

**Town of Sand Lake
Planning Board Minutes
August 15, 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: Ralph LaMontagna, Dominick Bates, David King, Jonathan Bernstein, Michael Groff, Mary Ellen Trumbull and Lawrence Howard, Esq.

MEMBER ABSENT:

OTHERS PRESENT: Judith Long, Jill Quell, Chris Sheehan, Mike Sheehan, Paul Kolakowski, Ed Brozowski, Geoffrey Mohos, Russ and Crystal Blair

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

Conceptual Discussion Regarding a Minor Subdivision

Geoffrey Mohos

33 Zack Lane

Averill Park, NY 12018

R – Residential Zoning District

A conceptual discussion regarding a proposed minor subdivision.

Tax Map #169.2-1-47.111

Lot Size: 10.42 acres

Geoffrey Mohos presented before the PB stating he wants to subdivide four acres of land from his parcel which would have road frontage from 2nd Dyke Road. In doing so he asked if his house and his Lot 3 parcel still have access from Zack Lane. He said his prior subdivision in 2002 was approved by the Planning Board (PB) and that approval granted his lot and Lot 3 access from Zack Lane. Ralph LaMontagna (RL) summarized the conceptual discussion held on August 1, 2018 where they discussed whether Zack Lane was considered a Town road and the fact that the lots are seeking access from Zack Lane rather than Gundrum Point. Monica Ryan (MR) stated in doing the proposed subdivision Lot 1A would lose road frontage access to 2nd Dyke Road when Lot 1B is subdivided off the parcel. She said in her opinion, Lot 1B would be deficient in lot frontage by 48’ because 150’ is required and Mr. Mohos would only have 102’ of road frontage. The PB and MR discussed that currently there is a 60’ sewer easement that runs from Lot 1 through Lot 2, but were unsure if the easement can go through to Lot 3 of the original 2002 subdivision.

MR explained to the PB that Mr. Mohos was also asking whether the easement from Lot 1 and over Lot 2 extends all the way to Lot 3. All agreed that the issue with Lot 3 has nothing to do with the proposed subdivision. Everyone discussed that the road on the easement ends at his house now. Lawrence Howard (LH) explained the Town does not control the easement which is controlled by Mr. Mohos and his neighbors and

their private deeds. All agreed that Lot 3 has proper road frontage and it had been previously approved. Dominick Bates (DB) stated the PB does not guarantee that such easement would be paved by the Town.

RL said the insufficient road frontage of Lot 1A created by proposed subdivision would require an area variance approval from the ZBA. RL made a motion to make a Positive Recommendation to the ZBA for the area variance for the insufficient road frontage of 102' vs. the required 150'. Dominick Bates seconded the motion and all approved.

Minor Subdivision Application

E. W. Birch Builders & Construction, Inc.
3975 NY 150
West Sand Lake, NY 12196
AR – Agriculture/Residential Zoning District

Tax Map #158.-1-26.1

Lot Size: 81.3 acres
Lot 1 – 2.04 acres
Lot 2 – 2.24 acres
Lot 3 – 2.37 acres
Remaining Parent Lot – 74.65 acres

A Minor Subdivision Application to subdivide three lots from an 81.3-acre parcel of land.

Ed Brozowski from E. W. Birch Builders presented before the PB. He said they have 81 acres and want to subdivide 3 lots from the parcel on the Rt. 150 side. He said all lots are conforming with setbacks and building lot sizes. He explained once they gain PB approval for the subdivision they will pursue NYS for permits for 3 driveways on Rt. 150 or shared driveways. Mr. Brozowski explained his engineer has met with Rensselaer County Dept. of Health regarding samples/proposals for possible septic systems for each lot. Paul Kolakowski, the engineer, said he met with the County DOH on August 9th about approximate locations of the septic/soil samples. He handed out documents showing approximate locations of wells. He explained that they looked at the soil maps and they were consistent with what they found. There would be no ponding of water and it was well draining materials. He explained that they talked with neighboring properties to determine their well locations. He said perk rates for Lot 3 was 4 minutes, Lot 2 was 9 minutes and Lot 1 was 10 minutes. Conventional trench systems for 4-bedroom houses would be 290' trenches for Lots 1 and 2 and 223' for Lot 3 for the absorption fields.

RL raised a question regarding the number of lots stating they are requesting a 3-lot subdivision, but he sees 5 lots on the survey maps presented. Mr. Brozowski said that all parcels are on one deed and not connected. RL explained there are 3 buildable lots presented, a lot across Rt. 150 and the remainder which looks like a 5-lot subdivision. The PB explained the lot across Rt. 150 is a separate lot. Art Herman (AH) and LH explained they cannot put a Z hook through a floating lot owned by someone else. Dominick Bates (DB) asked what they planned to do with the remaining acres and was there plans for future subdivision of the land and was advised that could happen in the future. DB asked what the difference was between a minor and major subdivision. The PB, LH and Mr. Brozowski continued to discuss how they could reconfigure the survey maps to properly reflect a Z hook for the parcel across the road. A suggestion was made to use some of the land from each or one of the proposed subdivided lots to create a Z hook from the land across Rt. 150 to the remaining parent property. They also discussed the difference between a minor subdivision and a major subdivision. It was acknowledged that a major subdivision could trigger MS4 review. Mr. Brozowski agreed to redo his survey maps to carve off some of the land from one of the 3 proposed lots to allow for a Z hook as suggested by the

PB. He asked if he would be able to have his Public Hearing at the next PB meeting and was told as long as he could have his survey maps revised and ready, a Public Hearing could be set. It was also agreed that MR and the PB would do some research into the difference between a minor and major subdivision and whether there was a certain time limitation under which additional “segmentation” of land (such as 2 years) could be pursued. AH made a motion to set a Public Hearing for September 5, 2018. Mary Ellen Trumbull (MET) seconded the motion and all approved.

Scenic Preservation Application

Jill Quell
2634 NY 43
Averill Park, NY 12018

Tax Map #159.2-3-1.1

Lot Size: .20 acres

A Scenic Preservation Application to extend an existing set of concrete stairs within 8 feet of Glass Lake.

Jill Quell presented before the PB stating she has a steep hill from her yard to the lake and can no longer get to the water. She explained there are stairs there now and she just wishes to extend the stairs further to the water. AH asked how long the stairs/ramp would be and was told about 25’ and the width would be approximately 5’ wide.

With no questions from the PB, AH made a motion to declare the activities proposed under the Scenic Preservation Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board, as Lead Agency. David King (DK) seconded the motion and all approved. AH made a motion to give this application a negative declaration under SEQR. He stated the Town of Sand Lake Planning Board, as Lead Agency, has determined from the information presented and discussion, that the proposed activities would have a non-significant impact 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 made a motion to grant approval to this Scenic Preservation Application, as submitted, subject to the condition that proper precautions will be taken to prevent any discharge of sediment into the lake during or after construction. RL seconded the motion and all approved.

Site Plan Review Application and Sign Placement Application

Michael J. Sheehan
2867 NY 43
Averill Park, NY 12018
HMU – Hamlet Mixed Use Zoning District

Tax Map #148.3-4-5

Lot Size: 13,407 +/- sq. ft.

A Site Plan Review and Sign Placement Application to construct a lab/office building.

Michael and Chris Sheehan presented before the PB. Everyone acknowledged the Sign Placement Application has been put on hold until Mr. Sheehan determines what he plans on doing for a sign. The PB reviewed the Site Plan documents provided. DK asked whether the planned driveway would go in the same place as it currently comes in off of Rt. 43. Mr. Sheehan said it would remain in the same location and may need to be widened a bit and continue around the back of the proposed building. DK

stated that Rensselaer County wanted to know what kind of lab was proposed. Mr. Sheehan said it would be for clinical testing such as tissue-based testing and also environmental testing for water/soils, etc. AH asked how many employees would the lab have and was advised approximately 3 to 5 employees. MET stated the parking is planned in the back of the building but the entrance was in the front of the building. Mr. Sheehan explained that there would be very little public traffic; an occasional auditor. Chris Sheehan pointed out there will be a back entrance into the building as well. MET asked if 1 of the 5 parking spaces would be designated handicapped and was advised yes. RL asked about lighting for the building to which Mr. Sheehan explained probably gable-mounted lighting on 3 or 4 corners of the building which would provide enough lighting to safely walk around the building but nothing that would illuminate the sky. He added possible a motion-detector light as well. MET asked about the exterior of the building and was advised it would be a composite siding, greyish in color. He said the building would be residential in appearance with some stone on the front of the building. He said the hours of operation would be general business hours and confirmed there will be lighting for the parking lot.

MET asked where the sign would be placed. Mr. Sheehan said he hasn't gotten that far, but it would be out front and very small; possibly even just a mailbox. MR reminded the PB that the Sign Placement Application had been put on hold and Mr. Sheehan would have to come back in when he was ready. AH asked if people would be dropping samples off. Mr. Sheehan said he would probably have Fed Ex and UPS come twice per day. He explained there was a place in front of the building where he thought the delivery trucks could pull in and then back down the driveway. That way they would be just driving back out of the driveway onto Rt. 43. AH mentioned there was an existing fence there now. Mr. Sheehan confirmed the fence would be improved and stated the fence along the back of the property belongs to neighbor, Dennis Tremont, and a portion of it was in disrepair.

AH motioned to schedule a Public Hearing for September 5, 2018 and also motioned an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board, as Lead Agency. MR asked that the record show that a 239 Referral was submitted to Rensselaer County and they had asked what kind of lab testing would be done, how many drop offs/pick ups per day.

Major Subdivision Application and Special Use Permit

EJP, Inc.
222-246 Springer Road
West Sand Lake, NY 12196

Tax Map #147.-3-3/147.-3-5.12

Lot Size: 12.6428 +/- acres
Lot 7 – 1.6246 acres
Lot 8 – 3.7546 acres
Lot 9 – 1.2731 acres
Lot 10 – 1.7893 acres
Lot 11 -4.2012 acres

A Major Subdivision Application to subdivide parcel into a five-lot subdivision and related Special Use Permit Application for site preparation excavation.

Ed Patanian presented before the PB stating he had been before the PB about one year ago for the subdivision. The PB and EJP discussed that there was a Public Hearing at that time but no SEQR had been

started. EJP said in the meantime he has obtained his Wetlands Permit and has been working with DEC to get his exemption, but as the letter he provided to the PB from DEC states, he can't move forward until he obtains the Town's approval of the subdivision. He explained that the housing market has improved since last year and he has Lots 1, 2 and 4 from the Phase 1 subdivision under contract and could possibly build one more house there prior to needing the rest of the hill to come down. He said the maps for Phase 1 have been filed with Rensselaer County and the sewers are in. AH confirmed that EJP would be using Lot 5 of Phase 1 for in/out traffic. EJP explained there is no change to his Phase 2 plans from last year other than complying with DEC's request for trees to be planted in the front of the properties and 1,000 +/- trees planted on the hill in back near adjacent properties. He explained that DEC wanted larger potted trees in the front.

EJP stated he recently had some instances of storm drainage and he was immediately on the problem. He stated he was uncertain if the storms could be considered 50 or 100-year events to which DK stated they were certainly heavy-duty rain events. EJP said he had a small problem with his recharge area and had to increase the size of it. He explained the Phase 1 Town road ditch has been a problem as it feeds back into his property because there are no cross culverts which is mentioned in his Engineer's Report which provides pictures of the issue. DK asked if the recent rain event caused water to cross the road and was told yes in one area. EJP showed the PB on the maps where the water crossed the road around Lot 6. He said there is a shallow ditch there now and talked about check dams and basins he created as well as dry wells he has installed. DK asked if a Town Engineer study had been conducted. The PB Clerk and EJP discussed their recollection that the necessary documents had been provided to the Engineer but were unsure of the outcome of the study. MR, EJP and the PB discussed the prior procedures for such Engineer reports, what has been delivered by the Engineer and what is provided to the PB. It was agreed that there may be some confusion of a "design" study vs. a "sewer" inspection study. DK reiterated that he thought the Engineer report had been referred to Hank LaBarba and it was by MR that the PB had provided the Engineer with the needed documents and it was agreed that the Chairman would reach out to Hank LaBarba to determine where the report stands.

Planting seedlings on the property to make the lots "wooded" again was expressed by EJP. He explained potted trees can get expensive fast. RL revisited many of the neighborhood residents' concerns aired at the Public Hearing for this property in 2017. Hours of operation, location of equipment for ingress/egress and general respect for the neighborhood were discussed. EJP explained the staging area would not be long-term and would move through Phase 2 lots as work progresses. EJP asked the PB if they had read his Narrative on Extraction and explained his thoughts on the process. EJP debated whether starting equipment ahead of the hours of operation was allowed. LH confirmed that State Law called for hours of operation of 7:00 AM to 5:00 PM. EJP explained that public relations were a big part of his business and he has tried to keep neighbors such as the Ten Eykes and the Blairs abreast of his plans and said he has provided them with his colored excavation drawings. EJP then walked the PB through the excavation drawings.

DK asked if there would be recharge basins on each lot along the road and EJP said basically yes and there would be natural recharge areas in the back of the lots. AH confirmed that ditches would be created as the excavation was done.

AH said he would contact Hank LaBarba regarding the Engineer Study, research the escrow account for the work and stated a Public Hearing would need to be scheduled at a future date as the last one was over one year ago. LH, MR, EJP and the PB discussed whether SEQR could be started. It was agreed that should not happen until the extraction plan was reviewed further. EJP and RL discussed what EJP should provide to the PB for such further review, such as haul roads, number of loads each day, number of yards, etc.

MINUTES – MET motioned to approve the June 20, 2018 minutes. DK seconded the motion and all approved. MET motioned to approve the July 18, 2018 minutes. DK seconded the motion and all approved.

ADJOURNMENT

AH motioned to adjourn the meeting at 9:17 PM. MG seconded the motion and all approved.