

Town of Galway

Meeting Date/Time: August 27, 2013 7:30 pm

Location: Town Hall 5910 Sacandaga Road, Galway NY 12074

1. Convene Meeting & Roll Call.
2. Approval of minutes of previous meeting (July 23, 2013).
3. Clerk's Report.
4. Chair's Report.
5. Public Hearing – Minor two lot subdivision and Lot Line Adjustment with Annexation – Application 13-003 Tax ID No. 186.-1-78 lands of Roy and Geraldine Neal and Tax ID No. 186.-1-16 lands of Thomas Ambrosino on the se corner of NYS Route 147 and Hermance Road.
6. Privilege of the floor.
7. Other business.
8. Adjournment.



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

Town of Galway Planning Board Meeting Minutes for August 27, 2013

The meeting was called to order by Chair Daino at 7:30 pm
Members present: Ruthann Daino, Win McIntyre, Rebecca Mitchell, Mary Lynn Kopper
Members absent: Mikel Shakarjian
Also present: Attorney Martin Pozefsky, Clerk Susan Talmadge, Approximately 9 persons from the public.

Upon review of the 7/23/13 meeting minutes a motion was made by Kopper to approve them as written. The motion was seconded by McIntyre.
All members present voted in favor of the motion.

Clerk's report – None.

Chair's report – None.

Application No. 13-003 – Public hearing for a minor two lot subdivision and lot line adjustment for lands of Roy and Geraldine Neal Tax ID No. 186.-1-78 and LLA to lands of Thomas Ambrosino Tax ID No. 186.-1-16.

The public notice as published on 8/12/2013 in the Gaily Gazette was read into the record by the Clerk

Attorney John Sutton represented the application. Mr. Neal and Mr. Ambrosino were also present.

Mr. Sutton indicated this is a minor two lot subdivision to create a 5 acre keyhole lot and a lot line adjustment.

Public Hearing was opened by Chair Daino.

Comments – The planning clerk advised that Donna Peterson, a neighbor who was not able to come to the public hearing, asked to meet and look at the subdivision maps on August 23rd at 6pm Peterson had indicated she has no objections to the subdivision, however, would ask that the DEC and ACOE regulations be met for construction of the driveway.

There were no other public comments.

Everyone had an opportunity to speak.

The public hearing was closed.

The public meeting was opened for Board and Applicant discussion.

Mr. Sutton indicated the driveway note was added to the map.

Chair Daino indicted the wetland note does not specify whether the surveyor has researched ACOE or NYS DEC wetlands.

Neal continued..

After a brief discussion the board agreed to the following:

- A change in the map notation would be required indicating whether ACOE or NYS DEC or both wetlands were researched.

Sutton indicated there are no wetlands on the 5 acre parcel being subdivided and none on the Ambrosino property.

McIntyre indicted that the ACOE can get involved with any wetlands. The county GIS has NYS wetlands only - it is sufficient.

Sutton indicated the driveway notation states it will be private and not a public access. His client has some concern that if the 5 acre parcel has a future agricultural use and potential customers for a legal use, this notation may hinder such activity.

Chair Daino indicated she believes the intent of the note is to prevent a public road, however, a major subdivision and any roadway would require town board acceptance.

Attorney Pozefsky indicated the intent is the same as long as it is a lawful use and the board has no problem with it. The town's concern is that they are not charged with maintaining that roadway.

Mitchell indicated the town has asked for that notation.

Chair Daino agreed the intent for the driveway is residential in nature and not for a public road, but she believes the reason for the town requirement is for safety reasons.

McIntyre indicted the notation came about for fire access and safety reasons.

Sutton asked that the note be removed from the map.

After a brief discussion a motion was made by Mitchell to approve the subdivision for lands of Neal and including a lot line adjustment between lands of Neal and Ambrosino with the following conditions:

1. The driveway shall be used only for uses consistent with the zoning regulations.
2. A notation added to the map that the surveyor had researched DEC wetlands.

The motion was seconded by McIntyre.

All members present voted in favor of the motion.

Application No. 13-005 Subdivision Review for lands of the Estate of Fred Sanders – Tax ID No. 212.-1-29.11 – located 1.2 miles from Donnan Road and NYS Route 147 on the west side.

Duane Rabideau represented the project on behalf of Gilbert VanGuilder Land Surveyor.

Rabideau indicated the parcel is 85+- acres and his client would like to divide it into 3 parcels, each having individual wells and septic.

Chair Daino indicated the property has been subdivided in the past within the 5 year timeframe. File research and Board discussion ensued.

The Short EAF was addressed.

Kopper made a motion that the action exceeds the limits for Unlisted Actions and is a Type I SEQR Action and therefore a Full EAF shall be required from the applicant for a Major 5 lot subdivision.

McIntyre made a second to the motion.

All members present voted in favor of the motion.

Chair Daino requested the NYS DEC Wetlands delineated on the entire parcel.

Rabideau would submit additional information for continuation of review.

Application No. 13-004 Subdivision Review for lands of the Estate of Fred Sanders – Tax ID No. 212.-1-13.21 – located 0.45 miles south of Donnan Rd and NYS Route 147 on the east side.

Duane Rabideau represented the project on behalf of Gilbert VanGuilder Land Surveyor.

Rabideau indicated parcels would be vacant - the intent is to sell lot No. 2 and lot No. 1 would remain vacant for a time.

After a brief board discussion, Chair Daino requested NYS DEC Wetlands, streams and driveway notations on the entire parcel.

Rabideau would submit additional information for continuation of review.

Privilege of the floor: Kate and Ryan Taylor of Kania Road asked the board to consider their presence as a pre-application conference – submitting a plot plan and a letter of intent for the project.

Mrs. Taylor indicated they have a LLC and the property is owned by a Medicaid Trust at 1417 Kania Road.

Their goal is to purchase property elsewhere in the future to continue the business.

Because of the scope of the project, Mrs. Taylor believes it is beyond the criteria for a home occupation.

Pozefsky agreed the home occupation criteria are limited.

Ryan explained they are not expecting employees as it would be seasonal only. They would not have customers, but possibly tasting in the future. The garage is 900 sq ft and the tanks for fermentation would be outside. Delivery is 3 times per year. Production is limited but there would be storage of the product. Waste is directly placed on the vineyard.

Pozefsky advised that a Special Use permit and Site Plan is required and they should ask for what they would want in the future so they would not have to come back.

Pozefsky advised the land owner trust has to sign the application. A letter from the trust from their lawyer would be acceptable stating the winery is permissible under the trust rules.

Pozefsky advised any approvals from the town would be for the land only and does not follow the applicant.

Chair Daino indicated board needs a completed application signed by the owner, a site plan showing parking, lighting, signage, storage and etc. as well as an application fee.

The meeting was adjourned at 9:45 pm.

Respectfully submitted,

Susan Talmadge
Clerk