

**Town of Sand Lake  
Planning Board Minutes  
March 20, 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, Michael Groff, Mary Ellen Trumbull, Ralph LaMontagna, Arthur Herman, Jonathan Bernstein, Craig Crist

**MEMBER ABSENT:**

**OTHERS PRESENT:** Dan Russell, Mike Cooley, Ed Brzozowski, Monica Ryan, Deaglan Kelly

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

**Sign Placement Application**

Walgreens #17856 (Applicant)

MK-Menlo Property Owner LLC (Property Owner)

**Tax Map #146.4-2-16**

Saxton Sign (Installation)

4357 NY 150

West Sand Lake, NY 12196

Lot Size: 2.28 acres

HC – Hamlet Commercial Zoning District

A Sign Placement Application to replace Rite Aid signage with Walgreens signage.

Terry Meisner, Shop Foreman for Saxton Sign, presented that their company is being hired to perform the sign replacement to reflect Walgreens replacing Rite Aid. Mr. Meisner specifically pointed out that the sign on the side of the building seemed superimposed and a little large so he remeasured and stated it will be smaller than it appears-15'. Mr. Meisner indicated that the job includes removal of the pharmacy and drive-thru signs with that information being added to the main sign which will remain the monument shape. He further stated that the owner has instructed Saxton Sign to also remove the

directional arrow signs although Mr. Meisner was not sure why. Ralph LaMontagna (RL) stated less signage overall and Mr. Meisner agreed. Art Herman (AH) stated that Saxton Sign is basically taking down what currently exists and replacing it. Mr. Meisner agreed stating that the signs would be a little larger due to change of name. Mary Ellen Trumbull (MET) stated that the project is pretty benign.

With no other questions from the Planning Board (PB), AH made a motion to declare this Sign Placement Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by RL and all approved. AH made a motion to give this action a negative declaration under SEQR, stating 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. Seconded by MET and all approved. AH made a motion to grant approval to this Sign Placement Application as submitted. Seconded Dominick Bates (DB) and all approved

**Scenic Preservation Application**

Michael Cooley and Christine Cooley

68 Houston Way

Averill Park, NY 12018

R – Residential Zoning District

**Tax Map #148.3-2-36**

Lot Size: 6.81 acres

A Scenic Preservation Application to create a pathway from proposed building lot to waterfront, removal of necessary trees, creation of picnic area with fire pit and installation of stationary dock and floating off-shore dock.

Registered Professional Engineer Dan Russell presented that the Cooley's purchased the almost 7-acre lot for a one family home to be built in the future. He stated that the Cooley's would like to begin developing the driveway and infrastructure in order to prepare it for the home construction. Additionally, he stated that the Cooley's are looking to include an access way to the water. Dan further explained that a driveway could be put in and the house could be built by going through the simple requirements for building permits and Dept. of Health approval for the septic. However, in order to get to the water, equipment would need to be driven through the area which would start deteriorating the grounds. Mr. Russell further explained that this plan, at the request of the Cooley's, is a means and method to stabilize the grounds from erosion. They will not be clearing a bunch of trees but rather removing stumps. He said there would be use of erosion controls mats that are filled with gravel and soil which looks like the ground yet does not have the runoff problem.

Mr. Russell pointed out that this Scenic Preservation Application also includes a site plan stated he had gone through the latest zoning code and completed all the requirements noted. He further stated that the Cooley's have done a perk test on the property and have some sites selected for the septic, however those sites are uphill from their preferred location for the house. Mr. Russell indicated he met with the engineer who had done the perk tests and once some clearing is done this summer, he will look to see if there is a better location for the septic.

Mr. Russell stated he has also been through the NYS DEC requirements for docking and mooring facilities as well as the identified exceptions, one of which is less than 4,000 square feet of dock space and fewer than five boats and the Cooley's would be within those exceptions.

Mr. Russell explained that this property is on a private road which would continue to be used part of the way to access this property. The access is currently cleared and semi-constructed and would now be completed with gravel all the way to the Cooley's property. Mr. Russell pointed out the site maps noting there are more pull offs than required. Mr. Russell stated he recommended these to the Cooley's for purposes of snow clearing and additional parking, as needed. AH asked if this would be a two-car wide driveway and Mr. Russell agreed. Mr. Russell noted that the access is up and over a hill down to the waterfront and proper drainage would be considered so no soil goes into the water during construction. MET asked what the timeline is for building the house. Mr. Cooley responded that, if all goes well, they are looking to do the driveway and dock this summer and, in the Fall, get the well and septic in. The house will be built in summer of 2020. AH asked if the road continued to which Mr. Cooley responded the road is in good shape and goes halfway to the back of their property and then another 100' or so is unfinished. The site plan map is reviewed for the road and right of way. AH asked who owned the road and if it was an association. Mr. Cooley responded that there are 7 properties with road maintenance and plowing responsibilities being split. Rick Giolito (RG) asked if the pull offs would be on the Cooley's own land to which Mr. Cooley responded they would be. RG then asked about the proposed picnic site and what it would include. Mr. Russell referred to the map to show the proposed picnic area and indicated there be no concrete, instead placing more matting for soil protection. He said when the driveway is done, they will bring in rocks for seating. RG questioned whether picnic areas needed DEC permission to which AH responded that they did not. Mr. Cooley added that they wish to take down as few trees if possible, for which AH commended him. MET asked if Crystal Lake has a Lake Association to which Mr. Cooley responded that they did. MET asked if the Association had any regulations in regards to a floating dock and Mr. Cooley indicated there was nothing in the documents he received and said he has also been in touch with the seller to gain more information. Mr. Russell added that he had spoken with Michael Wager and Monica Ryan who also indicated that there were no additional controls. RG asked if the dock was going to be seasonal and Mr. Cooley responded that most docks don't come out on lake however, he would be pulling it up. Mr. Russell pointed out that currently some docks are in and some are out when driving around the lake. RL then stated that the challenge presented to the PB is approval for a dock without a building permit resulting in accessory structure without a primary structure. Ms. Ryan stated that the dock is being pulled onto the shoreline and would be considered an accessory structure and temporary accessory structures have 180 days. Ms. Ryan also stated that a timeframe could be set for the permit. AH asked the size of the dock and referred to the Scenic Preservation Application which states the floating dock it is to be 15'x15'. RL asked then if the Cooley's could keep it up for six months and then take it down to which Ms. Ryan agreed. RL pointed out that if the application is approved without a condition and if plans for building the house falls through, there could be the issues of a secondary structure with no primary building which could potentially go on forever. DB proposed a conditional approval with an expiration date set for 2020. Ms. Ryan further added that, at a minimum, an application to build would need to be filed by a certain date/time in 2020. MET asked if filing of a building application should be done by end of January 2021 and RL responded that permit should be filed by 2020. MET then asked what the Cooley's plans would be for personal hygiene issues while utilizing the picnic area and lake

because there would be no home. She said it seems the process is being done in reverse order. Mr. Cooley responded that they only live 30 minutes away and would only be using the area this summer with the plan to build a home next year.

As the PB had no other questions, AH made a motion to declare this Scenic Preservation Plan as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by RL and all approved. AH made a motion to give this action a negative declaration under SEQR. He stated 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. Seconded by RG and all approved. RL made a motion to grant approval to this Scenic Preservation Plan Application for the installation of the dock with the condition of an expiration date that the applicant needs to file for a building permit by June 30, 2020. Also, the condition that erosion controls be in place before and during construction until the ground is stabilized. Ms. Ryan pointed out that the trees also needed to be discussed at which point RL withdrew his motion in order that the discussion on trees could ensue. AH asked how large are the trees being removed. Mr. Russell responded that there would be a total of four trees removed that are less than a foot in diameter yet over the 6" code. He further stated that he listed on the application less than 10 trees in case other trees ended up being in the way during construction. With no further questions, RL made a motion to accept the application as presented with the following conditions:

1. Only four trees removed greater than 6" in diameter.
2. A building permit be filed with the Town of Sand Lake by 6/30/20.
3. Proper erosion and filtration applied during construction of road.

Seconded by MET and all approved.

**Conceptual Discussion - Major Subdivision Application**

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

**Tax Map #158.-1-26.1**

Lot Size: 56.5 acres

A conceptual discussion regarding a Major Subdivision Application to subdivide seven lots from a 56.5-acre parcel of land.

Ed Brzowski of Birch Builders presented the conceptual plan of a seven-lot major subdivision for PB ideas and feasibility as the layout of the project is a different one for Birch Builders. Ed indicated that their company tried to incorporate the lots with proper road frontage and provide prospective buyers with over two acres. The conceptual plan incorporates areas of wetlands and/or creeks however they will not be looking to build in those areas. AH asked if that side of 150 is unbuildable and Mr. Brzowski agreed indicating the exception was one lot next to the Blairs. AH referred to the map and asked the width of Lot 5 and whether it was meant for a road in the future. Mr. Brzowski replied that area was left for access so when subdividing the lots there would be access to the piece across the

street. RG asked if Lot 5 was conforming to which Mr. Brzozowski replied that it was as it is 2 acres. MET asked then why the area across the street is being included and RG replied that the long narrow piece is needed in order to conform for needed acreage. Mr. Brzozowski added that the long narrow piece is unbuildable however allows enough room to meet the zoning code. AH asked if there would be further developing. Mr. Brzozowski replied that he did not foresee it as land is unusable use due to wetlands. AH asked if there was no other access to which Mr. Brzozowski replied that would take a tremendous effort to gain DEC approval. MET asked if Lot 5 could be extended to conform? DB noted that an extension of Lot 5 would be onto someone else's property.

Monica Ryan and PB members have a discussion and reviewed the site plan map regarding the Rensselaer Land Trust and natural bog as these properties back into that land which is currently landlocked. She further pointed out that the Rensselaer Land Trust is important to the town; thus, is there a better way to configure as the proposed plan is not conducive. Ms. Ryan asked that if the area is not important to Mr. Brzozowski then can other options be explored. Ms. Ryan also mentioned that there is a tool within the new zoning code that would benefit the community and that tool would be a conservation easement. RG asked if the homeowners are expecting two acre lots to which Mr. Brzozowski replied that is a requirement of the Zoning Code. RG asked if these lots were approved, would Birch Builders leave those three lots alone forever. Mr. Brzozowski indicated that he has had a conversation with the Rensselaer Land Trust folks approximately six months ago to try and figure out some way to provide them with access, however has not heard back from them. Ms. Ryan stated that a member of the Land Trust came to the Town Hall and this was discussed briefly and it was indicated that they remain interested in gaining access, however not sure of the money to purchase it. Ms. Ryan then asked would Birch Builders consider as a conservation piece. Mr. Brzozowski agreed indicating that Lot 7 would work better for this purpose however he has not heard back from the Land Trust's attorney. RL mentioned that the Town would have to look at who would be responsible for maintaining the forever wild property. Ms. Ryan pointed out that if there is a conservation easement there would be deed restrictions on it. PB members reviewed the site plan map and discussed surrounding properties and low land. MET stated that Lots 9, 8, 5 & 4 would need property across the road to meet zoning criteria and asked what side of the road would house be built for Lot 4. Mr. Brzozowski replied that the house would be built on the south side. Ms. Ryan pointed out that having lot frontages cross the street creates havoc when it comes to tracking, enforcing and assessing purposes. Further review and discussion of the site plan map ensued. AH asked if the contours of the lots could be re-shifted to gain two nice lots to which Mr. Brzozowski replied that he thinks it would be the same problem. RL stated that he believed the PB had provided some comments on this conceptual plan for the builder to think about in order to present a more realistic plan considering the typography and ability to meet the 3:1 ratio. AH mentioned that the builder may want to continue with the conservation piece however if not then a different way of configuring the lots would be needed. MET mentioned that she could see Lots 8 & 9 as one lot; Lot 7 as one lot; Lot 10 as one lot and Lots 5 & 6 joined for one lot to avoid the issues. Mr. Brzozowski asked if the lot was over the 450' would a variance be needed to which Art Herman replied that it would. Mr. Brzozowski asked that if the unbuildable lots were deeded over to the land conservancy would the builder receive compensating factors. AH replied that he would, however, the PB was not sure of all of the steps involved to do so. Craig Crist mention that a surveyor's calculation would be critical to ensure requirements would be met. The Site Plan Review map is reviewed by all and discussion ensued regarding other possibilities by joining lots however no

immediate solution was found. Mr. Brzozowski asked if he had to meet with the Zoning Board of Appeals (ZBA) if going in the conservation direction to which Ms. Ryan responded that he would come to the PB with revisions on land trust with deed restrictions and not the ZBA. Craig Crist (CC) mentioned his concern regarding the PB giving such advice. Jonathan Bernstein stated that as this proposal is a conceptual plan for discussion and the comments by the PB will allow the builder to consider and rethink a future direction. Mr. Brzozowski stated that he appreciated the review and ideas for him to consider.

**MINUTES**

February 6, 2019

MET made a motion to approve the minutes as presented; seconded by RG and all approved.

February 20, 2019

MET made a motion to approve the minutes as presented; seconded by AH and all approved.

**ADJOURNMENT**

MET motioned to adjourn the meeting at 8:33 PM. JB seconded the motion and all approved.