



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: **October 25, 2011 – 7:30 p.m.**

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

1. Convene Meeting
 2. Roll Call
 3. Clerk's Report
 4. Chair's Report
 5. Public Hearing
 - Application #11/007 – Request of George W. Stanislawski for creation of 3 building lots from an approximate 165 acre parcel located at 1741 Mechanic St in the A/R district of the town of Galway (tax parcel #172.-2-2), a 3-lot minor subdivision
 6. Public Meeting
 - Application #11/007 ... George W. Stanislawski ... tax parcel #172.-2-2 ...
- SEQR Review/Classification:
- Application #11/004: Request of Peter & Christina Guidarelli for a lot line adjustment of tax parcel #185.17-2-9.2
7. Privilege of the Floor
 8. Other Business
 9. 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: October 25, 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, Win McIntyre, and Mikel Shakarjian

MEMBERS ABSENT: None

ALSO PRESENT: Carol DeLorme, Clerk. Present in the audience: Mike Tillson (town board liaison), applicant, Martin Pozefsky (planning board counsel), and approximately 6 people.

REVIEW AND APPROVAL OF MINUTES

All board members previously reviewed the minutes of the September 27, 2011 meeting. **Motion by Mary Lynn Kopper** to approve the minutes as presented. **Second by Win McIntyre**. Voice vote: All ayes. **Motion carried.** Minutes approved without change.

CLERK'S REPORT

Transmittal received from Saratoga County Clerk's Office: 1 map was filed during the month of September 2011: Survey map of Lands of Sally M. Alderice (noted that this was not a matter that came before the PB.

CHAIR'S REPORT – Received 2 phone calls regarding the Stanislawski application. Both individuals indicated they were in favor of the proposal.

PUBLIC HEARING - Clerk read the legal notice as it appeared in the *Daily Gazette* on 10/13/11

Application #11/007: George W. Stanislawski- Request for creation of 3 building lots from an approximate 165 acre parcel located at 1741 Mechanic Street in the A/R district, Tax parcel #172.-2-2, a 3-lot minor subdivision

Mr. Stanislawski and his surveyor, Art Carpenter, were present. Mr. Stanislawski provided a revised survey/subdivision map, posted it and explained it to the board members and individuals in audience. The three lots will be approximately 70, 50 and 40 acres in size. A neighbor, Leonard Glwya, had questions about how the survey measurements were derived as he was never approached. Mr. Glwya felt he should have been consulted. It was Mr. Glwya's contention that a formal survey has never been done and didn't understand how a survey could be completed at this time. Mr. Carpenter attempted to explain to Mr. Glwya and discussion ensued. Mr. Glwya expressed concerns about possible discrepancies between property lines as shown on the survey map vs. tax maps from which his property taxes have been assessed. Chair explained that Mr. Carpenter is a licensed land surveyor in the state of New York who has completed numerous surveys for this board and town as well as surrounding towns and there has never been a reason to question or doubt the accuracy of his work. Martin Pozefsky suggested to Mr. Glwya that he could have his land surveyed as tax maps are not always the most reliable/accurate instruments. If a formal survey showed the boundary lines to be different from what the tax maps show Mr. Glwya could then

pursue legal action to resolve the discrepancy. Chair reiterated that for the purpose of this application, the survey maps submitted are assumed accurate as they have been completed by a licensed NYS surveyor. Chair again encouraged Mr. Glwya to further discuss his concerns with Mr. Stanislawski outside of this meeting. Kathy Calo Puritan (neighbor) had questions about whether this subdivision would be residential in nature. Chair explained that the area is zoned agricultural/residential. No further questions/discussion.

Motion by Mary Lynn Kopper to close the public hearing regarding Application #11/007. **Second by Rebecca Mitchell**. Voice vote: All ayes. Public hearing closed at 7:50 pm.

PUBLIC MEETING

Application #11/007 - George W. Stanislawski ... 3-lot minor subdivision of tax parcel #172.-2-2

Chair noted that the 50' setback for the existing structure on the 40-acre lot has been complied with. Also noted and discussed was that an existing cemetery infringes on the 40 acre parcel. Chair raised question as to access rights when cemeteries are located on private property. Mr. Pozefsky noted that there is actually a NYS cemetery law which addresses cemeteries that are located on private property wherein access cannot be denied to relatives of the decedents.

SEQRA was completed last month. Clerk noted that referral has been sent to SCPB (as property lies within 500' of town of Providence) as well as the town of Providence PB but response has not been received from either as of this date. No further discussion. **Motion by Win McIntyre** to grant final approval to application #11/007, the request of George W. Stanislawski for a 3-lot minor subdivision of an approximate 165-acre parcel located at 1741 Mechanic Street, as per survey/subdivision map submitted this date, and approve for filing. **Second by Mary Lynn Kopper**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Mikel Shakarjian, yes; Rebecca Mitchell, yes. Motion carried. GRANTED FINAL APPROVAL FOR A 3-LOT MINOR SUBDIVISION. Clerk noted that \$50 application fee is due, along with an additional \$100 (\$50 for each new lot created) for a total of \$150. Mr. Stanislawski submitted a check in that amount. Applicant/surveyor were advised to file the Mylar and 1 copy of the signed survey/subdivision with the Saratoga County Clerk's Office within 62 days of signing.

Application #11/004: Request of Peter & Christina Guidarelli for a lot line adjustment of tax parcel #185.17-2-9.1 and 185.17-2-9.2 (located off Nassel Dr in the Lake District)

Anthony Guidarelli was present representing his brother, Peter Guidarelli. Chair and board members reviewed the letter of approval from ZBA and previously reviewed the minutes from the October 4th ZBA meeting as they pertain to the Guidarelli variance request. Road frontage variances were granted by the ZBA thereby enabling the PB to act on the application for LLA. ZBA also asked the PB to review the easement rights currently in existence for possible revision to address access for any and all parties using the existing 40' wide easement (specifically camps 9060 and 9040). Mr. Guidarelli indicated that nothing has been drafted as yet. Board directed Mr. Guidarelli to have a corrected easement/right-of-way deed drawn up and subsequently submitted to board counsel for review. It was felt this could be made a condition of approval. Mr. Pozefsky brought up another concern of ZBA that lots with access via a private easement/right-of-way are being created. Mr. Pozefsky pointed out that our town regulations make an exception for the Lake District where access via right-of-way/easement off private roads is allowed. Board also discussed the proposal of using one well for both properties. Mike Tillson (representing zoning/code enforcement) said that while there is nothing in our Regs prohibiting a shared well, it is generally discouraged. Mr. Guidarelli indicated it is now their plan to have 2 separate wells. It was noted that the

size of the two lots remains basically the same (both meet the minimum 1 acre requirement) and map denotes 25' setback requirement being met for both the existing house on 9060 and the proposed house. Consensus was that this application meets the requirements for classification as a lot line adjustment.

Motion by Mary Lynn Kopper to classify application #11/004, request of Peter and Christina Guidarelli, a Lot Line Adjustment and to waive all further subdivision regulations including SEQRA review and public hearing. **Second by Mikel Shakarjian**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Mikel Shakarjian, yes; Rebecca Mitchell, yes. Motion carried. CLASSIFIED A LOT LINE ADJUSTMENT. SEQRA AND PUBLIC HEARING WAIVED. **Motion by Mary Lynn Kopper** to grant final approval to application #11/004, request of Peter and Christina Guidarelli for lot line adjustment between tax parcel #s 185.17-2-9.1 and 185.17-2-9.2 (located off Nassel Dr in the Lake District), and approve for filing with the contingency that corrected deeds be prepared and submitted for review by board counsel, Martin Pozefsky, that address access for Lots 9040 and 9060 via the existing 40' easement/right-of-way. **Second by Rebecca Mitchell**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Mikel Shakarjian, yes; Rebecca Mitchell, yes. Motion carried. GRANTED FINAL APPROVAL FOR LOT LINE ADJUSTMENT.

PRIVILEGE OF THE FLOOR – None requested

OTHER BUSINESS

Chair reminded board members that the November meeting will be the last Tuesday of the month (November 29th) due to the unavailability of two board members the previous week.

ADJOURNMENT - Motion for adjournment by Mary Lynn Kopper. **Second by Win McIntyre**. Voice Vote: All yeas. Motion carried. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Carol L. DeLorme
Carol L. DeLorme, Clerk