

State of New York,
City and County of Schenectady

ss.:

**TOWN OF GALWAY
Planning Board**
PLEASE TAKE NOTICE:
The town of Galway Planning Board will hold a public meeting on July 12, 2011 at 6:30 pm in the town hall, 5910 Sacandaga Rd. for the purpose of ruling on Applications #11/004 and 11/005, requests of Michael W. Van Wart for a series of lot line adjustments/annexations. As this is a public meeting it is open to members of the public.
Clerk
Carol L. DeTorme
7-7 3673
Notice of Ex...

Amy Hills 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 July 7, 2011

Amy Hills

Sworn to me on this 8th day of July 2011

NOTARY PUBLIC

LISA J. BALDWIN

COMMISSION OF DEEDS

MY COMMISSION EXPIRES

8-18-2012

Lisa Baldwin



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

MINUTES OF SPECIAL MEETING OF THE PLANNING BOARD

Date/Time of Meeting: July 12, 2011 – 6:30 p.m.

MEETING CALLED TO ORDER at 6:30 p.m. by Chair, Ruthann Daino.

MEMBERS PRESENT: Ruthann Daino, Mary Lynn Kopper, Rebecca Mitchell and Win McIntyre

MEMBERS ABSENT: None – currently one vacancy on the board

ALSO PRESENT: Carol DeLorme, Clerk; Board Counsel, Martin Pozefsky. In the audience: the applicants only.

REVIEW AND APPROVAL OF MINUTES

All board members previously reviewed the minutes of the June 28, 2011 meeting. **Motion by Mary Lynn Kopper** to approve the minutes as presented. **Second by Win McIntyre.** Voice vote: All ayes. Motion carried. Minutes accepted without correction.

PUBLIC HEARING – None scheduled

PUBLIC MEETING

Legal Notice announcing tonight's meeting was published in the *Daily Gazette* one time, on July 7, 2011.

Applications 11/004 & 11/005 – Request of Michael W. Van Wart for a series of lot line adjustments/annexations between: Lands of Van Wart - Tax parcel #s 174.-1-99 and 174.-1-83.1; Lands of Retajczyk - #174.-1-88; Lands of Mattingly - #174.-1-10.22; and, Lands of Keehan - #174.-1-11

Mr. Van Wart was present, as were Mr. and Mrs. Retajczyk, Mr. and Mrs. Mattingly and Mr. and Mrs. Keehan. Chair asked board members to take a few minutes to review the two maps presented by Mr. Van Wart. Chair explained that per Mr. Van Wart, the map showing property transfers between Van Wart, Retajczyk, Mattingly and Keehan should be considered "Map 1" and the map showing property transfers between two parcels owned by Van Wart should be considered "Map 2".

Chair recommended that the first order of business be to dismiss Mr. Van Wart's application for subdivision (#11/005) as all of the land conveyances are being

accomplished through a series of lot line adjustments/annexations; therefore there is no need for subdivision. **Motion by Win McIntyre** to dismiss the application for subdivision (#11/005) submitted by Michael Van Wart. **Second by Mary Lynn Kopper.** Roll call vote: Ruthann Daino, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes; Win McIntyre, yes. Motion carried. Application #11/005 dismissed.

Chair explained to Mr. Van Wart that the title box on both survey/subdivision maps must state, "Lot Line Adjustment and Annexation".

Martin Pozefsky reported on his conversation with Mike Valentine (Sr. Planner at the Saratoga County Planning Board) regarding need for county review. It is Mr. Valentine's position that NYS Town Law says if the matter is required to be reviewed by the county board then the local planning board can take no action until the county planning board does (assuming that a review by them is required; it would be required if it were a subdivision). However, if the town planning board in classifying the application a lot line adjustment/annexation, waived all further subdivision regulations then the county planning board does not need to review it (because it is a lot line adjustment). Mr. Pozefsky then asked Mr. Valentine to put something in writing to that effect. Mr. Valentine did that, and Mr. Pozefsky presented copies (one for each applicant and one for file) of that letter from Mr. Valentine. However, since this application has been referred to the county (at the request of the applicant) then the town planning board cannot act on it until the county planning board has acted; they are bound to wait until action by the county (which won't be until their meeting on July 21st). It was Mr. Valentine's suggestion that if all parties agree that the referral was not necessary, Mr. Van Wart should ask to have the referral withdrawn so the town planning board can take action on the application. All parties agreed and Mr. Van Wart indicated his desire to have the referral withdrawn.

Mr. Pozefsky also presented copies of the proposed driveway easement/maintenance agreement being drawn up by attorney Kevin Dailey (one given to each party involved and one for file). Mr. Pozefsky stated he was generally content with the language with one exception. Some towns include wording that allows the town (but doesn't require the town) to enforce maintenance of the [driveway], and Mr. Pozefsky feels it is good to include that language. In that way, should everyone default on maintenance of the [driveway] the town would have the right to go in there and do whatever has to be done and can then charge back those costs to the land owners. It doesn't make the town responsible for the [driveway]; only gives them the power to take action should a public safety issue arise, for example.

Chair asked Mr. Van Wart to review/explain the two survey/subdivision maps. Chair asked Mr. Van Wart why the existing driveway on land which will be annexed to the Keehan property is merely being disconnected and not being removed. Mr. Van Wart responded that it would result in considerable additional cost. Mr. Keehan has reportedly expressed a desire to leave the driveway for use "as he sees fit" in the future. The driveway will be disconnected on both ends, however, so that neither party will have access to the other's land.

With regard to the two Van Wart lot line adjustments, the driveway from his existing house will now be out to NYS Rte 29 (no longer Jockey St). Board members had

questions regarding the location of the driveway (not currently shown on the map). Consensus was that the location should be included. Mr. Van Wart agreed to this as long as it could be an approximate location.

Motion by Win McIntyre to grant final approval and approve for filing, application #11/004, request of Michael Van Wart for lot line adjustments/annexations between: tax parcel #174.-1-99 and #174.-1-83.1 (both Lands of Michael W. Van Wart & Diane Van Wart; between tax parcel #174.-1-99 (Lands of Van Wart) and #174.-1-88 (Lands of Retajczyk); between tax parcel #174.-1-99 (Lands of Van Wart) and #174.-1-10.22 (Lands of Mattingly); and, between tax parcel #174.-1-99 (Lands of Van Wart) and #174.-1-11 (Lands of Keehan), with the following stipulations: 1) The Title Box on both survey/subdivision maps will be changed to contain the words "Lot Line Adjustment and Annexation"; 2) for clarification purposes, survey/subdivision maps will be numbered "1 of 2" and "2 of 2"; 3) wording of the proposed driveway maintenance agreement (as referred to in Map Note #4 on Map #1) has been reviewed and approved by the planning board contingent upon it containing changes recommended by planning board counsel; and, 4) Map 2 (between Van Wart parcels) will be amended to show approximate location of driveway out to NYS Rte 29 for Lot #4. **Second by Rebecca Mitchell.** Roll call vote: Ruthann Daino, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes; Win McIntyre, yes. Motion carried. GRANTED LOT LINE ADJUSTMENTS/ANNEXATIONS.

Chair queried the board members as to whether or not they would like to review the maps again after the requested changes have been made before she signs them. Board members responded that it was not necessary; Chair can go ahead and sign the maps following her review for accuracy. Chair also clarified for Mr. Van Wart that one (1) Mylar and two (2) paper copies of each map need to be submitted for signature. Applicant will then have 62 days in which to file the maps in the County Clerk's Office.

ADJOURNMENT - Motion for adjournment by Mary Lynn Kopper. **Second** by Rebecca Mitchell. Voice Vote: All ayes. Motion carried. Meeting adjourned at 7:25 p.m.

Respectfully submitted,

Carol L. DeLorme

Carol L. DeLorme, Clerk