

Town of New Scotland Planning Board

Minutes

September 6, 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:

Public Hearings:

- 1) Special Use Permit Application # 580:** Application submitted by Laura Ten Eyck on behalf of Indian Ladder Farm and is requesting a special use permit to allow the farm to be utilized as an outdoor banquet facility for gatherings and special events throughout the year. The proposed site is located in the RA zoning district at 342 Altamont Road, and is identified as New Scotland tax parcels id #71.-2-20.11 and 71.-2-20.12. 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.

Mr. Ten Eyck, changed his narrative to state Friday, Saturday and Sunday weddings. We are agreeing to do for our evenings events we will use our lower lot which is the lot that is the furthest from Mr. Biscone’s property, and the lot with the most line of sight of clearance on the straight away. I think that is very workable for us to do for the evening events. We have agreed that the sound source will be inside one of our two market buildings. We are considering expanding the café to two meals a day, one of them being dinner. Our hours of operation would be say 10:00 a.m. to 9:00 p.m. We aren’t there yet, but it’s something we would like to do.

Mr. Voss opened up the meeting to the public.

Mr. John Biscone, closest neighbor, has worked with the Ten Eyck’s and is now in favor of this application. Make sure there are no fireworks and if there are then the fire department needs to be there. Security should be there during these events to make sure all goes well, especially with liquor being served.

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

Albany County Planning Board recommendations:

- Modify the local approval to include submission of an ag data statement to the Town as required by town law for site plan review.
 - That has been completed and submitted to Town.
- Advisory note: The local fire department should be consulted for requirements for space and adequacy of egress and ingress for emergency services.
 - You have had several large functions at the farm, we know, where thousands of people attend. The fire service has been in touch and we do a regular fire inspection on the property. We have that covered for the County.

Ms. Davies, asked the applicant to explain the lighting situation is for the parking lot area on the property.

Mr. Ten Eyck, explained that it will be same lighting that they use now. For an event there could be additional lighting it would be lit inside the structure. We have no additional outside lighting plans.

Mr. Voss moved to approve special use permit application #580 with the following conditions and should go into the official resolution. This is a Type II action and the Board did an extensive sound study with this application.

CAFÉ:

- Hours of operation 10:00 a.m. - 9:00 p.m. Monday - Sunday for 12 months a year. Capacity will be approximately 20 - 30 people in the café.

WEDDINGS:

- Operating May - end of August; Friday, Saturday and Sunday; mid-afternoon to 11:00 p.m.
- Weddings ceremonies can take place outside and are indicated on the site plan.
- Parking for the weddings will be to the east side of the market for egress and ingress onto Route 156.
- All music to be played indoors. The doors and windows facing north and west will be closed at all times. No music after 11:00 p.m.
- Occupancy up to 150 people
- Tent will handle any overflow, which will be placed on the road side and the east or north side of the existing barn.
- Event parking lower lot east of the main barn for all evening wedding events
- No lighting changes
- Security on site during all events; using their own personnel.

Mr. Hart wanted to note the factors that the Board considered in accepting the sound study:

- An existing agricultural co-operation that by normal business generates sound and noise.
- It is located on a State road with its own set of sound and noise considerations.
- There ere was an effective demonstration sound degradation over distance with the model that was provided.

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

VOTE: 5-0-0

- 2) **Special Use Permit Application # 584:** Application submitted by Jane Twomey of Wren & Rail LLC for a Special Use Permit to allow for the housing and operation of a mobile “food coach” on a site owned by Mr. Guyette. Article II, Section 190-12(D)(17) requires that a Special Use Permit be obtained to

allow for “Restaurants and taverns”. Mr. Guyette’s site is located within the Residential Agricultural Zoning District on New Scotland South Road and is identified as tax parcel # 84.-1-44.11.

Mr. Twomey, explained that they updated the narrative with more detail. They provided the Board with a more detailed site plan of the area that the food truck would be located. They will landscape and put specific parking spots in front of the food truck. Hours of operation will be 7:00 a.m. to 3:00 p.m. Monday -Friday, and see how it goes and then if it’s okay we may do weekends. Can we apply for seven days?

Mr. Voss: We can give you seven days and then you can decide on what days you would like to have it opened.

Mr. Twomey: We will rent a port o john; we have water brought in for the food truck. Propane provides the gas for the trailer. We will have solar patio lights, lit down on the trailer. Parking will be right up front. We have a lease agreement with Mr. Guyette. We will have sandwich boards up by the road and by the driveway. No lights and no signs on the trailer. The sandwich boards will be put away each day.

Mr. Baker, Mr. Guyette is responsible for maintaining the road and the driveway. I would simply say in the approval, because we can’t control Hognestad, is that these folks will not block and facilitate transport from New Scotland Yards into the Wren and Rail property by the supply bins. Essentially it is a shared driveway access.

Ms. Davies, this is safer, my concern is this allowed?

Mr. Baker, yes it is.

Mr. Hart, can you explain how it is going to look.

Ms. Twomey, much better than it looks now, there will be planters and a little grass, some benches and some tables. Put some gravel down, more plants to keep the dust down. We will have a defined patio area, and a defined parking area. We have met with the Department of Health several times and there is not much we can do until we get your approval.

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

Ms. Sharon Boehlke, New Scotland South Rd., right across the tracks. I have been in front of you many times regarding this property. I am against anything going in there at this point until Mr. Guyette and Mr. Hognestad have their acts cleaned up and this Board takes the initiative to make sure that happens. In favor of the project, but not on this site. When trucks turn onto the property

there is a large amount of dust being created from the traffic created by New Scotland Yards. I can't imagine the Board of Health approving a food truck on that property. I can't believe that dust wouldn't get into the food truck itself. The project itself I don't have a problem with but I do have a problem with what they are doing there.

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

Albany County recommendation:

- Modify local approval review by Albany County Department of Health for food service and other required permits. The applicant stated that are in that process now.
- Review by the Albany County Department of Public Works for design of highway access.
- Assessment of road capacity and drainage.
- The applicant should meet with the Albany County Department of Public Works Engineering to discuss appropriate changes to the driveway.
- There should be a shared access agreement including a maintenance agreement
- Refer to the deeds for both parties. That was referring to the cross access, but this parcel has its own direct access. Mr. Guyette is responsible for the maintenance of the driveway. It is a lease agreement.
- Upon further review the applicant should contact the Albany County Department of Health to confirm that the use will be allowed, which they have done.
- The multiple buildings on the site and access driveways used for different purposes on the surrounding lands mixed with proposed commercial use should be better addressed in site planning.

Mr. Voss moved to approve application #584 with the following conditions:

- Define a more distinguished curb cut up by the road. Retain an Albany County road curb cut. Mr. Cramer will review and approve the curb cut.
- Have shrubs and stones indicate the area of the food truck and will be reviewed by Mr. Cramer.
- Hours of operation 7:00 a.m. to 3:00 p.m. all year round, seven days a week.
- The access road mark on the site plan.
- Exterior lighting should be down cast.
- Signage to be obtained under separate permit as per the Town's signage code.
- If you relocate trailer you will need to come back to Planning Board.

- Eating area: 30 feet x 60 feet; outdoor seating as per the plan to not exceed 30x60. Defined by vegetation or flower boxes.
- Port-o-jons located as per site plan and screened.
- Screen propane tank and water tank.

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

Vote: 5-0-0

Old Business: Discussion items:

- 1) **Special Use Permit Application # 575:** Application submitted by Nixon Peabody on behalf of Cellco Partnership d/b/a Verizon Wireless for a new tower which was granted a use variance to allow for the construction of up to a 124 foot communications monopine 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.

Mr. Voss, we asked the applicant to come back to us to show us the monopine design. In front of you is the definition of monopine, on page two, and it shows the design of the pole. It's pretty straight forward. It has been dropped to a 119 tower. No variance is needed for this.

Mr. Voss made a resolution that the Board accept the camouflage monopine design as provided in the site plan date August 23, 2016 from Larson Camouflage Inc. pending Stantec's final approval for the tower. Ms. Davies seconded the motion; all in favor; motion so carried.

Vote: 5-0-0

Discussion items:

- 1) **Minutes** for August 2, 2016; Mr. Voss moved to approve the July minutes with the following corrections, and Mr. Hart seconded the motion; all in favor; motion so carried.

Vote: 5-0-0

- 2) **Minor Subdivisions** for the month of August 2016: None

Mr. Voss would like to take the gentleman's suggestion to do the Pledge before each meeting. All board members agree to this.

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

Ms. Abrams, Route 85A, many people have concerns with the proposed hamlet. I would like to just give a general review some of the things that were in the Town Plan that are going to affect the future of the proposed hamlet. As you know there is going to be proposed zoning language to change the zoning code. It starts out with the land that will potentially get developed because the Town is not going to buy it. It starts out right away by saying that the Town for the past 15 years really wants whatever is proposed and whatever it comes to be that we maintain our small town character and that we alleviate the perceived impact for high intensity development. We give note and we try to whatever is developed even though you guys are going to look at things project by project that we try to develop a future maybe complex of streets and boulevards and a holistic view of a small village, or a small town. The area should be connected to the rail trail. We encourage circulation that this discourages faster and heavier traffic on 85 and 85A. The focus of a new hamlet center is a large town commons and it actually includes a picture of what they thought that the hamlet center would look like. I think we need to avoid is something that has an urban feeling to it. That is not a downtown Albany. What makes a small town is something that is unique. We want to retain a sense of place here. It could be that this particular plot is too small for what they want to do. I will leave that up to you and I hope that other people will come forward and tell you what they want. Thank you for listening to me.

Mr. Frank Crisafulli, Mason Lane, likes the suggestion of the pledge being said at the beginning of the meeting. I have a complaint, I'm an old fellow, those microphones should be working, I couldn't catch a word. You guys seem to be on top of things.

Mr. Hall, business owner, addressed development in the Town, Stonewell is on the corner whoever owns it, doesn't love it, nothing is going to change. Keep an open mind approach to this mixed use development on the corner of 85 and 85A, behind Stonewell.

Mr. Saul Abrams, the concern is what the development looks like. Put conditions or limitations on these developers.

Ms. Denise Crisafulli, gateway from Bethlehem is horrendous, do you ever talk to Bethlehem.

Ms. Pat Snyder, Town Board member, thanked the people for attending and taking interest in the Route 85 and Route 85A development.

Adjournment: At 9:00 p.m. Mr. Voss moved to adjourn and Ms. Davies seconded the motion; all in favor; motion so carried.

Respectfully submitted,

Lori Saba