

**Town of Sand Lake
Planning Board Minutes
May 16, 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, David King, Jonathan Bernstein, Michael Groff, Mary Ellen Trumbull and Lawrence Howard, Esq.

MEMBER ABSENT: Ralph LaMontagna

OTHERS PRESENT: Jim Mesko, Nancy Perry, Dan Coitteux, Mr. Morizio, Tom Wendal, Kevin McGrath and Monica Ryan

RECORDING CLERK: Karol O’Sullivan, Clerk for the Planning Board and ZBA

Special Use Permit/Site Plan Review

Steven Fiske/James Mesko

Tax Map #148.3-1-27.2

27 Lake Avenue

Averill Park, NY 12018

R – Residential Zoning District

A Special Use Permit Application to convert existing school into 24 apartments for a 55+ community.

Jim Mesko (JM) presented in front of the Planning Board (PB). Art Herman (AH) stated JM had been before the PB recently and was asked to return with additional Site Plan information requested at the prior meeting. JM said he provided the requested pictures of the railings to be used for the window well on the back of the building as well as pictures of the site lighting planned for the property. JM said the landscaping for the property is shown on the Site Plan provided.

Mary Ellen Trumbull (MET) asked about the height of the lighting. JM explained the poles would be 15 feet tall and said that is the lowest pole size made with the least amount of light dispersion and he added they would use 48-watt LED light which is the lowest level. David King (DK) brought up the two examples of the multi-head pole lights provided. JM explained they would use the three-head version and assured that they would provide downlighting only.

Dominick Bates said he had done a site visit of the property and wanted to understand the window wells proposed as he did not see the window wells shown in the pictures provided. JM explained that the pictures are not from the building but just an example of what they envision once they start the renovations on the building. He said he would want the window well to be continuous along the side of the building. DK asked about drainage for the window well and was told it would be stone and some type of French drain or dry well.

With no other questions from the PB, AH and Lawrence Howard (LH) discussed how to proceed handling the Special Use Permit and Site Plan Review approvals together. AH made a motion to declare this Special Use Permit and Site Plan Review as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. DK seconded the motion and all approved. AH made a motion to give the actions a negative declaration under SEQR. He 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. AH motioned to approve the Special Use Permit and Site Plan Review as submitted and including the additional information provided. MET seconded the motion and all approved.

Site Plan Review/Sign Placement Application and Public Hearing

Dan Coitteux
3579 NY 43

Tax Map #147.1-4-24.5/147.1-4-24.11

West Sand Lake, NY 12196

Lot Size: 2.5 acres

Hamlet Mixed Use Zoning District

A Site Plan Review Application/Sign Placement Application for a soft ice cream take out window and food truck or barbeque area.

AH read the Public Hearing Notice and then invited Dan Coitteux (DC) to give a brief summary of his plans for the public. DC said after the PB's site visit, he corrected their recommendations by moving the handicapped parking space and changed the configuration of several other parking spaces for better access. He handed out a new Site Plan document for the PB to have a better understanding of the layout and dimensions of the space. DC explained the business would be hard/soft ice cream and possibly barbeque food truck on weekends.

AH asked for the size of the parking spaces and DC pointed out the Site Plan reflects the size as 8' 4" x 18' 0". DK asked about the exterior look of the building and DC stated he liked the natural look of the building and just stained red accents around the takeout window. MET said she appreciated the new Site Plan details, but stated she had issues with the entrance and exit of cars in the parking lot with cars backing up and children in the parking lot. DC said he was a parent/grandparent and assured he would be watching the parking area to ensure safety. He added that he has had professionals at the site who said there is no difference between his parking and the parking at Stewart's, Cumberland Farms or Lickety Split in East Greenbush. MET and DC continued to discuss the various parking spaces on the Site Plan regarding backing up and safety issues. Jonathan Bernstein (JB) shared his same concerns stating the parking lot is fluid with the constant change of patrons. JB stated Lickety Split was different because their line of customers at the window does not stand in a parking lot. They continued to talk about the logistics of each parking spot, the buffers on the parcel and the safety issues. The PB and DC talked about placing a barrier in front of the take-out window to better protect the customers. MET again reinforced her concern for safety. AH asked about screening of any port o potty. DC said he would add a bathroom if the business breaks even and do what is necessary to make the property safe.

AH opened the Public Hearing at 7:52 PM. MET seconded and all approved. With no comments from the public, the Public Hearing was closed at 7:53 PM. Michael Groff (MG) seconded the motion and all approved.

AH addressed the PB asking for additional comments. He said he felt the distance of 36' in the front from the entrance to the walk-up area should be sufficient. He said with the slanted parking spots the functionality will work itself out, stating he believed the 32' is the minimum for a car to pull in and turn around. AH said the people standing in line would wrap around the building and not into the parking lot and used Jack's in Wynantskill as an example of how the line should form. JB stated kids will walk into the parking lot and said in good conscience he could not vote yes on the application for safety reasons. DB said there are mothers with children in the Hannaford parking lot walking through cars and thinks the 36' of space is sufficient. He added the 10' barrier in front of the windows with boulders should work. He said it wasn't a perfect solution but thought it could work. DK suggested bollards vs. boulders for the barrier.

AH mentioned the Sign Placement Application was approved at the prior meeting. AH motioned an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. MG seconded the motion and all approved. AH motioned to give the application a negative declaration under SEQR, stating 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. MG seconded the motion. JB raised the possibility of a traffic study with LH. LH stated the PB would have to request one, to which JB motioned a request for a traffic study as he definitely sees traffic problems getting in and out from Rt. 43. MET agreed. AH asked for a role call on motion for traffic study. MET and JB agreed, DB, DK, MG and AH disagreed and the motion was not carried. AH revisited the motion for a negative declaration under SEQR and asked for a role call. DB, DK, MG and AH agreed and MET and JB were not in agreement with negative declaration. AH confirmed the motion carried. AH motioned to approve the Site Plan Review Application as presented and then the PB began to discuss any conditions of the approval. MET asked what the criteria would be for determining the need for a fence or bollards to protect the public standing in line from the cars moving in and out of the parking spots. The PB discussed options such as boulders, bollards or fencing. All agreed yellow painted bollards would provide the most protection. AH continued the motion to approve the Site Plan Review Application with the condition that 5 bollards be placed on the edge of the parking lot near the ice cream takeout window spaced 6 feet apart. DB seconded the motion. MET abstained, MG, DK, AH all agreed and JB voted no. AH explained to DC that he had his approval but should put the bollards up.

JB asked DC who owns the property and business. DC said he has an LLC. JB asked if the LLC had general liability insurance to which DC said yes, a \$1 million policy on the whole property.

Minor Subdivision Application

Lori Eason, Vice President/Vanderheyden Hall, Inc. 121 Huntley Road Averill Park, NY 12018	Tax Map #159.-1-30.2 Lot Size: 4.10 acres
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R - Residential Zoning District

Lot #1 – 1.55 acres/ Lot #2 – 2.55 acres

A Minor Subdivision Application to subdivide a 4.10-acre parcel into two lots.

Kevin McGrath (KM) presented before the PB stating he was representing Lori Eason who was out of town. KM explained that Vanderheyden was looking at their various properties around Town and the group home on Huntley Road has property around the existing building which has a lawn, septic and well. He said there is 1.5 acres of wooded land they are not using on Huntley Road and would like to get rid of the surplus properties. He explained they have picked an area with 200' of road frontage and two existing wells and a driveway. KM said the lot would be large enough for a single-family home. AH asked if the property had public sewers and KM said no it has septic and wells. He added there is a NYSEG easement on the property. KM added the property is a wooded site with about 150' of level land, then drops off in the back. KM said he did not know why there are two wells or whether they were in use. AH asked if it could be sold as a building lot and KM said yes, but anyone buying it would need to do appropriate testing.

MET confirmed the purpose of the subdivision was for sale of the parcel. KM explained that Vanderheyden would keep the lot with the building on it and sell the vacant land parcel. He explained there was a NYSEG easement behind the lot, oil tanks are on the north side near Eastern Union Turnpike and there is room for a septic and well on the north side of the property. The PB, LH and MR discussed whether the survey for the properties should include "not for development at this time" on the subdivided parcel. They also discussed 911 address process.

AH made a motion to declare this minor subdivision as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. DK seconded the motion and all approved. AH motioned to schedule a Public Hearing for the minor subdivision on June 6, 2018. DB seconded the motion and all approved.

Boundary Line Adjustment Application

Louis and Patricia Morizio

80 Eastern Union Turnpike

Averill Park, NY 12018

R- Residential Zoning District

A Boundary Line Adjustment Application involving three parcels to add land to owner's existing residential lot as follows:

Tax Map #159.-1-67.13/Lot Size: 74.72 acres

Tax Map #159.-1-67.14/Lot Size: 14.67 acres

Tax Map #159.-1-67.13/Lot Size: 17.62 acres

Boundary Line Adjustment #1:

Donor Parcel Tax Map #159.-1-67.11 (new Lot #1 North noted on map) Louis and Patricia Morizio, 80 Eastern Union Turnpike, Averill Park, NY 12018 Current Lot Size 74.72 acres/Donating 4.65 acres/Proposed Adjusted Lot Size 70.07 acres

Receiving Parcel Tax Map #159.-1-67.13 (new Lot #3 noted on map) Louis and Patricia Morizio, 80 Eastern Union Turnpike, Averill Park, NY 12018 Current Lot Size 17.62 acres/Receiving 4.65 acres/Proposed Adjusted Lot Size 22.27 acres

Boundary Line Adjustment #2:

Donor Parcel Tax Map #159-1-67.14 (new Lot #1 South noted on map) Louis and Patricia Morizio, 80 Eastern Union Turnpike, Averill Park, NY 12018 Current Lot Size 14.67 acres/Donating 3.28 acres/Proposed Adjusted Lot Size 10.94

Receiving Parcel Tax Map #159.-1-67.13 (new Lot #3 noted on map) Louis and Patricia Morizio, 80 Eastern Union Turnpike, Averill Park, NY 12018 Lot Size (after BLA #1) 22.27 acres/Receiving 3.28 acres/Proposed Adjusted Lot Size (after BLA #1 and BLA #2) 25.55 acres

The son of Louis Morizio presented before the PB on behalf of his father. AH asked for an overview of the boundary line adjustments. While the PB reviewed the survey map, Louis Morizio's son and a gentleman who explained he has a contract to purchase acreage (70.07 acres New Lot 1 North) from Louis Morizio, walked the PB through the survey map to understand the two boundary line adjustments on the application as outlined above. The PB tried to absorb the boundary line adjustments on the map and was confused with the labeling of New Lot 1 North vs. New Lot 1 South. LH requested the maps be labeled as New Lot 1A and New Lot 1B rather than "north and south" prior to maps being signed. The PB noted that the Morizio subdivision across the road on Eastern Union Turnpike was previously subdivided using similar labeling, e.g. Lots 1A, 1B, 1C and 1D. LH explained the maps would be used to create deeds down the road and this labeling would be less confusing. The PB members agreed with the request.

DK asked about the 70-acre parcel and which point of access would be used. Johnny Cake Lane would be the point of access to the property as Eastern Union Turnpike was a little bit wet. AH said he saw the purpose of the boundary line adjustments made the New Lot 3 a lot nicer. DK asked if the 70-acre parcel (while not on the application) would be subdivided and was advised not at any time soon and probably only an acre or two for a house for his in laws.

The PB and the gentlemen with the contract to buy the 70-acre parcel discussed hypothetical questions regarding "mortgage parcels" required by some banks. Since the hypothetical questions were unrelated to the boundary line adjustments on the application, LH recommended such discussions be left to a later date.

AH made a motion to declare this boundary line adjustment as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. MG seconded the motion and all approved. AH made a motion to give this action a negative declaration under SEQR. He 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. MG seconded the motion and all approved. AH motioned to approve the Boundary Line Adjustment Application as submitted with the condition that Lot 1 North and Lot 1 South be correctly labeled as Lot 1A and Lot 1B. DK seconded the motion and all approved. The PB advised Louis Morizio's son that once the maps are corrected they can be brought into the Planning Board office for signature.

Scenic Preservation Application

Paramount Building Group/T. W. Contracting, Inc.
Alisha Walker (Property Owner)
766 Taborton Road
Sand Lake, NY 12153
RR – Rural Residential Zoning District

Tax Map #149.-2-22

Lot Size: .21 acres

A Scenic Preservation Application to build a new year-round home on same footprint of a recently demolished structure.

Tom Wendal from Paramount Building Group/T. W. Contracting, Inc., presented before the PB. He explained that the owner of the property is building a new house on the same footprint of the old house which was demolished earlier in the year. AH asked the size of the lot and was told it is .21 acres. Mr. Wendal said the new house is actually going to be smaller than the old one. DK asked if it was a one-story house and was told one story with a walk out basement. DK asked what the owner was going to do about the septic for the property. Mr. Wendal explained a local septic service has confirmed the dry well needs to be rebuilt and they have been talking with the County about doing a new septic on the left side of the property. AH asked how that would impact the driveway and Mr. Wendal said the driveway will be on the old septic area. He explained they are looking at an Elgin Septic System which would be approvable by the County within certain distances of water. DK asked if the County would be OK with the distance between the well and septic areas. Mr. Wendal said the new well would go in the right-hand corner of the property and the septic would be in the left-hand corner of the property. He said the property is limited, but preliminary measurements were approximately 102 feet.

Mr. Wendal said the colors of the house would be dark brown with a dark green roof; all earth tone. He said the windows and decking will be tan. AH and the PB discussed where this house was located and who were the previous owners in order to understand the property. MET asked how close the plans were to the lake and was told 75 feet to the front elevation of the house (the foundation). Mr. Wendal explained the deck will go towards the lake another 10 feet, so the plans will be 65 feet from the lake. AH asked what the distance was from the road and was told 20 feet. Mr. Wendal said the prior home was 15 feet from the road so the new plans are safer. AH again confirmed the new parking area will be in the old septic system area once the septic is moved and was told yes. The PB discussed that the new Elgin septic system would move closer to the lake and Mr. Wendal confirmed that the County approves such septic plans. He reminded the PB that this would not be a full-time residence, but AH said it needed to be designed as a full-time residence just the same. DB asked how the Elgin septic system is designed and Mr. Wendal explained they are 3' x 5' mats and one mat equals 60' so a footprint of 10' x 20' can be served. AH pointed out that the County has to approve the septic and well plans in order to obtain a building permit. LH advised they could make such approvals a condition of the application approval. MET pointed out the application states this would be a new year-round home and all agreed this would be a fully insulated, heated and air-conditioned home.

AH made a motion to declare the activities proposed under the Scenic Preservation Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board, as Lead Agency and no other interested parties. DK seconded the motion and all approved. AH made a motion to give this application a negative declaration under SEQR, stating 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 following conditions: (1) that the water and septic be approved by the County Health Department and (2) proper precautions be taken to prevent any discharge of sediment into the Lake before, during and after construction. DB seconded the motion and all approved.

MINUTES – AH motioned to approve the April 4, 2018 minutes with his suggested amendments. MET seconded the motion and all approved with the exception of DK who was absent from the meeting.

ADDITIONAL DISCUSSION

The PB discussed the July 4, 2018 holiday hits on the next PB meeting night and whether the meeting should just be cancelled or should they try to reschedule. It was agreed that they would watch for applications warranting a reschedule and would revisit the decision at the next meeting.

ADJOURNMENT

AH motioned to adjourn the meeting at 8:45 PM. MG seconded the motion and all approved.