

**Town of Sand Lake
Planning Board Minutes
June 3, 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), Ryan Hodge, Scott Bieg, John Hitchcock, Ivo Garcia Tom Simons, Vicki Simons, Ed Brzozowski, Pat Simon, Karol O’Sullivan, Nancy Perry, Andrew Bulmer, Moira Bulmer

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

Site Plan Review Application

Dunkin Donuts/Ivo Garcia
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.

Ivo Garcia and engineer John Hitchcock of ABD Engineers were present. Mr. Hitchcock presented and summarized the project which had been discussed at prior Planning Board (PB) meetings. Arthur Herman (AH) asked about the color scheme and Mr. Garcia indicated that he dropped off a sample board and hoped the PB would decide which ones to use. AH replied that he liked the color scheme of “Timber Bark” for the siding and “Navajo Beige” for the trim. This selection was reviewed and the PB members and Mr. Garcia agreed. John Hitchcock went over the revised landscaping layout on the site plan and also mentioned that a couple of tables for a seating area were added as requested by the Zoning Board of Appeals (ZBA). Ralph LaMontagna (RL) asked if the signage plans had changed. Mr. Garcia replied that the signage plans had not changed and a Sign Placement Application would be filed by the sign company when the project was at that stage. RL then asked about a maintenance agreement on the landscaping. Mr. Garcia replied yes and his landscaper normally provide a one-year warranty for anything that may die and a weekly service would be done to maintain the whole property. Town Planner Monica Ryan recommended that a condition for replacement of plants/trees be added to the Site Plan approval. AH motioned to accept this as the final Site Plan to be considered for final approval; seconded by Rick Giolito (RG) and all approved.

AH then stated that Part 2 of SEQR needed to be discussed. Craig Crist (CC) reminded all that the PB had previously identified itself as the Lead Agency and classified the project as an Unlisted Action. Ms. Ryan stated that the SEQR Part 2 impacts categories were: no or small impact or moderate/large impact and individually went over each of the questions:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
 - AH responded none/low and all members agreed.
2. Will the proposed action result in a change in the use or intensity of use of land?
 - JB asked if it would be moderate as the land was currently vacant. CC read 6 CRR-NY 617.7 in regards to SEQR Determination of Significance. RL indicated that the environmental review had been done upon the project being proposed; thus, viewed it as low. Ms. Ryan added that the Zoning allowed for uses such as the one proposed. CC then read the instructions for SEQR Part 3 which would apply for questions in Part 2 being answered as moderate/large impact.
 - RL, AH, Mary Ellen Trumbull (MET), Michael Groff (MG) responded low impact.
 - WB, JB, RG responded moderate impact.
 - Ms. Ryan stated the vote was 4-3 in favor of no/low impact; the question would be answered as low.
3. Will the proposed action impair the character or quality of the existing community?
 - MET responded as none/low impact and all members agreed.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
 - MR provided that this question did not apply as such areas were designated by DEC and there are no CEAs in the Town of Sand Lake.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?
 - RG stated that the ingress/egress would be monitored and changed, if needed. RL added that DOT had studied the proposed project site and found not to negatively affect the traffic.
 - MET RG, RL MG, AH responded none/low impact.
 - JB and William Glasser (WG) responded moderate.
 - AH stated that as the vote was 5-2 in favor of low/no impact; the question would be answered as low impact.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?
 - CC asked Mr. Hitchcock and/or Mr. Garcia for comment/input. Mr. Garcia replied that LCD lighting would be used and all savings for energy would be looked into during the actual building design factor. He added there would not be solar panels but that newer stores used less energy than those built 10 years ago.
 - MET responded none/low impact and all members agreed.
7. Will the proposed action impact existing: a. public/private water supplies? b. public /private wastewater treatment utilities?
 - CC asked Mr. Hitchcock and/or Mr. Garcia for comment/input. Mr. Hitchcock replied that the well had been tested and found to have the adequate capacity of water as well as being drinkable.
 - MET responded none/low impact and all members agreed.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?
 - MET responded as none/low impact and all members agreed.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?
 - CC asked Mr. Hitchcock and/or Mr. Garcia for comment/input. Mr. Hitchcock replied that the proposed building would be tied into the local sewer system which had sufficient capacity and added that the wastewater would be low.
 - MET responded as none/low impact and all members agreed.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
 - MET responded as low impact and all agreed.

11. Will the proposed action create a hazard to environmental resources or human health?
 - MET responded as low impact and all agreed.

CC recaptured that all of the Part 2 impacts had been determined to be of no or low impacts. RL then motioned to adopt a negative declaration under SEQR for the project; seconded by MET and all approved. Ms. Ryan then stated that the next step in the PB process would be final action however could not be done until such time as the ZBA made determinations on the Area Variances needed the parking lot location, setbacks and the stacking lane. She added that as the ZBA was scheduled to meet on June 18, the PB's next opportunity for final approval wouldn't be until the July 1 meeting.

Scenic Preservation Application

Andrew Bulmer

24 Stone Camp Way

Averill Park, NY 12018

R – Residential Zoning District

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

Tax Map #170.2-1-4

Lot Size: 1.84 acres

Andrew and Moira Bulmer were present. Mr. Bulmer stated that area variances for three setbacks had been approved by the ZBA back in December related to the proposed project. Mr. Bulmer stated that the proposed project was to build a new single-family home with vaulted ceilings and a walkout basement. He stated that the new home would be 40' wide by 38' deep and consist of: battenboard siding, windows, white trim, wood shakes and locally harvested stone accents with architectural shingles. Mr. Bulmer then stated that they wished to remove 14 trees that were unsafe and posed a threat to people and property as they were very tall and stalking with a poor root structure due to erosion. AH asked how many trees would remain on the property for which Mr. Bulmer replied 14 trees. Mr. Bulmer added that they planned on replacing the removed trees. Moira Bulmer referred to a site photo and explained that the trees to be removed were in a line of erosion that was over 1 foot and they bordered the property. She added that the area would continue to erode until they correct the situation. She added that 3 trees had already toppled over and one had cracked; thus, a matter of time before the others did the same thing due to root base erosion. She stated that they planned to remove those threes and then replace them with ones that were slow growing deeper root base in order that the water would have something to filter through. WG asked if it was the trees on the lake. Ms. Bulmer replied no. Mr. Bulmer added that there were 3 trees up close to the lake and one was on the survey line border. Ms. Bulmer referred to a picture to reflect where the water ran through the tree line and pointed out a toppled tree. RG asked if the water drained down from the property above. Ms. Bulmer replied no, it was from the neighbor's property. RG stated that he had done a site visit and noted that there was a culvert and large typical drain from the property above rather than the neighbor. Ms. Bulmer stated that a person who had done the neighbor's excavation/foundation work indicated that all the drainage from gutters ran into that culvert. She added that they would redirect the water. RG asked if the existing drain had been installed by the Bulmers for which they replied no and agreed it was that way when the property was purchased. Ms. Bulmer stated that they planned to have the Wayne Bonesteel, the MS 4 Coordinator, visit the site to provide guidance on the correct way to do the drainage without contaminating the lake. Mr. Bulmer added they planned to plant red maples, blue spruces and ornamental grasses along with ground cover to filter and slow down the erosion. MET asked how long the property had been owned. Mr. Bulmer replied that they had closed on the property in March of this year. Ms. Bulmer stated that the previous camp had been removed 11 years ago and the property had not been maintained since that time; thus, was overgrown. MET stated that she had also done a site visit and stated that the trees had no longer been marked and noted that some trees had been already removed. Mr. Bulmer replied that Building Inspectors Michael Wager and Tim Lawrence had been to the site and deemed those trees to be unsafe as they were rotted and had insect infestation; thus, approved them to be taken down. MET then asked

if the removed trees were different from the ones identified in the site plan. Mr. Bulmer replied that the white taped were the ones that needed PB approval to be remove and the blue taped trees were the damaged and had issues. MET stated that the tape had been removed and Mr. Bulmer replied yes and added that the taping of the trees had been done early last December. MET then asked if that work was done prior to purchase. Mr. Bulmer replied yes and added that they had been under contract for a while and finalized the closing in March. WG asked if a copy of the new survey had been received which reflected where the proposed dwelling would be placed and asked about the sewer easement. Mr. Bulmer replied that the sewer easement went behind the neighbor's house and on the other side of where they proposed to build. He added that a grinder pump currently existed on the property and spoke with Gary Meisner in regards to moving it a bit. Mr. Bulmer stated that where the proposed dwelling was to be built, there was no sewer easement on it. WG stated that was the reason to view a new survey in relation to the layout of all of it. Mr. Bulmer stated that he had hired Capital District Surveying and he had just resurveyed the property as of June 2 and would look into obtaining a pdf copy to send into the Planning Office. AH asked RG and MET if they thought other PB members should do a site visit prior to a determination being made. MET replied yes as it seemed to be a small lot for a large home if built on the lakeside of Stone Camp. She added that 3 acres on the other side of Stone Camp owned by the Bulmer's seemed to be a more logical place to situate the proposed dwelling. RL added that he would be interested in a formal site visit. WG asked if the parking in front of the house was still planned. Mr. Bulmer replied yes and Ms. Bulmer added that they planned to build a garage on the other side of Stone Camp Way. She further stated that the parking in front of the house would be utilized more for visitors. WG indicated that the site picture was not to scale as the house and front parking would be very close to the Right of Way line. AH asked that stakes be installed to outline the house and parking area prior to the site visit being performed for which the Bulmers agreed. WG then asked if the flood elevation was known for Crooked Lake in relation to where the house would be placed. Mr. Bulmer replied it was 833' and where house was proposed would be 36' to 38' away from flood elevation. WG advised that any part of a building, including a deck, within the flood zone would require flood insurance. Mr. Bulmer replied that they had hope to have the concrete piers above the flood zone, as done by the neighbors who were at approximately the same elevation. He also indicated that they had received an Elevation Certificate from Capital District Surveying. CC asked the Bulmers if they would be revising their application with the new survey and drawing. Ms. Bulmer replied that she would submit the revised drawing asap and asked how long before they could return to the PB. AH replied two weeks which would allow for the site visit to be performed and new documents submitted. AH asked that the trees to be removed be remarked and the layout for house/ parking be staked. PB members who had not been at the site, then scheduled site visits for the following Monday and Mr. Bulmer agreed to meet them there.

Scenic Preservation Application

Tom and Vicki Simons

21 Windmill Way

Sand Lake, NY 12153

RR – Rural Residential Zoning District

Tax Map #149.7-1-10

Lot Size: .47 acres

A Scenic Preservation Application to remove existing dwelling and build a new home on Big Bowman Pond.

Tom and Vickie Simons were present. Mr. Simons presented and stated that they proposed to demolish an existing dwelling and build a new one with an expanded footprint. A site rendering sketch was reviewed and Mr. Simons stated the pink areas represent the expansion areas for the new home which would not be any closer on the left or right of the property lines. MET stated that the site rendering clearly indicates that they would not be moving any closer to property lines within the property itself. Mr. Simons agreed and added they would not be any closer to the lake either. Ms. Ryan stated that no actual renderings of what the house would look like had been submitted yet. Mr. Simons agreed and added that they did not want to hire an architect until they knew what they could build on. Ms. Ryan clarified that the Simons had asked to present their proposed project to the PB to gain a sense of whether it would be feasible before hiring an architect and submission of finalized

plans. RL asked if the new home would be two story or taller than what existed. Mr. Simons replied that the new home would not be taller however would be a two story which was what currently existed. AH noted that there may be one tree that would need to be removed. Mr. Simons replied that there was an older hemlock tree on the lakeside that may need to be removed as the root structure could be comprised during the digging of the foundation. AH asked if house colors had been decided and Mr. Simons indicated that he liked Adirondack siding and would keep it in earth tones. PB members and CC discussed what, if anything, could be done now by the PB. It was decided that the receipt of finalized plans would then allow the PB to do Lead Agency status, SEQR determination and final PB determination at a future meeting. Mr. Simons stated that he was hearing that they were okayed to go forward with the proposed modifications and footprint and return to the PB with architectural renderings based on the modifications discussed. AH stated that basically what would be needed are the floor plans and elevations. Ms. Simons asked if the maximum allowed elevations could be referenced. Ms. Ryan replied that the Zoning Code permitted up to 35' and 2 ½ stories. RL commented that conceptually there were not any issues however specific details would be needed and all PB members agreed. WG recommended speaking with the architect or a surveyor regarding the flood zone elevation as Big Bowman Pond did not have a set elevation. Ms. Simons asked how long after submission of finalized documents could they return to the PB. AH and Ms. Ryan replied within two weeks from time of finalized submission.

Major Conservation Subdivision Final Plat Application

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

Ed Brzowski was present and summarized the project previously presented to the PB at several meeting. Mr. Brzowski stated that since the last meeting the septic systems had been approved by Rensselaer County for Lots 4 through 6. He explained that Lot 7, due to wetlands, would now be conveyed in whole to the Rensselaer Land Trust (RLT) via a lot line adjustment to allow the RLT property to be tied together. Mr. Brzowski also stated that all the SWPP modifications requested by Mr. Bonesteel, the Board's consultant engineer, had been addressed. Ms. Ryan stated that if the application was found to be complete, the next actions would be to schedule the final Public Hearing for the Final Plat and complete SEQR. CC asked PB members if there was anything additional needed to be on the plans. WG asked about the "z" hook for the RLT property and whether it could be done. Ms. Ryan replied that the Assessor Mike McGuire informed her that it was fine. She added that RLT and Mr. Brzowski would just need to sign the Boundary Line Adjustment (BLA) form and it could be processed in one night along with the rest of the Major Subdivision Application. AH motioned to schedule the final Public Hearing for June 17, 2020; seconded by RL and all approved. AH made a motion to give this action a negative declaration under SEQR. He stated that the Town of Sand Lake Planning Board, as Lead Agency, has determined from the information presented and ensuing discussion, the proposed activities will not present a significant adverse effect on the environment; seconded by MET and all approved. WG noted that the C-2 drawing from the SWPPP continued to reflect Lot 7 and asked if it was a concern to the PB. Ms. Ryan advised that the BLA for Lot 7 was decided after the C-2 had been drawn up. Ms. Ryan replied that she would contact Mr. Bonesteel with the question and the SWPPP C-2 drawing could be updated after the fact, if needed.

Site Plan Review Application

Ryan Hodge
25 Mountain View Drive
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #148.-7-37.31

Lot Size: .1.72 acres

A Site Plan Review Application for the construction of a 40' x 40' garage on a residential property.

Ryan Hodge was present and stated that the proposed plan was for a 40' x 40' garage with a wood shop on the second story. The sketch plan submitted was reviewed and WG stated that a better sketch plan of the property was needed as he did not believe the proposed project would fit due to the location of the draining easement. Mr. Hodge replied that the garage would be over 20' from the drainage and there was 10' to the property line from the drainage. WG asked the distance between the house and the garage. Mr. Hodge replied approximately 40'. WG indicated he had done a site visit and was concerned that as the lines were converging on themselves, he did not see where the dimensions added up to the width of the lot. He added that he was concerned that fill would end up in the drainage system. Ms. Ryan stated that Michael Wager had revisited the site based on WG's concerns and remeasured the property. AH asked if stakes had been placed for which Mr. Hodge replied yes and reiterated that he had over 30' to the easement. RL stated that he believed that the site map should be updated to reflect distances to cover the WG's concerns. WG stated that he preferred to see a sketch plan completed by a professional that reflected distances between structures as the lines converged. Mr. Hodge replied that all was staked out. RL stated he agreed with the applicant as well as WG in that the sketch plan should be done with distances and be more accurate. He added that the applicant could return with a sketch plan that reflected distances. Mr. Hodge asked how far did the garage need to be from the house. Ms. Ryan replied 10'. Mr. Hodge then stated he could move the garage to be 10' from the house to allow for more distance to the drainage. WG replied that the application did not meet the requirements for zoning as it did not include a site plan prepared by a professional. At that point, Mr. Hodge left the meeting. Ms. Ryan stated that the applicant had previously made changes to the sketch plan to move it back from the road and be in line with the house in order to alleviate the need for an Area Variance. AH motioned that the Site Plan Review Application was incomplete as it did not follow the guidelines and the whole plan needed to reflect dimensions to the boundary and be to scale; seconded by MET and carried by WG, RL, MG. Jonathan Bernstein (JB) opposed and stated the applicant should be invited back and not subject to ridicule. AH stated that he agreed with JB however the application should be complete. RG opposed however agreed with AH that more specifics dimensions were needed. A discussion ensued amongst Ms. Ryan and PB members on the type of drawing wanted for when Mr. Hodge was invited back. It was decided that Ms. Ryan would reach out to Mr. Hodge to go over the Zoning Code Section 250-90 and its requirements.

Scenic Preservation Application

Scott and Heidi Bieg
39 Loon Creek Lane
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #158.4-2-8.1

Lot Size: 1.03 acres

A Scenic Preservation Application for necessary repairs to, and a 70 square foot addition on, an existing dwelling on Burden Lake.

WG recused himself due to prior survey work done on the property for a previous owner. Scott Bieg was present and stated that the proposed plan was to bump out a corner of the house which was not on the lakeside but on the road side. He explained that he had bought the property back in October and moved in in March knowing that repairs were needed. He added that they then discovered that a roof was needed along with a chimney and repairs to the foundation. He further explained that as part of the house was gabled and the other part flat, part of the fix to the house would be to extend the gable to cover the entire house - site plan pictures were

reviewed. He then pointed out where the 70 square foot addition would be added. AH replied that digging the foundation was the concern for a nearby tree as its roots had already affected the foundation. Mr. Bieg agreed and added that immediately on the opposite side of that tree was the well and the roots had also damaged it; thus, the well had to be redone immediately. He referred to the rotted area of the porch on the site plan picture and stated it could not be repaired but would need to be replaced. AH replied that the whole porch may need to be replaced for which Mr. Bieg agreed. Mr. Bieg closed by stating there would be new siding and energy efficient windows. AH stated that he saw the project as a good plan for the house. CC then cited Section 250-76 of the Zoning Code on the Standards of Review. AH then motioned to declare the Town of Sand Lake Planning Board as Lead Agency; seconded by MET and all approved. AH motioned to declare this Scenic Preservation Application be classified as a Type 2 action under SEQR, seconded by MET and all approved. AH made a motion to approve the Scenic Preservation Application as submitted; seconded by MET and all approved.

DRAFT RESOLUTION APPROVALS

Special Use Permit for Brian Banks

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

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

MINUTES – MET motioned to approve the January 15, 2020 minutes as submitted; seconded by RK and motion carried.

ADJOURNMENT – AH motioned to adjourn the meeting at 10:01 pm; seconded by MET and all approved.