

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: February 22, 2022, 7:30 p.m.

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

MEMBERS PRESENT: Rebecca Mitchell, Win McIntyre, Kevin Symonds and Renee Roth-O'Neill.

MEMBERS ABSENT: None.

ALSO PRESENT: Donna Noble, Clerk, Ryan Pezzulo, Esq. and approximately eight (8) people in the audience.

REVIEW AND APPROVAL OF MINUTES: All board members previously reviewed the minutes of the January 25, 2022 meeting. One correction needed. **Motion by Rebecca** to approve the corrected December minutes. **Second by Kevin.** Voice vote: three ayes. Two abstain (Win and Renee). Motion carried.

CLERK'S REPORT: Two maps filed: Subdivision of Lands of John P. Haynes and Nancy Hayes; and Map Showing Survey of Lands at 4966 Bliss Road.

CHAIR'S REPORT: None.

PUBLIC HEARING:

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. There are no comments or concerns from the public.

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 and presents a new map with the requested changes and additions. Bruce and Mary Williams are also in attendance and they would like to know exactly where on Point Road this subdivision is happening. They are showed a map. There is discussion of where and how close this will be to their property. They are concerned because they already have people using their property to gain access to the lake. Mr. Foss says he does not believe that these lots will have lake access. Lou Behrmaster is in attendance for himself and on behalf of the Galway Lake Camper's Association. One concern they have is the area almost to the Point Road that is currently fenced that goes down for drainage incase of the lake over flowing and the water will go into the creek area. He

asks Mr. Foss if that will be affected. Mr. Foss tells him no. Mr. Behrmaster is also very concerned about maintaining the conditions that they have at the lake now. He feels that the runoff will come to the low point and feed into their spillway and into the Chuctanunda Creek. That creek flows into the Mohawk River. They had to go through an intervention survey because somebody built a house on Crooked Street that is subject to flooding and there is a potential loss of life. Their dam classification has changed from a B to a C because there is now a potential loss of life. He is interested in making sure that all application request be filled out properly and not to assume they will come back and just be able to build wherever they want without a master plan. There is also questions regarding the SEQR. They would like to see the SEQR and how the questions are answered. David Hennel, Mr. Buhrmaster's associate discusses the questions he has. The first area of concern is that the applicant disagrees with the State regarding the wetlands. The applicant checked "no" for no impact on wetlands and Mr. Hennell disagrees. Also, their biggest concern is the bald eagles that live at the lake. They used to live at the end of Point Road but they moved because trees have been cut. They are now over the area where this subdivision will take place. That is concerning. Mr. Hennel reached out to DEC, Chad Aiden, and he will be looking into the areas where the eagles are living and fishing. Ruthann reads a letter from neighbor Gary DiBernardo. Among other things, he too is concerned with the bird's habitat being diminished with the new construction at the lake. Although they cannot do anything to protect the osprey and other birds, the eagles are protected under the "Federal Bald and Golden Eagle Protection Act" and states that to destroy the habitat of the eagles is a federal offense. Mrs. Williams asks who gets notified of the public hearing. 300 feet of the property boundaries. It is also mentioned that the agenda was not on the town website. Ruthann asks if the board should be concerned with the change of the dam status and this property being in a flood plain? Treavor states that as long as the entire lot (what is being subdivided) is not in the flood plain it is not an issue. Ruthann asks Mr. Foss if he knows the classification of the creek. Mr. Foss does not. The wetlands will need to be determined by DEC.

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

PUBLIC MEETING:

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 reads an e-mail from NY State Parks and Recreation and Historic Preservation. They have reviewed the project and based upon the review, no historical places will be impacted by this project. This resolves the SEQR issue. Saratoga County Planning Board reviewed the project and found no significant county wide or inter community impact. They did however question whether fourteen parking spaces would be enough and asked that that the board consider having the applicant reserve an area to expand the parking if parking becomes an issue. DOT curb cut will be required. Ruthann asks the board if they feel that there is a need to set aside an area for additional parking. Treavor states that because of the location, the hill and the glare of the sun he would suggest an area be set aside for additional parking to try to avoid people parking on the road. Ruthann asks Mr. Huntington if he has any further contact with DOT. No, not yet. The board has no further comments, questions or concerns.

Motion by Rebecca to approve this application on the following conditions: obtaining a NYS DOT Curb cut permit and modifying the site plan to show an area set aside for additional future parking. **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. Ruthann asks the board their thoughts on proceeding. Everyone is in agreement that we need more information on the wetlands, the flood plain and the species around the lake. These three items will need to be addressed further by DEC: the wetland boundaries (they will need to be delineated); the flood plain will need to be signed off by DEC; and the eagle habitat.

Mr. Pezzulo wants the record to reflect that the board did put out the required notification of tonight's public notice. Mr. Foss lets the board know that because of the winter conditions it will take some time to have somebody work on the wetland issues.

Motion by Kevin to table this application. **Second by Win.** Voice vote: All ayes. Motion carried.

PRIVILEGE OF THE FLOOR: None.

OTHER BUSINESS: Rebecca asks if there is any ability to get the website updated? Ruthann and I will be meeting with the web designer tomorrow morning to be instructed on how to use the website.

Re: Galway Co-Op - Ruthann reads an letter she received from the Saratoga County Department of Public Works regarding the status of closing the access point. It has been completed. Also, Ruthann contacted NYS Department of Transportation to determine get the status of the Co-Op commercial driveway permit application.

Re: Earth Development - Ruthann has not heard from applicants. This application will remain tabled.

Motion by Win to adjourn. **Second by Kevin.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:32 p.m.

Respectfully submitted,

Donna M. Noble

Donna M. Noble, Clerk