

**Town of Sand Lake
Planning Board Minutes**

March 15, 2017

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: Nancy Perry, Chairperson, called the meeting to order at 7:30 PM

MEMBERS PRESENT: Arthur Herman, Dominick Bates, Jonathan Bernstein, Michael Groff and Ralph LaMontagna

MEMBER ABSENT: David King and Lawrence Howard, Esq.

OTHERS PRESENT: Scott Ely, Luke Winnicki, Mary Ellen Whitney, John Van Ort, Nicole Lindeman and Monica Ryan

RECORDING CLERK: Karol O'Sullivan, Clerk for the Planning Board and Zoning Board of Appeals

Minor Subdivision Application and Public Hearing

Christine Keeler, Thomas and Gail Sobolewski
730 Taborton Road
Sand Lake, NY 12153
RR-2 and OS Zoning District

Tax Map #149.-2-9

Lot Size: 19 acres

A Minor Subdivision Application to subdivide 19 acres into two lots: Lot #1 - 15.99 acres and Lot # 2 - 3.01 acres.

Scott Ely represented the applicants and told the Planning Board (PB) that the Keelers and Sobolewskis jointly purchased 19 acres of property off Little Bowman Pond. The proposal is to subdivide the property into two parcels: (1) 16 acres will be owned by the Keelers to build a single-family home with attached garage near the Little Bowman Pond area; and (2) the Sobolewskis would own a 3-acre parcel which has three existing cabins on it.

Art Herman (AH) read the Public Hearing notice. Nancy Perry (NP) motioned to open the Public Hearing at 7:34 PM. Dominick Bates seconded the motion and all approved. Nicole Lindeman approached the PB explaining she lived adjacent to the subject property and wanted to understand the process of a subdivision. NP explained that in order to do a subdivision, residents usually start with meeting with the Town Planner to submit a subdivision application, making sure the plans fall within the zoning code and then gets placed on the PB agenda. Zoning code for a subdivision requires a Public Hearing, so it is usually a two-meeting process. At the PB meetings, the PB reviews the application and the survey

maps, listens to comments at Public Hearing, does a quick environmental assessment and once a subdivision is approved, the maps need to be signed by an authorized PB member and then the resident files the maps with the County. Ms. Lindeman asked who protects the pond itself. NP explained that this application is only a subdivision of land. Plans for building on the parcels would be addressed at a later time. AH explained that there are three existing cabins on the one parcel and when the owner of the larger 16-acre parcel plans to build, they will have to gain a building permit. They will have to show septic system and well designs. Any work on the camps or the new home which come within 100 feet of the Pond will have to be revisited by the PB at future meetings under a Scenic Preservation Application. Ms. Lindeman was appreciative of the explanations.

Michael Macoloni asked about when the building plan comes to the PB for review, will there be another Public Hearing on the subject. AH stated yes, if the plan comes within 100 feet of the Pond, but no if the proposed placement of the house is farther than 100 feet from the Pond. There was discussion among the PB and Monica Ryan as to whether a Public Hearing was required for a Scenic Preservation Application. They weighed the public interest shown at the 3/15/17 meeting, but MR confirmed that current zoning code did not require a Public Hearing. NP asked Mr. Macoloni what his concerns were, to which he mentioned tree removal. Ralph LaMontagna (RL) stated the PB has conducted site visits on tree removals in the past. NP offered the PB and/or MR could meet with concerned neighbors or they could be in touch in writing to share their concerns which could then be addressed by the PB. The PB continued to debate when a Public Hearing is required by law. They explained Public Hearings are optional for Site Plan Reviews and required by State Law for Subdivisions. MR added that Scenic Preservation is purely a local regulation and the Code is silent on Public Hearings. Jonathan Bernstein reminded everyone that only the Subdivision Application was being addressed at the meeting and building on the property was not included at this time. There was further discussion between Mr. Macoloni and the PB regarding his concerns about future plans for the parcels and how the neighbors would know what was planned and how it may impact the neighbors of Little Bowman Pond. AH asked if there was a Little Bowman Pond Association and was advised no. AH stated that in the past during the SEQR process, Lake Associations were listed as interested parties. The PB and MR continued to discuss the legal obligations for requiring Public Hearings. MR stated placing a building on property more than 100 feet from the water would not trigger a Scenic Preservation; only a building permit. NP advised Mr. Macoloni that neighbors would not receive letters informing them of building plans, but that all Agendas are posted approximately one week prior to scheduled meetings both on-line and at Town Hall. There continued to be discussion among PB members regarding how such issues were handled by the PB in the past. NP advised Mr. Macoloni that the PB Attorney was not present, but would be asked for a final decision on whether a Public Hearing was allowed. He was also advised that the guidelines used by the PB in making such decisions could be found on the Town website.

With no other questions, NP motioned to close the Public Hearing at 7:50 PM. NP made a motion to declare this subdivision as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. RL seconded the motion and all approved. NP made a motion to give this action a negative declaration under SEQR. She 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. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be

prepared. DB seconded the motion and all approved. NP made a motion to grant approval to this subdivision, as submitted. Michael Groff (MG) seconded the motion and all approved.

Minor Subdivision Application

Luke Winnicki
1068 Chamberlin Hill Road Ext.
West Sand Lake, NY 12196
A-1 Zoning District

Tax Map #168.-4-75

Lot Size: 74.02 acres

A Minor Subdivision Application to subdivide 74.02 acres into two lots: Lot #1 - 3.54 acres and Lot #2 - 70.48 acres.

Luke Winnicki presented before the PB stating he was applying for a minor subdivision because his father's (Thomas Winnicki) last wishes were to separate his brother's parcel with house and garage into a separate parcel from the rest of the farm land. NP motioned to open the Public Hearing at 7:52 PM. With no comments from the public, the Public Hearing was closed at 7:53 PM.

NP stated that Part 1 of SEQR was done at the last PB meeting and the subdivision is straightforward with no other questions to be answered. NP motioned 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. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. RL seconded the motion and all approved. NP made a motion to grant approval to the subdivision, as submitted, subject to the condition that: the signed maps and new deeds for each parcel be recorded with the Rensselaer County Clerk within 60 days of the maps being signed by an Authorized Representative of the Town of Sand Lake Planning Board. DB seconded the motion and all approved.

Special Exception Application – Recommendation to the ZBA

STRIDE, Inc./Mary Ellen Whitney
4482 NY Highway 150
West Sand Lake, NY 12196
C-3/R-1 Zoning District

Tax Map #146.-5-5

Tax Map #147.-5-6.1

Lot Size: 1.51 acres

A Special Exception Application to convert existing warehouse into a recreation/education space for the disabled.

Mary Ellen Whitney (MEW), Executive Director, and John VanOrt (JVO), Architect, for STRIDE presented before the PB. NP explained to STRIDE that the PB would only be making a recommendation to the ZBA as required by Zoning Code and that no decision would be made at the meeting. She then invited them to explain their Application. MEW explained the purchase of the two-building property, stating the current warehouse space was a warehouse zoned for an HVAC business and the front building is being used by STRIDE for office space. She said they wanted to convert the warehouse into space for disabled youth and Wounded Warriors. Part of the space would be a multi-purpose gym space for wellness and adaptive sports fitness such as yoga. The upper section of the warehouse would be used

for meetings. It would be a gathering area/club house, but no one would actually live there. MEW stated that a Site Plan Review Application has also been submitted including their short term and long term plans for the property, as suggested by Mike Wager.

RL said he read their plans for a low-level ropes course and thought it was a great idea. MEW explained that plan was way down the road because they have yet to acquire that property due to some legal issues being worked out. JVO added they fully expect to own the property and that was why they included it in their applications. MEW stated two competition bocci ball courts were planned sooner rather than later. There was discussion between the PB and MR regarding the low-level ropes course and whether STRIDE would be required to come in again for its approval. MR explained that STRIDE would come back in for Site Plan Review and the PB could approve the apparatus conditionally at that time if they were fully satisfied. She offered that STRIDE plans to merge the two properties so it would be a conditional approval until the merge took place. MEW and JVO stated the ropes course was a long-term plan and RL just verified that the ropes course would be professionally certified when completed and was told yes.

RL asked if there would be any signage and was advised yes. The current sign post is lighted on the front of the property. It originally had three signs but now only has the dentist office sign. STRIDE will add a sign under the dentist sign. Back building has an entry way with covered entrance and a sign is planned for there as well. RL and NP advised that the PB will need to approve the signs.

NP asked about attendance numbers. MEW explained afterschool, weeknights and weekends are when programs are held. She said programs are 15 kids in total with parents present, so possibly 25 to 30 people in total with 24 parking spots available.

NP asked the PB for final questions/comments. AH stated it was a good use for the building. RL made a motion for a positive recommendation to the ZBA. MG seconded the motion and all approved.

MINUTES

NP asked if the PB was ready to approve the March 1, 2017 minutes. AH motioned to approve the minutes, MG seconded the motion and all approved.

ADJOURNMENT

NP motioned to adjourn the meeting at 8:03 PM. MG seconded the motion and it was unanimously approved.