

**Town of Sand Lake  
Planning Board Minutes  
October 2, 2019**

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, Michael Groff, Mary Ellen Trumbull, Rick Giolito, Jonathan Bernstein, William Glasser, Craig Crist

**MEMBER ABSENT:**

**OTHERS PRESENT:** Frank Breselor, Kevin Rowe, Kaitlyn Rowe, Edward Patanian, Scott Blair, Seth Roberts, Ed Brzozowski, Monica Ryan

**RECORDING CLERK:** Laura Fedoreshenko, Clerk for the Planning Board and ZBA

**Scenic Preservation Application**

Kevin and Kaitlyn Rowe

43-45 Windmill Way

Sand Lake, NY 12153

RR – Rural Residential Zoning District

**Tax Map #149.7-1-5**

Lot Size: 1.21 acres

A Scenic Preservation Application to remove two trees within 100' of Big Bowman Pond.

Kevin and Kaitlyn Rowe presented and stated their plan was to remove two trees; one of which was dead and the other just about dead. They explained that these trees prevented the woods from drying out and that they have had issues with fallen limbs. Arthur Herman (AH) asked if Michael Wager had done a site visit for which Monica Ryan replied yes and that he had agreed with the removal of the two trees. AH stated that the house could not be seen from the lake for which the Rowe's agreed. AH asked if there were any other questions. Rick Giolito (RG) stated he had seen the site and added that the pictures were clear in that one tree was close to the house. With no further questions, AH motioned to declare the Town of Sand Lake as the Lead Agency with no other interested agencies and classified the project as a Type 2 action under SEQRA as there was no significant or adverse impact on the environment. RG seconded the motion and all approved. AH then motioned to approve the Scenic Preservation application as submitted with the following conditions: proper erosion and control measures be used during the removal of the trees. RG seconded the motion and all approved.

**Minor Subdivision Application-Preliminary Plat**

Gerald Beer (Applicant)

James Ford (Property Owner)

23 Stage Coach Road

Sand Lake, NY 12153

RR – Rural Residential

**Tax Map #149.-1-7.11**

Lot Size: 15.77 acres

New Lot – 5.01 acres

Remaining Land – 10.76 acres

A Minor Subdivision Application to subdivide one lot from 15.77-acre parcel.

James Ford presented and stated that he was the current property owner. He further explained that Gerald Beer was out of town; thus asked Mr. Ford to represent the Minor Subdivision Application. Frank Breselor stated that he was an attorney with Shulman, Howard and Macpherson and was filling in for attorney Scott Ely. Mr. Ford stated that he was selling 5 acres to his neighbor. Monica Ryan explained that there was a second property owner (Jodi Loss) whose signature was not on the application however a copy of the contract of sale receipt had been submitted as proof of her agreement to the Minor Subdivision. Mr. Ford agreed and added that Ms. Loss was aware of the contract to sell the land. Ms. Ryan further added that the receipt with Ms. Loss' signature was evidence of the contract and intention to subdivide the property. RG then asked if there were two sellers for which Mr. Ford agreed. RG then asked Craig Crist (CC) if the Planning Board (PB) could move forward without the signature of the second owner on the Minor Subdivision Application. CC replied that the PB could move forward as there would not be approval of the application at this meeting but rather the scheduling of a Public Hearing. Mr. Ford stated that he could obtain the additional signature the next day. The PB members then reviewed the site plan maps and AH asked Mr. Ford if he was also the adjacent landowner. Mr. Ford replied yes. AH noted that the action was being done as a Minor Subdivision versus a Boundary Line Adjustment. Mr. Ford explained that there was another neighbor who had property notched out of the site; thus, the subdivision would be going off of that property line. Mr. Ford added that since he was not utilizing the land, this action would help to clean things up and provide for more road frontage. Mr. Ford then stated that Mr. Beer had discussed the plan with the Town's Planning Department who decided this method was the better way to proceed. Ms. Ryan clarified that while the plan had been discussed, it was the applicant's decision to apply for the Minor Subdivision versus the Boundary Line Adjustment in order to create a separate lot. RG asked how many lots did Mr. Beer currently own. Ms. Ryan replied that Mr. Beer owned two lots but only one was relevant to this application and that he would have three lots in the end. With no further questions, AH motioned to declare the Town of Sand Lake Planning Board as the Lead Agency and there was no other involved or interested agencies on this project and classified it as an unlisted action. Seconded by Ralph LaMontagna (RL) and all approved. William Glasser (WG) asked if Question #13A could be fixed on the SEQR form to reflect wetlands. Mr. Ford replied that he did not believe so as there was nothing but rock and high-ground. WG shared with Mr. Ford a copy of the DEC map to clarify. Mr. Ford responded that the wetlands is on the lot that he owned and would not be a part of the lot being sold. WG clarified that the DEC map reflected the whole lot even if the wetland section was not to be part of the sale. Mr. Ford agreed that in the far corner of the lot there was some wetlands and reiterated that area was not part of the sale. AH then motioned to set the Public Hearing for October 16, 2019 at 7:30 pm; seconded by RL and all approved

**Site Plan Review**

Seth Roberts (Applicant)

Al Hayner (Property Owner)

21 Arlene Court

Averill Park, NY 12018

R – Residential Zoning District

**Tax Map #158.4-6-1**

Lot Size: 3.23 acres

A Site Plan Review Application to construct a new 50' x 80' pole barn on parcel as part of an existing commercial use.

Seth Roberts presented and stated that he has been the owner/operator of the Hayner Boat Storage for approximately the last six years. Mr. Roberts added that no expansions had been done in the last 20 years as the last building built was in 1998. He explained that the proposed plan was for another cold storage building to accommodate larger boats and provided an example of customers once storing a 17' bow rider however moved onto a 22' pontoon boat. Mr. Roberts added that fitting those larger boats in the current storage buildings was not feasible. AH asked Mr. Roberts if he had been before the PB within the last year or two. Mr.

Roberts replied yes, last year for a subdivision. He also added that he believed the needed setbacks were correct. AH asked Ms. Ryan about the lot that has boat storage and was that considered accessory. Ms. Ryan replied that it was appropriate as the lot had been subdivided from the original parcel; thus, storage is the primary use of the property. AH asked PB members if they thought a public hearing was necessary. CC replied and stated that the setting of a Public Hearing would be at the PB's discretion. RG then asked Mr. Roberts if he had talked to his neighbors about the project. Mr. Roberts replied that he had not however the area was secluded and as such the structure should not be visible. RG asked if it was residential on either side of the property. Mr. Roberts replied yes. AH asked if there was vacant land in the back of the property. Mr. Roberts replied yes and that it was heavily wooded on all other sides. RG asked if the proposed structure would be taller than the other buildings. Mr. Roberts replied that the existing green building was currently 14' to the bottom of the trusses and the proposed structure would be somewhat taller. He added that the proposed structure would be the same green color. AH asked if the roof pitch would be the same. Mr. Roberts replied that the proposed structure would have a little more roof pitch. RL asked if there would be any lighting on the building. Mr. Roberts replied there would not be any lighting or electric. RL commented that should any lighting be placed on the outside, it would need to point to the ground versus the sky and/or neighborhood. RL asked if lighting was being planned for the future. Mr. Roberts replied possibly in the future and, if so, would consist of minimal lighting on the inside in case there was a need to access it during the night. AH then asked if there were any further questions, both RL and RG replied that they did not see any concerns/issues. AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as the Lead Agency with no other interested or interested agencies. Seconded by Michael Groff (MG) and all approved. AH motioned to grant approval of this Site Plan Review as submitted and subject to the following condition: No additional expansion of this existing commercial use shall be permitted without a variance as this legal nonconforming use has reached the maximum allowable expansion of 30% (pursuant to Section 250-129B of the Zoning Code). Seconded by Mary Ellen Trumbull (MET) and all approved. Ms. Ryan explained how the maximum allowable expansion of 30% had been calculated. Mr. Roberts replied that he was fine with the outlined condition as this structure would satisfy his operational needs for some time.

**Site Plan Review Application**

Edward Patanian

Averill Avenue

Averill Park, NY 12018

PDD – Planned Development Zoning District

A Site Plan Review Application for construction of three apartment buildings and a community pool amenity.

**Tax Map #147.2-4-21.1**

Lot Size: 19.05 acres

Edward Patanian presented and stated that after attending the last PB meeting he had made some revisions. Mr. Patanian referred to a copy of the latest site plan map and stated that as PB members had indicated interest in a site visit; he had a surveyor mark out the first building he would like to construct. He explained that landscaping, layout of lampposts and green area around the pool had been added to the plan. Mr. Patanian then stated that after more thought, he removed from the plan the buildings behind the pool building for now as he was unsure what the future may bring. He added that after building the first building (#11), clients may wish to see a design change; thus, wanted to leave room to do so if needed. He mentioned that the site plan was a little difficult to read so he provided a cover sheet to reflect the overall phase-in plan. He also mentioned that he awaited the pole out front to be moved. Mr. Patanian then stated that the plan reflected the connections for the water/sewer. He added that he had met with Steve Hart and if buildings were ever placed in the back, the sewer would be from a different area and showed it on the site plan map. AH asked Mr. Patanian if he was now proposing three of the same buildings. Mr. Patanian replied yes. He explained that commercial/retail brokers that he had talked to believe the commercial business should be in the front of the site and for him continue the build-up of the residential community for density. He explained that it was for those reasons he

thought to begin constructing building #11 and added that there may be office space on the 1<sup>st</sup> floor; one of which could possibly be for himself eventually. RL asked if the pool would be indoor or outdoor. Mr. Patanian replied outdoor. RL then asked if the parking would be gravel or paved. Mr. Patanian responded that everything as part of this project would be paved. RL then noted that additional greenspace had been added around the pavilion. Mr. Patanian agreed. He added that while he had looked into WG's suggestion to narrow the parking lane, his engineer's review revealed that the space allocated was the minimum needed for the radius of going into the parking spaces. RL then noted that there would be 10 apartments in each building and asked who would own them or if there would be an HOA. Mr. Patanian replied that the plan is for him to own them. RL then asked if the pool/pavilion would just be for resident's use or residents and guests. Mr. Patanian responded that it would be for residents and limited guests and that there would be rules and regulations set however they have not been worked out yet. He added that an HOA may pose issues as the townhouse folks would not want their rates going up therefore use of the pool could be optional for them. RL then asked if the pool would be the last item done in order to build up density. Mr. Patanian replied not necessarily as he viewed the overall site being able to access/use the pool area. RL then asked if an area had been established for the removal of rubbish. Mr. Patanian replied that it would depend on a conversation with a rubbish company for suggestions on the best layout. He added that the buildings in the front have an enclosed dumpster that is shared and the units in the back have individual containers. He then explained that he did not want garbage containers down along the street so they would either need to be in the back or in a fenced in enclosure. RG asked RL if he was referring to the pool area or the apartments. RL replied apartments. Mr. Patanian commented that while not shown on the plan, any rubbish area would be convenient yet out of sight such as dumpsters enclosed with a white fence and landscaped around it. He added that the folks with garages would be restricted to storing the containers inside. Mr. Patanian then stated that commercial accounts for dumpsters create a problem as they don't want to provide provisions for recycling and believed folks prefer individual containers. RL then asked, as the owner, would Mr. Patanian be responsible for the snow removal and lawn maintenance. Mr. Patanian replied yes. He added that as he would be constructing only one building at a time, it would not be hard to maintain. AH asked what would be the colors on the buildings. Mr. Patanian replied that he would stagger the colors to look like row houses and stated that in his code, it is specific as to the neutral colors that could be utilized. He added that each of the façades would be different for roof color, shutters and window mullions. He explained that it would be the same in the rear of the buildings and the garage doors would be different with possible cultured stone as a separator. With no further questions from PB members, AH asked if a Public Hearing was necessary. Ms. Ryan replied that would be at the PB's discretion. RL then asked if there would be more solidified information. Mr. Patanian replied that his plan was to come in with the full site plan maps stamped by an engineer for this project. AH asked if there were plans on the storm water. Mr. Patanian replied that the Storm Water Pollution Prevention Plan (SWPPP) on the property would cover it. AH asked if the storm drain and sewer lines were in place for these buildings. Mr. Patanian replied yes and would just need to tie into them. He also mentioned retention ponds being all around the site for which the storm water system from the road runs into. AH stated that the changes were not significant as there were originally three buildings on the plan. Ms. Ryan agreed and added that while this was a change of use, it would be within the same footprint. Mr. Patanian added that his original plan allowed for commercial and/or residential use. RL stated that it seemed the PB would need to see for review the final site plan reflecting such things as the lighting and landscaping before setting a Public Hearing. Mr. Patanian replied that he added the landscaping onto the latest site plan however each building is done differently based upon availability. He stated that lighting had also been added to the latest site plan and pointed it out to RL. RG asked about lighting for ingress/egress. Mr. Patanian mentioned that a light could also be placed in the island area and RG agreed. RL asked if the lighting in the back would be on the buildings themselves. Mr. Patanian replied yes and added that each side of the garage doors would have coach lighting along with lighting on the walkways. RG asked if the pool would be closed at night as he noted there was no lighting designated for that area. Mr. Patanian replied that as the Health Department would require an enormous of lighting, the pool would be closed at night. RG asked if the pavilion would be closed at night also. Mr. Patanian replied not

necessarily as that area could be lit up from the inside. RL noted that Building #5 had a number of parking spaces however only had one light pole. Mr. Patanian replied that is the location where he had just agreed to add one in the island. He stated that such things as the lighting was not cast in stone as lighting/landscaping could be added as the work got underway. RG asked if any of those changes would be off from this site plan. Mr. Patanian replied no, this version was the latest site plan and he would return with larger copies of it that reflected the additional lamppost as discussed above. RL asked if the final plan could include information on the rubbish and its removal. Mr. Patanian replied that he would most likely have to go with the individual containers. He added that if the plan changed to dumpsters, he would then have to come back to the PB for another approval. RL commented that he felt the rubbish was important to be considered as another structure on the site. Mr. Patanian agreed and stated he would think about where to potentially place a dumpster for the final site plan. AH asked if preparation for the pool would begin after the construction of the first building. Mr. Patanian replied that was his thought as he had received a lot of pushback from the current tenants saying it had been part of the original plan. He then added that he would need to work on the budget over the winter to make sure it is feasible and the possibility of additional tenants would help in that respect. RL asked AH what the PB's next steps would be. AH replied that it would be to give preliminary approval of the Site Plan Review application. Mr. Patanian asked if PB members wanted to perform a site visit as he had staked out for first building (#11). RG replied that he did not believe it was needed and added that PB members could do a drive-by if they felt the need to do so. RL stated that the final site plan should reflect the additional lighting and proposed dumpster area. AH asked PB members if anyone felt a Public Hearing was needed for which no one indicated a need to do so. AH asked PB members to do an individual site visit prior to the final Site Plan Review at the PB next meeting. RL asked if there was any harm in holding a Public Hearing. AH replied there would not be any harm in gaining the neighbor's input however a Public Hearing had been done for the original Site Plan Review. AH added that the original plan had the buildings with commercial and residential and now the plan is for residential. Mr. Patanian stated that the original site plan was partly conceptual to reflect sufficient water/sewer capacity to support the plan. He then added that the original approval allowed for mixed-use; thus, the change to all residential would be a conforming use. CC confirmed that the latest proposed plan was one of the approved uses. Jonathan Bernstein (JB) stated that as Mr. Patanian would have to return with the final site plan, a Public Hearing could be scheduled for the same time. PB members discussed whether a Public Hearing was necessary. AH clarified with Mr. Patanian that the large commercial building had been removed from the plan. Mr. Patanian agreed that proposed building had been removed from the front of the site. AH then stated that the Building Department was in need of a cleaned up site plan for such things as removal of poles and turning lanes being added. Mr. Patanian replied those items are shown on this latest site plan and reviewed it with the PB members. WG stated that he did not see a reason for a Public Hearing at this time. RL and RG agreed. AH stated that PB members could do individual site visits. He then asked Mr. Patanian to attend the next PB meeting with copies of the final engineer stamped site plans.

**Major Conservation Subdivision Sketch Plan Continuation – Karl Farm Phase 2**

E. W. Birch Builders & Construction, Inc.

3975 NY 150

West Sand Lake, NY 12196

AR – Agriculture/Residential Zoning District

A Major Conservation Subdivision Application to create 7 residential lots from a 75.73-acre parcel of land.

**Tax Map #158.-1-26.11**

Total Acreage: 75.73 acres

Project Area: 52.78 acres

Remaining Parent Lot – 22.95 acres

Ed Brzowski stated that he had been in front of the Planning Board at the last meeting and presented the proposed plan to develop seven lots as well as donation of two separate parcels of land to the Rensselaer Land Trust (RLT) - he referred to the site plan map to reflect the parcels. Mr. Brzowski added that the RLT had accepted the donation. He explained that one of the parcels being donated would provide RLT with access to other land that had been landlocked. He added that the RLT indicated their immediate plan for that area would

be to apply for a federal grant to create a driveway and possible parking area for five vehicles to be utilized for tours and school visits. Mr. Brzozowski then referred to the second parcel of land being donated to the RLT for which they had indicated to him that it would be for possible future use. AH asked if the only change since the last PB meeting was that the donation to the RLT had become larger. Mr. Brzozowski replied that was correct. AH stated that change happened after PB members had performed a site visit. Mr. Brzozowski agreed and added that he also had a letter from the RLT on their acceptance of the donation. WG asked if there was a plan to have the wetlands delineated by DEC in order to see if the lots actually exist. As an example, WG explained that on Lot 7 it did not seem as there was any building space left on it as the 100' buffer that came up the side to the road was incorrect. WG then reviewed/discussed the site plan map with Mr. Brzozowski along with the designated wetland and 100' buffer area. Mr. Brzozowski replied that there was a delineation by the Army Corps of Engineers (ACOE) which indicated he could build right up to it. WG reiterated that the DEC lines would need to be delineated and suggested that caution be taken. AH then asked if the ACOE had delineated previously. Mr. Brzozowski replied they had done so previously and was on the actual map. Ms. Ryan added that in information she had shared; it reflected there was a check zone buffer around the wetland. She added that Mr. Brzozowski would need to have that buffer zone checked by DEC prior to any building due to the overlap of information. AH then stated that buffer zone check may want to be done prior to approvals and building as changes could be needed based on determinations by AEOC and/or DEC. Mr. Brzozowski replied that he understood it was his responsibility to contact the AEOC and/or DEC and would do so for such check to be done. AH then stated that he had done a site visit and as far as the other lots, they seemed to be up high enough. WG stated that elevation had nothing to do with wetlands as vegetation would play a role. RL asked whether it was up to the PB or the applicant on moving forward. Ms. Ryan replied that the full set of plans would require SWPPP. She added that, if at that point, the PB was generally comfortable with the information provided then it would be a full move forward to preliminary plan for the proposed project. RL then asked in regards to the DEC/ACOE, was it the concern of the PB or the applicant. Mr. Ryan replied that while it would ultimately be the applicant's concern however good planning for the proposed lots with known information would need to be taken into consideration by the PB. RL asked Mr. Brzozowski if he was okay with getting that issue resolved. Mr. Brzozowski replied yes based on the condition of the SWPPP being approved for the conceptual 7 lots. RG stated that he recalled a concern with the lot size reduction exchange for land being donated to the RLT. He then asked if that obligation had now been met as a result of the larger amount of land being donated to the RLT. Ms. Ryan replied yes and added that the donation of land exceeded what was needed. RG then stated that Lot 7 would need DEC approval in order to build on it. Ms. Ryan replied that as Mr. Brzozowski would need to know if he could build there; thus, a re-evaluation would be needed. Mr. Brzozowski replied that he would have the lot re-evaluated and RG replied that information would be needed as part of the next step. AH asked PB members if they would be comfortable with the amount of land being donated to the RLT in exchange for reduced lot sizes. AH added that there would also be a Public Hearing on the project. RL and RG replied yes as long as the other concerns were addressed. Mr. Brzozowski added that at the last meeting, the donation of 20 acres was needed and as it is now over 30 acres being donated; thus able to "bank" the overage of additional land for future exchange use, if needed. AH stated that he was comfortable with information received thus far and asked PB members for their thoughts. PB members agreed and WG added that his only concern was for the applicant to check on the wetlands prior to returning with the final plan. Mr. Brzozowski agreed to have that check done and asked if Lot 7 would need to be mitigated prior to the PB setting the Public Hearing. Ms. Ryan replied that the SWPPP would need to be done and reviewed. AH asked Mr. Brzozowski if the SWPPP had been started yet. Mr. Brzozowski replied that upon the final being presented and accepted as feasible, he would then have the SWPPP designed and deal with any other issues that may arise from the Rensselaer County Health Department. AH asked if wells had to be driven yet. Mr. Brzozowski replied that two wells had been done across the street. Ms. Ryan agreed that would be the proper process and added that it would involve two meetings for the Public Hearing. She added that the final Public Hearing could not be waived due to the project being a Major Subdivision. AH asked PB members if they were in agreement to the scheduling of the Public Hearing for the

next PB meeting and all agreed. AH then motioned to schedule the Public Hearing for October 16, 2019 at 7:30pm; seconded by RG and all approved.

**Site Plan Review Application**

Daniel and Zeinub Alber

88 Garner Road

Averill Park, NY 12018

R – Residential Zoning District

A Site Plan Review Application to construct a 44' x 40' barn on 10.95-acre parcel.

**Tax Map #158.-2-47.11**

Lot Size: 10.95 acres

Daniel Alber presented and stated that the proposed plan was to build a barn. He added that his wife was graduating with Master's degree in Nursing and wanted a few horses and possibly a cow. PB members reviewed samples of the structure along with the site plan map. RL asked what the barn would look like. Mr. Alber replied that it would look similar to a house and be a tan metal building with a black roof. He added that while the size of the building would remain as submitted in the application, the roof pitch may change as he was in negotiations on the purchase of the building based on outcome of this Site Plan Review application. AH asked if the actual location of the structure would be in the back, right in the middle and referred to the site plan map. Mr. Alber replied yes. AH asked if an outbuilding already existed. Mr. Alber replied yes, there was a shed and referred to the site plan map to show the location of it. He added that the proposed structure would be approximately 300' from the back of the house. RL asked the distance from the side lot lines. Mr. Alber replied 150' on one side and approximately 450' on the other side. RL replied that was more than enough room. Mr. Alber replied that no one would really see the new structure. RL asked Ms. Ryan if there were any extenuating issues with the proposed project. Ms. Ryan replied that according to the Town code, there could not be more than 10 animals allowed for the size of the property. With no further questions, AH motioned to declare the Town of Sand Lake as the Lead Agency with no other interested agencies and classified the project as a Type 2 action under SEQRA as there was no significant or adverse impact on the environment. WG seconded the motion and all approved. AH then motioned to approve the Site Plan application as submitted; RL seconded the motion and all approved.

**RESOLUTION APPROVALS** – Scenic Preservation Application for Gary and Linda Brown

RL motioned to waive the full reading of the drafted Resolution; seconded by WG and all approved.

RL motioned to approve the Resolution in its entirety; seconded by RG and all approved.

**MINUTES** – WG motioned to approve the August 7, 2019 minutes as submitted; seconded by RL and all approved.

**ADJOURNMENT**- AH motioned to adjourn the meeting at 8:50pm; seconded by MG and all approved.