



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: September 24th, 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,

MEMBERS ABSENT: Kylie Holland

ALSO PRESENT: Amanda DeRidder – Clerk, Ryan Pezzulo Esq., Jimmy Ross -Town Board Liaison and approximately Twenty-One (21) people in the audience.

REVIEW OF MINUTES: All board members previously reviewed the revised minutes of the August 2024 meeting

Motion to Table by Rebecca and Seconded by Melissa Voice vote: All ayes. Motion Carried

CLERK'S REPORT: N/A

CHAIR'S REPORT: N/A

Public Hearing:

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).

No Public Comments

Motion by Melissa to close the Public Hearing Application PB24-007 **Second by Renee.** Voice vote: All ayes. Motion Carried

Public Hearing:

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).

Ruthann - you will notice that we have new maps for this application as well as a document for the wetland delineation assessment completed by North Country ecological services. And I do have the review letter from Saratoga County planning, with their decision, no significant county wide or Inter community impact comment. In accordance with the Memorandum of Understanding between the town of Galway Planning Board and the Saratoga County Planning Board, the above noted subdivision review application has been reviewed by staff and with the necessary concurrence of two board members, has been deemed to present no significant county wide impact. And they just note that a New York State DOT curb cut permit will be required if driveway access is desired for either one of those lots off of New York State Route 147, which is something that we had already discussed. Does anyone have any other questions or comments? Regarding the subdivision.



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Melissa- the wetland is that the area outlined on the map?

Ruthann – yes and the 100’ buffer is on the map, there is only a small portion of the wetland on the new lot.

Ruthann- The Application fee of \$150 is to be paid prior to the approval being sent out.

Motion by Rebecca to approve Application 24-007 for a minor subdivision, **Second by Melissa**. Voice vote: All ayes. Motion Carried

Public Meeting

Application #PB24-009 Application of Melissa Dropper for a minor subdivision on property located at 2475 McConchie Road (tax parcel no. 212.-1-18.1).

Ruthann - you should have the map in front of you. If you remember, we had previously approved a special use permit on this property, but that didn't work out for the purchase of the home. So now they are creating a lot to put that home on.

Melissa- What are you going to do for a driveway there is not one indicated on here?

Applicant- The driveway that you see is actually going to be the same shared driveway, so if we have to actually put that in when she takes and sells us the land, we can have an easement on that. Because if you see where the house is going to be built, it's going to be built at the very, very, very end of that driveway. And that's only a temporary thing because once we have the House and we've actually start paying the taxes, the whole land will be transferred into our name. We're going to end up using that driveway anyway. So, it's just going to be a temporary easement. Until we basically have it all in our name. Right now, we're just worried about the three acres, so we can move forward and try to build the house before the snow starts.

Ruthann- The driveway is not on the lot that you are creating right? So how will it become yours?

Applicant- The full entire 147 acres of that parcel before subdividing will become ours, so it is just temporary. We're going to use the easement where we can actually drive on the same driveway. If we have to create another driveway to do it, we can ask to have one put in.

Ruthann- you're going to create a whole new lot separate from the rest of the property, but eventually be one.

Applicant – Yes

Ruthann – This lot will have to stay as a three-acre lot. I am not sure how that's going to work with the driveway

Ryan- You can't. You can't get a building permit without access without going to the town board for an open development area under the town. It's the 280a, the open development space.

Ruthann – you will need to show the boundary line and establish the easement

Ryan - if there's a Shared driveway agreement, And the boundary line splits the existing driveway.

Written shared driveway agreement- That's one way to do it. Another way to do it is to establish the easement and then go to the town board to get an open development area with an easement over the joining lot or the third way is to just do another driveway on the Town Road.

Applicant – the ground is wet in that area but its probably the easiest.

Ruthann- you would need to talk to the highway superintendent, are you saying there are wetlands on the property.

Applicant – no its just where the water drains, it sits high right by the driveway so we will need to divert the water.



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Ruthann- So I would say that you should probably talk to him right away and get that shown on your map for next month, because we'll have to have a public hearing next month.

Applicant- If I get that adjusted on the map, that if it goes through properly, will it still go through or we're going to have to Wait another month until November.

Ruthann - No, at the October meeting, if nothing else changes and you just show the driveway, you know where you're proposing to locate it. It should be fine, but I would talk with the highway Superintendent and Have him look at it with you.

Rebecca- do they need a site location map?

Ruthann – yes, your site plan will need a site location map which your surveyor will know what he should do.

Renee- the road frontage is accurate

Ruthanne – yes, the road frontage is 350 feet and the 50' setbacks are indicated

SEQR Review

Motion by Melissa based on the information above and any documentation that this proposed action will not result in any significant adverse environmental impacts Application 24-009, **Second by Rebecca**.

Voice vote: All ayes. Motion Carried

Motion by Melissa to classify for Application 24-009 as a minor subdivision and set for public Hearing, **Second by Rebecca**. Voice vote: All ayes. Motion Carried

Public Meeting

Application #PB24-008 Application of Martel Haynes for Special use permit on property located at 6081 Jockey Street (tax parcel no. 174.-1-49.2).

Applicant - Yeah, so this is 2 structure that was built about two years ago and We were working with the former code enforcement officer to establish with a small apartment. I guess it's classified. As in the rear, it was approved. With the special Use permit. But now we were informed that of course it's an accessory structure to no primary structure. Have had plans to build the primary residence on the property and in fact our topographic land survey maps that we did even before this project demonstrate that that primary dwelling is Plotted on our map and it is in still in progress we just Haven't been able to Get it off the ground yet So we're asking for, I guess, a temporary allowance to use this space, conditional to us getting the building permit.

Ruthann - I remember that you did the subdivision of the 10 acres from the parent parcel, but I don't recall that you got a special use permit for the barn. Did you just get a building permit for it and there was no special use permit granted for that apartment or that building?

Applicant – this is going back two years but what we submitted with a special use permit to building code enforcement officer but we never got a paper permit, a lot of dead-end email and it's hard to remember I mean we this is now going back two years and we pulled up all the e-mail correspondence and I did send him a special use permit and he, I guess didn't instruct us that we needed to take that next step. So, there was a lot of miscommunications.

Ruthann – the map with the barn is that where is current barn is located. We have 2 maps, 1 which shows apparently the barn and one with the proposed house and no barn



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Applicant – when we first did the subdivision the one that was proposed with the house. So, if you take both these maps, we have a proposed barn & house. That was used for the subdivision, and then we actually have that same map without the home. We put the barn, and we built the barn. Through Trevor, with the building permit. It was established and now we're being told that the buildings we can't live in since there is no building to make this accessory building, we plan on building the main house with in the year.

Ruthann – where the barn is it show a leach field and a well. Are those existing?

Applicant – yes

Ruthann- what is the size of the apartment?

Applicant – Around 558 SQFT and being told its too small to live in as a primary residence

Ruthann – what is the square footage of the house you are proposing?

Applicant – approx. 1,400 SQFT

Ruthann – does the accessory apartment have a CO?

Applicant – No that is what we are working on now.

Ruthann- in terms of building code what will it take to make sure this is code compliant?

Applicant – putting up railings on the staircase to the loft, some insulation in locations

Rebecca – is there a minimum size that it needs to be?

Ruthann - Well, if you look at the requirements of an accessory apartments, The requirements are the number of bedrooms in the apartment, shall be not more than two. The floor area for the apartment should be greater than 400 square feet and shall be less than 40% of the entire floor area of the one family dwelling or 1,000 square feet, whichever is less. So, 40% of 1,400 is 560 square feet.

Applicant – the barn is 1,500 square feet.

Ruthann- the barn is not going to be the residence that the accessory apartment is based upon, it's based on the house you're building.

Applicant – we have the plans and can make the house 1,450 sqft

Ruthann – are you planning on using the same well and septic?

Applicant – the septic yes but we will have to do another well.

Renee – where is the well?

Ruthann- behind the tree line behind the barn, what are you plans for the apartment after you build the house?

Applicant – we have not explored what is allowed in the town, it could become my husband's office as we operate a farm on the property, or it could be a secondary apartment for a farmhand.

Ruthann – the code says that the owners of the one family lot upon which an accessory dwelling is located shall occupy at least one of the dwellings on the premises.

Applicant – Yes, we would occupy at least one.

Ruthann - And that you would have to certify that your water supply is potable and adequate flow. And the sewage disposal system is adequate for the two units. So if you're going to use that Well, but you're going to put in a new septic system. So, you would have to certify that the water supply is potable and adequate for two residences.

Applicant – I just confirmed that the new house would be 29x49 so 1468

Ruthann – this is uncharted territory so we will be advised by legal

Ryan- Yeah, I mean, I'm going to suggest that we table this so that they can provide what was applied for in the communications and things like that so that we can look and see because obviously this board hasn't seen this before. And what was applied for, what was approved so that we can make a determination as to the full extent of what this application actually is. Before proceeding, that would be my suggestion to the board. Potentially a workshop with the applicant.



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Melissa – Max do you have a copy of the applications

Max- What they said is accurate

Ruthann – the SEQR form is not the current form

Rebecca – When these applications come in who is responsible for reviewing for accurate information?

Amanda – It was not deemed to be in the clerk's job responsibilities

Rebecca – so it's no one's job to review this when they come in, did you put that in the minutes?

Motion by Rebecca to table Application 24-008 for special use permit, **Second by Renee**. Voice vote: All ayes. Motion Carried

PRIVILEGE OF THE FLOOR:

Brad B - The question regarding the August minutes and how the minutes are handled. There's supposed to be a draft, possibly posted. Maybe they made changes? It would be nice to know what the changes are.

Ruthann- I am in charge of reviewing the minutes before they are posted as a draft, and I couldn't give the go ahead to post them as a draft just yet.

Stephanie – how can there be a issue with the minutes every meeting?

Ruthann- there are a lot of people quoted because it was a public hearing and there were many speakers, and we felt their quotes needed to be better.

Stephanie – how can it be portrayed correctly the first time, its every meeting that there is a problem and it's not just August it was July and June.

Ruthann – that is something you would have to take up with the town board.

Brad – when you go back and change things I think that is what Stephanie is referring to

Ruthann- Minutes are not adopted until they are approved by all board members, they are not changed once they are approved

Brian -what relevance is the town board to the planning board minutes do they establish them, how is the timeline.

Ruthann- the town board established the position

Bill Adair – is there any application on the firing range on route 29? They are having special operation this weekend. Has there been any mass gathering permits

Ruthann – we do not have any mass gathering permit requirements, but you would have to ask max if they have applied for anything yet.

Bill- so there is nothing you would do.

Ruthann- Right. I mean, if we're in the process of addressing that issue, but it can't be done. At this point, we don't have a mass gathering permit regulation, so they would need to come in for a special use permit. And as you know that takes a couple of months, right? So, I'm not sure what the status is at this point, but I know Max has been in communication with them.

Bill - last month I was told that the application was approved. And you guys couldn't do anything if they were still running, someone would have to notify the authorities. Are you notifying the sheriffs or anyone that they don't have their permit for this weekend?

Ryan- that is not this boards pervue to make those decisions

OTHER BUSIRNESS:

None

Motion by Melissa to adjourn. **Second by Rebecca**. Voice vote: All ayes. Motion carried. Meeting adjourned at 8:45 p.m.



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Respectfully submitted,
Amanda DeRidder, Clerk