

## **MINUTES OF PLANNING BOARD MEETING**

**Date/Time of Meeting:** January 25, 2022, 7:30 p.m.

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

**MEMBERS PRESENT:** Rebecca Mitchell and Kevin Symonds.

**MEMBERS ABSENT:** Win McIntyre and Renee-Roth O'Neil.

**ALSO PRESENT:** Donna Noble, Clerk, Ryan Pezzulo, Esq. and approximately five (5) people in the audience.

**REVIEW AND APPROVAL OF MINUTES:** All board members previously reviewed the minutes of the December 28, 2021 meeting. One correction needed. **Motion by Rebecca** to approve the corrected December minutes. **Second by Kevin.** Voice vote: All ayes. Motion carried.

**CLERK'S REPORT:** None.

**CHAIR'S REPORT:** Ryan Pezzulo, Esq., Trainor Law Firm, will now attend the Planning Board meetings in place of James Trainor, Esq.

**PUBLIC HEARING:** None.

### **PUBLIC MEETING:**

**Application #PB21-010** - Application of Earth Development LLC for Site Plan Review/Special Use Permit on property located on Rte. 29 (tax parcel no.: 172.-1-71.1) in the Commercial C1 District of the Town of Galway. Amber Hill is in attendance. Ruthann asks if she has had a chance to review the latest letter from the Saratoga County Planning Board. Ruthann explains that the County would not review the second submission which means that we were not able to get a "no countywide impact" from them. Amber is frustrated with the County because she has answered every question they have had. She does not know exactly what they are looking for. Ruthann explains that the County and this Board is looking for a complete site plan. The second submission wasn't submitted until the day of the last meeting and nobody really had a chance to look at it but said we would send it to the County. We received feedback and it is what Ruthann would expect from them. Amber explains that is why she reached out to Ruthann 2-3 weeks ago and Ruthann told her everything looked good. Amber feels that at that time Ruthann should have told her that she needed an actual site plan. Ruthann tells Amber that is not what she said to her. Amber reads the e-mail exchange between her and Ruthann. Ruthann said that there were a lot more issues that need to

be addressed. Ruthann explains to Amber the things that need to be shown on a professionally done site plan. The items are listed in the application but Ruthann says that we can go through the list. The site plan submitted is not complete, not legible and not professionally done. These items are what the County Planning Board and this board are looking for: noise level of equipment - how far out it reaches and how it will be mitigated; grading and how you will manage the storm water runoff (especially after berm is created); the location of the berm; proposal for dust control; equipment (not the issue of noise but where the equipment will be located relevant to the road); actual limit of disturbance; DOT curb cut permit; permanent driveway proposal; landscaping plan; traffic pattern; driveway proposal - construction and circulation on the site and whether a fire truck can get in there; and site plan map/location.

Amber says that she thought the County's comments were for guidance and asks if they need approval from the County. Ruthann explains that they don't need to approve the project but they need to say that there is "no significant countywide impact".

There is discussion as to whether this project needs to be registered with DEC. Before approval, the board will need from DEC, in writing, whether or not this project will need to be registered or not registered.

There is discussion of driveway permit. Amber explains that she spoke to DOT about a temporary access road permit and DOT said "no problem". The temporary access road sounds like a construction entrance as opposed to an actual permanent driveway. Rebecca states that she does not think the board can approve a site plan with a temporary access road. This project is not a temporary project. Will check with DOT about a temporary access road as opposed to a permanent driveway.

**Motion by Kevin** to table this matter until a complete application is received. **Second by Rebecca.** Voice vote: All ayes. Motion carried.

**Application #PB20-017** - Application of Anthony Savino for a Site Plan Review/Special Use Permit to install a "Farmers Stand Market" on property located at 2620 Route 29 (tax parcel no.: 174.-1-83.11) in the A/R District of the Town of Galway. Mr. Huntington is in attendance. Ruthann explains that Mr. McNamara has a few outstanding issues. The first being the answer that was checked yes on the SEQR (question 12.a). Mr. Huntington says he cannot uncheck the yes answer to that question as it is computer generated from the DEC database. If there is anything historical remotely close to the site, it is going to check yes. Rebecca asks if there is a way to get a hold of SHIPO to get clarification on this matter. Mr. Huntington will try to get this matter resolved. The parking issue - the Code states that parking shall not be located within a front, side or rear setback. The board does have the ability to waive this restriction if the parking will not detract from the aesthetic character of the area. Most of the parking is in the side yard setback with plenty of screening. There is nothing else outstanding..

### **SEQR review**

**Motion by Kevin** that based on the information and analysis, and any supporting documentation, this action will not result in any significant adverse environmental impacts. **Second by Rebecca.** Voice vote: All ayes. Motion carried.

**Motion by Rebecca** to waive parking requirements of §115.75.C.6.g.1. **Second by Kevin.** Voice vote: All ayes. Motion carried.

**Motion by Rebecca** to set this matter for a public hearing. **Second by Kevin.** Voice vote: All ayes. Motion carried.

**Application #PB22-001** - Application of Thomas Delliveneri for a Minor/Major Subdivision of property located at Crooked Street and Point Road (tax parcel no.: 198.-1-87.11) in the Lake District of the Town of Galway. Christopher Foss, Surveyor, is in attendance. Mr. Delliveneri will own all three lots. This application becomes a major subdivision because Mr. Dziurga did a two lot subdivision less than 5 years ago and now he is subdividing 3 more lots. That make 5 lot subdivision in less than 5 years and so it becomes a major subdivision. There will be additional fees. The board looks over the map. Ruthann asks that the three lots shown on the site location map be shown as three lots, not one box. Also, that the remaining lands owned by Mr. Dziurga be highlighted. Ruthann states that Point Road is a town road and the new lots will need driveway permits from the town. There is discussion of a "Major" subdivision. Other than a fee increase, there isn't any other requirements. Mr. Burhmaster, Galway Lake Association, is in attendance. He would like to see the map and has a few questions. Although this is not the public hearing, he is shown the map. He will be noticed and will attend the public hearing.

#### **SEQR review**

**Motion by Kevin** that based on the information and analysis, and any supporting documentation, this action will not result in any significant adverse environmental impacts. **Second by Rebecca.** Voice vote: All ayes. Motion carried.

**Motion by Rebecca** to classify this application as a 5 lot major subdivision and set a public hearing. **Second by Kevin.** Voice vote: All ayes. Motion carried.

**PRIVILEGE OF THE FLOOR:** None.

**OTHER BUSINESS:** None.

**Motion by Kevin** to adjourn. **Second by Rebecca.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:56 p.m.

Respectfully submitted,

*Donna M. Noble*

Donna M. Noble, Clerk