

# Town of New Scotland Planning Board Minutes

**May 3, 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:**

- 1) Discussion/Action:** Proposed Local Law C of 2016, amending sections of Chapter 190 of the zoning law

Mr. LaGrange explained Local Law C of 2016 is our zoning separates farming personal with regular, I guess you could say larger farms, with five acres and under for the farming personal and the over five acres is for larger farms. The State uses seven acres as kind of a split. You will either have farming activity personal or agricultural farms and nurseries and then we have also increased the acreage of the private stables for horses that will also be seven acres. The density of the horses will remain the same.

Mr. Hart are there any concerns with having the acreage calculations that include the standard for slopes at all?

Mr. Cramer: that point has been brought up before, but there are things in agriculture that don't mind the hills and slopes. We can send that along as a comment to the Board.

Mr. Hart: It might be greater than the 16% for residential but certainly if we had something higher that is steeper, and there are such places in the town, then it wouldn't make sense to have that included in the acreage from my personal perspective. It would be a deduction for certain slopes, because it may not happen on a seven acre parcel even, but it may be a consideration. Currently we have 16% slope that are deducted from residential calculations, so it is something worth analyzing.

Mr. Voss moved to send a positive recommendation to the Town Board regarding Local Law C as proposed with the recommendation Mr. Hart suggested; Mr. Hart seconded the motion; all in favor; motion so carried.

Local Law C is attached to the minutes.

Vote: 5-0-0

- 2) Discussion/Action:** Proposed Local Law B of 2016, amending zoning law by adding definition: “Agricultural Supply Facility”

Mr. LaGrange explained Local Law B of 2016 is an agricultural supply facility law. We want to preserve the rural character of the town and we want to increase commercial, so one way to do that is to have an agricultural store. Create a definition with built in parameters, which we lack a lot of times in our definitions. It would concentrate it to a specific type of

spot, allowable in the RA and the commercial but you might want to add to it to be five acres or more, have 500-foot of road frontage, has to be on a state or county road, and then we further define it as to what you can actually grow there. It is not something where you can bring in livestock and raise them and then sell them. It is basically trying to put an Altamont Agway or an original Applebees in this area. These are regional type stores and they don't allow for more than one in a particular region.

Mr. Hart: It would be really great to know how many parcels qualify for this or can apply for this.

Ms. Davies: I guess one of the things that I like the most of what I'm seeing is the fact that it limits it to state and county roads.

Mr. LaGrange: The only question is maybe we might want to tighten the acreage or that is going to self-tightening under the special use part of it.

Mr. Voss: Some of the concern is maybe the acreage might be a little large. Maybe a recommendation is to re-examine that and just see how that affects the law or the potential impact.

Ms. Davies: I'm wondering if this recommendation shouldn't follow the same guidelines for acreage as Proposed LL C for seven (7) acres to be able to have consistency in enforcement regarding farming of the available acreage.

Mr. Hart: I'm just not quite comfortable yet in how the definition plays out on the parcels that are involved, but I can certainly say that I think it would be desirable to have this type of business in the town.

Mr. LaGrange: That's why we went with the seven acres because it decreased the available lots that could be used throughout the RA or commercial, but you can really make a good argument either way. It still comes down to site plan and special use process after all is said and done.

Mr. Voss moved to send a positive recommendation to the Town Board regarding Local Law B as proposed with some proposed modifications and we may be sending along additional comments. Mr. Perry seconded the motion; all in favor; motion so carried.

Ms. Snyder asked the Board to please send their modifications in writing to the Town Board so they have something to work with.

Mr. Voss agreed to send their ideas to the Board.

Local Law B is attached to the minutes

Vote: 5-0-0

Mrs. Sharon Boehlke wanted the record stated that this plan for Law B is being changed specifically because two people are requesting this. On a piece of property, on New Scotland South Road, that you are already having lots and lots of troubles. You put many restrictions on them for traffic, for their trucks and now we are talking about putting this which is going to bring more trucks, more traffic, tractor trailers that will probably have to go on 443 because possibly they won't be able to get under the bridge coming up through 85. I wanted it to be stated that this law as far as I'm concerned is a spot zoning law that they're doing specifically for this on a piece of property you are already having trouble with. This is being done specifically for Darrell Duncan and Gary Guyette.

Mr. Voss: Sharon, please bring those concerns to the Town Board.

**Public Hearings:**

- 1) Special Use Permit Application #579:** application submitted by Rich Kelly to be allowed to construct a new pond approximately 1,500sqft in size. The pond would be constructed on a parcel owned by Sara Brenner and Greg DiRienzo, which consists of 5.2 acres, is situated within the RA District at 145 Orchard Hill Road, and is identified as New Scotland tax parcel # 95.-1-9.1. This application is a Special Use of Article II, Section 190-12 of the Town of New Scotland Zoning Law.

Mr. Voss opened the meeting to the public.

Ms. Elliott, Feura Bush: great use for this particular spot; is in favor of the new pond.

No other comments.

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

Mr. Voss moved to approve special use permit application #579 as proposed with the following condition:

- Ag data statement be provided to the building department as soon as possible.

Mr. Perry seconded the motion; all in favor; motion so carried.

Vote: 5-0-0

- 2) Special Use Permit Application #578:** Application submitted by NY Capital District Renaissance Festival LLC. To request a Special Use Permit to allow them to hold an event on two parcels owned by Peter Ten Eyck. The parcels are situated within the RA district at 400 Altamont Road, contain 300 +/- acres are identified as New Scotland tax parcels # 71.-2-20.11 and 71.-2-20.12. This application is a Special Use of the Public Assemblage Local Law of the Town of New Scotland.

Mr. Voss opened the meeting to the public; no public comments.

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

Albany County review:

- Review by the Albany County Department of Health for food service vendors;
- Notification to the Albany County Sheriff's Department for review and comment on emergency access and the emergency plan;
- Notification to the local fire department for review and comment on emergency access and the emergency plan.

Mr. Voss moved to approve special use permit application #578 for a period of three years with all existing conditions imposed by the Board on this applicant prior to this with annual zoning permits to be reviewed and approved by the building inspector. Mr. Hart seconded the motion; all in favor; motion so carried.

Vote: 5-0-0

- 3) Special Use Permit Application # 581:** Application submitted by Jeremy Cramer for a Special Use Permit to allow for a parcel owned by him to be used for "Agricultural uses, less than 5 acres". The parcel is located within the RH district at 293 New Salem South Road, contains 3/10<sup>th</sup> of an acre, and is identified as New Scotland tax parcel 82.-4-17. This application is a Special Use of Article II, Section 190-15 (D)(14) of the Town of New Scotland Zoning Law.

Mr. Voss opened the meeting to the public.

Ms. Janet Christiansen, neighbor: would like to make sure there are no roosters.

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

Mr. Voss moved to approved #581 with the following conditions:

- All feed in sealed containers;
- No more than 12 chickens;
- No roosters;
- Bird waste to be composted;
- Free range birds to be adult supervised.

Mr. Hart seconded the motion; all in favor; motion so carried.

Vote: 5-0-0

- 4) Adjourned: Special Use Permit Application # 574:** Application submitted by Cynthia Elliot on behalf of Triple S Farm. The applicant plans to re-create the tree farm formally known as Scotch Hill Acres and has requested a special use permit to allow the site and residential use pavilion on site, to be utilized as a banquet facility for event gatherings. 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.

**New Business:**

- 1) Referral: Variance Application # 512:** Application submitted by Cynthia Elliot on behalf of Hudson Valley Italian Rest. Inc. requesting relief from Article II, Section 190-16 (B) of the Town of New Scotland Zoning law to allow for a cooler attached to the new restaurant to be constructed 3 feet inside the rear set back to allow for it to be located 27 feet from the side property line and 17.5 feet of relief to allow for a 13 foot wide foyer to be constructed 12.5 feet from the property line facing Railroad Ave. The proposed site is located on a corner lot with two front and two rear setbacks, owned by Hudson Valley Italian Restaurant Inc., 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.

Mr. Voss moved to send a positive recommendation to the Zoning Board with the following recommendation:

- A suggestion for screening of the cooler on the west side of the building, which should be architecturally pleasing and comparable to the building in style and color.

Mr. Perry seconded the motion; all in favor; motion so carried.

Vote: 5-0-0

- 2) Special Use Permit Application # 582:** Application submitted by Rebecca Culhane on behalf of the Farlin Corporation to allow for a public garage to be conducted on a site housing an existing structure which received a site plan approval April 4<sup>th</sup>, 2012. The property is owned by the Farlin Corporation, is located in the Industrial District at 129 School Road and is identified as tax parcel # 61.-3-16.1. This application is a special use of Article II, Section 190-18 (E) (6) of the Town of New Scotland Zoning Law.

Mr. Voss moved to schedule a public hearing for June 7, 2016 and Mr. Perry seconded the motion; all in favor; motion so carried.

Vote: 5-0-0

- 3) Site Plan Application # 113:** Application submitted by Daniel Plummer for an expansion of an existing residential agricultural use to allow for commercial sales of products grown or raised on site in a newly constructed barn located on 33.2 acres. The property is located in the RA District, at 542 Rowe Rd, and is identified as New Scotland Tax Id # 119.-2-18.11. This application is made pursuant to Article V, Section 190-52 of the zoning law for the Town of New Scotland.

Mr. Voss moved to schedule a public hearing for June 7, 2016 and Mr. Perry seconded the motion; all in favor; motion so carried. Applicant was not in attendance.

Vote: 5-0-0

**Old Business/Discussion items:**

- 1) Minutes** for April 5, 2016. Mr. Voss moved to approve the April 5, 2016 minutes with corrections and Ms. Davies seconded the motion; all in favor; motion so carried. Vote: 5-0

**2) Minor Subdivisions** for the month of April 2016:

- Mr. and Mrs. Charles Groesbeck's property (Groesbeck Road): split approximately 35 acres off of the farm on the western side for their daughter who is planning on building a house on that property.
- The other three that I have--one of them should be finished up shortly, the other two were conditioned by Albany County Planning Board to have wells and septic to be evaluated before the subdivision were to occur.

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

**Adjournment:** At 9:30 p.m. Mr. Voss moved to adjourn and Ms. Davies seconded the motion; all in favor; motion so carried.

Respectfully submitted,

Lori Saba