

**Town of Sand Lake  
Planning Board Minutes  
September 18, 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:** Ralph LaMontagna, Vice-Chairman, called the meeting to order at 7:30 PM

**MEMBERS PRESENT:** Michael Groff, Mary Ellen Trumbull, Rick Giolito, Jonathan Bernstein, William Glasser, Craig Crist

**MEMBER ABSENT:** Arthur Herman

**OTHERS PRESENT:** Nancy Perry, Linda Brown, Garry Brown, Monica Ryan

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

**Scenic Preservation Application**

Gary and Linda Brown  
26 West Shore Drive  
Averill Park, NY 12018  
R – Residential Zoning District

**Tax Map #158.4-5-15**

Lot Size: .44 acres

A Scenic Preservation Application to construct a 300 sq. ft. addition off the back of an existing dwelling within 78' of Burden Lake.

Garry Brown presented and stated that they reside on Burden Lake and their property is somewhat of a peninsula with the Lake in front and behind them a jetty/inlet. He explained that the jetty/inlet is about a foot deep in the back of the house and can be swampy during the summertime. Mr. Brown then stated that they are proposing to add a 300 square foot addition to the back corner of their house that would extend across to expand their utility and the den. He explained that the residence is currently 1400 square foot with a small crawl space and no attic; thus, no room to do anything. Mr. Brown explained that their proposal is to try and make the residence a little more senior friendly by extending the bedroom, adding more closet room and extending the bathroom for direct access from the bedroom. He then stated that prior to going to an architect, they are seeking the Planning Board's approval on the addition and if feasible/affordable to also construct a walled dormer on their Cape Cod style home. He added that the dormer would not add any additional square footage to the upstairs but would extend the roof line. Mary Ellen Trumbull (MET) questioned if zoning had changed for Scenic Preservation. Monica Ryan replied that the requirement of 100' ft from the Lake remained for Scenic Preservation however the setback had changed to 50'. She added that the proposed project met the criteria for the setbacks. Ralph LaMontagna (RL) asked if he was correct in that there would not be trees removed for which Mr. Brown agreed. RL then asked if the addition would be the same

color/material as the house for which Mr. Brown agreed. RL then asked if there would be any additional lighting. Mr. Brown replied that one outdoor light on a motion detector already existed and that it would be replaced due to the addition. RL then asked if the neighbors had been made aware of the project for which Mr. Brown replied yes. Linda Brown explained that the only neighbor who may be slightly affected would be across the cove. RL replied that as the project is within the Zoning Code, he did not see it to be an issue. Rick Giolito (RG) asked if there was an upstairs for which Mr. Brown replied yes adding that it was like a Cape Cod with angled roofs. RG then asked that once the dormer is in, would they would they extend the second floor as well. Mr. Brown replied that would be an option if they were to receive the approval for the addition on the bottom. They would then look at the feasibility of adding the dormer on the top. Ms. Brown explained that it would just be adding the walled dormer and not adding any additional floor space. The site picture was then reviewed. Mr. Brown added that it would change the roof line but not the floor space. Ms. Brown added that while a dormer is considered an addition, that area could not come out any further. RG then clarified his inquiry by asking if it would be a single story or two-story addition. Mr. Brown replied that they were seeking permission to do the single-story addition and if feasible do the dormer at the same time. With no further questions, RL motioned to declare the Town of Sand Lake as the Lead Agency with no other interested agencies and declared 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. Craig Crist (CC) clarified that the nature of the proposed project was on the list as a SEQRA Type 2 action, thus did not have an adverse impact. RL then motioned to approve the Scenic Preservation application as submitted with the following conditions: proper erosion and control measures be used when constructing the addition and that the color/material of the addition, and possible dormer, match the primary building. MET seconded the motion and all approved.

### **Site Plan Review Application**

Ivo Garcia – Dunkin Donuts

3696 NY 43

West Sand Lake, NY 12196

HC – Hamlet Commercial Zoning District

- Motion Public Hearing for October 2, 2019 7:30 PM
- Motion for 239 Referral to Rensselaer County Economic Development and Planning

**Tax Map #146.2-5-36**

Lot Size: .465 +/- acres

RL stated that the previously presented/discussed traffic study had been done while the school was in session. He then explained that the Site Plan Review Application was before the Planning Board (PB) to motion for a Public Hearing on October 2, 2019 at 7:30pm. At that point, William Glasser (WG) stated he had concerns with the plan and indicated that the plan should have been sent to DOT already. Monica Ryan replied that the engineering company either had sent or was to send the plan to DOT. She added that as the Town would also need their engineer to review the plan, there would not be anything voted on for the project. WG added that he would like to see the Hannaford side of the road placed onto the proposed site plan map to reflect the offset of the two driveways. WG also stated that the contour lines as presented made no sense as they start and stop in the middle of nowhere. RL then asked if the PB was proposing that all of the maps be redone. WG replied yes and added that upon DD's attendance at the next meeting, he would like to see that information. He noted that driveways were shown on Route 150 and wondered why it had not been done for Route 43 as he

continued to be concerned with the offset of the driveways for surrounding businesses. Ms. Ryan replied that none of it would be ideal however not sure if redesigning it would make it any better. She added that the possible sharing of a driveway with the laundromat could still pose traffic issues as the Hannaford exit allows for left and right turns onto Route 43. She added that DD having its own exit would be offset from Hannaford and that DD could not get any closer to the corner. WG mentioned the Stewarts Shop in Brunswick on Route 7 and that DOT had made them put in a turning lane. RL stated those were all good points for discussion and asked if it prevented the PB from scheduling the Public Hearing. Ms. Ryan replied that if information is needed from DOT and/or the Town's engineer prior to the Public Hearing, then it would be better to wait. RL then asked what the new site plan map should reflect. WG replied it should reflect the Hannaford entrance/exit on Route 43. RG commented that his view of the site plan map reflected those entrances/exits were offset. WG agreed and added that it was minimal. Jonathan Bernstein (JB) asked where the applicant was. Ms. Ryan replied that as the only item in front of the applicant was an update on the traffic study, they did not need to be present for these items. She added that the business before the PB for a referral to the County Planning did not require the applicant to be present nor did the scheduling of a Public Hearing if PB members felt they were in a position to do so at this time. RG then asked WG what his concern was on the offset. WG replied that someone trying to make a left turn into DD from Route 43 would be blocking the entrance into Hannaford. He added that if two cars in opposite directions on Route 43 were trying to make left turns, it would result in a traffic jam. RG pointed out that if the Hannaford and DD driveways were not offset then someone could possibly want to driveway across from Hannaford into DD. WG pointed out that it should not take the applicant long to update the site plan map for the additions. RG replied that DD could be asked to update the site plan map and still go forward with setting the Public Hearing. Ms. Ryan replied that there was no rush on the Public Hearing as the applicant still had to await the decision of the Zoning Board of Appeals (ZBA) for the needed Area Variances. RL then stated that the referral to the County was still needed. Ms. Ryan recommended that the motion on the 239 County referral be started. WG stated that he would also like to see information on the water study for depth and yield. RL agreed and then asked the PB members their thoughts on setting the Public Hearing for October 2 or waiting until the following meeting. JB stated that a complete record with all pertinent information from DD, the Town engineer and/or DOT was needed for review prior to the scheduling the Public Hearing due to the concerns of the community. MET replied that she agreed with JB as she had also heard concerns from the community on the traffic issues; thus, the PB should be ready to address those concerns. RL agreed and added that he had heard community comments that go across the spectrum from excitement for a business in that location to concerns on the traffic; all of which he felt would come out in the Public Hearing. MET stated that the DOT traffic report was needed. RL stated that the PB had that info. Ms. Ryan stated that what the Town had was the DD engineer's analysis of traffic flow and their recommendation for changes to DOT. She added that what we did not have was DOT's response to DD or the review from the Town's engineer. RL asked the timeframe on receipt of that information for which Ms. Ryan responded she did not know when DOT would respond to DD. RL then stated that he agreed with JB's earlier comment in that the PB should be fully prepared to answer the public's questions. JB then asked if the Town's engineer could be present at the future Public Hearing meeting as he would not feel comfortable fielding questions beyond his realm. Nancy Perry replied that she would ask Wayne Bonesteel to attend. RG agreed with JB and added that there would not be any denying that the traffic would increase. RL agreed with JB in that the PB should have the Town's engineer report as well as have him available to answer questions

from the public and PB members. RG commented that this was a conundrum as there could not be a business without customers. WG commented that a business was wanted however it needed to be done correctly. RL asked all to remember that the site was once a thrift store and a gas station thus not a new entity to the area however it needed to be done right. RG agreed and stated he was not prepared to answer questions from the public. RL then stated that they would hold off on the scheduling for the Public Hearing. Ms. Ryan stated that the PB could then hold off on the 239 County referral as well. CC added that the 239 County referral should also be placed on hold so they could be done as a package. Ms. Ryan stated that the traffic study would be sent to Wayne Bonesteel as well as anything that might be received from DOT. WG asked if a DOT permit was needed for the curb cuts due to change of use. Ms. Ryan replied that she had asked DOT about that and was informed that as the curb cuts existed and not being changed, a permit was not needed. RL stated that a double check should be done with DOT. Ms. Ryan replied that it would not be on our end as DD submitted. RG asked Ms. Ryan if she was stating that as the curb cuts had not changed, no permit was needed. Ms. Ryan replied that was her understanding that as there were no changes. RG asked who could check on that to which Ms. Ryan replied that she could do so. RL asked who would be requesting from the applicant a new map with an expanded view and contours. Ms. Ryan replied that she would do so. RL asked if he was correct in that the Town engineer would review the report. CC replied that the Town engineer would serve to review the submissions made by the applicant for completeness and assessing from a professional perspective the information to break it down to be more understandable for the PB. CC then clarified that the PB did not want to go forward with the Public Hearing for which RL agreed. CC then stated that Ms. Ryan knew what was needed of DD and would relay that information to them and that is where it would be left at this time. MET agreed with CC's statements.

### **Town Board Referral to Planning Board for Recommendation Regarding a Zoning Amendment to Section 250-10**

Nancy Perry presented and explained that a few years ago the residents in the prescribed district had begun meeting as they were interested in creating a historic district overlay as many the homes there were historical. Ms. Perry stated that Dee Erickson had begun meeting with those folks and then Ms. Perry had joined in on the meetings and seen how very interested they were in a historic district overlay. She added that those folks did not want restrictions placed on the homes in the area and that their motto was "recognition not restriction/regulation". Ms. Perry added that those folks believed it may be a benefit to them as it may be a draw in people who might be looking for a historic home in the area. Ms. Perry further explained that the Town Board considered this request and held a Public Hearing meeting on September 11, 2019 and a concern was voiced that the change would tie into the Article 5K of the General Municipal Law and possibly result in potential restrictions being posed on them - she stated that that was never the intent of the group or Town Board. At that meeting, she stated she had asked the original group, if they minded her removal of any reference to the General Municipal Law from the request and explained that if they were looking for any recognition, the historic district overlay would suffice. She then stated that the original requestors agreed to the removal. Ms. Perry informed the PB that the Town Board would be holding another Public Hearing meeting in October, which is why she had requested that this item be on the PB Agenda at this time for their thoughts on a recommendation. RL stated that the request was done as those home owners were proud of living in a historic part of the Town. Ms. Perry agreed. She added that the Sand Lake Historical

Society had done a lot of histories of the homes in that area and may possibly place some plaques on the homes as well as some signage to reflect that folks would be entering a historical district – she then reiterated that they were not interested in restrictions or regulations. RL commented that it would be sort of like the Stockade in Schenectady for which Ms. Perry agreed. RG asked if it was a State historic district for which Ms. Perry replied no, it would be a local historic district. RL added that it would be more of a recognition. RG then asked why the General Municipal Law was mentioned. Ms. Perry explained that Article 5k of the General Municipal Law gives the ability of local governments to establish local historic preservation boards and to impose restrictions on them and added that was never the intent by the requestors or the Town Board. She stated that the requestors had followed the model used by the Village of Nassau. Ms. Perry also stated that during the Town Board Public Hearing there were some concerns that this request was going down a slippery slope that could lead to other restrictions being applied to homes in that area. RG then asked why Article 5k had been shared with the PB members. Ms. Perry explained that Ms. Ryan had not been aware of the recent decision to remove any reference to Article 5K from the request prior to the PB meeting. RG then asked if the requestors were just looking for a local designation. Ms. Perry agreed and added that it would not change their Zoning District but rather be an overlay to reflect that the homes in that area are potentially historical. With no further questions, RL made a motion for a positive recommendation to create the historic district overlay for properties outlined in the proposal; seconded by MET and all approved. MET asked when the second Town Board meeting would be. Ms. Perry replied it would be their first meeting in October and the Town Board would not vote on it until November to allow time for further public comments.

**RESOLUTION APPROVALS – Site Plan Review for David Wedge**

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

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

**ADJOURNMENT-** RL motioned to adjourn the meeting at 8:07pm; seconded by MG and all approved.