

**Town of Sand Lake
Planning Board Minutes
October 3, 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: Ed Patanian, Kevin Kronau, Stuart Nippes and Kevin McGrath

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

Minor Subdivision Application and Public Hearing

Dennis Tremont
300 Sheer Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #158.-1-11.11
Lot Size: 21.87 acres
Lot 1 – 16.11 acres
Lot 2 – 5.76 acres

A Minor Subdivision Application to subdivide a 21.87-acre parcel of land into two lots.

Kevin McGrath presented before the Planning Board (PB) on behalf of Dennis Tremont. Kevin McGrath explained the large parcel off Sheer Road which already has a driveway with several other houses off it behind the Tremont garage. He explained where the Dennis Tremont’s 5.8-acre parcel is located to the right of the driveway and also explained the zig zag subdivision line was due to a rock ledge to remain with the parent lot. Kevin McGrath said that Dennis Tremont will own the 60 feet driveway into his parcel and has obtained ZBA Area Variance approval for the insufficient 60 feet of road frontage. He finished by stating that Tremont’s deed will incorporate the right of way easement for all houses currently using the driveway. Mary Ellen Trumbull (MET) confirmed there would be a new deed for this parcel and the easement for the other properties to use the 60 feet wide road as their driveways would be included in the deed.

Ralph LaMontagna (RL) read the Public Hearing Notice and then Art Herman (AH) motioned to open the Public Hearing at 7:36 PM. With no public comment from meeting attendees, AH mentioned one email from an adjacent property owner asking where Mr. Tremont planned to build his dwelling on

the 5.76-acre parcel. Mr. McGrath showed the general area on the parcel where the dwelling was planned and confirmed that the adjacent property owner's home was not going to be impacted by the new home. AH then motioned to close the Public Hearing at 7:30 PM. MET seconded the motion and all approved. MET asked if it would be appropriate to make the filing of new deed a condition of approval. Lawrence Howard (LH) said the driveway easement is on the survey map and the condition would not be necessary. AH said he had declared this Application as an unlisted action under SEQR at the prior meeting. 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.

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 Planned Development District (PDD).

AH stated he needed to recuse himself from this PB discussion as he owns property adjacent to the property to be discussed. He explained that RL would be acting as Chairman for the discussion.

Kevin Kronau, Jr., presented before the PB stating he was there to present a sketch plan for property he owns on Reichard's Lake Road. He said the sketch plan represents a proposed PDD. He explained the property is located on the northern border of Sand Lake at 208 Reichard's Lake Road, NY 351, and consists of 11.98 acres of vacant land. The town line runs through the northern portion of the property leaving +/- 10.98 acres in Sand Lake and +/- 1.0 acres in Poestenkill.

He said the proposed plan consists of 2 commercial buildings totaling +/- 28,000 sq. ft. and 3 self-storage buildings totaling +/- 36,000 sq. ft. He said he would own all of the buildings. He explained 1 commercial building of +/- 18,000 sq. ft. would be the office/shop for Chip Kronau Construction & Equipment, Inc., a commercial excavation/site work and used construction equipment sales company. The second commercial building of +/- 10,000 sq. ft. would be flex-space that could be rented or leased to one or multiple tenants depending on the demand and market conditions. Some possible uses could be office, retail, service (such as plumbing or electrical contractors), research and development or light manufacturing.

The self-storage facility is comprised of 3 +/- 12,000 sq. ft. buildings, each having various size storage units within them. There is an open parking area at the rear of the storage buildings for boat or camper

storage, all of which would be surrounded by security fencing. The storage facility would be operated out of the office of Chip Kronau Construction & Equipment, Inc.

He explained all of the buildings and operations would be serviced through one main entrance off of Route 351. There would be a sign near the driveway adjacent to Route 351 indicating the names of the various businesses located on the property along with some landscaping on the northwestern property line that would provide screening and also improve the aesthetics of the property. He said the open area on the southwest portion of the property would most likely be utilized for storm water retention and a septic system(s). Individual drilled wells would supply water to each of the commercial buildings. He said at this time there are no plans to develop the portion of the property that is located in the Town of Poestenkill.

Mr. Kronau said that if approved, this project would allow a commercial business(s) a place to locate within the Town of Sand Lake. He said there is very little commercial property in the Town currently available for a new business or an existing business that would like to expand. He explained the growing trend is people moving into apartments, condos and town houses along with senior housing already established in the area and the self-storage facility would give residents a safe, secure place to store their belongings right in town without having to travel to East Greenbush or Albany. He said the Town of Sand Lake would also reap the benefits of some significant tax revenue without the expense of additional town roads which would need to be maintained.

RL asked for questions from the PB. David King (DK) said the parcel of land is currently zoned as Residential and asked if the parcel of land was zoned Residential when he purchased the land. Mr. Kronau advised yes it was zoned Residential when he purchased the land. MET asked how active would the site be with construction vehicles. Mr. Kronau said his operation starts between 6:00 – 7:00 AM and they return at the end of each work day. He said there is not a lot of traffic coming and going from his business. He explained there are no material sales from his facility and he probably has 2 to 3 office staff during the day. He stated traffic from the flex space building would be dependent upon the business(s) he rents to.

Jonathan Bernstein (JB) asked if a site visit could be planned. LH explained the procedural process for a PDD to the PB by referencing the section of Zoning Code regarding the review and approval procedure. Section 250-100, B. (4) reads as follows: *The Planning Board, upon receipt of the referral (from the Town Board), shall have 60 days to issue an advisory report to the Town Board on the PDD sketch plan. Failure to issue an advisory report within 60 days shall be equivalent to a neutral recommendation. The advisory report shall make a recommendation as to whether the sketch plan, as submitted, meets the following sketch plan review criteria. (a) The proposal is conceptually sound in that it conforms to accepted design principles in the proposed functional roadway and pedestrian systems, land use configuration, open space system, drainage system, and scale of the elements both absolutely and to one another. (b) There are adequate services and utilities available or proposed to be made available in the construction of the development.* LH explained to JB that the PB has 60 days in which to conduct a site visit and meet with applicant again prior to issuing an advisory report. He said the advisory opinion does not commit the Town Board to accept the PDD. This is just an early look at a change of zoning.

DB asked how many storage units would there be. Mr. Kronau stated a variety of sizes such as 5 to 6 feet wide and 8 to 10 feet wide. He said he has no concrete plans at this time for the types of units or size of units. He said he would work with someone with knowledge of the self-storage industry. LH reminded the PB that level of detail was not necessary at this step in the process. Monica Ryan stated that level of detail would come before the PB as part of a Site Plan Review for the PDD. RL explained the PB would be looking at lighting and hours of operation to ensure no light flowing into the community. He said the storage buildings 30 feet apart is good to ensure fire apparatus could get into the location. RL asked Mr. Kronau if the building would be one story or two stories. Mr. Kronau said his shop/office would be one story in the front and probably two story or more in back. RL asked where the used construction equipment and materials would be stored. Mr. Kronau said such items would be stored in the back around flex space building. He also added the self-storage units would be located towards the rear and all agreed most of the plans would not be visible from the road. DB asked about the 108 acres of property behind Mr. Kronau's property and whether planned lighting would impact the property. Mr. Kronau said that everything is wooded now with nothing being developed. He said he would ensure any lighting would be focused towards area within fencing of storage area and possibly could use motion detection lighting. Hours of operation for storage area and card access was also discussed.

MET said she was interested in a site visit at some point. Mr. Kronau said it is wooded/grassy now and not really much to see other than the lay of the land. MET asked if the PDD would be competing with the use of Reichard's Lake Road with the high school and middle school traffic. Mr. Kronau stated he felt his employees were generally out by the time the buses start running. RL asked Mr. Kronau if he talked with any neighbors of the property. He said he has only spoken to Bob Door who owns the adjacent Poestenkill property and he is aware of the proposed PDD. He speculated the home owner across the street would have an issue with the plans because they always do.

DK said he has no issue with the proposed layout of the PDD. He said that virtually any other area of the Town not zoned Residential would allow for the plans. He said there are other areas in the Town where this commercial plan would be easier and more appropriate. He explained the Residential-zoned areas of the Town were designated tightly for a reason. He shared the concern that allowing a commercial use in a residential district could set a precedent of establishing small commercial businesses in residential areas in the future and leads to diminish Zoning Law. He added that if adjacent properties contained other business, it would be a different issue. Mr. Kronau stated his property is on the northern border of Sand Lake. He pointed out that Jim Cooper ran his business across the street for many years regardless of whether it was legitimate or not and he is not placing a business in a densely populated area. He explained the Town Board had suggested raised berming and landscaping out front so as not to see the buildings in the back. He said there would be a business sign out front, but not much more visible from the road.

RL said it is a sparsely populated area, it does meet the ten-acre requirement and is a respectful/hidden plan. JB said he understood the purpose of the PDD is to allow for a commercial business to be established in a residential area, but also pointed out that there is a Town Comprehensive Plan which strives to keep the integrity and character of the Town.

RL asked for day/time options for a site visit. It was decided that Wednesday, October 10 at 4:30 PM worked for most of the PB and it was also noted that the members should observe at the site visit but not discuss individual opinions at that time.

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.

Ed Patanian (EJP) presented before the PB stating he thought the PB was familiar with the site and had asked for Hank LaBarba’s engineering report comments. He said DEC has requested to review all subdivisions and came back with technical comments mainly related to the engineering report. He said that Rensselaer County Sewer also had some minor technical comments.

EJP said he agrees with Hank LaBarba’s suggestions about making oversized discharge areas on the land as an interim fix to address heavy storm events and has revised his Site Preparation Plan to reflect the suggestion. He said previously the PB wanted houses to be started in Phase 1. He explained he is building the third home with one closed and occupied, a second to be closed and occupied by the end of October and a third building under construction. He said the maps have been filed and all sewers are in for Phase 1.

AH said he had read Hank LaBarba’s comments. EJP said the Site Extraction Permit is new to all and the plan gets very busy. He said he feels it is better to separate the site extraction plan from the subdivision as they are separate applications. He pointed out that Lots 7 and 11 should be labeled as “not for development at this time” and the traffic report within the engineering report also needs to be revised. RL asked how would the traffic report be revised. EJP gave an example of number of truck trips.

EJP said he believes the reason why the Town wanted to move forward with site extraction permits was because they had no control over it before. He said DEC preempts the Town on mining permits. EJP said the new process seems much better for the Town as it has some control over subdivisions. It prevents the ability to return to a site and remove additional product for an indefinite period of time. He said his Phase 2 will be a short-term project of two to three years and mining can’t go on indefinitely. He stated there would be increased truck traffic in the first two years and he may need a third-year extension to get the hill removed. He compared his 100,000 yards to be removed with the 1.2 million-yard mining permit operation down the road. He said his frequency calculations are 8 trips per day on average which is really not accurate. He explained a mitigating factor is weather and

most extraction will take place in the winter months. EJP and RL discussed various ways of estimating the number of truck trips/amount of product to be removed/number of working days in a year. EJP explained there are a lot of factors involved with the extraction plan. He said the steep bank in the back of Phase 2 would need to be removed first before the steep bank in the front is cleared for storm water purposes and reclamation would be done concurrently. He explained he would need trucks/drivers and Troy Sand and Gravel is the only business to handle the job. Slow winter months is prime time with the ground frozen and windows closed. He explained that concrete product will move quickly, but over berm product takes more time to find a buyer. He said he will handle all stump removal and reclamation.

RL asked EJP for timeframe for Phase 2. EJP said Phase 1 took two years plus a one-year extension and expects Phase 2 to be similar. He said he expects most work to be done during the winter months explaining that works for TS & G's slow period and keeps the truck drivers working.

MET asked about the two lots (7 and 11) marked "not for development at this time." EJP said Lot 7 is near Jeff and Sara Blair's property and he cannot do anything with the lot until he can take the steep slope out. Lot 11 is being reserved as a potential aquifer for Town water. He said he had Alan Randall do a water study on the property and it really isn't the best buildable lot. If the Town does not show interest down the road, he may sell the property to adjacent owners. MET said Lot 11 is fairly large at 4 acres. EJP explained that a well field would need a 200' radius around well areas and said he believes it could work as a ground water source for the Town. The PB, LH and EJP talked about various options to access Lot 11 from Rt. 43.

DK asked if EJP planned to spoil anything on Lot 11 and was told no, he wished to keep it wooded as well as keep Lot 8 wooded to protect adjacent properties. DK said he did a site visit and noticed the bank at the end of Phase 1 has slumped down. EJP explained he is expanding the recharge area and believes he is allowed to take 750 tons of product as part of Phase 1 in a calendar year and still be legal. He said he needs to be prepared for the storm water events we have been receiving. RL asked EJP if the "temporary recharge basin" outlined on the map is the same as Hank LaBarba's recommendation for a "road-side swale" to contain storm water runoff. EJP said it is pretty much the same approach and walked the PB through the area on his erosion control map of the locations of the planned basins. DK asked EJP if he intended to include language in the property deeds that the homeowners will maintain recharge areas on their property and was told yes. EJP said that DEC wants the Town to control the grinder pumps but he has no problem with the Town not wanting to take on the responsibility.

EJP said he will try to minimize the visual effect of the Phase 2 hill removal by reclaiming the back of the hill first, leaving the front area until he can excavate it and create new recharge areas in an incremental manner. RL and EJP revisited road flooding issues with Phase 1 and EJP said he has added new dry wells in Phase 1 and had discussions with Brian Hunt about Phase 2 ditching and cross culverts. RL referenced Hank LaBarba's report, Page 2, #4 Storm Management and EJP said he plans to do the work recommended in the report and will adjust his plans accordingly. EJP showed the PB where the cross-lot swales are located and how they are attached to the driveway culverts. EJP

talked about the trees he has planted along the entire area stating the quality of the trees he plans to put in will help sell his homes and will reestablish over time.

LH advised that a Special Permit and Major Subdivision requires a Public Hearing. AH made a motion to declare this Major Subdivision Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency, the Town Highway Department as an interested party, and the Rensselaer County Health Department and DEC as involved agencies. MET seconded the motion and all approved. AH motioned for a Public Hearing to be held on October 17, 2018 for both Applications. EJP asked to hold off on any plan revisions until after the Public Hearing and the PB agreed.

MINUTES – AH motioned to approve the August 15, 2018 minutes. MET seconded the motion and all approved.

ADJOURNMENT

AH motioned to adjourn the meeting at 8:43 PM. MG seconded the motion and all approved.