

**Town of Sand Lake
Planning Board Minutes
September 4, 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: Dee Erickson, Fred Erickson, John Hitchcock, Ivo Garcia, Monica Ryan

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

Site Plan Review

David Wedge
4 Forest Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #158.4-1-32

Lot Size: 15,246 sq. ft.

A Site Plan Review Application to construct a 36' x 40' garage/carport on parcel on a residential lot.

David Wedge presented and stated the proposed plan is to construct a garage/carport to store an RV, boat and several cars. He added that this structure would enable him to clean up the area as he currently uses a couple of sheds for this purpose and the plan is to remove one of those sheds. He also explained that the garage portion of the proposed structure would be enclosed. Arthur Herman (AH) referred to a site picture submitted by the applicant and asked if that was what it would look like. Mr. Wedge responded it would be similar and added that he was unable to obtain an exact picture until such time as an order was placed. He further added that the back of the structure would be enclosed along with the one side of the carport and a garage door in the front center section. Rick Giolito (RG) asked if there was anything in the proposed area now. Mr. Wedge replied that it was just stone and that he has parked there for years. Rick Giolito (RG) then asked if the RV and boat were parked outside. Mr. Wedge replied yes by tenting the boat and covering the RV. AH noted the size of the lot was just under a half-acre. Mr. Wedge agreed and added that he had a double lot and then bought the lot next to it so now has what is considered a triple lot. Mr. Wedge then stated that he had taken the liberty of reaching out to his neighbors and handed out documents signed by them which reflected that they are aware of the proposed project. Mary Ellen Trumbull (MET) asked about the additional shed in the back corner. Mr. Wedge referred to the site picture and stated that the shed on the right would be removed and the other one would be shifted towards the back corner of the proposed garage area. William

Glasser (WG) asked if both sheds would be moved. At that point, Mr. Wedge utilized the site picture to show MET and WG what his proposed plans were for the sheds. AH then referred to the documents submitted by Mr. Wedge and asked if that reflected all the neighbors Mr. Wedge replied yes and explained that there was an alphabet letter and then the name that corresponded with each of the neighbors on the tax map. AH noted that the proposed location seemed to meet all the setbacks and asked if the Planning Board (PB) members had any other questions. Ralph LaMontagna (RL) replied no. AH made a motion to declare the Town of Sand Lake Planning Board as the Lead Agency with no other interested or involved lead agencies. Seconded by RL and all approved. AH made a motion to classify this Site Plan Review application as a Type 2 action under SEQR. Seconded by Michael Groff (MG) and all approved. AH then motioned to approve this Site Plan Review application as submitted, subject to the following condition: the smaller shed be removed as stated in the application. Seconded by MET and all approved.

Site Plan Review Application

Ivo Garcia
3696 NY 43
West Sand Lake, NY 12196
HC – Hamlet Commercial Zoning District

Tax Map #146.2-5-36
Lot Size: .465 +/- acres

A Site Plan Review Application for the development of a new commercial building and other site amenities.

John Hitchcock of ABD Engineers and Ivo Garcia, owner/applicant presented. Mr. Hitchcock stated that he had been to the PB back in June on a proposed concept plan for a 2,200 square foot Dunkin Donuts on the corner of Route 43 and 150. Mr. Hitchcock added that the proposed site was currently vacant and previously had a gas station on it. Mr. Hitchcock explained that since being in front of the PB back in June, the plan has been modified to position the building to be parallel with Route 43 instead of Route 150 and modified the drive-thru to allow for proper stacking of cars. He explained that this change would also allow for planters and a buffer along Route 150. Mr. Hitchcock mentioned that there would be a need for Area Variances: 1) Front setback as a 10' maximum is required yet difficult to do on a corner lot to in order to make the drive-thru work; and 2) Parking – as 50% is allowed on the side with the rest in the rear; yet all is proposed on the side to keep it away from the residential area which would minimize the amount of lights shining into the residential properties. Mr. Hitchcock then stated that the plan remained to obtain water from the well on the adjacent property which was tested and found positive for drinking water. Mr. Hitchcock stated he had provided paper copies of those test results. AH asked if the well would be shared. Mr. Hitchcock replied it would be shared with the laundromat via an easement. AH then asked what the water flow numbers were. Mr. Hitchcock referred to Ivo Garcia who replied that it had been tested so long ago that he did not recall what the number was. Mr. Garcia added that as the well had been an initial main concern, it had been tested and he recalled the results coming back as usable/clean and a sufficient flow for what is needed. AH asked that those numbers be available for the future public hearing meeting for which Mr. Garcia agreed. MET commented that it was surprising that the sharing of the well with a laundromat, which seemed to have a large usage, and this proposed business would have a water flow that met the needs of both. Mr. Garcia replied that he would not have invested in the property if the well capacity/flow

could not be met as that was the biggest concern. He further added while there is an aquifer, the going off site to share a well is needed as no digging was allowed on the property due to its prior use as a gas station. RL reiterated that proof of the water capacity/flow numbers are critical as the public is always asking about the water. Jonathan Bernstein (JB) asked who owned the property now. Mr. Garcia replied that he had purchased the property from Scott Schreiner. JB then asked if Mr. Garcia would own the building. Mr. Garcia replied yes. WG pointed out a couple of errors in the traffic study report submitted by the applicant: 2.2. Traffic Gap data states taking a right turn out of driveway, vehicle would be dealing with eastbound traffic yet it would actually be westbound traffic when coming down Route 43. WG then pointed out Section 3.4 Driving Lane states 34' wide and asked if it was actually only 24' wide. Mr. Hitchcock replied 24' is correct that that must have been a typo. WG then asked if a review had been done of the Town's Linkage Study in regards to some of the problems encountered on these intersections. Mr. Hitchcock replied that he had not reviewed that study. WG suggested a review of that study be done as it recommended combining parking lots for the bank, laundromat and any other business in that area and for it to have only one entrance into those business. WG also stated that left hand turns will create a traffic jam. Mr. Hitchcock replied that easements would be needed as well as with working with adjacent neighbors. WG further added that the Linkage Study also recommended a turning lane on Route 43 to alleviate some of the traffic jams. Mr. Hitchcock replied that he would review the Study and also send it to their traffic person. Monica Ryan stated that the Traffic Linkage Study had been previously provided to an ABD Engineers however it may have been a different engineer who was working on the project initially. Mr. Hitchcock replied he would check with other staff and reach out to Ms. Ryan, if needed. Ms. Ryan indicated that, if needed, the Linkage Study was on the Town's website or she could send one directly to Mr. Hitchcock. RL stated that he recalled the Linkage Study taken into account a future traffic circle. Ms. Ryan agreed and added that she did not feel that the realignment of the proposed building would impact the ability for a traffic circle. Mr. Hitchcock indicated that one of the recommendations that a traffic engineer had was to shorten the time on the red light. WG agreed and added that when counting the numbers, a visit to that site at 7:30am during a workday when school is in session, would reflect approximately a one-mile backup from the light at Route 43 back to Route 351. Mr. Hitchcock mentioned that customers could use the exit onto Route 150 which may be better than trying to exit onto Route 43. WG agreed and added that it was just a tough intersection. Mr. Hitchcock indicated that they have either sent or would be sending recommended changes to DOT. RG stated that at a previous meeting, the PB suggested installation of a sign that indicated right only onto Route 150 during certain hours. WG pointed out that there would not be any gaps in traffic on Route 43 for folks needing to exit out of DD in the morning. RG clarified that was the issue mentioned previously. He then asked Mr. Hitchcock if the ingress into DD off Route 43 and egress onto Route 150 for certain hours had been discussed with their traffic person. Ms. Ryan stated that she had thought the concern was not allowing a left turn out of DD due to the morning traffic. WG stated he believed the bigger issue would be when a car on Route 43 is waiting to make a left turn into DD and someone else is waiting to make a left turn into Hannaford which would cause a standstill. MET replied that type of situation happens now in addition to a car waiting turn into Hannaford and another car trying to make a left from Route 43 onto Route 150. MET added that while a business on that corner is a great idea, she has heard concerns from the public on the traffic. She also added that she noted that some folks will take a right into the 43 Mall and wondered if they were trying to skirt the traffic issue to get to Route 150. MET also stated that with the addition of school buses, the traffic is compounded between 7-9 in the morning. RL stated that the history of that area

should not be forgotten as there was a mobile gas station with a similar situation of people coming and going. He added that exiting of the Rite Aid onto Route 150, whether it be weekdays or weekends, did not take many cars to create a backup however drivers are cooperative to let folks in and out. He further added that the Subway across the street is in a similar situation. RL then stated that he realized that this project still needed review by the Town Engineer, who has a background in traffic studies and should be able to produce some hard numbers for the PB members to review and decide. Ms. Ryan replied that the study had not been done during the school session and a recommendation had been for a study to redone when school is in session for evaluation and updating. JB explained that morning had been the first day of school and it had taken forever to get through the Route 43/150 light. He also noted the large amount of truck traffic who are loaded up with gravel or other product. JB stated a concern with shortening the light would be getting the heavy loaded trucks from Bonded through the light. Ms. Ryan explained that DOT had looked at the timing of that light approximately a year ago however was unsure if any changes were made and if not, was it was because changes were not feasible. She added that the Town has asked DOT repeatedly to have the light timing changed however was unsure if the change could not be done or if it had been done with no effect in the traffic. Ms. Ryan then pointed out that she noted a similar request in the DD study and wondered if they would receive a different outcome. RL pointed out that the site was a previous gas station and while PB member's comments were their observances and anecdotal, the study and engineer's review would provide the facts needed to decide if a such a business is viable in that location. RG commented that the sharing of the parking lots as recommended by the Linkage Study may help to alleviate some of the traffic issues. He then mentioned to Mr. Garcia that it would most likely be in his best interest to follow-up to see if it was a possibility. Mr. Garcia replied that would also involve follow-up on who would maintain, snow plow and fix the shared parking lot; thus, believed it to be better to have his own parking lot. RL asked if Mr. Garcia was saying that while a shared parking lot might resolve some issues, it could create other issues for the local businesses. Mr. Garcia agreed. RG replied that if a shared parking lot made sense then the issues pointed out by Mr. Garcia regarding it were not something that could be overcome provided proper discussions were had with the other business owners. He added that the discussion could involve the possible alleviation of traffic jams on Route 43 and 150. AH commented that a linkage of the parking lots would reduce DD's parking spaces. WG replied that there would be reciprocal easements where all the parking could be used by all the businesses. RL asked about the parking shared by Hannaford and the Subway building to which WG replied that was all owned by one person. Mr. Hitchcock replied that suggestion had been noted and added that they would be closing off two entrances that the gas station had once used. He also stated that DD would result in less traffic than the previous gas station and that 60% of DD's traffic is pass-by traffic which are already in route; thus, did not view it as adding additional traffic. JB asked if anyone knew what year the gas station had been in operation. WG replied it was a long time ago and it did not have the same traffic as now. Michael Groff (MG) replied that he disagreed stating that he visited the previous gas station which was also a convenience store that sold many items. JB stated that since that time, there have been many new houses built in the area. RL suggested moving forward and obtaining some harder numbers on the traffic while school is in session. JB asked who would be doing the further traffic study. Monica Ryan replied that a State engineer had done the study and the applicant had paid for it for which Mr. Hitchcock agreed. RL commented that traffic study reflected that the location would work.

MET stated that a new study would be needed as the one done was done prior to the school session. JB then pointed out that school started earlier now however was unsure of the exact start time. RG referred to the NYS 9/1/2015 traffic study and pointed out that the count was done by hours. Ms. Ryan replied that another study had been done for DD. Mr. Hitchcock replied that a study was done in July and that report should have the numbers. AH stated that as the traffic study would also be reviewed by the Town's engineer, he suggested moving onto the other items for which PB members agreed. RL stated he had an inquiry on the answer of "yes" to Question #12 of the Environmental Assessment form which asked: Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the Nation or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of History Places? Mr. Hitchcock replied that the DEC mapper website used to complete the form most likely generated a "yes" automatically when the location of proposed site information had been entered. He then added that as it is known the site had been developed in the past, it could be ignored. WG agreed that the DEC mapper website would automatically fill in that answer. Ms. Ryan explained that the DEC database would have taken into consideration anything within a one-mile radius and flagged for further review if concerns were founded. RL was satisfied with the explanations provided. RL then asked about the colors and if fiber cement board was being proposed. Mr. Hitchcock replied yes and the color would be a bluish gray. JB asked if the color would be similar to the Rite Aid building. Mr. Garcia responded that the color decided on by the PB is what they will work with. RL suggested that they take a look at that neighborhood to see what color would blend in and if possible, bring into the PB some samples. Mr. Hitchcock replied that he had sent over surrounding street images to their architect and asked that the proposed DD blend in. JB then shared a picture with the applicant of another DD as an example of it fitting into the community. RL added that samples of the color would be helpful when it came time for the Public Hearing. Ivo agreed and pointed to another sample picture of a standard DD store and stated he did not want that version. He added that he would be very flexible. RL commented that the proposed monument sign seemed to fit into the scheme of the area. He then referred to a diagram which reflected an accent panel that displayed a message which stated "Sand Lake runs on Dunkin" and asked what that was. Mr. Garcia explained that was just a permanent graphic and not electronic at all. He added that the diagram was only a conceptual drawing and an example saying which can be different based on what would fit. RL replied that he was ok with the signage as long as it fitted within the Code. RL then stated that color schemes seemed to be different; thus would need to be more definitive when it came to the actual Site Plan Review. AH commented that he thought a nice job had been done on the design for which PB members agreed. RL commented that he liked that the handicapped signage appeared to be clear and nicely laid out. He also commented that he liked that the dumpster enclosure would match the siding of the building. He then asked if there was any examples of the lighting as of yet. Mr. Hitchcock apologized and stated he had just gotten that information back today. He then explained that the lighting would be 12' high along the sidewalk and blend in with those of Hannaford and Rite Aid. He added that there would also be lights on the building at 10' high. RL stated that as this was the first time PB members have seen or heard about the proposed lighting, he asked Mr. Hitchcock to please ensure that information was submitted for their further review. JB asked Mr. Hitchcock to clarify on the proposed site plan picture where the lights would be located on the structure. Mr. Hitchcock pointed out the location of the lights and indicated that they would be on sensors and he had requested a shield for the lights in the rear of the structure he so as to not disturb the residents. AH asked the hours of operation for the lights to be on. Mr. Garcia responded that DD would be open from 5am to 10pm, 7 days a week and the lights would be on from 4am to 6 am and then 6pm to 10pm. MET commented that she thought the DD would be open later in the night. Mr. Garcia explained that DD allows, at a minimum, to be open 18 hours and that some DDs have justified being able to close at 8PM due to minimal customer traffic. He added that he would be looking to run the operation for one year and then do an evaluation on the hours of business with relation to customer traffic. WG pointed out the DD drive-thru window in Wynantskill can have 12-14 cars lined up on a Sunday morning. Mr. Garcia explained that the

proposed location would allow for 8 vehicles and he believed that the DD in Wynantskill has a higher volume of traffic and had space for 5 vehicles before the street. He pointed out that the Wynantskill store has a menu board which only allows for two cars from that point to the drive-thru window. He then explained that his proposed DD would have 6 cars from the menu board to the drive-thru which would allow for further staging between ordering and pick-up and result in faster service. MET commented that while she is hopeful in bringing additional business to the Town, she was cautiously optimistic that the results of the traffic study would be something that could be worked with. She added that she hoped the applicant could appreciate the enthusiasm of PB (Planning Board). Mr. Garcia commented that a roundabout in that location would be an asset and helpful to the traffic issue. JB then asked about the decibel level of the drive-thru speaker to alleviate nearby neighbors hearing the orders. Mr. Garcia replied that they had recently dealt with a similar issue in Delmar. He explained that the drive-thru speaker would be adjustable, and that it would be tested and turned down as needed. He added that they would accept feedback from the neighbors on the speaker level. Mr. Garcia asked PB members what they thought the percentage of increase was when school was in session and was it that dramatic. WG replied that he did not believe it was so much the numbers as the backup due to the school buses. Monica Ryan added that there are two rounds of multiple school buses and many of them come in from Wynantskill via Route 150 and have to cross that intersection to access the elementary school. She added those buses are in addition to the parent drop-offs and regular local traffic; thus there was a significant difference in the traffic when the elementary and high school were in session. She also stated that would be the reason for the PB's decision to wait on the results of the traffic study. Mr. Hitchcock asked if the previous DOT study was done during the school session. Ms. Ryan replied that she was unsure as that study had been done a long time ago. Mr. Hitchcock agreed and added that they could then adjust their recommendations to the DOT based on the new study. JB stated that as there would be a lot of public concern, a more accurate and recent traffic study would go a long way with the PB as well as the public. RL agreed with JB and added that while the study had been done by a professional and assessed for viability, unfortunately it was the wrong timeframe. RL then asked AH what the next steps would be. AH replied that the proposed plans and the traffic study would need to be sent to the Town of Sand Lake's engineer. Craig Crist (CC) clarified that the Town would be looking for the traffic study to be performed during the school session, well capacity readings to be produced and that the shared driveway concept be explored. Mr. Garcia replied that he would not support or further explore the shared driveway concept due to past experiences. He added that it would have to be self-sustained unless the Town was to state they would maintain it, otherwise an easement and sharing with two other tenants would be a deal breaker for him. Ms. Ryan shared that they had an initial scoping meeting with Mr. Garcia approximately six months ago where the shared parking lot concept was discussed and he had expressed the same concerns. Mr. Garcia agreed with Ms. Ryan and again added that he would be ok if the Town maintained it otherwise he had the same concerns based on a bad past experiences. RL commented that he appreciated the consistency and the honesty. AH then stated that a Public Hearing would need to be scheduled and asked if the PB should wait to do so until such time as the Town's engineer had done his review. Ms. Ryan replied that as the public will have concerns, the PB would need to know the results of the study prior to the Public Hearing. RL agreed and stated that the PB needs to have as much information as possible related to the traffic study and water capacity prior to the Public Hearing. He then asked Mr. Hitchcock what he thought would be a reasonable timeframe for their traffic person to do another study. Mr. Hitchcock replied that he would have to reach out to that person but thought it could be done fairly quickly. He added that it was their hope that they could be scheduled for a Public Hearing within the next month in order that they may then appear before the Zoning Board of Appeals (ZBA) for Area Variances needed on the setback and location of parking. Ms. Ryan then explained that the Zoning Code for anything in a Hamlet-Commercial mixed use District has a maximum setback. She explained that the configuration of the proposed DD cannot meet the maximum setback due to the circulation of traffic around the building; thus the need for the maximum setback Area Variance. She also explained that as the Zoning Code allows for 50% of the parking to be on the side and the proposed plan has 100% of the parking on the

side, an Area Variance would be needed for that as well. Ms. Ryan then stated that the number of proposed parking spaces complied with the Zoning Code, so no Area Variance would be needed in that respect. Mr. Garcia asked PB members if they were ok with the orientation of the building as he would like to finalize it so the site can be dug, tested and materials removed accordingly due to the environmental passed history of the site. AH replied that would be dependent upon approval of the Area Variances. JB questioned whether the results of the traffic study would affect the design/orientation of the building. Mr. Hitchcock responded that there was not really any options for entry/exit for the site and proposed location was as far away from the corner as they could put it. JB then asked if no changes would be made, how academic is the traffic study. AH replied that the PB was looking for the traffic study to be done. RG stated that PB members wanted the traffic study done in order to be informed and ready for the Public Hearing, thus while it may affect the approval an idea of traffic was needed during the school session. JB replied that he had thought it would be used to figure out versus validate. RL stated that upon the applicant receiving the traffic study results, there would be time to figure it out. He added that the entrances/exits were not the answer however possible limitation on hours for a specific exit turn direction may alleviate some issues. RG agreed with RL and stated that the limited time for certain hours was mentioned in a prior meeting versus changing of the building's orientation. WG asked if the State DOT would be involved and if so, would they provide recommendations to the applicant. Mr. Hitchcock replied yes as they would be submitting the plan and report to DOT who would provide recommendations. WG replied that DOT may possibly suggest a turnoff lane. Mr. Garcia agreed and added that there would be plenty of room to do so. RL agreed with WG and added that DOT would weigh in on the situation and review the traffic study also. RG felt that DOT may rely on own data versus information not sourced by them. Ms. Ryan explained that in the linkage study, a roundabout was recommended as it is easier because turn-off lanes take up more property. WG clarified by stating that he meant a single turn-off lane in front of DD on the east end. A discussion then ensued regarding setting of the Public Hearing and it was decided that it would not be scheduled until information was received on the traffic and water. RG asked about whether a recommendation was needed for the ZBA. Ms. Ryan explained that if the PB was comfortable with the proposed plan and configuration, she would then give them to Michael Wager for his recommendation for the ZBA. AH asked PB members if they had any issue with the applicant going to the ZBA. All PB members agreed they were comfortable with the proposed plan and in favor of the applicant to go before the ZBA. Ms. Ryan replied that she would share needed information with Mr. Wager.

DRAFT RESOLUTION APPROVALS – Rutherford/Furlong Minor Subdivision

RL motioned to waive the full reading of the drafted resolution for the Rutherford/Furlong Minor Subdivision; seconded by RG and all approved. AH made a motion to adopt the negative declaration for the Rutherford/Furlong project. Seconded by MET and all approved.

MINUTES –

RL motioned to approve the July 3, 2019 minutes as submitted. Seconded by JB and all approved. MET motioned to approve the July 17, 2019 minutes as submitted. Seconded by AH and all approved.

ADJOURNMENT- AH motioned to adjourn the meeting at 8:48pm; seconded by MET and all approved.