



**TOWN OF GALWAY**  
**PLANNING BOARD**  
**SARATOGA COUNTY, NY**  
**ESTABLISHED 1792**

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

**RECEIVED:**

MAY 15 2018

TOWN OF GALWAY

**PLANNING BOARD MEETING AGENDA**

Meeting Date/Time: **May 30, 2018 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of April 24, 2018 meeting
4. Clerk's Report
5. Chair's Report
6. Public Hearing:
7. Public Meeting:  
**Application #PB18-005** - Application of Jess and Linda Czubernat for a lot line adjustment on properties located at 1939 Route 29 and 1909 Route 29 (tax parcel nos.: 173-1-103 and 173-1-82) in the A/R District of the Town of Galway.
8. Privilege of the floor
9. Other business
10. Adjournment



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JUL - 5 2018

**TOWN OF GALWAY**

**MINUTES OF PLANNING BOARD MEETING**

**Date/Time of Meeting:** May 30, 2018, 7:30 p.m.

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

**MEMBERS PRESENT:** MaryLynn Kopper, Mikel Shakarjian and Rebecca Mitchell.

**MEMBERS ABSENT:** Win McIntyre.

**ALSO PRESENT:** Donna Noble, Clerk, and 7 people in the audience.

**REVIEW AND APPROVAL OF MINUTES:**

All board members previously reviewed the minutes of the April 24, 2018 meeting. **Motion by MaryLynn** to approve the minutes. **Second by Mikel.** Voice vote: All ayes. Motion carried.

**CLERK'S REPORT:** Minor subdivision map of Felicia Fendentz filed with Saratoga County.

**CHAIR'S REPORT:** None.

**PUBLIC HEARING:**

**PUBLIC MEETING:**

**Application #PB18-005** - Application of Jess and Linda Czubernat for lot line adjustment on properties located at 1939 Route 29 (tax parcel no.: 173.-1-103) and 1909 Route 29 (tax parcel no.:173.-1-82) in the A/R District of the Town of Galway. Mr. and Mrs. Czubernat, or a representative on their behalf, are not in attendance to discuss this application. Application will be tabled until next month's meeting.

**Application #PB-17-002** - Continuation of application of 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 of the Town of Galway. Galway Co-Op is in attendance, represented by John Sutton, Esq. The Galway Co-Op has recently received a number of variances from the Zoning Board of Appeals and are here to find out what additional information they will need to get their special use permit and site plan approval. There is no new additional information to share but Mr. Sutton has a couple of questions regarding the procedure. Mr. Sutton knows a public hearing will take place and asks if the site plan review and special use permit will be considered at the same time. Also, he asks if it is correct that all of the information requested by the Board will have to be submitted before a public hearing will take place. Ruthann answers yes to both. Mr. Sutton asks if they cannot reach an agreement on something will a public hearing still be held? Ruthann checks her notes to see what is still outstanding. She believes most of the requested information has been obtained and thinks most of the things that were outstanding were the variances. There is discussion of what still needs to be presented: a formal sign plan; ADA compliance; driveway permit and SEQR review. Mr. McNamara suggests that the variances granted by the Zoning Board of Appeals be present on the most recent site plan.

There is discussion of the handicapped accessibility. Mr. Casadei explains the entrances to the building. On the Fish House Road side (east side), going into the office area, there is not a step. There is a downgrade. On the Route 29 side, the curb that you see on the Fish House Road side doesn't exist. Ruthann states that you cannot tell that by looking at the map. Mr. Casadei agrees but was just trying to give the board an idea of what they are dealing with and that his interpretation of what happened at last month's meeting with regard to the handicapped accessible situation was different then what they are talking about now. He thought that they had gotten over the matter. Ruthann explains that what they have "gotten over" was the ZBA having to address the issue. Mr. Casadei explains that the problem his engineer is having is that there is nothing clear on the handicapped accessible in a situation like this. If just putting grade spots there is going to solve the problem, that is great but if there is going to be a problem after the grade spots are shown then Mr. Casadei would like to discuss it now so that he doesn't have to come back regarding that issue. Ruthann explains that a couple of cross sections can easily be shown. Mr. Casadei will have the engineer take care of that and asks about the crushed stone and if they have a problem there. Mike McNamara says he does not believe that it is compliant. Mr. Casadei says that his engineer believes that it is compliant and hasn't read anything that says that is it not compliant. Mr. Casadei asks if Mr. McNamara if he has something saying that the crushed stone is not compliant. Mr. McNamara says that he is looking to do it the other way, to have them site something that says that it is compliant. Mr. Casadei states that there is nothing that exists with regard to that particular application and asks where do you go? They have discussed the pervious/impervious surface. Ruthann says the difference is trying to wheel a wheelchair across crushed stone and pavement. Mr. Casadei says that if it is packed to the point where it is impervious, he does not see a big difference because when you step on the packed stone, it does not cave in. He is not trying to be argumentative, everybody has been here a lot and "we clearly need to get to a point where we can get it done". Mr. Sutton says that Mr. McNamara suggests that they obtain a publication from the federal government showing that the crushed stone is acceptable. That has not been able to be found yet. However, there are many situations of private entities that have used crushed stone, not gravel. The standard for the surface that the wheelchairs have to be on are firm, stable and a non-skid surface. Mr. Sutton states that much of Mr. McNamara's suggestions about the ADA include town action. Town action would be by the building inspection and the building inspection has been very reticent to make any zoning determinations which makes it a daunting challenge for them to gain town approval or at least he fears it will be. This relates to his first question when he came in - "if we can't agree before a public hearing whether the crushed stone is a suitable surface for the handicap access will we have a public hearing so that we can present our final position as a formal matter to the board?" There is more discussion of crushed stone and ADA compliance. Ruthann and Mr. Pozefsky suggest that the applicant's engineer add to the site plan: the construction details for the surface of the handicapped parking spaces and how it will be constructed to be stable, firm and slip resistant, show grades for the ramp, show cross sections how you get from the two handicapped spaces into the building and the variances that were approved by the Zoning Board of Appeals. To recap: the board needs the SEQR form (the current form is a year old. Ruthann says to make sure that everything is still the same as it was when the form was filled out); an up to date plan with a record of work updated and removal of the flat bed trailer; variances granted by the Zoning Board of Appeals; all the items just talked about regarding handicapped accessibility; DOT driveway permit (Mr. Casadei states that his engineer contacted them and he was advised that somebody from the Planning Board contacted them to say they were opposed to the Plan. Ruthann says that is not the correct interpretation as to what transpired. Mr. Casadei said that without a letter from the Planning Board they will deny the driveway permit. Ruthann asks for the name of the individual at DOT. She will contact them); sign plan; Mr. McNamara will go through the variances and give his feedback.

**Application #PB-18-003 and #PB-18-004** - Continuation of application of Primax Properties, LLC for a Site Plan Review/Special Use Permit on property located on the SW Corner of NYS Route 29 & NYS Route 147 (tax parcel no.: 172.00-2-15.1) in the Commercial, C-1 District of the Town of Galway. Caryn Mlodzianowski is in attendance speaking on behalf of Primax Properties, LLC. She explains again that they are proposing to subdivide a 3.3 acre parcel from a 26.7 acre parcel (a minor subdivision) to build a retail store (Dollar General). They also have an application for a site plan review. Since they were here last they did go to the Zoning Board of Appeals to introduce the project to them and the proposed variances. They set their public hearing for Tuesday, June 6. Landscaping has been added to the plan as requested by the Planning Board at last month's meeting. They also submitted a revised sub-division map as they received a lot of comments from the Board last month and they incorporated the changes and addition to the sub-division plan and submitted the finalized map. With that, they are here this evening and hopeful to get some feedback and make progress whether the application will be sent to the County for their comments and to set the public hearing. The board looks over the "finalized map". Ruthann asks if anybody has any questions. Mikel asks about the design and the site plan (where the building sits). Ms. Mlodzianowski answers her questions. There is discussion of the design of the building. Ms. Mlodzianowski explains that the architectural design is much different than the typical architecture. Ruthann states that the roof is a flat roof and it is not something that is permitted in the zoning code and is discouraged. Rebecca asks if any other communities have gotten Dollar General to build a structure with peaked roof. Ms. Mlodzianowski explains that of all the projects they have done with this particular developer, no, they have not built a peaked roof. Two reasons for not having a peaked roof is that the HVAC unit goes on the roof (for efficiency reasons) and the run off. Mikel states that there are existing structures in town that are partly retail/commercial and are vacant. Mikel asks if Dollar General had considered using an existing property. Ms. Mlodzianowski does not know that answer. Mikel asks about the septic. It will be a raised bed because of the shallow rock. It has not been designed yet. Rebecca states her concern with what the building will look like traveling north on Route 147. Ruthann asks if there will be any other signage other than the letters on the building. Ms. Mlodzianowski says there will be a sign by the road, as shown in the site plan. The signs will be handled by Dollar General. Ms. Mlodzianowski is clear on what the board will need for next month's meeting. Ruthann asks if they will have engineering details. Yes, they will. There are no other comments or questions from the board.

**PRIVILEGE OF THE FLOOR:** None.

**OTHER BUSINESS:** Mikel will not be at the June meeting.

**Motion by MaryLynn** to adjourn. **Second by Mikel.** Voice vote: All ayes. Motion carried.  
Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Donna Noble  
Donna Noble, Clerk