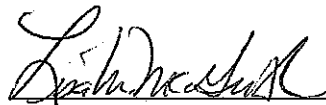


State of New York,  
City and County of Schenectady

ss.:

**Lisa M. McGrath of the Town of Rotterdam, 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:            September 14, 2020**

 (signature)

Lisa M. McGrath (printed name)

Sworn to me on this 15th day of September 2020

  
NOTARY PUBLIC

PAULA A. OPEL  
COMMISSIONER OF DEEDS  
MY COMMISSION EXPIRES 07/22/2021

**LEGAL NOTICE  
TOWN OF GALWAY  
Planning Board**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the town of Galway Planning Board on Tuesday, September 22, 2020 beginning at 7:30 p.m. in the Town Hall, 5910 Sacandaga Road, Galway, New York, to consider the following application:

**Application #20-011 - Application of Corbin Daino for a Minor Subdivision of property located at 1315 Perth Road (tax parcel no.: 198.00-1-77) in the A/R District of the Town of Galway.**

**Application #20-010 - Application of John Orton and Jennifer Loftus for a Site Plan Review/Special Use Permit on property located at 4005 Snail Pace Lane (198.07-2-34) in the Lake District of the Town of Galway.**

**Donna M. Noble  
Clerk**

**9/14**

**2417659**



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

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

**PLANNING BOARD MEETING AGENDA**

Meeting Date/Time: **September 22, 2020 - 7:30 p.m.**  
Location: Town Hall – 5910 Sacandaga Road, Galway, NY

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SEP 15 2020

TOWN OF GALWAY

1. Convene Meeting
2. Roll Call
3. Review of minutes of the **August 25, 2020** meeting
4. Clerk's Report
5. Chair's Report
6. Public Hearing:
  - Application #20-011** - Application of Corbin Daino for a Minor Subdivision of property located at 1315 Perth Road (tax parcel no.: 198.00-1-77) in the A/R District of the Town of Galway.
  - Application #20-010** - Application of John Orton and Jennifer Loftus for a Site Plan Review/Special Use Permit on property located at 4005 Snail Pace Lane (198.07-2-34) in the Lake District of the Town of Galway.
7. Public Meeting:
  - Application #20-011** - Application of Corbin Daino for a Minor Subdivision of property located at 1315 Perth Road (tax parcel no.: 198.00-1-77) in the A/R District of the Town of Galway.
  - Application #20-010** - Application of John Orton and Jennifer Loftus for a Site Plan Review/Special Use Permit on property located at 4005 Snail Pace Lane (198.07-2-34) in the Lake District of the Town of Galway.
  - Application #PB19-010** - Application of Capri Construction 426, LLC for a Site Plan Review/Special Use Permit on property located on NYS Route 29 (tax parcel no.: 172.-1-41) in the Commercial, C-1 District of the Town of Galway.
  - Application #PB20-008** - Application of David and Kelly DeVall for a Lot Line Adjustment on properties located at 2474 Old Mill Road (tax parcel no.: 186.-2-18.1) and 2472 Old Mill Road (tax parcel no.: 186.-2-18.2) in the A/R District of the Town of Galway.
  - Application #PB20-012** - Application of Daniel C. Zink, et al. for a Lot Line Adjustment on properties located on May Road (tax parcel nos.: 198.6-3-2; 198.6-3-8; and 198.6-3-3) in the Lake District of the Town of Galway.
  - Application #PB20-013** - Application of Joseph and Jillian Lima for a Lot Line Adjustment on properties located on Perth Road (tax parcel no.: 198-1-67.12; 198-1-64; and 198-1-67.12) in the A/R District of the Town of Galway.
  - Application #PB20-014** - Application of TJA -NY-1806 Perth Road Galway, LLC for construction and operation of a solar facility on property located at 1806 Perth Road (tax parcel no.: 199.-1-86) in the A/R District of the Town of Galway.
8. Privilege of the floor
9. Other business
10. Adjournment

**\*\*Applicants - please wear a mask when attending this meeting. Also, please wait in the parking lot until your matter is called before the Planning Board.**

**THANK YOU in advance for your cooperation.**



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

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

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NOV - 3 2020

TOWN OF GALWAY

**MINUTES OF PLANNING BOARD MEETING**

**Date/Time of Meeting:** September 22, 2020, 7:30 p.m.

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

**MEMBERS PRESENT:** Rebecca Mitchell, Win McIntyre, David Schweizer and Kevin Symonds.

**MEMBERS ABSENT:** None.

**ALSO PRESENT:** Donna Noble, Clerk, James Trainor, Esq., Treavor Gilday and 17 (at different times) people in the audience.

**REVIEW AND APPROVAL OF MINUTES:** All board members previously reviewed the minutes of the August 22, 2020 meeting. Corrections needed. **Motion by David** to approve the minutes with the corrections. **Second by Kevin.** Voice vote: All ayes. Motion carried.

**CLERK'S REPORT:** Three maps filed: Subdivision of Lands of Michael and Travis Mitchell; of Lot Line Adjustment between Lands of Larry and Kathleen Boni; and Lot Line Adjustment for Stephen and Anita Raeburn.

**CHAIR'S REPORT:** None.

**PUBLIC HEARING:**

**Application #20-011** - Application of Corbin Daino for a Minor Subdivision of property located at 1315 Perth Road (tax parcel no.: 198.00-1-77) in the A/R District of the Town of Galway. Ruthann recuses herself - Rebecca becomes Acting Chair. Janice Shekton, neighbor that abuts the property, would like to know how the lot will be subdivided. The Hughes, neighbors, are also in attendance and would also like to know how the lot will be subdivided and what is being planned. The Board and the neighbors look over the map. There is no concern from the neighbors.

**Motion by Kevin** to close the public hearing. **Second by David.** Voice vote: All ayes. Motion carried.

## **PUBLIC MEETING:**

**Application #20-011** - Application of Corbin Daino for a Minor Subdivision of property located at 1315 Perth Road (tax parcel no.: 198.00-1-77) in the A/R District of the Town of Galway. The Board has no questions or concerns.

**Motion by David** to approve the minor subdivision. **Second by Kevin.** Voice vote: All ayes. Motion carried.

## **PUBLIC HEARING:**

**Application #20-010** - Application of John Orton and Jennifer Loftus for a Site Plan Review/Special Use Permit on property located at 4005 Snail Pace Lane (198.07-2-34) in the Lake District of the Town of Galway. There are no comments or concerns from the public.

**Motion by Rebecca** to close the public hearing. **Second by David.** Voice vote: All ayes. Motion carried.

## **PUBLIC MEETING:**

**Application #20-010** - Application of John Orton and Jennifer Loftus for a Site Plan Review/Special Use Permit on property located at 4005 Snail Pace Lane (198.07-2-34) in the Lake District of the Town of Galway. Ruthann explains that at last month's meeting it was decided to use the special use permit as required for an extension of a non conforming use which is going beyond the 50% that is allowed in the code. Ruthann reads the Code §115-34. Because this only requires a special permit and not site plan approval under §115-75b3, the Board can waive the site plan approval and hear the special use permit as requested by §115-34. **Motion by David**, as per §115-75b3, to waive site plan approval. **Second by Win.** Voice vote: All ayes. Motion carried. Ruthann goes through §115-75b6 which outlines what is looked for a special use permit and which are applicable. A-J: not applicable in this matter. K - parking - there is off street parking, this is not a business. L,M,N - it appears that this structure will only improve the character of the neighborhood. O and P - septic and well are okay (there will be a new septic system). Q - emergence services - it appears that the structure and the site are readily accessible to fire, police and other emergency services. R- size and scale are within the scale of the neighborhood. Nothing else appears to be an issues. There are no other items to be addressed by the board. Ruthann explains that each application that goes beyond 50% requires a special use permit and is reviewed on a case by case basis. The board has gone through the list as required.

**Motion by Win** to approve the Special Use Permit. **Second by David.** Voice vote: All ayes. Motion carried.

**Application #PB19-010** - Application of Capri Construction 426, LLC for a Site Plan Review/Special Use Permit on property located on NYS Route 29 (tax parcel no.: 172.-1-41) in the Commercial, C-1 District of the Town of Galway. Mr. DiMeo is in attendance. He explains that his engineer is working on the details from the last meeting: lighting, road detail, turn around for fire apparatus, grading, wetland. Ruthann

tells Mr. DiMeo that the storm water management calculations should be on the map. Also, non-permeable surfaces. Rebecca asks Mr. DiMeo if he has a time table. He is hoping to be at next month's meeting with the stuff from his engineer. Does not have a time table regarding DEC and DOT. Ruthann brings up the possibilities that there are wetlands on the property. Mr. DiMeo does not believe there are wetlands on the property. Ruthann tells Mr. DiMeo to confirm with DEC that there is or is not wetlands on the property.

**Application #PB20-008** - Application of David and Kelly DeVall for a Lot Line Adjustment on properties located at 2474 Old Mill Road (tax parcel no.: 186.-2-18.1) and 2472 Old Mill Road (tax parcel no.: 186.-2-52) in the A/R District of the Town of Galway. Mr. DeVall has made the additions to the map that were asked for.

**Motion by Kevin** to approve the lot line adjustment. **Second by Rebecca.** Voice vote: All ayes. Motion carried.

**Application #PB20-012** - Application of Daniel C. Zink, et al. for a Lot Line Adjustment on properties located on May Road (tax parcel nos.: 198.6-3-2; 198.6-3-8; and 198.6-3-3) in the Lake District of the Town of Galway. Mr. Bogardus and Mr. Zink are in attendance. Mr. Bogardus explains that this is a lot line adjustment involving three properties owned by three different family members. Two properties have shore line access to Galway Lake with no road access and one parcel has access to May road. They are combining the three lots to make two lots so that each lot has lake front and road access. Three parcels become two parcels. Ruthann asks for a site location map. Mr. Bogardus explains that this is not a subdivision and he did not do a site location map and points out the demarcation of the lots. The board looks over the map to see where the properties are located. There is a 8 foot right-of-way that will be removed and taken off of the map. Rebecca asks Mr. Bogardus if he can make it clear as there is "a lot going on" on this map. There is discussion of an 8 foot right-of-way. Mr. Zink explains that the right of way was taken off by the person that owns the property next to him (Scott Hurlbert). The right-of-way was a right-of-way to come across the cove (from the other cove) but it no longer exists because the cove is there. Mr. Zink's attorney is in the process of having the right-of-way removed as the right-of-way goes nowhere. Ruthann would like Mr. Bogardus to note on the map the property line that is being removed. Mr. Trainor asks if the right of way is the easement that is described in the deeds. Mr. Bogardus answers yes. Mr. Trainor states that in the application it noted that there would be a letter of consent provided with the signatures of the property owners. Mr. Zink explains that the owners are himself, his mother, two sisters and a brother. Mr. Trainor explains that the board will need the consent of all parties in the deeds. They do not have the signature of Valerie Zink. Mr. Bogardus states that Valerie Zink is a life tenant, not a fee holder and her signature is not required. Mr. Trainor explains that her signature is required as she has an interest in the property. The Board is in agreement that they can approve this lot line adjustment with the following conditions: The existing property line to be removed is noted on the map; and Valerie Zink's signature must be obtained.

**Motion by Rebecca** to waive SEQR and public hearing requirements. **Second by Kevin.** Voice vote: All ayes. Motion carried.

**Motion by Win** to approve the lot line adjustment on the condition that Valerie Zink's signature is obtained and the existing property line is noted to be removed. **Second by David.** Voice vote: All ayes. Motion carried.

**Application #PB20-013** - Application of Joseph and Jillian Lima for a Lot Line Adjustment on properties located on Perth Road (tax parcel no.: 198-1-67.12; 198-1-64; and 198-1-67.12) in the A/R District of the Town of Galway. Louis Lima is here on behalf of Mr. and Mrs. Lima. The application is straight forward. There is a question as to what exactly is being adjusted. There is question regarding the parcel id number. The application says that the parcel number for 1116 Perth Road is 198.-1-67.12. The correct parcel number is 198.-1-65. The title block on the map should say lot line adjustment. There are other items that need to be added and/or removed from the map. Ruthann will write on the map what the Board would like so that Louis can give it to Mr. and Mrs. Lima. Ruthann asks if there is a septic system on the lot with the barn. Louis does not know. This application will be tabled until the October meeting.

**Motion by David** to table this application until the October meeting. **Second by Win.** voice vote: All ayes. Motion carried.

**Application #PB20-015** - Application of Keith and Michelle Barrett for a Minor/Major Subdivision of lands on property located at 2653 Old Mill Road (tax parcel no.: 187.000-1-37.11) in the A/R District of the Town of Galway. Mr. and Mrs. Barrett are in attendance. They would like to subdivide 3 acres from 23 acres, creating one new lot. Ruthann asks why their lot is labeled "Lot 6". They do not know. Ruthann suggests that they have "Lot 6" changed to "Lot 2". There are wetlands on the property and the 100 foot buffer around them needs to be noted on the map. The well and septic should also be shown on the map. The 50 foot setback line is not noted on the map and it should be as well. The zoning district is also not noted on the map and should be. These items will be noted on the map by next month's meeting.

#### **SEQR review.**

**Motion by David** that based on the information and analysis the proposed action will not result in any significant adverse environmental impacts. **Second by Win.** Voice vote: All ayes (four members). Motion carried.

**Motion by Rebecca** to classify as a 2-lot minor subdivision and set for a public hearing. **Second by Kevin.** Voice vote: All ayes Motion carried.

**Application #PB20-014** - Application of TJA -NY-1806 Perth Road Galway, LLC for construction and operation of a solar facility on property located at 1806 Perth Road (tax parcel no.: 199.-1-86) in the A/R District of the Town of Galway. Mike Frateschi and Eric Kenna from C&S Engineers Inc. are here to discuss the project. Maps and materials have been provided. A viewshed map that has been provided, assumed with no trees. A test was run using a 30 foot tree height and there was no pink (but this map was not provided). You couldn't see it from anywhere outside of the property. They also ran a Glare analysis. Ruthann asks Mr. McNamera if they should go through his letter point by point. He states it is up to the applicant, as it is their presentation. They are okay with doing that. There are some things that can be skipped as they have been discussed. They go through Mr. McNamera's letter. Mr. Kenna will do a point by point response to Mr. McNamera's letter. There is discussion of the years

explained in the code and the duration of the solar panels. There is a 5 year renewal with the town. Does this mean the special use permit will need to be renewed every five years? Would the applicant's be "grandfathered". This is something that they will need to address with the Town Board. Ruthann suggests that at the public hearing they should bring photos of what it will look like so that they can show the public. Mr. Kenna suggests that the Town Board think of specific locations and they will take pictures from those locations to show the public. They will acknowledge legislation and look into the 20 year life and the 5 year renewal. A glare analysis was done - there is no glare. The next step for them is to see where the Town Board is and to start SEQR process. Mr. Kenna will send us letters to be distributed to other agencies involved. We will mail those letters out.

**Motion by Kevin** to declare the Planning Board lead agency and initiate coordinating review. **Second by Rebecca.** All ayes. Motion carried.

**PRIVILEGE OF THE FLOOR:** None.

**OTHER BUSINESS:** None.

**Motion by David** to adjourn. **Second by Win.** Voice vote: All ayes. Motion carried.  
Meeting adjourned at 10:18 p.m.

Respectfully submitted,

*Donna Noble*

Donna Noble, Clerk