



TOWN OF GALWAY

PLANNING BOARD
SARATOGA COUNTY, NY
ESTABLISHED 1792

5910 Sacandaga Road
Galway, New York 12074
518-882-6070

MINUTES OF PLANNING BOARD MEETING

Date/Time of Meeting: August 27th, 2024

MEETING CALLED TO ORDER at 7:00 p.m. by Ruthann Daino, Chair.

MEMBERS PRESENT: Ruthann Daino, Rebecca Mitchell, Renee Roth-O'Neil, Melissa Rathbun, Kylie Holland

MEMBERS ABSENT: N/A

ALSO PRESENT: Amanda DeRidder – Clerk, Ryan Pezzulo Esq., Jimmy Ross -Town Board Liaison and approximately Forty (40) people in the audience.

REVIEW OF MINUTES: All board members previously reviewed the revised minutes of the June 26th, 2024, meeting

Motion to Approve by Kylie and Seconded by Melissa Voice vote: All ayes. Motion Carried

All Board Members previously reviewed the minutes of the July 23rd Meeting:

Motion to approve minutes by Rebecca and Seconded by Melissa, Voice vote: All ayes. Motion Carried.

CLERK'S REPORT: N/A

CHAIR'S REPORT: Everything I have will come up within the meeting.

Public Meeting:

Application #PB24-007 Application of Damion & Alexandra Jabot for Minor Subdivision on property located at Sacandaga Road (tax parcel no. 186.00-1-21.12).

Applicants father speaking on their behalf Clint Wagner.

We have recently purchased a 97 Acre piece of land on the west side of Sacandaga road and would like to request a minor subdivision of 5 acres. The original parcel would go from 97 to 92 acres. The smaller portion would be on the southeast side of the road just north of the creek at the bridge.

Ruthann- their application says 4-acre lot.

Clint – It was 4+/-

Rebecca – the survey says 4 +/-

Clint – 93 acres to the original parcel and 4 acres to the subdivision

Ruthann- Wetlands are noted. Were they delineated?

Clint Wagner – Steve George out of Gloversville has done the survey and advised that all areas have been marked out on the original map.

Renee – how far is the lot from the wetlands?

Clint Wagner – we understand that it would need to have a 100' buffer to any building from the wetlands, we made sure that down the road any potential building with the driveway would have that buffer.



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Kylie – would that meet the setbacks?

Ruthann- that would meet all the setbacks for a new building, the front and side 50' setbacks are within code.

Rebecca- with a driveway off Rt 147 are there any concerns

Clint- there are at least two options for the driveway.

Ruthann- you would need to reach out to NYS DOT for a driveway permit, have you done that at this point.

Clint- Not at this time.

Ruthann – that could take some time.

Renee- are there any site distance issues where the driveway may be places.

Client Wagner – doesn't believe there are site distance issues. Will be able to be as far away from the wetlands as the buffer deems acceptable.

Ruthann – we would need your daughter and Son-In-Law sign the application to give you permission to speak.

Ruthann- we would need to do a SEQR review and set for a public hearing.

Rebecca- Typically we have the name of the surveyor and a stamped map we wouldn't need any more information. In order to approve a subdivision.

Ruthann- We can ask for a letter from the consultant that delineated the wetlands.

SEQR Review has been completed – it has been determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Motion by Kylie to Approve SEQR Review Application PB24-007 **Second by Rebecca**. Voice vote: All ayes. Motion Carried

Motion by Melissa to classify this application as a Minor Subdivision and set for Public Hearing Application PB24-007 **Second by Kylie**. Voice vote: All ayes. Motion Carried

Public Hearing:

Application #PB24-006 Application of Ryan Flinton for Special use permit on property located at 2621 Crane Road (tax parcel no. 213.-1-94).

Ruthann Explains the rules of the hearing and will go by the sign in sheet.

Julie Hoxsie: 2520 Northline Road- lives in the town of Charlton and owns land in the town of Galway. I was not notified of this action and learned about it from a neighbor, I am approx. a mile away from it and I heard the guns. They sound like machine guns and rapid fire, only today I just read the June and July minutes, and they were not readable, June's minutes were hardly readable, and I hope the approved version was better. I am somewhat versed in the state environmental review act, and I know that there is provision for noise I would say that there is adverse noise impact, it mentioned that there are 10-20 people with 50 rounds, and they have 2 opportunities to shoot. That is 2000 bullets, don't think the minutes really reflected what is happening there. But I would say there is adverse noise impact, this impacts my property value I don't think anyone wants that right near them where they can hear it, I live a mile from Rt 67 and depending on the weather its not unusual for the sound to travel of the traffic and I'm more elevated on my property that would have an impact as well. I read in the minutes that there were references to the sound of no greater than 65 decibels and there should be efforts to mitigate the sound in the State environmental review act.



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Wendy Scheening: Donnan Road – My husband and I own 37 acres that back up to the Galway nature preserve between McCauley and Bill and Cathy. We have owned it for 20 years; we enjoy our time as we hike cross county ski and enjoy the wildlife and have not built partly because we have been hearing the noise for years. There are times we have had to go out and talk to people shooting across the back border of my property and the nature preserve as it's an open field. There is zoning in place in Galway and that AG residential zoning. When you read the description of that use it is important that the rural characteristic in the use is supposed to be, and the use is for low density development, a gun range does not fit in that category in my opinion. There is legislative information that specifically states any excessively loud noise that disturbs or endangers animals or peace and safety or causes injury to animal life or damages your business no person shall make cause or permit to make any unreasonable noise – the noise is an issue and has been an issue, Property is right near a nature preserve. There are people hiking, there are trails back there, having a shooting range close to that is inconsistent with the use of the nature preserve, trying to take a photo of wildlife and shots go off that shot is out the window. My 4th concern is the devaluation of my investment. I have spoken to a couple of realtors; they have all said with a gun range they will devalue your property. We bought this property to get away from noise for 20 years and having this come in really undermines why we have it.

Sue Atkins: 5058 Jeresy Hill Road – in reading the minutes S&K prevention Rep said they were performing a service within the community and would like to know how this would benefit the community and Galway as a whole, Also the minutes say that they are not monitored by NYS, I would like to know what Monitored means? Does that mean supervised, does it mean inspected? What is the definition of monitored. Also, they said we are not monitored by NYS we are monitored by the NYS Department of Criminal Justice. I also have noise concerns not for myself but for people who live near there. They didn't sign up to have a gun range in their front, back or side yard.

Lucy Boerenko: 1533 Perth Road – one Concern is: the Town of Galway or landowner Ryan and Jennifer Flinton indemnified against any type of civil actions should someone get hurt on that property, you're talking about high velocity firearms that have the ability for ammo to travel. Has insurance come up for the town of Galway or have they presented an insurance policy. As a taxpayer I don't want to see anyone sued for someone getting hurt on the property. Talking about police and security people that come up to do whatever they are doing there. There is no police presence in the Galway area there has not been in years, it's not benefiting Galway police we do not have one, there are no sheriffs or NY State you call them, and they are too busy they don't have enough people. Back to Sue question, who does this benefit? cause its not the towns people as there is no police presence in Galway.

Wes Baxter: 2488 Crane Road just west of the Flintons – I am a disabled Vietnam Vet. My property sits at the back of the range, and I don't have a problem with the noise, that's my personal opinion, I can't tell you what days they are there, but police and law are requalified that anyone coming to help me out that means he or she is proficient, I am in favor of them requalifying. It's not a great irritation to me and has not been a problem for me, and it disturbs me more that a small town like Galway could get this upset with things like this.

Jim Snyder 5013 Bliss Road – I have 57 acres of land that runs westerly and at one point we are about a ½ mile from the proposed activity. We have heard it off in the distance; I compliment the people before me for doing their research. My comments are from what I heard in the first meeting. It quickly sounds like commercial activity, there were claims that said it wasn't, I don't know how that fits with the Agricultural zoning. It was stated weekends only but then it was also stated mid-week activity, but sounded like that needed to be clarified that it was more than weekend activity. I did research on the company that is leasing the land, S&K that 50 rounds per participant limited to two passes that is between 1000 and 2000 rounds at rapid fire, is there any notice to the neighbors that there will be activity, one of



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the neighbors that spoke at the first meeting mentioned active duty military or a Veteran, it sounded like he was a nearby neighbor and having done that that in service to our country and coming home to not knowing when it starts and stops with that level of activity and which week it would occur. Personally
Opposed

Andy Decker: 4784 Jockey Street – Where the use or what use we are trying to put this under, the best I could come up with is we put it under recreational facility possibly, but doesn't seem like its recreation as its mandatory stuff they are doing then that turns it into commercial which doesn't go with the AG Residential, in issuing a special use permit for something that is this far outside of a permitted use to we open the door to other people using this as an example.

Bill Beyer: 2468 Donnan Road – Who's benefiting? The property values will go down. It's not going to make it better, there was talk about law enforcement and not rent-a-cop there is a difference which hasn't been asked, when those rounds go off during the daytime, I can tell the difference between a long gun and a pistol round going off. There are long guns going off, which is the principal of the property that says they use long guns. What about other ranges in the area? There are other ranges. There are 50 in the area why this one? why among the people there are trails around there, people living around there, I heard those round go off I jump sometimes. What's it doing for Galway? Can I go there? Can you go there? – No so why approve it.

Roxanne March: 2861 Shawn Road – I'm going to touch on some things that have already been spoken about, didn't read the minute so I don't know the whole story and I just found out about this at the town hall meeting, someone earlier addressed that police officers are practicing there I can tell you 100% that there is there another outdoor range and another indoor being built on Stanton road that is off of Shaw road that police officers can go (Melissa is shaking her head no – Reports it's for the Navy guys) in the documentation that was sent to the people with in that 1-mile radius that police officers and people will be using that for practice. So maybe some time and effort need to be looked into that. There are different gun ranges around that people can use. Should it be approved – which I clearly don't want it approved, you're going to have different conflict with people wanting the same thing, so who do you say yes too and no to your opening up a can of worms and cause unrest and resentment in the community that you Ok one and not Ok another, the neighbors that border the property, one person said they were unaware of what was presenting, everyone that borders that property, what happens with the property value, and perhaps people who are in agreement after this is approved they realize its human nature with people breaking the rules, and it sound like they are already do that with people shooting during the week when it was only to be weekend, If you sell property and new person buys it finding out after the sale that there is a firing range without them knowing it, that will cause a problem with the town of Galway. The noise control is another issue, and I am going to make a last point -The town board members are to avoid even the appearance of impropriety it's my understanding it's a town board member. They are held to a higher standard, and to instill trust in the public people of the town of Galway.

Brian Burns: 2453 Cruthers road – just to clear up some things that I'm 99.98% sure of HR 218 retired peace officer and law enforcement to allow them to carry a side arm it always had what we as civilians would just be a permit they are retired law enforcement and peace officers and with HR218 recertifications yearly and allows that individual to carry anywhere in the United States of America, I called Schenectady, Albany, Saratoga and Fulton County sheriffs department about police training and they are all inhouse. Councilman Flinton and S&K states they are training police officers and peace officers and military personnel, I didn't check the military thing but I'm pretty sure they train their own, The HR218 is a law enforcement training for retired peace officers. It's a high profit business S&K, its high profit for NYS pistol permit, NYS years ago passed a law that their qualified instructors get several hundred dollars per person for this class, councilman Filton said there is a trailer on the property they



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have heaters when the weather is cold. It's definitely a profitable business. Shooting- the guns these people are shooting are S&K firearms, cause you can't go buy a fire arm or possess it until you have a permit so the new permit system is you don't get a restricted hunting permit you can apply for an unconcealed permit, but you are shooting part of that - 22 pistols for their class members to shoot, they supply the ammo this is not what has been portrayed, its high profit for S&K. It's a high profit for councilman Flinton and 7 days week businesspeople have work Monday through Friday and want to get trained on Saturday or Sunday. Everyone has all valid reasons with safety, the noise, the nature preserves, animals running away, Make no mistake this is not a service to our community. This is like Stewarts opening a store, they are there for profit. I don't believe military personnel, active law enforcement or peace officers are being trained at this facility, cause we would have a different perspective if that were the case cause they deserve a little help here and there.

Mike & Kristen Arwszewski: 4915 Jockey St – Its definitely loud and disruptive its intermittent and sporadic, we like the Flinton, but we do not want this on our block. It's something we would assume could affect property values, its disrupting and unsettling to hear when you are out in the yard with the kids and trying to enjoy some peace and quiet. Everyone makes valid points. It's impressive that everyone is expressing their opinions in respectful and reasonable tones.

James McCauley: 244 Donnan Road –“ I want to live next to a fire range said no one ever” the fact of the matter is the folks that are complain to living next to a firing range is an existing problem they made that choice, to Mister Baxter comment We are all looking for peace and that is why we are all here cause I want that peace on a sat morning at 1030 in the morning I can focus, facts everyone effected by this within x amount of miles. You can do this its open-source information. You can go online to see property values will decrease 10-18%, this if from realtor.com the secondary effects because if this approved this is what I will do and advise everyone in this room to do. We should show up for tax grievance and look for that 10-20% off your taxes, further more what's that going to do to your community, that will negate the town of Galway revenue, Saratoga county and more so the school district so who is winning? and will seek legal counsel to help me out, now to go back to some of the statements that were made about Synthetic bullets, the fact of the matter is they are still lead producing bullets, Synthetic is the outside of the bullet that is a plastic coating protect the barrel of the gun, so multiple rounds going through the gun don't damage it, just like a piston inside a motor there is a coating on the piston, Teflon on your pans, the same thing, there are some primers that negate that more, it reduces it but that problem still exists it's an environmental concern. Presented research from the Town of Kingston how they approved a gun range, are you can see as it was stated there is a lot of liability that falls on the Town of Galway. We have to ask ourselves what the benefit to Galway with 2 ranges on Rt 29. There are 50 Plus ranges in the capital district, so from the surface why here, it's cause it to be a cost benefit for the folks that are using it for commercial use.

Tom McCauley: 2544 Donnan Road – agree with everyone and everything that has been said.

Tom O'Brien: 2437 Galway Road- See Letter Attached

Matt Hall: 4905 Jockey St – everyone has touched on the topics that there was going to be gun fire from 10am every Saturday not something we signed up for, the devaluing of property, the nature preserves, many many reasons for a profit business in someone back yard, we oppose.

Roy Neal- I love you Ryan and I love your family, but I don't want a shooting range by property come to the country to be peaceful and I have my windows closed and I hear the noise all the time, I didn't know what it was. I agree with the majority that this shouldn't be here.

Motion by Renee to close public hearing on Application 24-006, **Second by Kylie.** Voice vote: All ayes.
Motion Carried



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Public Meeting

Application #PB24-006 Application of Ryan Flinton for Special use permit on property located at 2621 Crane Road (tax parcel no. 213.-1-94).

Ruthann- the biggest question is this a commercial use, it's not one of the planning board's responsibilities to determine it is commercial or what use it falls into, in addition to all the other issues.

Renee- it's a real stretch of AG zone. Doesn't fit in the comprehensive plan it's not a fit

Rebecca-understand any legally can have reason is that the fact it's doesn't fit neatly into a use

Ryan P- The Zoning board would make the determination of the code interpretation for or use of variances to make that this board can't vary to the code, if this board thinks it doesn't fit.

Kylie- would we not feel comfortable with making a decision without the zoning board it doesn't fit into a use but not excluded and is a stretch. The board isn't able to determine if it fits with-in that use or not.

Melissa – It's not specifically excluded but it also its not noted.

Renee- it's a stretch and there is potential liability all boards to look into the nature preserve its right there it was discussed its concerning, we can see that on the map.

Kylie- doesn't a big enough of a stretch of a gray area granting that special use permit is somewhat passively

Renee -prior decisions on wedding venue consistency is important, inconsistent is not our friend. That is important.

Ryan- to clarify that the original wedding venue was back in 2005 under our current code it might be a different scenario.

Ruthann – they wanted to get the zoning change for a PDD

Ryan – that would be a town board function.

Ruthann –If we follow what the code says we can issue a special use permit and if we are not sure what the use is we can send it to the zoning board for an interpretation.

Ruthann- we are in a public meeting and not open for public comments there are other factors here.

Kylie- I don't know how we can issue a special use permit if we can't interpret the use then we can't know.

Rebecca- it makes sense what kylie said if we don't how to interpret the code, we need to ask for help – we can't interpret we can only give a special permit for what is allowed.

Ryan P- the zoning board interprets and resolves questions on the code itself.

Ruthann- do we want to make a motion or a referral to the zoning board?

Ryan – it would be a referral if this board wanted to make a motion to send this to zoning board, there are a few other issues, like the DEC wetlands delineation, you couldn't act on it tonight with out that information.

Ruthann – we do have the noise test results we can pass on to the zoning board,

Rebecca- regardless of whether we keep public hearing can we post notice to keep them informed, putting the county's letter and the noise information, it's in our best interest as a community to keep the public hearing process and the public meeting to keep the public informed.

Resident – you are in the public meeting, you have the authority to deny it, but you don't have the authority to approve it, is that what I am hearing you say?

Ruthann – we don't have the authority to interpret the code as far as what is a permitted use subject to the special use permit process. That is the zoning boards job.



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Rebecca- there is not a complete application, we know there are protected wetlands on the property and need to get the required information.

Ruthann –SEQR - it was tabled we need to complete that as well.

Ryan- the DEC application on the 21st of DEC response on the 22nd Called and Emailed on the 23rd by the initial look that was permitted would not be needed but sending photos to get a better understanding and decide. It's an ongoing process and to be determined.

Motion by Kylie to refer this application to the Zoning Board for interpretation of the use for Application 24-006, **Second by Renee**. Voice vote: All ayes. Motion Carried

PRIVILEGE OF THE FLOOR:

Brian – to understand correct the planning board doesn't know if a commercial for profit shooting range fit into AG and Residential, that's the question, the land Is AG residential, S&K is charging hundreds of dollars per person councilman Flinton is getting more then lawnmower gas money otherwise why would he go through this, there is money on the table, he is not doing this to help Galway out as a town councilman, not planning board that I spent 3 months coming to hours of research on the side says we don't know if a commercial shooting range fits into AG residential.

Ruthann- it's not whether it fits into AG residential, the code has a list of permitted use defined and what uses are permitted. We have not found a definition that clearly fits the use that is for the ZBA to determine. It's the Zoning boards job to determine the use. We can say we think it's commercial but it's not up to this board.

Brian- this is the 2nd thing on that note I have brought this up at previous meeting 2621 crane road it's a de-funked address it doesn't exist, when you ask Saratoga County the tax parcel 2621 crane road and it folded into the other the property and its councilman Flinton's personal home address. The only place 2621 crane road exist is on this application and on S&K Website for their outdoor shooting range, when you talk to Saratoga County that should corrected and accurate. At this point planning or zoning someone should ask SK and Mr. Flinton for their contract to see what money is changing hands, and that's a factor here. Someone needs to say take this off the website and stop shooting there till you have a legitimate permission.

Resident - Referring to the zoning board who determines if it's commercial or not, who determines what the town's liability is, it is right next to Galway Preserve if someone is injured then who makes that determination? Does that need to get transferred to the town lawyers? Someone should take safety concerns serious. Just to protect yourselves something to think about.

Resident – whether it is special use permit, or a variance wouldn't it have to come back to yo for environmental review?

Ruthann – our review is not finished because we are referring it to the zoning board.

Resident – Is it your job to determine if it has a negative impact of the area - My Opinion it's a negative impact.

John McCally- I keep hearing gravel pit? Is anyone else concerned with safety? Safety of gravel? rock it will deflect someone can be shot, now you re imposing environmental with bullets going wherever and there are wetlands next to the nature preserve it can spread contamination.

Sue- why did it take 4 years for this to come Infront of the board?

Ruthann – I don't know why no one came to the town about it before. Someone brought it to the attention of the town.

Resident – and that is the only reason why we are here now, because someone noticed – Nice.

Resident – if there is an application on file now why are they still allowed to do this?



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Ryan P - this board doesn't have the authority to stop someone, possible code enforcement maybe, possibly code enforcement. I don't speak for the town I represent the town.

Jim- Actionable items the board was to be provided with certifications to show that the range was inspected and certified, did we get that documentation?

Ruthann - Yes

Jim – furthermore if this is being done how are the parameters and legalities putting in place that does define how to run a gun range and they have violated these variances or special use, when a violation is made on a shooting range that is a one-year suspension.

Charlie Alexandra Road – I was and environmental safety auditor for the Milton site. About 30 years ago we closed the range, If can take a pile of sand and use that as my back stop on my property but, if you have a commercial venture the first lead bullet that goes into that backstop has to be disposed of properly as hazardous materials and gets very expensive.

Jim - who pays for the cleanup at that point if they do find.

Ruthann – we have not gotten to that point

Resident – who inspected and certified it?

Ruthann – the NY State of Department of Criminal justice

Jim- they certify the instructors they don't come to the land

Ruthann – I believe they did.

Jim Snyder – with regards to the issue with lead and the gravel pit, if its operating for that long if we are looking to the DEC for information on the wet land delineation if this range is already or will be putting substantial quantities of lead into the soil that should be brought to their attention and get some direction from them

Ruthann -I asked DEC if there are any permits required or any legislation about it and so far we have only received back about the wetlands.

Rebecca – the only thing I am aware of is that when someone does go to get the lead out to grow something they will have to dispose of it as hazardous waste, which is expensive

Ruthann – the EPA has a best management practice that doesn't legislate anything its how you clean it up.

Jim -that doesn't stay dormant it goes into the water I'm a chemical engineer if the PH of the soil and the water and rainwater are in the right range the lead will react and enter into the ground water.

Resident – we are talking this has been going on for 4 years, this soil is already contaminated.

Resident – Question about the process, you are the planning board can make the decision to accept or reject the special use permit except for the question whether its commercial zoning?

Ruthann – when we review a special use permit application, we can set the parameters on who it can operates such as times and days to make it work.

Resident – could you set the parameters that states everyone within the parameters of that property, if their property values go down due to this? Cause all of us are going to lose a significate value on our land if this gets approved.

Resident- the letter sent out to everyone had a piece of what the land use variance is, if that letter actually said what this was about you would have more people here. It didn't read a shooting range in their back yard and would be more of an outcry.

Ruthann – our code requires that we send letters out to property owner with in 300' of the property we expanded that to 500' if you are more then 500' away you would not have heard about it.



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Brian – This seems like a special situation for the lawyers, the noise travels 2 miles, the impacted people are 300 or 500 away, code seems to be a gray area can we make that a 2-mile radius because that is how is impacted by the noise. My dog was impacted the other morning and went to hide under the bed. People who are impacted are now being told. We didn't know who it was.

OTHER BUSINESS:

None

Motion by Kylie to adjourn. **Second by Melissa.** Voice vote: All ayes. Motion carried. Meeting adjourned at 8:22 p.m.

Respectfully submitted,
Amanda DeRidder, Clerk