

SPECIAL MEETING  
 September 21, 2022  
 GALWAY TOWN HALL

Supervisor Michael Smith called the special meeting to order at 6:30 p.m. The following Town Board Members were present:

PRESENT: Supervisor Michael Smith                      Councilmember Fred Arnold  
                     Councilmember JoAnne Grant                      Councilmember Ryan Flinton  
                     Councilmember J.D. Arnold

OTHERS PRESENT: J. Trainor, Attorney & M. DeFoe, Town Clerk.

Attorney, Jim Trainor stated that the purpose of tonight's meeting was to re-adopt Local Law No. 4 of 2022a Local Law Amending the Zoning Code. Jason Kemper from County Planning was very upset that the Town had adopted the Local Law on a conditional basis pending County approval. He was upset that the Town did not follow the General Municipal Law Section 239m which gives the County 30 days to review proposal before the Town takes action. The Town & County have a great working relationship and we want to keep it that way.

**TOWN OF GALWAY**  
**2022 RESOLUTION NO. 44**  
**A Resolution Adopting Local Law No. 4 of 2022,**  
**a Local Law Amending the Zoning Code.**

Introduced by: Supervisor Michael Smith

WHEREAS, the Town of Galway wishes to consider rezoning 1775 NYS Route 29 (SBL 172.-2-35) from Agricultural-Residential ("A-R") to Commercial Retail ("C-1"); and

WHEREAS, a Public Hearing was held on September 13, 2022 to consider the proposed Local Law and its potential environmental impacts; and

WHEREAS, the action was referred to the Saratoga County Planning Board for its review pursuant to General Municipal Law section 239-m and no negative comments were received; and

WHEREAS, the Town Board previously voted to adopt Local Law No. 4 regarding this application on September 21, 2022, less than thirty (30) days after the action had been referred to the Saratoga County Planning Board for its review pursuant to General Municipal Law section 239-m.

Now, therefore, be it

RESOLVED, that the Town Board's prior adoption of Local Law No. 4 on September 13, 2022 is hereby vacated; and be it further

RESOLVED, the Town Board has reviewed the Comprehensive Plan, the Town Zoning Code as well as the Local Law regarding the rezoning of 1775 NYS Route 29 (SBL 172.-2-35) from Agricultural-Residential ("A-R") to Commercial Retail ("C-1") and hereby makes the following findings:

1. Pursuant to the Town's authority under NYS Municipal Home Rule Law Article 10, NYS Town Law 264, and Town Code section 115-79, the Town Board is empowered to rezone single parcels of property under certain circumstances.
2. The parcel is located in the middle of a busy commercial zone on a state highway where nearby parcels to the east, west and south are currently designated as Commercial Retail (C1) and utilized for commercial purposes, as is evident from the zoning map attached hereto;
3. The parcel in question is under contract to be sold, consolidated with and used for commercial purposes by the adjoining parcel owner immediately to the east, which parcel is zoned as C1;
4. The Town is in the midst of an update to its Comprehensive Plan and Zoning Code whereby it is probable that the corridor along NYS Route 29 where the parcel is located will be completely rezoned to C1, thereby making this an exercise of the Town Board's discretion to interim zoning of the affected parcel;
5. The redesignation of the parcel's zoning classification is in reality an extension of the existing C1 district to its east, west and south; and be it further

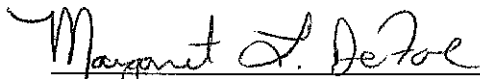
RESOLVED, that Local Law No. 4 of 2022 is hereby adopted and the parcel located at 1775 NYS Route 29 (SBL 172.-2-35) is hereby rezoned from its current designation of Agricultural-Residential (A-R) to its new zoning classification as Commercial Retail (C1) on the condition that it be consolidated by deed with 1841 NYS Route 29 (SBL 172.-2-13.121), to be effective on the filing of this Local Law with the New York Secretary of State.

A motion by Councilmember Fred Arnold, seconded by Councilmember Ryan Flinton to adopt Resolution No. 44 of 2022.

A roll call vote was taken on Resolution No. 44 of 2022 as follows:

Supervisor Michael Smith - Aye  
Councilmember Fred Arnold - Aye  
Councilmember JoAnne Grant - Aye  
Councilmember Ryan Flinton - Aye  
Councilmember J.D. Arnold - Aye

Resolution No. 44 of 2022 was adopted at a meeting of the Town Board of the Town of Galway duly conducted on September 21, 2022.

  
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Margaret L. DeFoe, Town Clerk

Councilmember JoAnne Grant made a motion, seconded by Councilmember Fred Arnold to adjourn the special meeting at 6:37 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted,

Margaret L. DeFoe  
Town Clerk