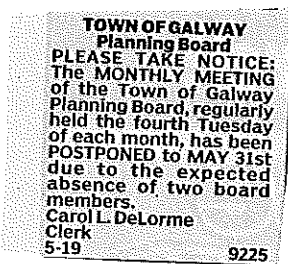


State of New York,
City and County of Schenectady

ss.:



Amy Hills of the City of Schenectady, being duly sworn, says that he/she is Principal Clerk in the office of the Daily Gazette Co., published in the City of Schenectady and that the notice/advertisement, of which the annexed is a printed copy, has been regularly published in the Daily Gazette and/or Sunday Gazette as follows:

1 insertion April 19, 2011

Sworn to me on this 20th day of May 2011

NOTARY PUBLIC

JERRY J. NIECKARZ
Registration No. 4747319
Notary Public, State of New York
Residing in Schenectady County
My Commission Expires 7/31/13



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 31, 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 11, 2011 meeting
4. Clerk's Report
5. Chair's Report
6. Public Hearing – None Scheduled
7. Public Meeting
 - Pre-Submission conference: Michael VanWart regarding request for lot line adjustments between his and 3 neighboring parcels, all located on Jockey St
 - 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)
 - SEQR Review/Classification; Possible Decision - Application #11/003: Request of Donna Peterson & Roy and Gail Hoag for a lot line adjustment between tax parcel #s 186.-1-12 (1901 Hermance Rd; lands of Peterson) and 173.-1-65.1 (1906 Rte 29; lands of Hoag)
8. Privilege of the Floor
9. Other Business
10. Adjournment



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: May 31, 2011 – 7:30 p.m.

MEETING CALLED TO ORDER at 7:32 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. Also present in the audience was Mike Tillson, town board liaison and approximately 8 people, including the applicants.

REVIEW AND APPROVAL OF MINUTES

All board members previously reviewed the minutes of the May 11, 2011. **Motion by Win McIntyre** to approve minutes as distributed. **Seconded by Mary Lynn Kopper.** Voice vote: All ayes. Motion carried.

CLERK'S REPORT

- Received a letter of resignation from Michelle Morgan
- Communication received from New York Municipal Insurance Reciprocal regarding a "Land Use Training Program for Local Officials" to be held June 9th in the Washington Co. Municipal Center

CHAIR'S REPORT - None

PUBLIC HEARING – None scheduled

PUBLIC MEETING

Pre-Submission conference: Michael VanWart - Request for lot line adjustments between his property and 3 neighboring properties, all located on Jockey St

Mr. VanWart was present and presented another sketch plan and explained the proposal. Currently the Mattingly (Lot #3 on map provided), Retajczyk (Lot #5) and VanWart (Lot #4) properties use a right-of-way owned by Mr. VanWart as access to their properties. The proposal is to transfer a strip of land for creation of a driveway for the Mattingly and Retajczyk properties that will be co-owned by them. They each would be extending their northern property lines to include a portion of the driveway (so they would each then own a portion of the driveway) and they would jointly own the remainder of the driveway out to Jockey Street. The existing driveway will be removed. The proposal also includes a lot line adjustment between Lots #4 and #1 (both owned by VanWart). This will provide Lot #4 with 200' of frontage on NYS Rte 29

(Jockey St frontage to be removed). Mr. VanWart is currently building a driveway out to Rte 29 for Lot #4. Finally, a lot line adjustment is proposed between VanWart Lot #1 and the lands of Keehan. This is a piece of property which will be cut off from Lot #1 as a result of the new driveway being created for Mattingly/Retajczyk and abuts the Keehan and Mattingly properties. Chair asked Mr. VanWart if he has contacted NYS DOT regarding a curb cut on Rte 29 to which Mr. VanWart responded that he already has a permit from DOT. Chair was uncertain as to whether or not the property being transferred for creation of the driveway (Mr. VanWart referring to it as an "access lot") would constitute a subdivision. If so, she has questions regarding its failure to meet size requirements. Traditionally, the PB approves only "buildable" lots. This obviously is not a building lot. Chair wanted to defer to board attorney, Martin Pozefsky, before agreeing to classify this as a series of lot line adjustments. Discussion between board and Mr. VanWart revealed a discrepancy between the town Subdivision regulations (§100-2, pg 10006) and the town Zoning regulations (§115-7, pg 115:24) with regard to the definition of a "Lot". Mr. VanWart contends the lot being created meets the description of "customarily incident to" as outlined in the Zoning regulations as a driveway would be incident to a house. Mr. VanWart asked for clarification as to whether or not there was opposition to the proposal. Chair responded that she just wanted to make sure the board was following the proper procedure as this is not something that has come before this board before. Questions needing clarification are if the board can approve a lot that does not constitute a building lot and/or if this can be done through a series of lot line adjustments. Regarding the length of the proposed driveway, Mr. VanWart was advised that all driveways in excess of 500' in length must be constructed to specific DOT specifications and was provided with a copy of the specifications and instructed to include the driveway note on the final subdivision maps. Decision was that since this is not a formal application at this point, the board will forward information to Mr. Pozefsky and ask for legal opinion before moving forward.

SEQR Review/Classification - Application #11/001 - Jessie Watson / Gladys Ostrom
No one in attendance regarding this application. No action taken.

SEQR Review/Classification - Application #11/002 - Dirk J. Weaver
Clerk reported that Mr. Weaver called to say survey was being done at this time so he would not be ready for tonight's meeting. To be rescheduled next month.

SEQR Review/Classification; Possible Decision - Application #11/003 - Request of Donna Peterson & Roy and Gail Hoag for a lot line adjustment between tax parcel #s 186.-1-12 (1901 Hermance Rd; lands of Peterson) and 173.-1-65.1 (1906 Rte 29; lands of Hoag)

Ms. Peterson was present to explain the proposal. She recently purchased a house with approximately 5 acres on Hermance Rd from the Hoags. She would like to purchase an additional 2 acres from the Mr. Hoag and annex it to her property, making her parcel a total of approximately 7 acres. Detailed survey map was provided. Consensus was that this was a straightforward lot line adjustment.

Motion by Mary Lynn Kopper to waive SEQR review of application #11/003, request of Donna Peterson and Roy and Gail Hoag, to classify the application as a lot line adjustment/annexation and waive all further subdivision regulations including public hearing.
Seconded by Rebecca Mitchell. Roll call vote: Ruthann Daino, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes; Win McIntyre, yes. All ayes. Motion carried. SEQR WAIVED.
CLASSIFIED A LOT LINE ADJUSTMENT/ANNEXATION.

Motion by Win McIntyre to grant final approval to request of Donna Peterson and Roy and Gail Hoag (application #11/003) for lot line adjustment between tax parcel #186.-1-12 (lands of

Peterson) and tax parcel #173.-1-65.1 (lands of Hoag) and approve for filing. **Seconded by Mary Lynn Kopper.** Roll call vote: Ruthann Daino, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes; Win McIntyre, yes. All ayes. Motion carried. GRANTED FINAL APPROVAL. Ms. Peterson was instructed to file the Mylar copy and one paper copy of the stamped/signed subdivision map with the County Clerk's Office within 62 days of signing and was provided a hand-out regarding filing requirements. Ms. Peterson paid the application fee (\$50).

PRIVILEGE OF THE FLOOR

Mike Tillson – Commented/brought to the board's attention that the two parcels involved with the VanWart proposal were created with 40' each on Jockey St. Suggested that the board may want to quiz them as to why they don't develop that frontage into driveways.

Ruthann Daino – Was looking up something in the Appendix of the Zoning Regs regarding side yard setbacks and discovered they are not listed; only front and rear setbacks are. Mike Tillson informed her that they are not listed in the printed copies (apparently they were omitted) but they are in the on-line version.

The Mattinglys and Retajczyks returned and asked to further explain their request. The Retajczyks have their property for sale. They have a purchase offer but the prospective buyers cannot get financing due to the right-of-way access. Apparently lending institutions don't look favorably on shared driveways and/or right-of-ways. They need to own the driveway or have a signed "maintenance agreement" with the owner, which Mr. VanWart is not willing to do. Board listened to their comments and again informed them that they would need advice from board counsel before proceeding.

ADJOURNMENT - Motion for adjournment by Win McIntyre. **Seconded** by Rebecca Mitchell. Voice Vote: All ayes. Motion carried. Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Carol L. DeLorme

Carol L. DeLorme, Clerk