



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **June 28, 2011 – 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review and approve minutes of May 31, 2011 meeting
4. Clerk's Report
5. Chair's Report
6. Public Hearing – None Scheduled
7. Public Meeting
 - SEQR Review/Classification - Application #11/004 - Michael W. Van Wart, 6261 Jockey St. - Request for lot line adjustments between lands of Van Wart (tax parcel #174.-1-99) and: R & J Retajczyk, 6259 Jockey St. (tax parcel #174.-1-88), G & J Mattingly, 6245 Jockey St. (tax parcel #174.-1-10.22), K & A Keehan, 6255 Jockey St. (tax parcel #174.-1-11), and Michael W Van Wart (tax parcel #174.-1-83.1)
 - SEQR Review/Classification - Application #11/005 - Michael W. Van Wart, 6261 Jockey St. – Request for subdivision of .689 +/- acres from a 39-acre parcel for transfer to Retajczyk and Mattingly for the purpose of creating a driveway for the Retajczyk and Mattingly properties
 - SEQR Review/Classification - Application #11/001: Jessie Watson for subdivision of and lot line adjustment with tax parcel #174.-1-26.2 (lands of Gladys Ostrom) located on Shaw Rd
 - SEQR Review/Classification - Application #11/002: Request of Dirk J. Weaver for subdivision of tax parcel #173.-1-60.1, an approximate 50-acre parcel located at 2005 NYS Route 29 (A/R district)
8. Privilege of the Floor
9. Other Business
10. Adjournment



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MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: June 28, 2011 – 7:30 p.m.

MEETING CALLED TO ORDER at 7:30 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. In audience: Mike Tillson; town board liaison, Martin Pozefsky; board attorney, and approximately 12 people, including the applicants.

REVIEW AND APPROVAL OF MINUTES

All board members previously reviewed the minutes of the May 31, 2011 meeting. Clerk read a communication received from Michael W. Van Wart requesting corrections to the minutes regarding issues related to his proposal (copy attached and made a copy of these minutes as well as the May 31, 2011 minutes). **Motion by Win McIntyre** to accept the corrections proposed by Mr. Van Wart. **Seconded by Mary Lynn Kopper.** Voice vote: All ayes. Motion carried. **Motion by Mary Lynn Kopper** to approve the minutes as amended. **Seconded by Rebecca Mitchell.** Voice vote: All ayes. Motion carried. Minutes accepted as amended.

CLERK'S REPORT - None

CHAIR'S REPORT - None

PUBLIC HEARING – None scheduled

PUBLIC MEETING

SEQR REVIEW AND CLASSIFICATION: **Application #11/004 – Request of Michael W. Van Wart for a series of lot line adjustments/annexations between his property and 3 neighboring properties: Lands of Van Wart; Tax parcel #s 174.-1-99, Lands of Retajczyk; #174.-1-88, Lands of Mattingly; #174.-1-10.22, Lands of Keehan; #174.-1-11. Application #11/005 - Request for subdivision of approximately .689 acres from tax parcel #174.-1-99 (lands of Van Wart) for the purpose of creating a driveway for the Mattingly and Retajczyk properties.**

Chair explained that she would like the board to consider both applications simultaneously as one has bearing on the other. Mr. Van Wart and the other three applicants were present. Mr. Van Wart began by clarifying that .689 acres is not actually what is being subdivided. The total strip of land that's involved is .689 acres. Portions of the line adjustment will eat up some of the

.689 acres. The remainder going out to Jockey Street will be the amount being subdivided and will be something less than .689 acres. Per Mr. Van Wart, the final survey map will show the exact amount of acreage being transferred. It was pointed out to Mr. Van Wart that his application does state .689 +/- acres to be subdivided. Mr. Van Wart also presented another minor change regarding his lot line adjustment (the 200' strip coming down to Rte 29). He will be including a 50' buffer zone on the eastern side of the 200' strip. It was then noted that the application for lot line adjustment (#11/004) does not list the parcel from which the 200' strip is being taken (determined to be #174.-1-83.1, also owned by Van Wart). Amendment was made to the application and Mr. Van Wart signed the change. Finally, it was noted that the three co-applicants had not signed the application. Clerk then secured those signatures and the proceedings continued. Chair proposed doing a series of lot line adjustments and not a subdivision. Also pointed out that each of these lots were originally created and approved as flag lots with 40' of frontage on Jockey St for the purpose of access and asked why those access points were not/cannot be developed. Mr. Van Wart responded that it would be cost prohibitive (could result in "tens of thousands of dollars" in additional cost) to develop those driveways. He also reported an issue with wetlands on the opposite side of Jockey St. At issue for the Chair was the fact that the proposed subdivision would result in a lot not capable of being occupied by a building and/or accessory buildings or uses customarily incident to it (as defined in the zoning ordinance of the town of Galway §115-7). Chair's interpretation is that the board cannot approve a lot that cannot sustain a building. Attorney Martin Pozefsky stated he tended to agree with Chair's interpretation and pointed out that §100-2 of the town's Subdivision Regulations has a slightly different and more restrictive definition of a lot. Therefore, he agreed that under either definition the lot would have to be capable of sustaining a principal building. Attorney Pozefsky further agreed with the board's suggestion to attach the access road to the properties through a series of lot line adjustments and the having the remaining strip out to Jockey St annexed to one or the other of the properties, with easement rights granted to the other party. Following discussion/arguments by Mr. Van Wart, applicant stated he believed the "bottom line" to be can [the board] approve a lot that is not a buildable lot? Chair responded that based on the regulations definition of a lot, the board cannot. The desired result can be acquired through a series of lot line adjustments and annexation, however. Other board members indicated agreement. Chair inquired about the possibility of the Retajczyk's being given access out to Rte 29 (which appears a bit closer than Jockey St). Mr. Van Wart responded that this would result in them cutting through his fields and passing his house, and would also result in additional cost as an additional driveway would have to be constructed. The Retajczyks and Mattinglys reported that the finance company would approve a shared driveway if a right-of-way/maintenance agreement is in place. Mr. Mattingly stated he is willing to sign such an agreement and has one drawn up. Mr. Retajczyk reported that their purchasers will lose their mortgage if they don't close by July 25th so asked if there was any possibility the board could convene on their application prior to that date. Mr. Pozefsky recommended the he and/or the board review the right-of-way/maintenance agreement prior to granting final approval. Following discussion among all parties, it was agreed the board would meet on July 12th. Clerk will check on availability of TH. Mr. Van Wart posed questions regarding whether or not the application was subject to county PB review. It was the clerk's belief that it does not require county review because it is a lot line adjustment/annexation and not a true subdivision. Clerk will call Mike Valentine to make certain, however, and if need be, application will be forwarded. Chair advised the applicants that the title box on the final survey/subdivision map must state "Lot Line Adjustments and Annexations". That way it is clear that no new lots are being created, but rather parcels resulting from the subdivision are being annexed.

Motion by Win McIntyre to classify applications #11/004 and 11/005 as lot line adjustments/annexations and waive all further subdivision regulations including SEQR review and public hearing. **Second by Mary Lynn Kopper.** Roll call vote: Ruthann Daino, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes; Win McIntyre, yes. All ayes. Motion carried. CLASSIFIED LOT LINE ADJUSTMENTS/ANNEXATIONS. With regard to the right of way/maintenance agreement, Mr. Pozefsky additionally advised Mr. Mattingly that it would be best if it was notarized and recorded. He also offered to review the agreement if they desired.

Application #11/001 - Jessie Watson / Gladys Ostrom

Mr. Watson was in attendance and reported that Mrs. Ostrom is still encountering some legal complications regarding her property, and that these matters are holding things up. Therefore, he asked if the application could be tabled. Board members saw no problem with this. There has been no formal action taken on the application (i.e. SEQR review, classification) and, therefore, no specific time frames apply. However, Mr. Pozefsky encouraged the board to table with applicant's agreement to waive all time frames. In that way there would be no concern about misunderstandings and/or approval by default. Mr. Watson indicated his agreement with waving the time frames. **Motion by Mary Lynn Kopper** to table application #11/001, application of Jessie Watson and Gladys Ostrom, with the applicant's agreement to waive all time frames. **Second by Rebecca Mitchell.** Voice vote: All yes. Motion carried. APPLICATION TABLED. Mr. Watson was advised to contact the Clerk and/or to submit survey maps to her at town hall a minimum of 14 days prior to the next meeting he wishes to attend. Clerk will then add his application to that month's agenda.

SEQR Review/Classification - Application #11/002 - Dirk J. Weaver for subdivision of tax parcel #173.-1-60.1, an approximate 50 acre parcel located at 2005 NYS Rte 29 in the A/R District

Mr. and Mrs. Weaver and their daughter and son-in-law were present. The applicants provided a formal survey map. Proposed driveway to the proposed house on the new lot is estimated to be 1075'. Chair affirmed that they will provide a turn-around for emergency vehicles (per Mr. Weaver probably a hammer head turn-around). Chair proposed forwarding this to the chief of the fire company for review/comment. Also felt it may be advantageous to forward to our town engineer for any comment/suggestions regarding turn radii. The construction of the driveway is already laid out; however it is not specified what the turning radii should be. It was felt that it may not necessarily have a bearing on the board's ruling on the subdivision but it may be in the applicants' best interests to solidify the details of the driveway prior to applying for a building permit just so they know what is going to be required in terms of a driveway. No other concerns/comments. Board then completed SEQR review. **Motion by Win McIntyre** to grant application #11/002, application of Dirk J. Weaver for subdivision of a 21.43-acre lot from an approximate 50-acre parcel located at 2005 NYS Rte 29, a negative SEQR declaration. **Second by Mary Lynn Kopper.** Roll call vote: Ruthann Daino, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes; Win McIntyre, yes. Motion carried. GRANTED A NEGATIVE SEQR DECLARATION. **Motion by Mary Lynn Kopper** to classify application #11/002 a 2-lot minor subdivision. **Second by Rebecca Mitchell.** Roll call vote: All ayes. Motion carried. CLASSIFIED A 2-LOT MINOR SUBDIVISION. Public hearing will be scheduled for July 26, 2011.

PRIVILEGE OF THE FLOOR – None requested

ADJOURNMENT - Motion for adjournment by Mary Lynn Kopper. **Second** by Win McIntyre. Voice Vote: All ayes. Motion carried. Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Carol L. DeLorme

Carol L. DeLorme, Clerk