



TOWN OF NEW SCOTLAND

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STATE OF NEW YORK

PLANNING BOARD

TOWN OF NEW SCOTLAND

In the Matter of the Application of

James J. Cramer

FINDINGS AND DECISION # 127

For Site Plan # 127

Site Plan Application # 127 Application submitted by James Cramer for Site Plan approval to construct a new single-family dwelling on an existing 1-acre lot within the HD-E Zoning District pursuant to Article V, Sections 190-12 and 190-52 of the Town of New Scotland Zoning Law.

PREMISES: 28 Whitbeck Road and is identified as New Scotland Tax Parcel #84.-1-9.

WHEREAS, an application for Site Plan approval for the construction of a single-family dwelling was formally submitted to the Town of New Scotland Planning Board ("Planning Board") at its regular meeting held on November 10, 2020; and

WHEREAS, application materials considered by the Planning Board include:

- Short Environment Assessment Form dated September 29, 2020
- RP 5217 and recorded deed for the property
- Site Plan dated November 3, 2020
- Unsafe Buildings Law Notification dated January 10, 2013
- Correspondence dated March 15, 2013 from Stantec Engineering re condition of existing building
- E-mail correspondence from Town of Bethlehem Commissioner of Public Works dated November 5, 2020
- Engineered building plans dated July 24, 2020
- Photographs of the existing dwelling
- Opinion letter from New York State Office of Parks, Recreation and Historic Preservation dated January 23, 2013, and
- Written request for waivers pursuant to Section 190-67 of the Town of New Scotland Zoning Law dated November 9, 2020; and

WHEREAS, pursuant to Local Law 6 of the Year 2019, the project was referred to the Joint Historical Preservation Commission for recommendation with said Commission having no objection to the project as presented.

WHEREAS, in conjunction with the application, the Applicant has requested three (3) waivers of the following Town of New Scotland Hamlet Zone requirements: (1) a landscaping plans as required under Section 190-12(S)(2), (2) that the entrance to the dwelling be oriented to be street-facing as required under Section 190-12(H), and for the construction of a sidewalk as required by 190-12(k); and

WHEREAS, a public hearing in relation to the application was held on January 5, 2021 before the Planning Board; and

WHEREAS, due notice was published in the Altamont Enterprise, and mailed to the owners of all properties located within the required 1,000 feet of the subject property; and

WHEREAS, there were no public comments received in favor or against the application.

WHEREAS, in reviewing the evidence and testimony received, the Planning Board make the following findings:

- A. The proposed action is a Type II action under the State Environmental Quality Review Act and, as such, is deemed by statute not to have a significant adverse impact on the environment.
- B. The Applicant purchased the parcel from the Albany County Land Bank for \$5,000 in August of 2020.
- C. The structure currently existing on the parcel has been declared “unsafe” by the Town of New Scotland and requires demolition. The new dwelling is proposed to be located within the general footprint of the existing structure.
- D. Whitbeck Road is a fully developed residential road that ends with no outlet approximately halfway in front of the front lot line of the parcel. The subject parcel is the last lot on Whitbeck Road and is adjacent to railroad tracks that run along the southwest side of the property. As such, the location of the parcel in its placement along Whitbeck Road and proximity to the railroad tracks is unique to this residential area.
- E. As the parcel adjoins railroad tracks, construction of a sidewalk along the front of the subject parcel would result in the walkway ending in the vicinity of the railroad tracks and is deemed a potential public safety issue. The cost of such construction, particularly in light of the fact that there are no other pedestrian walkways along Whitbeck Road, along with the potential invitation to the public in the vicinity of railroad tracks, warrants a waiver of the sidewalk requirement set forth in Section 190-12(K) of the Town of New Scotland Zoning Law.
- F. Whitbeck Road extends only along the front half of the parcel with a turn-around carved into the parcel along the southeast side. The Applicant proposes to orient the front door to face toward the side lot line. Given the unique location of the parcel, the Applicant has established that a waiver of the strict adherence to the requirements of 190-12 is warranted.

G. The Applicant has submitted evidence that the cost of a landscape architect to prepare a landscape plan as set forth in 190-12(S) would be in excess of \$5,000. The Site Plan submitted by the Applicant includes proposed landscaping. The Applicant has represented that due to the location of this parcel, in particular its vicinity to active railroad tracks, the market value at which the proposed dwelling may be sold will be limited. It is considered in the best interest of the neighborhood to remove the current unsafe structure on the parcel and convert the lot into a residential dwelling which is consistent with the uses in the surrounding neighborhood. The parcel in question is not part of a larger new development in the heart of the Hamlet District and therefore does not require extensive landscaping. Given these facts, the Applicant has established that a waiver to the strict adherence of 190-12(S) is warranted.

NOW, THEREFORE, BE IT RESOLVED, by the Town of New Scotland Planning Board that upon considering and weighing the factors set forth in Section 190-52(G) of the Town of New Scotland Zoning Law the proposed site plan is hereby approved with the following conditions:

- Landscaping shall be planted in accordance with the site plan dated December 24, 2020. All new landscaping shall be limited to native plantings where available. No plantings included on DEC's 575 prohibited and regulated Invasive Species will be permitted.
- Applicant obtaining an area variance for 20 relief from the setback requirements for a single-family dwelling.
- The line of trees located on the southside of the property adjacent to the railroad tracks shall be maintained as practical. Tree removal shall only be permitted between November 1st and March 31st.

Ayes: 5 (Voss, Galvin, Richards, Schallop, Byrnes)

Nays: 0

Abstained: 0

Absent: 0

Dated: January 5, 2021