



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: **September 25, 2012 - 7:30 p.m.**

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

1. Convene Meeting
2. Roll Call
3. Review of minutes of August 28, 2012 meeting
4. Clerk's Report
5. Chair's Report

6. Public Hearing
 - Application #12/010 – Request of Arthur B. Keller, Jr. for a 2-lot minor subdivision of tax parcel #211.-1-68, subdividing a 4.518-acre building lot from an existing 9.08-acre parcel located on the south side of Consaul Rd in the A/R District of the town of Galway, said property also being located within the boundaries of Consolidated Agricultural District #2

7. Public Meeting
 - Application #12/010 – Request of Arthur B. Keller, Jr. for a 2-lot minor ... tax parcel #211.-1-68

8. Privilege of the floor
9. Other business
10. Adjournment



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MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: September 25, 2012 – 7:30 p.m.

MEETING CALLED TO ORDER at 7:34 p.m. by Chair, Ruthann Daino.

MEMBERS PRESENT: Ruthann Daino, Rebecca Mitchell, Mary Lynn Kopper, Win McIntyre, Mikel Shakarjian (arrived at 7:50), and Carol DeLorme, Clerk

MEMBERS ABSENT: None

ALSO PRESENT: Present in the audience: Mike Tillson (town board liaison) and approximately 6 people

REVIEW AND APPROVAL OF MINUTES

All board members previously reviewed the minutes of the August 28, 2012 meeting.

Motion by Mary Lynn Kopper to approve the minutes as presented. **Second by Rebecca Mitchell.** Voice vote: All ayes. Motion carried.

CLERK'S REPORT

Received transmittal from Saratoga County Clerk's Office: 1 map was filed during month of August – LLA / Annex for Kevin Rathgeber and Jeannette Donlon with lands from the Estate of Fred Sanders (Sacandaga Rd)

- Received latest issue of "Rural Futures" (publication of Legislative Commission on Rural Resources) – Available to anyone who may wish to review it

CHAIR'S REPORT

- Received Capital Commons Quarterly – Available for review
- Albany Guardian Society – Offering a 3-part educational program titled "Demographics: Beyond the Basics" on October 9th if anyone is interested (must register by October 5th)
- Had a phone conversation with Beth Krueger (one of last month's applicants). Board asked her to submit an actual survey map for stamping/signing by Chair and subsequent filing with County Clerk. Mrs. Krueger submitted an 8½ x 11 photocopy of an old subdivision map. Called her and informed her that that was not acceptable (County probably wouldn't accept it either) and referred her again to Art Carpenter (her surveyor) for a proper map.

PUBLIC HEARING – Opened at 7:37 p.m. – Legal Notice appeared in the *Daily Gazette* one time, 9/17/12.

Application #12/010 – Request of Arthur B. Keller, Jr. for a 2-lot minor subdivision of tax parcel #211.-1-68, subdividing a 4.518-acre building lot from an existing 9.08-acre parcel located on the south side of Consaul Rd in the A/R District of the town of Galway, said property also being located within the boundaries of Consolidated Agricultural District #2

All members were provided with a copy of the new map submitted by surveyor, Dave Bogardus. Review revealed all changes requested by the board at last month's meeting have been made. There were no questions/comments from members of the audience. No questions from board members. **Motion by Win McIntyre** to close the public hearing. **Second by Rebecca Mitchell**. Voice vote: All ayes. Motion carried. Public hearing closed at 7:38 p.m.

PUBLIC MEETING

Application #12/010 – Request of Arthur B. Keller, Jr. for subdivision of tax parcel #211.-1-68

No questions or comments. **Motion by Win McIntyre** to grant final approval to application #12/010, request of Arthur B. Keller, Jr. for creation of one new building lot of approximately 4.5 acres from an existing lot of approximately 9 acres (tax parcel #211.-1-68), as set forth in survey/subdivision map submitted 9/25/12, said property being located on the south side of Consaul Road in the A/R District of the town of Galway and also situate within the boundaries of Consolidated Agricultural District #2, and approve for filing. **Second by Rebecca Mitchell**. Roll call vote: Ruthann Daino, yes; Win McIntyre, yes; Mary Lynn Kopper, yes; Rebecca Mitchell, yes; Mikel Shakarjian, yes. Motion carried. GRANTED A 2-LOT MINOR SUBDIVISION. Mr. Bogardus was advised to submit one Mylar and two paper copies of the survey/subdivision map for stamping/signing by the Chair. He was also provided a copy of the Saratoga County Clerk's guideline for filing of subdivision maps and informed that one Mylar and one paper copy of the map must be filed with the County Clerk's office within 62 days of signing by the Chair.

PRIVILEGE OF THE FLOOR

Dave Wolff representing Wolff, Inc (Wolff Family Fun Amusements) - They are based in Mechanicville and are looking at property on Rte 29 currently owned by Bill Hansen. Property is just over 2 acres. Seeking feedback/information about whether or not they can use the property and an existing 40' x 60' barn on the property for their business. Property is located in the Commercial Zone. Their business is comprised of building/rebuilding of amusement rides and/or storing of amusement rides and game

trailers for 6 months out of the year. Claims there would not be anything in excess of 20' high on premises at any given time. Mr. Hansen told Mr. Wolff that he had a heavy equipment repair business on the property at one time for which a special use permit was issued. Mr. Wolff is inquiring as to whether his business would require any variances and whether or not he could operate his business out of the site. Also asked if they would be able to put up another pole barn for use as a workshop (would 2.2 acres be enough property to do that?) Mr. Wolff states the majority of the work would be done inside the building; however might see frame work from a ride on the site while the cars are being worked on inside or game trailers that are being worked on outside of the building (later stated there could be upwards to 25 game trailers stored outside on the site during the winter months). States no sandblasting or paint spraying would be done on premises. Following discussion with Mr. Wolff and review of Zoning Regulations, it was the board consensus that the business is best suited to a 'light industrial' classification. Zoning Regulations stipulate 5 acre minimum for light industrial businesses. This would then appear to require an area variance from the ZBA as the property is only 2.2 acres. 'Vehicle Servicing' business requires only a 2 acre minimum but this business would not seem to fall under that category as the Regs are probably referring to motor vehicle servicing. Chair advised Mr. Wolff that whatever category the business is determined to fall under, he would have to make application to the PB for site plan review/special use permit. She suggested Mr. Wolff review the Zoning Regs so he has a better idea of what items the PB might be looking at during SPR process. (Clerk gave Mr. Wolff an application for SPR/SUP.) Board attorney, Martin Pozefsky, suggested to Mr. Wolff that he could apply to the ZBA for an interpretation of the Zoning Law to determine what category of business this would fall under. Then if it is interpreted by the ZBA to be 'light industrial' he could then request the needed area variance [from the 5 acre requirement]. Mr. Wolff thanked the board for their comments and indicated he would take them under advisement when deciding if he wants to proceed.

Tom Lewis – Stewart's Shops – Mr. Lewis provided the approximately one year history behind Stewart's Shops pursuit of the former Dick & Jerry's property on Rte 29. In a recent bankruptcy court proceeding they were the highest bidder on the property and were given 4 months in which to make payment. Their review of town Zoning Regulations revealed approximately 7 variances might be required for the site (i.e. minimum lot size, setback, parking in front of the building, maximum sign height, to name a few). Mr. Lewis was present tonight to discuss their plans for the site to see if the town might be willing to work with them in regard to the variances. Mr. Lewis explained some of the plans for redevelopment of the site (i.e. hazardous waste cleanup, cutting back of the bank behind the existing store so that store traffic can go around the building, design of the building). He reported that recently Mr. Dake (of Stewart's) has approved some new designs for their stores (getting away from the old "cookie cutter, flat roof design"). If allowed to build on this site, this store would be a

new design. Following discussion between board members, Martin Pozefsky, Mark Kindinger (Chair of ZBA who was in the audience) and Clerk, it was determined that a joint meeting of the two boards may not be necessary. The most efficient way to proceed is to have Stewart's representatives submit their applications to both the ZBA and PB (by October 1st if possible). PB could then do a preliminary review in October. ZBA could hold public hearing/meeting on the variances in November. If variances are granted by the ZBA, the PB could then hold its public hearing/meeting possibly in November or alternatively in December (on a special meeting night as they do not customarily meet in December).

Mr. Lewis agreed to forward a copy of the plans and the applications directly to the town engineer, Jim Mitchell, for his review/comment.

OTHER BUSINESS - None

Motion for adjournment by Mary Lynn Kopper. Seconded by Rebecca Mitchell.

Voice Vote: All ayes. Motion carried. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Carol L. DeLorme

Carol L. DeLorme, Clerk