

**TOWN OF SAND LAKE  
PLANNING BOARD MEETING  
WEDNESDAY, January 4, 2023 – 7:30PM  
SAND LAKE TOWN HALL**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

**Recommendation to the Town Board – Sketch Plan for a Natural Resource Extraction PDD**

Rifenburg Construction Incorporated	<b>Tax Map #s:</b> 147.-3-24
205 Thais Road, 128 Springer Road, 106-108 Springer Road	147.-3-25
4170 NY 150	147.-3-7
	158.-1-6.2

A Sketch Plan related to an application to establish and expand a Natural Resource Extraction PDD on lands owned by Gardner and the existing Hoffay Pit and Hunt Mine.

**DRAFT RESOLUTIONS FOR APPROVAL**

Scenic Preservation – Marisa Milanese

Application approved at the December 21, 2022 Planning Board Meeting

**DRAFT MINUTES FOR APPROVAL**

November 16, 2022

**ADJOURNMENT**

**RESOLUTION OF TOWN OF SAND LAKE PLANNING BOARD  
ON APPLICATION FOR SCENIC PRESERVATION ZONE APPROVAL – MILANESE**

**Whereas**, the Town of Sand Lake Planning Board has received an Application for Scenic Preservation Review from Marisa Milanese (Applicant) to construct two sheds within 100' of Little Bowman Pond.

Property Owners & Applicant: Marisa Milanese, 758 Taborton Road, Sand Lake, NY 12153

Project Name and Description: Construct a 16' x 20' shed and an 8' x12' shed.

Location of the Property: 758 Taborton Road, Sand Lake, NY 12153

Tax Map Number: 149.-2-20

Zoning District: Residential Zoning District

Scenic Preservation Application Prepared by: Marisa Milanese

Scenic Preservation Application Dated: November 23, 2022

**WHEREAS**, on December 21, 2022 the Planning Board held a public hearing on the Scenic Preservation Application.

**WHEREAS**, on December 21, 2022 Arthur Herman motioned to declare the Town of Sand Lake Planning Board as Lead Agency under SEQR and the activities proposed under the Scenic Preservation Application as a Type 2 action. The motion was seconded by Ralph LaMontagna and unanimously carried.

**WHEREAS**, on December 21, 2022 Arthur Herman motioned to approve this Scenic Preservation Application as submitted with the following conditions: before, during and after construction, proper precautions will be taken to prevent any discharge of sediment into the Pond and proper erosion controls will be put in place to prevent future erosion into the Pond until there is regrowth. The motion was seconded by Ralph LaMontagna and carried unanimously.

**Now, therefore, be it resolved**, that the Town of Sand Lake Planning Board, after due consideration of said Scenic Preservation Zone Application, and the requirements of the Code of the Town of Sand Lake, Article VII does hereby grant approval of the Scenic Preservation Application as submitted herein above stated and identified as submitted.

Please Note, that the Planning Board has no authority to alter or determine the ownership of property and that the decision of the Board herein is not a determination of the underlying ownership of the subject property/ies.

DATE:

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Arthur Herman, Chairman  
Sand Lake Planning Board

**Town of Sand Lake  
Planning Board Minutes  
November 16, 2022**

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 7:32 PM

**MEMBERS PRESENT:** Ralph LaMontagna, Jonathan Bernstein, Mary Ellen Trumbull, Rick Giolito, Andrew Karl, Craig Crist, Esq.

**MEMBER ABSENT:** Michael Slavin

**OTHERS PRESENT:** Jason Robelotto, Joseph Sanchez, Carl Markussen, Jim Goold, Tom Carroll, Ken Schulz, Brian & Diana Hunt, Adam Stewart, Edward Davidson (JMT), Jack. Rifenburg, Erica Pickhardt, Thomas Bennedum, Alita Giuda, Esq., Tom Cetrino, Christina Carton, Bob Carton, Karol & Mike O’Sullivan, Nancy Perry, John LaRose, Jim Spath, Adam Morris, Adam Michaud, Sheila Mahan, Pam Jacobson, Roy Jacobson, Andy Dangler, Claire Sherwood, Mark Ring, Stuart Baxter

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

**Scenic Preservation Application**

Jason Robelotto (Applicant/Property Owner)  
86 2<sup>nd</sup> Dyke Road  
Averill Park, NY 12018  
R – Residential Zoning District

**Tax Map #:** 169.2-1-53.1  
**Lot Size:** .18 acres

A Scenic Preservation Application to expand an existing garage attaching it to the main residence with an enclosed breezeway.

Jason Robelotto summarized the project which had been initially presented at the November 2, 2022 Planning Board meeting for a Recommendation to the Zoning Board of Appeals (ZBA) for an Area Variance Application. Arthur Herman (AH) recalled that the Planning Board had provided a positive recommendation to the ZBA at that meeting. It was noted that the ZBA granted the Area Variance at their November 10, 2022 meeting for the existing garage to have a 10’ front yard setback. Additionally, it was noted that the applicant had agreed not to pave the driveway as the property reached the maximum allowed for impervious surface.

With no further questions from the Board members, AH motioned to motioned to classify the project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by Rick Giolito (RG) and all approved. AH motioned to approve the Scenic Preservation Application as submitted; seconded by Mary Ellen Trumbull (MET) and all approved.

**Special Use Permit Application**

Joseph Sanchez (Applicant/Property Owner)  
132 Garner Road  
Averill Park, NY 12018  
R – Residential Zoning District

**Tax Map #:** 158.2-47.21

**Lot Size:** 16.92 acres

A Special Use Permit Application to construct a detached garage with a second dwelling unit.

Joseph Sanchez stated the new detached garage with a one bedroom and one bathroom living quarters above would be tucked way back in the woods. MET asked if the new dwelling unit would be a rental. Mr. Sanchez responded no but rather used for young adult kids and/or aging parents. Ralph LaMontagna (RL) stated it was a large parcel with proposed lighting being downward facing, and that the color scheme would match the primary residence. He added that he had no issues with the project.

With no further questions, AH motioned to schedule the Public Hearing for December 7, 2022 at 7:30pm; seconded by MET and all approved.

**Recommendation to the Town Board – Sketch Plan for a Natural Resource Extraction PDD**

Rifenburg Construction Incorporated  
205 Thais Road, 128 Springer Road, 106-108 Springer Road  
4170 NY 150

**Tax Map #s:** 147.-3-24  
147.-3-25  
147.-3-7  
158.-1-6.2

A Sketch Plan related to an application to establish and expand a Natural Resource Extraction PDD on lands owned by Gardner and the existing Hoffay Pit and Hunt Mine.

Edward Davidson, Geologist and Senior Associate of JMT stated he represented Ken Rifenburg on the general concept proposal to extend the existing Natural Resource Extraction PDD and referred to the sketched plot. Mr. Davidson explained that this was in the preliminary stage for review prior to submission of a formal application and significant environmental review as well as coordinated review with multiple agencies. He stated this proposal would be associated with the Rifenburg, Hoffay Farm pit, Hunt gravel mine and the Town line. He added that this proposal would be an increase of 70 acres for an approximate total PDD of 190 acres which would amount to a 35% increase. He further explained that currently there was a gap in the PDD between Rifenburg and Hunt and as such would be potentially an impediment to future redevelopment; thus, part of this proposal would extend the PDD between those areas to afford the opportunity for a more consistent topography/terrain on the site. It was explained that access to the Garner property would be through the existing Hoffay pit. A review of the layout was viewed for existing conditions and what was proposed. Mr. Davidson explained that the reason the Town property was shown as part of the proposal was that the PDD did not currently extend to the property line. Andrew Karl (AK) asked about an area shown that would not be mined and asked the reason for it. Mr. Davidson explained that all the existing sites currently only mine sand and gravel and the proposed extension is contemplated to do the same to a level above the water table. He added that the area labeled as not to be mined was a ridge of bedrock which would not be mined as part of this extension. RL stated that basically there would not be an increase to traffic on Garner Road or anywhere in that area as mining traffic for the proposed extension would go through the Hoffay mine and out Route 150. Mr. Davidson responded that was correct and added that there would not be any increase in traffic associated with this extension as it added material however not processing capacity; thus, just a continuation of the existing traffic on Route 150. RL then stated that the extension would move closer to the residential areas causing concerns and asked that the 200' proposed setback be explained in relation to studies yet to be done. He specified such things as sight from residences and possibility of berms being built around to mitigate the visual and noise impact along and asked how might water supply be impacted. Mr. Davidson explained that the project, if moved forward, would go through a comprehensive State Environmental Quality Review (SEQR) which would look at the items mentioned in addition to cultural resources, wetlands and traffic.

He added that the results of such studies may indicate a few changes to the plans for the addition of mitigation such as the berms. He reiterated that the proposal was very early in the process, and that they were sensitive to the neighbor's concerns. AH noted that one map revealed that the Hunt and Town of Sand Lake property was basically flat and asked if Rifenburg planned on taking any gravel from those sites. Mr. Davidson responded no, not at this time and added that the rights to the properties for the Town and Hunt sites would remain as is and not change. RG asked if it was incumbent upon each of the landowners to ask individually. Jack Rifenburg responded that it was his understanding that each of the landowners would end up being an applicant on the PDD. RG asked if they were currently applicants on this request to which Jack Rifenburg responded no, not at this time. It was noted that the Hunt and the Town properties were currently zoned as PDD. RG asked if it was fair to say that the plan would be to mine all of this as it is shown on your future maps. Mr. Davidson replied yes and added that not all of it would be mined by Rifenburg. RG clarified and stated that Hunt may be asking for this in order that they may mine it at a future time to which Mr. Davidson responded that was correct. AK stated the idea was to achieve a smooth topography amongst all the properties. RL stated that in reading the conceptual plan, no new structures or parking lots would be built. Mr. Davidson responded that was correct as existing facilities would be utilized to process the material. AK asked if there was a concern by the applicant of running out of material which necessitated the request for this PDD expansion. Mr. Rifenburg responded yes however was not aware of that timeline and noted that while there may be several years of operation left, there were areas of the current sites that served as good screening which they wanted to preserve for aesthetics around the site. He added that if mining were to continue in the Town of Sand Lake, this proposal would be future of that operation. RG asked if it was known how long it might take to mine the expanded 70-acre area. Mr. Rifenburg replied 8 to 9 years. RL asked if it was correct that there was a stormwater management plan that would utilize runoff as part of the processing operation. Mr. Davidson responded yes, and any runoff would need to be treated as well as a stormwater pollution prevention plan prepared. He added that while it was not anticipated that any stormwater runoff would be discharged from the site, should it occur, they would be subject to requirements for grading, discharge limits and water quality limits. RG asked to be educated on the grade level for which the mining would stop as there was no plan for any blasting to break up bedrock. Mr. Davidson replied that was correct as there was no plan to mine bedrock at all and no current plan to blast. He further explained that the Rifenburg's current permit to mine the sand and gravel authorized them to go no deeper than 5' above the seasonal aboveground water table and that practice would continue on the Garner parcel which would be confirmed by digging test pits with an excavator in advance of any mining that would be conducted. RG then asked if that would process would create flat ground or based on the water table is it possible that a pit would be created. Mr. Davidson responded that it would result in a gentle sloping topography with the intent for all of it to drain internally so as not to have any drainage offsite which would then need to be further controlled. He added that there would not be standing water in a pit but rather during heavy rain, it would slowly dissipate/infiltrate into the ground and evaporate. AH stated that 5' above the ground water level did not seem like a lot and asked what the future use of the property would be as far as reclaiming. He further stated that if an 8' foundation was done in the future, that would mean the water would be 3' up into the basement; thus, did not feel that the 5' above water level was a good starting point. Mr. Davidson replied that the reclaiming would most likely be vegetated open space at this point. He added that once reclamation was completed, it could then be available for a variety of uses. He further added that details received on in-depth reviews of the parcel may prove that more than 5' above the groundwater table is needed. MET noted the number of in-person attendees at the meeting and stated that their concerns should be heard regarding quality of water and increase in truck traffic. AH replied that a Public Hearing would be formally scheduled as the Planning Board (PB) had sixty days to provide the Town Board with a Recommendation. He added that PB members may also wish to do a site visit.

AH noted that the PB had a limited role in the overall process for this proposal as it ultimately would be a Town Board decision which was a separate legislative body. Craig Crist read Section 250-100 B. (1) through (6) of the Zoning Code for all in attendance to clarify the PB's role for the sketch plan procedure:

B. Sketch plan review procedure.

(1) Prior to the formal filing of a PDD application, the applicant shall submit a sketch plan of the proposal to the Town Board.

(2) During sketch plan review, the Town Board, in its legislative capacity, establishes the boundaries of the proposed PDD and sets limits on the nature and range of uses, geometric and site controls and overall project planning. Specifically, the Town Board shall review the sketch plan according to the following criteria:

(a) The proposal conforms to the Comprehensive Plan.

(b) The proposal meets local and regional needs.

(c) The proposal meets the intent and objectives and general requirements of this section.

(3) Once the Town Board has accepted a PDD sketch plan for consideration, it shall refer the sketch plan to the Planning Board. Such refusal or acceptance and referral shall take place within 30 days of the submittal of the PDD sketch plan.

(4) The Planning Board, upon receipt of the referral, 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.

(5) Within 45 days of the Planning Board action, the Town Board shall take action to approve, with or without conditions, or disapprove the proposed PDD sketch plan, based on the criteria set forth above.

(6) If approved or approved with conditions and accepted, the applicant may proceed to formal PDD application.

CC then briefly summarized Section 250-100(7) and C. (1) and (3)

AH reiterated that he recommended that PB members perform a site visit. CC clarified with the applicant that they agreed to a site visit being performed to which Mr. Rifenburg agreed and arrangements were made with the applicant for Board members to visit. CC noted that the mining area could be a dangerous area; thus, recommended that the Board members not carry out the site visit alone. It was noted that the sketch plan submitted by JMT had been posted on the Town's website under the Planning Board tab for the public to view. Jonathan Bernstein (JB) asked Board members if anything additional was needed from the applicant to create a proper record. AK stated that the site visit may reveal more studies are needed. AH motioned to schedule the Public Hearing for December 7, 2022; seconded by RL and all approved.

Tom Cetrino asked to speak and submitted a petition of 178 signatures and indicated that he continued to gather additional signatures. He summarized that the petitioners opposed further expansion of mining as it was believed to endanger wells, increase noise, and air pollution. He stated that with the proposed increase of 35% for the mining, it was not seen as to how there could not be increased truck traffic. He further stated that the sketch plan needed to show how it conforms to the Town's Comprehensive Plan and felt the PB could make a judgement on that under their purview. He added that the application did not address the Comprehensive Plan's section that directly spoke to this issue and referred to Strategy 7.6: Maintain the Town's current regulatory approach balancing mining activities and impacts on the community. He stated that the petitioners felt that the sketch plan did not comply and as such was deficient; thus, the PB should recommend that the Town Board not proceed with this sketch plan/application. He further explained the petitioners had fought this same issue twice before in this Town and worked to have the Zoning Code amended. He stated that, at the time, the applicant had sued the Town on the Zoning Code largely on this issue and the

Town spent \$150,000 of taxpayer's monies to defend that lawsuit and the applicant had lost at every level. He added that this was the applicant's third time trying to get money in a residential neighborhood. He referred to the roomful of attendees who shared these concerns. He went on to talk about the blasting of bedrock and said the applicant's sketch plan did not state they would not blast but rather that they had no plan to blast bedrock. He added that once the gravel is all up, money will need to be made in some other way which will lead to the blasting of bedrock.

An attendee recommended that the Board members start their site visit at the location of homes and work their way to the mining area. RG replied that his plan was to walk the perimeter of the mining area and then visit the location of homes in relation to distance from the proposed mining area expansion. CC noted that the site visit was not to be a Board meeting but rather a viewing of the site. Another attendee asked if any of the Board members would be affected by this decision. AH explained that no decision was being made at this time beyond the scheduling of the site visit and setting of the public hearing as it was early in the process.

#### **DRAFT RESOLUTIONS FOR APPROVAL**

##### Scenic Preservation Application – Joseph & Marjorie Pelcher

RL motioned to waive the full reading of the draft Resolution; seconded by MET and approved by JB, RG and AK. Due to a current business association with the applicants, AH recused himself from the vote.

RL motioned to approve the Resolution in its entirety; seconded by MET and approved by JB, RG and AK. Due to a current business association with the applicants, AH recused himself from the vote.

#### **DRAFT MINUTES FOR APPROVAL**

MET motioned to accept the October 5, 2022 minutes as presented; seconded by AH and all approved.

**ADJOURNMENT** – AH motioned to adjourn the meeting at 8:32pm; seconded by AK and all approved.