

**Town of New Scotland
Public Hearing
September 12, 2018**

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	Adam Greenberg
	William Hennessy
	Daniel Leinung
	Patricia Snyder
Town Attorney:	J. Michael Naughton
Town Clerk:	Diane Deschenes

1. Call to Order

Supervisor LaGrange called the hearing to order at 6:30 PM regarding the Comprehensive Plan Update documents. We have noticed this in the Altamont Enterprise for tonight. We started working on this 12 years ago and then there was a pause for a while. In his opinion, this is one of the best committees we have ever had. We've had public workshops, and there have been many meetings. There have been many discussions. They put together a draft, and there was a public hearing on the draft plan in June 2018. The Town Board introduced it in July and set up this public hearing. This went to the Albany County Planning Board and back to us with a recommendation to notify adjacent municipalities. This has been on the website, and a hard copy has been available in the Town Clerk's office.

Supervisor LaGrange opened the meeting up to comments from the public.

Cynthia Elliott had a quick question for counsel. She addressed Attorney Naughton saying that he did such a great job on the revisions that were part of what the Hamlet Center law where he changed what they had proposed so it was easy for them to look at. Supervisor LaGrange has indicated that there were a couple of tweaks from when this was presented in June. Can you tell us what those were? Attorney Naughton said that he didn't have that. He thinks they were really small clean-up things. He doesn't have that and he doesn't have a black line. This was in a format where it wasn't a normal Word-type document. It was residing on Barton and Loguidice's site and you had to log in to make changes. It wasn't one of those things where it lent itself to your normal blackline copy. He doesn't have that and he doesn't have a list of what they did, but he thinks it was more clean up from some of the comments they received from the various Board members and the public including Mrs. Elliott. Supervisor LaGrange added that it was mostly grammar and things like that. There was a large percentage of that. Supervisor LaGrange asked Ted Kolankowski of Barton & Loguidice if there was anything of any substance that was changed. Mr. Kolankowski said that he didn't don't think so. He thought that the main substantive changes happened way before this summer. Supervisor LaGrange said that that was his understanding. It was basically a document cleanup in a sense. Mrs. Elliott said that that part she didn't really care about. She didn't want to have to reread the whole 289 pages that she read the first time, but she would like to be able to see what the changes were. The only one she picked out were in Section 4.3 - Encourage Subdivision and Building Design that Reduces Negative Public Health Impacts. What was added to the bottom of that was "Amend the Subdivision Law to eliminate any authority on the part of the Code Enforcement Officer to approve minor subdivisions with the exceptions of those pertaining to lot line adjustments, and vest such authority in the Planning Board." That is a change and to her that is somewhat substantive. She doesn't know if, in fact, we do get to that it affects her one way or the other but if we do in a general sense she would love to have us look at towns that are similar to ours which would be Ghent, Chatham, and Canaan. They have what are called exempt subdivision laws where they can do them in one month with the Planning Board, not a series of months. She also believes that if you have a landowner who is giving one lot to a child who's not a developer, it will cost him a couple thousand dollars more to send it to the Planning Board, not because of the Planning Board thing which is a standard with its lot fee, but because of representation and other things that would have to occur. So, she did see that as a change. She's not opposed to it conceptually, but she thinks we should put on some brakes if we put it hard and fast. Supervisor LaGrange said that that's one he circled too. Mrs. Elliott said that it's something that was different. Supervisor LaGrange added that these are recommendations, and when we get to actually digging in and implementing them possibly we will discuss what other opportunities there might be. Councilperson Leinung added that he's not sure when these were printed but it's in this version he has which is at least a month or two old. Mrs. Elliott said that with the first one she printed the whole thing. Then she came to the public hearing and skimmed through and only printed a couple of pages that were different. Again, she didn't look at grammar. Councilperson Leinung said that he's just saying that these changes were probably made a few months ago.

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Mrs. Elliott had a comment on page 13. She didn't want to get too specific but it actually becomes somewhat general. Barns could be repurposed for professional services contributing to the local economy while enhancing community character and improving the aesthetic appeal of properties. She agrees 100%. We need to encourage that but it's put in a couple of places that it is solely barns. She would love to have this to be out buildings. Barns by our code definition house animals. Most people cannot convert that realistically into a lot of other uses without a great deal of expense if, in fact, we want to maintain our rural character and be able to use out buildings such as sheds, smokehouses, and put greenhouses off them and make them interesting, and farm aspect and perhaps agri-business. She thinks that should include outbuildings and not just barns. When she read through the whole things barns was the only word that was used.

Councilperson Greenberg said that she made that comment at the public hearing before and he asked where she was getting that definition from? Mrs. Elliott said that it had come from Building Inspector Cantlin. Councilperson Greenberg said that that is not the definition of barns in the code. Mrs. Elliott said that maybe it had already gotten tweaked. Councilperson Greenberg said that that may be, but she thinks we should check the definition we use in the code before making that point. Mrs. Elliott asked if we should consider other structures that have been deemed under their building permits? Many have been deemed garages. A garage is not a barn. Many have been deemed corn cribs and not a barn, although that's a stretch. We could have sheds. Smokehouses are not deemed to be barns. If you are correct on that, it's not an issue. She just knows what the Building Department had said. We kind of take that to a certain degree, if not gospel; that's how they had put us in for building permits.

Supervisor LaGrange said one of the biggest problems we run into with our code is our definitions which we're going to get right in to updating after this, and that's going to be a big process. We try to tweak it here and there and so on but it needs an overhaul. That's something that will come up when we get into that process. That's the next big undertaking.

Mrs. Elliott then referred to the community forest concept which she said someone touched on at the last public hearing. She would love to be able to put more of our over-50-acre land parcels into the state forestry program. She has a lot of clients who do that. We specifically do parcels that are over that amount because realistically to have a forestry management manager is the better plan, and it will also keep it on the tax rolls but give it a tax break. She knows that the Board understands that. She thinks that that should be expressed to education levels on our Assessor or should be more of where we are streamlined to go rather than acquiring more "land" that is municipally owned.

Councilperson Greenberg said that he thinks it mentions both. Mrs. Elliott said that that was true; it does say that. Councilperson Greenberg added, just to make it clear, that one of the members of this committee runs the DEC Forestry program and no one is more familiar with that than he is. Mrs. Elliott replied that she didn't disagree. She thinks we need to help our Assessor a little bit or be able to streamline which parcels would be appropriate to be encouraged to do that. That's it for the moment.

Edith Abrams said that she thinks this document is a great step forward to help. Lots of people put hours and hours into it. For her, it has two main concepts. One is the hamlet concept and the other is environmental, and that's as it should be. One of her concerns for the future of this town, especially as she goes traveling to other towns in the United States and abroad, is the lack of emphasis on beauty in terms of flowers. She sent this to the Planning Board when they were reviewing this document, but she can't find it in her notes at home but she will continue looking. There are towns that give incentive to developers to put a lot more flowers per se. To put landscaping not in a straight line so that it looks more natural. For example, on Route 85A where the golf course is you have one row of trees that was required on those berms when maybe today we might say there should be more trees so it looks more natural and it doesn't look so tailored or staged. What she's going to do is see if she can find some of those statutes and she will give it to the Board for consideration in the future. She certainly doesn't want this idea of hers to hold up voting on the document.

Attorney Naughton said that he thinks it should be noted for the record that we got an email from Mr. Dearstyne asking the Board to adopt this ASAP. Supervisor LaGrange said that we did get an email and he asked that it be entered into the record.

John Dearstyne

Listed below are my written comments for the September 12, 2018, Public Hearing concerning the proposed Comprehensive Land Use Plan Update as he will not be attending the Hearing.

This is a summary of my written submittal to the committee's June 12th Public Hearing:

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1. The TB should **APPROVE** the plan ASAP.
2. Post an implementation schedule for next steps
 - Updated Zoning Law

 - Codified Zoning Law including maintaining a current law.

 - Multi-task - e.g., implement Goal 10 ASAP - Improve Local Government Efficiencies at the same time as the ZL is being updated. If the complexities of LL 1 - 2018 - Hamlet Zoning are an indicator of an updated townwide ZL, the present organization and staffing of zoning and Building Department will be inadequate.
3. Funding: Use the 2019 budget process to fund next steps.
4. Consolidate/Codify related laws and ordinances, e.g., cargo shipping containers, home occupation, signs, unsafe buildings, dumps, vehicles, junk storage, etc., which are scattered throughout the list of laws and ordinances.
5. Create a Burning Ordinance more stringent than DEC law. Residents should not have to be exposed to burning related to land clearing. The town recognizes the need for enforceable noise and light laws but does not recognize the importance of health, safety, and welfare related to burning, a respiratory issue.

Thank you for the opportunity to comment and extend my sincere appreciation to all those involved in the development of the Plan.

Supervisor LaGrange said that some of these things have already started. The next big nut to crack is the zoning code. Supervisor LaGrange said that that's the only written comment we received.

Attorney Naughton said that one of the appendices to this is the Hamlet Zoning Plan that predates the actual Hamlet Zoning Law. That's one of the appendices to it and they refer to that. Now, of course, we have the Hamlet Zoning Law that's actually been implemented. He doesn't see a need to swap it out and put the Hamlet Zoning Law in because it's an appendix to this plan. The Zoning Law was enacted for the Hamlet Zone and is part of our Comprehensive Plan because it involves all of those things. He doesn't think that that would be something we need to do.

There were no other comments from the public.

2. Adjourn

Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Greenberg. The hearing adjourned at 6: 51 PM.

Diane Deschenes, Town Clerk