



TOWN OF GALWAY
PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

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JUL 25 2017

TOWN OF GALWAY

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **July 25, 2017 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of June 27, 2017 meeting
4. Clerk's Report
5. Chair's Report
6. **Public Hearing:**
7. **Public Meeting:**
8. **Application - #PB17-002:** 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.
Application - #PB16-003: Application of Owen Germain for a lot line adjustment of properties located at 1943 Hermance Road (tax parcel no.: 173-1-62.112) and 1929 Hermance Road (tax parcel no.: 186-1-13) in the A/R District of the Town of Galway.
Application - #PB16-004: Application of Adam Auerback for a lot line adjustment of properties located at 2515 Old Mill Road (tax parcel no.: 187.00-1-26.1) and 2538 Old Mill Road (tax parcel no.: 187.00-1-25) in the A/R District of the Town of Galway.
9. Privilege of the floor
10. Other business
11. Adjournment



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AUG 23 2017

TOWN OF GALWAY

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: July 25, 2017, 7:30 p.m.

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

MEMBERS PRESENT: Win McIntyre, MaryLynn Kopper, and Rebecca Mitchell Donna Noble, Clerk

MEMBERS ABSENT: Mikel Shakarjian

ALSO PRESENT: Chet Ciembroniewicz, Martin Pozefsky, Esq., Mike McNamara, and 5 people in the audience.

REVIEW AND APPROVAL OF MINUTES:

All board members previously reviewed the minutes of the June 27, 2017, meeting.

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

Motion carried.

CLERK'S REPORT: 2 maps filed: Donald and Linda Carpenter and Marilyn Sickler to be conveyed to Robert Justin Sickler.

CHAIR'S REPORT: None.

PUBLIC HEARING: None.

PUBLIC MEETING:

Application - #PB16-003: Application of Owen Germain for a lot line adjustment of properties located at 1943 Hermance Road (tax parcel no.: 173-1-62.112) and 1929 Hermance Road (tax parcel no.: 186-1-13) in the A/R District of the Town of Galway. Gil Van Guilder, representing Owen and Barbara Germain explains that they are looking for a lot line adjustment on two properties that they own on the Northern side of Hermance Road. They have owned the eastern parcel since 1986. There is an existing house on the second parcel that is being renovated. They are only modifying the lot to the west

reducing it to a 3 acre conforming lot (with adequate frontage) and adding the remaining land to the other lot. Win comments that there are wetlands on the eastern lot but they are not shown on the map. Mr. Van Guilder explains that there are no proposed changes to the eastern lot but he can show the wetlands as per the GCS map.

Motion by Win to approve the lot line adjustment and waive SEQR review and the public hearing. **Second by MaryLyn.** Voice vote: All ayes. Motion carried.

Application - #PB16-004: Application of Adam Auerbach for a lot line adjustment of properties located at 2515 Old Mill Road (tax parcel no.: 187.00-1-26.1) and 2538 Old Mill Road (tax parcel no.: 187.00-1-25) in the A/R District of the Town of Galway. Mr. Carpenter, representing Adam Auerbach explains that Mr. Auerbach would like the parcel that is south of the highway to be attached to the larger lot. The smaller lot straddles the road. It will leave 4 acres north of the road with the existing house. There is a stream and there is nothing that they can do with that part of the lot. There are also two buildings that have been there for a very long time. They are not going to do anything with that portion other than attach it to the larger lot. Ruthann asks if the town has a right of way in the section where the property line goes through the road. Mr. Carpenter states that that it is an old town road and typically the town does not own old roads. They only own the section by the creek. When they rebuilt the bridge, the town purchased a section of the road. The town does maintain the road. No questions or comments from the board.

Motion by Rebecca to approve the lot line adjustment and waive SEQR review and the public hearing. **Second by MaryLyn.** Voice vote: All ayes. Motion carried.

Application - #PB17-003: **Application - #PB17-002:** 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. Ruthann ask for a motion to un-table this application from the August 25, 2015 meeting. **Motion by Win** to un-table this application. **Second by MaryLyn.** Voice vote: All ayes. Motion carried. Ruthann explains that there are a number of items to go through: Mr. Sutton's (representing the Galway Co-Op) letter that was submitted with regard to the application; proposed uses for the site; engineer's letter from January, 2016 and any other miscellaneous issues that anybody would like to address. The intent was to go through Mr. Sutton's letter, issue by issue but looking at the letter, those items appear to be issues that can only be resolved by the Zoning Board not the Planning Board but, they will go through them, one by one. Items:

a) The County has delivered the deed conveying title to the area lying on the west of the County right of way thereby ensuring that all buildings are on the land of the Applicant. A copy of the deed is included. Ruthann states that the addition of the County property does not meet the 2 acre requirement of the C1 Zone. C1 prohibits parking in the front yard and they are proposing parking in the front yard. Galway ordinance Section 115-34, considers non-conforming as applying to residential lot sizes and set-backs and does not refer to commercial. This will be an issue for the Zoning Board.

b) whether the pervious surfaces on the driveways proposed are deemed "pervious" for purposes of the Zoning code: Ruthann states that this is also an issue for the Zoning Board.

uses for the site is it justified?

4. Resolved.
5. Spot grades - looking for an argument with respect to the ADA either we don't have to comply or we do comply.
6. Resolved.
7. DOT permit - will need a curb cut permit.
8. There will be no apartments at this site.
9. This issue to be addressed by the Zoning Board.
10. This issue to be addressed by the Zoning Board.
11. Resolved.
12. They are not ready to address a sign. Suggested that before going to the Zoning Board, have an idea about a sign because this will need to be addressed with the Zoning Board.
13. Resolved.
14. Resolved.
15. Resolved.
16. Resolved.
17. Resolved.

Next they go through Martin Pozefsky, Esq.'s items in his letter of April 17, 2017.

- Deep test pit or perc test - already addressed.
- Adding spot grades to the plan - already addressed.
- Uses of the building - already addressed.
- Elevation view of the building - already addressed.
- Proposed landscaping added to S2 for the 10X20 planter areas - already addressed.
- Details for a proposed sign to comply with zoning ordinance - already addressed.
- Text for any dimensions added to the site plan - already addressed.
- Clear determination of ownership of the trees to be cleared on the north property line - already addressed.
- DOT curb cut permit - already addressed.
- Finalization of land acquisition from Saratoga County and access permit from the Saratoga County DPW - already addressed.
- Encroachment of the northeast building corner and driveway on Saratoga County property - already addressed.
- Type 1 action for SEQRA requiring a "long" EAF - not a Type 1 action.
- Zoning determination or variance for commercial lot size - going to Zoning Board.
- Zoning determination or variance for front, side and rear yard setbacks from building - going Zoning Board.
- Zoning determination or variance whether proposed crushed stone driving area is impervious or not under code - going to Zoning Board.
- Zoning determination or variance whether degree of change of use of building exempts this application from ADA compliance - already addressed.
- Zoning determination or variance whether the proposed lean-tos are "buildings" subject to a 50' minimum side yard setback - already addressed.

Ruthann asks Mr. Sutton if he has any questions about his next steps or if he has any comments to add. Mr. Sutton will stay in touch with Mr. Pozefsky and Mr. McNamara as

c) whether the non-permanent lean-to structure for shelter for vehicles on the north side of the property are improvements subject to the set back requirements: Ruthann states that it had already been determined in the past that they were not subject to the set-back requirements. This item can be eliminated from the list.

d) whether the modification of the building requires additional steps to comply with the ADA: Ruthann states that she believes what the planning board was looking for at the time was more detailed grading around the area of the building to indicate that there was access and this is something that the Zoning Board will also address. Mr. Sutton asks Ruthann whether the proposal is compliant with the ADA. Mr. Pozefsky, Esq. states that he thought that the question is whether or not the grade was an acceptable surface to the ADA. Mr. McNamara (Engineer) stated that he remembers it a little differently and he thought that that the zoning board had to decide on the issue of whether the modifications to the building were significant enough that it had to comply with the ADA. That the applicant took the position that this is an existing structure. Ruthann agrees and says that possibly the wording in the letter is not really how this issue had came about. Mr. Sutton explains that he and Mr. Casadei have talked about the physical layout being able to accommodate disabled individuals, visitors and staff in both areas of the building and believe that they can do that. They need to make sure that they are compliant and will do so but Mr. Sutton is not in the position to talk about whether or not he has enough information to go to the zoning board on this issue. Is the issue whether or not there enough of a change to warrant the application throughout. If there is enough of a change in the building then does he have to be entirely compliant? That is what the zoning board will hear. Mr. Pozefsky states that the question is whether the ADA is going to apply at all. There is discussion of the grading. They will be looking at spot grades on front and back and if gravel is sufficient.

Next they go through the outline of proposed uses. The questions and concerns are:

What are pre-sold food items? Mr. Casadei explains that these food items will be sold and bought online and will be picked up at the Fish House location. There will be a tractor trailer that will be parked in the lot, parallel to Route 29, and people will pick the food up there.

The mobile food vending? This will be a food truck? It will be one concession trailer.

Sale of fresh food - this will have to be reviewed with the zoning board because a farm market or a farm stand is a permitted use but under the definition of a road side stand, it is a temporary area and/or facility that is located on an apparent farm and used for the roadside sale of produce. A farm market would be a permanent year round structure. This use is something that will have to be clarified with the Zoning Board.

There will be no apartments at this location and there will be no sale of pellets at this location.

Next they go through Mr. McNamara's letter of January 22, 2016. Items 1-17:

1. Resolved.
2. Lot area, setback dimensions and the amount of impervious surfaces. This issue to be addressed by the Zoning Board.
3. Septic System - looks like it was constructed well. Now that we know what the

well as the Planning Board to try to kick these last items off the list. Is it possible to create a place for them on next month's calendar just in case they have something to talk about? Ruthann says yes. Mr. Sutton explains just to keep things moving and to let the Board know that they are always making progress. Mr. Sutton will distribute the ZBA application to the Board and Mr. Pozefsky. Mr. McNamara tells Mr. Sutton that he can submit the non ZBA items anytime. There are no other questions or comments from the Board.

PRIVILEGE OF THE FLOOR: None.

OTHER BUSINESS: None.

Motion by MaryLyn to adjourn. **Second by Win.** Voice vote: All ayes. Motion carried.
Meeting adjourned at 8:27 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk