

**Town of Sand Lake
Planning Board Minutes
April 18, 2018**

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: Ralph LaMontagna, Vice Chairman, called the meeting to order at 7:30 PM

MEMBERS PRESENT: Dominick Bates, David King, Jonathan Bernstein, Michael Groff, Mary Ellen Trumbull and Lawrence Howard, Esq.

MEMBER ABSENT: Art Herman

OTHERS PRESENT: Jim Mesko, Steve Fiske, Bob Hale, Dennis Milkiewicz and Monica Ryan

RECORDING CLERK: Karol O’Sullivan, Clerk for the Planning Board and ZBA

Area Variance Application – Recommendation to the ZBA

Dennis and George Milkiewicz
3878 NY 150

Tax Map #158.-1-23.1

Averill Park, NY 12018

Lot Size: 14 acres

AR – Agricultural/Residential Zoning District

An Area Variance Application to create a new lot deficient in the required lot size for the AR Zoning District.

Dennis Milkiewicz presented before the Planning Board (PB), explaining the current property, owned by his mother, is approximately 14.35 acres. He said she wishes to turn it over to her sons. He said he would like to subdivide the land with the house from the rest of the property, as he would like to renovate the barns for livestock. He explained he would like to purchase the existing house and renovate it for his son. He explained that road frontage for the house would be 320’ and he would like to subdivide off 1.2 to 1.3 acres for the house and added there is plenty of room for expansion of the septic and well if needed.

Ralph LaMontagna (RL) asked the PB for questions. Dominick Bates (DB) asked for a walk through of the map because Mr. Milkiewicz expressed his desire to keep the existing road on the property. The PB reviewed the map provided. Mary Ellen Trumbull (MET) asked why they would not keep 2 acres with the house to be in compliance with Zoning Code when they have 14 acres in total. Mr. Milkiewicz explained he wants to put fencing up and wishes to keep as much land as possible for the farm and hay fields. DB asked why they couldn’t leave 2 acres and hay around the house property. MET asked if Mr. Milkiewicz wanted to be a farmer and he answered more of a hobbyist. Jonathan Bernstein (JB) asked Lawrence Howard (LH) and Monica Ryan (MR) if a better map should have been provided with the Application and MR explained an official survey map would be required for a Minor Subdivision Application.

RL asked Mr. Milkiewicz if he was trying to maintain more farm land and he said yes. He explained he has cleared brush, wants to put fencing up, more room around barns and maintain current road through property. MET asked about condition of barns and was told one was in fairly good shape and one needs work. Possibly 3-4 livestock planned and regenerate the fields. David King (DK) pressed bringing the request up to 1.5 acres.

Michael Groff (MG) asked about keeping with a 2-acre parcel and providing an easement for the right of way to the farm land. The PB discussed options to get closer to a 2-acre parcel. DB asked how many acres are hay fields and was told 7 to 8 acres.

RL asked the PB for their opinion about asking the Applicant to move his subdivision line further to get closer to a 1.7-acre lot rather than 1.2 to 1.3 acres. The PB agreed they wanted an adjustment to the subdivision line and meet in the middle. RL explained there are 14 acres in total and the PB would like to make a compromise to around a 1.7-acre lot. Mr. Milkiewicz advocated for protecting the existing shale "farm road" through property. The PB continued to review the map provided and discussed with Mr. Milkiewicz how to subdivide the property to achieve a 1.7-acre lot.

LH, MR and PB discussed the PB's role was to make a recommendation to the ZBA and acreage was the key for the variance. Whatever the PB recommends would then be drawn up on a map for the ZBA. Mr. Milkiewicz asked what type of map would be required. It was suggested that he obtain a conceptual map for the ZBA. RL and MET discussed with Mr. Milkiewicz the conceptual map being created for 1.7 acres as a compromise and go to the ZBA for Area Variance. RL said he would make a positive recommendation to the ZBA provided that the lot reaches approximately 1.7 acres in terms of final layout. MET seconded and all approved.

Special Use Permit/Site Plan Review

Steven Fiske/James Mesko

Tax Map #148.3-1-27.2

27 Lake Avenue

Averill Park, NY 12018

R – Residential Zoning District

A Special Use Permit Application to convert existing school into 24 apartments for a 55+ community.

Jim Mesko presented before the PB stating they were under contract for the purchase of the old St. Henry's School at 27 Lake Avenue. The intent is to renovate the building for senior housing. He said there will be 20 to 24 units, typically 1 bedroom/1 bath, with possibly a few 1 ½ bath units. He said he does not anticipate any changes to the physical footprint of the building. The renovations would be limited to interior renovations, new windows, site improvements, landscaping, parking lots and lighting. DB asked if Mr. Mesko had any details for lighting and was told standard three head fixtures on 15' poles shining down.

MET asked about the additional well and whether any study had been done as to the impact of a new well on neighbors or the water table. Mr. Mesko said no study has been done and he was relying on the expertise of his well driller. He said water is hit and miss in the area and the current well runs slow but at a consistent 3 gallons per minute. He said the additional well was necessary according to Rensselaer County and would need to have the same 3 gallons per minute flow. Mr. Mesko explained he had submitted a letter from his engineer showing a 1,228-gallon demand load for a 24 unit building. He added having owned Homeroom Lofts for over two years, the 35 units rarely exceed 1,000 gallons per day. He added the 3,700-storage tank and chlorine contact tanks planned for purification of public water supply in the basement should overcome additional need.

MET asked if new landscaping would be added to make the building look nice and Mr. Mesko said yes. He said the parking lot would be made smaller than the 36 spots currently out front and 12 more were proposed down around the corner.

DK said he noticed drainage along the cemetery has eroded and recommended they get as many sheet wells/dry wells as possible to capture water. DB asked if monument signs would be used for the building and was advised yes, but not lighted. Two-way traffic flow to the parking lots was discussed.

RL asked what would make this building attractive for a 55 + community. Jim Mesko said it will have a big back yard with 7 of 9 acres mowed. Mr. Mesko said outdoor amenities are not big sellers and their planned Community Room would be more important in his opinion. The sewer discharge pipe was discussed. MET mentioned bus service to this location in Town would be good. RL mentioned the light wells for windows in the basement area of the building which would provide natural light for the proposed Community Room.

RL asked for any other questions from the PB. He explained he would like to see more specifics on lighting fixtures, the light well, landscaping and how the site will look when completed. Mr. Mesko explained he would be happy to do so and explained the difficulties of purchasing the building due to water and asbestos issues. He said from a price point it is going to be tight for them and they cannot move along as quickly with the design phase as they would like at this time. The water issues of the site were further discussed between Mr. Mesko and the PB. Mr. Mesko said he has to rely upon the experts and County Health Department approval for the water supply and reminded the PB that the building was previously a full functioning school. DK and Mr. Mesko discussed the second well which is a requirement of the County. It was agreed that Mr. Mesko would return to a future PB meeting with the requested information.

Site Plan Review

Bob Hale/Bob's Rental Center

Tax Map #146.4-3-10

3731 NY 43

West Sand Lake, NY 12196

HC – Hamlet Commercial Zoning District

A Site Plan Review Application for expanded parking and other site changes.

Bob Hale presented before the PB handing out Site Plan maps. He stated that parking in his location is an issue. He explained he has extra space on his parcel of land and plans to expand his parking by moving a fence back and turning his parking spaces parallel with Rt. 43 so that his customers won't have to back out on to Rt. 43. He said he would be taking a stockade fence down and replacing it with a chain link fence.

JB asked if the parking lot was for customers or the U-Haul parking and was told both. DK stated a stockade fence gives a visual break. Bob Hale explained that he will move the fence back towards his workshop in the red barn area of his property. RL brought up the neighbor who wanted to be shielded from seeing the machinery in the yard and the fact that a stockade fence provides a visual shield as well as a protection from theft. Bob Hale said a stockade fence is harder to maintain and he wanted to put up a 6-foot chain link fence and also stated he has security cameras on the property. Bob Hale said his neighbor had just installed his own 8-foot fence on his property. MET asked if the planned fencing would expose more to the neighbor. Bob Hale said no but people driving by will see more of the back yard. The PB and Bob Hale discussed adding screening to the chain link fence to block the view. The PB asked if products placed in the front yard of the business were for marketing and was told yes. JB said the chain link fence should be a "tube slat chain link fence."

RL raised the question of holding a Public Hearing on the Site Plan which he said provides transparency and respect to neighbors to which Bob Hale was opposed as well as several PB members. RL motioned to waive a public hearing, MET seconded the motion, JB opposed and the remaining members agreed. RL motioned the Site Plan Review was an Unlisted Action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. DB seconded the motion and all approved. RL made a motion to give this action

a negative declaration under SEQ, 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. DK seconded the motion and all approved. RL made a motion to grant approval to this Site Plan Review, as submitted with the condition that the fence will be a tube slat chain link fence. MET seconded the motion and all approved.

Area Variance Application – Recommendation to the ZBA

Dennis Tremont

Tax Map #158.-1-11.11

300 Sheer Road

Averill Park, NY 12018

Lot Size: 21.87 acres

AR – Agricultural/Residential Zoning District

An Area Variance Application for property with insufficient road frontage for a proposed two-lot subdivision.

Michael Groff (MG) recused himself from the Planning Board as he represents Dennis Tremont (DT). RL stated that DT had a conceptual discussion with the PB on March 21, 2018 regarding a proposed Minor Subdivision. He said the PB told DT on March 21st that they would not be able to approve his conceptual plans and suggested he return to the PB with a sketch of the property creating a flag lot approach with 60 feet of road frontage for the lot. RL said the suggestion was discussed in great detail on March 21st and DT need not be in attendance at the meeting tonight for the PB to make an Area Variance Application – Recommendation to the ZBA.

RL explained that the PB had recommended approval of such Area Variances in the past and advised DT to return to the PB with a new sketch plan of a proposed flag lot with 60 feet of road frontage. He added that DT realizes he will need an official survey when returning to the PB for the Minor Subdivision.

MET said she felt the PB was being inconsistent on this approach, as they had asked another recent applicant to adjust his subdivision plans as a compromise and wondered why DT can't compromise further. RL stated that the required road frontage is 150 feet and this proposal of 60 feet of road frontage would not set a precedent for the Town. LH added that the flag lot approach was a compromise from DT. MR added that there is no additional land to add to the subdivision as the parcel is already landlocked. DB verified that the 60 foot of road frontage would be on Tremont's deed and was advised yes and MR said there should be an easement for the other houses on the road into the properties as well.

RL motioned to make a Positive Recommendation to the ZBA for an Area Variance. DB seconded the motion, DK abstained and all approved.

MINUTES –

ADJOURNMENT

RL motioned to adjourn the meeting at 8:52 PM. MG seconded the motion and all approved.