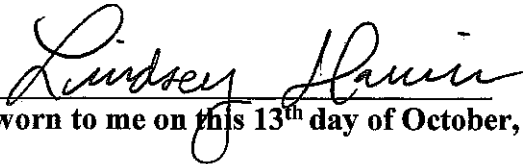


State of New York, ss.:
City and County of Schenectady

**TOWN OF GALWAY
Planning Board
NOTICE OF
PUBLIC HEARING**
NOTICE IS HEREBY GIVEN
that the Town of Galway
Planning Board will con-
duct a public hearing on
Tuesday, October 25, 2016
at 7:30 p.m. in the Town
Hall, 5910 Sacandaga
Road, Galway, NY, to con-
sider the following appli-
cations:
Application #PB16-012
Application of the Estate
of Robert E. Sicker, Diane
L. Sicker, Administrator,
for a 2-lot minor subdivi-
sion of property located
at 5715 Crooked Street,
(tax parcel no.: 185-1-18-1)
in the A/R District in the
Town of Galway.
Donna M. Noble
Clerk
10/13 2279708

**Lindsey Harrison 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 on October 13, 2016

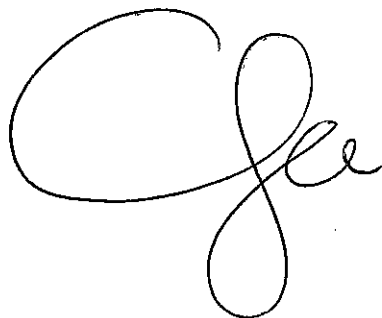


Sworn to me on this 13th day of October, 2016

NOTARY PUBLIC

**ALISON COOKE
COMMISSIONER OF DEEDS
MY COMMISSION EXPIRES**

4/2/2017





TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

RECEIVED

OCT 11 2016

TOWN OF GALWAY

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **October 25, 2016 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of September 27, 2016 meeting
4. Clerk's Report
5. Chair's Report
6. **Public Hearing:**
7. **Application - #PB16-012:** Application of the Estate of Robert E. Sickler, Diane L. Sicker, Administrator, for a 2-lot minor subdivision of property located at 5715 Crooked Street, (tax parcel no.: 185.-1-18.1) in the A/R District in the Town of Galway.
8. **Public Meeting:**
 - Application - #PB16-012:** Application of the Estate of Robert E. Sickler, Diane L. Sicker, Administrator, for a 2-lot minor subdivision of property located at 5715 Crooked Street, (tax parcel no.: 185.-1-18.1) in the A/R District in the Town of Galway.
 - Application - #PB16-001:** Application of Dirk Weaver for a two lot sub-division of property located at 2005 Route 29, (tax parcel no.: 173.-1-60.11) in the A/R District in the Town of Galway.
 - Application - #PB16-015:** Application of Bills Road, LLC for a two lot sub-division of property located at 2485 Bills Road, (tax parcel no.: 174.-1-91) in the A/R District in the Town of Galway.
9. Privilege of the floor
10. Other business
11. Adjournment



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

RECEIVED
OCT 26 2016
TOWN OF GALWAY

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: October 25, 2016 - 7:30 p.m.

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

MEMBERS PRESENT: Rebecca Mitchell, Mary Lynn Kopper, Win McIntyre and Donna Noble, Clerk

MEMBERS ABSENT: Mikel Shakarjian

ALSO PRESENT: Martin Pozefsky, Esq., Chet Ciembroniewicz, applicants (3) and 6 other people.

REVIEW AND APPROVAL OF MINUTES:

All board members previously reviewed the minutes of the September 27, 2016, meeting. **Motion by MaryLynn** to approve the minutes. **Second by Rebecca.** Voice vote: 3 ayes. 1 abstain (Win, not at September meeting). Motion carried.

CLERK'S REPORT: None.

CHAIR'S REPORT: None.

PUBLIC HEARING:

Application - #PB16-012: Application of the Estate of Robert E. Sickler, Diane L. Sicker, Administrator, for a 2-lot minor subdivision of property located at 5715 Crooked Street, (tax parcel no.: 185.-1-18.1) in the A/R District in the Town of Galway. Ruthann had a call from neighbor Mr. Bischoff, wanted to know what was going on, what the details are and had a couple questions about the septic. Ruthann informed him that the Board is taking care of everything. He was fine, had no questions.

Motion by Mary Lynn to close public hearing. **Second by Win.** Voice vote: All ayes. Motion carried.

PUBLIC MEETING:

Application - #PB16-012: Application of the Estate of Robert E. Sickler, Diane L. Sicker, Administrator, for a 2-lot minor subdivision of property located at 5715 Crooked Street, (tax parcel no.: 185.-1-18.1) in the A/R District in the Town of Galway. Applicant brings revised map showing what was needed to be added. Ruthann says that the map looks good but on the final map that she will sign, it should have a note saying that the existing garage, house and septic will be removed, showing the 50 foot set-back lines on each side of the property. Also the Board will need to know where the septic is for the trailer on the right of the property. **Motion by Rebecca** to approve application #PB16-012 for a 2 lot minor subdivision. **Second by Win.** Voice vote: All ayes. Motion carried.

Application - #PB16-001: Application of Dirk Weaver for a two lot sub-division of property located at 2005 Route 29, (tax parcel no.: 173.-1-60.11) in the A/R District in the Town of Galway. There is a new plan submitted. Not the plan that was originally submitted in January. Ruthann states that there was a drive way permit issued for the old plan from January and asks Mr. Weaver if he has spoken to DOT regarding a drive way permit for the new plan. Mr. Weaver is expecting an un-official document giving the okay for a drive way permit. They will not issue two drive way permits and will only allow one access to a state road per lot. So, they need to be sub-divided before a new drive way permit is approved. The application for a drive way permit has been submitted. The well has already been put in on the property. Ruthann asks what is going on with the property line on the left. Mr. Weaver explains that the original proposal, the straight line, the neighbor to the west thinks that there is a discrepancy of where the line is. Mr. Carpenter wrote in the approximate location of the where the property line is for Jeff and Linda Czubernat. Because of the discrepancy, Mr. Weaver decided to make a smaller lot to exclude the line in question (as to not hold up the project). Once the line in question is confirmed, Mr. Weaver will then do a lot line adjustment. No other questions or comments from the board. SEQR review. **Motion by Mary Lynn** that based on the information and analysis, and supporting documentation, the proposed action will not result in any significant adverse environmental impacts. **Second by Win.** Voice vote: All ayes. Motion carried. **Motion by Rebecca** to classify application #PB16-001 as a 2 lot minor subdivision and schedule for a public hearing. **Second by Mary Lynn.** Voice vote: All ayes. Motion carried.

Application - #PB16-015: Application of Bills Road, LLC for a two lot sub-division of property located at 2485 Bills Road, (tax parcel no.: 174.-1-91) in the A/R District in the Town of Galway. Tom Samascott, Member of Bills Road, LLC explains what they would like to do with the property. They are under contract with Craig and Barbara Stoyr to purchase 160 acres of the 175 acres that they currently own. They will subdivide 41.9+/- acres of the 160 acres being purchased to make 2 lots. Property already has two separate tax numbers. Ruthann questions if this has anything to do with Malta Development as she thought she saw it somewhere on the application. Mr. Samascott assures the board that Malta Development has nothing to do with this application. Win asks what the plans for the property are. It will be used for recreational purposes, no plans to build. There are no plans to put in a drive way. Although there are no plans to put in a drive way, the Board would like to see the standard drive way note on the plan (if the plans change in the future). SEQR review. **Motion by Win** that based on the information and analysis, and supporting documentation, the proposed action will not result in any significant adverse environmental impacts. **Second by Mary Lynn.** Voice

vote: All ayes. Motion carried. **Motion by Rebecca** to classify application #PB16-015 as a 2 lot minor subdivision and schedule for a public hearing. **Second by Win.** Voice vote: All ayes. Motion carried.

PRIVILEGE OF THE FLOOR: Gerard Wise, Broker with Roohan Realty and the Sparks are looking for guidance with regard to their property located at 2948 Route 29. They are looking for clarification and process to take them from the existing use of the property to a proposed new use of the property. There is some confusion as to what is pre-existing, non conforming, grandfathered in, if a special use permit was issued in the past and what, if any, variance(s) have been granted in the past. Ruthann reads a letter that was sent to the Town of Galway Building Department from The Sparks. To summarize - they want to rent the building located at 2948 Route 29 to Ryder Truck Rental. They would only be renting the enclosed building located on the property, not the pole barn. The building would be used for maintenance and repairs to their trucks. The hours of operation will be 7 a.m. to 11:30 p.m. with no outside work to be performed after 5:00 p.m. Ruthann says that looking through the file, the original special use permit from 1987/1988 was for office space and storage. It was amended in 1999 but not for the heavy equipment maintenance and storage that it seems to be currently used for. It was amended to allow them to rent out office space for medical supply (before current owners time). There is a letter from the existing Code Enforcement Officer stating that machine shop fabrication could be considered as permissible use under the original special use permit. The current use is heavy equipment storage and maintenance. Mr. Wise states that it is more of a construction office with related services, maintaining a fleet, heavy equipment as well, it being an excavation company which he states does not fall under the current special use as "storage". Ruthann states that it certainly does not fall under office space or machine shop. Mr. Wise does say that 2,500 square feet of the existing building is office space. Ruthann says that Galway zoning, in the A/R district, that vehicle servicing is not a permitted use even with a special use permit. Mr. Sparks says that they have been at that property for 15 years and he had a meeting with LoAnn Sanders and she granted permission for them to be doing what they are doing there. Mrs. Sparks said that she gave approval for storage, maintenance of equipment and office space. Ruthann has not found any record of that approval, just the machine shop. Martin Pozefsky, Esq. looked through the file and did not see anything from LoAnn Sanders. He said that the zoning was adopted by the Town, he believes in 1995, maybe prior to that. He does not know when the Sparks acquired the property. Ruthann reads a letter from the planning board chair dated March 24, 2005 stating that on March 22, 2005 granted final approval to Sparks Excavating, for expansion of a special use permit for their business located at 2948 Route 29, East Galway, for a site plan submitted March 7, 2005 and to recommend the zoning administrator, code enforcement official amend the existing special use permit in accordance with said site plan. Ruthann does not see anything in the file stating what exactly was in the application that was approved. The Sparks tell her it was for an addition. Ruthann then reads on... The applicants are proposing an expansion of one of the buildings currently used by a tenant for operation of a machine shop. The type of activity is not changing nor do they anticipate a change in the number of employees. The tenants mainly need more room for machines, special use permits were previously granted for the operations currently in place. Applicants purchased the property in 1998. A memo from LoAnn Sanders dated March 1, 1999 confirmed the fact that the machine fabrication shop was one of the uses filed with the town regarding the permit. Chair referred to §115-61 and beyond of the zoning regulations regarding special use permit site plan review. None of the items under §115-62 specifically applies to this instance.

Chair believes that the board has a responsibility to have site plan review, look at it, and ensure that the site plan is meeting the requirements - no deviation from the permits that were granted. Chair states that one of the things the board will require is a detailed site plan. That was in 2005. Martin Pozefsky, Esq. says that certainly, as everyone knows, light industrial is not allowed in that zone even with a special permit or site plan. Neither is vehicle servicing. The question is what were the permitted uses under the special permit and was there a previous non-conforming use that might have pre-dated that that would somehow apply here or there might be an accessory use. There is a letter that was sent to the Saratoga County Planning Board in 2005 that describes the project as expansion of a non-conforming use. Which, Martin Pozefsky, Esq. saw and immediately thought, they cannot do that. But, it was approved. There are three (3) special use permit letters: December 14, 1987 granting a special use permit for construction of a new, one story, 10,000 foot facility to be used for offices and storage in connection with specialized restoration work. May, 1988 - to grant a use variance as per plot plan and application to allow rental of office space. March 1, 1999, letter from LoAnn Sanders confirming their recent meeting and the fact that a machine fabrication shop is one of the uses filed with the Town. Ruthann does not know how "offices" were stretched to include machine shop and fabrication. Mrs. Sparks says that is when they came in front of the board and that is what they use the property for. Ruthann understands that but tells her that there is no record of excavating or heavy equipment ever being part of the special use permit.

Martin Pozefsky, Esq. states that this does not fall under office space, machine shop, or storage. It can't be allowed as vehicle servicing or light industrial. If it is considered grand-fathered it can't be expanded or altered (even though they got an expansion once before). He says that the planning board has the authority to turn the application over to the zoning board for interpretation. Ruthann says that the planning board cannot do anything until there is an action by the zoning board, whether they give a variance or what their interpretation is.

OTHER BUSINESS: None

Motion by Win to adjourn. **Second by Mary Lynn.** Voice vote: All ayes. **Motion carried.** Meeting adjourned at 8:51 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk