

# Town of New Scotland Planning Board

## Minutes

**April 3, 2018**

Charles Voss, *Chairman*

*Planning Board Members:*

Robert Davies(Alt), Thomas Hart, Amy Schallop, Peter Richards, Christine Galvin  
Lori Saba, *Planning Board Secretary*, Jeremy Cramer, *Building Inspector*,  
Crystal Peck, *Planning Board Attorney*, Mark Dempf, *Town Engineer (Stantec Engineering)*

*Absent:* Thomas Hart

**Old Business:**

- 1) **Site Plan Application # 115:** Application submitted by New Salem Volunteer Fire Department for site plan review to allow for the replacement of their approximately 800 sq. ft. one bay fire house located at 2069 New Scotland Road in order to construct a new 2700 sq. ft. 3 bay fire house allowing for additional apparatus to be stored on site. The site contains approximately 0.86 of an acre, located within the Commercial Zone, and is identified as New Scotland tax parcel id # 84.-1-14. This application is made pursuant to Article V, Section 190-52 of the Zoning Law of the Town Of New Scotland.

Albany County review stated to modify local approval to include review by NYS DOT for comments on possible drainage impacts to the State Route 85 drainage system.

Mr. Voss asked the applicant to explain if the siren will be in the cupola and give the Board a quick update on what they decided to do.

Mr. Tuzzolo, I did look into that with our engineers and what we found with an electronic siren that would go inside that cupola would not be able release the sound that we needed to alert everyone. That being said, we are back to the same style siren that is currently there, which actually needs some servicing. We kind of put the siren on the roof and have the cupola working get all the air that it needs to be able to produce the sound and it's not really visible and if does need to be serviced we can rip top without taking the cupola off. It is a cost issue, it is a mechanical issue, it is putting the siren inside the cupola. Our engineers have recommended that we don't put it inside that cupola. The cupola will be there but smaller. I do have a question for the Board, I was handed this piece of paper that says there will be no maintenance or repairing of trucks or equipment on site unless in case of an emergency. We do hire outside contractor to work on our trucks, who comes to our bays to do service on these trucks. It is routine maintenance. They are not changing oil. I am just trying to understand where the parameters are.

Mr. Voss moved to approve site plan application #115 with the following conditions:

- Allow for routine maintenance ;
- The siren to be located on the roof behind the cupola;
- Minimum of three evergreen trees six to eight feet in height, with a minimum of one evergreen tree on the east side of the building and three on the west side of the building;
- The design will be consistent with the rendering that was provided at tonight's meeting dated 3-18-18.

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

Vote: 5-0

- 2) **Special Use Permit # 596:** Application submitted by James Olsen for a Special Use Permit to allow for a detached sign with manually changeable message board for the new self-storage facility to be constructed. The parcel is located in the Commercial District of Slingerlands at 1944 New Scotland Road, and is identified as New Scotland tax parcel id # 84.-2-18.10. This application is a Special Use of Article II, Section 190-32 (C) (7) of the Town of New Scotland Zoning Law.

Albany County decision was defer to local.

Mr. Voss moved to approve special use permit #596 with the following conditions:

- The sign shall be externally illuminated with LED fixtures only;
- LED lighting fixtures shall be equipped with an automatic electronic dimmer;
- All external lighting illuminating the sign shall be dimmed after 10:00 p.m. until dawn, to a level to be determined by the Town of New Scotland Building Inspector;
- The sign location height is consistent with what is shown on the March 6, 2018 plan.

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

Vote: 5-0

- 3) **Special Use permit # 586:** Application submitted by Hudson Valley Italian Rest. Inc. for a Special Use Permit to allow for an illuminated sign and changeable message board detached from the new restaurant to be constructed. The parcel is located in the Commercial Hamlet District of Feura Bush at 1368 Indian Fields Road, and is identified as New Scotland tax parcel id # 107.2-2-54. This application is a Special Use of Article II, Section 190-32 (C)(7) of the Town of New Scotland Zoning Law.

Ms. Elliott, submitted pictures of moveable plants that would be placed by the sign and would dress up the patio and sign area.

Albany County decision required a notification of the application be sent to the Town of Bethlehem.

Mr. Voss moved to approved Special Use permit #597 with the following conditions:

- The sign shall be internally illuminated with LED fixtures only.
- The LED lighting fixtures shall be equipped with an electronic dimmer.
- All lighting illuminating the sign shall be dimmed at close of business each day through 10:00 a.m. to a level to be determined by the Town of New Scotland Building Inspector.
- The sign location, height, design and materials shall be consistent with what is shown on July 17, 2017 as provided at the March 6, 2018 Planning Board meeting.
- Landscaping as depicted on the site plan approved by the Planning Board dated November 10, 2015 should be completed with additional moveable potted plants surrounding the proposed sign as represented by the applicant at public hearing.

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

Vote: 5-0

- 4) **Updated: Special Use Permit #597:** Application submitted by Tom Popolino allowed for a 8.4K ground mounted solar PV system. The site contains approximately 1.2 acres, and is located within the RA Zone. The property is located at 72 Koonz Rd. and is identified as New Scotland tax parcel id #72.-2-3. This application is made pursuant to Local Law V of 2017, Section 2, part 1-6(A) of the Town of New Scotland.

Ms. Peck, explained that the last time this was before the Board there was a proposal to not have any screening for the system and the Board had requested that the neighbors give their opinions on that, either by letter, showing up to the meeting, however it may be, to just give their opinion as to whether screening is necessary from their points of view. We've had some corresponds, there has been some e-mail correspondence with Mr. Cramer, there was a concern with one of the neighbors has some health issues that may make it difficult for them to understand what is being inquired and there is a caretaker involved. We've asked that the caretakers at least address inquiry, so that the Board can know what all the neighbors actually feel on the screening process. I think that is where we have stalled on this.

Representative from PV system, Kathryn, explained that she has been speaking to Mr. Cramer and she has talked to the neighbors and they are trying to get a meeting setup to discuss the screening.

The Board would like to wait on voting on this application until next meeting.

Mr. Voss moved to conditionally set the public hearing for May 1, 2018 provided that the applicant provide additional information on the one property owner on the one side by April 17, 2018. Mr. Davies seconded the motion; all in favor; motion so carried.

Vote: 5-0

#### **Past Hearings:**

- 1) Special Use Permit Application # 598:** Application originally submitted by David Moreau for a Special Use Permit to allow for the construction of a single family dwelling on a 3.07 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 3 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.

Albany County review: Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits. Submission of an agricultural data statement to the Town as required by Town Law for site plan, special use permit, use variance, and subdivision approval of sites within 500 feet of a farm operation located in an agricultural district. A Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of SWPP that is consistent with the requirements.

Mr. Voss opened up the meeting to the public. No public comments. Mr. Voss moved to close public hearing and Ms. Galvin seconded the motion; all in favor; motion so carried.

Mr. Voss moved to approve special use permit application #598 with the following conditions:

- Conditions outlined by Albany County in their 239 referral.
- Based on the final plat submitted by this Board.

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

Vote: 5-0

- 2) Site Plan Application #116:** Application submitted by Damien Coffey to allow for a 5.886k ground mounted solar PV system. The site contains approximately 7.02 acres, and is located within the RA Zone. The property is located at 356 New Scotland Road and is identified as New Scotland tax parcel i.d.# 72.-1-25.12. This application is made pursuant to Local Law V of 2017, Section 2, part 2-6(B) of the Town of New Scotland.

Albany County comment was to modify local approval to include agricultural data statement.

Mr. Voss opened up the meeting to the public.

Mr. Jacob Payington, 354 Salem Road, I am the neighbor to Mr. Coffey and I just wanted to know if I could look at the site plan, to see what was being proposed. That was my only question I just wanted to see where they were putting it. Thank you!

Mr. Voss moved to close the public hearing and Ms. Galvin seconded the motion; all in favor; motion so carried.

Vote: 5-0

Mr. Voss moved to approve site plan application #116 with the provision that the applicant submit an agricultural statement as per Albany County's recommendation and as per the site plan submitted to this office for the application. Mr. Davies seconded the motion; all in favor; motion so carried.

Vote: 5-0

- 3) Site Plan Application #117:** Application submitted by George and July Klapp to allow for a 8.4k ground mounted solar PV system. The site contains approximately 3.4 acres, and is located within the RA Zone. The property is located at 18 Tractor Path and is identified as New Scotland tax parcel id # 83.-1-39.2. This application is made pursuant to Local Law V of 2017, Section 2-6B of the Town of New Scotland.

Albany County comment was to modify local approval to include agricultural data statement.

Mr. Voss moved to open the meeting to the public.

Ms. Heidi True, 205 New Salem So. Rd., I am across the street from Mr. and Mrs. Klapp, are you saying this will be between the two houses. Mr. Voss showed the neighbor the site plan. I see, I just wanted to know where it was going to be. Thank you!

Mr. Clough, 25 Mountainview in back of New Salem So. Rd., I would like to see the site plan. Mr. Voss showed the neighbor the site plan. Thank you!

Ms. Linda Willis, New Salem So. Rd., I am across from the Klapp's house, and I would also like to see the site plan. Mr. Voss showed the neighbor the site plan. I have two questions, I know that's pretty far back from the road, I'm thinking about as we drive up New Salem So. I'm wondering if it would be visible like from the drive, is there going to be screening as you talked about on other applications.

Mr. Voss, good question, I'm not sure. Reviewed site area, and you might see it, but it is set pretty far back. It is towards the back, so I don't think you will see it. I don't think you will see it driving. The slope goes up and then levels off, so it is in the back in that area. It will cover a 10<sup>th</sup> of an acre.

Ms. Willis, thank you, you have answered all of my questions.

Ms. Elliott, are both parcels owned in the same chain of title?

Mr. Peck, I don't think we know that and there are actually some other questions that are now coming up, the two parcel issue was not actually discussed, I don't think at the last meeting. There are some questions that are being raised on it from a legal standpoint that I would prefer that we do not vote on this tonight. That we actually look at those a little bit closer with the new solar law before the Board makes any decision. I recommend that we keep the public hearing open. We need to get some answers to these questions and I would like to look over the deed of these parcels.

Mr. Voss we will keep the public hearing open.

- 4) **Adjourned: Update: Major Subdivision Application # 624:** Application originally submitted by Frank Burnett as subdivision # 573 to divide his land into three parcels received preliminary plat approval January 5, 2016. The project approval's time frame had expired while working towards receiving water and sewer approvals in order to apply for final plat subdivision approval. The project was recently purchased by Maxim Real Estate LLC and they are looking to reapply for the original project and to include an extra lot. The parcel identified as tax id # **Site Plan Application # 116:** Application submitted by Damien Coffey to allow for a 5.886k Ground mounted solar PV system. The site contains approximately 7.02 acres, and is located within the RA Zone. The property is located at 356 New Salem Road and is identified as New Scotland tax parcel id # 72.-1-25.12. This application is made pursuant to Local Law V of 2017, Section 2, part 2-6(B) of the Town Of New Scotland. 84.-2-55.20 consists of 11.8+/- acres and is located within the MDR Zoning District at 22 Toby Lane. The scope of this subdivision is defined in Article II, section 164-6 and is subject to the major subdivision review procedures as described and made pursuant to Article III, Section 164-19 of the subdivision law.

#### **Discussion items:**

- 1) **Updated Hamlet District Zoning Law:**

Mr. Voss, we are looking for any final comments. This draft law is going to be before the Town Board at their April meeting for final review and approval. My only additional comment that I had was their color discrepancy on the maps that were being used within the plan itself, which made it confusing, but I think that has been corrected.

Ms. Snyder, we picked that up.

Mr. Voss, again just for consistency, but other than that I had nothing new.

Ms. Schallop, I just have one thing that I noticed that would need to be corrected and it is on page 60, under S, sub 3, and it talks about trees in 3 sub d, the last sentence refers to NCR, NYCRR and I think it is supposed to say that invasive species are prohibited, the word prohibited is missing. Also, a typo on page 45, sub k 4Hi, development sub districts, the word districts is misspelled there it is missing an r.

Mr. Richards, the law mentions specifically in two places Heldeberg Bluestone in context of using local materials, there is no such thing as Heldeberg Bluestone, but it is a name of a company. I would ask that either the mention of this specific material be mute or at least the word Heldeberg be removed. I have two reasons for it, one is that it is a company in the law, an actual business and I would really prefer that you did not encourage the strip mining of the escarpment.

Ms. Snyder, thank you, we took care of that. We did receive your comment.

Mr. Richards, no one replied to my e-mail.

Ms. Snyder, sorry about that. It has been a process. Thank you!

- 2) **Minutes** for March 2018; Ms. Galvin moved to approve the March 6, 2018 minutes with corrections and Ms. Schallop seconded the motion; all in favor; motion so carried.

Vote: 5-0

- 3) **Minor Subdivisions** for the month of March 2018 – None.

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

**Adjournment:** At 8:12 p.m. Ms. Galvin moved to adjourn and Mr. Richards seconded the motion; all in favor; motion so carried.

Respectfully submitted,

Lori Saba