

**Town of Sand Lake
Planning Board Minutes
August 7, 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: Ralph LaMontagna, Mary Ellen Trumbull, Michael Groff, Rick Giolito, Jonathan Bernstein, William Glasser, Craig Crist

MEMBER ABSENT:

OTHERS PRESENT: Ed Patanian, Matthew Rutherford

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

Arthur Herman (AH) welcomed William Glasser (WG) as a member of the Town of Sand Lake Planning Board.

Site Plan Review and Scenic Preservation Application

Thomas Lilly/Kay's Pizza
10 Walsh Lane
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #169.2-1-52

Lot Size: .96 acres

A Site Plan Review Application and Scenic Preservation Application to construct a walkway with railing along shoreline of Burden Lake.

Thomas Lilly presented and stated that while a fence line existed, it was not in good shape. Mr. Lilly then explained that another insurance company has required that the fence be extended the whole length of the property. He then stated rather than extend the fence, the proposed plan is to put in a wooden walkway along the shoreline with a railing and lighting. Mr. Lilly then presented a general drawing which reflected options. AH then asked for clarification of where the walkway/railing would be placed. Mr. Lilly responded that it would be inside of the guiderail and begin at the road where the current fence starts and continue beyond the building for safety purposes. He added that there was no longer a dock as per insurance company requirements. Mr. Lilly then shared a copy of the general drawing and sample pictures on options for the railing and fence. He explained that the type of fence is called "hog" fence with holes smaller than 4" for the safety of children. AH asked if the existing fence was being kept. Mr. Lilly responded no. Rick Giolito (RG) asked the purpose of the boardwalk. Mr. Lilly explained that a grass strip existed however was hard to maintain due to customers walking over it while waiting for a table/seat. RG commented that gravel would serve the same purpose and wondered why go through the expense of using wood. AH asked if it would serve as curbing. Mr. Lilly explained that curbing existed and though the proposed plan is costly, it will be for aesthetics since the

dock had to be removed. He also added that dirt in that location would just wash away; thus, trying to prevent any erosion into the lake. He further added that the deck itself would add support for the railing system as he was unsure of the feasibility to dig holes to support the railing system. RG asked who would be doing the work. Mr. Lilly responded that he and others would be doing the work. Mary Ellen Trumbull (MET) asked if the water would be protected from soil. Mr. Lilly responded yes and stated he hoped that there would not be any displacement of the soil. AH clarified that there would not be digging for piers but rather the boardwalk be placed on blocks for which Mr. Lilly agreed. RG then asked if anyone would be served food/drinks on the proposed area. Mr. Lilly responded no as proposed area would not be wide enough nor did he have the capability to serve additional customers. AH asked about the type of lighting to be installed. Mr. Lilly responded it would similar to the Town's parking lot and shared pictures and stated he was in favor of the gooseneck style. MET asked if the lighting fixtures would go in the ground and how high they would be. Mr. Lilly responded yes and would be between 12 and 15' high, set on 3" poles. He added that the lights would be on a timer and set to turn off between 10:30 and 11:00pm. RG asked if lighting currently existed for which Mr. Lilly replied no. MET replied she was in favor of the added lighting with timer that would turn automatically. Mr. Lilly explained that they would not be flood lights but rather area lights that shine straight down for the walkway and cars. RL asked how far the lights would be spaced. Mr. Lilly refers to a diagram which reflected a total of four light fixtures, evenly spaced. MET asked when the work would be done. Mr. Lilly replied that the insurance company wanted done by 7/25; however, he had received an extension and planned to start asap in the unprotected area first and work their way down. PB members reviewed the diagram. RG asked if the decking would be plastic or wooden. Mr. Lilly responded he was unsure at that point and added that while plastic is more expensive, it lasted longer. RL asked if the plastic decking was to be like "Trex" and Mr. Lilly agreed. AH asked if the color of the decking would be earth tone. Mr. Lilly replied yes. He added that there would be a 6" step and reiterated that he was in favor of the bell lighting. AH asked Craig Crist (CC) if SEQRA motions for the Site Plan Review and Scenic Preservation applications could be done as one. CC replied yes as the determination of the effects should be considered together. AH made the motion to declare the Town of Sand Lake Planning Board as the lead agency and that there is no other interested or involved agencies. Seconded by MET and all in favor. AH motioned to classify this application as a Type 2 action; seconded by MET and all in favor. Mr. Lilly asked what a Type 2 action was. CC explained that the classification of the Type 2 action meant that it has been determined not to have a significant adverse impact on the environment. He then read the SEQR Part 617.5 Type 2 action criteria for which the Chairman would take the position of applicable for this application: construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities. AH motioned to approve these Scenic Preservation and Site Plan Review applications as submitted with no need for a Public Hearing. Seconded by MET and all approved. AH then asked Mr. Lilly if he would be off to obtain the building permit. Mr. Lilly responded that he would be in to see Michael Wager the next day. CC commented that the approval included use of the materials discussed during this meeting for which Mr. Lilly agreed. AH added that the deck was to be built of either wood or Trex in an earth tone color and lighting fixtures be the gooseneck style for which Mr. Lilly agreed.

Minor Subdivision Application

Matthew Rutherford
James P. Furlong (Property Owner)
92 Oak Hill Road
Sand Lake, NY 12153
RR – Rural Residential Zoning District

Tax Map #148.-2-29.1

Lot Size: 68.47 acres
Lot 2A - 56.69 acres
Lot 2B - 11.78 acres

A Minor Subdivision Application to subdivide a 68.47-acre parcel into two lots.

Matthew Rutherford presented and stated that the primary parcel was for sale and that he had approached the owner and asked to buy a part of the land. AH asked if the existing house and other acreage would remain with current owner. Mr. Rutherford replied yes, it would remain separate and was for sale. MET commented that the subdivision meets the 3:1 ratio. PB members reviewed the site plan map. RG asked if a house would be built. Mr. Rutherford replied “yes, eventually”. AH stated that as the property is not being developed at this time, no additional reviews needed in regards to a well or septic. With no further questions, AH made a motion under SEQR to declare this Minor Subdivision Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by Ralph LaMontagna (RL). WG noted that Question 6 was answered as “No” on his copy of the SEQR application which asked: Is the proposed action consistent with the predominant character of the existing built or natural landscape? The original SEQR application was reviewed and AH replied that the answer had already been changed to reflect “Yes”. AH then motioned to hold the Planning Board Public Hearing in two weeks; seconded by MET and all approved.

Sketch Plan Discussion Regarding Westfall Village

Edward Patanian
Averill Avenue
Averill Park, NY 12018
PDD – Planned Development Zoning District

Tax Map #147.2-4-21.1

Lot Size: 19.05 acres

A Sketch Plan discussion for next Westfall Village project.

Mr. Patanian presented on plan to address the gravel parking lot and proposal to relocate the pool, pool house and a pavilion from the back of the property and would utilize the same footprint for the pool house. Mr. Patanian added that he envisioned two future buildings in the back of the proposed pool area, however stated those buildings would not be developed at this time. He explained that he is trying to accommodate for such things as water and sewer in the future. Mr. Patanian stated that when this plan becomes revised, he would add more landscaping, trees and lamp posts. He then pointed out on the site plan map the existing paved lot. Mr. Patanian explained that the proposed buildings would be phased in, as needed. AH commented that the large commercial building has been removed from the plan. Mr. Patanian agreed and mentioned that it was to be an anchor building for a supermarket however that is not likely to happen. He added that other smaller buildings for retail and/or mixed use would be more feasible. MET commented that she had seen timeshare areas with a smaller grocery/convenience store which were of a lesser scale than a supermarket. Mr. Patanian

replied he has seen such prototypes. Mr. Patanian clarified that the parking for the Café and Edward Jones is on the side lot or on the street as the other parking area was rarely used for those businesses. RL stated that this information was a change from the last meeting where overflow parking for the restaurant had been considered. Mr. Patanian replied that the proposed plan had been revised/refined and noted that overflow parking would exist behind the courtyard, if needed. He added that other parking would be built as the project progressed and referred to the original site plan. RL then referred to the site plan map and asked if the island would have parking all around it. Mr. Patanian responded no and stated that the design for that area needed to be defined some more. He referred to the site plan map and indicated where he would like it to be cut-off as it would not be developed at this time. Mr. Patanian added that while a gravel parking lot currently existed in that area, it would be concealed with the landscaping around the courtyard. PB members then viewed copies of a site plan map handed out by Mr. Patanian. RL asked what the function of the pavilion would be. Mr. Patanian replied that it would be a gathering plan for people in the community to use for picnics and/or cookouts. RL then suggested to eliminate some parking around the pavilion as folks may want to recreate on the outside edges of it. Mr. Patanian responded that the parking is meant for those folks using the pool. RG pointed out that the latest site plan picture revealed it reflected gravel. RL reviewed the picture and mentioned that his thoughts are that folks may wish to utilize the area for such things yard games or tossing a football. RG referred to the picture and asked if there was a grassy patch to the right of the area of approximately 60'x40'. Mr. Patanian replied yes and there would be grass, trees and landscaping all around the pavilion. RG and RL wondered if there would be enough green space around the pavilion. Mr. Patanian replied that there was no absence of green space on the site. RG commented that a future site visit may provide a better idea as to the amount of green space. AH stated that as this was only a discussion and a site visit could be done, if needed, when the proposed plans were finalized and submitted. MET asked if the plan was for outside folks outside to use the pool or just the residents. Mr. Patanian replied that the pool would be just for the residents. WG pointed out that there appeared to be a wide driving lane for in the parking area which he felt could be narrowed down as only 24' is needed. Mr. Patanian agreed and stated he would be in favor of reducing paved areas, where feasible. AH noted that there were extensive changes from the original proposed plan. Mr. Patanian asked how so. AH replied that the original plan showed mixed use and commercial and now moving towards more of a housing development. Mr. Patanian replied that in the Code, multi-family is a permitted use and added that the footprints of the proposed building are almost identical to the original site plan. AH stated that those buildings would be turned into apartments and asked if the pool and pavilion would actually happen. Mr. Patanian responded that he is trying to obtain that critical mass to afford the pool and maintain it; thus, the reason for the changes. He explained that while the existing residents have asked for the pool, he had to rethink the location of it. He added that the building by the original location of the pool would be for used storage of things such as lawn equipment as the inside had not been finished yet. Mr. Patanian then stated that additional retail business in the back area has not progressed. He added that having density on the site will assist with other retail along with shifting it towards the front of property. Mr. Patanian stated that as long as the building met code, the use of them could be converted to retail, if needed. MET asked if the ensuing discussion was all a concept plan under the original application. AH replied yes, prior to Mr. Patanian putting a lot of time/money into the finalizing it. AH mentioned that the original site plan map had Averill Avenue opposite from Eastview Road; yet it was not. Mr. Patanian responded that was due to a pole. AH asked if the pole would be moved for which Mr. Patanian responded yes and that he was able to get NYSEG to move a

pole and now awaited the same from Verizon. AH then stated that a completely new site plan map would be needed, when proposed plan is finalized. Mr. Patanian asked to review a prior site plan map. He then shared a picture of what he is trying to accomplish with a change of the facades on each building. RL asked if any calculation had been done for number of parking spots needed for buildings, island, courtyard. Mr. Patanian responded that there are two parking spots per unit not taking into consideration the parking near the pavilion. RL commented that some of the parking could be used to expand the recreation area. Mr. Patanian did not think that was a wise decision based on his experience of residents having as many as three cars. RG asked about behind the pool area being all gravel. Mr. Patanian replied yes as that had been planned for the dental facility. Mr. Patanian then mentioned how the Route 43 corridor adaptive reuse of an existing building, which basically allowed retail/commercial businesses to be placed just about anywhere on it, made it difficult for him to compete with. Mr. Patanian expressed that he was glad to hear the PB members' comments prior to finalizing the plans. AH then asked about parking spaces needed for (regular and handicapped). Mr. Patanian stated that the shared parking concept is a part of this plan and additional parking would be added in the future. He added that the parking spaces for that purpose were all set via on the street and in the lot on the side of building. He then read the engineer's report on the parking spaces and how they were allocated:

The Westfall Village code suggests shared parking in three circulation of parking areas. This plan accomplishes this by design and by use of reciprocal easements filed in the County Clerk's Office. Please note that the parking area shown was to serve Phase 1 (location of restaurant and Edward Jones) and will be expanded in the future for sharing with the other buildings as well as eventually connecting to Westfall Court as another means of ingress/egress. Other on-street parking will be made available by widening Averill Avenue in front of the proposed building. The parking exceeds the project code parking requirements of 1 space for 200 maximum square feet to 1000 minimum square footage.

Mr. Patanian stated the above had been done when the restaurant and eight-unit building behind it had been built. He added that he also followed the above for on-street parking the whole way and utilized granite curbs. RL asked to be refreshed on the number of units in each of the proposed buildings. Mr. Patanian replied each would have 10 units for a total of 30. RL asked if there was a general sense of where the lighting would be placed for the island/courtyard area. Mr. Patanian stated it would be near the perimeter of landscape where it meets the blacktop. RL asked if that also meant the perimeter of the pool, pool house and pavilion. Mr. Patanian agreed and added it would be in combination with the lighting of the buildings without overdoing it. Mr. Patanian mentioned that the lighting would be spaced in similar proportion as to what had been done for the Café. Mr. Patanian then stated that the sewer/water services are fairly straight forward for the buildings and he is trying to make provisions in case anything needed to be placed in back of that area. He mentioned that for the pool service, he may access it via one of the other buildings. Mr. Patanian mentioned installing a sewer main in that area at this time rather than having to dig it up in the future. AH asked about the movement of the pole. Mr. Patanian replied that the pole remains at this time however there is to be a widening of the area to allow room for a center staging lane onto Route 43 which would then align Averill Avenue with Eastview Road. AH asked PB members if their consensus for the proposed apartments and movement of pool from the back to the front was ok. RL replied that while he had no

issues with the buildings, his concern remained with the courtyard concept and as it is meant to be a recreational area, thus, would be interested in seeing more greenspace. Mr. Patanian replied that he would take up WG's recommendation on narrowing of the drive lane for parking and then utilize it for greenspace. AH asked Mr. Patanian if he had any other questions for which he replied no.

Additional Information

AH and CC reiterated for all that on July 3, 2019 the Planning Board conditionally approved a Boundary Line Adjustment (BLA) for Cusack/Swimm pending approval of an area variance. CC explained that the conditional approval had been utilized due to circumstances that had occurred upon initial filing of the application which had delayed the overall process. CC then stated that on July 18, 2019 the ZBA approved the requested area variance for insufficient 3.05:1 width to depth ratio created as a result of this Boundary Line Adjustment. CC then mentioned that with the ZBA's approval of the Area Variance, he recommended that the PB motion to reapprove the BLA with removal of the condition. AH commented that neither he nor MET were in attendance at the original PB meeting for the BLA. As WG had represented for the BLA and since that time had become a PB member, he recused himself from the vote and could not re-represent the BLA application. RL made a motion to reapprove the Cusack/Swimm BLA with removal of the condition; seconded by RG. Michael Groff (MG) was in favor of the motion and JB abstained as he was uncomfortable with no one present to represent the BLA application. CC stated that as the motion to reapprove only received three of the four needed favorable votes, the motion did not pass which meant that the original BLA approval with condition remained.

MINUTES – RL motioned to approve the June 19, 2019 minutes, as submitted. Seconded by MG and all approved.

ADJOURNMENT – AH motioned to adjourn the meeting at 8:34pm; seconded by MG and all approved.