

**Town of Sand Lake
Planning Board Minutes**

March 21, 2018

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: Dominick Bates, Ralph LaMontagna, Michael Groff, Jonathan Bernstein, Mary Ellen Trumbull and Lawrence Howard, Esq.

MEMBER ABSENT: David King

OTHERS PRESENT: Matt Baumgartner, Josh Vics, Dennis Tremont, Gary Despart, Andrew Peterson, Steve Hart and Monica Ryan

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

Conceptual Discussion Re: Minor Subdivision

Dennis Tremont
300 Sheer Road
Averill Park, NY 12018
AR – Agricultural/Residential Zoning District

Tax Map #158.-1-11.11

Lot Size: 21.87 acres

A conceptual discussion regarding a proposed two-lot subdivision.

Michael Groff (MG) recused himself from the discussion as he represents Dennis Tremont (DT). DT handed out a Site Location Map to the Planning Board (PB). He said his proposed minor subdivision would be to purchase a five-acre lot. He said the right of way to the lot is already there and his aunt owns the adjacent land. Art Herman (AH) asked how long the driveway was from Sheer and was advised approximately 300 feet. DT explained where the power pole locations were. He said he would obviously need to get the property surveyed. Dominick Bates asked if the driveway extension to the proposed lot would remain his aunt’s property and DT advised she wanted to continue to own it. AH asked how wide the driveway was and DT said 60 feet wide.

The PB looked at the map and stated the property is land locked. AH verified the plan that DT would own the property and provide an easement to the right of way to all homeowners. DT said he would keep the driveway clean. The PB continued to view the map and asked DT to walk them through it. Ralph LaMontagna (RL) said the PB would not want to set a precedent of approving a minor subdivision with a land locked parcel and no road frontage. RL explained that if DT were to own the driveway, the property could be a flag lot. RL asked if DT was planning to build a house and was advised yes. The PB

continued to look at the map showing the existing property lines outlined in yellow. AH explained some historical information found in the PB files regarding prior Town approval of the land. AH stated the land has 60 feet road frontage rather than the required 150 feet which would require an area variance. Jonathan Bernstein (JB) advised DT he would have to obtain an area variance and comply with the law. DT stated he would not want to pay for a survey of the land prior to gaining area variance approval from the ZBA. The PB talked with Monica Ryan (MR) regarding the historical records for the property being discussed. Lawrence Howard (LH) said that flag lots have been approved in the majority of applications in the past.

DB asked if the PB could provide a recommendation to the ZBA for the area variance. AH said he would agree to a flag lot and DT owning the land. AH verified that DT does not currently own the land. AH and the PB assured DT that they would give a positive recommendation to the ZBA stating 60 feet wide is sufficient for a Town road. RL reiterated that DT's original plan could not be approved as it was precedent setting.

The PB, DT and MG discussed that an official survey of the property need not be done at this time and MG offered to create a sketch survey providing all necessary dimensions. LH agreed that was sufficient for the ZBA area variance and once that was approved the survey could be done prior to the minor subdivision. AH suggested DT move forward with the plans as discussed and the PB agreed.

Site Plan Review Application/Scenic Preservation Application

Monolith Solar Associates, LLC/

Dennis Tremont (Property Owner)

2897 NY Rt. 43

Averill Park, NY 12018

HMU - Hamlet Mixed Use Zoning District

A Site Plan Review Application to construct a roof-mounted, large-scale solar collection system on the buildings located at Tremont Ace Hardware.

Tax Map #148.-6-2.12

Lot Size: 5.07 acres

Gary Despart (GD) and Andrew Peterson (AP) presented before the PB for Monolith. AH asked them to explain their application. GD said they wanted to install a 200 KW solar array system on top of the roofs at Tremont's Ace Hardware. He said they have secured a 20-year lease with DT for the installation on the three buildings. GD said all panels would be placed on the back roofs so nothing will be visible from the road. He explained this is a "community solar" operation where homeowners and businesses can benefit from solar energy even if they cannot put the panels on their own property. GD said they have installed 35 million lots of power in NYS so far and this is a great idea for the Town and the residents. AP provided the PB with a binder of pictures of similar installations. He explained the panels are flush mounted with a 4" profile and nothing will be visible from the road. He said fire code requires the panels be placed 18" below the ridge so you will not see the top edge and the glass panels are non-glare.

JB asked where else in Town Monolith has panels and was advised at Eastern Union Turnpike (EUT), the fire house and at dozens of residences. The PB asked if GD and AP were involved in the EUT array and they said they inherited the project from prior Monolith employees. DB stated he did not want to

involve Dennis Tremont in issues the Town has with Monolith over the lack of promised landscaping of the EUT arrays, but Monolith has not fulfilled their obligation on their prior application before the PB. GD and AP explained that they were made aware of the issues earlier in the day and put the new Monolith CEO in touch with our Town Attorney to get the issues rectified. AP said he is the new permitting manager for Monolith and it would be his responsibility to get the EUT landscaping issues resolved. GD explained that the trench was put in last fall and DB advised that the Town had done the trench, not Monolith. RL said that Monolith created the problem by removing trees and incorrectly measuring the placement of the panels. He said the homeowners in that area are upset because the landscaping was not fulfilled. GD assured that landscaping would be done as soon as the snow is gone. Clerk for the Planning Board confirmed that the Town Attorney and the Monolith CEO had a telephone conversation around 5:30 PM prior to the meeting. She said the Town Attorney advised that a meeting would be scheduled to determine the type of trees/size of trees/location of plantings.

GD said that no trees would be removed and nothing would be damaged with the Tremont project. RL pointed out the cemetery behind Tremont's and asked if there would be any visual impact and GD stated there will be no visual impact. RL confirmed that Monolith would be seeking a use variance from the ZBA. He said yes and added they have secured all permits from NYSERDA and National Grid and would seek their building permit from the Town after the ZBA approval of the use variance.

RL asked about life expectancy of the solar panels and was advised 35 to 50 years. GD added that Tremont has a 20-year lease with Monolith and if he chooses not to renew after the 20 years, Monolith removes all equipment from the property. DB asked if the Tremont buildings had corrugated roofs and was told yes. GD pointed out many of the pictures reflected corrugated roofs. AH asked if they had an engineering report and was advised that both Tremont and Monolith have had their engineers review the plans. AH asked how much the panels weigh and was advised 3 lbs. per sq. ft. Monolith said the panels are lagged into the rafters and are hurricane proof. GD offered that this would be a low-impact system and commercial rooftops are the future of solar in NYS.

JB asked if snow compiles on the panels and was told yes, but the snow melts rather quickly and used EUT as an example of panels with snow currently covering the bottoms of the panels. Tree removal and trimming was once again addressed by the PB. RL asked if there would be a major impact on the Monolith project if the PB chose to hold their approval until the ZBA reviewed the Use Variance Application. He said the past EUT experience with Monolith left him feeling that he did not want to rush any decisions due to the trust factor. GD answered that they had 48 employees ready to start the job the following Monday if they were granted PB and ZBA approval. RL said he agreed with solar power but restated that prior assurances from Monolith were not met. GD said he appreciated the PB's concerns and added that he is a 40-year resident of the Town and wants this project to run smoothly. The PB and Monolith discussed the prior issues with EUT. Trust was the issue and LH and the PB discussed conditional approvals, engineer reviews, no location issues with placing the panels on the roof and more. AP said the Certificate of Occupancy (CoO) granted from Mike Wager could be withheld if that gave the PB some comfort. LH and the PB discussed the fact that the Tremont/Monolith project should not be coupled with the problems associated with the EUT/Monolith project. The PB agreed with the idea of holding the CoO for the Tremont project until the EUT landscaping issues are resolved.

AH confirmed the two separate applications for the project and started with the Scenic Preservation Application motioning an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board as Lead Agency. MET seconded the motion and all approved. AH made a motion to give this application a negative declaration under SEQR, stating that the Town of Sand Lake Planning Board, as Lead Agency, has determined from the information presented and discussion, that the proposed activities would have a non-significant impact 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. AH made a motion to grant approval to this Scenic Preservation Application, as submitted, subject to the conditions that the wetlands behind the buildings will be protected. DB seconded the motion and all approved.

AH made a motion to declare this Site Plan Review 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. AH made a motion to give this action a negative declaration under SEQR, stating 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. MG seconded the motion and all approved. AH made a motion to approve the Site Plan Review Application with the condition that the ZBA approves the Use Variance Application and asked Monolith to keep their word. MG seconded the motion and all approved.

Special Use Permit Application/Site Plan Review Application

Matt Baumgartner/June Farms
275 Parker Road

Tax Map #157.-3-3.1 and #157.-3-2.1

West Sand Lake, NY 12196

Lot Size: 101.30 acres

AR – Agricultural/Residential Zoning District

A Special Use Permit/Site Plan Review Application to expand June Farms to include a seasonal, commercial eating and drinking operation and camping facilities.

Matt Baumgartner (MB) and Josh Vics presented before the PB. AH asked MB for a brief explanation of the application. MB said they were requesting the same hours of operation as last season, with a 7-day per week operation. He said the farm tours did not get started last year due to weather and many projects, but they are planned for this season. He said they would be taking reservations from large groups/schools and would offer tours at 5:00 and 7:00 PM each day for groups (maximum of 20 people per tour). He said he would like to continue lodging on the site with one cabin currently being rented and his cabin on the hill would be rented as an Air BnB. MB explained he currently has three tents down in the woods “Timbertown” that will be rented. He said he was currently constructing a new 14’ x 24’ barn which consists of three restrooms in half of the barn and the other half to be used as a dairy processing center in the back. He explained the portable toilets used last year were not the best. He said he will be adding cows and four goats are planned.

MB explained the Pony Barn would operate seasonally again this season when warm enough as it is not heated. He said he would like to operate it as a typical restaurant, seven days per week from 8:00

am to 11:00 PM, serving the same menu as last year and by reservation for parking spaces. MB asked for permission for large events/weddings. He said he decided against doing a farmer's market but would like to schedule yoga or running groups on the property. He explained that the lighting was not adequate last season and was improved as they went along. Josh Vics showed the PB sample lighting. MB said the new barn would have sufficient lighting on top and all agreed there was a fine line between sufficient lighting for the area without lighting up the night sky too much.

MB explained that he has tried to be a good neighbor soliciting feedback from 20 neighbors regarding last year's operation. He said 19 of the 20 neighbors responded positively and added he would like to work with the neighbor who aired concerns. Overall, he said he thought the season was a positive experience.

MET asked for clarification regarding what MB had been approved for last season (being a new PB member) and the following was provided to her:

- Hours of operation 8:00 AM to 11:00 PM
- Large events would be considered 50 to no more than 250 people and be limited to no more than 12 events per year
- The West Sand Lake Fire Department and Ambulance would be notified of large events
- No parking on Parker Road
- Adequate lighting will be provided in evenings at large events to ensure safety
- Adequate water and toilets will be provided for large events

MB explained his confusion last year that he was not approved for a typical restaurant. MET restated that he was approved for 12 large events, but he also ran a restaurant. MB and the PB confirmed that he had been approved for farm tours, which could have ended up in the bar/restaurant (up to 50 people). But since there were no farm tours, the restaurant was open for a short number of weeks which remained fairly within the 12 event nights originally approved. He added that reservations were required to control the number of people last year. He added that he would like to be open Wednesday through Saturday from 5:00 to 11:00 PM and with a family day on Sunday 11:00 AM to 4:00 PM. He did not want to rule out a breakfast or lunch offering if any customers wished a farm tour during alternative hours.

The PB talked with MB regarding the menu of the restaurant remaining the same and the well sufficiency for the property. RL and MB talked about sufficient signage leading to June Farms. MB said he would be glad to add more signage if the PB thought it necessary, but all agreed to leave the signage as is. RL, MB and MR discussed that the Special Use Permit is necessary to solidify that he can have a public restaurant.

AH asked about septic service for the property. MB offered both official cabins have full restrooms and the new glamping tents would need to be placed within 250 feet from the new restroom building being constructed through a building permit. The Site Plan Review is being conducted as a result of the building permit. The PB asked where the current septic system was placed and whether Rensselaer County was involved. MB said the new building would be tied into the current system or a new one would be added off the back if necessary. MET confirmed that June Farms has a liquor license. JB confirmed whether the ZBA was involved in the process and MR explained only the PB was involved in the process. RL said the PB was OK with the proposed lighting.

RL discussed the glamping tent sites and requested a more detailed Site Plan for review at the next PB meeting. AH clarified with LH and MR required next steps for the Special Use Permit/Site Plan Review Application and the need for a Public Hearing.

JB asked MB about his concerns about parking. MB explained that he had staff communicating at the base of the driveway and top of the driveway to prevent parking on Parker Road, controlling the parking spots available and making sure only one car was on the driveway at one time. JB confirmed with MB that his parking system worked fine last season and MB said he would do the same process this season. JB asked MR if the Town of East Greenbush should be involved and it was decided that they would be notified of the Public Hearing for the applications as an interested agency.

MET asked MB about the dairy processing side of the new barn. MB explained the use would be to handle the processing of eggs, cheese, milk, etc. It will be almost like a commercial kitchen with heat, refrigeration and good lighting. The PB looked at the detailed pictures of the barn provided with the application.

RL asked if there are certain regulations for camping in Town Zoning. Everyone discussed the process and the allowed use for camping and LH/MR stated there could be a number of glamping tents included as a condition of their approval. DB asked if there was a ratio or number of tents vs. bathroom facilities. MR said building code would drive those decisions. MB said he would be fine with the PB limiting the number of glamping sites he may have.

MB said he wants to build a tree house, have an airstream and add additional glamping tents (approximately 12). AH suggested that MB come back with his desired number of glamping tents (which are 10 'x 10' in size). The number of tents would then be run by Mike Wager to be in compliance with bathroom requirements. It was agreed that MB would return to PB with a more detailed site plan for the next meeting.

After all discussion between parties was complete, AH made a motion to declare this Site Plan Review as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency and the Town of East Greenbush as an interested agency. MET seconded the motion and all approved. AH motioned to hold a Public Hearing on April 4, 2018. MET seconded the motion and all approved.

Minor Subdivision Application

William Hart

71 Collins Road

West Sand Lake, NY 12196

AR – Agricultural/Residential Zoning District

A Minor Subdivision Application to subdivide a 67.18+/- acre parcel into four lots.

Tax Map #168.-4-63

Lot Size: 67.18+/- acres

Steve Hart (SH) from Hart Engineering presented before the PB saying he was representing his brother who purchased 67 + acres on Collins Road partially in the Town of Sand Lake (2/3) and (1/3) in Town of East Greenbush. He said they are looking to subdivide the land into four building lots; two lots will be on south side of Collins Road and two lots on north side of road. He said Lot #3 is 2.38-acre parcel with small house. SH said his brother is looking to build a house on Lot #4 which is a 31+ acre lot. Lot #1 and #2 are on south side of Collins Road. He added the large lots were required because of wetlands on south side of road. SH said there is only about 2-3 acres of land that are buildable with a raised bed septic. AH questioned if driveways would go over wetlands and was advised no. The PB reviewed the survey maps. SH assured all frontages and setbacks are met as well as the 3:1 ratio.

The PB said the Application was straightforward and asked that the wetlands not be impacted. AH motioned to declare this Minor Subdivision as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency and the Towns of East Greenbush and Schodack to be interested agencies. Driveway accesses to the lots were clarified between the PB and SH. MET seconded the motion and all approved. AH motioned a Public Hearing on April 4, 2018. RL seconded the motion and all approved.

MINUTES – MET motioned to approve the February 21, 2018 meeting minutes. RL seconded the motion and all approved.

ADJOURNMENT

AH motioned to adjourn the meeting at 8:59 PM. Michael Groff seconded the motion and it was unanimously approved.