

**Town of Sand Lake
Planning Board Minutes
September 2, 2020**

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

MEMBER ABSENT: Michael Groff

OTHERS PRESENT: Ken Bailey, Andrew Gilchrist, Susan Burns, Mark Millspaugh, Pat Dutcher, Herman Pulcher, Donald Benson, Michael Momrow, Diane Dyer, Monica Ryan

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

Special Use Permit/Site Plan Review Application

Ken Bailey

Tax Map #157.-3-34.1

204 Barnes Road

West Sand Lake, NY 12196

Lot Size: 64.66 acres

AR – Agriculture/Residential Zoning District

A Special Use Permit/Site Plan Review Application to use a proposed 48' x 72' barn on residential/agriculture property for a seasonal event venue.

The applicant was asked if they had additional information to present as a follow up to previous Planning Board meetings. Ken Bailey, attorney Andrew Gilchrist and project engineer Mark Millspaugh were present. Mr. Gilchrist stated the purpose for the meeting was to address concerns/questions raised at the Planning Board (PB) meeting of August 19, 2020 regarding contour lines, wetlands and total area of disturbance. He explained that the revised site plan information included: topography/contour lines as well as state & federal regulated wetlands - both of which are 700' away from the proposed project site. He stated that for the total area of disturbance, the proposed agricultural barn should not be counted for the Special Use Permit; however, the whole area of disturbance would be 35,670 square feet which is well under an acre and should be a non-issue. William Glasser (WG) stated that the revised site plan did not reflect the grading. Mr. Millspaugh replied that only the barn area required grading and none would be done for the parking area. WG noted that on the south side, there were State DEC wetlands at the end of the pond as well as at the intersection of parking lot and driveway which was approximately 450'. Mr. Millspaugh replied that the DEC Mapper had been utilized and the noted wetland was more than 400' from the proposed barn. WG then asked if the barn would be soundproofed and air conditioned in order that sound may not escape. Mr. Millspaugh replied that the barn structure would have sound deadening insulation in the walls however would not characterize anything as soundproof. WG then asked if it would be air conditioned so that the doors and windows would not need to be opened. Mr. Bailey replied that was correct. WG explained the importance of those factors due to noise traveling and added that as the location was basically a bowl, the noise would travel much farther than normal. WG noted that the music

would stop at 10pm and asked what time would the party end. Mr. Gilchrist replied that it was proposed that the music would stop at 10 pm and the party would end at 11 pm. WG then pointed out that the revised site plan reflected that cars would be parked along both sides of the driveway; thus, the driveway width scaled out to be approximately 10'. He then stated that if emergency vehicles had to access the house/event, it appeared that the driveway width would be insufficient and some sort of turnaround area would be needed. He mentioned that the fire department should be contacted to determine what is needed for access. Mr. Bailey indicated that at the top of the driveway there was enough room for dump trucks to turn around without having to back up. WG then restated the concern for the width of the area where parking was proposed on both sides of the driveway. Mr. Bailey replied that he would have the Fire Department review the site and would accommodate needed access. Mr. Millspaugh added that the area of parking was not intended to overlap the driveway in any way. Mr. Bailey added that for the sprinkler system, there was another nearby barn which had water and would be utilized to supply the event barn. He also pointed out on the site map that there was a pond that could be utilized for an additional source of water. Mr. Gilchrist then stated that the previously raised traffic issue was discussed with Mr. Millspaugh. Mr. Gilchrist explained that the risk was speculation in regards to coming and leaving the event. Mr. Gilchrist then stated that the focus is properly put on the adequacy of the infrastructure to handle traffic. He added that it was an existing offsite infrastructure as well as an existing Town road and really the issue was whether that road has the capacity to address any anticipated traffic. Mr. Millspaugh stated that at maximum occupancy there would be a total of 70 cars. He further stated that at a typical event, such as a wedding, some folks may leave early and if the bulk of them were to leave at the end of the event, there would be approximately 60 cars exiting out onto Barnes Road from the driveway in the span of an hour – he then added that would be about 1 car a minute out onto Barnes Road. AH then asked Mr. Bailey if directions would be provided to folks who booked the event barn as their venue and, if so, could those directions recommend that people go in and out Route 150 as that could help the traffic issue. Mr. Bailey replied that he had thought about that as well. Ralph LaMontagna (RL) commented that as no additional signage had been proposed, consideration may want to be given to add signage in order to alleviate added confusion or a drive-by. Mr. Bailey replied that the existing Windy Hill Farm sign had been redone a few years ago and thought to possibly add a light to it. RL replied that placing a future light on the sign would need to be done via an application.

With no further questions or comments, Town planning coordinator Monica Ryan discussed the submittal of two Agricultural Data Statements. She indicated that the Town had completed an Ag Data statement earlier in the process and noted that the supplemental information from Mr. Gilchrist also included a recently completed statement with lesser folks notified. She explained that the Ag Data statement completed by the Town had a larger listing of properties owners notified of the proposed plan because by law it needed to cover those folks within 500' who utilized their property for agricultural purposes in AG District #6 for Rensselaer County. Ms. Ryan stated that for the record, it should be clarified which Ag Data Statement was to be utilized. Mr. Gilchrist asked if the 500' was taken off the whole parcel or just from the proposed project site. Ms. Ryan replied that it was taken from the whole parcel as the activity included the driveway and parking as well as the barn. Mr. Gilchrist replied they had utilized the area of the project versus the whole parcel, however, he sees no harm in utilizing the Ag Data Statement completed by the Town as more notice is better than less.

Boundary Line Adjustment Application

Estate of Clarence and Eleonora Momrow (Applicant/Donor) **Tax Map #160.-1-2.111**
422 Momrow Road, Sand Lake, NY 12153
RR-Rural Residential Zoning District
Current Lot Size: 85.857 acres / Donating 2.496 acres / Proposed Lot Size 83.361 acres
AND

Donald Benson (Receiving Parcel) **Tax Map #160.-1-2.12**
430 Momrow Road, Sand Lake, NY 12153
RR – Rural Residential Zoning District
Current Lot Size: 6.503 acres / Receiving: 2.496 acres / Proposed Lot Size: 8.999 acres
A Boundary Line Adjustment Application to donate 2.496 acres.

This project is a boundary line adjustment to donate 2.496 acres from an 85.86 acre parcel to a 6.50 acre parcel. Diane Dyer, Patty Dutcher, Donald Benson, Michael Momrow and surveyor Herman Pulcher were present. Patty Dutcher stated that she and Diane Dyer were considered executors of the estate and that her brother, Michael Momrow was available for any technical questions. Michael Momrow explained that part of the will included the land transfer of 2.496-acres to Donald Benson. PB members reviewed the surveyed site map to clarify the parcel being donated. Mr. Momrow stated that the donor parcel started at the existing rock wall of the property and extended by the 2.496 acres to be donated. Donald Benson stated that the donor parcel would allow for a buffer.

With no further questions, AH motioned to classify this Boundary Line Adjustment as a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. This motion was seconded by Mary Ellen Trumbull (MET) and carried unanimously. Arthur Herman (AH) motioned to grant approval to this Boundary Line Adjustment Plat as submitted; seconded by MET and all approved.

Scenic Preservation Application

Susan Burns **Tax Map #159.4-2-16**
15 Creek Lane, Sand Lake, NY 12153
R – Residential Zoning District Lot Size: .46 acre
A Scenic Preservation Application to remove trees in the overlay.

Susan Burns presented and stated that the property had not been maintained for many years; thus, had overgrown shrubs and trees. She added that the existing camp was exactly 100’ from the lakeshore. Ms. Burns referred to the site pictures and stated that the brush by the house needed to be removed and the circled trees needed to come down in order to open up the area and have a useable lawn again. AH stated that the brush and any trees that are up to 6” in diameter were fine to remove without approval. AH then asked if the proposed plan was to remove three 15” trees. Ms. Burns replied that was about right as a couple were dead and one consisted of just a 5-6’ high stump. She restated that they would like to clean it up to make for a reusable lawn. AH asked if any trees would be left in the front yard. Ms. Burns replied that the trees closer to the edge of the shoreline would remain along with trees to the right that consisted of magnolia and regular trees. She added the boundary of the property was completely tree-lined for privacy from the road. She further stated that the proposed clearing would be for the view from the camp to the lake. AH commented that normally healthy trees are not clear cut between the house and lake and asked PB members if a site visit should be done. Rick Giolito (RG) replied yes and added if the trees were found to be healthy, he would not be in support of cutting them. AH stated that overhanging or trees close to the house would be taken into consideration. Ms. Burns replied that brush was the closest to the camp. She added that they had been working with Michael Wager regarding other parts of the property and he had viewed the property and trees. MET asked if a site visit was performed, would the trees still

be marked. Ms. Burns replied the trees were not marked. AH asked if the trees to be removed could be marked for the site visit. Ms. Burns replied yes and added that the property could not be accessed without someone present as a gate existed at the driveway with thick trees around it. PB members agreed to perform the site visit the following Tuesday between 4pm and 5:30pm. Ms. Burns stated that she was fine with the site visit and would be available. Ms. Ryan clarified for all that Ms. Burns would return to the PB meeting on September 16 for which PB members agreed.

DRAFT RESOLUTION APPROVALS

Scenic Preservation Review Application for Ann Bower

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved. AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Site Plan Review for Dunkin Donuts

AH motioned to waive the full reading of the draft Resolution; seconded by RG and all approved. AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Negative Declaration for Daniel Holser

AH motioned to waive the full reading of the draft Negative Declaration; seconded by MET and all approved. AH motioned to approve the Negative Declaration in its entirety; seconded by RL and all approved.

Minor Subdivision for Daniel Holser

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved. AH motioned to approve the Resolution in its entirety; seconded by WG and all approved.

Site Plan Review for William Von Dollen

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved. AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Sign Placement Application for Sarjeet Sahota/SKJ Properties IV LLC – Sunoco to Citgo.

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved. AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Scenic Preservation Review Application for Tom Lilly/Kay's Pizza

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved. AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Scenic Preservation Review Application for Nelson Simons

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved. AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

MINUTES:

ADJOURNMENT – AH motioned to adjourn the meeting at 8:22 pm; seconded by MET and all approved.