Town of New Scotland Planning Board
Minutes
August 6, 2019

Planning Board Members:

Thomas Hart, Peter Richards, Robert Davies (Alt)
Lori Saba, Planning Board Secretary, Jeremy Cramer, Building Inspector,
Crystal Peck, Planning Board Attorney, Garrett Frueh, Town Engineer (Stantec Engineering)

No Public Hearings:

New Business:

1) **Referral: Variance Application # 536:** Application submitted by Stephen and Hope Hadsell to request relief from Article III, Section 190-29 (D)(1)(A) of the Town of New Scotland’s Zoning Law to allow an accessory structure to be located within the front set back on a lot. The parcel is owned by Mr. and Mrs. Hadsell, located in the RA district at 233 Bullock Rd. and is identified as tax parcel # 83.-4-30.20. The Town of New Scotland Zoning Law requires a front yard setback of 40’ in the RA Zoning District for primary and accessory structures. This request is for 40’ of relief to allow the accessory structure to remain located along the R.O.W. of Bullock Road.

Mr. Voss recommended to the ZBA was that the variance was at 90% and if the shed could be moved further back on the property (5 to 10 feet). Moving the shed further back will lessen the encroachment on the setback, even if it means turning the shed or physically moving the shed to whatever step the ZBA feels is adequate.

Mr. Voss moved to deny the variance as proposed and with the recommendation that the ZBA look at a smaller variance request or move the shed to an alternative location on the property with some landscaping and/or screening. Mr. Hart seconded the motion; all in favor; motion so carried.

Vote: 4-0

2) **Referral: Variance Application # 537:** Application submitted by Mohawk Hudson Land Conservatory to request relief from Article III, Section 190-32C(5) of the Town of New Scotland’s Zoning Law to allow for a sign to be constructed on the front property line of the Bennet Hill Preserve. The parcel is located within the RF Zoning District on Bennet Hill Road. The parcel is owned by the applicant and identified as New Scotland Tax parcel id # 117.-2-24. The RF district has a Front yard setback of 25’ for signs. This request is for 25’ of relief to allow for the sign to be located along the R.O.W. of Bennet Hill Rd.

Mr. Hart recommended that the sign not be on the property line or the right of way edge. The setback should be to scale in the context of the property at least 10-feet back. Mr. Richards seconded the motion; all in favor; motion so carried.

Vote: 4-0
3) **Final Plat 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 parcel is now owned by Maxim Real Estate LLC. And is applying for a four lot subdivision. The application received preliminary plat approval June 5, 2018 and has acquired the required approval extensions to date. This parcel is identified as tax id # 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.

Ms. Peck drafted a resolution for the Planning Board members:

Whereas the Planning Board upon due deliberation reached the following conclusion that the proposed subdivision is consistent with the requirement of the subdivision law.

Whereas the Planning Board reviewed a full environmental assessment form identified the relevant areas in the environmental concerns including storm water controls, traffic and carefully considered the potential environmental impacts of the project.

Now therefore let it be resolved that the Planning Board finds that the project will not result in significant adverse environmental impact and a negative declaration under SEQR has been issued.

For the application let it be further resolved by the Planning Board that the application for final plat approval be granted subject to the following conditions which are included on the final plat.

1. The developer will provide a deed covenant for the Town of New Scotland to access properties for storm water management.
2. A security agreement must be approved and accepted by the Town Board for utilities and roadways pursuant to Article 5 Section 164-47.
3. The applicant shall be responsible for any damage to Mason Lane caused by construction equipment in the development of the subdivision and shall provide security in the amount in a form acceptable by the Town Attorney to cover costs of said repairs prior to an issuance of a building permit.
4. All fees associated with the project are to be paid as follows:
   a. Fees are required for all applications and their associated reviews relative to the subdivision approval including but not limited to SEQR review fees, application fees, engineering fees, legal fees, water district
establishment fees etc. Are to be paid in full prior to the final plat being stamped and signed by the inspector.

b. Infrastructure escrows required for but not limited to performance security in construction inspections reviewed for infield modifications etc. are to be paid in a manner and time frame acceptable to the Town Board and set forth at the pre-construction meeting.

c. Park fees at $1500 per lot are to be paid in full prior to any building permit being issued for a dwelling structure on any lot. Or at the developers option lot fees may be paid on an individual lot basis at the time of the building permit being issued for a dwelling structure on a particular lot with the park fee being assessed at then current park rate.

5. A pre-construction meeting pursuant to Article 5 Section 164-47 is to be scheduled with the Building Department, Town Engineer, Highway Superintendent, applicant and his/or contractors prior to any ground disturbance taking place.

6. Temporary roads and sentiment control devices that are installed pursuant to the SWPPP must be removed after soil stabilization has been established and prior to the issuant of a building permit for a dwelling.

7. Landscaping will be in accordance with drawing # C-130 of the final plat with the addition of 15 six to eight foot trees of sugar maple and spruce species within the southwestern tree clearing limits on lot three to be shown on the updated final plat before stamping. All trees to be planted, all remaining trees to be planted must be a minimum of 10 to 15 feet tall. Species to be planted shall be those identified on the updated drawing C-130 of the final plat or of equivalent growth. No invasive species shall be installed. Plantings to be installed on each lot prior to the issuance of a certificate of occupancy for the lot on which the landscaping is to be planted with any dead plantings to be replaced with the same or similar plantings by the applicant within six months. The applicant shall include a deed restriction for all lots that all new landscaping shall be maintained in a manner that provides a continuous visual buffer.

8. It shall be the sole responsibility of the applicant to maintain Toby Lane in a safe traveling condition during construction including the construction and maintenance of any and all culverts along and under Toby Lane. All repairs to Toby Lane is the result of the proposed construction shall be performed by the applicant before the last certificate of occupancy is issued. The applicant shall ensure clear access way of Toby Lane to 12-feet wide and 13-feet in height. Any repaving required will be at the sole cost of the applicant upon completion of construction.

9. The applicant shall be responsible for keeping Mason Lane and Toby Lane created of modern dirt for construction vehicles at all times during the construction of homes on Mason Lane and Toby Lane. The sweeping of any
debris on Mason Lane and Toby Lane will be required during all construction activities.

10. Construction activities shall be limited to the following days/hours 7:00 a.m. to 9:00 p.m. Monday – Saturday.

11. All utilities will be installed underground on the property and along Mason Lane at the sole cost of the applicant.

12. The applicant shall apply for any extension of the natural gas line on Mason Lane that is to service homes in the subdivision to be situated/installed on the west side of Mason lane which will be paid for by the applicant.

13. Final approval of the Albany County Health Department is required for any sewer and water systems.

14. As built drawings shall be provided for all utilities as required pursuant to Article 5 Section 164-49.

15. The paved turn around for emergency and fire vehicles shown on the final plat shall be constructed at the applicant’s sole expense prior to conveying any lot in the subdivision.

16. Full executed storm water drainage easements are to be provided to the Town prior to the final plat being stamped and signed by the inspector.

17. All residents included in the subdivision including the existing residence at 22 Toby Lane shall be connected to the public sewers as per the requirements of Town Code Section 155-26A1. The existing septic field shown on the plans shall be removed and decommissioned in accordance with Albany County Department of Health and New York State DEC rules and regulations prior to construction on lot number one.

18. Building Inspector with the new buildings, before certificate of occupancy, will need an as built that shows the foundation, location any utilities and any required vegetation that needs to be kept on the property.

Mr. Voss moved to grant final plat subdivision application #624 approval with the conditions as discussed and amended and Mr. Davis seconded the motion; all in favor; motion so carried.

Vote: 4-0

Old Business:

1) Site Plan Application #122: Application submitted by Stewart’s Corporation for a site plan review to allow for a new 3,696 sq. ft. store to be constructed as well as a reconfiguration of the gas canopy, parking, and sign on an existing site. The site contains approximately 37,423 sq. ft., and is located within the CH Zoning district. The property is located at 1360 Indian Fields Rd and is identified as New Scotland tax parcel # 107.2-2-58. This site plan application is made pursuant to Article V, Section 190-52 of the Zoning Law of the Town Of New Scotland.
Mr. Frueh: Most comments were addressed. They eliminated one catch basin over on the east side. Added the outlet to the flat parcel so that will rely on the drainage ditch that is off of Stewart’s property to then sheet flow down to the State right of way and go off site. Upon discussion with Ms. Peck there are two options either Stewarts would need to get an easement from the flat parcel to discharge over there or renegotiate how that storm water would sheet flow keeping the storm water on their parcel making it to the front, possibly having future discussions with DOT to go back to the previous rendition. There are a couple of low spots and I think you just forgot to update them. When you are revising this please look into that. The other thing that DOT wanted to see was maintenance of the storm water and I think especially the catch basins out in the front, which I said typically be put to the Town which would then be put to Stewarts so we will go about that with the deed conveyance and easements.

Mr. Kitchner: I wanted to point out that the catch basins that are along the western edge of the property they are not entirely on our property. The line runs right down the catch basin.

Mr. Cramer: We had easements given to use from Track 32 to be able to do maintenance on those. We will require the same thing on this.

Ms. Peck: I will take a look at the Track 32 easements.

Mr. Frueh: We got DOH approval.

Mr. Kitchner: DOT is requiring me to replace the neighbor’s driveway and culvert. I think what is happening here is that the existing culvert pipe is sloped at .08% in the wrong direction. Water is backing up here in this low spot. By doing that it may help dry out that area and correct itself overtime. Then also they didn’t like this depression between the two driveways so we are going to install a new manhole there with a grade there.

Mr. Hart: So you are extending that 18-inch down the hill further and then you have a discharge apron further down.

Mr. Kitchner: Yes it's going to have a ½ percent slope on the pipe in the correct direction.

Mr. Frueh: We are just waiting on DOT approval.
Mr. Hart: I would love to see what the final calculations are on resizing the detention area and how water flows throughout this. I don’t need to see it as part of the approval.

2) Albany County recommendation was to modify local approval to include as a recommendation the sidewalk currently ends at a vertical face curb on the west side of Railroad Avenue. The property owner should extend an accessible route to and across Indian Fields and Railroad Avenue intersection. Notification of the application should be sent to the Town of Bethlehem including all required notices pursuant 239M.

Advisory comments: Perpendicular parking may become a problem with the latest property is developed. The Town may want to encourage the property owner to relocate the dumpsters so that trash pickup doesn’t endanger customers walking to and from the store or limit trash pick up to off hours.

Mr. Cramer: We have a crossing across Railroad Avenue that we are putting in. Notification to Bethlehem has been sent. We have talked about off hours for the trash pick and deliveries.

Mr. Peck read the draft resolution:

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

a. The proposed action is a Type II action with 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 proposed use is a convenient store with a gas station is consistent with the uses of the surrounding neighborhood and clientele of that area.

c. The proposed location is a gateway to the Town and as such the character and aesthetics at this location is of particular importance to the Town.

Now therefore it be resolved by the Town of New Scotland Planning Board that upon considering and weighing the factors set forth in Section 190-52G of the Town of New Scotland Zoning Law. The proposed site plan is hereby approved with the following conditions and modifications.

1. Landscaping to conform to the site plan dated April 5, 2019 with no revision date. With any dead plantings to be replaced with same or similar plantings by the applicant within the six months.
2. Execution and recording of a storm water maintenance easement between the Town and the applicant is subject to review and approval of the Planning Board attorney and or Town Attorney said easement must be executed and recorded prior to issuance of certificate of occupancy by the Town.

3. Storm water discharge to be revised as discussed at the August 6, 2019 meeting with a revised site plan to be provided to the Town and approved by the Town designated engineer prior to issuance of a building permit.

4. Confirmation letter from the NYS Department of Transportation indicating approval of a revised plan must be provided to the Town Building Inspector prior to issuance of a building permit.

5. Applicant will address any and all remaining TDE comments to the satisfaction of the town designated engineer prior to the issuance of a building permit.

6. Applicant shall supply as built drawings of utilities and foundation location before certificate of occupancy is issued.

Mr. Hart would like to amend under your findings under your new D proposed redevelopment presents an opportunity to address and mitigate storm water runoff quantity and quality.

Mr. Voss moved to approve site plan application 122 with the conditions proposed in the draft resolution and modified by the Board this evening. Mr. Hart seconded the motion; all in favor; motion so carried.

Discussion items:

3) Minutes for July 2, 2019: Mr. Voss moved to approve the July 2, 2019 minutes and Mr. Richards seconded the motion; Mr. Davies abstained, all others in favor; motion so carried.

Vote: 3-1-0

2) Minor Subdivisions for the month of July 2019

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

Motion to Adjourn: At 8:50 p.m. Mr. Hart moved to adjourn and Mr. Richards seconded the motion; all in favor; motion so carried.

Respectfully submitted,
Lori Saba