

Town of New Scotland Planning Board

Minutes

February 4, 2020

7:00 PM

Planning Board Members:

Charles Voss, *Chairman*

Daniel Byrnes, Amy Schallop, Peter Richards, Christine Galvin, Robert Davies (Alt)

Lori Saba, *Planning Board Secretary*, Jeremy Cramer, *Building Inspector*,

Crystal Peck, *Planning Board Attorney*, Garrett Frueh, *Town Engineer (Stantec Engineering)*

Absent: Robert Davies (Alt)

Public Hearings:

- 1) **Site Plan Application # 124:** Application submitted by Nicholis Costa for a site plan review to allow an existing structure to be renovated into a six unit residential apartment building. The parcel is owned by Danz Development LLC, contains approximately 8.9+/- acres, located within the HDE zoning district at 1903 New Scotland Road, and is identified as New Scotland Tax Parcel # 73.-4-13. This application is made pursuant to Article V, Section 190-52, subsection (A)(2)(h).

Mr. Costa explained that they would like to take this building and convert it to six one and two bedroom unit apartments. They have put the parking for the apartments in the rear; additional landscaping to the front of the property with a three to four foot berm in the front with some trees. Additional landscaping is next to the building with a mix of shrubs and evergreens. We submitted additional information with the narrative. These will be market rate apartments. All the windows will be replaced. They will meet code. Two apartments will be partially in the basement and those windows will have egress. The site is 8.9 acres in size and has plenty of green space. It is in the new hamlet zone.

Ms. Peck: The hamlet does have a bunch of design standards that are applicable to new structures going up, however there is a section carved out for existing structures. With that respect it is subsection J. This would apply to this application that is before us now. The design standards that are applicable to the new structure going in are not necessarily applicable to or not applicable to the reuse of the existing buildings. When you have a reuse of an existing building the Board should look at location of primary building entrances to the street. The applicant is to provide more than 25% transparent or translucent materials on each story below the roof line. It requires the parking lot be located to the side or the rear of the building and that it utilizes pedestrian scale façade or articulation changes in plain old facades to distinguish between each building story. If the application does not include all of those features then it would be up to the Board to discuss with the applicant why it is impractical to incorporate those design standards with this project. It would be up to the Board to find whether that the applicant has made enough of a showing to warrant a variation from that.

Ms. Schallop: This sounds like this applies to a commercial building.

Ms. Peck: Yes it does sound like this applies to a commercial building. It does not specify between residential and commercial. There are some other areas with the code that we kind of notice after the fact that has done the same thing focused a little bit more on commercial as opposed to the residential uses. I think it is something that the Town is going to be looking at in the future to clean up a little bit. It is really up to the Board whether this is going to apply to this project.

Mr. Voss: We have asked them to provide us an enhanced narrative which you have done, which addresses some of these issues. We have no concerns with the use at all. We like that you moved the parking lot. We need to look at the landscaping. How do we soften the look of that building? In order to work with these standards we need to pick your mind as to what additional things we can do to the façade to help it. In terms of complying with the code to soften the physical look of the building. I know it is a difficult building to work with.

Mr. Danz: We have had a couple people look at it. We still have to run the water service up as well. We will have a curb box put in. I know this is a Bethlehem issue. We are under the assumption that the pit and the grinder pump and everything is functional.

Mr. Byrnes: How much is the 8.9 acres is wetlands?

Mr. Danz: Not sure if I gave you a survey, I don't know off the top of my head. The only thing that we are changing is moving the parking lot to the back, but that will not be going in that direction and that will be gravel except for the handicapped space which will be paved.

Ms. Galvin: For the record we had our planning review this project. She submitted a preliminary review report dated January 31, 2020. Since we were last speaking of the architectural features, I will turn to that first she actually provided us a photo of a building that actually appears in our Hamlet Plan. Indicated on that photo changes to this façade as shown in this photograph that might do a lot to soften this building. It is very similar to the building you have.

Mr. Danz: I already had someone come out and look at the building. We looked at a foe pitched roof along the top of the ridge of that. It kind of looked like a gable style and we looked at a sloped roof.

Ms. Galvin: What makes it look a lot better in this photograph is the trim that is going all along the roof top edge. It has some kind of architectural feature which is more of what the Town is looking for, because this is right from the Hamlet Plan, which is the most recent law. You see I mean to me these things don't look very significant but they can go a long way to softening the appearance of the building. I don't think it will be overly

expensive. What I am saying is you can trim it up so it looks a little more, what should I say in keeping historically with what the Hamlet Law is looking for. That is something I would like to know whether you would consider doing.

Mr. Danz: I would consider it, I mean maybe if we were able to eliminate the berm and the landscaping up front and reallocate to maybe doing and keeping the other landscaping up front and maybe reallocate some of that towards putting trim pieces up above the windows.

Ms. Galvin: I don't think it's a situation of a tradeoff to tell you the truth. I mean our Hamlet Law does say for all applications before us there has to be a landscape plan and it has specific provisions about what is supposed to be in that plan.

Mr. Voss: There is a planting schedule on the plans.

Ms. Galvin: The Planner has recommended trees that are closer to the street. There is not a recommendation for a berm.

Mr. Danz: I thought with that it would provide a little elevation and it would basically soften up the front by breaking it up.

Ms. Galvin: I'm not sure if I agree with that. Her recommendation for landscaping; well in particular she recommends that a sidewalk be placed street side with trees. The idea being we actually do have some sidewalks that don't go anywhere that we required applicants to put in, so the possibly that at some point there is going to be adjoining commercial properties and then we can keep adding side walk. With her recommendation is that a sidewalk be along the street and that there be trees be along that sidewalk.

Mr. Costa: We have run into issues with that, because they do want a sidewalk plan for the municipality or else they don't give permission.

Mr. Voss: You can do a sidewalk, but you will need a retaining wall behind it. I think what Ms. Galvin is driving at is if a sidewalk isn't necessarily feasible right now, like we do with Stewarts across the road is we ask them to commit at some point in the future to providing right away potential sidewalks which they have done with their approval, if and when sidewalks do come in.

Ms. Galvin: Looking at the Planners concept, in terms of softening the view of the building and the land in front of it, as she put here add a decorative fence, landscape cluster, flowers, shrubs closer to the road to break up long expanse of grass between street and the façade. If we had trees and plants like this, I'm not saying all in a row, but are sort of naturally placed, it will soften the whole look of the entire site in my opinion and according

to her recommendations. As far as reserving an easement, her recommendation was we don't know what is going to happen with the Bender Mellon Farm and the rail trail and the whole concept of interconnectivity which is throughout the Hamlet Plan, so she made another recommendation that the Planning Board discuss a pathway or trail that could be included to provide interconnection between this parcel with others especially with the Bender Mellon Farm. This parcel doesn't adjoin the Bender Mellon Farm.

Mr. Danz: It would be very difficult, because Sabers piece comes and wraps around the whole back of it all the way to the line, so actually we don't have access on all three sides. The only access would be through the creek.

Mr. Richards: Do you have plans for further development of the back?

Mr. Danz: We have no plans at this moment. We looked at painting the façade but it was extremely expensive.

Mr. Voss: I think a combination of landscaping and if you can get creative with some minor architectural detailing on the front I think it would really go a long way. Could you show where you can bank some extra parking spots?

Mr. Frueh: In terms of water that would be coordinated with the Town of Bethlehem. They are a Town of Bethlehem customer.

Mr. Danz: We had asked them if they could do a test for us and they said they did not want to test done on the line, but they would give us something assuring us that the capacity was available for sprinklers. This will probably be a six inch line. The meter will be in a curb box in the front.

Mr. Frueh: We had that initial brief narrative, so I think we just want something a little bit more formal certifying that basically the proposed flows are less than or than the existing prior uses. If you could sign and stamp what those designs flows are versus what were prior.

Ms. Galvin: We should say for the record, we did receive comments from Stantec Engineering dated February 3, 2020.

Mr. Voss opened up the meeting to the public. There were no public comments. The public hearing will remain open.

Old Business:

- 1) **Subdivision Application # 495:** Application submitted by Corey Lewandowski to request a modification to the storm water design incorporated into the Le Vie Farm Subdivision approval. The project is owned by Charlew Builders, consists of 22.4 acres, is located within the RA district at Eagle Court and Par View.

Mr. Voss moved to approve the modification with subdivision application #495 with the following recommendations from Stantec Engineering:

Mr. Frueh recommends for this storm water design changes it is our understanding that the vegetated swales and conveyance system will be privately owned and maintained by each respective homeowner; therefore the Town has implemented the following requirements:

- For privately owned drainage systems, the deed of record would be modified to include a deed covenant that requires operations and maintenance of the practice(s) in accordance with the operation and maintenance plan. Also, corresponding Storm water Management Agreement with the Town will be required.
- Easements extending from the public roadway to each privately owned drainage system would be required ensuring unobstructed access to the storm water systems.
- The Town and it legal counsel would need to review the proposed deed covenant and easements to ensure they met both the Town's needs as well as the DEC requirements.
- Drainage easements are required to be a minimum of 30' wide.
- When the developer provides individual lot as-builts that the developer also provide to the Town Building Inspector a shape file for the installed vegetative swales.

Ms. Galvin seconded the motion; all in favor; motion so carried.

Vote: 5-0

- 2) **Variance Application # 541:** Application Submitted by Taza Schaming requesting relief from Article XIII, Section 190-99 (B) of the Town of New Scotland's Zoning Law that states each buildable lot shall have no less than fifty foot of fee frontage on a public road. The parcel is owned by Peter and Teal Schaming, is located within the "RF" district at 168 Duck Hill Road, and is identified as New Scotland Tax parcel id #105.-1-1.2. Applicant is requesting 25.25 feet of relief to allow for an existing parcel to have 24.75 feet of fee frontage.

Ms. Peck explained that the Zoning Board of Appeals had no comments on this application and scheduled a public hearing for February 25, 2020.

Mr. Voss moved to send a positive recommendation to the ZBA with a recommendation that the applicant provide safe access for public services, emergency services have to be able to access the property and be able to turn around. This request should be discussed

with the Berne Highway Department. Ms. Galvin seconded the motion; all in favor; motion so carried.

Vote: 5-0

Discussion items:

- 1) **Minutes** for January 7, 2020; Mr. Voss moved to approve the January 7, 2020 minutes; Ms. Schallop seconded the motion; all in favor; motion so carried.

Vote: 5-0

- 2) **Minor Subdivisions** for the month of January 2020: None

Anything else that may come before the board -Open Discussion (2-minute limit per person)

Motion to Adjourn: At 8:12 p.m. Mr. Voss motion to adjourn and Ms. Galvin seconded the motion; all in favor; motion so carried.

Vote: 5-0

Respectfully submitted,

Lori Saba