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**Town of Sand Lake
Planning Board Minutes
June 5, 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: Rick Giolito, Dominick Bates, Mary Ellen Trumbull, Jonathan Bernstein, Ralph LaMontagna, Michael Groff, Craig Crist

MEMBER ABSENT:

OTHERS PRESENT: Thomas King, Maureen Straight, Stephen Masse, Bryan Ferris, Johnny Scott

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

Scenic Preservation Application

Thomas and Mary King
81 Gundrum Point Road
Averill Park, NY 12018
R- Residential Zoning District

Tax Map #169.2-1-30

Lot Size: .17 acres

A Scenic Preservation Application to restore existing camp in same footprint within 40' of Burden Lake and removal of three dead trees.

Thomas King presented and stated they had purchased the property back on April 1, 2019 and when the snow melted they realized many repairs needed thus reason for the Scenic Preservation Application. Mr. King stated that their intent is to restore the cabin with the same siding, same porch and same footprint. Mr. King further stated that as the porch was falling down, it had to be torn down in order for the house to be lifted and footers installed. He added that the plan is for a full foundation with no heat. Mr. King added that the structure will be utilized as a 2½ to 3 season camp explaining there will be a kitchen, hot water, and fireplace but no heat in the building as they reside in East Greenbush and have the option to either stay at the camp or return home. Mr. King stated that the intent for the restoration is to fit in with the neighborhood. He added that as it is him and his wife and they have grown children that reside locally, the camp would be a family place for the weekends but not a primary residence. Arthur Herman (AH) asked if the camp was jacked up now for which Mr. King responded yes. Mr. King added that the footings were done and stated that Michael Wager has viewed the property. Mr. King mentioned that he had spoken with neighbors who indicated they were pleased that the camp was being restored. AH clarified that as Mr. King was not moving closer to the lake, this Scenic Preservation Application was submitted for the removal of trees. Mr. King agreed and added that it was four dead trees to be removed versus three listed as listed on the application. AH asked if

the plan was to keep the cabin the same as it is for which Mr. King responded absolutely. Rick Giolito (RG) asked if there was existing electric and if that was how the water is to be heated for which Mr. King responded yes. Mary Ellen Trumbull (MET) asked if the source of the water was from the lake or well for which Mr. King responded there is a well. AH asked if the building permit was already received. Mr. King responded yes indicating it was necessary and added that when Michael Wager viewed the camp, he had commented that had he seen it prior to the purchase, he most likely would have condemned it. AH stated that Planning Board (PB) members had received pictures of the dead trees and Ralph LaMontagna (RL) added that Michael Wager had verified that the trees were dead. With no other questions, AH made a motion to declare this Site Plan Review as a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by RG and all approved. Mr. King then asked for clarification on what a Type 2 declaration meant. Craig Crist (CC) explained that a Type 2 meant no further analysis would be needed as the proposed activities would not present a significant adverse effect on the environment. AH made a motion to grant approval to this Scenic Preservation Application as submitted with the addition of one dead tree, for a total of 4 trees, to be removed. Seconded by MET and all approved.

Site Plan Review Application – Conceptual Discussion

Ivo Garcia (Franchisee)

Scott Schreiner (Property Owner)

3696 NY 43

West Sand Lake, NY 12196

HC – Hamlet Commercial Zoning District

Tax Map #146.2-5-36

Lot Size: .465 +/- acres

A conceptual discussion regarding a Site Plan Review Application for a new business.

MET opened the presentation with a question regarding a missing required signature on the application that was submitted and asked CC for input as to whether the PB should proceed. CC responded that proceeding would be at the pleasure of the PB and added that the first question should be why the application had not been fully signed. Johnny Scott of ABD Engineers presented and stated he was representing Ivo Garcia. Mr. Scott responded that he did not have an answer for the question on signature as he was unable to reach Mr. Garcia during the day for clarification. A discussion ensued amongst PB members and Mr. Scott regarding ownership. AH mentioned that it was a conceptual discussion for which CC agreed and stated nothing discussed would be binding. RG commented that as it was unknown if the applicant had an agreement to place a building on the property and the conceptual discussion could be time consuming for a plan that may not come to fruition. Dominick Bates (DB) commented that the discussion should continue so any changes could be brought forth for the engineers to consider prior to submission of a final plan. RL added that anyone wishing to buy property for a venture would like to have a general feel for how it would or would not be accepted; thus, there would not be any harm to discuss as not binding. PB members then agreed to continue the conceptual discussion. Mr. Scott then stated that Mr. Garcia is proposing a 2200 square foot Dunkin Donuts (DD) building at the corner of Route 150 and NY 43. Mr. Scott then referred to the site plan map and explained the layout and stated the site currently has four curb cutouts and the plan is to close up two of them and add new curbing and sidewalk at the corner. He also stated that modifications would be done to the remaining two curb cutouts to meet DOT regulations and mentioned the proposed tree line along the northwest edge of the property to help shield the existing

residents. Mr. Scott also stated the decorative lighting would be installed for the existing and proposed sidewalk area along NY 43 and Route 150. Mr. Scott then spoke of the 13 proposed parking spaces and the drive-thru which would be able to stack 7 vehicles. Mr. Scott pointed out 13.2 parking spaces are required by Code; thus, if the dumpster/delivery area was utilized, it would make a total of 14 parking spaces. Mr. Scott then stated that two monument signs are proposed; one on NY 43 and one on Route 150. Mr. Scott mention that the building would be parallel to Route 150 as that would be the best angle to gain the needed stacking for the drive-thru. AH stated a concern would be on NY 43 and whether there would be enough room should a turn-off lane ever be installed. Mr. Scott responded that he had reviewed old maps and it appeared that land has previously been taken for a possible roundabout in that area. MET asked why the proposed building was angled when all other building in the area are squared to the highway. Mr. Scott replied that the proposed building was designed to be parallel to Route 150 to allow for the proper amount of stacking for the drive-thru. He added that it had been found that customers want in and out asap; thus the more stacking, the better and was also key for DD. AH asked if it was known what the average stacking was for DD. Mr. Scott replied he was unsure however spoke of a count that had been done for the DD located by HVCC and at peak hours had seven cars stacked at a time. RL asked if the proposed drive-thru set up would be unique to this setting or if it was a standard. Mr. Scott replied that he did not believe the set up to be unique and while it would be better in the back, Town codes do not allow it. He then explained, using the site plan map, that the proposed layout allows for traffic to flow in and around from Route 150 and would consist of a "one-way" in and with a "do not enter" sign from NY 43. Jonathan Bernstein (JB) then asked Mr. Scott to walk him through, using the site plan map, on how he would get a cup of coffee utilizing the drive-thru. Mr. Scott pointed out that he would enter from Route 150 and drive around the front of the building over to the drive-thru window. He then pointed out if entering from NY 43, customer would drive into drive-thru lane and then come back around building if needed to exit onto NY 43. DB mentioned that between 7-8 am; exiting back onto Route 43 would be difficult due to the heavy morning traffic. Discussions then ensued regarding the traffic peak hours which could result in folks sometimes having to wait through 2-3 red lights in order to make a turn. Mr. Scott responded that could be the reason for consideration of the roundabout. MET mentioned that as NY 43 is a single lane, her concern would be the congestion factor when trying to access the drive-as thru from that road. Mr. Scott responded that there would be quite a bit of room between the seven stacking spaces and the parking lot. RL commented that for him, DD would be one of those impulse business for folks, such as Stewarts, where they either drive by it or drive in and if too busy or full, leave versus hanging around. RL stated that he viewed this business as a positive and may alleviate the traffic on the road if folks were to pull into DD. He further stated that such businesses are not out to create problems or lose money; thus, while no major issues were foreseen, the traffic pattern should be reviewed. RL then mentioned that this business would be an opportunity to revitalize that part of town. RG agreed that businesses need to be brought in and supported. RG then had a question on the traffic issue and asked if a problem arose, did Mr. Scott think the owner would be against putting a right turn only on the exit off of Route 150. Mr. Scott replied he didn't see why not. RG followed up by stating the biggest issue could be those folks who would try to make a left onto Route 150 or NY 43. He then commented on the curve at the bottom of site plan map stating that it would be a very sharp turn to make a right and asked why it was done that way. Mr. Scott replied it was done in that manner to pull the drive-thru away from NY 43 however that could be opened up. RG replied that while not an expert in this field, the town in general has a lot of big trucks and trying to make the right turn as proposed could cause

issues. JB agreed and added that it is a dangerous corner due to heavy traffic which includes school buses as well as big trucks that are loaded with material and unable to make a quick stop. Mr. Scott asked if it would be better if traffic onto NY 43 was required to make a right turn. JB replied it would be better while coming onto Route 150, the traffic be required to make a right turn. AH then stated that requirement could be during certain hours to which JB agreed. RG commented that it should not create a situation where folks would look to make a U-turn down the road. RL stated that the traffic should be looked into and also asked that folks remember that the site was previously a mobile station and had a coffee shop which was utilized all the time. RG stated that while he understood, he wanted to know if the owner would be amendable to putting up signs which could reflect certain times which would help to mitigate the traffic issue. Mr. Scott replied that he could run that proposal by the owner. MET stated that reworking of the traffic pattern is a good idea along with limited hours for exit direction. She said that could help address the congestion issue during certain hours. She further stated that a business located in that area would be great as zoning codes are in place for such things as signage and lighting. MET added that as long as the owner was willing to work with the Town, she would be in favor of welcoming a new business, however she does not want to create a traffic nightmare. RL agreed and stated that before demands are placed, a traffic study should be completed for more specific information to which AH stated the same and added he did not think this business would add to the traffic. JB commented that a traffic study done in September/October, when school is in session, would result in a better reflection of traffic rather than in July/August to which PB members agreed. MET then stated that as the site was previously a gas station, she asked about environmental concerns such as water. AH specifically asked where the water supply was to come from as it was his understanding that there was no drilling allowed on that site. Mr. Scott replied that there is to be a property easement between the two buildings to provide water from an existing well. AH asked if that existing well was the one providing water to the laundromat to which Mr. Scott agreed and added that the easement is proposed. AH then asked if the water would be shared from one well. Mr. Scott replied that he was unsure as this topic had been discussed previous to him being on board for this project. RG stated that it was in the Town's notes that the proposed plan was to share water with the laundromat next door; however unsure what that meant and if there would be enough water. MET stated that while the issues raised were not the Town's responsibility to figure out, it would be for Mr. Scott and Mr. Garcia to seriously consider and upon future return to the PB, answers should be available to such questions. RG agreed and stated it would be in best interest of the business to check the water supply capacity. RL commented that DD would be a creative solution for the site as it had always been a challenge with the water due to having been a gas station previously. DB agreed and mentioned that he believed the site also had soil contamination and unsure if that had been resolved to which RL agreed. Mr. Scott replied that these are things that they will need to look into before going forward however first needed to know if the PB would be on board with the proposal. CC clarified that the PB being on board was part of the conceptual use to discuss potential issues and while there could be more; these issues were at the forefront. RG added that what Mr. Scott was hearing is that the PB was in favor of this proposal, with a few issues that would need to be resolved to get it right for the business owner as well as the residents of the Town. AH mentioned it was issues such as the traffic and water that will need to be reviewed. AH then advised Mr. Scott that there would be a Public Hearing in which the neighbors would be able to respond. RL then asked about the color scheme. Mr. Scott referred to the site plan map and responded that while colors were not indicated, he is familiar with how DD has worked to blend in with neighborhoods. RL replied that blending in is a key request

from residents so that the color scheme fits the Town. Mr. Scott replied that as this was conceptual design, it did not have the in-depth details. RL then asked that some color options be available when ready to return to the PB. RG agreed and pointed out how Rite Aid had gone through the same process and built a very subtle building. Mr. Scott stated that was something that could be worked on by the DD architects. RL noted that there was no lighting on the tree line on the back end and stated that lighting and signage are also items that the PB would need to know about. Mr. Scott explained that as this was a conceptual design, lighting was proposed around the road as it complied with the code and a part of rebuilding the front corridor. He added that while there will be trees, they would be kept within the property line so as not to potentially be removed by DOT. JB then asked about the signage to which Mr. Scott referred to the site plan map and pointed out an area on NY 43 and one on Route 150. AH asked the hours of operation to which Mr. Scott replied that he believed some DD are open 24 hours however thought it would be based on peak hours such as 5am to 11pm. MET asked PB members hours of operation for Cumberland Farms to which RG replied 24 hours. A discussion then ensued regarding hours of operation and lighting in the back of the building toward residents. Mr. Scott responded that a shield could be placed in that area of lighting. MET added that a traffic study is a good idea as well as important. AH added that Town engineers would need to be involved at some point on this project in case of an upcoming turn-off lane or roundabout. AH stated that this was a good use of the property to which Michael Groff (MG) agreed. MET asked Mr. Scott if he would be back to which he agreed and added with clearer ownership, plans and answers to questions/issues raised.

Site Plan Review Application

Stephen Masse

3925 NY 43

West Sand Lake, NY 12196

R – Residential Zoning District

A Site Plan Review Application to construct a 30' x 50' x 12' accessory garage.

Tax Map #146.-4-10.12

Lot Size: 1.6 acres

Stephen Masse presented and stated his proposal is to build a garage in the back of his house after removal of an existing shed. RG asked if the structure would be used for trucks. Mr. Masse responded that it would be used to restore a truck and also store a tractor and other equipment. RG referred to a picture and asked if that was to be the garage as it looked quite large. Mr. Masse responded that was just a sample to give an idea and added that his proposed structure would also have a lean-to as indicated on the application, however it would not have a cupola. Mr. Masse added that it would be a metal garage with a concrete pad. AH mentioned that Mr. Masse has previously done a lot of work on the house to which Mr. Masse agreed. MET asked if the structure would be used for a business to which Mr. Masse replied no. AH asked if a driveway would be constructed to the garage. Mr. Masse replied no and added that he would want electric for a small wood working shop in the back half of garage. AH referred to the site picture and asked if the trees would remain. Mr. Masse responded yes as structure would be 15' from the line. RG clarified that the structure would be 30'x50'x12 and Mr. Masse agreed and added that it would also have a 12' lean-to. DB asked for clarification on the layout of the project and the site pictures were reviewed. RL asked if there would be lighting outside the building for which Mr. Masse replied no. RG asked if there would be a slab down for which Mr. Masse answered yes. With no other questions from PB members, AH motioned to give this Site Plan Review

a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by MET. AH stated that there was an optional Public Hearing for this application and indicated he did not feel it was necessary and PB members agreed. RG asked if neighbors were aware of the project. Mr. Masse replied he had spoken with the one direct neighbor who had no issues however had not spoken with the other neighbor as that property consisted of a field. AH then motioned to waive the Public Hearing and approve the application as submitted. Seconded by MG and all approved.

Scenic Preservation Application

Bryan Ferris (Breeze Carpentry Corp.)

Wayne Herron (Property Owner)

2391 NY 43

Averill Park, NY 12018

R – Residential Zoning District

A Scenic Preservation Application for activities related to removing and replacing a garage within 20' to 25' of Crooked Lake.

Tax Map #159.4-3-4

Lot Size: 80' x 80'

Bryan Ferris presented and provided larger copies of the blueprint and survey map which reflected the original plan and the proposed changes. Mr. Ferris then explained that the biggest reason for the proposed garage was the safety for entering/exiting the existing garage due to the steep pitch. He also added that there was not enough parking which resulted in folks having to park across the street, and then walk across Route 43 to access the house. Mr. Ferris stated that as the customers do not want to affect any trees, the project will consist of a cantilever slab thus very little disturbance of the earth. Mr. Ferris added that a well will also be put in however that work would be done by a well driller and not him. AH asked where the well would be placed and site pictures were reviewed. AH then asked how far the current garage was from the road. Mr. Ferris responded that it was approximately 14' and very steep. AH asked if once the current garage was removed, would the well then be drilled. Mr. Ferris agreed and added that he would then begin the hardscaping and construction of new garage. Mr. Ferris further explained that the garage will be 4' further back and the elevation raised approximately 18" so the residents would be able to drive right in. MET asked if the new garage would be any closer to the lake. Mr. Ferris replied that it would be 4' closer however no disturbance of the ground due to cantilevering the slab. RG noted that there was an existing shed between the garage and the lake and asked the size of it. Mr. Ferris replied that it was 6'x6' and located down a steep bank. Site pictures were reviewed and Mr. Ferris explained that the earth would not be disturbed as the existing foundation would be utilized and raised up 2' with cantilevering on the back so as not to dig footers. AH asked if the current foundation was concrete for which Mr. Ferris replied yes. DB asked would be any access between the two slabs on the backside. Mr. Ferris responded no and explained that while existing pavement in that location would be affected during construction, cantilevering the slab would not disturb the earth and large hemlock trees on the property. Discussion then ensued regarding location of the well and site pictures were reviewed; Mr. Ferris indicated that those plans may have changed. AH commented that the slab would be quite large for which Mr. Ferris responded that it was needed due to the cantilevering. Mr. Ferris then explained that the current windows and doors would be saved and the new structure would be the same color and look as existing garage, just located a little further back. He also stated

that there would be new landscaping as well as a guiderail system installed for safety purposes. Mr. Ferris also indicated that the grinder pump is between the two buildings however would not be encroached on. Mr. Ferris pointed out that there is a county easement on the right side for access to the lake which consists of a big drop. He added that the existing garage was right on the property line; thus construction of the new garage would pull it away from that line. RL commented that the proposed project looked like it would be done in a respectable and creative manner with no hazards. PB members reviewed and discussed site plan maps regarding the well and Mr. Ferris explained that as he is not doing that work, he did not have any particulars on it. AH made a motion to declare this Scenic Preservation Application 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 made a motion to grant approval to this Scenic Preservation Application, as submitted, subject to the following conditions: while under 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. Seconded by DB and all approved. Mr. Ferris agreed and stated that he would also advise the other contractors of the conditions. Mr. Ferris then asked if there was any criteria he needed to know about concerning the impediment of the roadway during demolition/construction. AH replied that Mr. Ferris would need to contact the NYS Department Transportation who would advise him on those concerns.

Scenic Preservation Application

Maureen Straight
158 Glass Lake Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #159.2-1-13

Lot Size: .40 acres

A Scenic Preservation Application to remove existing boardwalk, stairs, fire pit and one tree within 25' of Glass Lake, restore natural shoreline and construct a new 15' x 20' deck with pergola.

Maureen Straight presented and stated that the existing terrain on the lake side was extremely uneven. She then referred to the site picture and pointed out how the previous owner had removed rocks and laid them aside. AH asked if the property was recently purchased. Ms. Straight replied she had purchased it last August and spent a few weeks there. She stated that her permanent residence is in Naples, Florida; thus this would be a summer cottage with no heat. Ms. Straight explained that the boardwalk had stairs however they were all pushed up and broken with no foundation/pillars along with the assortment of rocks, all of which made it unsafe and unable to walk on. She then pointed out the dead tree in the middle stating a branch had broken off during the winter and fallen through a storage bin and also mentioned the bush in front of the tree. She further explained that the fire pit was currently 4-7' from the water and her plan is to move it all back approximately 25' to where the dead tree is currently located. She added that the plan is to move the rocks up to the lot line on the right hand side. Ms. Straight stated that she had talked to her neighbors on both sides who seemed pleased about the plan. AH clarified that she was removing the stairs for which Ms. Straight replied yes as they were broken and the plan was to have them replaced properly. AH referred to the pictures and asked where the pergola would be placed. Ms. Straight stated it would be on the deck and 25' back from the lake. Ms. Straight also stated that the property is pie shaped and AH asked how the lake would be accessed. Mr. Straight replied that there would still be 5' open on each side and explained

the layout of the property. RG asked if the location of the existing deck was where the fire pit was currently located. Ms. Straight replied yes however deck only consisted of pavers at this time. RG then asked if the new deck was to be built. Ms. Straight replied yes by Morrissey Construction and would be a different configuration than what existed. AH asked if the deck would be on the ground. Ms. Straight replied that it would be done with pilings after being graded so she would be able to step down onto the deck which will be even with the ground. She added that the rocks in that location will also be removed. MET clarified that the pergola would be on the right side when facing the lake. AH asked if she had spoken to neighbor about the project. Ms. Straight replied that she had spoken with both neighbors. RL asked about the two renditions of the pergola as far as color and asked which one would it be. Ms. Straight replied that it would be an earth tone and the deck would be a Trex. A discussion then ensued regarding current patio versus a deck. RG mentioned that the deck should not be an issue; however needed to focus on the height of the proposed pergola considering the site line of neighbors. Ms. Straight replied that she had done a site line view from the neighbors and did not see it as blocking their view. MET asked if the top of the pergola would be 8-10' high. Ms. Straight replied most likely 8' and did not think as high as 10'. AH asked if the aforementioned tree was dead. Ms. Straight replied that it was and she had an arborist visit last year who confirmed that and advised if moving the rocks, then the roots would be ruined resulting in an unsafe situation. MET asked about the well to be installed. Ms. Straight replied that the well would be going up near the house. AH clarified that the deck would be 15' wide x 20' long for which Ms. Straight agreed and added she did not want to go wider as there was an easement. Ms. Straight clarified that the height of the pergola would be a total of 93" and size would be 10' located off to the side of the deck as to not take up the entire deck. She added that the pergola material would be solid PVC, with ultraviolet ray protection and permanent color throughout. RG commented that the aforementioned tree was dangerous and Ms. Straight agreed indicating it was a maple tree and while it had leaves at the top, part of it is hollow with animals living in it. With no further questions, AH made a motion to declare this Scenic Preservation Application as a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency; seconded by RG and all approved. AH made a motion to grant approval to this Scenic Preservation Application, as submitted, subject to the following conditions: while under 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. Seconded by RL and all approved.

MINUTES –

May 1, 2019 – MET motioned to approve the minutes as presented; seconded by RL and all approved.
May 15, 2019 – RL motioned to approve the minutes as presented; seconded by AH and all approved.

MISCELLANEOUS – AH and MET announced they would not be attending the 6/19 PB meeting due to vacation.

ADJOURNMENT - AH motioned to adjourn the meeting at 8:48PM. MG seconded the motion and all approved.