

OFFICE OF THE PLANNING BOARD

Town of Schaghticoke
March 2, 2022

The Planning Board of the Town of Schaghticoke met, in accordance with 2022 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. Atty. Pratt encouraged the public to mute in order to eliminate background noise unless speaking. Any comments were encouraged to be spoken in order to be recorded.

PUBLIC HEARING

7: 30 PM **Hoosac Valley Farmers Exchange Sign Permit (Tax Map #32-3-14.2).**

Chairman Alessandrini read the Notice of Hearing. Justin Frisino, Manager, was present and represented the applicants, Maureen and Eric Mayer. The proposal is for two signs, a 42 square foot standing sign, externally lit with gooseneck lighting to be located off NYS Route 40 and an additional sign, measuring 279 square feet, to be located within the gable section on the westerly side of the business building located in an HC district at the corner of Madigan Road and NYS Route 40. The size of the signage is greater than allowed in the Zoning Code. The signage on the building is proposed to be comprised of 2'7" black metal capital letters and the lower case letters are proposed to measure 30", all lettering is to be set 3" from the wall and proposed to be silhouetted by LED back lighting, downcast to light the area below. There will be no direct lighting. There was no public comment. The public hearing was closed at 7:39 p.m.

REGULAR MEETING

7: 40 P.M. Members present were: Frank Alessandrini, Wayne Akin, Dan Clow, Brian Davidson, Elizabeth Hale, and Scott Wiley. Robert Weir was absent. The minutes from the February 2, 2022 meeting were reviewed. Scott Wiley made a motion to approve the minutes as submitted. Wayne Akin seconded.

Scott Wiley made a motion to issue negative declaration under SEQRA. Wayne Akin seconded.

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

Nays: None

In addition, both signs are larger than allowed by the Zoning Code's sign requirements. Therefore, the Board discussed the size of the two signs and considered the distance of the building from the road and the significant amount of NYS-owned road frontage along NYS Route 40. The Board determined that although the volume of the waiver is profound, the greater size of the signs was justified and warranted. Additionally, the size of the lettering for the proposed sign is proportionate to the Building size.

Brian Davidson made a motion to waive the Zoning Code requirements, to allow a larger standing sign and a larger sign than permitted on the building façade and to approve the application as presented. Wayne Akin seconded.

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

Nays: None

Peters Subdivision Pre-filing Conference (Tax Map #50.-1-24.1). The applicant, Les Peters, appeared to present his proposal for a four-lot subdivision on 3.11 acres with an existing residence located in an RA district at 100 Calhoun Drive. Mr. Peters stated that there is sufficient road frontage with 80'-90' lot depth and a sloping decline at the rear that descends to a ravine, a 22 acre parcel which abuts Mr. Peters' property. Mr. Peters presented a sketch of the proposed subdivision including an adjacent 54' X 50' strip of adjacent land at the rear of the property line, which could be used, upon purchase to provide access to the rear lot abutting Mr. Peters property. Mr. Peters proposes to purchase 8.36 acres, including the .639 acre strip, giving him approximately 12 acres total, and allowing him to meet the density requirements for the subdivision. Mr. Peters stated that he believes that his proposal is consistent with the neighborhood which contains several residences on the other side of Calhoun Drive with smaller lot sizes. In addition, Mr. Peters stated that although the proposed subdivision is not consistent with the current zoning regulations, he believes that he can legitimately develop four lots.

Brian Davidson remarked that he did not believe that the layout of the proposed subdivision was consistent with the intent of the Zoning Law and was not, theoretically, designed to conform to the regulations, nor was it beneficial. Elizabeth Hale agreed with Mr. Davidson's statement. Mr. Akin stated that he believed that, as long as the rear lot was not land-locked, the layout of the proposal was acceptable.

Kristin Pratt, attorney, stated that the proposal was located in an RA district with public water, but no public sewer and that the minimum lot depth of 200' might not be met and an area variance may be required under the preliminary design presented. The Board agreed to hold off on providing feedback to Mr. Peters regarding the preliminary proposal until the members concerned with the proposal's consistency with the Zoning Law had the opportunity to drive by the proposed subdivision location for a more thorough review.

utility of the other. While common ownership of lots that were once separate is some evidence of merger, the case law indicates that this is not the sole factor to be considered. If lots are truly treated separately, for example when a builder purchases several lots in a subdivision to market for individual sale, lots can still be considered separate. Under the facts applicable to the Powers Lane area, it appears that the lots are used in conjunction with one another as they are mowed together and one lot serves as the yard for the lot containing the residence. Therefore, it was the Board's opinion that the lots were likely merged and did not enjoy existing lot status under the Zoning Code. However, if Mr. Fusco is interested in a formal opinion regarding the existing lot provision, the query may be referred to the Zoning Board of Appeals. The Board discussed that each existing lot inquiry should be determined on a case-by-case basis and should the need for a formal interpretation arise, the Zoning Board of Appeals should determine the inquiry.

The Board discussed whether meetings should return to the Town Hall or continue to be held virtually. In addition, the Board discussed moving the time for the meeting to 7 pm, rather than 7:30 pm. The Board agreed that future meetings should be held at 7 pm instead of 7:30 pm. Kristin Pratt will send notice of the change to the public.

Wayne Akin made a motion to adjourn the meeting at 9:07 pm. Scott Wiley seconded.

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

Nays: None

Abbreviations:

EAF – Environmental Assessment Form

HC – Highway Commercial District

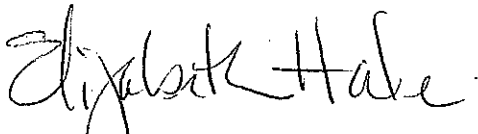
NYS – New York State

RA – Residential/Agricultural District

SEQRA – State Environmental Quality Review Act

Respectfully submitted,

date: April 10, 2022



Elizabeth Hale, Clerk

Planning Board, Town of Schaghticoke