

**Town of Sand Lake
Planning Board Minutes
November 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: Ralph LaMontagna, Dominick Bates, Jonathan Bernstein, Mary Ellen Trumbull, David King and Lawrence Howard, Esq.
MEMBER ABSENT: Michael Groff
OTHERS PRESENT: Josh Silver, Dan Coitieux, Chad Cook, Dayna Hansen and Monica Ryan
RECORDING CLERK: Karol O’Sullivan, Clerk for the Planning Board and ZBA

Minor Subdivision Application

Barbara Hansen/Chad Cook/Dayna Hansen (Applicants)
James P. Furlong (Owner)
92 Oak Hill Road
Sand Lake, NY 12153
RR – Rural/Residential Zoning District
A Minor Subdivision Application to subdivide an 83.63-acre lot into two lots.

Tax Map #148.-2-29
Lot Size: 83.63 acres
Lot 1 – 15.16 acres
Lot 2 – 68.47 acres

Ralph LaMontagna (RL) read the Public Hearing Notice. Chad Cook explained to the PB that they were requesting a subdivision of 15.16 acres from the Furlong’s property on the west side of Oak Hill Road. He said they had no plans to build a home on the parcel at this time and are just taking possession of the property.

Art Herman (AH) motioned to open the Public Hearing at 7:33 PM. Mary Ellen Trumbull (MET) seconded the motion and all approved. Kristy Primeau said she owned adjacent land and just wished to see the survey map to understand how the subdivision could impact her property. Mr. Cook walked Ms. Primeau through the survey map and she was satisfied. With no other questions/comments, AH motioned to close the Public Hearing at 7:36 PM. David King (DK) seconded the motion and all approved.

AH made a motion to declare this Minor Subdivision Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. MET 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. Dominick Bates (DB) seconded the motion and all approved. AH

made a motion to grant approval to the Minor Subdivision Application, as presented, granting preliminary and final approval of the plan and waived the final hearing. RL seconded the motion and all approved.

Special Use Permit and Site Plan Review Application

Crown Atlantic Company, LLC (Applicant)

3 Corporate Park Drive, #101

Clifton Park, NY 12065

William Hoffay (Property Owner)

200 Shaver Road

West Sand Lake, NY 12196

AR – Agriculture/Residential Zoning District

A Special Use Permit and Site Plan Review Application to add one (1) antenna and two (2) remote radio heads to each of Sprint’s three (3) existing antenna sectors all within the existing height of tower.

Tax Map #157.-3-14.1

Lot Size: 36.19 acres

RL read the Public Hearing Notice. Josh Silver presented before the PB on behalf of Crown Atlantic. He explained plans to modify Sprint’s existing antenna array and telecommunications facility. He said there would be no change to the tower, no additional ground equipment and the added equipment was very small.

AH opened the Public Hearing at 7:40 PM. MET seconded the motion and all approved. With no public comment, AH motioned to close the Public Hearing at 7:41 PM. MET seconded the motion and all approved. LH, Mr. Silver and the PB agreed that SEQR approval did not apply to the applications. AH motioned to approve the Special Use Permit and Site Plan Review Applications as submitted. MET seconded the motion and all approved.

Site Plan Review

Dan Coitteux

3579 NY 43

West Sand Lake, NY 12196

Hamlet Mixed Use Zoning District

A Site Plan Review Application for expansion of commercial activities on the “Chill Out” ice cream stand site.

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

Lot Size: 2.5 acres

Dan Coitteux presented before the PB stating his business did not have sufficient parking as the PB had previously predicted. He explained to the PB that he got permission from the Army Corps of Engineers (ACE) to fill in .05 acres behind the building and they are willing to approve an additional .05 acres going forward. Mr. Coitteux said he wanted PB approval for the fill which is 50’ from the creek. He explained the ACE does not have jurisdiction within 50’ from the edge of the creek. He said he talked with DEC about building a boardwalk along the creek for a picnic area and they had no problem with plan so he will be going to them for a formal review and permit. Mr. Coitteux summarized by saying he was asking for approval to fill in .05 acres now, .05 acres in the future if necessary and to build a 1,600 sq. ft. boardwalk/deck within 50’ of the creek. He said the ACE indicated he can build on the property of 3 acres as long as the deck was on piers. AH asked how far the plans would be from the creek and was

told 20'-25.' Mr. Coitteux explained the exact configuration of the deck is yet to be determined, but he hoped to place it as close to the creek as possible because it would be nice for customers. He said the exact configuration would depend on DEC's approval. He said the Town's Building Inspector has the ACE approval letter for what he can do and said DEC's concern would be about the wild life in the stream. He assured the PB that he wants to do everything the right way with necessary permits/approvals. DK asked if a Wetland Permit would be necessary. LH advised the area is not a designated wetland, but Federal regulations would apply and the stream should be protected.

MET said she wished to address the meeting minutes from the Chill Out's May 16, 2018 Site Plan approval. She pointed out that the approval was for six metal bollards, but the build out was six wooden bollards. Mr. Coitteux said he felt the wood bollards with boulders placed in between was more decorative and stronger than steel bollards. He said he would redo the area if the Town wanted him to. He pointed out to the PB that his new site plan shows he has changed the parking and no one will be backing up in that area anymore as there will be a one-way circle of traffic around the building. There was more discussion between Mr. Coitteux and MET regarding what the minutes reflected regarding the bollards. He concluded that he thought the new configuration was very safe. DB confirmed that steel bollards were discussed at the May meeting.

MET said some of the new site plan was pursuant to ACE approval. Mr. Coitteux said right now he is asking for approval to fill the .05 acres and will agree to come back in if the PB deems necessary. AH asked how much of the property has been filled to date. Mr. Coitteux provided additional site plans to the PB and walked them through where he has already filled in 1,350 sq. ft. and where the additional fill can be placed. MET pointed out that some of the fill has been done without the PB's approval.

DB asked if the parking in the back of the building on the site plan is new and was advised yes. Mr. Coitteux pointed out how many new spaces he can put on the property and claimed he may be able to double the parking. DK asked where the additional .05 acres of fill could be placed and Mr. Coitteux showed where another 30 spots could be placed in the far back of the parcel. He added that he wishes to keep as much green space on the parcel as possible and may never pursue that remaining .05 acres of fill.

RL brought up the pending approval from DEC for the proposed deck and pending approval from the ACE for the .05 acres of additional fill. He also brought up the fact that the land being discussed is actually two parcels with two tax map #s. LH and MR discussed with Mr. Coitteux that current tax records reflect two parcels and two tax map #s. Mr. Coitteux felt it was all one parcel for tax purposes. It was left that even if there were two tax parcels, the deeds could be merged going forward. RL pointed out the merging of the parcels and the two agency approvals are the issues presented before the PB. MR pointed out that those external approvals are in addition to the site plan approval before the PB for the change of parking, etc. AH stated Mr. Coitteux is asking for approval from the PB for the parking lot. MET stated she felt Mr. Coitteux was before the PB prematurely because he has not obtained the DEC and ACE approvals for the additional .05 acres of fill and the deck. All agreed that he was at the PB meeting prematurely for the extra fill and deck and they would prefer a more definitive plan for the deck. Mr. Coitteux expressed interest in getting a contingent approval for the deck and additional fill. MET said she could only support the .05-acre fill request at the meeting and AH and RL agreed. Mr.

Coitteux said for the spring of 2019 he will plan a picnic area with signage to stay away from the stream. He added the DOT said the side area of his parcel could be used as a picnic area.

AH agreed that the parking area layout is a better configuration going one way around the building and asked if Mr. Coitteux still planned on food trucks. Mr. Coitteux said customers were receptive to the food trucks when he tried them and said he has hired a chef to serve food from the building. He also added maybe he would own a food truck. DK suggested Mr. Coitteux come back with a site plan showing the existing .05 acres of fill, the additional .05 acres of fill and future expansion of the proposed deck. RL revisited the discussion of two parcels of land vs. one parcel. MR pointed out that if the deeds read the same (names/addresses), the parcels can be merged by filling out paperwork with the Assessor's Office.

MET summarized her understanding of the discussions: (1) The PB would only be approving the reconfiguration of the parking lot at the meeting, (2) Mr. Coitteux would pursue merging the deeds, and (3) Mr. Coitteux would return to the PB at a future date with letters of approval from necessary agencies and specific layout/size/location of the deck approved by DEC. Mr. Coitteux asked if he received verbal approval for a restroom for the building at the last site plan review. MET read the discussion regarding the restrooms from the May 16, 2018 meeting minutes as follows: "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." MET asked about the source of water for the business. Mr. Coitteux said there was a well and that he had jumped through hoops to get water quality approval from the County. AH stated that the PB had received Rensselaer County Economic Development and Planning approval for the business with a statement, *"The Applicant should be careful not to place fill in the floodway as seen in the FEMA FIRM maps which may increase the flood elevation and may also cause upstream flooding."*

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 involved parties as DEC and the ACE. Jonathan Bernstein (JB) seconded the motion 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. DB seconded the motion and all approved. AH made a motion to grant approval to this Site Plan Review and Scenic Preservation Applications for the parking lot reconfiguration only. RL seconded the motion and all approved. MET added that there should be no deviation from this approval.

ADDITIONAL DISCUSSION:

Rezoning Proposal – Advisory Report to the Town Board

Kevin Kronau, Jr.
208 Reichard's Lake Road
West Sand Lake, NY 12196
R – Residential Zoning District

Tax Map #147.-2-2.1

Lot Size: 10.18 acres

A referral from the Town Board for an Advisory Report on a rezoning of a residentially zoned property to a Planning Development District.

AH recused himself from the PB discussion. RL explained that the PB had several meetings with Kevin Kronau regarding his request for a proposed Planned Development District (PDD) on Rt. 151. He said the PB had several discussions and shared communications outlining their pros and cons for the proposed PDD. RL explained the PB's opinions that a self-storage facility could be seen as a plus to the community and the project itself would result in an established business expanding into the Town of Sand Lake. He said the PB had discussed with Mr. Kronau how the business in a residential area could be designed with screening from public view, etc. He said while the proposed PDD could be built to the specs reviewed by a Site Plan Review, the PB's concern would be placing a business development area in a residentially zoned area and the PB is trying to protect the residential integrity of that area.

RL asked for any further comment from the PB members and reminded them that the Town Board would be making the final decision and their role was advisory in nature. LH advised the PB they should vote on any advisory decision they were making. RL motioned to approve the PB's draft Advisory Report to be sent to the Town Board. MET seconded the motion, AH recused himself and the remaining PB members approved the Advisory Report for submission to the Town Board.

MINUTES

ADJOURNMENT

MET motioned to adjourn the meeting at 8:26 PM. AH seconded the motion and all approved.