



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: May 22, 2012 – 7:30 p.m.

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of March 27, 2012 meeting
4. Clerk's Report
5. Chair's Report

6. Public Hearing
 - Application #12/006 – Request of Brian Mohr for approval of a home occupation comprised of small engine/outdoor power equipment repair in an existing detached garage located to the side of his residence located at 4759 Jockey Street in the A/R district of the town of Galway (tax parcel ##213.-1-65).

7. Public Meeting
 - Application #12/006 ... Request of Brian Mohr ... S.P.R./S.U.P. ... tax parcel #213.-1-65
 - Continuation of review of Application #12/005 – Request of Sheila Snyder for site plan review/special use permit for a small daycare business in a suite in an existing commercial business mall located at 5831 Sacandaga Road in the A/R District (tax parcel # 186.-1-15.211)
 - Preliminary Review/Classification/SEQR Review – Application #12/007 – Request of John Podwirny for S.P.R./S.U.P. to operate a home occupation from his residence located at 2876 Shaw Rd 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: May 22, 2012 – 7:30 p.m.

MEETING CALLED TO ORDER at 7:32 p.m. by Chair, Ruthann Daino.

MEMBERS PRESENT: Ruthann Daino, Rebecca Mitchell, Win McIntyre, Mikel Shakarjian, and Carol DeLorme, Clerk

MEMBERS ABSENT: Mary Lynn Kopper (excused)

ALSO PRESENT: Present in the audience: Mike Tillson (town board liaison) and 8 other people

REVIEW AND APPROVAL OF MINUTES

All board members previously reviewed the minutes of the April 25, 2012 meeting. **Motion by Win McIntyre** to approve the minutes as presented. **Second by Mikel Shakarjian.** Voice vote: All ayes. **Motion carried.** Minutes approved without correction.

CLERK'S REPORT

- Transmittal received from Saratoga County Clerk's Office: 1 map was filed during month of April 2012 – LLA for Lynn Ann Colonell (filed 4/20/12)
- Fax received from Capital District Region Planning Commission regarding upcoming Planning & Zoning Workshops (May 23 and June 20, 2012)
- Letter received from t/o Providence regarding a LLA of property lying within 500' of the town boundary (Given to Chair for discussion under Other Business portion of meeting)

CHAIR'S REPORT

Letter received from Environmental Design Partnership (town engineer, Jim Mitchell) regarding their review of the Snyder application; will discuss further during that portion of the meeting.

PUBLIC HEARING – Opened at 7:35 pm – Clerk read the legal notice as it appeared in the *Daily Gazette* on April 10, 2012.

Application #12/006 – Request of Brian Mohr for approval of a home occupation comprised of small engine/outdoor power equipment repair in an existing detached garage located to the side of his residence located at 4759 Jockey Street in the A/R district of the town of Galway (tax parcel #213.-1-65)

Mr. Mohr was present. Chair asked for comment from the audience. Warren Wheeler – 2638 Crane Rd (neighbor around the corner) – Stated concerns: A/R district shouldn't be opened up to commercial use; potential noise from chain saws, lawn mowers, weed wackers, etc. being run outdoors "all hours of the day or night"; stated noise travels and this is his concern. Dawn Wheeler (same address). Would like to maintain the current environment (i.e. peace and quiet).

Concerned also about the potential noise from a business of this nature. Also concerned about the potential growth and change of a HO of this type. No other comments/questions from the audience. Chair entertained a motion to close the public hearing. **Motion by Rebecca Mitchell. Second by Mikel Shakarjian.** Voice vote: All ayes. Public hearing closed at 7:38 pm.

PUBLIC MEETING

Application #12/006 .. Request of Brian Mohr ... home occupation ... tax parcel #213.-1-65
Chair explained the various levels of HO and read Zoning Regulations as they pertain to HO (Article VI, Section 115-49). Also read the requirements/restrictions of a minor home occupation (application was classified a minor HO on April 25, 2012). Chair asked Mr. Mohr to again explain his proposal for those who may not have been in attendance at last month's meeting. Chair offered that if Mr. Mohr's business did change or expand it would require him to return to the PB for further review and possible reclassification of the HO. PB, during their review/approval process, can also set parameters for the operation of the business (i.e. hours of operation, how much parking should be allotted, delivery times, etc). Chair then asked for questions/comments from board members. Rebecca Mitchell agreed that some kind of stipulated hours of operation seemed reasonable given stated concerns from neighbors. Mr. Wheeler again voiced concern about "noise from chainsaws 10:00 at night". Chair reiterated that she did not think it was Mr. Mohr's intent to run machinery late at night but [hours of operation] can be stipulated by the PB as a condition of his special use permit. Mr. Mohr stated he would be conducting the business on a part time basis at first as he works full time elsewhere. Therefore he would probably be operating the repair business evenings and weekends. He does, however, get home from work around 3:30 – 4:00 so it would not involve late night work. Mr. Mohr indicated a 9:00 am to 8:00 pm time frame would be OK. Board members discussed signage (needs to be addressed with code enforcement officer), and parking arrangements with Mr. Mohr. Board members did not feel time for drop off/pick up of equipment for repair should be included in hours of operation; concern was more about noise late at night/early morning; not so much concern about vehicular traffic. Chair also felt storage/disposal of hazardous materials (i.e. oil) should be addressed as part of conditions/stipulations of permit. Other board members agree. Members also agreed that approval should include a stipulation that any expansion of the business beyond the confines of a minor HO would necessitate further review by PB and possible reclassification. **Motion by Win McIntyre** to grant final approval to the site plan submitted by Brian Mohr (application #12/006) for a home occupation comprised of small engine/outdoor power equipment repair in an existing detached garage located to the side of his residence located at 4759 Jockey Street in the A/R district of the town of Galway (tax parcel #213.-1-65), with the following stipulations:

- Hours of operation between 9:00 am and 8:00 pm
- No on-street parking and/or standing in delivery and/or pick up of machinery for repair
- All oil/petroleum waste products are to be stored in proper containers and disposed of off site in accordance with NYS environmental regulations
- Any expansion of the HO beyond the parameters of a minor home occupation will necessitate further review by the Planning Board and possible reclassification;

and, thereby authorizing the Code Enforcement Officer/Zoning Officer to issue a special use permit. **Second by Rebecca Mitchell.** No further questions/comments. Roll call vote: Ruthann

Daino, yes; Win McIntyre, yes; Mikel Shakarjian, yes; Rebecca Mitchell, yes. Motion carried. SITE PLAN APPROVED. Applicant was instructed to contact the code enforcement/zoning officer for issuance of the special use permit after receiving letter of approval from the Planning Board. Chair again reminded Mr. Mohr that any signage should be addressed with the code enforcement officer.

#12/005 – Request of Sheila Snyder for site plan review/special use permit for a small daycare business in a suite in an existing commercial business mall located at 5831 Sacandaga Road in the A/R District (tax parcel # 186.-1-15.211) – Continuation of discussion; SEQR review/declaration

The Snyders were again present, along with one of the owners of the property, Donald Hurley. Chair acknowledged receipt of a new site plan from the applicants (all board members were provided with a copy as well). Chair confirmed with owner that the two, 1000 gal septic tanks shown on the latest site plan both service the commercial building. Kitchen depicted on the drawing is existing. Chair then read letter received from town engineer (Jim Mitchell). Drawing shows location of both the well and the septic system. Applicant confirmed that the well is a drilled well and has a chlorinated system. A water cooler will provide drinking water for the day care center, however. Regarding designation of one way in/one way out of driveway, Mr. Hurley stated he puts signs up every spring but they get taken down by snow plows in the winter. Board members concurred that safest ingress/egress would be from the lower (south) entrance; recommended that the upper (north) entrance be marked as one way "In" only. Pursuant to recommendation of board counsel, Mr. Hurley signed the application so that signatures of both owners are now on the application (property is owned jointly). Regarding lighting, applicant indicated that [outdoor] lighting is on the building itself with spot lights out to the parking lot; feel this provides adequate illumination of parking lot. Hours of operation was confirmed to be 6:00 am to 6:00 pm with occasional "after hours" Friday evening hours until 10:00 pm. Mrs. Snyder will be the only full time employee but NYS does mandate a part time helper. Board then conducted SEQR review. **Motion by Rebecca Mitchell** to grant application #12/005, application of Sheila Snyder, a negative SEQR declaration. **Second by Win McIntyre.** Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mikel Shakarjian, yes; Rebecca Mitchell, yes. Motion carried. No need for classification as this is not a home occupation. Public hearing will be scheduled for June 2012.

Application #12/007 – Request of John Podwirny for S.P.R./S.U.P. to operate a home occupation from his residence located at 2876 Shaw Rd in the A/R District of the town of Galway (Preliminary Review/ SEQR Review/Classification)

Mr. Podwirny was present and explained that he has a property management business. He travels to and from work sites from his home. Stated he never has clients/customers at his house; no signage. He does not actually work out of his house; only commutes to and from work sites from his house. He may occasionally bring home an equipment trailer that contains equipment used in his business, but the majority of the time equipment is housed elsewhere. Mr. Podwirny stated he does have a large tractor at his home but this is for his own personal use. He admittedly mows his lawn in the evening but feels this is no different than anyone else who works and may have to mow their lawn in the evening. The business has not changed in any way. Feels some neighbors may be complaining about traffic in and out of his home and

assuming/blaming it on operation of his business, but states he has a "very busy household" with 5 children who are very active in activities outside of the home. Regarding employees, Mr. Podwirny stated he does have a couple of employees who may car pool and meet at his house, but then they park their cars and travel together to the various work sites. No employees work at his house. Following discussion, board members agreed that it does not appear that any business is being conducted from the residence. Business as described by Mr. Podwirny does not fit definition of any type of home occupation as outlined in the Zoning Regulations. Therefore, Chair entertained a motion to dismiss. **Motion by Mikel Shakarjian** that following Planning Board review of Application #12/007, application of John Podwirny, the application is dismissed on the grounds that the business as currently conducted does not fit the definition of a home occupation as set forth in Zoning, Chapter 115, town of Galway Local Law, Article VI, Section 115-49. **Second by Win McIntyre**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mikel Shakarjian, yes; Rebecca Mitchell, yes. Motion carried. APPLICATION DISMISSED.

PRIVILEGE OF THE FLOOR – None requested

OTHER BUSINESS

Board members reviewed application forwarded by town of Providence. Agreed there was minimal impact on town of Galway. Clerk to forward a letter stating no comment/concerns.

ADJOURNMENT - Motion to adjourn by Rebecca Mitchell. **Second by Win McIntyre**. Voice Vote: All ayes. Motion carried. Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Carol L. DeLorme

Carol L. DeLorme, Clerk