

**Town of Sand Lake
Planning Board Minutes**

April 4, 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: Arthur Herman, Chairman, called the meeting to order at 7:30 PM

MEMBERS PRESENT: Dominick Bates, Ralph LaMontagna, Jonathan Bernstein, Mary Ellen Trumbull and Lawrence Howard, Esq.

MEMBER ABSENT: David King, Michael Groff

OTHERS PRESENT: Joan Besch, Clayton Besch, Gary Schwartz, Jack Schreiner, Laura Schreiner, John DelGrosso, Samuel Laflin, Matt Baumgartner, Josh Vics, Steve Hart, Tom Moore and Ed Hamilton

RECORDING CLERK: Absent

Minor Subdivision Application and Public Hearing

William Hart

71 Collins Road

West Sand Lake, NY 12196

AR – Agricultural/Residential Zoning District

A Minor Subdivision Application to subdivide a 67.18+/- acre parcel into four lots.

Tax Map #168.-4-63

Lot Size: 67.18+/- acres

William Hart (WH) presented before the Planning Board (PB) stating he bought a 67-acre parcel and is planning on building one new house on top of the hill and a barn to raise thoroughbred horses. He said the house would be built first and the barn for thoroughbred horses will be built in one to two years. He added this property he is subdividing is in the Towns of Sand Lake, East Greenbush and Schodack. WH added that the lots on the south side of Collins Road (Lots 1 and 2) have a lot of wetlands and he was unsure if he would ever build on those lots. He said Lot #4 is where his daughter's house will be built at the highest point on the hill and the horse barn would be built in the Town of Sand Lake portion of the property.

Art Herman (AH) asked for questions from the PB and then motioned to open the Public Hearing at 7:35 PM. Mr. DelGrosso said his property borders the back of WH's property and he was concerned that the stream on his property line would be impacted by the subdivision. WH and Mr. DelGrosso looked at the survey map and WH assured that he would not impact the flow of the stream with any

plans moving forward. With no other comments from the public, AH closed the Public Hearing at 7:37 PM.

AH stated he had started SEQR at the prior PB meeting stating it was an unlisted action. AH made a motion to give this action a negative declaration under SEQR. He stated that 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. Dominick Bates (DB) seconded the motion and all approved. AH made a motion to grant approval to the Minor Subdivision Application, as presented, granting preliminary and final approval of the plan and waived the final hearing. Mary Ellen Trumbull (MET) seconded the motion and all approved.

Special Use Permit Application/Site Plan Review Application

Matt Baumgartner/June Farms

Tax Map #157.-3-3.1 and #157.-3-2.1

275 Parker Road

West Sand Lake, NY 12196

Lot Size: 101.30 acres

AR – Agricultural/Residential Zoning District

A Special Use Permit/Site Plan Review Application to expand June Farms to include a seasonal, commercial eating and drinking operation and camping facilities.

Matt Baumgartner (MB) and Josh Vics (JV) presented before the PB. MB stated that June Farms was amending their Site Plan from last year to formally include his bar and restaurant business as well as request the ability to offer “glamping” rental sites. He explained that last year he opened the Pony Barn restaurant with hours of operation 7 days per week/8:00 AM to 11:00 PM. The food and drink will remain the same as well as encouraging guests make reservations for parking on busy nights. He said in addition to the bar/restaurant, he was requesting approval for 18 large ticketed events such as weddings/fundraisers with a maximum of 200 to 300 people. Such events would require tents and portable toilets.

MB continued explaining they currently have three glamping tents on site and plan to build a tree house this summer. He said he plans to build 20 glamping tents in total over the next 10 to 20 years on his 120 acres of land. AH questioned a max of 20 tents and MB stated he was looking for permission to build up to the 20 tents and added that he realized he must be in compliance with all Rensselaer County requirements. MB said in addition to the treehouse, he has plans for TeePees, Airstreams and some log cabins which all would be placed within 500 feet of restrooms. He added his future plans end up being approximately one sleeping rental per six acres of land.

MB said June Farms plans to start farm tours with no changes to the format which was approved last year. His live stock program would be adding four goats and two new dairy cows this spring. MET asked what a glamping tent was. MB explained it is a more “glamorous camping” tent with wooden walls and bed with no running water or plumbing; just nicer than a tent and added his current structures are 10’ x 10’ in size.

RL inquired about the Airstreams as a type of camper and asked if electricity would be provided. They discussed that a generator could be provided but was not necessary. MB said he has seen Airstreams gutted with just a bed put in it and the renters would just use the bathrooms provided. MB added that he did not want to run additional electrical lines with electric poles from Parker Road. DB restated that MB was asking for 20 glamping tents and asked how many more campsites he was looking for. MB explained that he is currently allowed up to five camping sites including the Airstream plans and all agreed that would be up to 25 renters at one time. MB added the camping is seasonal at this point but could be year-round in the future. Jonathan Bernstein (JB) asked what seasonal meant and MB stated he has no heat in the Pony Barn, so he would be opening for Mother's Day weekend through the end of September. JB asked about the Pony Barn and MB said it was a typical bar/restaurant and the additional large-events would have to stick to the same hours of operation as the Pony Barn closing down at 11:00 PM. JB said it had been brought to the PB's attention that the June Farms website shows a \$500 per hour fee for events running over the allowed 11:00 PM closure. MB explained that was language on his website from last year. He said if there is an event with people on his property camping, he cannot serve alcohol after 11:00 PM. He said if the patrons add time to his evening he would reserve his right to charge the fee. MET asked if that language would be changed on his website and MB assured it would. JB asked about the fireworks listed on the website and whether he has done that on June Farms and was advised no. MET stated the website offers fireworks at 10:00 PM to which MB said he has had no weddings to date.

DB asked if the glamping tents could be winterized. MB said no they can't but offered that the bathrooms have been winterized. RL stated that 20 campsites are requested for 100 acres which is a lot of land. MB shared that he understands the campsite impact on neighbors and that the people who are currently using them are well aware to be respectful of the neighbors. RL asked if there are any campfires on the property to which MB said yes, but the rental agreements require campfires to be out by 11:00 PM. RL and MB agreed that no one can see what is on the June Farms property now. The sites are secluded in the middle of nowhere and all future sites will not be visible. AH asked if June Farms had any large events last year and MB advised no.

MB then asked if fireworks were a problem as it is now legal in NYS. JB said neighbors may see it as a problem. RL asked Lawrence Howard (LH) if MB would need a permit to do fireworks. LH said not if the fireworks were legal and put on by a licensed firework display operator. DB said that a 15-minute fireworks show would be enjoyed by many people and JB added probably on a Friday or Saturday, but what about Sunday. MET asked if MB was concerned about his farm animals being impacted by fireworks. MB said he really didn't even care about providing the service. It was agreed by all that a "grand fireworks display" as depicted on the June Farms website would need to put on by a professional. RL said he did not think MB would do anything to disturb his animals. A Friday/Saturday fireworks condition would be OK with MB.

With no other questions from the PB, AH opened the Public Hearing. Barbara Tyree, a neighbor to June Farms, said MB has been very generous to his neighbors. She said before, all the neighbors saw was a great big field and are now seeing all the beautiful work MB has done. She said while in support of MB, she would like to see parameters for the future and long-range view of the property 20-25 years out. She said there have been no large events yet, so that impact on neighbors has yet to be seen. She also

said what would happen to the venue if another entity were to buy it from MB. She said she is unsettled by the open-ended view of the future and would like expansion of June Farms to be taken step by step. RL asked Ms. Tyree if her concerns were regarding the campsites or the events. She said all seems OK to scale, but what is scale. It was agreed there has not been a full season yet at June Farms on which to judge the impact. Lastly, she said in no way did she want MB to stop doing what he is doing.

Neighbor, Gary Schwartz, wanted to echo Barbara Tyree's comment that MB has been an outstanding neighbor. MB has created an outstanding setting. His concerns were about the zoning goes with the property, so it could be a long-term issue with a new owner. 18 large scale events are a lot and he shared concerns about music at weddings. Noise has not been an issue to date. He said he understood MB has put a lot of money into June Farms and must monetize the property to offset the investments. He said he was delighted to have MB there. JB asked if music going to 11:00 PM on Fridays/Saturdays would be a problem and Mr. Schwartz said he would not look forward to it. He pointed out that the season is compressed and 18 events in 6 months is a lot. He said he could hear no music last season from the Pony Barn. He ended by saying he felt 18 events was too much but was willing to see how it all plays out.

Adjacent property owner, Art Daims, asked if this would be his only opportunity to express concerns/questions and was advised by the PB that this was the Public Hearing and his opportunity. He said as a veterinarian, he knows of no animal that would not be impacted by fireworks. He said campsites will lead to greater drinking and people wandering around on the property. Ms. Daims said his property is closer to the June Farms buildings. He said he moved there for the quiet. AH asked if he can hear noise now and Mr. Daims said it sounds like a race car track with vehicles zooming around the property. He said MB's plans are changing his rural home to a suburban home. His quiet has changed.

Clayton Besche said he shares the wood line with June Farms. To date it has been a very good experience, noise is non-existent and MB has been very generous with neighbors for horse back riding. He said he kids have part-time jobs on the farm. He said MB communicates with his neighbors asking for suggestions/issues. He has not incurred additional traffic on his side.

Lori Schriener said she runs a horse stable on adjacent Barnes Road and that MB would do anything for his neighbors and believes he would fix any complaints. She said MB allows the kids from her horse stable to ride down and into June Farms and the kids love it.

Dan Barber said he owns two acres across from the June Farms driveway but does not live there yet. He said it was nice that you can buy residential/ag property and switch it to commercial property. You don't expect bars/restaurants on rural roads, do you? LH said it is a permitted by Special Permit with a minimum of five acres of land. Mr. Barber said whether it is 5 or 100 acres, you are allowing alcohol to be sold on agriculture property. LH stated it is on the Zoning Law Use Table by Special Permit. He said the PB is not changing anything; it is already in the Zoning. He explained that on the Residential/Ag Table there is a long list and a restaurant is on it. Mr. Barber said MB is talking about being open year-round. RL and JB explained that the PB has already approved MB's use of his land as a Permitted Use and in our Town Ordinance, a bar/restaurant meets the criteria for space/land in an agriculture, rural

district. Mr. Barber said he plans to build a house on his land someday and is concerned about the large events which will include drinking. He said Parker Road is a quiet street and is concerned about traffic, noise pollution and trash. He said he has experienced campgrounds and that draws drugs, intoxication, bonfires, campfires. He said he was concerned that it will change the quietness and was opposed to fireworks. RL explained that the Special Use was approved last year after site visits, public hearings and now MB is asking for an expansion for camping. RL said MB is a workable person and the PB hears the public's opinions. Mr. Barber continued to question the Zoning Code and the PB advised him where he could find the Town's Zoning Code on the Town's website or could pay for a copy from the Town Clerk and LH continued to explain the Code to him. JB provided him with the Chapter 250 Use Table at the end of the Zoning Code document.

Joan Besche from Barnes Road stated she has visited the Pony Barn approximately eight times last season and has been very pleased with what MB has done at June Farms. She said the Pony Barn is a place to go for pizza and a few drinks. It is not a bar where people go to drink all night. MB is concerned about the community, his animals and his neighbors. She shared that she is concerned how the large event weddings will play out, but she is looking forward to a new season.

With no other public comment, AH closed the Public Hearing with RL seconding and all in agreement. AH invited MB back up to the PB asking MB how he felt about his neighbors' concerns. MB said he was willing to drop fireworks from his website as he does not want to impact his neighbors. MB said he has no interest in holding 18 large events during this season but was afraid not to ask for a sizeable number from which to negotiate with the PB. He said he currently has four weddings booked with the largest being 140 people. JB asked if MB was personally preparing food for these weddings and MB said three of them will have food trucks and the fourth will be catered with a tent. MET asked about parking for the weddings. MB said the wedding parties are being told to shuttle their guests and offered that the 140-person event will have the tent placed in the parking lot. MB was asked if the Pony Barn would be open during these larger events and he said the Barn would be closed on the Friday and Sunday of the Saturday events, turning the weekend into a quieter one.

RL said June Farms was currently approved for 12 events and currently only has four events booked. The business is growing slowly, working out the bugs and trying to be sensitive to the neighbors. DB asked where the wedding parties would be shuttled from. MB said Park and Ride locations, hotels and other designated areas. RL said that was similar to how the Crooked Lake events are handled, noting that Crooked Lake does have substantial parking. Shuttles are a responsible way to avoid drinking and driving. RL asked MB about the use of dirt bikes for campers. He said he has such vehicles on the premises and did not want to rule out glampers using them to get to restrooms. AH asked if he would prevent personal ATVs from being used by renters to which he said that could be prevented. MB added that glamping is not camping and is priced higher, so the clientele would be different.

RL said the PB had received a letter stating that delivery trucks get lost and stop and ask for directions. MB and the PB discussed having his signage revised to include the address number "275" to assist with deliveries.

MET said she read on the website that MB encourages his wedding parties to rent the cabins. MB said he needs to update the website because the cabins are now included with any wedding party fees for use by the bridal parties, etc. It was confirmed that there will be no outside glamping rentals during a wedding event.

AH asked LH if both Applications could be handled together in the approval process and was advised yes. RL addressed the other PB members outlining his feelings about MB's requests. He said he was fine with the Pony Barn restaurant plans and would like to keep large events to 12 for now. He said MB could come back in the future for expansion after he has experience with hosting 12 events. He suggested that events end at 11:00 PM because of the music component. He confirmed there is additional lighting in the parking lot and said he had no problem with the glamping component. He said there are over 100 acres of land and the new bathroom barn was a plus for June Farms. DB said he agreed with RL about keeping the large events at 12 for now, he liked the shuttle idea to reduce traffic and felt 11:00 PM end time was appropriate. There was additional discussion regarding fireworks, but all agreed that MB had pulled the idea off the table.

The PB, MB and LH began outlining the components of the approval, including glamping tents. AH stated that SEQR had been started at the previous meeting declaring this Site Plan Review as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. AH made a motion to give this action a negative declaration under SEQR. He stated that 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. DB seconded the motion and all approved. AH motioned to approve the Applications with the following conditions of approval:

- Pony Barn open year-round with hours of operation 8:00 AM to 11:00 PM
- New barn with restrooms and dairy operation approved
- 20 glamping sites
- 12 large events
- Licensed fireworks display over 4th of July
- Add "275 Parker Road" address to signage for June Farms
- No extension in hours of operation

MET seconded the approval and all approved.

Site Plan Review/Scenic Preservation Application

Stewart's Shops Corp.

3610 NY Rt. 43

West Sand Lake, NY 12196

R – Residential/Commercial Reuse Overlay

A Site Plan Review and Scenic Preservation Application to add a 17.5' x 60' addition to the existing building.

Tax Map #147.1-1-55

Lot Size: .82 acres

Chad Fowler from Stewart's Shops in Saratoga Springs presented before the PB stating they are asking approval to place an addition on the back of the building. He said the original building was built in 2000 when convenience stores were primarily selling gas, cigarettes, groceries and dairy products. Now food to go and beverages are major components of sales, not only for Stewart's, but industry wide. Adding cooler space and counter space for the food to go has required the addition and there is only one side on the current building which can be expanded and that is on the back. He said the gas pumps would remain the same.

Mr. Fowler walked the PB through the Site Plan stating the addition would go where the grassy area is now. While investing in the site, he said they would replace areas of the sidewalk as needed, add windows on the building facing the gas pumps and any side of the building that is visible will have brick, while non-visible sides would be metal. There would be no change in lighting and one birch tree would be removed. They would be adding a propane tank exchange out front. He said they would be moving the electrical panels to the outside of the building to gain space inside, but nothing would be visible.

Mr. Fowler said Stewart's had received an Area Variance approval at the March 22, 2018 ZBA meeting and then asked if the PB had any questions for him. RL asked if the stockade fence on the left of the property would be replaced. Mr. Fowler said yes, the stockade fence would be replaced by an 8' vinyl fence. RL asked if they planned for an earth tone color for the vinyl fence and was told no. Mr. Fowler said that Stewart's already has the white vinyl fencing in stock. The PB and Mr. Fowler reviewed the Site Plan and discussed the location of the garbage dumpster located in the back of the building and the access to the dumpster. Mr. Fowler stated that the delivery door would be moved 10' back from current location and that no new windows or doors were being added on that side of building.

AH asked why Stewart's would not be putting brick on the east side of the addition and Mr. Fowler said it was not visible. AH asked what the two concrete pads were for on the Site Plan and was told they are for the cooler and freezer compressors. RL revisited why brick face was not being considered on the addition since brick was on both sides of the original building. Mr. Fowler said he would put brick face on the non-visible side if the PB was insistent on it but reminded the PB that the only one to visibly see that side would be from concrete trucks on the property next door. Mr. Fowler and the PB discussed the extra cost of doing so and the reasons why Stewart's would wish to save money as a family/employee owned company. The white vinyl fence was discussed again among the differing opinions of the PB. A few clarifications were mentioned by the PB about grading the steep slope in the back and storm water drainage for the parking lot. Mr. Fowler said catch basins are there now and nothing is being added to the parking lot. LH advised the PB that the ZBA had also raised discharge questions when approving the Area Variance.

AH asked the PB if they had any other questions and then made a motion to declare the Site Plan Review as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. MET seconded the motion and all approved. AH made a motion to give this action a negative declaration under SEQR, stating that 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. MET seconded the

motion and all approved. AH made a motion to approve the Site Plan Review and Scenic Preservation Applications as submitted with a Site Plan Review condition that brick be added on the east side of the addition and a Scenic Preservation Application condition that proper erosion control be used during construction of the addition. MET seconded the motion and all approved.

MINUTES –

ADJOURNMENT

MET motioned to adjourn the meeting 9:09 PM. AH seconded the motion and it was unanimously approved.