

OFFICE OF THE PLANNING BOARD

Town of Schaghticoke
February 2, 2022

The Planning Board of the Town of Schaghticoke met, in accordance with 2021 amendments to the New York Public Officers Law, via videoconferencing/ teleconference utilizing the Zoom Application.

Kristin Pratt, Deputy Town Attorney, explained the Zoom Application. Attorney Pratt stated that the Zoom meeting notice was published in the Troy Record, posted on the Town website, that the meeting was being recorded, would be available on the Town of Schaghticoke website and would be transcribed at a later date. In addition, Atty. Pratt stated that minutes were being taken and recommended the use of the chat feature, should any technical questions or problems arise during the meeting. Any comments were encouraged to be spoken in order to be recorded.

PUBLIC HEARINGS

7: 32 PM Constable Tree Service Special Use Permit and Site Plan (Tax Map #41-1-62.2).

Michael Constable III, applicant, appeared to propose the establishment of a tree service business in an HC district within an existing steel building located at 939 Route 40, Melrose in the Town of Schaghticoke. Mr. Constable presented a survey of the property, surrounded by a residential district. Mr. Constable currently operates a tree service business and he intends to use the 939 Route 40 location as the base for the business where he proposes to store vehicles and equipment. In the future he plans to create office space within the building. Brian Holbritter, land surveyor, prepared a site plan, shared on the screen, which includes the layout for employee parking including one space for handicapped parking, paved areas, areas for the storage of work vehicles, 20' wide screening to the southerly property line, access to the building, septic and proposed site for the well. Although not included on the survey, Mr. Constable indicated that he plans to install a fence along the street and along the southerly property line.

Michael Bates, a resident who owns property across from the proposal, appeared and asked for information with regard to the septic and well.

Mr. Constable replied that the septic was installed and that a well would be completed when weather permitted. Chairman Alessandrini added that as a commercially used building, a septic system and well were required. In addition, Mr. Bates asked if there were plans for storage of wood chips on the property site. Mr. Constable assured Mr. Bates that wood chips, mulch and tree removal waste would not be stored on the

property site. Furthermore, he noted that he resided not far from the proposed business and planned to maintain the appearance of the property.

Mr. Bates also asked if the applicant would be required to establish an escrow account for the installation of the well. Mr. Constable stated that escrow was not required and that he was not "looking to do anything inappropriate."

The hearing was closed at 7:42 p.m.

REGULAR MEETING

7: 43 P.M. Members present were: Frank Alessandrini, Wayne Akin, Dan Clow, Elizabeth Hale, Robert Weir and Scott Wiley. Brian Davidson was absent. The minutes from the January 5, 2022 meeting were reviewed. Scott Wiley made a motion to approve the minutes as submitted. Wayne Akin seconded.

Ayes: Alessandrini, Akin, Clow, Hale, Weir, Wiley

Nays: None

Constable Tree Service Special Use Permit and Site Plan (Tax Map #41-1-62.2). Michael Constable III, applicant, appeared to propose the establishment of a tree service business in an HC district within an existing steel building located at 939 Route 40, Melrose in the Town of Schaghticoke. Chairman Alessandrini noted that the applicant did not submit any information with regard to signage and that the submission of another application for signage would be required. Mr. Constable stated that he planned on locating a sign at the front of the building near NYS Route 40. He added that he intends to review the sign regulations and to submit an application for a Special Use Permit for signage in the near future.

The Board reviewed and discussed the site plan. Mr. Constable stated that he preferred to store the large equipment away from the neighbors' view and planned to use the outside storage area behind the building. Chairman Alessandrini advised the applicant that vehicles could not be stored within the 30' rear yard setback, which is measured from the rear property line. Lighting on the building was discussed. Mr. Constable stated that there would be no pole lighting; however, he would utilize down-lighting on the building. Mr. Constable stated that landscaping included a plan for plantings 20' from the roadway and additional staggered plantings, including maple trees, arborvitae and low-growing junipers on the site to enhance the appearance of the building and site and to improve the compatibility with the surrounding residential neighborhood.

Atty. Pratt stated that the specific conditions for landscaping would be included in the decision for the application to operate a tree service business.

Wayne Akin made a motion to issue negative declaration under SEQRA. Dan Clow seconded.

Ayes: Alessandrini, Akin, Clow, Hale, Weir, Wiley

Nays: None

Scott Wiley made a motion to grant approval for Site Plan and Special Use Permit for the operation of a tree service business at 939 NYS Route 40 with the following contingencies:

- 1) *The Applicant is required to install plantings in the 20' wide screening area depicted on the site plan within 6 months of approval of this application.*
- 2) *the Applicant will install staggered plantings running from the parking lot and connected to the 20' wide buffer area to consist of at least 15 arborvitaes with low growing junipers in between arborvitaes and at least 3 maple trees to be planted in the front yard within 6 months of approval of this application; and*
- 3) *the Applicant will replace any landscaping noted as a condition of approval as necessary throughout the operation of the business;*
- 4) *No construction related vehicles will be stored within the setback areas set forth in the Zoning Law and specifically, no vehicles may be stored within the 30' setback area of the northern portion of the property.*

Wayne Akin seconded.

Ayes: Alessandrini, Akin, Clow, Hale, Weir, Wiley

Nays: None

Hoosac Valley Farmers Exchange Sign Permit (Tax Map #32-3-14.2). Maureen Mayer, applicant, appeared. Justin Frisino, Manager, was present. The proposal is for two signs, a standing sign to be located off NYS Route 40 and an additional sign to be located within the gable section on the business building located in an HC district at the corner of Madigan Road and NYS Route 40. A drawing was submitted of the 72" X 84" externally lit standing sign; the size is greater than allowed in the Zoning Code and is proposed to be located at a considerable distance from NYS 40. NY state owns a significant amount of road frontage along Route 40, necessitating a larger than normal sign in order to be visible to passers-by who may be driving at 50 mph or greater. It was noted that the sign will be lit with down-lighting. In addition, the building is also located a considerable distance from the main route. Therefore, a large sign with 28"-36" letters is planned for the westerly side of the building. Each of the letters will be positioned 1"-2" from the façade of the building and will be individually back-lit, providing good visibility of the sign and light to the area below. The Board discussed that while the sign is larger than some previously reviewed, the size is consistent with the size of the building and in order for the sign to be visible, it must be large in size to be visible to drivers in the area who will be located approximately 300' from the building. Chairman Alessandrini suggested that the Board make a determination for a time to extinguish the lighting daily. Considering that White's business, also located on NYS Route 40, turns off the lighting of their outdoor sign at 10 pm, 10 pm was the suggested time.

With submission of the short form EAF and receipt of the 239 review from Rensselaer County, a public hearing may be scheduled at the March meeting for a Special Use Permit and a waiver from the Zoning Code's sign regulations for the application.

OTHER

Chairman Alessandrini stated that he received an inquiry from Les Peters who owns property at 100 Calhoun Drive. Mr. Peters would like to subdivide the 3.11 acre property into 3-5 lots. There is sufficient road frontage; however, the minimum lot size and density requirements do not meet the Zoning Code for the proposed subdivision. There is a 22 acre parcel, a ravine, of undevelopable land abutting Mr. Peters' property. Mr. Peters suggested that he would consider the purchase of 9 acres of the 22 acre parcel, providing the purchase would allow further development of the property. There is one existing house on the property and, currently, another residence is being constructed.

Chairman Alessandrini stated that the Board is not usually faced with this issue where the larger segment of the property is not developable. Wayne Akin mentioned that the 9 acre parcel, if waived to Mr. Peters' property, would be land-locked, unless spaghetti or flag lots were created as part of the subdivision design.

The Board discussed density issues and the calculations used to determine the appropriate density to meet the Zoning Code to move ahead with the proposed subdivision.

Chairman Alessandrini advised Mr. Peters that submission of an application to the ZBA is an option to permit the subdivision and development of the property.

Another inquiry was received from Chris Fusco with regard to property located at Lot #18 on Powers Lane located off Calhoun Drive. Mr. Fusco does not own the property. Lot #18 was originally two lots, as denoted by a dotted line in the middle of the parcel on the tax map. There is an existing residence on one half of the property. The setbacks are unknown. Mr. Fusco asked if the subdivision is still valid as two lots or whether it is considered one lot. The lots were combined at an unknown time and have one tax map number.

Attorney Pratt mentioned that this issue has surfaced before, mainly in the hamlet district of Pleasantdale, and that she would research the matter.

Wayne Akin made a motion to adjourn the meeting at 9:09 pm. Scott Wiley seconded.

Ayes: Alessandrini, Akin, Clow, Hale, Weir, Wiley

Nays: None

Abbreviations:

EAF -Environmental Assessment Form

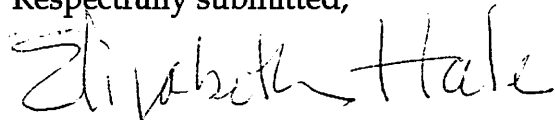
HC -Highway Commercial District

NYS -New York State

SEQRA -State Environmental Quality Review Act

Respectfully submitted,

date: March 6, 2022



Elizabeth Hale, Clerk

Planning Board, Town of Schaghticoke