



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

Town of Galway Planning Board meeting June 24, 2014

Attendance: Chair Ruth Ann Daino, Members Mary Lynn Kopper, Rebecca Mitchell, Win McIntyre, Mikel Shadarjian was absent. Also present Secretary Sue Talmadge, Code Enforcement Official Chet Ciembroniewicz.

The meeting was opened by Chair Daino at 7:30 PM.

The meeting minutes for the May 27, 2014 meeting were approved with a correction – Pg 2 11th line – extend to a future property owner. Kopper made the motion to approve. McIntyre made a second to the motion. All members voted in favor of the motion.

Secretary report: The Co-op application has been postponed by a request from the applicant Mr. Cassadi.

Chair report: 2014 Summer School at Colonie on 7/31/14 if anyone is interested.

Public hearing No. PB14002 – Special Use Permit and Site Plan for auto repair at 2467 Galway Road – Tax ID 199.-1-29.2

David McKenzie represented the application.

Mr. Ciembroniewicz advised he would like the board to look at additional information that he supplied the board and the applicant regarding things to consider such as insurance, fire safety, waste oil – where and how many?

McKenzie - is aware of the state rules for waste oil, will have insurance and the other items mentioned the last meeting - waste oil will be stored out back in a fuel oil tank. Tom O'Brian of 2437 Galway Road asked if previous denied applications can re-apply if this is approved and does the attorney have to be here for a zoning change.

Daino explained the board is not changing the zoning.

The ordinance in 2008 changed allowing three categories for home occupation.

The Town Board writes the ordinances and the home occupation rules – a minor home occupation can have one employee a major home occupation can have up to three employees.

The board has to go by what is permitted.

Each Special Use Permit is looked at individually and guidelines and restrictions can be included in any approval.

O'Brian advised his mother is owner of the adjacent property.

Daino referred to the map – that right of way is actually on the applicant's parcel and the McKenzie's would not be using that.

Daino explained she had discussed the application with Attorney Pozefsky and it would be classified as a minor if he keeps it at one employee.

Daino read the general definition of a minor home occupation that includes no outward appearance of a business, does not infringe upon neighbors, and does not alter the character of the neighborhood, no indications of a business, no noise, glare, heat, and dust beyond property line and not more than one employee.

Ciembroniewicz indicated he believes it is a major home occupation.

Daino referenced back to the town code which defines a major home occupation as having three employees.

Kathal Carr of 2498 Galway Road indicated she was in attendance to hear about the application, but had no comments.

Ciembroniewicz indicated the town has a new noise ordinance in effect.

Everyone had an opportunity to speak.

The public hearing was closed.

The public meeting was opened for board and applicant discussion.

Kopper - it is not a minor home occupation – it is a commercial garage, will have signs required by the state he would be open on weekends, and in addition it is located 60 feet away from property that is designated forever wild. There will be noise and it is in the wrong zone.

Mitchell inquired what happens if any conditions of approval are not met.

Daino - it is a town enforcement matter.

McKenzie - would agree to the board stipulating hours of operation.

Kopper - the board has turned down other people.

McIntyre - looking at the zoning schedule of uses – he does a problem the town board will have to address.

McKenzie - there is not a lot of difference between a bee keeper, a syrup processing business, and etc. It can be done very low-key – it is a home occupation – it will not look like a commercial garage.

McIntyre - the board would be setting precedence if approved.

McKenzie - the zoning book says he can do it and he does not believe the board can tell him he can't – am giving lee-way - is asking for at least one year and then he would come back to re-visit for the board's peace of mind.

Daino - it looks like a vote tonight would not work out.

McKenzie - the town lawyer has said it is allowed.

Daino - zoning also states that a Special Use Permit and Site Plan May conduct business.

Discussion ensued regarding the possibility of setting a precedent.

McKenzie - some others have not come in to the town for approval and are just doing it and who's to say he would not just do it anyway.

McIntyre made a motion to table any action on the application pending legal consultation by the board.

Kopper made a second.

All members voted in favor.

Next meeting will be July 22, 2014

Respectfully submitted,

Susan Talmadge

Clerk