

**Town of Sand Lake
Planning Board Minutes
November 7, 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, Michael Groff, Mary Ellen Trumbull, David King and Lawrence Howard, Esq.
- MEMBER ABSENT:**
- OTHERS PRESENT:** Kevin McGrath, Greg Witney, Edward Patanian, Kevin Miller, Scott Blair, David Douttiel, Karen-Clickner-Douttiel, Kevin Landers, Josh Silver, Barbara Hansen, Chad Cook and Dayna Hansen
- RECORDING CLERK:** Karol O’Sullivan, Clerk for the Planning Board and ZBA

Boundary Line Adjustment Applications

Boundary Line Adjustment #1:

Greg Whitney (Applicant)

Trinity Lutheran Church (Donor/Church Property)
4367 NY 150

Tax Map #146.2-4-43

West Sand Lake, NY 12196 AND

Trinity Lutheran Church (Receiving Parcel/Cemetery)
4367 NY 150

Tax Map #146.2-4-41

West Sand Lake, NY 12196

R – Residential Zoning District

Donor Parcel: Current Lot Size 1.81 acres/Donating 1.09 acres/Proposed Adjusted Lot Size .72 acres

Receiving Parcel: Current Lot Size 1.59 acres/Receiving 1.09 acres/Proposed Adjusted Lot Size 2.68 acres

A Boundary Line Adjustment to merge the portion of Tax Map #146.2-4-43, being used as a cemetery, with Tax Map #146.2-4-41, which is also being used as a cemetery.

Boundary Line Adjustment #2:

Greg Whitney (Applicant)

Trinity Lutheran Church (Donor Parcel/Cemetery)
4367 NY 150

Tax Map #146.2-4-41

West Sand Lake, NY 12196 AND

Mark Warner (Receiving Parcel)
4369 NY 150

Tax Map #146.2-4-40

West Sand Lake, NY 12196

R – Residential Zoning District

Donor Parcel: Current Lot Size (after BLA #1) 2.68 acres/Donating .07 acres/Proposed Adjusted Lot Size 2.61 acres

Receiving Parcel: Current Lot Size .11 acres/Receiving .07 acres/Proposed Adjusted Lot Size .18 acres

A Boundary Line Adjustment to merge a .07-acre portion of the Lands of Trinity Lutheran Church Tax Map #146.2-4-41, occupied by Mark Warner, with the Lands of Mark Warner Tax Map #146.2-4-40.

Greg Whitney and Kevin McGrath presented before the Planning Board (PB). Mr. McGrath explained the two lot line adjustments to the PB. He said the one adjustment is because a neighbor mistakenly placed his pool on the church property, so the church is giving the neighbor that property. He explained the property with the church building, the parsonage and the cemetery property are being corrected as currently a Tax Map line runs through the cemetery lot. Mr. McGrath explained he had gone to Rensselaer County and found there were no deeds or descriptions for the property and a lot of the property lines on the tax maps are incorrect. Trinity Lutheran Church has a buyer for the church and parsonage property and Trinity Lutheran will continue to own and maintain the cemetery. Mr. McGrath explained the new survey maps define the three parcels and information will be included in the deeds. The PB, Mr. Whitney and Mr. McGrath discussed that the cemetery was all fenced in and where the driveways were located.

Jonathan Bernstein (JB) asked Lawrence Howard (LH) if a court order would be required for the non-profit corporation. LH explained the PB was only giving the church the right to do the boundary line adjustments. Mr. McGrath explained the attorney for the church was working with the NYS Attorney General's Office to rectify the situation.

Ralph LaMontagna (RL) asked where the cemetery driveway entrance was. While looking at the survey map, Mr. McGrath explained the driveway ran between the McMahan property and the Mosher property and said those property owners, as well as the Warner property, use the driveway in addition to the cemetery visitors. RL asked if the cemetery planned to place a sign for the cemetery at the driveway entrance and reminded Mr. Whitney and Mr. McGrath that a Sign Placement Application would be necessary if there were plans for a sign. They also discussed who was going to be plowing the shared driveway. Mr. Whitney said the cemetery is closed in the winter and the adjacent property owners using the driveway would need to work out the snow removal responsibilities. Art Herman (AH) asked if the driveway had a name and was told no. The PB asked if the driveway was paved and who was responsible for it. Mr. McGrath explained the driveway in from Rt. 150 was paved asphalt by the adjacent owners and the roadway running behind the McMahan, Mosher and Warner properties was gravel. AH confirmed there was no deeded right of way for the driveway/road. Mr. McGrath explained the other property owners use the driveway/road for convenience of entering their properties from the rear, but none of them are landlocked as they have frontage on Rt. 150. RL asked LH if he agreed there was no issue with the shared driveway. Lawrence Howard (LH) said the boundary line adjustments were not creating a new situation and Monica Ryan pointed out the Tax Map numbers had not changed. All agreed the neighbors have been working this situation out for years.

AH asked LH if the two boundary line adjustments (BLA) should be handled together and was advised yes. AH explained the first BLA donates 1.09 acres to the cemetery and the second BLA donates .07 acres to the Warner property. AH made a motion to declare this boundary line adjustment as Unlisted Action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Mary Ellen Trumbull (MET) 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. RL seconded the motion and all approved. AH made a motion to grant approval of the Boundary Line Adjustment Applications, as submitted. Dominick Bates (DB) seconded the motion and all approved.

Major Subdivision Application and Special Use Permit

EJP, Inc.
222-246 Springer Road
West Sand Lake, NY 12196

Tax Map #147.-3-3/147.-3-5.12

Lot Size: 12.6428 +/- acres
Lot 7 – 1.6246 acres
Lot 8 – 3.7546 acres
Lot 9 – 1.2731 acres
Lot 10 – 1.7893 acres
Lot 11 – 4.2012 acres

A Major Subdivision Application to subdivide parcel into a five-lot subdivision and related Special Use Permit Application for site preparation excavation.

AH asked EJP to explain to the PB what changes have been made to plans since the last PB meeting. EJP explained he has addressed the DEC State standard requirements which are minor in nature but very technical to get into explaining. He said he has made minor technical amendments per Rensselaer County sewer requirements and Hank LaBarba's comments/concerns had already been addressed. EJP said he made the revisions to the Site Plan that the PB had requested to move the haul road. The PB reviewed the revised extraction maps and EJP said the Extraction Narrative had also been revised to reflect the changes. EJP pointed out the revised wording regarding truck trips and the average of eight vehicle trips per day. RL again confirmed that nothing other than 20-ton trucks will be used. DB brought up hours of operation and LH confirmed State Code is 7:30 AM to 5:00 PM. RL asked EJP if he would be clearing Lots 6 and 7 and then moving the haul road to Lot 7. EJP stated he would start the clearing of land in the winter, working from the back and then clear to the front of Lot 7 in the spring. AH asked if the haul road move to Lot 7 would happen after the first year and EJP said he hoped to as he would like to get everything done in two years. AH reviewed the extraction map with MET to see where the current haul road is and where it will be moved to in order to give the Blairs some relief. The Clerk of the Planning Board advised the PB and EJP that the Blairs had communicated their appreciation regarding the offer to move the haul road. EJP said ideally, he would like to move the haul road as he goes, but wants to be respectful to all neighbors.

MET asked about EJP's plans to address the 62 feet of road frontage on Springer Road for Lot 8. MET stated the requirement for road frontage is 150 feet and wondered if he planned to take more frontage from the other lots. The PB, LH and EJP discussed the requirements in the Zoning Code, the 3:1 ratio, his desire not to hurt the other lots by taking road frontage from them and the plan to pursue an area variance from the ZBA for Lot 8. AH and LH agreed that the PB could provide a Positive Recommendation to the ZBA for Lot 8. EJP said he would revise his narrative to reflect hours of operation as 7:30 AM to 5:00 PM.

MET asked about next steps. AH suggested the PB could issue a conditional approval for the project if the PB was in agreement. EJP said he would pursue the area variance with the ZBA as soon as possible and then want to come back for a final approval with conditions. LH and the PB discussed the difference between a conditional approval and an approval with conditions. LH stated that no maps could be signed and filed until the infrastructure was completed. EJP said he would get his

plans signed and sealed with the respective agencies and get Town Board approval for the extension of the sewer.

AH made a motion to declare this Major Subdivision Application and Special Use Permit as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency and interested agencies as: NYS DEC, Rensselaer County Health Department, Town Board, Town Sewer Department and Town Highway Department. 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. 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 of the Major Subdivision Application, as presented, granting preliminary and final approval with conditions and waive the final hearing. The conditional final approval would be based on Applicant receiving approval for an area variance from the ZBA for the Lot 8 insufficient road frontage. The conditions of approval would be:

- Rensselaer County Health Department approval;
- NYS DEC exemption approval;
- town sewer extension approval by the Town Board; and
- covenants added to property owner deeds
 - land owner is responsible for repair and maintenance of storm water control facility on their property and
 - land owner is responsible for grinder pumps/laterals to main line.

MET seconded the motion and all approved. AH made a motion to give a Positive Recommendation to the ZBA for the area variance. Michael Groff (MG) seconded the motion and all approved.

Scenic Preservation Application

David W. Douttiel and Karen Clickner-Douttiel
705 Taborton Road
Sand Lake, NY 12153
RR- Rural/Residential Zoning District

Tax Map #149.11-1-17

Lot Size: .5 +/- acres

A Scenic Preservation Application to replace existing front door access deck and add a 6' x 28' deck across front of house within 60 +/- feet of Big Bowman Pond.

David and Karen Douttiel presented before the PB explaining the need to replace an existing side entrance porch because it was not correctly built on their 1917 home with proper support. He said their desire was to extend the porch across the side of the house facing the Pond. Mr. Douttiel said the new deck would extend 6 feet towards the Pond, would be built with good support, no holes would be dug, no tree removal necessary and the deck would be stained the same chocolate brown as the house. The PB reviewed pictures provided as the Douttiels walked them through the plan.

With no other questions from the PB, 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. RL seconded the motion and all

approved. AH made a motion to give this application a negative declaration under SEQR. He stated 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. MET seconded the motion and all approved. AH made a motion to grant approval to this Scenic Preservation Application, as submitted. MET seconded the motion and all approved.

Site Plan Review Application

Kevin C. Miller, Sr.

Tax Map #168.-4-52.11

198 Chamberlin Hill Road

West Sand Lake, NY 12196

Lot Size: 1.19 acres

AR – Agriculture/Residential Zoning District

A Site Plan Review Application to construct a 36' x 40' x 9' garage on property.

Kevin Miller presented before the PB explaining that he had his land surveyed and learned he had sufficient frontage/setbacks to build a 36' x 40' garage on his property. He explained the garage would be placed 15' away from his back-property line and 45' from his side property line (Kellar's property line). He said he would create swales along the property lines to help with water runoff. He said the garage will be a concrete slab, wood structure, metal roof and siding and green in color. The PB and Mr. Miller discussed that his plans fall within the required setbacks and the garage will be approximately 125' from the road. AH confirmed the lot is 175' deep. The PB reviewed Mr. Miller's survey map and the area penciled in on it where the garage is planned.

With no other questions from the PB, 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. MET 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. RL seconded the motion and all approved. AH made a motion to grant approval to this Site Plan Review Application as submitted. DB seconded the motion and all approved.

Scenic Preservation Application

Kevin J. Landers

Tax Map #158.4-1-6

1323 Burden Lake Road

Averill Park, NY 12018

Lot Size: 150' x 100'

R – Residential Zoning District

A Scenic Preservation Application to construct a 100' long fence along property line within 50' of Burden Lake.

Kevin Landers presented before the PB stating he wished to put a 100' fence up along his property line. He said that Rensselaer County told him he could place the fence 25' from the center line of Burden

Lake Road, but Mike Wager advised that he should drop the 7' tall fence down to 3' at the last post to protect the line of sight for accessing Burden Lake Road from the driveways in the vicinity. Mr. Landers showed the PB where his property was located on the map and which side of his property the fence was going to be placed (south side property line). AH asked if the fence would be stained and Mr. Landers confirmed yes, it will come pre-stained. Mr. Landers said that he and Mike Wager discussed just cutting off the top of the arched fence by the road to the 3' level.

With no other questions from the PB, 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. MG seconded the motion and all approved. AH made a motion to give this application a negative declaration under SEQR. He stated 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. MET seconded the motion and all approved. AH made a motion to grant approval to this Scenic Preservation Application, as submitted. AH confirmed that a condition regarding erosion control would not be necessary for this fence installation. MG 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

Tax Map #157.-3-14.1

Lot Size: 36.19 acres

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.

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. He said the new equipment will provide increased capacity to users and should cut down on users losing signals.

JB asked if any hardware was being taken off and was advised no just the enhancements listed on the Application. DB asked if they would be replacing the existing cable and was advised yes. The PB reviewed the diagrams provided by Crown Atlantic. AH verified with LH that a Public Hearing needed to be scheduled for the Special Use Permit and was advised yes. AH motioned to schedule a Public Hearing for November 21, 2018 at 7:30 PM. MET seconded the motion and all approved. JB discussed with Mr. Silver "colocation by right" related to a municipal permit which involves the pre-emption of the Federal Government to ensure telecommunications "shall" be approved for advancing technology. All understood the Application was for minor adjustments to the tower, there would be no excavation of the land and no height increase to tower. All agreed that a Pubic Hearing was still required to inform adjacent land owners what was going to happen on the property.

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

Chad Cook explained to the PB that they were requesting a subdivision of 15.16 acres from the Furlong’s property. He said the 15.16 acres was on the west side of Oak Hill Road and that presently they had no plans to build a home on the parcel. AH said he was familiar with the property which has a lot of stone walls and was pretty flat. Mr. Cook said there was a wet area in the back of the parcel but otherwise it was very flat. MET noted the lot has plenty of frontage. The PB agreed the request was straightforward. AH motioned to schedule a Public Hearing for November 21, 2018 at 7:30 PM. MET seconded the motion and all approved.

MINUTES – AH motioned to approve the September 19, 2018 minutes. RL seconded the motion and all approved. AH motioned to approved the October 3, 2018 minutes. RL seconded the motion and all approved.

ADJOURNMENT

MET motioned to adjourn the meeting at 8:49 PM. AH seconded the motion and all approved.