

**Town of Sand Lake
Planning Board Minutes
September 5, 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, David King, Michael Groff, and Lawrence Howard, Esq.
MEMBER ABSENT: Jonathan Bernstein and Mary Ellen Trumbull
OTHERS PRESENT: Wayne Mortimer, Ed Brozowski, Seth Roberts, Scott Blair, Mike Sheehan, Colleen Tremont and Chris Sheehan
RECORDING CLERK: Karol O’Sullivan, Clerk for the Planning Board and ZBA

Minor Subdivision Application and Public Hearing

E. W. Birch Builders & Construction, Inc.
3975 NY 150
West Sand Lake, NY 12196
AR – Agriculture/Residential Zoning District

Tax Map #158.-1-26.1
Lot Size: 81.3 acres
Lot 1 – 2.04 acres
Lot 2 – 2.24 acres
Lot 3 – 2.09 acres
Remaining Parent Lot – 74.91 acres

A Minor Subdivision Application to subdivide three lots from an 81.3-acre parcel of land.

Ed Brozowski from E. W. Birch Builders presented before the Planning Board (PB). He said they have 81 acres and want to subdivide 3 lots from the parcel. He said they would be making 3 buildable lots, all conforming, no variances required and all in compliance with the Town of Sand Lake Zoning Code. Art Herman (AH) asked if the new maps reflected the PB’s suggestion of carving off a 20’ right of way from one of the three lots to provide the Z hook to the lot across Rt. 150 in order to keep it with the parent parcel. Mr. Brozowski said yes and that he learned at the prior PB meeting that he really had a five-lot subdivision and needed to correct his maps. David King (DK) asked if there was a reason why he didn’t take 10’ from each lot. Mr. Brozowski said he thought one driveway to the remaining lands would be best. Dominick Bates (DB) said at the prior meeting Mr. Brozowski had mentioned developing the remaining land in the future and pointed out that this 20’ right of way would not be sufficient as a road for further development. Mr. Brozowski said he has access to the remaining land from Biittig Road and further down on Rt. 150. Ralph LaMontagna (RL) stated the purpose of the application was to create three buildable lots and not create a problem of leaving the lot on the other side of Rt. 150 not connected and Mr. Brozowski said yes. AH said basically the plan gets around doing a major, five-lot subdivision. Mr. Brozowski said he had been unaware of the difference between and major and a minor subdivision, but the application works for his needs for now.

AH asked RL to read the Public Hearing Notice. AH motioned to open the Public Hearing at 7:37 PM and asked for questions from the public. With no specific comments from the public other than a group stating it was a “positive” action, AH motioned to close the Public Hearing at 7:38 PM. Michael Groff (MG) seconded the motion and all approved. With no other comments from the PB, AH motioned to declare this Minor Subdivision Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. DK seconded the motion and all approved. 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. 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. MG seconded the motion and all approved.

Site Plan Review Application and Public Hearing

Michael J. Sheehan

2867 NY 43

Averill Park, NY 12018

HMU – Hamlet Mixed Use Zoning District

A Site Plan Review and Sign Placement Application to construct a lab/office building.

Tax Map #148.3-4-5

Lot Size: 13,407 +/- sq. ft.

Michael and Chris Sheehan presented before the PB stating their plan is to construct a building to hold a couple of offices and a lab for various testing. AH stated that as part of the Rensselaer County Bureau of Economic Development and Planning review of this project, they have stated:

The Application does not state what kind of laboratory is being proposed. Will the drop-off room be for the public to drop off samples or will it only be for deliveries from UPS/FedEX and private courier? If it is a public entrance, a porch should also be provided or some other method to emphasize the entryway. The Rensselaer County Sewer District #1 should be notified of any chemicals that will be disposed of into the sewer system in case pretreatment may be needed.

AH asked the Sheehan’s if the building was going to be open to the public and about any chemicals to be used. Michael Sheehan said that public entry would be limited to Fed Ex, UPS and private courier service. He said such pickups/deliveries would come via the blacktop driveway down side of building and through front entrance on the north side of the building. He said there should be very little activity coming in and out. AH asked if the traffic would be similar to Bender Labs and the Sheehan’s said yes. Auditors would be the other pedestrians entering the building. RL asked if there will be any products going into the sewer system. Chris Sheehan explained that nothing would be going into the sewer system that would not be following NYS standards. He said that chemicals would be pretreated so they are not harmful. RL asked what types of testing would be performed in the lab. The Sheehan’s said many different products could be tested, but they must be licensed to do lab samples. Such samples will be determined once they have a license.

With no other questions/comments from the PB, RL read the Public Notice. AH motioned to open the Public Hearing at 7:47 PM. Colleen Tremont said her property borders the Sheehan property. She said now that there will be an office building on the property, a new fence is needed. She added whether the Sheehan’s do it or we do it, a new tall fence is needed. AH asked if a fence was currently there and

was Michael Sheehan said yes, there are actually two fences there back to back approximately one foot apart. DB asked if it was a stockade fence was told yes, vertical pine board. He said the problem is that Dennis Tremont's fence has a portion which has fallen down and needs to be put back up or replaced. The PB talked with Lawrence Howard (LH) regarding placing a condition on the application approval about the fence. Michael Sheehan said he would work it out with his neighbors and assured the PB there would be only one fence for the property moving forward.

AH stated that an Unlisted Action under SEQR was made at the prior PB meeting. AH made a motion to give this action a negative declaration under SEQR. He stated 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. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. MG seconded the motion and all approved. AH made a motion to grant approval to this Site Plan Review Application as submitted with the condition that Mr. Sheehan negotiate with the neighbor to repair existing fence or replace existing fence with a new fence. RL seconded the motion and all approved.

Minor Subdivision Application

Albert A. Hayner/Seth Roberts
19-23 Sheer Road
Averill Park, NY 12018
R – Residential Zoning District
A Minor Subdivision Application to subdivide a 74.2-acre parcel of land into two lots.

Tax Map #158.-2-79
Lot Size: 74.2 acres
Lot 1 – 3.18 acres
Lot 2 – 71 acres

Albert Hayner and Seth Roberts presented before the PB. Seth Roberts explained that he is the owner/operator of Hayner Boat Storage. He said Al Hayner has run the business for the past 70 years and about five years ago, Seth took over running the business for Al Hayner. Mr. Roberts said that Mr. Hayner presently holds the mortgage for the property but at some point, the property and buildings will be 100% under his ownership. He said they would like to get the proper road frontage and clearance for the buildings approved to allow for the future plans.

AH asked if the Advertiser driveway would still be used and Mr. Roberts stated it would be used as his right of way for now. AH asked if there would be access from Arlene Court and was told yes. AH pointed out that there is no residence on the lot. MR and AH discussed the fact that the property has been grandfathered in as it predates Zoning Law in the Town. The PB, MR and LH all agreed that a residence is not required on the property because the business on the property was established prior to Zoning Law requiring a primary residence on such property.

AH stated the survey shows a Z hook through the property which connects one parcel to another. AH, Mr. Hayner and Mr. Roberts looked at the survey map and where the Z hook was reflected. MR explained this was a preexisting Z hook and said she had just talked with Kevin McGrath about the fact that the survey map needed to be revised to show the Z hook to cross Arlene Court. AH confirmed that eliminating the prior Z hook and revising the maps would be necessary. AH said everything else meets code and asked if the PB had any further questions/comments.

Al Hayner said he is now 93 years old and he started his successful business over 70 years ago. He said when Seth Roberts came along, he felt Seth was the ideal youth with character, skills and capacity to take care of his customers. He said Seth has been operating the business for several years and his customers are very satisfied with their service. He said he appreciated the PB reviewing their application and asked them to grant approval of their request.

AH made a motion to declare this Minor Subdivision Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. DK seconded the motion and all approved. AH made a motion to schedule a Public Hearing for September 17, 2018. DK seconded the motion and all approved.

Minor Subdivision Application

Harry W. Ackner
17-19 Teal Road
Averill Park, NY 12018

Tax Map #159.2-2-10

Lot Size: 2.01 acres
Lot 1 - .87 acres
Lot 2 – 1.14 acres

HMU – Hamlet Mixed Use Zoning District

A Minor Subdivision Application to subdivide a 2.01-acre parcel of land into two lots.

Kevin McGrath, Surveyor, presented before the PB on behalf of Harry Ackner. Mr. McGrath walked the PB through his survey map explaining the survey was done many years ago and he outlined the changes on the property today which would be visible from a site visit. He showed the PB where a barn on the property has been converted to a residence and a driveway added. Mr. McGrath stated that no variances are required as the parcels have sufficient road frontage and lot size. AH and Mr. McGrath agreed the lots have the required 15,000 sq. ft. for the residence and 50’ of road frontage. With more than one dwelling on the lot, the lot size and lot frontage for this property must be doubled. AH asked if the new lot was going to be hooked up to the sewer and Mr. McGrath said he was uncertain. The PB and Mr. McGrath discussed having the sewer easement reflected on the survey map. He also showed the PB where the well was located.

AH made a motion to declare this Minor Subdivision Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency and the Town of Sand Lake Sewer Department as an involved party. MG seconded the motion and all approved. AH made a motion to schedule a Public Hearing for the Application for September 19, 2018, October 3, 2018 or another future PB meeting if more time is needed. RL seconded the motion and all approved.

ADDITIONAL DISCUSSION – David King, Member of the Planning Board, announced he would be leaving the Planning Board at the end of 2018 to enjoy his new home in Florida during the winter. David will be greatly missed!

MINUTES –

ADJOURNMENT

AH motioned to adjourn the meeting at 8:17 PM. MG seconded the motion and all approved.