

**Town of Sand Lake
Planning Board Minutes
June 17, 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

MEMBER ABSENT:

OTHERS PRESENT: Craig Crist (Planning Board Counsel), Monica Ryan (Town Planner), Andrew Bulmer, Moira Bulmer, Ed Brzozowski, Nick Conrad, Jeffrey Porubcan, Ernest Popp, Paul Vincent, David Benyo, Chris & Mari Wachtel

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

Scenic Preservation Application

Andrew Bulmer
24 Stone Camp Way
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #170.2-1-4

Lot Size: 1.84 acres

A Scenic Preservation Application to construct a new dwelling on portion of land near water and remove multiple trees within 100' of Crooked Lake.

Andrew and Moira Bulmer were present to represent the project. Mr. Bulmer summarized the project which had been presented at the previous Planning Board (PB) meeting and PB members determined that a site visit would need to be performed. Mr. Bulmer stated that a site visit had been done by PB members. He added that the newly submitted site drawings had been done to scale based on the new survey. Mr. Bulmer stated that per the site visit, it was determined that trees along the water would remain as well as two existing maples trees – he added that the trees marked in green would be retained and the ones marked in blue would be removed. He further stated that dimensions of the parking along with an approximately 30' long flower bed had been added to the site plan. Mr. Bulmer stated that additional trees such as red maple, blue spruce and/or river birch would be added on the side of the flower bed for screening. Mary Ellen Trumbull (MET) asked about the proposed parking/pull-off area to the right front corner. Ms. Bulmer replied it would not be for their parking but more for visitors and/or if a delivery truck needed to turnaround and it would be similar to what the neighbors had. Ms. Bulmer then stated that there would be a detached garage across the road to be utilized as the primary parking. MET then asked what the plans were for the culvert pipe that ran down from the hill and goes between the trees into the lake. Mr. Bulmer replied that he reviewed a few different scenarios for that issue after speaking with a few contractors and added that he would need to bring in an engineer. He further state that those pipes had been installed improperly; thus, were not in the right location and planned on addressing the water issue and correcting the drainage. MET asked what the plan was for addressing the situation. Moira Bulmer replied that they did not have an engineer out to the site yet but planned on doing so to obtain some recommendations to manage the water and alleviate erosion on the property. Mr. Bulmer added that it's possible installation of a

catch basis would be a proper way to resolve it so water could come back up and flow onto the surface area. Ralph LaMontagna (RL) asked if the pipe that existed was installed by the neighbor. Ms. Bulmer replied that RL was correct in that the neighbor installed the pipe on their property. Arthur Herman (AH) asked if some sort of pipe existed previously. Mr. Bulmer replied that in speaking with another neighbor down the road, he had been informed that an old map revealed that there used to be a 4' truss pipe that sat roughly 6" underneath a dirt road. He further explained that there now existed an 8" pipe along with a 6" PVC pipe that the neighbor had installed and all of their gutters run into it. He stated that they planned on correcting it as it absolutely needed to be addressed and done the right way. MET asked if the perception that it would just be filled in, was incorrect at this point. Mr. Bulmer replied absolutely. AH commented that the site visit revealed that the blue dot trees were already rotted down by the roots and the upper areas had damage from birds and squirrels. He added that it appeared that the Bulmers had decided to keep quite a few other trees for now. RL stated he performed a site visit and noted that Michael Wager had also been there looking at those trees and agreed that they were rotted out. RL added that he was fine with the proposed plan including a blind being installed with a maple and blue spruce tree. MET asked if hedging on the far side would be installed. Mr. Bulmer replied that honeysuckle existed there and added that he would like to thicken it up a bit. Mr. Bulmer further stated that by the grinder pump they wished to place a flower bed with some tall grasses and added that a shed existed adjacent to that area. MET then asked if the porch would go forward from the structure on the lakeside. Mr. Bulmer replied yes. MET then asked if it would be closer than 30' for which Mr. Bulmer replied yes and were thinking 10-12' however the exact size had not been decided. He explained that it would end up being approximately 28' from the property line as the waterline was at a downward pitch; thus, totaled about 45' from the water. AH commented that it was noted at the site visit that the stakes of the proposed house were not any further forward than the neighbors who had a deck that stood out about 12'; thus, would be similar to that of their neighbor on the right. Mr. Bulmer replied that they did not wish to encroach on the side views. MET stated that upon her site visit along with Rick Giolito (RG), she did not believe the house was staked out for which RG agreed. RG questioned whether they were to review the proposed structure. Ms. Ryan replied yes, that there had been an Area Variance approved by the Zoning Board of Appeals (ZBA) to allow for the footprint however the PB was to review the whole project under Scenic Preservation in regards to any improvement to the property. Ms. Ryan pointed out that the closest boundary was the same as the previous house which was 10' to the left of the proposed house when looking at the site picture. Ms. Ryan stated she believed the proposed plan shifted the house towards the road, away from the shoreline a bit and closer to the lot line on the other side. Mr. Bulmer replied that was correct and added that it used to sit 17' off the water and the ZBA recommended it be moved back for further green space. Ms. Ryan replied that the footprint of the previous house was significantly closer to the water; however, this proposed structure was closer to the road and wider. RG asked if the lower level would have a walkout and was it considered a basement. Mr. Bulmer replied yes and the upper level would have vaulted ceilings. RG commented that the proposed project seemed to fit in with the neighborhood and AH agreed and added that the house next door was very similar except for the two-door garage being attached. RG asked Mr. Bulmer how many trees he had been given permission to remove originally by Michael Wager. Mr. Bulmer replied it was about 8 trees. RG asked if any of those 8 trees had been on the proposed building site itself. Mr. Bulmer replied yes and added some were tipped over and a couple were rotted. AH added that the stumps revealed rotted spots. RG stated that, if in the future, a similar a number of trees over 6' and alive were proposed to be removed, he preferred the ability to view them prior to them being removed – especially if on the lake. MET agreed. A discussion ensued among PB members and Ms. Ryan regarding future applications and it was agreed that a process would be decided for future applications of that nature. AH commented he was in agreement with the trees to remain along the lakeside coupled with the addition of red maples to be planted. RG stated that he was in agreement that the culvert that ran through had exposed the roots of the trees. RL stated that any lighting should point to the ground versus the neighbors or sky. Craig Crist (CC) then cited Article 7 entitled Scenic Preservation Area Overlay of the Town Zoning Code for the Factors and Standards of review to be considered by the PB. AH motioned to declare the Town of Sand Lake Planning Board as Lead Agency on the project; seconded by William Glasser (WG) and all approved.

AH motioned to classify this Scenic Preservation Application as a Type 2 action under SEQR; seconded by MET and all approved. AH motioned to approve this Scenic Preservation Application as submitted and subject to the following conditions: 1) removal of trees as shown on the site plan application photograph with blue dots; 2) retain existing nine trees as shown in site plan application photograph with green dots; 3) thicken the vegetative screening along the west side perimeter and plant two red maple trees and a flower bed as provided in the site plan application prior to the issuing of a certificate of occupancy; 4) outside lighting shall be full cut off lighting; 5) the drainage system will be upgraded using sound engineering practices as determined by the Building Department; and 6) 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. The motion was seconded by William Glasser and unanimously carried forward. Ms. Ryan asked the PB if the parking area in front of the house was also being approved as presented for which PB members replied yes.

Major Conservation Subdivision Final Plat Application & Public Hearing and

Boundary Line Adjustment

E. W. Birch Builders & Construction, Inc.
3975 NY 150
West Sand Lake, NY 12196

AR – Agriculture/Residential Zoning District

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.

Tax Map #158.-1-26.11

Total Acreage: 75.73 acres

Project Area: 52.78 acres

Remaining Parent Lot – 22.95 acres

Rensselaer Land Trust (Boundary Line Adjustment only)

Barnes Road

West Sand Lake, NY 12196

AR – Agricultural/Residential Zoning District

Tax Map # 158.-1-26.11

Ed Brzozowski of EW Birch Builders and Nick Conrad from the Rensselaer Land Trust were present to represent the project. Ed Brzozowski summarized the project for a major subdivision previously presented to the PB at several meetings. Ms. Ryan clarified that, it would be 7 lots, including the parent parcel, as the lot marked as “7” would turn into a Boundary Line Adjustment (BLA) to merge with the RLT open space. With no questions from PB members, AH opened the Public Hearing at 8:35 pm and RL read the Public Hearing notice. Ms. Ryan informed PB members that no public comments, either written or email, had been received nor was there anyone online who wished to speak. With no public comments, AH closed the Public Hearing at 8:39 pm; seconded by MET and all approved.

The boundary line adjustment that will be done as part of this project was discussed. As a part of the EW Birch Builders Major Conservation Subdivision, the donor parcel, E.W. Birch Builders is donating 41.42 acres to the receiving parcel, Rensselaer Land Trust. The receiving parcel will have a final acreage of 53.33 acres and the donating parcel will have a final parcel size of 22.95 acres.

It was noted and discussed that of that donation, E.W. Birch Builders & Construction has conveyed 29.76 acres to the Rensselaer Land Trust in a permanent conservation which may be applied toward a future phase of Conservation Design Subdivision for the remaining lands (Tax Map# 158.-1-26.11).

AH motioned to declare the Boundary Line Adjustment as a Type 2 Action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency; seconded by MET and all approved. AH motioned to approve the Boundary Line Adjustment Application as submitted; seconded by MET and all approved.

AH motioned to grant final approval of the subdivision plat with the following conditions 1) the signed maps and new deeds for each parcel be recorded with Rensselaer County Clerk within 60 days of the maps being signed by an Authorized Representative of the Town of Sand Lake Planning Board; and , 2) The applicant, E.W. Birch Builders & Construction, has conveyed 29.76 acres to the Rensselaer Land Trust in a permanent conservation which may be applied toward a future phase of Conservation Design Subdivision for the remaining lands (Tax Map# 158.-1-26.11). The motioned was seconded by MET and all approved.

Site Plan Review Application

Jeffrey Porubcan

Tax Map #158.3-5.1

72 Loon Creek Lane

Averill Park, NY 12018

Lot Size: 9.45 acres

R – Residential Zoning District

A Site Plan Application to construct a 32’ x 40’ pole barn on a residential lot.

Jeffrey Porubcan was present to represent the application. He stated his 9.45 acres was located up on a hill away from Burden Lake with a long driveway and a roundabout. He added that there had already been a cleared area which he utilized for storage of cars and that was where he wished to locate the proposed pole barn. He added that only a couple of saplings would be removed. He explained that as the structure would be over 1,000 square foot the project required PB approval. He added that in a review of the area with Ms. Ryan, the site was marked as DEC wetlands. He explained that he had contacted a local DEC staff person who had performed a field visit and viewed the property 100’ around the proposed project location and could not locate any signs of wetlands; thus, DEC provided a letter of determination that no wetlands were nearby. Ms. Ryan added that she had circulated the DEC letters to PB members. AH mentioned that there was some wetland at the bottom behind the house. Mr. Porubcan replied yes there was a small area where water collected as the soil was all clay and rock with nowhere to go. Mr. Porubcan explained that Michael Wager and Tim Lawrence had also visited the site and did not find any issues. RL asked if there would be any outdoor lighting for which Mr. Porubcan replied no. AH motioned to declare the Town of Sand Lake Planning Board as Lead Agency and the project be classified as a Type 2 action under SEQR; seconded by RL and all approved. AH motioned to approve the Site Plan Review Application as submitted; seconded by MET and all approved.

Site Plan Review Application

Ernest W. Popp

Tax Map #157.3-19.131

120 Parker Road

West Sand Lake, NY 12196

Lot Size: 5.05 acres

A/R – Agricultural/Residential Zoning District

A Site Plan Application for the installation of a 48’ self-supported amateur radio tower.

Ernest Popp was present to represent the application. He stated he had been an amateur radio operator for 40 years. Mr. Popp explained that they had moved up to Parker Road approximately 2 years ago and was interested in putting his 48’ self-standing radio tower back up. He stated that he had submitted all needed information to be in compliance with the Section 250-35 of the Town’s Zoning Code for Amateur Radio Towers. AH asked if there would also be a building. Mr. Popp replied no building and added that a barn existed on the premises. AH stated that it seemed that all the regulations had been met. PB members agreed that the application was very thorough. CC stated that it had been noted that the Short Environmental Form had a few blanks and had been reviewed with Ms. Ryan and determined to be complete. Ms. Ryan agreed with CC. AH motioned to declare the Town of Sand Lake Planning Board as Lead Agency and classified the Site Plan Review Application as a Type 2 action under SEQR; seconded by MET and all approved. AH motioned to approve the application as submitted; seconded by RL and all approved.

Special Use Permit Application

Paul Vincent
297 Chamberlin Hill Road
West Sand Lake, NY 12196
AR – Agriculture/Residential Zoning District

Tax Map #168.-4-45

Lot Size: 2 acres

A Special Use Permit to add a 780 square foot accessory dwelling unit onto an existing dwelling.

Paul Vincent was present to represent the project. He stated the proposed plan was to add a two-car garage off the side of the house with an in-law apartment above and breezeway that would connect it to the house. Mr. Vincent stated that the setbacks were met according to the zoning code. Mr. Vincent referred to the site plan picture to explain the project layout. He added that a boiler room had existed in front of the house, closer to the road which had been removed; thus, there would no longer be anything out in front of the house. Ms. Ryan reminded PB members that a BLA had been approved last Fall for additional land for this purpose; however, the tax maps from the County had not yet reflected the change. AH asked if the map submitted, which reflected 20' from the property line, was accurate. Ms. Ryan replied yes. AH asked if the access would be through the left side of the garage. Mr. Vincent replied that there would be a breezeway from the garage that would be attached to the existing structure. He added that entry to the 2nd floor would be via a stairwell off the side of the garage. RL asked if the siding of the accessory dwelling would match or be similar to the primary structure. Mr. Vincent replied yes. RL then asked if lighting would be added to the outside of the garage. Mr. Vincent replied yes and it would either be over the garage doors or next to them as well as a light over the side door and breezeway. RL commented that the lighting should be reflected downward versus the neighbors or sky. RG asked how the garage would be entered. Mr. Vincent replied that the existing driveway would be extended a few feet further in order to connect to the front garage doors. RG asked if a garage already existed for which Mr. Vincent stated that there was a garage door into the basement and the driveway wrapped around to it. With no further questions, AH motioned to schedule the Public Hearing for July 1, 2020 at 7pm; seconded by MET and all approved. AH motioned to declare the Town of Sand Lake Planning Board as Lead Agency and classified the application as a Type 2 action under SEQ; seconded by MET and all approved.

Special Use Permit Application

David Benyo
51 Helen Lane
West Sand Lake, NY 12196
R – Residential Zoning District

Tax Map #147.1-2-44.122

Lot Size: 1.073

A Special Use Permit to add a 759 square foot accessory dwelling unit onto an existing dwelling.

David Benyo was present to represent the project. He stated the proposed plan was to put an addition onto the existing house which would allow for: a space for his mother-in-law, enlargement of the kitchen and some changes to the second story bedrooms and master suite. He also stated that a single car garage would also be added for his mother-in-law. Ms. Ryan clarified that the closest spot to the boundary line would be 21.7'. AH noted that the application indicated an Area Variance request was needed. Ms. Ryan explained that the applicant had submitted the application during the COVID 19 shutdown and the applicant thought it was needed; however, a review revealed otherwise. RG asked where the second garage was to be placed. A site plan pictures were reviewed and Mr. Benyo stated that the proposed garage would be to the right of the existing garage. RL asked if the height of the building would less than 35'. Mr. Benyo replied it would be in line with the current height of the house. With no further questions, AH motioned to schedule the Public Hearing for July 1, 2020 at 7pm; seconded by MET and all approved. AH motioned to declare the Town of Sand Lake Planning Board as Lead Agency and classified the application as a Type 2 action under SEQ; seconded by MET and all approved.

Minor Subdivision Sketch Plan

Chris and Mari Wachtel
215 Methodist Farm Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #170.-1-7.1

Lot Size: 20.95 acres

A Minor Subdivision Sketch Plan to create an additional lot from a 20.95-acre parcel of land.

Chris and Mari Wachtel were present to represent the project. Mr. Wachtel referred to the site pictures and stated the proposed plan was to create a 1½-2-acre lot for their son to build a home next to theirs. Ms. Ryan added for clarification that Mr. Wachtel’s proposed plan did not include the new lot carrying to Methodist Farm Road for road frontage. Mr. Wachtel confirmed explaining that would be hard to do as there was a Niagara Grid ROW in the middle of it and total road frontage was 632’. He added to include the front area would not be relevant to the lot proposed next to their house. MET asked for clarification. AH clarified that all the usable property was across the power line ROW (for which the Wachtels had an easement) including the area proposed for the son. Mr. Wachtel clarified that they had two easements as his sister owned property in the front, toward the road which they use as their driveway. WG asked if that was the only crossing/easement the Wachtels had for National Grid. Mr. Wachtel replied yes and the proposed lot for the son would need three easements: one from National Grid, another from the sister and one from them. MET stated the property was landlocked for which Mr. Wachtel replied yes however created by National Grid when the front of the property was claimed. RL asked about the existing small structure. Mr. Wachtel replied it was a small garage. AH asked PB members if a site visit was needed for which RG and MET replied yes. WG asked for an exact location of the proposed lot. Mr. Wachtel referred to a site picture and WG noted it would be in the middle, south of the small garage. RL stated it seemed the proposed house would be in between the existing garage for the main house; thus, unsure how a lot would be fitted there. A site picture was reviewed and Mr. Wachtel indicated that there was approximately 600’ between the house and garage. RG stated there was no road frontage and asked if an Area Variance would be needed to create the lot. Ms. Ryan replied yes and added that the Wachtels were aware of that and wanted to their idea with the Planning Board first as a sketch plan. RG asked about another 3-acre lot the Wachtels owned. Mr. Wachtel replied it was not as buildable as the proposed lot. WG added that the 3-acre lot had some deep slopes on it for which Mr. Wachtel agreed. RG brought up the concern that if the lot was approved and a house built, had the Wachtels considered how they might feel if the son then decided to sell for whatever reason. Mr. Wachtel replied that they had thought about that as well. He added that eventually both sons would own the property. AH asked that the proposed driveway and house be staked out for the site visit by PB members in order to have a better understanding. Mr. Wachtel agreed to do so. It was clarified that the Zoning Code in this area only required a 1-acre minimum for a house. RG commented that there would then be a possibility of more houses being built in the future. Ms. Ryan replied that while that could be a possibility and the road frontage would drive that scenario unless a proper Town Road was constructed. Mr. Wachtel indicated he did not want a Town Road constructed. AH stated another option would be for 50’ of the property out by Methodist Farm Road be added to the proposed lot which would allow for more road frontage should anything happen in the future with the private road. Ms. Ryan and RG agreed with AH and it was pointed out that an easement from National Grid to the proposed lot could be gained in the future. Mr. Wachtel commented that scenario could be an issue with the bank if an easement was not in place to access the proposed lot. He added a driveway ran up the 3-acre lot would be steep coming in from Methodist Farm Road. Mr. Wachtel asked how much road frontage would be needed. AH replied enough for a driveway and added that it would still not meet the 3:1 depth to width ratio for road frontage. WG agreed that an additional contiguous 50’ on the east side (by the sister’s property) to allow future access to the road, if needed for any reason, would improve the request. PB members agreed to perform a site visit.

DRAFT RESOLUTION APPROVALS

Scenic Preservation for Scott & Heidi Bieg

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 MET and all approved.

ADDITIONAL BUSINESS:

CC noted that the PB had received correspondence from Mr. Bailey's attorney, as well as past discussions with the Planning Department, requesting his matter be further tabled. MET motioned to approve, ratify and confirm Mr. Bailey's request to table his application; seconded by AH and all approved.

MINUTES –

ADJOURNMENT – AH motioned to adjourn the meeting at 9:58 pm; seconded by MET and all approved.