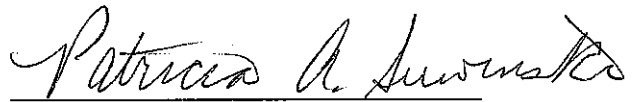


State of New York,
City and County of Schenectady

ss.:

Patricia A. Suwinski of the City of Schenectady, 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 January 21, 2020


Sworn to me on this 18th day of February, 2020

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, January 22,
2020 beginning at 7:30
p.m. in the Town Hall,
5910 Sacandaga Road,
Galway, New York, to
consider the following
application:
Application #PB19-005
Application of Galway
Co-Op for a Site Plan
Review/Special Use Per-
mit 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 #PB19-009
Application of Roger and
Donna Malebranche for
a minor/major subdivi-
sion on property located
at 1381 Point Road (tax
parcel no.: 198-2-1) in
the Lake District of the
Town of Galway.
Donna M. Noble
Clerk
1/21 2398824

NOTARY PUBLIC



PAULA A. OPEL
COMMISSIONER OF DEEDS
MY COMMISSION EXPIRES

07/22/2021



TOWN OF GALWAY
PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

RECEIVED

JAN 14 2020

TOWN OF GALWAY

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **January 28, 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 **December 17, 2019** meeting
4. Clerk's Report
5. Chair's Report
6. Public Hearing:
 - 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 #PB19-009** - Application of Roger and Donna Malebranche for a minor/major subdivision on property located at 1381 Point Road (tax parcel no.: 198.-2-1) in the Lake District of the Town of Galway.
7. Public Meeting:
 - 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 #PB19-009** - Application of Roger and Donna Malebranche for a minor/major subdivision on property located at 1381 Point Road (tax parcel no.: 198.-2-1) in the Lake 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 #PB19-013** - Application of Lakeview Lodge LLC, Linia Kilgallen, for a Minor/Major subdivision on property located on Lake Road (tax parcel no.: 198.-1-33.12) in the Lake District of the Town of Galway.
 - Application #PB20-001** - Application of Eric Becker for a Minor/Major subdivision of property located at 5940 Crooked Street (tax parcel no.: 172.-1-44.1) in the Lake District of the Town of Galway.
8. Privilege of the floor
9. Other business
10. Adjournment



TOWN OF GALWAY
PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: January 28, 2020, 7:30 p.m.

MEETING CALLED TO ORDER at 7:35 p.m. by Chair, Ruthann Daino.

MEMBERS PRESENT: Rebecca Mitchell and Win McIntyre

MEMBERS ABSENT: MaryLynn Kopper and Mikel

ALSO PRESENT: Donna Noble, Clerk, James Trainor, Esq., Treavor Gilday, Building Inspector/Code Enforcement Officer, and approximately nineteen (19) people in the audience.

REVIEW AND APPROVAL OF MINUTES: All board members previously reviewed the minutes of the December 17, 2019 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: Survey Map showing boundary survey of Barkersville Trails Conservation easement prepared for Saratoga P.L.A.N., Inc.

CHAIR'S REPORT: None

PUBLIC HEARING:

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. There are no comments or concerns from the audience. The public hearing will not be closed because the Saratoga County Planning Board and the Saratoga County DPW have requested revisions with the plan which may necessitate another review by them and another public hearing by us.

Application #PB19-009 - Application of Roger and Donna Malebranche for a minor/major subdivision on property located at 1381 Point Road (tax parcel no.: 198.-2-1) in the Lake District of the Town of Galway. Mr. Tom Hughes, 26 Crawford Drive, Charlton. His wife is the owner of a parcel that was originally part of the Rostin Subdivision. Concerns raised by Mr. Hughes: the 12 foot right of way - he assumes that it is a public right of way. The developer states that he is willing to create a 10 foot wide easement for ingress, egress, utilities and improvements to the existing 12 foot right of way. The easement does not give permission for any people along the right of way who will be burdened and impacted by the creation of the three parcels. He also shows a

subdivision map that was recorded in 1914. There was an actual easement that runs parallel to the road and runs into the 12 foot right of way. That easement was conveyed for the use of all of the said parcels. His wife's and many others deeds, refers to that easement but, the Malabranche's deed, which property was not included in the original subdivision, does not refer to the use of the 12 foot right of way and there is record of him being allowed to use the right of way. There is also no record of the Town of Galway being the grantee of said easement and Mr. Hughes does not know how this became a public road (if that is the assumption). Ruthann states that the only public road is Point Road. Mr. Hughes would like to know how then, if Mr. Malebranche's property does not have access to the right of way, how can it be used to create new parcels? Mr. Hughes reads for the record: "together with the right to second parties, their heirs and assigns to pass and re-pass with vehicles or otherwise over and along said twelve foot right of way in common with others". Ruthann tells Mr. Hughes that the board will address his concerns with Mr. Malebranche's surveyor and the town's attorney during the public meeting.

Mr. Lou Burhmaster, on behalf of the Galway Lake Camper's Association wants it to be known that the Lake Association has worked with the Malebranches and that they fully endorse this subdivision.

Motion by Rebecca to close public hearing. **Second by Win.** Voice vote: All ayes. Motion carried. Public hearing closed at 7:45.

PUBLIC MEETING:

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 speaks on behalf of the Galway Co-Op. He has received the recommendations from the County Planning Board and DPW. He recites what he understands the situation is. With the County Planning Board, they recommend that they close the southern curb cut on Fish House Road because of their concern that there is too much traffic in that area. Mr. Sutton has sent a proposal to the county that they would limit the turn onto Fish House road to right turn only. They believe that this should eliminate most of the concern that the County has. Ruthann explains to Mr. Sutton that the County has said that any revised site plan will still need to be referred to the County. Their next meeting is February 20th with a deadline to submit paperwork by February 12th. Mr. Sutton will have the plan here at the town hall by February 10th and they will be delivered to the County Planning Board by February 12th. Regarding Department of Transportation: going forward, Mr. Sutton will be the main contact person with DOT's engineer. Ruthann states that the updated plan should also have the variance notes; changes, what the variances were granted for and the size of the structures that the variances were granted for. This application will be re-noticed for the February meeting.

Application #PB19-009 - Application of Roger and Donna Malebranche for a minor/major subdivision on property located at 1381 Point Road (tax parcel no.: 198.-2-1) in the Lake District of the Town of Galway. Mr. and Mrs. Hughes have left the meeting. Mr. Rabideau did research on the right of way. He refers to the same map that Mr. Hughes presented. The subdivision was prepared in 1914. A parcel of this property was previously sold (1910) and when the subdivision was created in 1914. The previous

owner, Henry Rostin left the right of way so that he could use it. He created lots 1-22. All the lots were accessed by Point Road. The deeds say "along the right of way or highway". Mr. Rabideau says that it seemed that Mr. Hughes was under the impression that nobody else could use the right of way. The intent is to improve the right of way so that others can use it. Mr. Trainor explains that, as in another case, the municipality takes no position on the access points. The town can grant the subdivision and take no position on who has what rights to the right of way. This does not appear to be a public road. If anything, this is a private right of way. The question is who has rights to access it and that is not something that the town can resolve. The fire department requests two things: the road clearing width from 20' to 24', and a widening at the 2nd parcel (labeled #3 on the map) where the driveway comes off.

Conditions to approve the 2-lot minor subdivision:

- shared driveway/maintenance agreement be filed;
- fire department requested changes are made (change the road clearing width from 20' to 24', and a widening at the 2nd parcel (labeled #3 on the map) where the driveway comes off); and
- the town does not take a position on the 12 foot right of way but the 10 foot easement will be accessible to all adjacent parcels.

Motion by Win to approve the 2-lot minor subdivision with the above conditions. **Second by Rebecca.** 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. Applicant is not in attendance as there is nothing new to report.

Application #PB19-013 - Application of Lakeview Lodge LLC, Linia Kilgallen, for a Minor/Major subdivision on property located on Lake Road (tax parcel no.: 198.-1-33.12) in the Lake District of the Town of Galway. Mr. Carpenter is in attendance and has brought the signature page to the application. There are no questions or concerns from the board.

Motion by Rebecca to waive the minor subdivision requirements, public hearing and approve the lot line adjustment. **Second by Win.** Voice vote: All ayes. Motion carried.

Application #PB20-001 - Application of Eric Becker for a Minor/Major subdivision of property located at 5940 Crooked Street (tax parcel no.: 172.-1-44.1) in the Lake District of the Town of Galway. Mr. Bogardus speaks on behalf of Mr. Becker. Mr. Becker would like to divide one parcel into 2 lots. Lot one will be 4.26 acres with the existing house. Lot two will be the remainder 16.59 acres where Mr. Becker will build a new home. This is confusing as there are two chains of title and will need to merge 4 deeds to make 2 lots. There are three owners. All have signed the application. There are 2 lots now and there will be 2 lots when completed. There is only one tax parcel number but is deeded in 2 separate deeds. There is discussion of a possible lot line adjustment. In either event, the parcels will need to be merged. This application will go forward as a subdivision.

SEQR REVIEW

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

Motion by Win to classify as a 2-lot minor subdivision and set for public hearing. **Second by Rebecca.** Voice vote: All ayes. Motion carried.

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 8:32 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk