

Town of New Scotland Planning Board Minutes

March 1, 2016

Charles Voss, *Chairman*

Planning Board Members:

Jo Ann Davies, Thomas Hart, Dan Leinung

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.

7:00 pm:

No Public Hearings

New Business:

1) Special Use Permit Application # 577: Application submitted by Bill Lawyer of Spaulding Realty Co. for a Special Use Permit to allow for a single family dwelling. The building was originally a modular single family dwelling and had been converted to office space. This request is to allow for the conversion back to residential. The property is located within the Commercial District at 3752 New Scotland Rd and is identified as New Scotland tax parcel # 93.-2-50. This application is a special use of Article II, Section 190-17 of the town zoning Law.

Mr. Voss moved to schedule a public hearing for special use permit application #557 at the April 5, 2016 Planning Board meeting, Mr. Leinung seconded the motion; all in favor; motion so carried.

Old Business/Discussion items:

1) Update: Special Use Permit Application # 574: Application submitted by Cynthia Elliot on behalf of Triple S Farm. They are creating the Christmas tree farm formally known as Scotch Hill Acres and is requesting a special use permit to allow The tree farm's pavilion on site, which will sell wreaths, trees, roping and boughs during the winter season, to be utilized as a outdoor banquet facility for gatherings during the off seasons. The proposed site is owned by Cynthia Elliot, is located in the RA zoning district at 20 Brownrigg Road, and is identified as New Scotland tax parcel id # 107.-1-7.1. This application is for a permitted use as per Article II, Section 190-12 (D)(17) of the Town of New Scotland's Zoning Law.

Ms. Elliott presented to the Board information that they requested of her. There are four items that I would like to address:

- Sound study – John Demis, engineer, did a sound study on January 5th. He sent that to Stantec. We had miscommunications as to what we thought a full blown sound study would be or a small sound study, so with that Stantec had sent in some requests of some thoughts as to what might be appropriate. John addressed those in a February letter. You have this information. Each one of the peaks has a time stamp on it and tells what it is, and what I mean by that is when a train whistles whistles and what time it does. We put 100 decibels in the pavilion. We did do directional speakers so the speakers are shown just the way they are in the building north to the northwest. You get at 100 decibels, and John will do this all in a letter form, it runs basically a flat line. When you go back down on the property line at Brownrigg Road, which this was located as per the Board's request to be at the property line, but far enough away from Route 308, you are going to pick up traffic noise, but you are not going to be on the road, so then you would see that there is no impact. Stantec has sent a letter with recommendations. Not seeing the rest of the sound study but

I'm not disagreeing with their conclusions and recommendations. February 23rd letter 3A, conclusions and recommendations, no use of the pavilion is permitted between the hours of 11:00 p.m. and 8:00 a.m. the following day. I would say we agreed that there would be no music after 11:00 p.m. and we were closing at midnight. I would say no use permitted after midnight, but no music after 11:00 p.m. That is what is in the noise ordinance of 2006.

- Restroom facilities; two existing restrooms, if there are more than 75 people there must be two handicapped restrooms, one for men and one for ladies. We decided to take out a building permit tied to special use 574 convert the existing into handicapped. There will always be handicapped and any additional will be rent on Royal Flush.
- Screening – I will build a berm along my driveway and I will screen with large trees. Here are the ones I purchased, there are six 20 – 25-foot Norway spruce and there will be blue spruce that are also 12 to 15 or larger. They are going to be moved by Mr. Grady.
- Brownrigg Road – I am creating a second driveway. It takes away over 200-feet being on Brownrigg Road, cutting down the noise on Brownrigg Road, cutting in half the access going on onto Brownrigg Road, putting a one way sign there, so it would be for exist only. It would bermed enough so that it would take the traffic flow going in and out perfectly well. The only permit I need is from Kenny Guyer, Highway Superintendent, which he gave me the paperwork. He sees no problem with that access.

Mr. Voss, thank you, this was good information, we will digest this. Please modify your site map and just show us where the one corner property line is, we don't need to see the rest of the property.

Mr. Voss opened up the meeting to the public, even though it's not a public hearing

- Mr. McCann, Brownrigg Rd. & Unionville, opposite of Cindy's property, I looked at the local law for noise control. I did not see specific limitations in the law.
- Mr. Tim McCann, son of Tom McCann, works late is concerned with coming home and having drunk drivers on the road.
- Karen Moreau, Feura Bush, is in favor of Cindy's proposed business.
- Pat VanAlstyne, 191 Unionville-Feura Bush Rd., it's a rural area; we like to have it private and quiet.
- Sharon Boehlke, New Scotland So. Rd., in favor of Cindy's project, feels Cindy will not allow anyone to drive drunk.

1) Minutes for February 2, 2016: Mr. Voss moved to approve the February 2, 2016 minutes with corrections, and Mr. Hart seconded the motion; all in favor; motion so carried.

2) Local law A of 2016 discussion/comment: Mr. LaGrange went over what was changed:

- Concerns with attendance back in 2011.
- Decided to shorten the terms.
- We also decreased the board size from 7 to 5 people.
- Two year hiatus for Board members.
- The Board with a super majority may vote in favor of another member to fulfill another term.

Mr. Voss feels there is a great Board right now, folks are engaged, and to be able to retain that talent if you will, or if the need arises. I do not see an issue with this change. I would certainly support it.

Ms. Davies, asked Mr. Dearstyne to explain his concerns.

Mr. Dearstyne, my concern with this law is to be darn sure that we are not going to end up having a repeat of what we have had before. I think we had a very, very domineering former chairman on the planning board which a lot of people had a lot of issues we don't have that now to say the least. Yet there is turnover of people and I'm just concerned that we have all the bases covered to be sure that we don't have a repetition what has happened in the past. From that stand point I suggested that perhaps if you are going to provide for a third term, maybe that term wouldn't be as long as a five year term. Then you could go and have a repeat of fourth or fifth term appointments that would be for that shorter term, but yet we would be able to cover ourselves and be protected. I understand the proposal as far as having a super majority on the Town Board approving this, but it's just something, as I've heard everybody here tonight I agree with what everybody is saying. The old history is just a cloud over my head. I would recommend the Town Board to approve this. The Town Board should set the goals and objectives of what you want to accomplish as a Planning Board.

Mr. Voss, I think you have a good point John.

Ms. Davies, also the historical perspective to balance the Board. I have one aspect of it that I don't see addressed in this document that I did want to bring up to the Town Board to consider in your deliberations and that is addressing the role of the alternate person in terms of length of service as well I will go back to the beginning of when we started with an alternate position, and that was 2007 and I was that person, I believe for three years I was in the alternate role. As you look at that for how many would you say or be thinking in terms of an alternate person being able to service? I will use myself as the example in this one. I started in that role in 2007, was appointed as a full time member of the Planning Board when a person was leaving their position, they had less than half their term to go, I was fulfilling the rest of their term, which was about 13 months or 14 months of their term. Then I was appointed to a five year term, which ends for me in 2017. As I look at that that is a 10 year term. In terms of looking at the length of time that becomes the equivalent of two full terms, which is the amount of time you are talking about as a limit. How do you define or how do you evaluate that position of the alternate for how many years? How does that play into your thinking in terms of the overall service that a person can perform? Let's say I want to ask to be re-appointed at the end of 2017 that means I would have been on here for 15 years.

Mr. LaGrange, the alternate is its own entity. It is subject to yearly reappointment.

Mr. Leinung, what about the chairman position?

Mr. LaGrange that is looked at every year they still have a term, but may not be a chairman every year of their term.

Mr. Voss in general we are all in support of Local Law A legislation that has been submitted to us.

3) Minor Subdivisions for the month of February 2016: two minor subdivisions:

- #600 Lands of Oden and Baker.
- #601 Lands of McCaffery 100 acre parcel along Route 32 in Feura Bush.

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

Adjournment at 8:20 p.m. Mr. Voss moved to adjourn and Ms. Davies seconded the motion; all in favor; motion so carried.

Respectfully submitted,

Lori Saba