



TOWN OF GALWAY
PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

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TOWN OF GALWAY

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **December 19, 2017 - 7:30 p.m.**
Location: Town Hall – 5910 Sacandaga Road, Galway, NY

1. Convene Meeting
2. Roll Call
3. Review of minutes of October 24, 2017 meeting
4. Clerk's Report
5. Chair's Report
6. **Public Hearing:**
7. **Application #PB17-011** - Application of Arthur B. Keller, Jr. and Edward W. Keller for a minor subdivision of property located on the south side of Kania Road (tax parcel no.: 211.-1-67.2) in the A/R District of the Town of Galway.
8. **Public Meeting:**
9. **Application #PB17-011** - Application of Arthur B. Keller, Jr. and Edward W. Keller for a minor subdivision of property located on the south side of Kania Road (tax parcel no.: 211.-1-67.2) in the A/R District of the Town of Galway.
9. Privilege of the floor
10. Other business
11. Adjournment



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JAN 24 2018
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MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: December 19, 2017, 7:35 p.m.

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

MEMBERS PRESENT: Win McIntyre, Rebecca Mitchell and Mikel Shakarjian

MEMBERS ABSENT: MaryLynn Kopper

ALSO PRESENT: Donna Noble, Clerk, and 5 people in the audience.

REVIEW AND APPROVAL OF MINUTES:

All board members previously reviewed the minutes of the October 24, 2017 meeting.

Motion by Win to approve the minutes. **Second by Mikel.** Voice vote: All ayes. Motion carried.

CLERK'S REPORT: 4 maps filed: Subdivision of Lands of Foti; Lot Line Adjustment between lands of Arthur and Mary Pagano and Joan Selleck; Lot Line Adjustment between lands of Adam Auerback and Alan Auerback; and a Lot Line Adjustment between lands of Germaine Curtin and Allen Ray David.

CHAIR'S REPORT: None

PUBLIC MEETING:

Application #PB17-011 - Application of Arthur B. Keller, Jr. and Edward W. Keller for a minor subdivision of property located on the south side of Kania Road (tax parcel no.: 211.-1-67.2) in the A/R District of the Town of Galway: Mr. Keller is creating a 3 acre lot from a previously subdivided lot. Lot was previously subdivided in 2009. The larger parcel will stay as it is. Ruthann notes that the driveway note has been put on the plan for any driveway that is over 500 feet. The building setback line has also been noted on the plan. The lot is currently vacant. The new lot being created meets the required amount of road frontage. It also meets the required lot size. Win notes that application question 13A is answered incorrectly. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency. This questions was answered no. The adjoining parcel does contain wetlands but will not affect the subdivision. No other questions or concerns from the Board.

SEQR Review.

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

Motion by Win to classify as a two lot minor subdivision and schedule a public hearing. **Second by Mikel.** Voice vote: All ayes. Motion carried.

Application - #PB17-002 - Continuation of application of the Galway Co-Op.Com, LLC for site plan review/special use permit on property located at 6049 Fish House Road, (tax parcel no.: 172.-7-57) in the Commercial District in the Town of Galway. Mr. Sutton explains that in September the Board felt that it was appropriate to go forward and try to get variances from the Zoning Board, which has been done. The first issue the Zoning Board examined was what variances were necessary. Although the application was for an interpretation and/or variance, the Zoning Board chose to interpret in person. In reviewing the Zoning Board minutes, the minutes indicate that the Zoning Board is looking to the Planning Board to decide whether what is being proposed by the Galway Co-Op is a lawful use with site plan review and special use for the purpose of determining the acreage that is set forth for that use. For instance, if it is a use that requires two acres they would look at that in terms of a variance; if it is a use that requires ten acres they would look at that. The Zoning Board will need to hear something from the Planning Board before they can go forward and complete their consideration of the variance application. There was formal correspondence sent to Ruthann saying that the Galway Co-Op is withdrawing the proposal to have food distribution from the uses. Mr. Sutton thinks it is fair to note that the comment made by the Chairman with regard to the distribution facility is very direct and to the point. Ruthann states that as she understands the uses being proposed, there is office space which requires a minimum of two acres as per zoning. It appears that the other uses are being "lumped in" as retail business. Ruthann asks Mr. Sutton if she is understanding that correctly. Mr. Sutton states that he does not believe that it's the history of this Board to necessarily chose a cubby hole for each site plan use. It may be but for this particular property there has been additional language that doesn't necessarily fit into any cubby hole. The cubby holes in Appendix 4 are important in his view because Appendix 4 is what provides the acreage requirement for that particular classification of use. They have tried to include everything that the Galway Co-Op wants to do or be successful at when they came back to the Board in July. Mr. Sutton believes that retail business is the most obvious and fitting category. Marty states that it is the role of the Planning Board, under the code, to make a determination of what the uses are and then whether or not they are permitted. He believes that is what the Zoning Board is looking for here so that they can address the lot size. He thinks the Board needs to make that finding. That being said, Marty's understanding of the Zoning Board minutes are, that the uses granted under the uses of the old special use permit of the Dotterweich's, the lot size would be considered grandfathered to those uses. Any other uses are what the Zoning Board would look to the Planning Board for. The code is not clear and is somewhat restrictive as to what category they would fall under. What the Board needs to decide is whether the rendering of off site services disqualifies it as a retail business or not. If the Board decides not, then it would be considered a retail business and go from there. Ruthann says that initially, when looking at lot sizes in the very beginning, it was a general understanding that two acres is what was required and this didn't meet that. She doesn't believe that they ever saw the uses as requiring a five or ten acre site. When the application was sent on to the Zoning Board, it was her thinking that it was a two acre requirement as most of the uses are at two acres. There is discussion of the

uses. Ruthann is not sure that retail business is the right category but it is the closest thing to what is occurring.

Motion by Rebecca to classify the proposed uses into the following categories: Customary Business Accessory Uses; Retail Business with no on sight services other than what is already permitted with special use permits; Farm Stand; and Office Space. **Second by Milel.** Voice vote: All ayes. Motion carried.

Ruthann then mentions a couple of other "housekeeping" items after going to the Zoning Board and coming back to the Planning Board: Zoning board did determine that the stone is an impervious surface and it was indicated that the amount will be reduced. This will need to be shown on the site plan. Mr. Sutton states "we have not made a final decision on that". He believes that the appropriate way to describe what they are going for at that time was that it did need a variance because it was viewed as impervious and they will know exactly what they will be doing in the next few weeks. Mr. Casadei explains that he hired an engineer for the Town for the specific purpose to determine whether or not the crushed stone is pervious or impervious. He went to the site while it was raining and decided that, and stated the last time he was here, and confirmed that the stone is in fact pervious. Mr. Casadei then states that the problem is that the ZBA is ignoring its own engineer's report and his engineer's report. It is the Planning Boards understanding that the town's engineer considers the stone to be impervious. Ruthann says it is something that will have to look into; the Board will still need to see the DOT curb cut permit; the ADA compliance with spot grades: the Board had requested spot grades to show handicapped accessibility - Ruthann had thought that the ZBA was going to make a determination on whether the building had been modified to the point where that was going to be a requirement. Mr. Sutton explains that that may have been an early discussion. The last time they were here and the request that he prepared for the Zoning Board that was shared with counsel and the Planning Board did not have that and it came from his understanding that the material provided to the engineer was sufficient. Ruthann says that she will also double check on that; discussion of a set back variance for the deck. Ruthann again states that she will check with the town Engineer regarding the impervious surface and what was determined with the ADA compliance.

PRIVILEGE OF THE FLOOR: None.

OTHER BUSINESS: None.

Motion by Rebecca to adjourn. **Second by Win.** Voice vote: All ayes. Motion carried.
Meeting adjourned at 8:24 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk