



TOWN OF GALWAY
PLANNING BOARD
SARATOGA COUNTY, NY
RECEIVED ESTABLISHED 1792

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

JUL 17 2018

TOWN OF GALWAY

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **July 24, 2018 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of the June 27, 2018 meeting (held on July 2, 21018)
4. Clerk's Report
5. Chair's Report
6. Public Hearing:
 - Application #PB18-003** - Application of Primax Properties, LLC for a minor subdivision on property located at the corner of Routes 29 and 147 (tax parcel no.: 172.00-2-15.1) in the Commercial C-1 District of the Town of Galway.
 - Application #PB18-004** - Application of Primax Properties, LLC for a Site Plan Review/Special Use Permit to build a Dollar General retail store on property located at the corner of Routes 29 and 147 (tax parcel no.: 172.00-2-15.1) in the Commercial C-1 District of the Town of Galway.
7. Public Meeting:
 - Application #PB18-003** - Application of Primax Properties, LLC for a minor subdivision on property located at the corner of Routes 29 and 147 (tax parcel no.: 172.00-2-15.1) in the Commercial C-1 District of the Town of Galway.
 - Application #PB18-004** - Application of Primax Properties, LLC for a Site Plan Review/Special Use Permit to build a Dollar General retail store on property located at the corner of Routes 29 and 147 (tax parcel no.: 172.00-2-15.1) in the Commercial C-1 District of the Town of Galway.
 - Application #PB18-005** - Un-table application of Jess and Linda Czubernat for a lot line adjustment on properties located at 1939 Route 29 and 1909 Route 29 (tax parcel nos.: 173-1-103 and 173-1-82) in the A/R District of the Town of Galway.
8. Privilege of the floor
9. Other business
10. Adjournment



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AUG 29 2018

TOWN OF GALWAY

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: July 24, 2018, 7:30 p.m.

MEETING CALLED TO ORDER at 7:38 p.m. by Chair, Ruthann Daino.

MEMBERS PRESENT: MaryLynn Kopper, Mikel Shakarjian and Rebecca Mitchell.

MEMBERS ABSENT: Win McIntyre.

ALSO PRESENT: Donna Noble, Clerk, and twenty four (24) people in the audience.

REVIEW AND APPROVAL OF MINUTES:

All board members previously reviewed the minutes of the June, 2018 meeting. Two corrections needed. **Motion by MaryLynn** to approve the minutes with corrections. **Second by Rebecca.** Voice vote: one (1) abstain (Mikel) and three (3) ayes. Motion carried.

CLERK'S REPORT: None.

CHAIR'S REPORT: Correspondence with Saratoga County Planning Board and Michael McNamara, Town Engineer; to be discussed further, later in the meeting.

PUBLIC HEARING:

Application #PB18-003 - Application of Primax Properties, LLC for a minor subdivision on property located at the corner of Routes 29 and 147 (tax parcel no.: 172.00-2-15.1) in the Commercial C-1 District of the Town of Galway. There are no comments, concerns or questions regarding this application.

Application #PB18-004 - Application of Primax Properties, LLC for a Site Plan Review/Special Use Permit to build a Dollar General retail store on property located at the corner of Routes 29 and 147 (tax parcel no.: 172.00-2-15.1) in the Commercial C-1 District of the Town of Galway. There are questions and comments: Susan Sutch, Greens Corners Road, would like more information about the project and the elevations. Nicole Clark, Consol Road - would like to know how this applications ties in with SEQR review. She saw a copy of minutes that said there would be a SEQR review but they were a couple months old and has it been done. Ruthann explains that SEQR review was done at last month's meeting. Tina Gamache, resident of the Town of Duanesburg supports Dollar General as one was built in her town about 3-4 years ago. It is convenient and can get just about everything she needs there. It has been extremely beneficial to her town. Jim Rodgers, a former resident of Galway Lake and now resides

on Route 67, feels that Galway has turned into a ghost town and although he has never been a big Dollar General person, he feels it would be convenient. They have a wide variety of things and great prices. Cheryl Kappon, Lake Road, supports a Dollar General in this town and feels it is a win/win situation. Timothy Bibens, Route 29 (Whalen's Horseradish) is concerned about the speed limit and safety of all the people in the community and that travel through this community. It is very difficult to operate a business with 55 mile per hour traffic zooming by. Mr. Bibens has had traffic studies done by the State in trying to do something about the 55 MPH speed limit. He was told yes, everybody speeds, there is nothing they are going to do to correct the problem but will recommend the State barracks in the area to patrol the area. Since the study, there has been no patrolling. The town Planning Board, Mr. Bibens believes, has authority over the C-1 Commercial Zone in this region and he would like to know what the Planning Board can do nothing, in general, to put pressure on the powers and authorities that have responsibility for the speed limit on Route 29 that can reduce the speed limit in the current zone so that we can have more thriving businesses. Mr. Bibens would like his concerns on record and would like to know if somebody can present him any information relative to getting the speed limit reduced on Route 29. Ruthann explains that it is her understanding that there is nothing the Planning Board can do about the speed limit on Route 29. She believed that it would up to the Town Board to make a request to the State for anything changes on any speed limits in the Town, including their own Town roads. As a board, they cannot control the speed limits. Mr. Bibens asks if the Planning Board can be asked to make preservation to the Town Board on behalf of the community to look to effect change in this regard to have a favorable, more vibrant commercial zone. Ruthann looks to Mr. Pozefsky, Town Attorney. Mr. Pozefsky states that he re-visited the Town ordinances. Certainly, residents can go to the Town Board and express their concerns but this Board has no jurisdiction. Ruthann tells Mr. Bibens that his recourse would be to address this matter with the Town Board. Mr. Bibens states that the Town Board refuses to address the matter. He feels that the Planning Board has some authority over what goes on in the C-1 zone and should recognize this situation and be more proactive. Ruthann says that the board will take his comments under consideration. Mr. Bibens would like his comments put in the minutes.

Motion by Rebecca to close the public hearing. **Second by MaryLynn.** Voice Vote: All ayes, Motion carried.

PUBLIC MEETING:

Application #PB18-005 - Un-table application of Jess and Linda Czubernat for lot line adjustment on properties located at 1939 Route 29 (tax parcel no.: 173.-1-103) and 1909 Route 29 (tax parcel no.:173.-1-82) in the A/R District of the Town of Galway: Dave Harper, Esq. is representing Mr. and Mrs. Czubernat and Marjorie Hall. He explains that there is no new information other than what is on the application. Ruthann states that the map needs clarification. Mr. Harper shows the Board the tax map as it makes it much simpler. There are two lines that need to be adjusted. There is a question of where the line is. The Czubernats are giving Ms. Hall parts of their parcel. The larger lot is being squared off. Ruthann states that there is a question about where the property line actually is. Mr. Harper says that they don't think there is a question because the surveyor was asked to look into it. His map conforms exactly as the tax map. There is not a new lot being created and no undersized lot will be created. Mr. Harper asks that this application be considered a lot line adjustment not a sub division. No other property lines will be effected. There are no other comments or concerns from the Board.

Motion by MaryLynn to waive the public hearing and classify this application as a lot line adjustment. **Second by Rebecca.** Voice vote: All ayes. Motion carried.

Motion by MaryLynn to approve the lot line adjustment. **Second by Mikel.** Voice vote: All ayes. Motion carried.

Application #PB18-003 - Application of Primax Properties, LLC for a minor subdivision on property located at the corner of NYS Routes 29 and 147 (tax parcel no.: 172.00-2-15.1) in the Commercial C-1 District of the Town of Galway.

Application #PB-18-004 - Application of Primax Properties, LLC for a Site Plan Review/Special Use Permit on property located on the Corner of NYS Route 29 & NYS Route 147 (tax parcel no.: 172.00-2-15.1) in the Commercial, C-1 District of the Town of Galway. Ruthann has received correspondence from the Saratoga County Planning Board and Mr. McNamara, Town Engineer, regarding this application. Ruthann will address both letters. Mr. Boyea, Bohler Engineering, presents the proposal. Since the last meeting, they have submitted a full engineer plan to Mr. McNamara and have received comments back. In general the comments were easy to understand, they don't object to any of them and they all seems to make sense. There were a couple of larger items that they wanted to make sure they addressed prior to tonight's meeting. One larger item was to make sure to provide documents from NYS DOT. Yes, they are aware of this project, yes they have reviewed the access location and configuration and yes, they are on board with the entrance and access location. They did provide additional information. The building design has been upgraded and submitted. No comments from the Engineer on the building design however, the County did make a note on what the view might look like from NYS Route 147. They want to make sure that the view from NYS Route 147 is adequate and that it is talked about. There is discussion about the landscape and the back of the building. The last item to discuss are the Town Engineer comments. Mr. Boyea states that they can be gone through them page by page or comment by comment but, in general, all of his responses are going to be that they make sense and will address it. Ruthann reads the letter from the Saratoga Planning Board (letter in file). A concern Ruthann has with the landscaping on the east side is the arborvitae; the way they are shown in the elevation is not really what they look like. There are 5 of them spaced 15-18 feet apart. normally they grow 3-4 feet wide so, at that spacing (15-18 feet), they will not have much impact on the east side of the building. It might also be helpful to have other levels of landscaping other than the tall arborvitae. Ruthann has a couple of questions before going to the engineering review. 1. What is the actual parcel size? 21.5 acres. 2. What will happen in the future with the building if Dollar General closes. Mr. Neil addresses the questions as this: Dollar General has 13,000 stores nationwide. His company has built 80 or so in the State of NY. They have not closed one store. They do a fifteen year lease with options and do not go in anticipating that the store will close. If that were to happen, they would look for another user for the business. 3. It is the Planning Board's understanding that once Dollar General is on site, they are responsible for the maintenance of that site. Is that correct? The lease does require them to maintain the premises however, Primax owns the property so ultimately, the responsibility falls to them as the owners. 4. As previously brought up, the possibility, as a condition of approval to allow a certain area to be used to connect to future development to the west as there is over 900 feet of frontage left on the property and to minimize having additional driveways every 200 or 300 feet as sort of an internal connector road? Bohler

has looked at that and believes that this is more to involve DOT at a future and later date. Access management is something that DOT does look at when they are reviewing and approving projects. In this particular case, as stated before, they would love to have two curb cuts, but they (DOT) are trying to limit the amount of curb cuts. Ruthann's thinking is that it may not be just one user, there may be three different users with three different driveways and it would be as simple as a note that where it to be necessary that an internal connector road could link them all and maybe the entrance is to the left. Mr. Neil addresses this issue: Dollar General is very intentional about having their own dedicated access point and does not want to have shared access. Whatever else happens on Route 29, DOT is going to be very particular about how they review that. Margaret DeFoe, owner of the balance of the land, is present. Her feeling is that is a DOT matter and her answer to a shared driveway is no. She has no idea if or when something else is going to happen on the rest of the parcel. That is something she will have to do with DOT at that time, depending on what the project would be. She has no intention on asking them to connect. Ruthann asks if there are anymore comments or questions before going to the engineering review. Mikel asks if the arborvitae issue has been settled. It is decided that Evergreens will be used in place of the arborvitae. Engineering review: Paragraphs 1, 2, 3, 4, 5, 6 - no response is needed. Paragraph 7 - Ruthann reads Paragraph 7. What is the latest status with NY State DOT? Full plan review has been completed and Bohler is now able to submit the full package for Stage 3 which will then yield a permit. The permit will not be issues until a contract has been signed, a bond has been paid and insurances are applied. They are completely fine with a condition of obtaining a NYS DOT permit. 8 - Ruthann reads Paragraph 8 and asks if they will be continuing to work on this matter. Mr. Boyea states they are done working on this matter and again, are okay with this being a condition as with all of these items to protect the board. That is the purpose of a new pole being placed there, to raise the wires. Paragraph 9 - The applicant is confirming that they have coordinated with the utility company that those pole locations are indeed what they have requested them to show at this time. Paragraph 10 - Ruthann reads Paragraph 10. Mr. Boyea states that this matter is covered with the NYS DOT permit. Paragraph 11 - Ruthann reads Paragraph 11. Paragraph 12 - This will also be worked on with NYS DOT. Paragraph 13 - Dollar General will submit their own sign plan and it will go to the Code Enforcement Officer. Paragraph 14 - This is a typographical error. Paragraph 15 - Ruthann reads Paragraph 15. Mike McNamara explains that all the drainage is pitched towards the west and feels that there is a potential for it to wash out. On the east side they have an area where it is has rip-rap and feels it should be the same on the west side. Paragraph 16 - Ruthann reads Paragraph 16. Bohler is agreeable. Paragraph 17 - Ruthann reads Paragraph 17 - Mr. McNamara says that when making comments as such, he is more pushing them to look at is. It is not a "have to do it" but more of a "have you looked into it". Paragraphs 18-25 - all regarding the septic system. Bohler did not see any issues with any of the comments except the comment about moving where the sewage line enters the building - they are going to keep the system how it has been designed. The reason they are going to the back of the building is because of the rock. Paragraphs 26-29 - regarding the storm water management - Bohler states that the comments all make sense. Paragraph 30 - lighting plan - the lighting plan has been submitted. If needed, they will adjust the lighting to meet code if the lights are too high. Paragraph 32 - regarding the bedrock/subsurface rock and whether any blasting would be necessary. There is NO blasting proposed on this site. If any blasting is necessary on this site, they will definitely be back to the building department to provide notification of any such intent but, again, they have no intention of blasting on this site. Paragraph 33 - where will they be getting fill and how much truck traffic will be generated? There is

plenty of fill available in the area but the question is more how would the trucks impact the traffic. They will most likely use NYS Route 29 because it is a State highway and the entrance is right there. Route 147 is also a State highway, more than capable of handling the traffic but it does go through the Village sector. Ruthann asks the board if they have any other questions. Mikel asks why are they adding more parking then required? The parking is driven by Dollar General as they know what they need. The board discusses whether or not they want the conditions to be met before granting approval OR make the approval contingent on the conditions. Mr. Boyea and Mr. Neil both make pleas to approve the plan contingent on the conditions being met. In doing so, the responsibility would be with Mr. McNamara to confirm that all of the conditions of approval have been met. Mr. McNamara says that is not unusual.

Motion by Rebecca to approve the 2 lot minor subdivision. **Second by MaryLynn.** Voice vote: All ayes. Motion carried.

Motion by MaryLynn to approve the Site Plan Review/Special Use Permit upon all items being addressed in the Engineer, Mike McNamara's letter have been met and that all items have been approved by Mr. McNamara **Second by Rebecca.** Voice vote: All ayes. Motion carried.

Application #PB-17-002 - Continuation of application of 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 of the Town of Galway. Mr. Sutton presents a new site plan with requested changes. As per the discussion tonight of the possibility of conditional approval, they will continue to work on the DOT curb cut. Ruthann asks if the DOT curb cut is the last item the Board is waiting for. Mr. Sutton says that the changes to the plan that were requested by Mr. McNamara, the sign proposal and the curb cut is what they were waiting for. Mr. McNamara and the Board look over the new plan. Ruthann does not see the wording "firm, stable and slip resistant" added to the plan. Ruthann asks if they have applied to DOT - the answer is No. Mr. McNamara will look at the plan to see what is still outstanding. Mr. Sutton and Mr. McNamara will e-mail back and forth.

PRIVILEGE OF THE FLOOR: None.

OTHER BUSINESS: None.

Motion by MaryLynn to adjourn. **Second by Mikel.** Voice vote: All ayes. Motion carried. Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Donna Noble, Clerk