8. Public Meeting:  
**Application #PB20-005** - Application of Joanna Yesse and Brian Pritchard for a Lot Line Adjustment and a Minor/Major Subdivision of property located on Mechanic Street (tax parcel no.: 172.-2-47) in the A/R District of the Town of Galway.  
**Application #PB20-007** - Application of David and Susan Costanzo for a Lot Line Adjustment on properties located on Crane Road (tax parcel nos.: 199.-1-26.113 and 199.-1-26.111) in the A/R District of the Town of Galway.  
**Application #PB19-005** - Application of Galway Co-Op for a Site Plan Review/Special Use Permit on property located at 6049 Fish House Road (tax parcel no.: 172.00-1-57) in the Commercial, C-1 District of the Town of Galway.  
**Application #PB19-010** - Application of Capri Construction 426, LLC for a Site Plan Review/Special Use Permit on property located on NYS Route 29 (tax parcel no.: 172.-1-41) in the Commercial, C-1 District of the Town of Galway.  
**Application #PB20-008** - Application of David and Kelly DeVall for a Lot Line Adjustment on properties located at 2474 Old Mill Road (tax parcel no.: 186.-2-18.1) and 2472 Old Mill Road (tax parcel no.: 186.-2-18.2) in the A/R District of the Town of Galway.  
**Application #20-009** - Application of Corbin Daino for a Lot Line Adjustment on properties located on 1315 Perth Road (tax parcel no.: 198.00-1-77) and 1337 Perth Road (tax parcel no.: 198.00-1-10.11) and a Minor//Major Subdivision of property located at 1315 Perth Road (tax parcel no.: 198.00-1-77) in the A/R District of the Town of Galway.  
**Application #20-010** - Application of John Orton and Jennifer Loftus for a Site Plan Review/Special Use Permit on property located at 4005 Snail Pace Lane (198.07-2-34) in the Lake District of the Town of Galway.
9. Privilege of the floor
10. Other business
11. Adjournment

**\*\*Applicants - please wear a mask when attending this meeting. Also, please wait in the parking lot until your matter is called before the Planning Board.**

**THANK YOU** in advance for your cooperation.



**TOWN OF GALWAY**  
**PLANNING BOARD**  
**SARATOGA COUNTY, NY**  
**ESTABLISHED 1792**

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SEP 29 2020

TOWN OF GALWAY

**MINUTES OF PLANNING BOARD MEETING**

**Date/Time of Meeting:** August 25, 2020, 7:30 p.m.

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

**MEMBERS PRESENT:** Rebecca Mitchell, Win McIntyre, David Schweizer and Kevin Symonds.

**MEMBERS ABSENT:** None.

**ALSO PRESENT:** Donna Noble, Clerk, James Trainor, Esq., Treavor Gilday and 12 (at different times) people in the audience.

**REVIEW AND APPROVAL OF MINUTES:** All board members previously reviewed the minutes of the July 28, 2020 meeting. One correction needed. **Motion by Rebecca** to approve the minutes with the correction. **Second by Win.** Voice vote: All ayes. Motion carried.

**CLERK'S REPORT:** One map filed: Subdivision of Lands of John Foti.

**CHAIR'S REPORT:** Maps for the Mitchell subdivision have been signed.

**PUBLIC HEARING:**

**Application #PB20-005** - Application of Joanna Yesse and Brian Pritchard for a Lot Line Adjustment and a Minor/Major Subdivision of property located on Mechanic Street (tax parcel no.: 172.-2-47) in the A/R District of the Town of Galway. There are no comments from the public as there is nobody in attendance.

**Motion by Win** to close the public hearing. **Second by Kevin.** Voice vote: All ayes. Motion carried.

## **PUBLIC MEETING:**

**Application #PB20-005** - Application of Joanna Yesse and Brian Pritchard for a Lot Line Adjustment and a Minor/Major Subdivision of property located on Mechanic Street (tax parcel no.: 172.-2-47) in the A/R District of the Town of Galway. Ruthann verifies that the only change made is the increased lot size. The SEQR was done at last month's meeting. There are no questions or comments from the Board.

**Motion by Kevin** to approve the lot line adjustment. **Second by David.** Voice vote: All ayes. Motion carried.

**Application #PB#20-007** - Application of David and Susan Costanzo for a Lot Line Adjustment on properties located on Crane Road (tax parcel nos.: 199.-1-26.113 and 199.-1-26.111) in the A/R District of the Town of Galway. Mr. Costanzo is in attendance and gives Ruthann the original signature page with the required signatures from the Reedys. He also has new maps showing the site location. These are the only outstanding items.

**Motion by David** to waive SEQR and public hearing requirements. **Second by Win.** Voice vote: All ayes. Motion carried.

**Motion by Win** to approve the lot line adjustment. **Second by David.** Voice vote: All ayes. Motion carried.

**Application #PB19-005** - Application of Galway Co-Op for a Site Plan Review/Special Use Permit on property located at 6049 Fish House Road (tax parcel no.: 172.00-1-57) in the Commercial, C-1 District of the Town of Galway. Mr. Sutton is in attendance. He explains that they have not made any progress at this point. They are now tasked with satisfying this board and the town with regard to the traffic situation. He has briefly looked at the law and thinks that this Board has the ability to allow a few more months. He states that when they are ready, he's not sure, but may be a revised plan. It could be another four months before they are ready. They are looking into and getting help with the highway "stuff". Ruthann asks Mr. Trainor if it is going to take that long, can the application be tabled for that long. Yes, it can. Rebecca asks if there is a way to "cap" a limit on a time to table this application to four months so it doesn't take six years and four months. It was the belief of the Board that NYS DOT matter was pretty close to being resolved. Mr. Trainor suggests that the application can be tabled for a certain amount of time to show evidence of progress. By the November meeting there will need to be evidence of some progress.

**Motion by Rebecca** to table this application until the November meeting, to show evidence of progress. **Second by Kevin.** Voice vote: All ayes. Motion carried.

**Application #PB19-010** - Application of Capri Construction 426, LLC for a Site Plan Review/Special Use Permit on property located on NYS Route 29 (tax parcel no.: 172.-1-41) in the Commercial, C-1 District of the Town of Galway. This property has been assigned a 911 address: 1430 NY State Route 29, Galway. Dave DiMeo is in attendance. There is discussion of the turning radius for fire apparatus. It is currently 60 feet and will need to be widened. Ruthann explains to him that the board will need to see more than what he has submitted: proposed grading plan around each building and parking; the drainage calculation to determine what he actually needs for the storm

water management area. The Board and Mr. DiMeo go over the site plan review checklist as there are many outstanding items. In addition the location, design and truck loading area will need to be detailed in the plan as the Board will need to see how things will be constructed. There will be no dumpsters on the property. Also, there will be no septic or well on the property. Also, on the site map it will need to indicate that there is enough room for fire apparatus. Mr. DiMeo is unsure of what they will use for a sign. Mr. McNamara, Town Engineer, will need to go over this plan as well. Ruthann also suggests that Mr. DiMeo shows on the plan that there will be stone to walk on; that there won't be sidewalks, that it is of a slope that is walkable. Mr. DiMeo talked to DOT and they told him that the current owners of the property will need to fill out an application to do a site assessment. Mr. Trainor tells Mr. DiMeo, because he has inquired in past meetings, that the town has passed a law solar energy. The Board is not at the point where they can do SEQR review as there is more information needed with this application. Mr. DiMeo will fill out a new application as the previous application is a year old. He will also fill out a new short assessment form as he filled in where he should not have.

**Motion by Kevin** to table this application until the September meeting. **Second by David.** Voice vote: All ayes. Motion carried.

**Application #PB20-008** - Application of David and Kelly DeVall for a Lot Line Adjustment on properties located at 2474 Old Mill Road (tax parcel no.: 186.-2-18.1) and 2472 Old Mill Road (tax parcel no.: 186.-2-52) in the A/R District of the Town of Galway. Mr. DeVall explains that he is looking to convey some property (1.7+/- acres) to his nephew, and adjoining neighbor, Christopher Booth. Ruthann explains that the line that is being removed is not noted on the map that it is being removed. This line will need to be noted as being removed. The Board will need to see the site location added to the map. Also, the Booth property should be labeled the same as the DeVall property is labeled. The amount of land being conveyed should also be noted on the map. The zoning district (A/R) should also be noted on the map. The Booth property tax parcel number on the map and the tax parcel number on the application are not the same. The map has the correct number. The number on the application will be changed. Mr. DeVall will make the corrections to the map and come back to the September meeting.

**Application #20-009** - Application of Corbin Daino for a Lot Line Adjustment on properties located on 1315 Perth Road (tax parcel no.: 198.00-1-77) and 1337 Perth Road (tax parcel no.: 198.00-1-10.11) and a Minor//Major Subdivision of property located at 1315 Perth Road (tax parcel no.: 198.00-1-77) in the A/R District of the Town of Galway. Ruthann recuses herself from hearing this application. This application was changed to have two application numbers as there are two matters. PB20-009 is the lot line adjustment application number. PB20-011 is the subdivision application number. Corbin Daino is present and explains what he would like to do. He would like to subdivide 73 +/- acres into two lots. One lot will be 4 acres with a house. The second lot will be 69+/- acres (vacant land). The lot line adjustment will result in 0.365 acres being conveyed to his parents at 1337 Perth Road. There are no questions or concerns from the Board.

**Motion by David** to waive SEQR and public hearing requirements with regard to the lot line adjustment. **Second by Win.** Voice vote: All ayes (four members). Motion carried.

**Motion by David** to approve the lot line adjustment. **Second by Kevin.** Voice vote: All ayes (four members). Motion carried.

SEQR review (subdivision)

**Motion by Win** that based on the information and analysis the proposed action will not result in any significant adverse environmental impacts. **Second by David.** Voice vote: All ayes (four members). Motion carried.

**Motion by Kevin** to classify as a 2-lot minor subdivision and set for a public hearing. **Second by David.** Voice vote: All ayes (four members) Motion carried.

**Application #20-010** - Application of John Orton and Jennifer Loftus for a Site Plan Review/Special Use Permit on property located at 4005 Snail Pace Lane (198.07-2-34) in the Lake District of the Town of Galway. Mr. Orton (Ms. Loftus' father) is here to speak on her behalf and explains what they would like to do. They are proposing to build a new camp. In July of last year they met with the previous code enforcer and after getting a go ahead from him that they had reasonable plans by October they had architect plans, septic system plans, neighbor approval, and Rubacks Grove's Board approval. He had assurances that what they plan to do was reasonable and could expect approval from the Town. A new septic system will be installed and will be 200 feet away from the new camp. The well will be shared with 3 other camps. He was delayed in getting to the Town with his plan because of COVID. He was finally able to present his case to the ZBA in July and was surprised that his application was tabled because Mr. Trainor felt this application required a Special Use Permit under the section of the Code he referenced. Mr. Orton sought out an attorney (Mr. Sutton, who is in attendance) to help him with his understanding of the code. they have an 80 foot wide lot x 175 feet. By lakefront standards this is a spacious lot. They are only asking for a five foot variance. It is a great improvement to the community. He is asking kindly for the Board's approval so that they can move on and get the building permits to start building. Ruthann explains to the Board why Mr. Orton is here. The Town Code under non conforming uses, and a building can be considered a non conforming use is something that was existing at the time of this chapter of the Code and the subsequent amendments. What is being looked at here is an extension. So "any legal non conforming building or structure may be enlarged not more than 50% of its floor or lot area as it existed on June 29, 1992. The extension of a non conforming use is subject to an issuance of a Special Use Permit by the Planning Board based on the demonstration that the extension meet the Special Use Permit review standards". They are looking for more than a 50% increase in the size of the structure so they are here, at this meeting for a Special Use Permit. Mr. Trainor explains that the ZBA tabled this matter to give Mr. Orton the opportunity to come to come this board based on § 115.34 b1. Mr. Orton elected to go back to the ZBA a second time. The ZBA did not un-table the application at that time so that gave Mr. Orton another opportunity to come before this board OR reduce the size of the project to no more than 50% increase. Mr. Orton elected to come to this Board and that requires this board to consider the project for a special permit using the Special Use Permit review standards in §115-75. which specifically applies to "extensions, alterations or additions to a non conforming building" §115-75 A-3-e. Mr. Sutton completely

disagrees with Mr. Trainor. There is discussion, argument and disagreement of the Code and how it relates to this matter. What Mr. Sutton is asking tonight is to give this family the permit. It is a good project. It is a very responsible project. It doesn't hurt anybody. It is an investment in the community. It is something that improves the area. Mr. Sutton asks Ruthann if there has been discussions of what considerations "under 75" that the Board would use. Ruthann answers no, as this is the first time that the Board has seen this application. Mr. Sutton asks if this is the first time that the Board has used the Site Plan requirement for residential use. Ruthann doesn't know for sure but does not believe that the Board has ever had a non-conforming building come before them. Mr. Trainor explains what it comes down to is: if you follow the logic, you can put an unlimited size building on any size lot That can't be the case. This building is ten percent (10 %) over the limitation for the extension. They were given the opportunity by the ZBA to reduce the size. They did not want to do that so the only other option in the Town Code is to come before this Board and meet the Special Use Permit criteria. Mr. Sutton believes that they do meet the criteria. There is discussion of the lot and Special Use criteria. Mr. Orton explains again that the project is a great improvement to the community and that Rubacks Grove approves.

**SEQR review.**

**Motion by Rebecca** that based on the information and analysis the proposed action will not result in any significant adverse environmental impacts. **Second by David.** Voice vote: All ayes. Motion carried.

**Motion by Win** to set this matter for a public hearing. **Second by David.** Voice vote: All ayes. Motion carried.

**PRIVILEGE OF THE FLOOR:** Eric Kenna from C&S Engineers Inc. is here to propose a solar plan on behalf of TJA Clean Energy. The site location is at 1806 Perth Road. Pillar, LLC bought the property and TJA Clean Energy will build and maintain the solar panels. Mr. Kenna explains the project and how it works. The parcel is a total of 31 acres. The total disturbance area of the project is 17 acres. The lot coverage is approximately twenty three percent (23%). He is in attendance tonight to get the Board's initial thoughts and an understanding of the process. Ruthann explains that this is a major solar facility and will need to be reviewed by the Town Engineer. Mr. Kenna will make a formal application for the September meeting.

**OTHER BUSINESS:** None.

**Motion by Rebecca** to adjourn. **Second by David.** Voice vote: All ayes. Motion carried. Meeting adjourned at 9:52 p.m.

Respectfully submitted,

*Donna Noble*

Donna Noble, Clerk