

**Town of Sand Lake  
Planning Board Minutes  
February 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, Michael Groff, Mary Ellen Trumbull, Jonathan Bernstein, Rick Giolito, William Glasser, Craig Crist

**MEMBER ABSENT:**

**OTHERS PRESENT:** Roland LeBarron, Robin Dzembo, Wayne Mortimer, Ed Brzozowski, John Hitchcock, Monica Ryan

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

**Minor Subdivision Application – Preliminary Plat**

Roland LeBarron (Property Owner)  
640 Taborton Road  
Sand Lake, NY 12153  
RR - Rural/Residential Zoning District

**Tax Map #149.-2-2.1**  
Lot Size: 143.32 acres  
Lot 1: 21.51 acres  
Remainder - 121.81 acres

A Minor Subdivision Application to subdivide a 143.32-acre lot into two lots.

Roland LeBarron and Robin Dzembo stepped forward. Ms. Dzembo presented and stated she was the daughter of Mr. LeBarron. She explained that her father wished to retain 21 acres and donate the remainder of land to the Rensselaer Plateau Alliance (RPA). She further stated that they would not live on it and the only structure that existed was a barn as the house had burned down. Ms. Dzembo stated as she and her father lived two hours away, a representative from the RPA agreed to represent them at the next meeting if allowed by the Planning Board (PB) to do so. RG replied that would be fine as long as it was submitted in writing. AH asked if there were plans to be a build a house. Ms. Dzembo replied no, not within the next decade. AH asked PB members if they had any questions for which there were none. William Glasser (WG) motioned to waive the contours on the lot as not seen as necessary; seconded by AH and all approved. AH then motioned to schedule the Public Hearing for February 19, 2020 at 7:30pm; seconded by Rick Giolito (RG) and all approved.

**Site Plan Review Application**

Ivo Garcia – Dunkin Donuts  
3696 NY 43  
West Sand Lake, NY 12196  
HC – Hamlet Commercial Zoning District

**Tax Map #146.2-5-36**  
Lot Size: .465 +/- acres

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

Engineer John Hitchcock of ABD Engineers represented. Mr. Hitchcock stated that there were some changes since the last meeting. He explained that a response letter was received from DOT which requested a right in/out on Route 150 along with new sidewalk around the building. He mentioned that a response had been sent back to DOT asking to allow for a left turn in from Route 150 to be allowed to alleviate that traffic from having to go onto Route 43 to enter. Mr. Hitchcock stated that they had received a verbal from DOT which indicated they would work with ABD Engineers on the left turn in from Route 43; however no formal response to that effect had been received yet. He then stated that per a request from the Fire Department, the curbing had been altered on Route 150 to allow for ingress/egress for fire and emergency vehicles. RG asked if the area for deliveries and trash removal had been solidified. Mr. Hitchcock referred to the Site Plan map and showed how those vehicles would enter and exit as well as the area parked. WG asked about how Zoning required room for 10 cars and the DD plan only showed 9 cars. Mr. Hitchcock replied that the Area Variance application to the ZBA had been modified to include that. AH then asked Wayne Bonesteel, the Town's Review engineer, to step forward to share his information on the project. Mr. Bonesteel explained that ABD Engineers had responded to the comment letter. He then stated that it was felt that the comments were addressed in relation to the stormwater and that the methodology was consistent with the regulations. He explained that while one-way traffic was being sought, it is being kept as two-way and had no issue as long as it works. He added that the Town may wish to monitor once the business is in operation. He then stated that he had called DOT for clarification on some things, He stated that he had pointed out to DOT that by restricting left turns into DD from Route 150 would push more traffic through the intersection and then onto Route 43 to make the left turn into DD which would result in additional stacking. He stated that DOT agreed with him on that point and work with the Town to come up with a comfortable solution. RL stated that in regards to the one-way versus two-way, he agreed with Mr. Bonesteel in terms of the two-way allowing movement of traffic and added that he has seen it done at other DDs. He also stated that customers navigate such areas all the time such as at Stewarts and Cumberland Farms. AH asked about the turning radius into DD from Route 43 for which Mr. Hitchcock replied that it had been widened. JB stepped up to the Site Plan map and ask that a hypothetical visit be performed in regards to how vehicles will negotiate the ingress/egress. AH asked if the PB members had other questions before setting the final Public Hearing. RL stated that the numbers on water use and capacity was needed. Mr. Hitchcock replied that he ran the numbers based on a worst-case scenario. He stated that the pump can handle 50 gallons per minute: a full laundromat in operation (22 washers) would utilize 27.8 gallons per minute; DD at peak hours would be maxed at 2.4 gallons per minute; thus, it would be well under the pump capacity. AH asked about the well capacity for which Mr. Hitchcock stated they would have that information for the Public Hearing. AH stated that the well capacity would need to be at least 30 gallons per minute for one hour for which Mr. Hitchcock agreed and reiterated that would be worst-case scenario. AH asked PB members if everyone felt that a final Public Hearing was needed for which all agreed. RL stated that a condition on setting the Public Hearing should include the receipt of the well capacity information. JB asked if the Public Hearing should be set as the Area Variance was still pending with the ZBA and if not approved, the DD plans could change. The PB members and Mr. Hitchcock agreed to set the Public Hearing for March 4, 2020 to allow for the ZBA to

make a decision on the Area Variance Application. RL reiterated that hard information on the water would be needed to be able to answer any of the public's questions or concerns. Mr. Hitchcock stated that information would be available before the March 4<sup>th</sup> PB meeting. AH then made a motion under SEQR to seek Lead Agency status for the project; seconded by MET and all approved.

**Major Conservation Subdivision Preliminary Plat Application**

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

**Tax Map #158.-1-26.11**  
Total Acreage: 75.73 acres  
Project Area: 52.78 acres  
Remaining Parent Lot – 22.95acres

A Major Conservation Subdivision Application to create 7 residential lots from a 75.73-acre parcel of land in Phase 2 of the Karl Farm Subdivision.

Michael Groff (MG) recused himself due to his company having been involved in the project. Ed Brzozowski presented and stated he would provide an update on the project. He explained that Fred Howard from Rensselaer County was not in the office; however, was expected to be in the next day to provide his approval regarding the septic system for the seven lots. He further stated that DOT agreed on the approval for the driveway permits however would not sign off on those permits until such time as the PB approved the project. He then mentioned that the SWPSS report had been handed in and stated that Mr. Bonesteel would present to provide his findings on the review of the analysis. Mr. Brzozowski then stated a Boundary Line Adjustment (BLA) would be done in order that the Rensselaer Land Trust (RLT) would be provided access to their landlocked parcel. WG noted on the revised map that there was a new wetland boundary flagged across Lot 7 and asked if it was a DEC wetland for which Mr. Brzozowski agreed and stated it was a 100' buffer. WG replied that the buffer was not shown on the map. WG added that with that once the buffer was added, he did not view Lot 7 as able to exist. Mr. Brzozowski replied that they would be able to get a septic approved on Lot 7 however would need to gain DEC's approval to use a little of that land. WG questioned how a house would be built as it was noted that there was approximately less than 75' from the boundary line to the buffer zone. Mr. Brzozowski explained that when they had spoken with North Country Ecological, they were informed that they could get a building, septic and a driveway on the lot. WG stated that he wished to see the buffer zone added to the map for which Mr. Brzozowski stated that would be done. With no further questions from the PB members, AH asked Wayne Bonesteel to present his findings. Mr. Bonesteel presented and stated that the information provided by the applicant had been reviewed in regards to stormwater design. He stated that a response letter had been sent to Birch Builders dated January 30<sup>th</sup> and then proceeded to read the letter (attached). AH stated that once approvals from DEC and DOT were received, revised maps would be expected to more closely reflect where the houses, septic systems and driveways would be placed. Mr. Bonesteel agreed and added it would provide a clearer understanding for the general soil disturbance and fit on the lots. Mr. Brzozowski stated they agreed with all the recommendations put forth by Mr. Bonesteel and would follow through on them. He then stated that in regards to the 2' contours that would be tough. He added that Lot 4 on Biittig Road was under contract to be purchased by the adjoining neighbor Mr. Mortimer to add to his farm and in the future, it would be donated to the land conservancy; thus Lot 4 would be a non-buildable lot. Mr. Brzozowski then added that if Lot 7 turned out to be unbuildable, that parcel would be added to the

RLT donation. Monica Ryan stated should Lot 4 and Lot 7 go in the direction mentioned, it could be done as BLA Applications, with proper signatures, and then be folded in to the whole project. Mr. Brzozowski explained that the situation for Lot 7 would take up to seven months for information to be received; thus, would leave it as a proposed lot at this time. AH stated that the 2' contours would be needed for the proposed building lots. Mr. Brzozowski then stated the proposed project would be for six lots and not all of them were adjoining lots as some were across the road and others down the road. He explained that adding the 2' contours for all lots would lead to additional costs when not necessarily needed. PB members decided that the 2' contours were needed on the buildable lots for which Mr. Brzozowski agreed. AH then motioned to set the Public Hearing for February 19, 2020; seconded by RL and all approved. AH advised that the final information would be needed prior to the February 19<sup>th</sup> Public Hearing for which Mr. Brzozowski agreed.

**DRAFT RESOLUTION APPROVALS:**

Site Plan Review for David Leckonby

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

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

Site Plan Review for Lawrence Howard

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

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

**MINUTES** – WG motioned to approve the November 6, 2019 minutes as submitted; seconded by AH and all approved.

**ADJOURNMENT** – AH motioned to adjourn the meeting at 8:24 pm; seconded by MG and all approved.