Town of New Scotland Planning Board
Minutes
February 5, 2019
Charles Voss, Chairman
Planning Board Members:
Thomas Hart, 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)

Public Hearings: 7:05 P.M.

1) **Adjourned: Special Use Permit Application #604:** Application submitted Rose & Robin Tell-Drake for a Special Use Permit to allow for a parcel owned by Dale Caron to be used for "Agricultural uses, less than 7 acres". The parcel is located within the RA district at 9 Game Farm Road, contains approx. 1.3 acres, and is identified as New Scotland tax parcel # 95.-3-61.10. This application is a Special Use of Article II, Section 190-15 (D)(14) of the Town of New Scotland Zoning Law and local law #2 of 2016, Section 3e(3).

2) The public hearing was adjourned and Mr. Voss asked Mr. Cramer to bring the Board up to date on this application.

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4) Mr. Cramer explained that at our last meeting at the end there was a request to the Board to get a copy of the draft minutes and submit the materials to the applicant since he missed the last meeting. That information was given to him and he had come back in to see me approximately two weeks ago and said that he had gotten the goats off the property and would like to either modify the application to only allow for the chickens that remain on the property to stay there. He is considering withdrawing the application and getting rid of all of the animals. Basically putting an end to this application.

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6) Mr. Voss: We haven’t seen anything new from him since then?

7) Mr. Cramer: No I have not heard back.

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9) Mr. Voss: So we don’t have a formal request or formal change?

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11) Mr. Cramer: The meeting in my office was about an hour and half long discussing the situation and depending on which decision he made the outcome that would come of it.

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13) Ms. Peck: He essentially is asking for more time. Until next meeting to make a decision to either modify or withdraw, which is why this was put down for adjourn tonight. There are neighbors here that probably still want to be heard on the application.

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15) Mr. Voss opened up the meeting to public for any additional comments, and we will not take action tonight.
16) Ms. Vellvus, 20 Dearmeadow Lane, my only comment is how long can this continue? We love to come to Board meeting, but we you know we would like to see a decision to be made. We have been updated and we appreciate all of that and all the information that has been forthcoming and I also feel that it’s in the best interest of the applicant to present himself at these meeting. This has been the third one I’ve been to and he hasn’t been to any of them, so I’m just not quite sure what his intentions are.

17) Mr. Voss: Ms. Peck how long can we have this go on? We have given him somewhat benefit of a doubt, but how long?

18) Ms. Peck: No you don’t need to, and the Board certainly doesn’t need to and you can certain put a stop to this at the next meeting.

19) Mr. Voss: I think what we can do if everyone agrees, if the applicant if we don’t hear from the applicant before the deadline of the next meeting then the Board will take action at the next meeting. I think that would make sense.

20) Ms. Boehlke: To the whole Board I see this as us (holding up an Altamont Enterprise article) this is Berne, this is the next step for us, they are now suing the town for an identical situation as this and if you think your time is going to be wasted on this wait until this happens.

21) Mr. Voss: Is this a similar project?

22) Ms. Boehlke: Exactly the same kind of project. It has been going on and on. Now they are suing, so in the face of things all this does for this person or applicant is to let him continue to disobey the rules and not abide by the law because as long as you don’t make a decision he is free and clear. The next time I want to do something illegal on my property I can just adjourn and adjourn and not show up.

23) Mr. Voss: I understand your point but he has to basically until next month.

24) Ms. Peck: It is a due process question, when you make a representation that you are not going to take action, that you are going to adjourn something to the applicant and then you take the action you are essentially, even though and I understand completely, he has had opportunities to come before this Board. He should have been here last meeting, I completely agree, but by making that representation and then making the Board making a determination essentially you are stripping him of a right to be heard and you are opening up to a challenge when there is no need to open it up to a challenge if we just wait the one month.
34) Mr. Hart: That was understood. Let’s move on.

35) Mr. Voss: Thank you anyone else would like to address the Board?

36) Ms. Snyder: Just a point of clarification if you would just help me understand at any point other than at maybe the beginning of this, which I can’t even remember how long ago it was, has anybody spoken to the owner of the property?

37) Mr. Voss: The owner has not spoken to this Board.

38) Ms. Snyder: Has anybody had any contact with the owner of the property?

39) Mr. Cramer: Mr. Pine has with getting the signatures on the application.

40) Mr. Boehlke: Maybe we should get these documents notarized and as we review the laws maybe that could be written in.

41) Ms. Snyder: As Ms. Stolzenberg and the Town Board work to update the zoning codes that may be a good suggestion. Thank you!

New Business:

1) **Special Use Permit Application #608**: Application submitted Frank Desorbo for a Special Use Permit to allow for a parcel he owns to be used for "Agricultural uses, less than 7 acres". The parcel is located within the RA district at 156 Maple Road, contains approx. 2.3 acres, and is identified as New Scotland tax parcel # 73.-4-2. This application is a Special Use of Article II, Section 190-14 (D)(14) of the Town of New Scotland Zoning Law and local law #2 of 2016, Section 3e(3).

Mr. Voss moved to schedule a public hearing with a 500-feet notification area for March 5, 2019. Applicant was asked to submit an updated map with the relocation of the pen two weeks prior to the March 5, 2019 meeting. Mr. Hart seconded the motion; all in favor; motion so carried.

2) **Special Use Permit Application #604**: Application submitted Jennie Meringolo for a Special Use Permit to allow for a parcel she owns to be used for "Agricultural uses, less than 7 acres". The parcel is located within the R2 district at 107 Normanskill Road, contains approx. 0.3 acres, and is identified as New Scotland tax parcel # 62.-3-17. This application is a Special Use of Article II, Section 190-14 (D)(10) of the Town of New Scotland Zoning Law and local law #2 of 2016, Section 3e(3).
Mr. Voss moved to schedule a public hearing for March 5, 2019 and Mr. Richards seconded the motion; all in favor; motion so carried.

1) Old Business:

2) Special Use Permit Application #606: Application originally submitted and approved for David Moreau to allow a Special Use Permit to for the construction of a single family dwelling on a 3.01 acre parcel owned by him. The new owner, Milt Orietas, is requesting to finalize the original special use request to build a dwelling. The property is located within the Commercial District on Youmans Road as 5 Greylock Lane and is identified as New Scotland tax parcel # 72.-3-41.52. This application is a special use of Article II, Section 190-17 of the town zoning Law.

Mr. Cramer moved to schedule a public hearing for March 5, 2019 as long as an updated common driveway agreement; updated maintenance agreement; updated erosion and sediment control plan with protection of the roadway requested from the Board is received two weeks prior to the March meeting. Mr. Hart seconded the motion; all in favor; motion so carried.

3) Major Subdivision Sketch Plat Application #638: Application submitted by Prime Companies for a 22 lot residential subdivision containing 87.5 +/- acres. The proposed subdivision is located on Krumkill Road, identified as New Scotland tax parcel #63.-4-9.2, and is located within the MDR zoning district. This application is made pursuant to Article III, Section 164-18 of the subdivision law.

Mr. Cramer requested to increase the escrow budget for the planner.

Mr. Easton: Yes I will do that and I was expecting that. We reviewed Ms. Stolzenberg comments and incorporated that into our design. We discussed a lot these comments from our last meeting. We are trying to keep the lots out of the Town of Guilderland lands let’s see what we can do with lot size and looking at Ms. Stolzenberg’s comments she wanted the wetlands in an open space lot instead of deed restricting in the lots themselves, which we really had no opinion on or indifference to I guess we will say. We have a community septic system. They are all HOA lots. The client is looking for around 20,000 square foot lots, so we ended up with a pretty good compromise on the lot size. We put a town road in but at the end we basically put in a 96 foot diameter which is a fire truck per fire code turning radius at the end. Instead of cul de sac we just put a roundabout in. That is where we are now. The community septic system needs to be discussed who is going to own it and maintain it? Is this something the town is willing to take over? This is a question that the staff and town need to review.

Mr. Cramer: The only town system that we maintain is Kensington Woods. That is a full system and we don’t even currently do maintenance to have ownership of that.

Mr. Hart: The Miller Road development also had sewer but that include force main pumps. Do we management that?

Mr. Cramer: Homeowners manage the D1 pumps that are put in for each one.
Mr. Hart: So the Town has no interest in maintaining or do not accept maintenance for that.

Mr. Frueh: They own the force main. Not the services to the individual houses who are the pumps on those services.

Mr. Cramer: Kind of like where the shut offs for the water would be just at the right of way line.

Mr. Easton: Everything will go downhill. Everything will be gravity system. It is basically a large septic field.

Mr. Cramer: It is basically the same design as Blackbird Properties has. The Health Department comes down and checks it every six months.

Mr. Easton: My client prefers not to maintain this system. As we designed this with Ms. Stolzenberg there are plus and minuses with a community system, and I noted that at the time, as compared to lot septic.

Mr. Hart: We have to figure out the logistics of ownership and maintenance, but in general having a community system is a positive thing from my point of view.

Mr. Voss: I agree with this piece of land.

Mr. Hart: Moving on, so lots 3 and 4 would need to be deed restrict as they are not continuous, that’s in reference to the southern wetland there and then the one to the north would be part of the continuous area?

Mr. Easton: Yes correct.

Mr. Hart: Please show the trails on the map.

Mr. Richards: I would like to see connectivity over to the Guilderland towards Western Avenue.

Mr. Easton: The owner did reach out to the adjoining property owner but they are not willing to negotiate a walking trail.

Mr. Hart: I don’t see a problem with lots extending into Guilderland.

Ms. Peck: I just want to look into subdividing into another municipal jurisdiction for the next meeting.

Mr. Hart: Can we talk about affordable housing. Affordability that is close to being affordable to the medium income, which in my calculation for Albany County would be mortgages around $250,000 to $300,000, the mortgage it is not necessarily based on the home. We would be looking at one house meeting that medium value per 10 houses that are expressed here. The reason I can ask for that in this case is that we are stilling talking
about providing water which has a benefit of about a million dollars or so for the total project. One can you do creatively to perhaps address something in lots 23 or 24?

Mr. Easton: They are not going to be in the $700,000 price range. I think these houses would be in around the $400,000 mark.

Mr. Hart: Go back to the client and you’d find out what your market targets are for these houses. That would be great to see that so that we have an assessment or comfort level with what affordability might be and you might be able to market two of those houses at a lower value.

Mr. Voss: Sounds good Ms. Peck will get us information on crossing the municipal boundary lines over to Guilderland. That will help set your final lay out, a couple more details and you should be all set. Thank you!

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Discussion items:

3) Minutes for January 3, 2019: Mr. Voss moved to approve the January 3, 2019 and Ms. Schallop seconded the motion; all in favor; motion so carried.

2) Minor Subdivisions for the month of January 2019

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

Ms. Boehlke: I just want to ask you a question when you were talking about low income housing.

Mr. Hart: Affordable housing.

Ms. Boehlke: So we are talking about low income. I can’t imagine putting the kind of money that he is putting into this development or any development in this area today and expect to have the developer dwarf a couple single family homes half the size of the rest of mansions, as they want to call them that will be put up. To me the expectations expecting a developer to even build a home in a development like that is beyond my wildest dreams. I don’t know anybody; I personally don’t know anybody in my income level or somewhere higher that can even afford to buy some of the houses or most of the houses that they are building in this town today. It is becoming a town of million dollar houses and chickens and I find that to be very sad. There are many seniors who would like to downsize and Mr. Carrow’s development over there as nice as it is, and I must admit I wasn’t extremely happy when that went in, but that’s been a very successful development plan over there. People who live there absolutely love it. Those are even almost unaffordable at this point, so the only place you could go to live is in the trailer park or Blackbird estates. I really feel bad about that.
Mr. Hart: I know you do, and you spoke to that two meetings ago. I share your concern with some of the developments that have come in, but a common aspect of doing that is if you look at Kensington Woods for example, the way they expressed that was by putting in some townhomes, which really cuts the price down quite a bit.

Ms. Boehlke: He is not talking about townhomes.

Mr. Hart: I understand that, but he is also talking about homes that are in the $400,000 price range, so if you look at affordability. This is what we are requiring at this point. So if you listen to your comments were this is reticent to what your concerns is often times proposal that come forward no one asks what the market price is. If you look at some of the other codes that are actually specific to lot what is the sale price range for this house intended. Other boards do ask for that and I’m going to ask that we do that too in the future when our codes are developed. But in terms of affordability the county and the town has medium income values and it is usually 80% of the medium for whatever the town is. That is the affordable and that’s how you can afford how much mortgage can go to a house and then you can calculate what the total cost should be. I share your concern I don’t want us to be a town of million dollar homes and chickens as you have expressed it.

Ms. Boehlke: I guess what I’m concerned about are the people who are moving into our town are now going to skew all those figures, because they are able to afford to buy all these houses or at least to the general public they are able to afford them whether they can or not is another story, but it’s the people who have lived in this town for years and who would like to stay here during their senior years as well and yet downsized something that they can more or less afford. I mean for us we are very fortunate. Wouldn’t it be nice to see a small development of those kinds of houses that were affordable?

Mr. Hart: We have built that into the hamlet plan, so there is a possibility of that. Continue to champion for that and maybe we can make that happen.

Adjournment: At 8:30 Mr. Voss moved to adjourn and Mr. Hart seconded the motion all in favor motion so carried.

Respectfully submitted,

Lori Saba