

**Town of Sand Lake
Planning Board Minutes**

October 18, 2017

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: Nancy Perry, Chairwoman, called the meeting to order at 7:30 PM

MEMBERS PRESENT: David King, Dominick Bates, Jonathan Bernstein, Ralph LaMontagna, Michael Groff and Lawrence Howard, Esq.

MEMBER ABSENT: Arthur Herman

OTHERS PRESENT: Bill Glasser, George Barna, Ron Cahill, Erven Fox and Monica Ryan

RECORDING CLERK: Karol O'Sullivan, Clerk for the Planning Board and Zoning Board of Appeals

Minor Subdivision and Public Hearing

John T. Casey, Jr.

39 and 40 Loon Creek Lane

Averill Park, NY 12018

R Residential Zoning District

A Minor Subdivision Application for a two-lot subdivision with prior area variances approved by the ZBA.

Tax Map #158.4-2-8

Lot Size: 24,697 sq. ft. and

21,048 sq. ft.

Nancy Perry (NP) asked Bill Glasser (BG) for an overview of John Casey's subdivision discussed at the Planning Board's prior meeting. BG said it is a one-acre lot on Loon Creek Lane on the backside of Burden Lake. He said the property is divided by Loon Creek Lane with two existing dwellings (one on each side of Loon Creek Lane) on the property. He said each parcel will be approximately one-half acre and the ZBA recently granted approval of area variances for setbacks. BG added that he had corrected the Tax Map #s on the maps.

Ralph LaMontagna (RL) read the Public Hearing notice and NP motioned to open the Public Hearing at 7:33 PM. David King (DK) seconded the motion and all approved. With no public comment, NP motioned to close the Public Hearing at 7:34 PM. Dominick Bates (DB) seconded the motion and all approved. NP asked the Planning Board (PB) for questions/comments. RL said he noticed the sewer hookup on the property which is a good thing.

NP made a motion to give this action a negative declaration under SEQRA. She 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. DK seconded the motion and all approved. NP made a motion to grant approval to this Minor Subdivision Application, as submitted. Michael Groff (MG) seconded the motion and all approved.

Special Use Permit and Public Hearing

George Barna

Tax Map #168.-4-66

224 Route 151 (Luther Road)

East Greenbush, NY 12061

Lot Size: 3 acres

AR – Agricultural/Residential Zoning District

A Special Use Permit to renovate a single-family residence into a two-family structure.

NP asked George Barna (GB) for a brief overview of what he is trying to do. GB stated he wishes to turn a single-family dwelling into a two-family dwelling. NP stated that the Planning Board (PB) had done a site visit to the property on Tuesday, October 10. NP advised that the Public Hearing was left open from the October 4 meeting and Lawrence Howard (LH) confirmed that there was no need to motion opening the Public Hearing as it remained open.

Erven Fox stated he wished to speak again about the property addressing two issues: zoning and highway safety. He said he understands that all property is agricultural/residential in the zoning. He asked what was the legal interpretation of that zoning for the Town by those who drafted and approved the zoning. He said he assumes the intent was for single-family dwellings. He said the fact that a Special Use Permit is being sought further suggests the intent was indeed for single-family dwellings only. He asked, should this Special Use Permit get approved, will this be precedent setting for this zoning in future and does it open up zoning for absentee landlords with no vested interest in caring for their property as most single-family homeowners do. Mr. Fox said the structure is a large home and could house many people and especially could be used for rental property. He said he has highway concerns with water runoff freezing on the highway which should concern the Town and County.

With no other public comment, NP asked LH to address the agriculture/residential district zoning language. LH explained there is a purpose for the district being spelled out in the zoning. He said this use is on the Use Table of the Zoning Law as a Special Permit Use. It is a permitted use, but the Special Permit nature means that before you take this use you have to come to the PB so the PB can consider the impact of the use. LH explained it is permitted and the Town is not setting a precedent by approving it. It was something contemplated when zoning was adopted. NP asked Mr. Fox if he was satisfied and he said he was. It was also mentioned that the prior zoning had this same language since 1972.

NP asked the PB for questions/comments regarding highway safety and runoff. DB said that at the recent site visit he saw architectural plans for inside the building and wondered if GB had an overall site plan for removal of the concrete pool. He asked if there were any drainage plans regarding the runoff. GB said previously the house was vacant and no one had cleared the driveway over the last ten years. He said he would assume the runoff would be less once the driveway was snowplowed. DK said the site itself is three acres, but when you look at the location of the septic it is tight on the property line. GB said he will need to be in compliance. RL said isn't that part of the Certificate of Occupancy and part of the process. NP said she would want the septic system to be included in any conditions of

approval. RL questioned what was the point of such a condition and NP said she did not wish to leave this condition to another agency. She continued that if they believed Rensselaer County would need to look into it, why shouldn't the PB make it a part of their conditions. RL continued asking why the PB would have reason to believe there would be a problem here vs. another property. NP pointed out that they had heard public comment regarding the sewer and the plan was to go from a one-family to two-family dwelling which could intensify these issues. RL asked if this is the first that the Town has been hearing about these issues and said he was not comfortable with making one property owner jump through hoops. The PB continued to debate the need for making this issue a condition of their approval and even though the issue will be covered by Rensselaer County, everyone agreed that the condition could be stated in the PB approval.

NP asked GB if he was OK with removing the pool and grading the property and he said yes. NP asked the PB if the removal of the pool and grading of property should be a condition of the approval as well. RL stated the house is an eyesore and GB is putting a lot of money and energy into cleaning it up. He said he did not think they will do the work half baked. RL agreed to the condition. DB agreed that it was a monumental project because the property is a wreck now and he just wants the work to be done right.

NP asked for additional public comment. Mr. Fox talked about the water drainage issues and offered that a swale should be created on the property to make the water flow better. He said the property has been an eyesore to neighbors for years and the neighbors would be happy to see it improved. He finished saying that the history of this property has made him suspicious of the current intent to improve this property.

The PB discussed that this is a State road and how to handle the concerns of the driveway draining into the road. They talked about having an independent engineer get involved. GB pointed out that there must be many driveways on that road that drain onto the road. He said they are trying to do the right thing and does not want more hurdles placed before them. He restated his agreement to do all the work that has already been discussed. He said it is very early in their ownership of the property and does not fully know the extent of what needs to be done with the septic, the pool removal and the drainage of the driveway. DB discussed with GB how the property could be graded once the pool is removed to help with the drainage. Having an independent engineer involved was ruled out. DK said a lot of work needs to be done on the property and that once the pool is removed, if there are issues, the State should address the issues. Crowning the driveway would be a good idea. RL said tenants would also address the issues with Mr. Barna if they exist. JB asked GB if he had an engineer involved in his plans and was told yes for the house but not for the yard.

NP asked GB to pay particular attention to grading the slope to side of property and he agreed. NP said Mike Wager would remain involved as the Code Enforcement Officer. RL stated the Foxes would be open to bringing future issues to the Town. NP and the PB discussed the language to be included with the conditions of approval.

NP motioned to close the Public Hearing at 8:04 PM. DK seconded the motion and all approved. NP explained that the SEQR was started at the prior meeting. NP then motioned to give this action a

negative declaration under SEQR. She stated that the Town of Sand Lake Planning Board, as Lead Agency, has determined from the information presented, Public Hearing, site visit 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. NP motioned to approve the Special Use Permit with the following conditions: (1) remove inground pool and fill in and grade lawn behind the house, paying attention to grading the slope to the side of the property and (2) meet all Rensselaer County Health Department requirements regarding septic systems for a two-family home. RL seconded the motion and all approved.

Conceptual Discussion for Minor Subdivision

Ron Cahill
39 Windmill Way
Sand Lake, NY 12153
RR – Rural Residential Zoning District

Tax Map #149.7-1-6.1

A conceptual discussion regarding the subdivision of a lot into two parcels.

Ronald Cahill presented before the PB and handed out drawings of his conceptual plans for a minor subdivision. The proposed subdivision would require area variance approval from the ZBA as well as the subdivision approval from the PB, so Mr. Cahill wanted to present his conceptual plans to each of the Boards in advance of submitting any applications.

Mr. Cahill explained that he would like to carve off a piece of lake access from his property to create waterfront access for his children in the future when he no longer owns his property on Big Bowman Pond. He explained that his children would not be able to purchase his property in the future and this idea would allow them to have access to the lake. The PB and Mr. Cahill discussed other solutions such as creating an easement on his property now for his children, but that does not solve the issue when eventually his property is sold. The PB, LH and Mr. Cahill discussed various scenarios for the property and precedent setting concerns the PB had over approving the subdivision of one-fifth of an acre. Doing the proposed subdivision would make his “parent” lot smaller and less conforming to Zoning Law and would require an area variance for lot size and the one-fifth of an acre parcel would also need a variance for lot size. Approval of the one-fifth acre parcel would set a precedent for more “lake rights only” parcels. After much discussion between the PB and Mr. Cahill, the PB advised that they could not entertain and approve such a proposal.

MINUTES -

ADJOURNMENT

NP motioned to adjourn the meeting at 8:36 PM. MG seconded the motion and it was unanimously approved.