

**Town of Sand Lake
Planning Board Minutes
May 15, 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: Jude Clemente, Holly Applegate, Shawn Hardy, Ruth Wedge, David Wedge, Richard Hastings, Frederick Haley,

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

Site Plan Review Application and Public Hearing

Shawn and Noelle Hardy (Applicant)

Edward Francis (Property Owner)

3269 NY 43

Averill Park, NY 12018

HMU – Hamlet Mixed Use Zoning District

Tax Map #147.4-1-27

Lot Size: 1.29 acres

A Site Plan Review Application to expand business activity on property for Mess Hall Restaurant.

Shawn Hardy presented and stated that they would be cutting back hours for breakfast and focusing on lunch/dinner and have new hours of 11 am to 7 pm with lunch available until 4 pm. He further added that with the expansion of hours for lunch, additional outside seating is being sought on the right of the building by adding another picnic table with a tent overhead and plans to fence out that area for more privacy and ability to enjoy the barbeque. Arthur Herman (AH) explained for the public that Mr. Hardy previously presented to the Planning Board (PB) members which prompted the scheduling of this Public Hearing. AH then asked the Planning Board (PB) members if they had any questions prior to opening up the meeting to the public. Mary Ellen Trumbull (MET) asked if there would be any breakfast hours. Mr. Hardy responded there would not be any breakfast in the summer as they found business for that period of time was slow until September when the kids return to school. AH asked if breakfast would return in the fall to which Mr. Hardy replied yes adding that there would then be no seating outside at that point. For purposes of those in attendance for the Public Hearing, Ralph LaMontagna (RL) asked if Michael Wager had visited the area. Mr. Hardy replied that Mike Wager had visited to view where the tent was being set up and inspect concerns for use of the outdoor BBQ smoker. Mr. Hardy added Mike Wager had also taken some pictures of the amount of smoke emitted when the BBQ smoker was in operation. MET asked if the tent would be temporary. Mr. Hardy replied yes, for a six-month period and then taken down. AH asked if the tent size was approximately 10' by 20' for which Mr. Hardy agreed. With no further questions from the PB members, AH asked RL to read the Public Hearing Notice which RL did. At 7:40 pm, AH opened the Public Hearing. Robert Rosenberger stepped forward and stated

that he owns the barber shop next to Mr. Hardy. Mr. Rosenberger expressed that he was 100% in favor of the proposed expansion activities as the business is an asset to the community and added that the applicants were hard working entrepreneurs. Mr. Rosenberger closed by stating that there was no odor from the BBQ smoker when in operation. AH thanked Mr. Rosenberger for his comments and asked if there were any other public comments for which no one responded. AH motioned to close the Public Hearing at 7:42 pm; seconded by MET and all approved. AH asked Craig Crist (CC) if the application was considered a SEQR Type 2. CC replied that it was and further explained for the PB members that applications being classified as a Type 2 effectively ends the review under the SEQR process. AH made a motion to declare this Site Plan Review as Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by Dominick Bates (DB) and all approved. AH made a motion to grant approval to this Site Plan Review Application as submitted. DB had a question regarding barriers in front of the picnic tables adding that there should be some sort of bollards installed as done with other businesses in the area. DB then asked Mr. Hardy if vehicles could pull right up to tables. Mr. Hardy replied that the fence would be up to which DB responded that as the fence would not be of a structural type, he believed a vehicle could accidentally go right through it. Mr. Hardy then asked what would be acceptable. DB replied either iron posts, 6x6s or something similar in the ground and 4' on center or a raised curb. Mr. Hardy agreed to ensure that proper measures are taken. He further mentioned that poles had been installed to protect the propane tanks and he may need to redesign the fence as current proposal is to use 4x4s. DB stated he thought the posts should be something more substantial than 4x4s and possibly taking the iron bollards by the propane tanks and reinserting 4' on center either before or after the fence. AH mentioned that it could be 6' on center considering the size of cars. Mr. Hardy replied that maybe a ledge or planter on the ground at 1' high so a car could not go over it. PB members agreed that proposed plan would be fine. AH amended motion to approve the Site Plan Review Application as submitted with the following conditions that either bollards be installed every 6' in front of fencing or planters at least 1' high in front of fencing. Mr. Hardy asked if the conditions mentioned were the same for all businesses in Town such as the ice cream shop. AH responded that the ice cream shop has rocks and also supposed to have bollards in front of the ice cream window. DB stated that the ice cream shop had put in 6x6s which was the reason he had brought up the need for a barrier. Mr. Hardy responded that he had a clear outline of what is needed and was fine. At that point, RL seconded the motion to approve with conditions and all approved.

Boundary Line Adjustment Application

Richard Hastings (Applicant and Receiving Parcel)
5 Sand Lake Springs Way
West Sand Lake, NY 12196

Tax Map #146.-5-3.1

And

Jody Balsamo (Donor Parcel)
Trustee to the Barbara Lawrence Family Trust
11 Pattison Road
West Sand Lake, NY 12196

Tax Map #146.-5-2

R – Residential Zoning District

Donor Parcel: Tax Map #146.-5-2 11 Pattison Road, West Sand Lake, NY 12196 - Current Lot Size 2.08 acres/Donating .09 acres/Proposed Adjusted Lot Size 1.99 acres

Receiving Parcel: Tax Map #146.-5-3.1 5 Sand Lake Springs Way, West Sand Lake, NY 12196 – Current lot Size 2.02 acres/Receiving .09 acres/Proposed Adjusted Lot Size 2.11 acres

Frederick Haley presented on behalf of Richard Hastings. Mr. Haley referred to the site plan map and spoke of the old trolley line that came down and through West Sand Lake. Mr. Haley explained that Mr. Hastings had been storing firewood on the small part of the land which was the old trolley track and property owned by the Barbara Lawrence Family Trust. Mr. Haley added that as Mr. Hastings wished to continue use of that parcel, he had approached the Barbara Lawrence Family Trust who has agreed to sell it to him. Mr. Haley explained that it is a small parcel which is part of the former trolley track and the proposed plan is to combine it with the property of the Hastings for a single property. Mr. Haley mentioned that in 2010/2011, PB members may have seen the Hastings property previously when approved to be divided into two pieces. He further added that this donor parcel would be added to the Hastings property on the north side. Mr. Haley pointed out that the Boundary Line Adjustment (BLA) Application reflects that all parties are in agreement to do so and there are no restrictions on the property to prevent the BLA. AH asked if the road crossed the trolley tracks now. Mr. Haley responded that there is a so-called gravel road which crosses it however it is not for public use and added that Mr. Hastings utilizes the gravel road for his tractor/wagon to access the firewood. AH then asked what road Mr. Hastings used to access his house. Mr. Haley referred to the site plan map and pointed out that Mr. Hastings utilizes Sand Lake Springs Way Road and the gravel road utilized to access the barn and wood splitting area is a field road. AH then asked what the Lawrence's access was. Mr. Haley responded that the Lawrence's access their property from the north via Pattison Road thus not in the area of this parcel at all. Mr. Haley pointed out that there is a utility pole in the middle of the donor parcel which services all the houses in that area and explained that the utility line comes down the old railroad track which is where the poles are located. He further added the utility pole on the property goes in three directions to serve the three houses in the area and belongs to the power company and not the parties involved. Jonathan Bernstein (JB) asked who owned the trolley tracks. Mr. Haley responded that the individual property owners own it as the Trolley/New England Railroad Company no longer existed. JB asked did that mean it was abandoned and reverted back to the property owners. Mr. Haley responded yes, that was exactly what happened. Mr. Haley added that any interest that they had was sold back in sections to the adjacent property owners who bought it which is how the tracks became part of the Lawrence, Hastings and Raposa properties. AH asked if the frontage on the trolley track for the Lawrence Trust would still have 150'. Mr. Haley replied yes as not reducing the Lawrence access on the trolley track at all by removing this donor parcel which is currently a landlocked rectangle with firewood piled on it. AH referred to the site plan map and clarified that the donor parcel was just a rectangle for which Mr. Haley agreed adding that the reason the sides are curved is that area used to be the railroad's right of way. AH stated that there remains over an acre of property to which Mr. Haley agreed and stated this change would not result in a non-conforming lot. As there were no further questions from PB members, AH motioned to declare this Boundary Line Adjustment as a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by Rick Giolito (RG) and all approved. Mr. Haley commented that no new lots were being created with the submission/approval of this application. AH motioned to approve the Boundary Line Adjustment Application as submitted; seconded by Michael Groff and all approved.

Sign Placement Application

Ruth and David Wedge
3559 NY 43

West Sand Lake, NY 12196

HMU – Hamlet Mixed Use Zoning District

A Sign Placement Application for a new photography studio.

Tax Map #147.1-4-30

Lot Size: .5 acres

Ruth Wedge presented and stated that the proposed plan was for a double-sided sign which will be 48” wide and 30” tall to be placed in front of the building on an existing post. AH asked if the sign would be the same as the previous sign. Ms. Wedge replied she was not aware of the size of the previous sign and David Wedge mentioned that the proposed sign would be longer. AH asked if the sign would be made of wood or metal to which Ms. Wedge replied it would be metal. AH referred to the sample picture and asked if it depicted the color of the sign and Ms. Wedge replied that the sign would mostly be black and white. DB asked if there would be another 24”x30’ sign under the main 4’ sign to which the Wedges responded yes and the thought was for the smaller sign to be changed seasonal for advertising specials; thus, it would be temporary. AH asked if the sign would be lighted. Mr. Wedge responded yes and, on a timer, adding that the light would be on the ground facing up toward the sign. RG noted that the sign would be 18’ from the road. RL noted the square footage of the sign is to be 30’ and as the building was 32’, it would be within ordinance. He then asked if the plan was to light both sides of the sign from the ground. Mr. Wedge responded yes, using low glare LED and placed on a timer. RL asked what hours the light would be on. Mr. Wedge responded he was unsure and asked if there was a set time for the lights. AH responded by the light should be off by 10 or 11 pm to which Mr. Wedge agreed. AH motioned to declare this Sign Placement as Type 2 action under SEQ, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by MET and all approved. AH motioned to approve the Sign Placement Application as submitted; seconded by MET and all approved.

Sign Placement Application

Holly Applegate (Jean’s Greens LLC)

26 Mall Way, Suite 20

West Sand Lake, NY 12196

HMU – Hamlet Mixed Use Zoning District

A Sign Placement Application for new Jean’s Greens business in 43 Mall.

Tax Map #146.2-5-50

Holly Applegate presented and stated that her business is moving into the 43 Mall. She added that the original submission of pictures with the application reflected black and white and then presented new pictures to the PB members that reflected colors. Ms. Applegate then stated that the structure/size of the roof sign would not change as the new sign would slide into existing frame and be white with green lettering. Ms. Applegate further stated that there would be signage in the one window by the door closest to the end which would be utilized as the primary entrance. She also stated that there would be new signage placed on each of the main boards located on Route 43 and Route 150. MET asked if the other two shops were closing. Ms. Applegate responded there is only one shop and added that while previously located in Schodack for 13 years, the landlord had informed them they need to leave due to expansion of the medical center. She further explained that they then moved to Troy which is where they have been there for the last 3 year and that the lease will be up in June. AH asked what Jean’s Greens was. Ms. Applegate responded that they are an herbal company with over 200 herbs and spices and carry a variety of herbal teas, coffees, herbal products, books, candles and gifts. She further explained that they would not serve food, with the exception of tea and cookies during a

special event which would be in the evening; thus, not in competition with business neighbors. Ms. Applegate then stated that a portion of the store would be for retail and the other portion would be utilized for fulfilling their mail/internet orders which makes up approximately 75% of their business. She added that as shipping could consist of 10-30 packages per day to anywhere around the world, it would be productive to have the location of the shop next to the Post Office. Ms. Applegate stated that the business has been around for 30 years and she has had it for almost 17 years. MET commented that the shop sounded like a welcome addition. Ms. Applegate mentioned that their previous move from Schodack to Troy upset a lot of their customers; so with this move, those customers are thrilled with the location and its parking lot since Troy was on-street parking which could be difficult at times. With no further questions or comments, AH motioned to declare this Sign Placement 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 motioned to approve the Sign Placement Application as submitted; seconded by DB and all approved.

Site Plan Review Application

Troy Sand and Gravel

Tax Map #147.-1-7

3600 NY 43

West Sand Lake, NY 12196

Residential Zoning District with Natural Resource Extraction Overlay

A Site Plan Review Application to build a 40' x 80' expansion to an existing garage.

Jude Clemente presented and stated the proposal was to build a 40' x 80' garage with main door located in front of it. He further stated that this building will be located next to another one in the middle of the pit. AH asked if there was a building there now to which Mr. Clemente responded yes and referred to the previously submitted site picture which reflected distance to the other buildings. RG asked if the building would be metal to which Mr. Clemente responded yes with a concrete foundation. AH asked what building was there currently to which Mr. Clemente responded off road equipment shop in the back. MET asked what items would be stored in the extended garage to which Mr. Clemente responded off road equipment, storage of off road and Caterpillar equipment. RG asked if this garage would be viewable from the road. Mr. Clemente responded that he did not believe so. AH asked if the garage would have a flat roof to which Mr. Clemente stated yes adding it would be a slanted flat roof. RL asked the code of the metal to which Mr. Clemente responded that the metal would have to meet NYS Codes with a stamped plan and engineered for which the garage company is aware of codes for New York. A brief discussion ensued among PB members and Monica Ryan regarding the need for Public Hearing and determined it to be optional. MET asked if this involved any of the asphalt equipment to which Mr. Clemente responded no. A discussion then ensued among PB members and Monica Ryan regarding use of the proposed garage as permitted within zoning codes for the mining activities versus expansion standards for non-conforming uses such as the asphalt activities as they would be different. AH then stated that items related to the asphalt business could not be stored in the proposed garage. AH motioned 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 MET and all approved. AH motioned to approve the Site Plan Review Application as submitted; seconded by Michael Groff (MG) and all approved.

MINUTES – April 17, 2019 – MET motioned to approve the minutes; seconded by AH and all approved.

MISCELLANEOUS –

Monica Ryan stated, for the PB members, clarifications made by DEC regarding uses for Type 1 versus Type 2 versus Unlisted for SEQR Short Form applications. She explained that going forward, if an application is a clear Type 2 then the SEQR Short Form will no longer be needed for those projects as there would not be any action for DEC to take. She added that some projects may cross a threshold, however most would be cut and dry. She further explained that while Subdivisions remain Unlisted and requires the SEQR Short Form, applications for Boundary Line Adjustments, Sign Placements and Residential Area Variances don't require the SEQR Short Form. All agreed that these changes are better for the applicant and will streamline the process for many of the applications received.

ADJOURNMENT

AH motioned to adjourn the meeting at 8:21PM. MG seconded the motion and all approved.