

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **September 23, 2014 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of August 26, 2014 meeting
4. Clerk's Report
5. Chair's Report

6. Public Hearings
 - **Application #PB14014** – Application of Robert M. McKay for a 2-lot minor subdivision of an approximate 25A parcel (tax parcel #200.-1-36.2), Lot #1 being approximately 9.1A and the remaining 16 acres to be Lot #2. Subject property is located at 3103 Ballston-Galway Rd in the A/R District of the town of Galway and also within the boundaries of Consolidated Agricultural District #2
 - **Application #PB14011** – Application of Colleen M. O'Hara for a 2-lot minor subdivision of an approximate 136.5A parcel located at 993 Ridge Road in the town of Galway A/R District (tax parcel #184.-1-5.1), Lot #1 to be approximately 129 acres and Lot#2 to be approximately 7.4 acres, as well as application for a Special Use Permit to allow construction of an accessory apartment on each of the two lots
 - **Application #PB14015** – Application of Wayne and Dianne Elston for a Special Use Permit to allow construction of an accessory apartment to an existing residence located at 2653 Old Mill Road (tax parcel #187.-1-37.11 in the town of Galway A/R District and also within the boundaries of Consolidated Agricultural District #2

7. Public Meetings
 - **Application #PB14014** - Robert M. McKay
 - **Application #PB14011** - Colleen M. O'Hara (~~CONFIDENTIAL~~)
 - **Application #PB14015** - Wayne and Dianne Elston
 - **Application #PB14012** – Application of Galway Co-Op for Site Plan Review/Special Use Permit
 - **Application #PB14002** – Application of David S. McKenzie for a Home Occupation permit (*Unconfirmed as of 9-11-14*)

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: September 23, 2014 – 7:30 p.m.

MEETING CALLED TO ORDER at 7:33 p.m. by Chair, Ruthann Daino.

MEMBERS PRESENT: Ruthann Daino, Rebecca Mitchell, Mary Lynn Kopper, Win McIntyre, Mikel Shakarjian, and Carol DeLorme (Acting) Clerk

MEMBERS ABSENT: None.

ALSO PRESENT: Present in the audience: Martin Pozefsky, board counsel, and approximately 8 people including the applicants

REVIEW AND APPROVAL OF MINUTES

All board members previously reviewed the minutes of the August 26, 2014 meeting. One minor correction (change 'site' distance to 'sight' distance). **Motion by** Mary Lynn Kopper to approve the minutes as corrected. **Second by** Win McIntyre. Voice vote: All ayes. Motion carried.

CLERK'S REPORT – Transmittal from SC Clerk's Office – One map filed in August 2014: LLA of Robert L. and Susan E. Dickie and David J. and Jennifer L. Kaufmann

CHAIR'S REPORT – Had a telephone conversation with Jaime O'Neil (SCPB) regarding some of tonight's application. Will discuss at the appropriate time.

PUBLIC HEARING

Application #PB14014 – Application of Robert M. McKay for a 2-lot minor subdivision of an approximate 25A parcel (tax parcel #200.-1-36.2), Lot #1 being approximately 9.1A and the remaining 16 acres to be Lot #2. Subject property is located at 3103 Galway Rd in the A/R District of the town of Galway and also within the boundaries of Consolidated Agricultural District #2
No comments/questions from the audience

Application #PB14011 – Application of Colleen M. O'Hara for a 2-lot minor subdivision of an approximate 136.5A parcel located at 993 Ridge Road in the town of Galway A/R District (tax parcel #184.-1-5.1), Lot #1 to be approximately 129 acres and Lot#2 to be approximately 7.4 acres, as well as application for a Special Use Permit to allow construction of an accessory apartment on each of the two lots

Mike Gorsira (1063 Ridge Rd) voiced concerns about "a development" and "apartment complex" in the neighborhood. Once Chair explained there was only one new lot being

created and only one accessory apartment on each of the lots, Mr. Gorsira indicated he had no objection to the proposal. No other questions/comments from audience.

Application #PB14015 – Application of Wayne and Dianne Elston for a Special Use Permit to allow construction of an accessory apartment to an existing residence located at 2653 Old Mill Road (tax parcel #187.-1-37.11 in the town of Galway A/R District and also within the boundaries of Consolidated Agricultural District #2

No comments/questions from audience. Ruthann reported receiving one phone call from a neighbor with questions about the apartment. Again, once it was explained the neighbor had no issues with the proposal.

Motion to close the public hearings by Win McIntyre. **Second** by Mary Lynn Kopper. Voice vote: All ayes. Motion carried. Public hearings closed at 7:42 pm.

PUBLIC MEETING

Application #PB14014 – Application of Robert M. McKay ... tax parcel #200.-1-36.2

Mr. David Bogardus (Surveyor) was again present. Reported that he made the change to the driveway note as requested. He also checked DEC wetland maps and found he was in error (he had only checked the County wetland maps). There is a large section of wetlands on the property. However he again walked the property and found very little water – only vegetation significant to wetlands. He has revised the survey/subdivision map to note these as well as the 100' buffer. Also changed the proposed location of a potential house on the newly created lot to show there is plenty of room for well, septic, setbacks, etc. No other comments/concerns voiced by board members.

Motion by Win McIntyre to grant final approval to application #PB14014 for a 2-lot minor subdivision and approve for filing. **Seconded by Mike**. Roll call vote: All ayes. Motion carried.

Application #PB14011 - Application of Colleen M. O'Hara ... tax parcel #184.-1-5.1

Surveyor Dave Bogardus explained the proposal in detail for the audience due to questions raised earlier during public hearing. Modifications were made to driveway note as requested. DEC wetland buffer has also been denoted. Totaled up the road frontage for each lot and has also noted this on the revised map. No other discussion/questions from board.

Motion by Mikel Shakarjian to grant final approval to application #PB14011 for a 2-lot minor subdivision of tax parcel #184.-1-5.1, as well as final approval for a Special Use Permit to allow an accessory apartment on each of the two parcels created by this subdivision, and approve for filing. **Second by Rebecca Mitchell**. Roll call vote: All ayes. Motion carried. Applicants were instructed to obtain a building permit prior to beginning any construction.

Application #PB14015 - Application of Wayne and Dianne Elston ... tax parcel #187.-1-37.11

Mr. and Mrs. Elston were again present. Stated they are in the process of having a new septic system designed. They did contact DEC and asked them to locate any wetlands on the property. Reportedly DEC says wetlands are not a problem and they have been approved for a conventional septic system. No other comments/questions from the board. **Motion by Win McIntyre** to grant final approval to request for a special use permit (application #PB14015) for an accessory apartment to a house located at 2653 Old Mill Road (tax parcel #187.-1-37.11). **Second by Mikel Shakarjian**. Roll call vote: All ayes. Motion carried. Applicants were advised to apply for a building permit prior to starting their project.

Application #PB14012 – Application of Galway Co-Op for Site Plan Review – 6049 Fish House Rd - Tax parcel #172.-1-57

Mr. Dom Arico, PE for Mr. Casadei, presented the proposal. Mr. Casadei was also present, as was Mike McNamara of EDP, town PE. Mr. Arico provided verbal explanation of his responses to questions from Mr. McNamara (dated 9/8/14). Items were reviewed in order.

McNamara: Item #3 - While size of plan is satisfactory, still a lot of information missing. No topography shown. Well, septic, leach field location all missing. Line of poles on property not shown (might be relevant). Grading in front is a necessary part and not shown. Handicapped parking needs to be ADA compliant and therefore must be a paved surface.

Item #4 – Need to know how many people will be working in the building to know whether or not the current septic can handle it. Need to compare system to # of employees. Mr. Casadei says total of 6 employees when done. Mr. McNamara – Natural question to ask if existing system will sustain build out – No corroboration to their claim that it is adequate. Testing needs to be documented. Win indicated he agreed with Mike. Mike recommended doing test holes near existing system and then put together testimony to back up their claims of adequacy.

Item #5 – Lot size could be a pre-existing non-confirming size

Item #10 – Mike feels should be referred to Co DPW for review/comment regarding curb cuts and use of r.o.w.

Item #12 – Parking in front would require a variance from ZBA – Martin cited zoning law 115-75-C6b – Parking in front can be granted through waiver by PB

Item #15 – Mike: Handicapped space will probably need to be a hard surface to be ADA compliant

Regarding signs: Board will check with Chet to see whether or not they will be allowed to have signs on both roads as it is a corner lot. Then board will decide whether or not to waive sign setbacks

Code also says no displays in front yard in C1 district. Tanks could be considered displays.

Following discussion, Chair recapped:

- Need SEQR short form completed and submitted by applicant
- Plan needs to include some general sense of topography/grades

- Need to address the issues raised regarding the septic system – Put something in writing
- # of employees, hours of operation all need to be clarified/specified
- Applicant needs to forward copy of application/site plan to SCDPW for review regarding access driveway use. Forward DPW's comments to PB
- Address questions raised by board regarding parking/handicapped space
- Sidewalk in front of the garage – doors should be on the map
- Landscaping should be shown based on new parking; Make a landscape proposal and the board will discuss it
- Board will need to discuss whether or not to allow displays in front yard
- Biggest concern voiced by Ms Daino is the tank display and pellet display in front yard

Application #PB14002 – Application of David S. McKenzie for a Home Occupation permit – 2467 Galway Rd - tax parcel #199.-1-29.2

Mr. McKenzie returned this evening. **Motion by Mary Lynn** to untable the application. **Second by Rebecca.** Voice vote: All ayes. Motion carried. Reported that since his last appearance before the board he has started a new full time job; therefore working in this home garage would be on a very limited basis. There was discussion regarding amending the application to indicate this. Discussion centered around board's apprehensions regarding approving such a HO in the A/R district based on past denials, Mr. McKenzie's contention that he is trying "to do the right thing" by requesting the HO (believes there are several home businesses being run throughout the town without PB review/approval). Mr. McKenzie will file a new application reflecting the hours he proposes to operate his business and forward to clerk.

PRIVILEGE OF THE FLOOR – None requested

OTHER BUSINESS - None

Motion for adjournment by Mary Lynn. Second by Mikel. Voice Vote: All ayes. Motion carried. Meeting adjourned at 10:10 p.m.

Respectfully submitted,

Carol L. DeLorme

Carol L. DeLorme, (Acting) Clerk