

TOWN OF GALWAY

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **July 24, 2012 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of June 19, 2012 meeting
4. Clerk's Report
5. Chair's Report

6. Public Hearing
 - 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
 - Application #12/009 – Request of John B. Sanders and Dorothy Zweighaft executors of the Estate of Fred Sanders for lot line adjustment/annexation of approx. 19.5 acres from lands of Fred Sanders (tax parcel #212.-1-29.11) to lands of Kevin Rathgeber and Jeanette Donlon (tax parcel #212,-1-29.12)

8. Privilege of the floor
9. Other business
10. Adjournment



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: July 24, 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 approximately 11 people (including the applicants)

REVIEW AND APPROVAL OF MINUTES

All board members previously reviewed the minutes of the June 19, 2012 meeting. **Motion by Mary Lynn Kopper** to approve the minutes as submitted. **Second by Rebecca Mitchell.** Voice vote: All ayes. **Motion carried.** Minutes approved without correction.

CLERK'S REPORT

- Transmittal received from Saratoga County Clerk's Office: 1 map was filed during month of June 2012 – Subdivision/LLA for Lands Peter J. and Christina A. Guidarelli (filed 6/07/12)
- Notice from Assoc. of Towns, NY Conference of Mayors and NY Planning Federation re: 2012 Planning/Zoning summer schools (clerk noted that board members received copies with their packets)
- Publication "Rural Futures" received – Available to anyone who wishes to review it

CHAIR'S REPORT

Received another call from Judy Kenyon stating she believes she may be getting a FEMA home in the spring so will probably want to pursue the subdivision again. Chair reiterated that she will first need to reach an agreement with the owner of the private drive (as the property has recently changed hands) to see if they will include her name on the deed. If she can secure that, then she will need to submit a new application as the previous one was dismissed [Clerk noted without prejudice so she can reapply].

PUBLIC HEARING – Opened at 7:38 pm – Clerk read the legal notice as it appeared in the *Daily Gazette* on 7/16/12.

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

Santo Ruzzo, realtor, and Amy Hallenbeck, attorney for the applicants, were present to represent the applicants. Mr. and Mrs. Joseph Paterek (neighbors and brother of the applicants) had questions regarding what was being proposed. Chair explained the remaining 57 acres will remain intact and there are no reported plans for that acreage at this time. Ralph Marcusso (1284 W. Galway Rd) also asked questions

about the remaining acreage. Mr. Ruzzo also confirmed that there are no plans for further subdivision at this time. Sharon Warner (identified her as the potential buyer of this 3-acre parcel and house) raised questions/concerns regarding the septic system (located on the right side of the property). She reports that the present septic system has failed and will need to be replaced. Her concern is that there may not be enough room for a new leach field unless a few additional feet [on the west side] are conveyed with the parcel. Her stated concerns were the fact that the garage is also located on the right side of the property and the natural slope of the land would prohibit putting the system in the front of the property. She asked that the board "table the application" until such time as an engineering study can be conducted to see if there is adequate room for a new leach field under the current proposal. Chair informed Ms. Warner that she did not believe anyone other than the applicant or the PB could request that an application be tabled, but the board would take her concerns under advisement. Bob Bryant (town resident) spoke in behalf of Ms. Warner. Chair offered that an option is, after purchasing the property it was determined that additional room for the septic system was needed, the boundary line could be changed through a lot line adjustment. Ms. Hallenbeck raised the question of whether or not this would be a concern if there was not already a house existing on the property. If the board was looking at this as a new subdivision without an existing house, would they be requiring proof that a septic system could fit on a 3-acre parcel? It was Mr. Ruzzo's contention also that 3 acres would appear to be adequate room to have a system installed. Following discussion between the applicants' representatives, the board, and Mike Tillson (speaking as a representative of the code enforcement office not as board liaison), Chair explained that while the matter of a septic system location may not normally come under review by the PB when a newly created lot is vacant, in this case there is already a house and a garage on the property thereby impacting the location of a septic system. Also the contour of the property is somewhat prohibitive. Further since the issue of the system failing inspection was brought to the attention of the town/board, the board needs to take that under advisement. It was board consensus to table the application pending engineer review as to whether or not there is adequate room for a septic system under the current proposal or if the lot line needs to be adjusted. **Motion by Win McIntyre** to table application #12/008 pending receipt of an engineer's report regarding the septic system and how it may effect the proposed lot line, and to leave the public hearing open. **Seconded by Mary Lynn Kopper**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes. APPLICATION TABLED. Mr. Ruzzo agreed to forward a copy of the engineer's report and application to our town engineer (Jim Mitchell – address supplied) for his review/comment, as well as a copy of the engineer's report only to our board attorney, Martin Pozefsky (address provided). Two (2) copies of the report only should be mailed to the Chair c/o the town hall. Application will be continued next month if engineering report has been received.

PUBLIC MEETING

Application #12/008 ... Request of Theodore, Jr. and Barbara Paterek for a 2-lot minor subdivision ...
Chair asked for any further discussion on this application under public meeting. No comments/questions.

Application #12/009 – Request of John B. Sanders and Dorothy Zweighaft executors of the Estate of Fred Sanders for lot line adjustment/annexation of approx. 19.5 acres from Lands of Fred Sanders (tax parcel #212.-1-29.11) to Lands of Kevin Rathgeber and Jeanette Donlon (tax parcel #212.-1-29.12) J. Bruce Sanders was present, as was surveyor, Art Carpenter. Proposal is to add 19.5 acres from the Sanders property to the rear of the 6.91-acre Rathgeber/Donlon parcel. Noted that Title Box should be amended to read "Lot Line Adjustment/Annexation ..." if that is the intent. Mr. Carpenter confirmed that it is intended to be one parcel; they do not wish to create a new building lot. There are no structures or

driveways on the Rathgeber-Donlon property at this time. Chair noted that the lot will now have the potential for a driveway in excess of 500' in length. Therefore, the standard driveway note should be included. Upon question from board members, Clerk noted the application has been forwarded to SCPB for review as it is located on a state highway but no comment has been received to date. However, Mike Valentine from SCPB did call last week for some additional information about the proposal and indicated at that time that they probably would not have any negative comments. Chair entertained motions regarding this application. **Motion by Mary Lynn Kopper** to classify application #12/009, as a lot line adjustment/annexation and to waive all further subdivision fees and regulations including SEQR review and public hearing. **Seconded 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. **Motion by Rebecca Mitchell** to grant final approval to application #12/009, the application of J. Bruce Sanders and Dorothy Zweighaft, co-executors of the Estate of Fred S. Sanders for a Lot Line Adjustment/Annexation conveying 19.53 acres from the Lands of Fred S. Sanders (tax parcel #212.-1-29.11) to the Lands of Kevin Rathgeber and Jeannette Donlon (tax parcel #212.-1-29.12 and approve for filing contingent upon revision of the survey/subdivision map Title Box to read "Lot Line Adjustment/Annexation of ..." and the addition of the standard driveway note regarding driveways in excess of 500' in length. **Seconded by Mary Lynn Kopper.** No further questions/comments. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes. Motion carried. GRANTED A LOT LINE ADJUSTMENT/ANNEXATION with contingencies.

PRIVILEGE OF THE FLOOR – None requested

OTHER BUSINESS

Mary Lynn Kopper – Presented questions/concerns regarding recent article in the *Daily Gazette* regarding a new corn whiskey distillery business being operated on property located on Old Mill Road. According to the article, by the Christmas season they hoped to be retailing their product from a tasting room on the premises. Mary Lynn's concern was that this has never come before the PB. Mike Tillson reported that they did have Marty Pozefsky investigate this and discovered that because of a "quirk" in the state Liquor Law they were powerless to do anything about it [the distillery]. As long as he has the required permits from the Liquor Board he can have the distillery. Other members also questioned why, that aside, the retail sales is not considered a home occupation? If people are going to be coming and going to the property to make purchases, doesn't this constitute a home occupation? While the actual distillery may not be considered a home occupation, the selling portion should be. Mary Lynn stated that this was her thought as well. Mike Tillson indicated he would pursue that through Marty again.

Mary Lynn also read a letter she received from, presumably, a lake resident regarding a new residence on Hart Rd B. Resident was questioning whether or not proper permits had been secured. She will pass this on to Mike Tillson for review and possible action.

Ruthann had some questions for Mike regarding the number of horses permitted per acre in the town and a sign advertising a new 'stable' on Lake Rd. Mike Tillson indicated he would investigate this as well.

Motion for adjournment by Win McIntyre. Seconded by Rebecca Mitchell. Voice Vote: All ayes. Motion carried. Meeting adjourned at 8:38 p.m.

Respectfully submitted,
Carol L. DeLorme
Carol L. DeLorme, Clerk