

**Town of Sand Lake
Planning Board Minutes
April 17, 2019**

The minutes, as follows, are intended to provide a general summary of the Agenda items and Public Hearings. Quotes presented are not verbatim, nor is all discussion which occurred presented herein. This document should not be relied upon as a transcript of the actual proceedings. The transcript of this meeting has been recorded and is available at the Town Hall.

CALL TO ORDER: Arthur Herman, Chairman, called the meeting to order at 7:30 PM

MEMBERS PRESENT: Rick Giolito, Dominick Bates, Mary Ellen Trumbull, Jonathan Bernstein, Ralph LaMontagna, Michael Groff, Craig Crist

MEMBER ABSENT:

OTHERS PRESENT: Bruce Mereness, Dawn Vink, Anne LaMora, Betsy Dobert, Rick Dobert, Kathy Bayly, Kevin Bayly, Dan Holser Monica Ryan

RECORDING CLERK: Laura Fedoreshenko, Clerk for the Planning Board and ZBA

Area Variance Application – Recommendation to the ZBA

Dan Holser
Huntley Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #159.-1-73

Lot Size: 5 acres

An Area Variance Application for proposed subdivision lot with insufficient road frontage which exceeds the lot to width ratio of 3:1.

Dan Holser presented his proposal is to subdivide property for a 5-acre lot on the west side of Huntley Road with 150' of road frontage. Arthur Herman (AH) clarified the reason this meeting is that Mr. Holser is requesting an Area Variance from the Zoning Board of Appeals (ZBA) due to the proposed lot being in excess of the 3:1 ratio with respect to the current Zoning Code. AH asked Mr. Holser if he had already presented in front of the Zoning Board of Appeals (ZBA) and Mr. Holser stated he had done so and was informed to come back in front of the Planning Board (PB) for a recommendation. AH asked PB members for questions. Rick Giolito (RG) stated that he had made a site visit to the property to which Mr. Holser responded that he had previously asked that no one go on the property without his presence. RG clarified his statement by saying he had viewed the proposed lot from the road and did not exit his car during the visit to which Mr. Holser was satisfied. RG then asked Mr. Holser why he was asking for an area variance as he has the land to make a conforming lot for the 3:1 ratio– correct? Mr. Holser responded that he was confused by the question. RG further clarified the question by stating that Mr. Holser is asking the Town to approve a lot that is not conforming to the 3:1 ratio as proposed lot is 6:1; yet Mr. Holser has the land to make the lot conform – asking if that was correct? Mr. Holser then asked if what RG was saying is to spread out the front of the lot. RG asked again if Mr. Holser has the additional land to create a conforming lot rather than asking the Town for an Area Variance. Mr. Holser asked RG to draw a picture of what is being asked as he did not understand. Mr. Holser then added that yes he has a lot of land and that it was brought up before that the proposed lot is wider in the back than in the front mentioning the term “spaghetti” lot however he considered this lot to be far from that

term as he had previously done a similar lot right next to it prior to the Zoning Code change. RG stated that the PB members must adhere to the Zoning Code and AH clarified that the Zoning Code calls for lot footage 150 x 450 feet for a 2-acre lot; thus, appropriate road frontage is needed when going beyond the 450 feet. RG then stated that he was asking Mr. Holser if he could comply. Mr. Holser responded that he wished RG had notified him of his visit in order that they could walk the property for a better understanding of why the lot is being proposed as such. Mr. Holser further stated that the land past the power lines drops right off; thus, not feasible for a road as the grade would be well above the 10% allotment. Mr. Holser added that the buyers wanted a 5-acre lot and while next to it there is a peninsula that would make a nice lot, but it would need a driveway to it. RG once again asked Mr. Holser if it was possible for to make a conforming lot. Mr. Holser replied that he still did not understand what was meant by a conforming lot as he was previously told he had to stretch it out to 300 feet of road frontage. Mary Ellen Trumbull (MET) replied that the PB had made it clear to Mr. Holser at the last PB meeting he had attended on how the proposed lot does not conform. MET further added that at the previous meeting, Mr. Holser was unable to share with PB members the reason for the nonconforming lot to support the request of an Area Variance for a recommendation to be provided to the ZBA. MET then stated that the request is viewed as not a pressing need but rather a personal choice by Mr. Holser – correct? Mr. Holser replied that buyers came to him wanting a 5-acre lot and he had no idea, with the new regulation, that the proposed lot would not be conforming. RG stated the regulation was not new to which Mr. Holser asked why he was previously approved. RG replied that Mr. Holser had received a variance for the previous approved lot and was now looking for another one. AH clarified that Mr. Holser had previously received a waiver at that time versus a variance. Ralph LaMontagna (RL) added that the laws have changed and the PB no longer grants waivers. Mr. Holser stated he did not recall receiving a waiver and that application had gone right through. Monica Ryan stated the Resolution for the lot approved in 2015 reflects that a waiver was granted. MET asked Mr. Holser what stands in the way of him bringing the proposed lot into compliance as he possesses the land. Mr. Holser responded that he had no idea this lot was not conforming so had it surveyed and has an agreement to sell it to buyers. MET asked Mr. Holser if he understood that he cannot deliver what he promised considering if the buyers were to come to the PB they could not receive an approval. Mr. Holser replied that it is a pretty sad situation as it would increase size and tax base for the Town. RG clarified for Mr. Holser that no one was turning him down however there is the regulation on lot size and had asked Mr. Holser several times if he could create a lot that conforms which would also satisfy the buyers. Mr. Holser replied that if he complied and stretched the road frontage out to 300 feet, he would have to double the price for the lot adding that he has saved the road frontage as he had no idea of running into this issue. Mr. Holser then expressed that the situation was making him really upset as the proposed lot would not hurt the Town of which he has been a long-time resident. Jonathan Bernstein (JB) clarified for Mr. Holser that the PB must follow the Zoning Code set in place which extends beyond the Town and into State Law regarding an Area Variance.

Craig Crist (CC) then read Standard 267-B 3 from the NY State Town Law regarding Area Variances:

3. Area variances.

(a)The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.

(b)In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- (1)** whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2)** whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (3)** whether the requested area variance is substantial;
- (4)** whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5)** whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(c)The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4.Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Mr. Holser asked if “minimize” meant to use the least possible to provide someone with a lot? CC responded by rereading NY State Town Law for Section 267-B Section 4 regarding Imposition of Conditions. JB then stated to Mr. Holser that it is the Law that is restricting what the PB and ZBA is able and unable to do as standards must be followed and applied. JB added that under the elements stated, the current lot proposal is hindered as two of the elements apply: 1) situation has been self-created and 2) the feasibility to achieve outcome by some other method. Mr. Holser replied that he disagreed stating he was not aware his lot layout would be an issue. JB responded that current lot design is not conforming according to the Law adding that Mr. Holser has other available options.

AH then stated that if Mr. Holser were to do the 3:1; it would result in a 2-acre lot and AH perceived the 5-acre lot as a better option as the 3-acres in the back is “fluff” property to which Mr. Holser agreed. RL asked what is the adverse impact as Mr. Holser is looking to get 5 lots and the back lots are not developable; thus, did not see any adverse impact that is going to change the character of the neighborhood. RL also stated that if the Town asks property owners to slice out smaller lots; then some folks don’t like a lot of development in an area. RL then restated that he did not see any adverse impact with proposed lot seeing as there are power lines running right between the property. Dominick Bates (DB) stated the he agreed with RL’s statement. DB then asked Mr. Holser that once this 5-acre lot is sold, what else is left and did Mr. Holser plan on coming back with a similar proposal? Mr. Holser responded that to do so otherwise would mean putting in a driveway to the back lot which would require a 20% grade. DB stated he did not wish for Mr. Holser to come back to the Town with the same type of proposal to which Mr. Holser agreed he did not want to go through this issue again. RL

mentioned the reason for the 3:1 ratio is to avoid spaghetti lots and provide privacy. He further stated that this proposed lot has trees and is a good size, therefore continued not to see any negative impact. RG asked if there was any community input rather than PB members speaking for them. CC stated that Mr. Holser should be allowed to state anything further and then the PB could hear from the public. AH asked Mr. Holser if he had anything to add or minded hearing from the public. Mr. Holser replied that it depended and then stated that he had received a visit from a next-door neighbor who asked what was happening as he had received a neighbor letter from the Town yet was outside of the 100-foot parameter of the proposed lot. AH explained that as the proposed lot was not approved; letters were sent to the neighbors who border the primary parcel. Mr. Holser responded that he was not aware that the primary parcel played a factor in the letters sent out and then asked if there was anyone from the public who wanted to speak. AH responded there were a few folks who wished to speak. Mr. Holser then read the Resolution he had received in 2015 for a prior 5-acre lot which sets next to the proposed parcel and expressed his confusion with current issue. DB stated to Mr. Holser that the laws have changed to which Mr. Holser replied if the Town approved this variance, it would result in more lots and more tax money. Mary Ellen Trumbull stated that in 2015 the PB approved a waiver and now, 4 years later, Mr. Holser is seeking another waiver/area variance. Mr. Holser responded that he was not aware that back in 2015 the approval was done via a waiver; thus, submitted a similar proposal. MET asked Mr. Holser if he spoke with Mike Wager upon submission of the application to which Mr. Holser responded yes. Mr. Holser further added that he had brought in a map and spoke with Karol O'Sullivan regarding 2 lots adding that Mike Wager had been present stating the plan was ok as he had 150' of frontage and then Mr. Holser paid with a check. Mr. Holser then stated that he came back into the Town and found out that the proposed plan actually was considered 3 versus 2 lots and thus made out another check adding that he felt there are folks in the town who don't want to see him have anything. AH stated that the PB would open up the floor for a couple of comments from the public and then the PB would make a determination to which Mr. Holser agreed. Wayne Evancoe of 259 Methodist Farm Road stepped forward stating his sister-in-law had received a letter and had notified him. Mr. Evancoe expressed concerns regarding the proposed lot and then possible future lots whose driveways would be accessed via Huntley Road. Mr. Evancoe pointed out that there is a 410' well within 100' of the proposed lot and indicated that his own well is down 200'. He further added that the water is not that good in Rensselaer County stating and there is rock and clay specifically in that area. He added that these factors should be taken into consideration as there are no sewers, so septic and drainage is a concern. Mr. Evancoe also expressed another aspect of detriment to the area is the traffic concerns from Methodist Farm Road to Eastern Union Turnpike as commuters use it as a shortcut, with speeds at 65+ mph and while a little better with recent policing, Huntley Road intersects onto this stretch for which there are many blind drives asking that consideration be given for any future development that may add to the car density usage of that area. Mr. Evancoe also stated that an adverse impact should take into consider the aquifer as it is not known, adding that his own drilled well is 300' from Crooked Lake yet his water is very poor with seasonal lows and highs. Mr. Evancoe closed by asking PB members to consider, in general, the factors he outlined for future vacant/open lots. CC mentioned that Mr. Holser should either stand or be seated up front in order that he may hear the comments. Mr. Holser then proceeded up to the table used by the public for stating their comments and Mr. Evancoe reiterated his concerns for Mr. Holser. Mr. Holser asked to address the board and AH agreed. Mr. Holser indicated that in regards to the water, his well is drilled and he and neighbor Gary Favro both receive 50 gallons per minute; thus, no water issues foreseen. Mr. Holser then went on and agreed with Mr. Evancoe regarding the traffic issues stating it is not those who live on these roads but rather those who use it as a cut across; however, Mr. Holser did not see two more houses adding to that situation. AH indicated there was another comment for which Kevin Bayly stepped forward indicating he lives on Huntley Road. Mr. Bayly stated that there is a reason that laws are in place to protect against spaghetti lots adding that in the next 5-10 years we don't want to be in situation of so much development. Mr. Bayly further added while it may cost money to fix the issue, it would help to protect against depletion of the water table, traffic and avoidance of spaghetti lots which are a problem in other communities. Mr. Holser responded that he

continued to disagree with the term "spaghetti" for the proposed lot and as a long-time resident, he has seen such lots in the past and does not view the proposed rectangular 5-acre lot in that manner nor does he envision water or traffic problems. AH asked if there were other comments for which Anne LaMora stepped forward stating she is Kevin's sister and thanked the PB for the opportunity to speak. Ms. LaMora stated that her family has three acres left and have been tax paying residents for over 100 years. Ms. LaMora indicated that this road has changed significantly over the past 4 years and well beyond for the next 50 years. She expressed how everything about the community is changing for which there are serious concerns thus she does not see any good reason not to follow the laws set in place. Ms. LaMora added that while she knows the typography of the property and, as a nurse, she is concerned about the health and welfare of the people as well as the animals. She then asked that the PB consider the environmental impact and direction the Town is taking in the future considering that a waiver was previously granted and another one being sought. Ms. LaMora commented that the PB information on the Town's streaming channel (1303) was old and incorrect for this meeting and that she had advised Karol O'Sullivan however the incorrect information may result in a low turnout from the public to be able to voice their concerns.

Mr. Holser replied that he was sorry to hear of the issues and expressed his concerns/ dismay on proposed lot not considered conforming. AH pointed out that the way the law reads, Mr. Holser could put in a cul-de-sac having 2-3 times as many lots than what has been proposed which is a 5-acre lot. Mr. Holser responded that a cul-de-sac would not work due to the layout of the property and AH clarified that his comment on the cul-de-sac was an example of what could be done. RG commented that his question was if Mr. Holser could make the lot conforming for which AH responded that Mr. Holser could make it a 2-acre lot and conforming. RG clarified that Mr. Holser could also make the current proposed 5-acre lot conforming as opposed to asking for a variance to which AH agreed. AH then asked if there were other comments from the PB members. RL stated that he agreed with AH in that PB cannot keep folks from building on their property. RL further added that the PB can set the parameters for how folks are to build; however in this situation 5-acres would be locked up that cannot be developed and forcing folks to split property will encourage more development. RL closed by saying that water issues are always a concern, however perk tests should be done to see if there is any impact and PB should not stop folks from building on their property. AH added that there would only be one resident on the proposed 5-acre lot and while Mr. Holser could go less, it would result in more residents. Mr. Holser asked if a future buyer wanted a 5-acre lot, what should be his response. AH responded that the lot line would need to be drawn different and be conforming. AH asked if there were other questions for which Michael Groff (MG) asked if the PB is to make a recommendation, could it be positive/negative or no recommendation. AH responded that he believed so and MET commented that this is the reason the item is back with the PB from the ZBA was for a recommendation; thus, not sure if no recommendation is given, that it would not be back to the PB again. Monica Ryan clarified that for subdivision variances PB must provide recommendation by law. Discussions then ensued between PB members and Mr. Holser regarding prior meetings and reason for needed recommendation. DB commented that in regards to the water/traffic concerns, one large lot would be more beneficial and less of an impact; however, Mr. Holser should not do this again. Discussion ensued and site map reviewed by PB members and Mr. Holser regarding remaining vacant land/typography to clarify that no future variances should not be sought for remainder of land. Mr. Bayly asked to speak stating that he did not see difficulty in redrawing lot line adding that it would be minimal cost to comply with the law. Mr. Holser responded stating in order to comply, it would require that he change the proposal after having the property sold, mapped and surveyed. AH made a motion for a positive recommendation to the ZBA and RL seconded; DB answered in favor; MET opposed, RG opposed; RL answered in favor; JB opposed, MG opposed and Art answered in favor. AH announced that there were 4 members opposed to 3 in favor. Mr. Holser asked where that left him and AH responded that Mr. Holser would receive a negative recommendation to the ZBA. Mr. Holser asked if the ZBA could still approve the variance to which AH responded that was correct. Mr. Holser thanked the PB. CC commented that the negative recommendation should include reasoning to ZBA. MG

stated that Mr. Holser has ability to make a conforming lot. JB stated that proposed lot does not meet Town Law, issue was self-created and Mr. Holser had made a promise however did not check the zoning code. MET stated she opposed for the same reason citing Mr. Holser sold before checking zoning code and there is no confidence that Mr. Holser will not come back with the same configuration for the remainder of his property. RG stated his reasons were very similar in that Mr. Holser is able to remedy the situation on his own without the need for an area variance. For ZBA purposes, CC asked the four opposing PB members if the following reasons for the negative recommendation predicated upon: request for variance being self-created, has ability to meet the 3:1 ratio however does not want to; proposed lot does not meet the Town criteria 267-B; sold the property before checking Town Law and no confidence that Mr. Holser would not be back with the same configuration for the remaining lots. The four PB members agreed with statements outlined by CC.

Scenic Preservation Application

Dawn Vink and Bruce Mereness
6 Windmill Way
Sand Lake, NY 12153
R – Residential Zoning District

Tax Map #149.7-1-12.3

Lot Size: 1.03 acres

A Scenic Preservation Application for the removal of trees on Big Bowman Pond.

Dawn Vink presented that there are a few small trees that are in the site line of the lake from the house they had purchased. Ms. Vink further explained that those trees also shade the ground which made it wet/spongy. The proposal is to remove those trees to improve the site line as well as open the area up to dry out. Bruce Mereness added that those trees are between 50-100 feet from the lake. Rick Giolito (RG) referred to a site picture and asked if Mike Wager had tagged the trees. Ms. Vink responded yes and added that Mike did not indicate any problems and informed them to file the Scenic Preservation Application. RG referred to the picture of tagged trees and asked if the plan was to remove all the trees? Ms. Vink responded yes and the different color tagging was to label those trees that were pine versus other hardwoods to assist in deciphering which ones could be used for burning outside versus inside. RG then clarified that the rule is any tree over 6 inches within 100 foot of the lake cannot be removed to which Ms. Vink responded that was their reason for being at the meeting. RG then asked if the plan is to remove all of the tagged trees, including those over 6 inches, for which Ms. Vink responded yes. Arthur Herman (AH) asked if there would be any trees saved to which Ms. Vink responded yes, along both sides and Mr. Mereness added it was pretty much a big clump of trees. RG stated that this lake is one of the most pristine glacial lakes on the Rensselaer plateau and trees are very important to the lake. He then stated, referring to the site picture, that in looking from their house in regards to the trees that are 6 inches or above, if those trees were to remain and all the bushes removed, it would provide a great view with the remaining trees looking like a pencil from the house. RG further added that there needs to a burden for removal of trees above 6 inches such as a liability and asked if they had any particular burden. Ms. Vink responded by stating one tree is dead and another one was leaning. RG agreed that the dead tree should be removed. Dominick Bates (DB) asked if that tree had a base of 6 inches which Mr. Mereness responded yes at the bottom/base of it. RG had Ms. Vink point out in the site picture the leaning tree. RG noted it was a Birch trees and asked if the reason for wanting it removed was that they did not like the bent tree to which Ms. Vink responded she guessed so. RG pointed out that the Birch trees do bend like crazy which he understands adding that he also resides in the same area and does not have the option to remove trees that may be blocking his view. RG further stated that the trees are very important to the lake and that they take water out of the ground thus removal of those trees could increase the problem. He also added that while there may be a lot of water on the ground now, it was due to the recent snow melt and heavy rains; however in the summer the ground dries out pretty well thus recommended removal of trees

under 6 inches as well as some trimming to gain the better view and to leave those trees that are at/above 6 inches. DB agreed with RG stating that the area looks pretty open and not like a forest adding that line of site does not come into play as a reason when it comes to the preservation. Mary Ellen Trumbull (MET) agreed also for removal of dead tree and those under 6 inches. RG pointed out there had been a lot of clear cutting in the past which the Town is trying to avoid as it leads to water running down and has caused a lot of issues with the lake with weeds; thus, every tree taken out could negatively impact on the lake. Ralph LaMontagna (RL) stated that approval had been granted in the past however it was for such situations as a tree is growing into the foundation of the home or limbs had fallen on the building causing the homeowners a hardship. PB members reviewed the site picture and asked the homeowners to measure the Birch tree as it did not appear to look 6 inches in diameter. Ms. Vink asked if the Birch tree was over 6 inches, did they have to leave it? A discussion then ensued about proper measuring of the tree's diameters. AH adds that there are a few large trees that should remain if not dead and if all tagged trees were removed, there would be nothing. He also recommended that none of the large trees be removed however should there be a specific tree they wanted removed, a site visit could be done at that time. Ms. Vink agreed stating that they will need to take the dead tree down. An unidentified attendee who resides on Big Bowman Pond spoke stating that the area is very wooded and pristine so if those trees were removed, it would end up being a grassy pasture and not be the same. Another unidentified attendee who also resides on Big Bowman Pond spoke stating if those trees were removed, the view from the middle of the lake would not be the same. He further stated that the trees are healthy for the lake and added that lakes are being impacted negatively in surrounding areas which will go on for generations. MET asked Ms. Vink if they had just moved there to which Ms. Vink responded it was purchased last October. With no other comments or questions, AH made a motion to declare this Scenic Preservation Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by RL and all approved. AH made a motion to give this action a negative declaration under SEQR, stating the Town of Sand Lake Planning Board, as Lead Agency, has determined from the information presented and ensuing discussion, the proposed activities will not present a significant adverse effect on the environment. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. Seconded by RL and all approved. AH made a motion to deny this Scenic Preservation Application as submitted with only dead trees and those under six inches be removed. Seconded RL and all approved.

Sign Placement Application

Averill Park Fire Department
35 Eastern Union Turnpike
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #159.-1-1/148.-6-112

Lot Size: 4 acres
6.27 acres

A Sign Placement Application for the installation of a new 3' x 7' electronic message sign.

Marty Andrews presented explaining the proposed plan for the installation of a new 3' x 7" electronic message sign to be mounted in place of existing 4' x 8' sign. MET asked if the new sign would be smaller to which Mr. Andrews replied yes. RG asked if the current sign was electronic and Mr. Andrews replied that it does illuminate. AH asked if the sign would be flashing messages. Mr. Andrews stated that it would have messages that would change for public notices. DB stated there should not be any flashing and while messages could change, the message would not be moving. AH agreed stating the Town did not want to see multiple messages at once and asked if the sign would display actual messages. Mr. Andrews replied that while the message would change, it would not be moving or multiple. DB asked if the proposed sign would resemble that of the West Sand Lake Fire Department (WSLFD) and Mr. Andrews agreed. MET added that the WSLFD also has a condition for which there are hours in which the sign is dark (12PM to 6AM). She further stated that

although the WSLFD is in a better lit location due to the street lights; the location of the Averill Park Fire Department's sign is in an area with closer homes thus encouraged the same condition for hours of illumination. Mr. Andrews replied that while limiting the hours for illumination was not something they wanted to do; they would comply. AH asked if the existing sign stayed lit at all times or was turned off? Mr. Andrews responded the current sign stays lit at all times. MET then asked if the new sign would be brighter than current one? Mr. Andrews replied not necessarily and explained that the new sign would have less illumination per square inch with a black background and possibly red lettering with 1 message displayed from 12PM to 6AM, if doable. RL stated that another condition be that the message not change more than once in 15 seconds as well as fade in and out to which Mr. Andrews stated that would be feasible considering the amount of traffic is less than that in West Sand Lake. DB asked if there was the ability to control the brightness of the letters. Monica Ryan commented that typically brightness can be controlled as is the case with most signs. She further stated that the key would be to have the ability to control brightness for a lower level at night as significantly less illumination is needed versus daytime. She then referenced the sign for North Greenbush in which the brightness never changes and thus is extremely distracting. RG commented that attention should be paid if any neighbors start to call with issues of sleeping and overall the Fire Department should refrain from doing any movement or messages at night. Mr. Andrews replied he could see having a backlit sign with just the lettering in color and would put forth that recommendation adding that they could comply. Ralph LaMontagna mentioned that from his experience these signs just become wallpaper after a while; however would be a good opportunity to display public service message and advertise for non-for-profit events while discouraging posting of any for-profit events. Mr. Andrews agreed. JB asked if the Fire Department would have to use the sign for Amber Alerts. Mr. Andrews replied that he was unsure as the Fire Department had not discussed it yet. He further stated that if they did then that would be something their programming would need to do and if at night would be a black backlit message. JB commented he understands that such an alert could not wait to be posted and thus did not want to limit their use of the sign.

AH made a motion to declare this Sign Placement Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by MET and all approved. AH made a motion to give this action a negative declaration under SEQR, stating the Town of Sand Lake Planning Board, as Lead Agency, has determined from the information presented and ensuing discussion, the proposed activities will not present a significant adverse effect on the environment. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. Seconded by MET and all approved. AH started a motion to approve this Sign Placement Application as submitted with conditions and then a discussion ensued to clarify the conditions. Monica Ryan then outlined the conditions previously set forth for the WSLFD which were basically the industry standards:

1. Text Only – No Graphics are to be used except where specifically listed below in conditions number 7 and 8.
2. LED billboard and sign lighting shall not operate between 12:00 midnight and 6:00 a.m..
3. The sign shall use an automatic dimming feature and it shall not create any glare or Light Trespass on public roads or neighboring properties.
4. Use of a limited color palette for each message. Utilize a black background whenever possible.
5. Minimum message hold time is 15 second and messages will fade in and fade out
6. Single message per display panel.
7. In case of the death of a Fire Department or Police Department Member, a memorial graphic presentation will be allowed, consisting of a Purple bunting draped over the individual's name with a black background.
8. Amber Alert or Emergency Notices take precedence over these conditions.

Definitions

Glare – Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare

Light Trespass – Light emitted by a lighting fixture or sign, which is cast beyond the boundaries of the property on which the lighting installation is sited.

PB members agreed that the following conditions should apply for the Averill Park Fire Department:

1. Static Text Only – No Graphics, scrolling or animation.
2. LED shall not be lit operate between 12:00 midnight and 6:00 a.m.
3. The sign shall use an automatic dimming feature. NITS illumination shall not exceed 250 at night and 5000 during the day. At no time, shall the sign create any glare or light trespass on public roads or neighboring properties.¹
4. Use of a limited color palette for each message. Utilize a black background whenever possible.
5. Minimum message hold time is 15 seconds and messages will fade in and fade out.

Definitions

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Light Trespass – Light emitted by a lighting fixture or sign, which is cast beyond the boundaries of the property on which the lighting installation is sited.

Craig Crist (CC) stated that, if in agreement, the PB should move to approve with the conditions. MET motioned to approve the Sign Placement Application with the above conditions. RL seconded and all approved.

MINUTES – March 20, 2019 - AH motioned to approve the minutes as submitted. MET seconded the motion and all approved.
April 3, 2019 - MET motioned to approve the minutes as submitted. DB seconded the motion and all approved.

ADJOURNMENT

AH motioned to adjourn the meeting at 8:55PM. MG seconded the motion and all approved.