

Gallatin Planning Board
667 CR 7, Gallatin NY 12567
Meeting Minutes

ACCEPTED
September 25, 2023

Attending: Planning Board Members, Linda Baldwin, Larry Brody, Fraser Paterson, Michael L. Porter & Chairman Terry Porter; Applicants, Robert & Mary Spadaccini and Wesley Chase

Chairman Porter called the September 25, 2023, GPB meeting to order at 7:00pm

Terry opened a public hearing for Site Plan Review and Special Permit application for Mary & Robert Spadaccini to build a 40 ft. x 40 ft. (1600 sq. ft.) garage on their property at 2180 Route 82, Stop 28, tax parcel 204.-1-23.12. The Gallatin Zoning Law requires Site Plan Review and Special Permit for a Private Garage more than 1150 sq. ft. and the Spadaccinis presented an application for Special Permit and a survey showing the location of the proposed building. The proposed building will be used to store recreational vehicles and dry storage. No plumbing is proposed. The building is not likely to be seen from adjoining properties as it will be located in an existing clearing surrounded by woods, but the applicants plan plantings to screen the building from view. The property is not agricultural use. All setback and height requirements will be met. The applicants submitted receipts from Certified Mailings notifying the owners of neighboring properties within 200 ft. of the application and public hearing. Terry indicated that the application must be submitted to the Columbia County Planning Board for review according to the provisions of New York State General Municipal Law §239-l & §239-m. Terry will submit the application to the CCPB for review at their October 2023 meeting.

According to the Gallatin Zoning Law, Accessory Structure is defined as “A structure, the use of which is customarily incidental and subordinate to that of the principal building, or is located on the same lot or premises as the principal structure. Accessory structures shall include but are not limited to, garden or tool sheds, barns, greenhouses, detached garages, and children playhouses.” As there is no principal dwelling on the residential property to define the use of the property, the proposed garage cannot be listed as an Accessory Structure. The applicants do not intend to build a dwelling on the property nor do they intend to do so in the foreseeable future. While there is no precedent for allowing a Private Garage more than 1150 sq. ft. on a property without a primary dwelling by the Planning Board, the Building Inspector has allowed Private Garages less than 1150 sq. ft. on properties without a primary dwelling. In an effort to aid the applicants in moving ahead, a preliminary vote was held to deny the application based on there being no primary dwelling on the property, therefore this building cannot be considered an Accessory Structure, all voted to deny.

As the applicants have incurred other expenses in this process, the Planning Board waived the application fee.

The Public Hearing will remain open until the application has been reviewed by the CCPB and a response received by the Planning Board.

Terry opened a Public Hearing for John & Donna Bovitz for a 2-lot subdivision of tax parcel 211.-1-85.2 existing as 29.92 acres, located at 26 King Road. The applicants propose to subdivide Lot #1 as 7.33 acres and Lot #2 as 22.59 acres. Wesley Chase, representing the applicants, presented the map indicating the two lots. Lot #1 contains an existing dwelling, septic and well. A deeded right of way for an access road for both lots with cul-de-sac was previously approved by the Planning Board at sketch plan review and is now shown on the map. The access road is not planned to be built until such time that the owner of Parcel #2 plans to build a dwelling on the vacant lot. Wesley will add a note to indicate that King Road with the cul-de-sac as a turn-around for emergency vehicles must be constructed prior to the building of a dwelling on the property. While the locations of deep hole perc tests on vacant Lot #2 are indicated on the map, Wesley is waiting for a letter from the Department of Health approving a septic system on Parcel #2. The letter will be referenced on the map. The application, as submitted, was not properly notarized. Wesley will take care of this as well. The Public Hearing remains open until the above items can be addressed.

Draft Minutes from the August 28, 2023, meeting were reviewed. Larry made a motion to accept the minutes, Mike 2nd. All were in favor

With no other business to discuss, Terry made a motion to adjourn at 8:05pm, Larry 2nd. All were in favor.

Respectfully submitted,
Terry Porter, Chair