



## **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 28, 2012 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of July 24, 2012 meeting
4. Clerk's Report
5. Chair's Report
  
6. Public Hearing
  - Untabling and resumption of public hearing for Application #12/008 – Request of Theodore, Jr. and Barbara Paterek for a 2-lot minor subdivision of an approximate 60-acre parcel of land located at 1262 West Galway Rd (tax parcel #211.-1-54) in the A/R District of the town of Galway and also situate within the boundaries of Consolidated Agricultural District #2
  
7. Public Meeting
  - Application #12/008 ... Request of Theodore, Jr. and Barbara Paterek ... tax parcel #211.-1-54

INITIAL REVIEW/SEQR REVIEW/CLASSIFICATION:

  - Application #12/010 – Request of Arthur B. Keller, Jr. for subdivision of a 4.518-acre building lot from an existing 9.08-acre parcel located on the south side of Consaul Rd (tax parcel #211.-1-68) in the A/R District of the town of Galway
  
8. Privilege of the floor
9. Other business
10. Adjournment



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### **MINUTES OF PLANNING BOARD MEETING**

Date/Time of Meeting: August 28, 2012 – 7:30 p.m.

**MEETING CALLED TO ORDER** at 7:32 p.m. by Chair, Ruthann Daino.

**MEMBERS PRESENT:** Ruthann Daino, Rebecca Mitchell, Mary Lynn Kopper, Win McIntyre, and Carol DeLorme, Clerk

**MEMBERS ABSENT:** Mikel Shakarjian (excused)

**ALSO PRESENT:** Present in the audience: Mike Tillson (town board liaison) and 5 people (including the applicants)

### **REVIEW AND APPROVAL OF MINUTES**

All board members previously reviewed the minutes of the July 24, 2012 meeting. Only correction was spelling of Santo Russo's last name (incorrectly typed as Ruzzo).

**Motion by Mary Lynn Kopper** to approve the minutes with that correction. **Second by Rebecca Mitchell.** Voice vote: All ayes. Motion carried.

### **CLERK'S REPORT**

- Letters received from Saratoga County Planning Board regarding their reviews of: Application of Sanders (LLA conveying 19.5 acres to Rathgeber) – Decision was to approve; and, application of Paterek (2-lot minor subdivision) – Decision was to approve
- Received a copy of a memo from George Hargrave regarding a hazardous waste recycling day (this Saturday, Sept 8 in Malta) – Free to all residents of Saratoga County

**CHAIR'S REPORT** – Nothing to report

### **PUBLIC HEARING**

Continuation of public hearing on: **Application #12/008 – Request of Theodore, Jr. and Barbara Paterek for a 2-lot minor subdivision of an approximate 60-acre parcel of land located at 1262 West Galway Rd (tax parcel #211.-1-54) in the A/R District of the town of Galway and also situate within the boundaries of Consolidated Agricultural District #2**

**Motion by Mary Lynn Kopper** to untable the application. **Second by Win McIntyre.** Voice vote: All ayes. Motion carried. Chair read letter received from attorney Amy Hallenbeck informing the board that the applicants, Theodore, Jr. and Barbara Paterek,

wish to withdraw their application for subdivision. (Letter in file) Only comment from audience was from Bob Bryant who commented on the failed septic system on the property - Asked if the town was going to do anything about it. Chair explained that since they are not going to subdivide the property at this point, there really isn't anything the Planning Board can do to force them to repair the system. No further comments/questions. **Motion by Win McIntyre** to close the public hearing on this application. **Second by Rebecca Mitchell**. Voice vote: All ayes. Motion carried. Public hearing closed at 7:45 p.m.

## **PUBLIC MEETING**

### **Application #12/008 ... Request of Theodore, Jr. and Barbara Paterek for a 2-lot minor subdivision**

No further discussion. **Motion by Win McIntyre** to dismiss Application #12/008, request of Theodore, Jr. and Barbara Paterek for subdivision, without prejudice based on the applicants' request to withdraw the application. **Second by Mary Lynn Kopper**. Motion carried. Application dismissed without prejudice. Applicants will be informed that should they wish to pursue subdivision at a later point it will be necessary for them to submit a new application.

### **Application #12/010 – Request of Arthur B. Keller, Jr. for subdivision of a 4.518-acre building lot from an existing 9.08-acre parcel located on the south side of Consaul Rd (tax parcel #211.-1-68) in the A/R District of the town of Galway (Initial review/SEQR Review/Classification)**

Surveyor, Dave Bogardus, was present to represent Mr. Keller in this matter. Reported entire lot is 9.08 acres. Applicant wants to create a 4.6 acre lot. Chair – Commented that the subdivision map does not show the 9.08 acre lot in its entirety as is customary. Because two potential building lots are being created in this instance, the remaining property, with its dimensions, should be included on the survey map. This is consistent with past practice of the Planning Board. Also noted is that this property is located within the boundaries of the Consolidated Agricultural District. Map does contain the required agricultural statement. Clerk reported application was recently forwarded to the SCPB Board for review/comment. Board then conducted SEQR review.

**Motion by Rebecca Mitchell** that application #12/010, application of Arthur B. Keller, Jr., will not result in any significant adverse environmental impact and therefore should be granted a negative SEQR declaration. **Second by Mary Lynn Kopper**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes. Motion carried. GRANTED A NEGATIVE SEQR DECLARATION.

**Motion by Win McIntyre** to classify application #12/010, a 2-lot minor subdivision and schedule for public hearing next month subject to submission of revised survey/subdivision maps showing the 9-acre lot in its entirety. **Seconded by Mary Lynn Kopper**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes. Motion carried. CLASSIFIED A 2-LOT MINOR SUBDIVISION. Public hearing to be scheduled for September 25, 2012.

**Application #12/011 – Application of L. Beth Krueger for a LLA between tax parcel #s 198.11-1-20 and 198.11-1-21 (both Lands of Krueger) located in the Lake District**

(It was noted that Mrs. Krueger reportedly originally filed this application at the end of July. As it was apparently misplaced, the application was added to tonight's agenda.) Mrs. Krueger reported that she would like to combine two lots that she owns because she is planning to add on to her existing house. Board members were in agreement that request appears to conform to all guidelines; saw no problem with the request.

**Motion by Mary Lynn Kopper** to classify application #12/011, request of L. Beth Krueger, as a lot line adjustment/annexation and to waive all further subdivision regulations including SEQR review/classification and public hearing. **Second by Win McIntyre**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes. Motion carried. CLASSIFIED A LOT LINE

ADJUSTMENT/ANNEXATION. Discussion among board members regarding need to have a formal survey map. Acknowledged that while she could have the lots combined via deed, consistent with past policy Mrs. Krueger should submit a formal survey/subdivision map for signing by the Chair, which she would then file in the County Clerk's office. **Motion by Mary Lynn Kopper** to grant final approval to the request of L. Beth Krueger for lot line adjustment/annexation (application #12/011) and approve for filing contingent upon submission of a formal survey map titled "LLA/Annexation ...".

**Second by Rebecca Mitchell**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes. Motion carried.

**PRIVILEGE OF THE FLOOR** – None requested

**OTHER BUSINESS**

Chair reported there is a good chance that next month during Privilege of the Floor, representative from Stewarts may be here to discuss the Dick and Jerry's property on Rte 147. If things go as planned, they may be submitting an application to PB in October. Property is located in the C1 Commercial Zone. There are a few areas where the layout of their stores would not conform to town Zoning Regulations. For example, Regulations state that an accessory building or structure cannot be located in a front yard in the C1 zone. Stewart's shops have canopy covered gas pumps which would be located in front of the store. Also C1 Zoning states parking in the front yard of a lot is prohibited. For them parking in front of the building is critical. Finally the architecture needs to be discussed as "trade mark architecture that identifies a specific company by building design features is prohibited". Stewarts has recently changed their building designs (Chair had a sketch plan for review) which are less recognizable as Stewart's Shops. Representatives will be looking for some feedback as to whether these issues can be worked out before moving forward with their plans to purchase the property. There also may be a need for a setback variance (from the embankment in the rear of the property). This would require application to the ZBA. Initial reaction from PB members was that the board could work within the constraints of the regulations. Some

of these situations already exist (i.e. pumps with canopy in front as well as some parking in the front of the building) so perhaps would be 'grandfathered' in. Also feel the design of the building may be negotiable. Chair will discuss this matter with Marty Pozefsky prior to next month's meeting to see if the PB and/or ZBA has the power to waive regulations and/or grant variances from compliance with the various regulations at issue.

Upon question from Win McIntyre, brief discussion again regarding the distillery on Old Mill Rd. Mike Tillson reported that as long as there is no retail sale at the property the town is powerless. A tasting room is not regulated as long as there is no selling of the product from the site.

**Motion for adjournment by Rebecca Mitchell. Seconded by Win McIntyre. Voice Vote: All ayes. Motion carried. Meeting adjourned at 8:35 p.m.**

Respectfully submitted,

*Carol L. DeLorme*

Carol L. DeLorme, Clerk