

**Town of Sand Lake
Planning Board Minutes
May 2, 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: Ralph LaMontagna, Dominick Bates, David King, Jonathan Bernstein, Michael Groff, Mary Ellen Trumbull and Lawrence Howard, Esq.

MEMBER ABSENT:

OTHERS PRESENT: Dan Coitteux and Monica Ryan

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

Site Plan Review/Sign Placement Application

Dan Coitteux	Tax Map #147.1-4-24.5
3579 NY 43	
West Sand Lake, NY 12196	Lot Size: 2.5 acres
C-1 Retail Commercial Zoning District	

A Site Plan Review Application/Sign Placement Application for a soft ice cream take out window and an outdoor barbeque trailer.

Dan Coitteux (DC) presented before the Planning Board (PB) stating he was hoping to get the occupancy situation done. He explained the property was a Class B occupancy before and believed it still is now. He said he is taking an existing building and doing a little renovation work and there is lots of parking in the parking lot as it was a used car lot at one time. DC explained there are two components to his Site Plan, one being approval to serve ice cream and the other for a possible food truck to be brought in from time to time. He said he has gotten mixed explanations from the Town so far and does not see anything in the Town regulations about food trucks. He said he main issue is whether he will be allowed to do what he wants to do with the property.

Art Herman (AH) said an ice cream shop is a good idea. DC explained that he has purchased the building but plans to have his son run the shop. AH asked what the building consists of right now. DC explained that the Town Historian has told him it was an old historic barn that sat on the creek and old farm back in the day. Then a lady who owned a jewelry store moved the building to where it is today, put a new foundation under it and insulated it, leaving the timbers exposed. He said it is a very unique building with a weathered look which he likes. He said he plans to fix up what he can, seal it and leave it with the weathered look. DC said he put two new windows on the front and moved the back door. He said

the building has modern electric, a driven well and the pump works fine. He said the building is perfect for his needs and the site had a lot of garbage on it. He explained he went through DEC and the Army Corp. of Engineers, receiving guidance from them but needed no permits. He said he cleaned the garbage up over the hill and the Army Corp. of Engineers told him he can mow the back area and could even put a deck over it in the future. DC said he was not pursuing a Scenic Preservation approval at this time for that deck because he wanted to make sure the business was successful first.

AH asked if there was running water in the building. DC explained he was in the process of having the well which isn't public water classified as a public water source with the County. He explained it was an extensive process costing \$1,800 for the water testing and four weeks to do it. He said he should have the water finalized by June 1. AH asked DC if he is hooked up to the sewer and was told yes. Dominick Bates (DB) asked if there was a bathroom on the premises and was told yes. DC said because it was a Class B and no admittance to the building is planned, he does not need to have handicapped accessible bathrooms. He said he may place a handicapped accessible port a potty in the back in the future but was not committing to it at this time. DB asked if the Health Department was all good after the water was approved. DC said it wasn't a matter of if the water would be approved, but when the water would be approved. He said he may either have to do an ultraviolet light treatment for the water or a Culligan treatment system for hardness of water. AH confirmed that the Health Department would not require a bathroom for the public. DC explained that if a customer was not entering the building, a bathroom is not required and added that he knows of other ice cream shops that do not have public bathrooms.

Ralph LaMontagna (RL) asked DC about the layout of his Site Plan. He asked DC to tell them where the food truck/BBQ would be located, where the picnic tables would be placed and where the parking spots would be located. DC walked the PB through his simple sketch of the site walking them through various locations where the parking spots would be/benches would be/handicapped parking spot and food truck location. RL explained the importance of understanding the layout of the site for traffic reasons, to make sure there is enough parking so there would be no spill over into the road. DC and the PB discussed who has jurisdiction over food trucks and whether a permit would be needed for a BBQ vendor. Monica Ryan (MR) and DB talked about whether the Town Code included language for the need of a permit for a food truck. DC said he has 14 parking spots and one handicapped spot available at the site and quoted the number of parking spots available at other businesses such as Stewart's (11) and Cumberland Farms (12). He added he already has the spots lined out and the parking lot is already paved. AH reinforced that having a layout of the site to show the PB would help them to understand the layout of the parking spots, vs. benches, etc. DC continued to hand draw the layout in front of the PB. They talked about where the windows were on the building and where the sign for the business would go. DC said the sign would go on the existing post on the property. The PB, MR and DC discussed where the existing post was and whether the post is in the right of way on Rt. 43. Thirty three feet from center line is the requirement for placement of the sign. It was agreed DC would make sure the sign stays in alignment with all other business signs near his business.

MET addressed DC about his application presentation and the fact that it lacked a clear site plan from which to make decisions. The PB all agreed that the Site Plan Application had insufficient information for them to have a clear understanding of the plans for the property and they still did not know the

results of the water tests. DC stated he was hoping to receive approval for his application, even if they had to give conditional approval regarding the water testing. The PB and DC continued to discuss the potential need for a port of potty or on site public restroom and it was agreed that this was really not part of a Site Plan Review, but a Rensselaer County/building inspection review. RL assured DC that the PB does not want to delay an approval but must get the Site Plan Review right because it is in a very busy part of Town and must be safe. RL suggested a site visit.

Hours of operation were discussed as 2:30 to 9:00 PM, seven days per week and possibly a food truck Friday through Sunday from 4:00 to 9:00 PM. JB asked if the business was seasonal and DC said it depends on the weather, but probably April through October and whether he had staff for it. JB also brought up being in compliance with Federal Regulations regarding an ADA compliant bathroom if such a business is required to provide one.

MET again stressed the need to have a better Site Plan drawing outlining table placements, parking separate from eating area, food truck and sign placement location. DB said the food truck should be placed next to the building and DK again stressed people movement and car movement need to be carefully considered. Barbeque smoke was also brought up as a concern.

AH asked the PB their thoughts on the need for a Public Hearing. JB said yes for neighbors and RL said it never hurts. AH and DB were not sure it was necessary. JB motioned to hold a site visit to which MET seconded and all approved. Monday, May 2nd at 5:00 PM was agreed upon for the site visit. DC said he would look into the right of way issue for the signage.

AH motioned to approve the penguin sign but not the location until further researched. RL seconded the motion and all approved. RL reinforced the need for a better Site Plan and DC said he underestimated the requirements of such a layout and agreed 100 percent of the need to get it right.

MINUTES – MET motioned to approved the March 21, 2018 minutes. AH seconded the motion and all approved.

ADDITIONAL DISCUSSION

The PB, MR and LH discussed the need for applications to have a sufficient level of information provided to allow for a better approval process. MR explained some applicants are more cooperative than others and LH cautioned that an applicant cannot be prevented from getting them placed on a PB agenda. It was agreed that moving forward the detailed information will continue to be requested and when an applicant is falling short on specifics, such discussions should be labeled as “conceptual” where no approvals could be granted until all necessary information is provided.

It was agreed that the site visit would be noticed in the Saturday, May 5 Troy Record.

ADJOURNMENT

MET motioned to adjourn the meeting at 8:32 PM. AH seconded the motion and all approved.