



## **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: March 27, 2012 – 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of February 28, 2012 meeting
4. Clerk's Report
5. Chair's Report
6. Public Hearing – None scheduled
7. Public Meeting
  - Application #12/004 – Request of Lynn Ann Colonell to combine 2 tax parcels (# 171.-1-33.22 and 171.-1-33.23) both owned by Lynn Ann Colonell and located on Spring Road in the A/R District of the town of Galway
8. Privilege of the Floor
9. Other Business
10. Adjournment



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### **MINUTES OF PLANNING BOARD MEETING**

Date/Time of Meeting: March 27, 2012 – 7:30 p.m.

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

**MEMBERS PRESENT:** Ruthann Daino, Mary Lynn Kopper, Rebecca Mitchell, Win McIntyre, and Mikel Shakarjian

**MEMBERS ABSENT:** Carol DeLorme, Clerk (excused)

**ALSO PRESENT:** Present in the audience: Mike Tillson (town board liaison) and approximately 4 people

### **REVIEW AND APPROVAL OF MINUTES**

All board members previously reviewed the minutes of the February 28, 2012 meeting. **Motion by Mary Lynn Kopper** to approve the minutes as presented. **Second by Mikel Shakarjian.** Voice vote: All ayes. **Motion carried.** Minutes approved without correction.

**CLERK'S REPORT** - None

**CHAIR'S REPORT** – Some communication with Judy Kenyon which will be discussed under 'Other Business'

**PUBLIC HEARING** – None scheduled

### **PUBLIC MEETING**

**Application #12/004 – Request of Lynn Ann Colonell to combine two tax parcels (# 171.-1-33.22 and 171.-1-33.23) both owned by Lynn Ann Colonell and located on Spring Road in the A/R District of the town of Galway**

**Chair** noted this was a 4 lot minor subdivision previously approved by the PB in 2009. Art Carpenter was present representing the applicant. The proposal is to take two existing lots (Lots #2 and #3) and combine them into one approximate 6-acre lot. There are no structures currently existing on either lot. Lots #1 and 4 will continue to exist. There was discussion among PB members and Mr. Carpenter regarding the driveway design. Original plan was for a shared driveway. That will be eliminated but won't have any bearing on the lot line adjustment. All members agreed that the application meets the criteria for classification as a lot line adjustment.

**Motion by Mary Lynn Kopper** to classify Application #12/004, the request of Lynn Ann Colonell, a lot line adjustment, to waive all further subdivision regulations including SEQRA review and public hearing and grant final approval and approve for filing. **Second by Win McIntyre.** Roll call vote: Ruthann Daino, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes; Win McIntyre, yes; Mikel Shakarjian, yes. Motion carried. CLASSIFIED A LOT LINE ADJUSTMENT. FINAL APPROVAL GRANTED. Mr. Carpenter was instructed to submit one Mylar and two paper copies of the approved survey/subdivision map for signing by the Chair. The Mylar and one paper copy must then be filed with the Office of the County Clerk within 62 days of signing.

### PRIVILEGE OF THE FLOOR

A couple from the audience stated they would like to open a small day care center in the vacant space in the rear (behind the wine/liquor store) of the strip mall on Rte 147 (Galway Commons). Asked what the Planning Board would require from them. Chair informed them the proposal would require a site plan review/special use permit application. Chair further explained that she discussed this matter with Chet Ciembroniewicz (Zoning Officer) and Martin Pozefsky (board counsel). Because the applicants are only tenants (not the property owners) and any modifications to the property (i.e., lighting, signage, parking, etc) that the board might require would be matters that the owner would need to address, the property owner(s) would have to be involved (probably as co-applicant). Chet was present and indicated he has discussed this possibility with the owner. Regarding a site plan, Chair suggested the owner could use the existing site plan (from the original submission in 1995) but it would need to be updated to reflect what currently exists so board could determine if any modifications/additions might be required. Chair cited one concern she has at this time is regarding ingress/egress. Originally there was a defined "In" and "Out" but those signs appear to have been removed. Board might want to look at some other scheme as traffic in and out of the property has been problematic in the past due to the lack of space in the front of the property. Chair further stated that the updated site plan should include the exact location of the well and septic system (to verify whether or not they are located in the same spot as shown on the original site plan). Further, original plan indicates a concrete pad and a "dug" well. Chair indicated board might like verification that there is a drilled well on the property. Couple indicated they are working with Child and Family Services in Albany regarding their proposal also. There are several State requirements they must meet. In response to questions from the applicants, Chair explained that the property is located in the A/R district of the town. Certain uses are permitted within the A/R district but need site plan review/special use permit by the planning board. A day care is one of those allowed uses. Couple was advised that application forms/instructions are available in the racks in the front hallway of town hall. Application would need to be submitted as soon as possible to make the April meeting deadline.

Brian Mohr – Would like to open a small engine repair shop in an existing building on his property located on Jockey Street. Asked what the procedure would be. Board determined this property is also located in the A/R district. Chair/board reviewed Home Occupations section of Zoning Regulations (§115-49). It appears this proposal would fall under the description of a home occupation – minor. Therefore, site plan review/special use permit would be required.

Again, applicant was informed that if he gets the application in as soon as possible he could be placed on the agenda for the April meeting.

**OTHER BUSINESS**

Chair reported on phone call she received from Judy Kenyon. Reportedly Judy's sister has changed her mind again and now will allow her to have the lot (so Judy can get a FEMA trailer). However, the people who own the private driveway and were willing to put Judy on the deed have their house up for sale. They will allegedly tell anyone interested in the property about the arrangement. Chair reports she has learned that the house has now been sold. Chair talked with Marty about this. Martin confirmed Chair's thoughts that you can't rely on a property owner making that a condition of sale and/or a buyer agreeing to such an arrangement. Therefore, Chair informed Judy that she wants to move forward, she will need to approach the new owner, get her name on the deed to the driveway, and then reapply for subdivision. Judy doesn't know when FEMA units will be available but if she does get her name on the driveway deed she can reapply so the property is in her name when the units are available again. Chair reiterated that the whole thing is contingent upon Judy getting her name on the deed to the driveway, however. If that doesn't go through then the subdivision cannot be approved.

**ADJOURNMENT - Motion to adjourn** by Rebecca Mitchell. **Second** by Win McIntyre.  
Voice Vote: All ayes. Motion carried. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

*Carol L. DeLorme*

Carol L. DeLorme, Clerk