

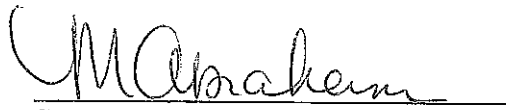
State of New York,
City and County of Schenectady

ss.:

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 24, 2019 beginning at 7:30 p.m.** in the Town Hall, 5910 Sacandaga Road, Galway, New York, to consider the following application:
Application #PB19-006 - Application of Seth and Kiley Gregory for a minor/major subdivision on property located at 2199 Galway Road (tax parcel no.: 199-1-35.1) in the A/R District of the Town of Galway.
Application #PB19-007 - Application of Chris and Amy Kelley for a minor/major subdivision on property located on Dam Road (tax parcel no.: 198-1-87.1) partially in the A/R District and partially in the Lake District of the Town of Galway.
9/16 2386941

Melanie Abraham 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 September 16, 2019



Sworn to me on this 17th day of September, 2019

NOTARY PUBLIC



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



TOWN OF GALWAY
PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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

RECEIVED

SEP 12 2019

TOWN OF GALWAY

PLANNING BOARD MEETING AGENDA

Meeting Date/Time: **September 24, 2019 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of August 27, 2019 meeting
4. Clerk's Report
5. Chair's Report
6. Public Hearing:
 - Application #PB19-006** - Application of Seth and Kiley Gregory for a minor/major subdivision on property located at 2199 Galway Road (tax parcel no.: 199.-1-35.1) in the A/R District of the Town of Galway.
 - Application #PB19-007** - Application of Chris and Amy Kelley for a minor/major subdivision on property located on Dam Road (tax parcel no.: 198-1-87.1) partially in the A/R District and partially in the Lake District of the Town of Galway.
7. Public Meeting:
 - Application #PB19-006** - Application of Seth and Kiley Gregory for a minor/major subdivision on property located at 2199 Galway Road (tax parcel no.: 199.-1-35.1) in the A/R District of the Town of Galway.
 - Application #PB19-007** - Application of Chris and Amy Kelley for a minor/major subdivision on property located on Dam Road (tax parcel no.: 198-1-87.1) partially in the A/R District and partially in the Lake District of the Town of Galway.
 - Application #PB19-005** - Continuation of application of Galway Co-Op for a Site Plan Review/Special Use Permit on property located at 6049 Fish House Road (tax parcel no.: 172.00-1-57) in the Commercial, C-1 District of the Town of Galway.
 - Application #PB19-009** - Application of Roger and Donna Malebranche for a minor/major subdivision on property located at 1381 Point Road (tax parcel no.: 198.-2-1) 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.
8. Privilege of the floor
9. Other business
10. Adjournment



TOWN OF GALWAY
PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

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OCT 23 2019

TOWN OF GALWAY

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: September 24, 2019, 7:30 p.m.

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

MEMBERS PRESENT: MaryLynn Kopper, Rebecca Mitchell, Win McIntyre and Mikel Shakarjian

MEMBERS ABSENT: None

ALSO PRESENT: Donna Noble, Clerk, Chet Ciembroniewicz, Building Inspector/Code Enforcement Office, James P. Trainor, Esq., Ryan Flinton, Liaison and approximately eighteen (18) people in the audience.

REVIEW AND APPROVAL OF MINUTES: All board members previously reviewed the minutes of the August 27, 2019 meeting. **Motion by MaryLynn** to approve the minutes. **Second by Win.** Voice vote: All ayes. Motion carried.

CLERK'S REPORT: Subdivision map of Michael Germain, Jr. filed on August 22, 2019 in the Saratoga County Clerk's Office.

CHAIR'S REPORT: None.

PUBLIC HEARING: Application #PB19-006 - Application of Seth and Kiley Gregory for a minor/major subdivision on property located at 2199 Galway Road (tax parcel no.: 199.-1-35.1) in the A/R District of the Town of Galway. Mr. Gregory again explains that they are subdividing 40 acres from neighboring property of 100 acres. Neighbors will keep 60 acres. The 40 acres being subdivided will remain agricultural and there are no plans to build on this land at this time. Mr. Metzger and Mr. Balbian, neighbors, are here to get clarification as to what will be done with the property. They look at the map. Mr. Gregory assures them that it will be used as a cow pasture. In time he might build a structure to protect/shade the cows. No other comments or questions from the audience or the Board.

Application #PB19-007 - Application of Chris and Amy Kelley for a minor/major subdivision on property located on Dam Road (tax parcel no.: 198-1-87.1) partially in the A/R District and partially in the Lake District of the Town of Galway. This application is for a lot line adjustment and a minor subdivision. Mr. Sutton speaks on behalf of the Kelley's as a letter was received from Bruce Rowell, President of the Galway Campers Association Inc. Ruthann reads from the letter... "that because the Kelley's are currently

Lake Association members in good standing because of their current property on Point Road, they may access the proposed subdivision via Dam Road. However, if the Point Road property was to be sold without maintaining a similar Galway Lake Camper Association member status, they would lose the access privilege. In addition, owners of any future subdivision parcel may not use Dam Road for parcel access as they would not be Lake Association members and cannot become members under the existing policy". Ruthann then explains that this will be discussed during the meeting but brought it up during the public hearing as it is something very new. It is not clear why this change has happened. It sounds like Dam Road can be accessed now but if the Point Road property is sold, there wouldn't be access to the Dam Road property. Ruthann asks Mr. Sutton how this can be legally challenged. It is Ruthann's understanding that the lake Association monitors the Lake itself. We will finish the public hearing and go into the public meeting and check into this further and what action to take. Mr. Rundell, from the Galway Campers Association is present and explains that the Lake Association's concern is a large subdivision and they do not want the heavy traffic and construction vehicles going over the dam.

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

PUBLIC MEETING: Application #PB19-006 - Application of Seth and Kiley Gregory for a minor/major subdivision on property located at 2199 Galway Road (tax parcel no.: 199.-1-35.1) in the A/R District of the Town of Galway. Mr. Gregory submits the new map with the driveway note and the information regarding the road frontage requested at the last meeting. Ruthann explains that because this property is on a county road, this application will need to be reviewed by the Saratoga County Planning Board. The board reviews the newly submitted map. No other questions or concerns from the Board. Ruthann states that as soon as we receive a letter back from the Saratoga County Planning Board she will let Mr. Gregory know and, if approved tonight, she will sign the map and mylar after the County gives their approval.

Motion by Win to approve the two lot minor subdivision, after review and approval of the Saratoga County Planning Board. **Second by Rebecca.** Voice vote: All ayes. Motion Carried.

Application #PB19-007 - Application of Chris and Amy Kelley for a minor/major subdivision on property located on Dam Road (tax parcel no.: 198-1-87.1) partially in the A/R District and partially in the Lake District of the Town of Galway. This application is for a lot line adjustment and a minor subdivision. Ruthann asks Mr. Dzerga if he thinks he has something in his deed showing a right of way over dam road. He believes he does and will look for his deed. Ruthann asks Mr. Trainor for feedback on the issue raised in the letter. It almost seems that the Kelleys could take a gamble and own this property that they have access to because they are in good standing with the Lake Association with the possibility that some time in the future, if they want to sell, somebody else might not have access over dam road. Mr. Trainor thinks that the dilemma before the board would be "are you creating a non conforming lot" by not being sure there is road access. Mr. Sutton does not think, from his and the applicants stand point, that there is a risk in the board approving this application because the applicants will not buy the property until this issue is worked out. The question before the board is

can they legally create a lot that can only be accessed by becoming a member of the Lake Association. The answer is no. That could be creating a non conforming lot. The question is asked about other properties on Dam road. If somebody sells their property is the person buying it not able to apply for membership so they can't get into their house? Mr. Rundell says that the Kelley would have access to the lake and anybody they sell the property to would have access to the lake. The issue comes in if somebody subdivided it and put in 30-40 homes - that is where the risk would come in - those people would not be granted access to the lake. Mrs. Kelley asks if this parcel will come with lake association rights since it is in the lake district. Mr. Rundell says they can apply and get them. That is not the way the letter is written. This is something that will need to be worked out and the board cannot make a decision at this time. The application will be tabled until this matter is worked out.

Motion by Rebecca to table this application. **Second by Mikel.** Voice vote: All ayes. Motion carried.

Application #PB19-005 - Continuation of application of Galway Co-Op for a Site Plan Review/Special Use Permit on property located at 6049 Fish House Road (tax parcel no.: 172.00-1-57) in the C-1 District of the Town of Galway. Mr. Sutton gives the board the new site plan with the requested information. He explains that the sheds are subject to a variance. The matter was before the Zoning Board in September. There was question as to whether the variances could be granted before the Planning Board decided on the special use permit. The Zoning Board could not decide at that meeting as there wasn't a quorum. The matter will be before the Zoning Board next Tuesday to be voted upon. The corrections and additions requested have been made to the site plan. Ruthann states that not having had time to see the new map prior to the meeting, it is a lot to take in at once and she is unsure what has been added or changed. The Board looks over the map. Ruthann says that the Engineer still has not reviewed the septic system design (as it was designed prior to the proposal for the apartments) and that additional escrow funds are needed. Mr. Casadei states that he asked how much was needed for the escrow account but nobody had gotten back to him. Ruthann said that she will be in touch with Mr. McNamara tomorrow. Ruthann asks where the parking for the apartments will be. Mr. Casadei explains that the Route 29 side will be parking for the liquor store and the Fish House Road side will be parking for tenants and Co-Op members. The Co-Op employees will be parking across the street (across Fish House Road). Ruthann calculates the number of parking spaces for each entity. Ruthann and Rebecca note that the map should state that employee parking is located across the street. Mr. Casadei will have it added. Ruthann again states that she will contact Mr. McNamara tomorrow and have him give her the amount needed for the escrow account. Mr. McNamara has the septic system design plan but it is the flow that is the concern having had added apartments. Mr. Trainor asks the status of DOT approval. It still has not been approved. Mr. Casadei says that DOT will not grant approval until the board grants approval. The last site plan approval was conditioned upon DOT approval. Mr. Casadei said he was told that they will not grant approval until the board grants approval. Ruthann said that she will make a phone call to discuss the DOT matter. Mr. McNamara will review the septic plan and then the board will proceed.

Application #PB19-009 - Application of Roger and Donna Malebranche for a minor/major subdivision on property located at 1381 Point Road (tax parcel no.: 198.-2-1) in the Lake District of the Town of Galway. Mr. Rabideau speaks on behalf of the Malebranche's. They would like a four lot subdivision of land at the end of Point Road. All lots will have well and septic. Lot one access will be, as it is now, directly off point Road. Lots 2, 3 and 4 will be accessed along the 12 foot right of way. All lots will meet the requirements of the lake zoning district. Lake Association requested a lot line adjustment to take what the land that is called the "drowned lands", a 20-40 foot strip that abuts the lake. Ruthann asks if the 12 foot wide right of way is a deeded right of way to the other three houses. Yes, it is. All the houses own frontage to the right of way but they do not own the right of way. It is unclear who owns it. Ruthann is concerned with the requirement the Town has with a driveway over 500 feet and a fire truck being able to get in there and be able to turn around and get out again. Mr. Rabideau has explained to the Malebranche's that this right of way would have to be approved and meet state fire codes. The ability is there to do that. Ruthann states that, possibly where it will split, there should be turn around space for fire trucks. Mr. Rabideau agrees and shows possible turn around spots. The town ordinance does allow subdivisions in the lake district on a private road but Ruthann's biggest concern is fire truck access and the division/condition of the right of way. There is discussion of the right of way. It is already existing and not in compliance. Will they need a variance if the right of way is widened? Will it affect the setback? It is already non conforming and will this make it worse? Mr. Trainor states that the general rule is that you don't create more of a non conforming lot and try to bring it in to conform with the new applications. Again, it is unclear who owns the right of way. If the neighboring properties all have ownership of the right of way they will all need to be involved as they have rights. Ruthann asks what is everyone's feelings on this application? Do they think this could go forward with more information? Mr. Rabideau thinks that this proposal is of minimal impact compared to what it could be. All of the lot sizes meet the requirements of the zoning. The Board will want to see the proposal for the driveway access, the expansion of the right of way and addressing the setbacks from the right of way to the house. There are no other questions from the Board. The Board will wait until the applicant gets back to the Board and will do the SEQR form.

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 explains what they would like to do. He explains that he does not have an engineered plan yet but will once they know that this project is something that they can go forward with. There will be no more than 5,000 sq. feet per building and no more than 30% impervious coverage. It is hard to tell from the sketch what the actual coverage will be. Mr. DiMeo explains that there will be no more than 10 buildings that range between 2,000 and 4,800 sq. ft. Ruthann asks the size of the lot. 9.73 acres. In addition to determining the total coverage it also includes any driveways, pavements and sidewalks. The Board will need to see all of this information on a site plan. Self storage is permitted in the C-1 district with a special use permit and site plan approval. Mr. DiMeo has the checklist of things that will need to be included on the site plan. The Board does not see any reason why Mr. DiMeo shouldn't go forward with this application.

PRIVILEGE OF THE FLOOR: Catherine Jones is a soap maker and wants to sell soaps from her porch. She would hang a sign 2' x 2'. This would be a home occupation. There is discussion if this application would be minor or major impact. Ms. Jones will fill out an application with a design showing the house, driveway, the road in front, area of where people will park, the location of the sign and what will be sold.

James Reedy updates the Board on his sub division application that he will be presenting in the future. He had the property surveyed. When his mother passed away, the property went to the three children and it is confusing. He is looking for guidance on how to fill out the application. He asks if all three of them have to sign the application. The owners of the property have to sign. There is a form on the application that can be filled out for Mr. Reedy to represent them in the matter. Mr. Reedy will be back with his completed application.

OTHER BUSINESS: None.

Motion by Win to adjourn. **Second by MaryLynn.** Voice vote: All ayes. Motion carried. Meeting adjourned at 9:26 p.m.

Respectfully submitted,

Donna Noble

Donna Noble, Clerk