

# Town of New Scotland Planning Board Minutes

February 2, 2016

Charles Voss, *Chairman*

*Planning Board Members:*

Jo Ann Davies, Laura Ten Eyck, Thomas Hart

Dan Leining, Justin Perry (Alternate)

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

Jeffrey Baker, *Planning Board Attorney*, Dave Hansen, *Town Engineer (Stantec Engineering)*

**PLEASE NOTE:** All developers, consultants and members of the public wishing to address the Board during the meeting must sign in on the “Sign In Sheet” located on the back table.

**Public hearings: 7:00 pm:**

**1) Special Use Permit Application # 575:** Application submitted by Nixon Peabody on behalf of Cellco Partnership d/b/a Verizon Wireless for a use variance to allow for the construction of a 124 foot communications monopole and related facilities. The facilities requested include up to 12 antennas at 116 feet, a backup generator, and other related items on an equipment platform. The proposed site is owned by Robert and Andy Appleby, is located in the RH Zone at 20 Stovepipe Road, is identified as tax parcel #105.-2-16.1. This request is for a variance to Article II, Section 190-15 of the Town of New Scotland Zoning Law.

Ms. Ten Eyck had concerns with the tower being seen from the Bennett Hill Preserve, and they determined it cannot be seen.

Mr. Brenner, representing applicant, explained how the power is supplied to the tower.

Mr. Hart did a view shed analysis and it matches up to what the applicant’s analysis that has been provided to the Board.

Mr. Voss opened up the meeting to the Board.

Ms. Boehlke, the balloon test came out fine? Are there any other lingering problems?

Mr. Voss: Not that we are aware of.

Mr. Cramer, Cellco is the applicant for the owners of the property and for Verizon. The use variance runs with the land and the ZBA decided that particular spot was the best spot demonstrated out of the three or four locations that they looked at it from. Through the process of the variance we had taken a look at the water tower that is adjacent to where this one is going to go, and we don’t necessarily have the land around the tower. So the fall down zones would be where the water tank is itself. We took a look at the town transfer station and the location that Stantec had suggested. The tower would have been over 200-feet high and almost inaccessible in order to get to that spot It is 80-feet more than where this one is located to get the same basic

coverage of the gap that they are missing. They took a look at VanWie's farm. Clarksville has a ledge where the caves are and this is somewhat on the ledge of that cave. Further towards the escarpment you go, the higher you have to get to get over that ledge. This is why the ZBA picked the spot where they did. I put notices in Stewarts, at the convenient store at Clarksville, at the post office in Clarksville, and yet nobody came in from the public to comment on the variance.

Mr. Perry was curious about how this would affect the bats in the Clarksville caves.

Mr. Brenner, the short answer is no. We get this question fairly routinely. We have gone through the NEPPA and SHPPO environmental review process, so that would take care of all the concerns you are raising with respect to wildlife. We will provide copies to the town.

Mr. Rich Hazen, 2109 Delaware Turnpike: I live in the dead zone, I am in favor in anything that they can put up there.

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

Mr. Voss moved to approve special use permit application # 575 with the following conditions:

- The Board has chosen the monopine design for the tower.
- Final structural and design be reviewed my Stantec.
- The final design should be a monopine design type for the tower and applicant should come back to the Planning Board for final site plan review.
- The tower should meet all NEPPA and SHPPO standards and requirements.

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

**2) Subdivision Application: #355:** Second final approval extension for Kensington Woods, a cluster subdivision submitted by Lansing Engineering on behalf of Garrison Projects, LLC. The site contains 187+/- acres of land which are identified by New Scotland Tax Id number 73.-1-9.2. Approximately 100+/- acres lie on the west side of Hilton Road and the remainder is situated on the east side of Hilton Road. The application is presented as a 169 residential unit "cluster" development with proposed lots sizes ranging from 15,000 to 40,000 square feet. This application is submitted pursuant to Article III, Section 164-27 (D)(2) of the subdivision law.

Mr. Voss moved to grant a 90 day extension from the last approval date, which brings the extension to May 4, 2016, on subdivision application #355. Mr. Hart seconded the motion; all in favor; motion so carried.

**Old Business/Discussion items:**

1) Minutes for January 5, 2016; Mr. Voss moved to approve the January 5, 2016 minutes with corrections and Mr. Leining seconded the motion; all in favor; motion so carried.

2) Minor Subdivisions for the month of January 2016:

- Subdivision #597 was a merger on Orchard Hill of a two lot subdivision.
- Merger of Kensington Woods for lots was stamped last week.
- Scott McCumber's property split the house off from the lands below and the lands above Route 308.
- Hilton Road subdivision – one acre lot for the Hilton barn, which will be located along the rail trail.
- Junco - Pixies minor subdivision.
- The lands of Turner which needed a variance.

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

- Mr. Hart would like the town to record the barn being moved. Mr. Voss will mention this to the Town Supervisor.
- Ms. Boehlke, questioned the foundation of the barn, when will that be done? Barn will move first and then a foundation will be completed; barn will then be placed on the new foundation. Concerned about any tax hike that this may cause the town residents.

Mr. Voss: Assured Ms. Boehlke that Albany County is taking on this project and the town is raising funds for the barn too. The town board would have more details.

Mr. Cramer stated this is a non-taxable property; it is only an acre lot. The sale of the land has been going through the Mohawk Hudson Land Conservatory and then it will be dedicated to the Town.

- Mr. Tori, had concerns with Ms. Elliott's application and the generalized sound study. She completed the sound study but now Ms. Elliott has been told by the Town that she needs to complete a \$5,000 sound study. Why do you need such an expensive study done?

Mr. Voss explained to Mr. Torie that Ms. Elliott was told to do a specific sound study and to the study be approved by our town engineer and the Board; she did her own study without approval. She did not use the correct parameters for the sound study.

- Mr. Hart requested any updates on the Town negotiating with Bethlehem regarding the water issue.. Mr. Cramer stated the Town of New Scotland is in discussions with the Town of Bethlehem.

**Adjournment:** At 8:15 p.m. Ms. Davies moved to adjourn and Mr. Harts seconded the motion; all in favor; motion so carried.

**Respectfully submitted,**

**Lori Saba**

