

**Town of Sand Lake  
Planning Board Minutes  
August 5, 2020**

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, Mary Ellen Trumbull, Rick Giolito, William Glasser, Craig Crist, Esq.

**MEMBER ABSENT:** Michael Groff, Jonathan Bernstein

**OTHERS PRESENT:** Scott Morrissey, Eric Dahl, Daniel Holser, Linda Mandel Clemente, Esq., John Hitchcock, Ivo Garcia, Kevin McGrath, Andrew Fraser, Frederick Metzger, Jennifer Howard, Winston and Deborah, Monica Ryan (Town Planner)

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

**Minor Subdivision Application and Public Hearing**

Howard J. and Susan P. Read  
30 Barnes Road  
West Sand Lake, NY 12196

AR – Agricultural/Residential Zoning District

A Minor Subdivision Application to subdivide a 46.81-acre parcel into two lots.

**Tax Map # 157.-3-40.31**

Lot Size: 46.81-acres

Lot 1: 6.37-acres

Lot 2: 40.44-acres

Surveyor Kevin McGrath was present and stated that he was representing Howard and Susan Read. Mr. McGrath summarized the project that had been initially discussed at the Planning Board of July 15, 2020. Monica Ryan explained the Ag Data Statement process that had been done to notify Rensselaer County as well as neighbors who fell into that category, alerting them of the activity within 500' of their active farmland. With no questions from the Planning Board, Ralph LaMontagna (RL) read the published Public Hearing Notice. AH opened the Public Hearing at 7:42pm; seconded by RL and all approved. Winston Hagborg asked if the proposed project would be for one house. Mr. McGrath replied yes. Mr. Hagborg asked if more than one house could be done. AH replied yes; however, the property would first need to be subdivided again. Mr. Hagborg asked if the barn was being sold for which Mr. McGrath replied no as there was a friend who utilized the barn for a tractor and eventually may buy the remainder for agricultural purposes. With no further written or online comments, AH closed the Public Hearing at 7:43pm; seconded by Mary Ellen Trumbull (MET) and all approved. A discussion ensued regarding the layout of the land in relation to being on both sides of Barnes Road. With no further questions, AH classified the Minor Subdivision as an unlisted action under SEQR and declared the Town of Sand Lake Planning Board (PB) as Lead Agency with no other interested or involved agencies; seconded by MET and all approved. AH motioned to give this Minor Subdivision Application a negative declaration under SEQR and the Town of Sand Lake Planning Board, as Lead Agency, determined that based upon information

presented would not present a significant adverse impact on the environment. The motion was seconded by MET and all approved. AH motioned to give the Minor Subdivision Application preliminary and final approval and to waive the final hearing; seconded by MET and all approved. Mr. McGrath stated that a note will be added to the survey maps to indicate 'vacant land not for development'.

**Site Plan Review Application**

Ivo Garcia – Dunkin Donuts  
3696 NY 43  
West Sand Lake, NY 12196

**Tax Map # 146.2-5-36**

Lot Size: 20,255 sq. ft.

HC – Hamlet Commercial Zoning District

A Site Plan Review Application for the development of a new commercial building and other site amenities.

Ivo Garcia and engineer John Hitchcock were present. AH noted that while Area Variances for setbacks and parking had been approved by the Zoning Board of Appeals (ZBA); the variance to allow a drive-thru window stacking lane for 8 vehicles versus the required 10 vehicles was denied which resulted in a revised site plan. Mr. Hitchcock stated that was correct and added that a few parking spaces had been removed and the drive thru-window moved down a spot in order to allow for the stacking of 10 vehicles. He added that those changes then allowed for an increase in the patio area as well as a green buffer area. Ms. Ryan stated that the seating area had been changed to allow for the patio area to which Mr. Hitchcock agreed. Rick Giolito (RG) asked if the patio area would be covered to which Mr. Hitchcock replied no. MET noted that the handicapped parking was right at the end of the drive-thru stacking lane and wondered if it would work when those drivers had to back out of the parking spot. She stated that in Wynantskill, there were many vehicles stacked for the drive-thru. Ivo Garcia explained that due to COVID-19, many of the lobbies had been closed; thus, there had been higher than normal vehicles in the drive-thru. He further explained that with the lobbies reopened; the number of vehicles stacked for the drive-thru had been reduced. AH asked how many vehicles could be stacked at the Wynantskill drive-thru before they were at the road. Mr. Garcia replied five to the speaker with no escape lane which was an issue for that location. MET commented that the revised plan had been done well in regards to the layout and landscaping. RL noted that over all the revised site plan layout had been done in a manner to optimize the parking. RL asked if issues were to arise with the handicapped parking as noted by MET, how would it be remedied. Mr. Garcia replied that with the quick turnaround time for the drive-thru, he did not foresee it as an issue. He added that normally there were three vehicles before the speaker to order. RL asked if the site plan layout had been approved by the Dunkin Donuts (DD) Corporation. Mr. Garcia replied that while the site plan had been sent to the DD Corporation, they normally work with the municipality. RL stated that as with many locations, such as Hannaford and Stewarts, drivers have to watch when backing out of parking spaces. RL added that he did not view any major safety issues and was fine with the final site plan layout. AH motioned to approve the Site Plan Application as presented; seconded by MET and all approved.

**Scenic Preservation Review Application**

Andrew & Suzanne Fraser; Sybil Carven  
188 Methodist Farm Road  
Averill Park, NY 12018  
R – Residential Zoning District

**Tax Map # 170.2-1-9**

Lot Size: 17,860 sq. ft.

A Scenic Preservation Review Application to replace an existing seasonal residential dwelling with a new year-round home within a 100' of Crooked Lake.

Andrew Fraser was present and stated the property had been purchased in 1946 and the current structure, to the best of their knowledge, had been built in 1938. He explained that the structure was beginning to deteriorate with regard to the structural, roof and electrical; thus, the family has decided to remove it and replace it with a year-round home. Mr. Fraser added that they have had a house designed and it is proposed to be 24 feet wide x 36 feet deep with similar contours and a full basement to the existing house which is approximately 18 feet wide by 30 feet deep. The proposed home would be partially in the footprint of the existing house. Mr. Fraser referred to the site picture and stated that the trees marked in green would remain and those with an "X" would be removed. He added that some of the trees marked for removal were due to either the construction of the new home or to allow more sunlight onto the property. Mr. Fraser explained that he had spoken with a contractor regarding the sewer as it would need to be relocated. He stated that a new driveway was also being proposed that would come down from Methodist Farm Road rather than coming across the property from an easement access point. He explained that currently there were four properties that accessed their homes via a common driveway easement. The site plan was reviewed in regards to the existing structure and driveway layout compared to the proposed project. MET referred to the site picture and asked if there was a house behind the current structure. Mr. Fraser replied yes and was 190 Methodist Farm Road which had been rebuilt 5-10 years ago. MET then asked how tall the proposed year-round home would be and would it block that house. Mr. Fraser replied that the proposed home would be 6' taller than what existed. He added that the proposed plan had the back part of the house kicked off to the left to provide that neighbor with an enhanced view. William Glasser (WG) noted that on the plans, the scaling reflected it approximately 40' high on the backside and nearly 50' in the front. Mr. Fraser replied that the current structure had a bottom floor with 7-8' ceiling then the main floor and an attic. A discussion further ensued amongst PB members and the applicant regarding the elevation as the Zoning Code allowed for a maximum elevation of 35' from the foundation. Mr. Fraser referred to an engineer's rendering that he recently received and stated that it reflected a total of 34' in height and then forwarded the information to Ms. Ryan during the meeting so that it could be reviewed online. The engineer's house plans were reviewed for the vertical height and it was determined that it would, at the most, be 36' high on the lakeside and the other side would be 28-30'.

WG then asked if grading would be done for the proposed driveway. Mr. Fraser replied that there was a surveyor who would begin shortly for such items. Ms. Ryan noted that a driveway permit would be needed by the Town Highway Department. RG then asked if the trees marked for removal down by the lake were unhealthy. Mr. Fraser replied no. RG asked how big were the trees. A site picture was reviewed and RG asked if they were being removed for aesthetic reasons. Mr. Fraser replied that some of the trees to be removed was due to being within the footprint of the house. RG stated he was fine with that but wanted to know about the other trees marked for removal. Mr. Fraser replied one of them was approximately a 14' in diameter pine tree and was concerned about its closeness to the existing house coupled with excavation for the new home. RG stated that he would not be in support of removing the trees without a legitimate reason such as being dangerous or damaged. Mr. Fraser replied that they were not interested in changing the aesthetics of the property. RG replied that the proposed removal of three large trees would change the aesthetics for those viewing the property from the lake. Mr. Fraser replied that they were flexible and maybe that was something they don't do as they were trying to maintain the character inside and out. AH commented that the largest tree under discussion seemed to be leaning toward the left versus the house to which Mr. Fraser agreed. MET asked if Michael Wager had viewed the trees to which Mr. Fraser replied no. AH stated that he could see the removal of the two trees that would be in the way of the new home however the other tree seemed far enough away. RL noted that as the proposed home would be set further back, the tree under discussion would become less of a concern. AH noted that no Area Variances for setbacks were needed for the plans as submitted. Mr. Fraser agreed

and added that the information would be confirmed by an engineer within the next week. AH then stated that the new proposed driveway was optional as an easement for the driveway existed to which Mr. Fraser agreed. It was also noted that the proposed driveway would be more than 100' from the lake; thus, outside of the Scenic Preservation review and would be the responsibility of the Town's Highway Department as a permit would be needed. PB members agreed that a site visit was not necessary. AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by MET and all approved. AH motioned to approve this Scenic Preservation Application and proposed dwelling footprint on the Site Plan with the following conditions: 1) only the two trees noted on the Site Plan "existing tree to be removed" shall be removed; 2) before, during and after construction, proper precautions will be taken to prevent any discharge of sediment into the Lake and proper erosion controls will be put in place to prevent future erosion into the Lake. This motion was seconded by MET and all approved.

**Scenic Preservation Review Application**

Morrisey Contracting LLC (Applicant)  
Joseph & Martha Morrisey (Property Owner)  
89 Gundrum Point Road  
Averill Park, NY 12018  
R – Residential Zoning District  
A Site Plan Review Application to replace an existing residential dwelling with a new home.

**Tax Map # 169.2-1-34**

Lot Size: 6,609 sq. ft.

Scott Morrissey of Morrisey Contracting was present to represent the project. He began by referring to a site picture and stated that the existing home was owned by his parents and was purchased in 2014. He added that they had moved their full-time in the past year. He explained that the property had elevation changes which allowed the snow to accumulate making for an unsafe setup and they were looking to remove the structure entirely and rebuild a new home. The new house would be 20' further away from the lake, which would allow for a better view of the lake for the neighbors. He stated this move would also allow for covered garage parking and a level entry off the street. He stated that the proposed home would be approximately 1550 square ft and the existing dwelling was 1,000 square feet. Mr. Morrisey stated that the ZBA approved Area Variances for setbacks of 5'2' on the west side and 7'3" on the east side. AH asked if that meant the house/garage would be shrunk by 2' to which Mr. Morrisey agreed and stated it would be done on the east side. AH then asked if the house plans submitted is what would be built. Mr. Morrisey replied yes, it would be very similar in style and with the loss of the 2' most likely would not include the deck down the side. AH confirmed that there would only be a deck on the lakeside and not on the side for which Mr. Morrisey agreed. AH noted that the new home would take up the whole lot. Mr. Fraser agreed and stated that an impervious surface Area Variance had also been approved by the ZBA. WG asked if the proposed deck on the lakeside would interfere with the neighbor's view of the lake as no deck was shown on the plan. Mr. Morrisey replied that the proposed structure was being set back further; thus, would improve the line of sight for the adjacent neighbors. Site plans were reviewed and Mr. Morrisey stated that currently the house was 43' from lake and the proposed plan was for 60' from the lake. AH noted that the exterior would be cement board siding in an earth tone color. MET asked if any trees were to be removed. Mr. Morrisey replied yes, however, they are 100 feet from the lake. RL asked what the height of the house would be. Mr. Morrisey replied on the Gundrum Point Road/garage side, the ridge would be approximately 20' above ground and on the lake side it would be 30' from the ground to the peak of the roof. With no further questions, AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by RL and all approved. AH motioned to approve this Scenic Preservation Application and proposed dwelling footprint on the Site Plan with the following conditions: 1) before, during and after

construction, proper precautions will be taken to prevent any discharge of sediment into the Lake and proper erosion controls will be put in place to prevent future erosion into the Lake. This motion was seconded by RG and all approved.

**Sign Placement Application**

Stewarts Shop Corp. (Applicant)  
Jiff-E-Mart LLC (Property Owner)  
3034 Route 43  
Averill Park, NY 12018  
HMU – Hamlet Mixed Use Zoning District  
A Sign Placement Application for Gulf signs to be replaced with Mobile.

**Tax Map # 148.3-1-5**

Lot Size: 18,731 sq. ft.

Jennifer Howard was present and stated that she represented the Stewarts Shop Corp. Ms. Howard explained that the Stewarts Shop Corporation had purchased Polsinello Fuel in January 2020 which came with a fuel supply dealership agreement. She added that they supplied approximately 20 or so dealers, Jiff-E-Mart being one of them and all the Gulf locations would be branded as Mobile. Ms. Howard stated that the proposed plan was to stay within the sign frame that existed and just change it to be Mobile with LED lighting. She added that the lower sign contained sandwich/sub information and would be replaced within the same frame with a fresh look and would not be illuminated. Ms. Howard further stated that all the tanks would remain in the ground; however, the Gulf pumps would be replaced to reflect Mobile Synergy and the Gulf stripe replaced with a blue stripe that has a Mobile decal at the end of it. AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by RL and all approved. AH motioned to approve this Sign Placement Application as submitted; seconded by RG and all approved. Ms. Howard asked if a permit was also needed from the Building Department to which Ms. Ryan stated it may be needed for the electrical.

**Minor Subdivision Application**

Daniel Holser  
Huntley Road  
Averill Park, NY 12018  
R – Residential Zoning District  
A Minor Subdivision Application to create a new 2.46-acre lot from a 53.6-acre parcel.

**Tax Map # 159.-1-73**

Lot Size: 53.6-acres

Lot 1: 2.46-acres

Lot 2: 51.14-acres

William Glasser (WG) recused himself due to prior work done on the property. Attorney Linda Mandel Clemente represented and stated that Daniel Holser was also present. The site plan was viewed and Ms. Clemente explained that proposed Lot 1 was the parcel to be subdivided and conveyed to Mr. Holser’s daughter. AH stated it appeared that the creation of Lot 1 would result in a third lot as the “z” hook connecting the section of land across Huntley Road would no longer be connected to the parent lot at Lot 1. Ms. Ryan explained that the “z” hook shown on the map submitted was not on any Rensselaer County tax map or found in existing filings with the Town. The current tax map was reviewed and Ms. Mandel Clemente stated she understood and explained the situation to Mr. Holser. It was agreed that the project would then be considered a three-lot subdivision versus two. Ms. Ryan explained that the map submitted with the application would need be expanded to reflect the new parcels acreage and frontage for the PB Chairman to sign and then be filed with Rensselaer County. Ms. Mandel Clemente agreed. AH asked if the new lot would be hooked up to the public sewer to which Mr. Holser replied yes. Ms. Ryan explained that a Public Hearing was required for the subdivision and new maps would need to be submitted prior to that hearing in order for the application to be considered complete. RL asked how long it would take for the applicant to provide the needed map changes. Ms. Mandel Clemente replied that the surveyor

should be able to have it done and submitted to the Town Planning Office within a week. AH made a motion to schedule the Public Hearing for August 19, 2020; seconded by MET and all approved. Ms. Ryan asked that the surveyor email the revised map so that it can be shown on Zoom at the next PB meeting.

**Minor Subdivision Application**

Eric M. & Mary A. Dahl  
9 Dahl Way  
Averill Park, NY 12018  
R – Residential Zoning District

**Tax Map # 147.1-2-10.121**

Lot Size: 10.77 acres  
Lot 1: 2.01 acres  
Lot 2: 8.76 acres

A Minor Subdivision Application to create a 2-acre lot from a 10.77-acre parcel.

Eric Dahl and surveyor Fred Metzger were present. Mr. Metzger stated that Mr. Dahl proposed to create a 2-acre lot, on which a house existed, from the 10.77-acre parcel. He added that the remaining 8.76-acres would have access via Fisher Road. He explained that a septic system existed on the proposed 2-acre lot which would service the existing house. Mr. Metzger added that the 2-acre lot would continue to utilize the permanent easement via Dahl Way (private drive) out to Route 351. The site plan map was reviewed and Ms. Ryan stated that back in the Fall of 2019, a Boundary Line Adjustment had been done. PB members questioned whether an Area Variance is needed due to insufficient lot frontage. Ms. Ryan replied that the use of Dahl Way was a pre-existing situation due to previous PB approval. Mr. Metzger added Dahl Way had been the legal access for the 10.77-acre parcel. RG stated that the proposed request would result in the proposed 8.76-acres only having access from Fisher Road which had insufficient road frontage. Ms. Ryan added that the PB could determine that the lot configuration needed an Area Variance for the insufficient road frontage and be referred to the ZBA for their review/determination. Mr. Metzger asked for clarification on what was considered non-conforming. Ms. Ryan explained that the proposed Lot 2 access on Fisher Road would not have the required 150' of road frontage width. Mr. Metzger indicated that he had thought it would be a considered a flag lot. PB members discussed that flag lots were not in the Zoning Code and road frontage was taken at the road; thus, it was determined that Michael Wager, Building Inspector would review the proposal and make a final determination on whether a variance was needed. Ms. Ryan stated that if it was determined by Mr. Wager that an Area Variance was needed, the ZBA met the following Thursday, so immediate action would be needed to keep the application moving. Mr. Metzger agreed to appear before the ZBA, if needed or have the ability to set the PB Public Hearing. PB members agreed to conditionally set the Public Hearing should Mr. Wager determine that an Area Variance was not needed. AH motioned to set the Public Hearing for August 19, 2020 conditional on an Area Variance not being needed; seconded by MET and all approved.

**DRAFT RESOLUTION APPROVALS**

Request to Revisit of Resolution for Scenic Preservation Review Application for Andrew Bulmer

AH noted that a request had been received from Andrew Bulmer regarding the approved Resolution on the Scenic Preservation Review Application. He explained that the request was to remove a condition listed on the Resolution as #5 which read: "...the drainage system will be upgraded using sound engineering practices as determined by the Building Department." AH asked PB members their thoughts. He stated he recalled the discussion however had not had a chance to review the recorded meeting. RG stated that the condition was included and that the applicant had agreed to it at the time. PB members agreed to table the request until the next meeting in order allow time to review the recorded meeting.

Minor Subdivision Application for Frederick Nick

AH motioned to waive the full reading of the draft Resolution; seconded by RG and all approved. AH motioned to approve the Resolution in its entirety; seconded by RL and all approved.

Minor Subdivision Application for William Momrow

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved.

AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Scenic Preservation Application for Douglas and Patricia Carroll

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved.

AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Scenic Preservation Application for Richard Keeler

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved.

AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Sign Placement Application for Lawrence A. Corbett

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved.

AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

**ADJOURNMENT** – AH motioned to adjourn the meeting at 9:16 pm; seconded by RG and all approved.