

**Town of Sand Lake
Planning Board Minutes
January 17, 2024**

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: Andrew Karl, Chairman, began meeting at 7:30 PM

MEMBERS PRESENT: Edward Patanian (EP), Michael Slavin (MS), Ralph LaMontagna (RL), Andrew Karl (AK), Mary Ellen Trumbull (MT), Craig Crist, Esq. (CC)

MEMBERS ABSENT: Rick Giolito (RG), Arthur Herman (AH)

OTHERS PRESENT: Jake Lehman, Shawn Beqaj, Dennis Tremont, Kelly Millett, Peter A. Smith Stephen Clemens

RECORDING CLERK: Sarah Jones (SJ), Clerk for the Planning Board and ZBA

Special Use Permit Application with Public Hearing

Airosmith Development OBO Archtop Fiber
78 Sheer Rd
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 158.-2-50

Lot Size: .27 +/- acres

A Special Use Permit Application for installation of an un-manned Fiber Optics Hub. Application is in association with an approved Area Variance.

December 6, 2023, the Special Use Permit Application was presented under the listing of a Site Plan Review. The minutes in relation to that meeting are as follows; italicized:

Jake Lehman and Shawn Beqaj presented the Site Plan Review Application for Airosmith Development explaining the application is to review a HUB site for Fiber Optics which would allow service to be provided to Sand Lake and the surrounding areas, going on to explain the Hub Site contains an equipment shed, generator and fencing all wiring is ran underground and said the generator runs about 10 minutes a week to charge.

Met questioned, does it give off radiation? Jake said it does not, all equipment will be contained in the equipment shed.

CC asked Mr. Lehman to provide more detail as to how the technology works, how often people will visit the site, when it comes on and the size. Mr. Lehman said, to start the compound is 35 x 55 the actual shed is 9x15, the generator as previously stated comes on about 10 min every week which can be set for a specific time, however, at the property line the volume is about 70 db which is no louder than the current conversation being had. It is also expected that visits to the Hub Site would occur every 6 months.

RL said that if the power is out the generator will run the entire time? To which Mr. Lehman agreed but did explain that the generator is encased in the highest available acoustic enclosure Generac has on the market.

RL asked if there was a roof on the generator. Mr. Lehman said there was.

MS confirmed that this internet service could benefit the town.

MET asked if Airosmith was in competition with Spectrum and Verizon. MS asked if another town had ever denied an application. Mr. Beqai said, it is in competition with both Spectrum and Verizon, and an application has never been denied in another town.

RL questioned the color of the privacy slats. While they come in many colors he asks that they be earth toned.

RG questioned the razor wire on top of fencing as indicated in the sketch plans, saying he does not want to look out his door and see that. Mr. Lehman advised that he had spoken to the neighbors, and they were in favor of the wire as their concern was keeping their chickens out. They are also willing to do additional privacy screening.

RL advised that there is a 10-year maximum on Special Use Permits and must be reviewed to renew. It was indicated that Airosmith is looking for a much longer time frame.

AK asked why this is in a residential versus a commercial area. It was explained that geography is important because each hub goes a specific distance before the next hub site as they are roughly 20 KM in distance from one another, confirming that there would not be another one in this area. AK went on to ask if there was any lighting on the building. It was determined that there is a down facing light expected to be installed above the door.

With no further questions from the board RL motioned, seconded by MET and all approved, to hold a public hearing on December 20, 2023, at 7:30pm.

On December 20, 2023, a public hearing for Site Plan Review was held the minutes are as follows; italicized:

Jake Lehman reiterated his application initially presented at the December 6, 2023, Planning Board meeting. At the last meeting the board was concerned with the screening and Mr. Lehman addressed this and submitted an update on the sketch plans which include Baby Green Giant Fuchsia. EP questioned how the sites were maintained. Mr. Lehman stated that Archtop will maintain the site. AH asked if Archtop was leasing this property to which Mr. Lehman said Archtop is currently under contract to purchase the property. MET asked what their record has been with other properties and maintenance. Mr. Lehman said that the majority have required screening which is included but maintenance was not included. MET indicated concern regarding keeping the area tidy. PB Minutes 12/20/23 Page 2 of 6 AK expressed concern regarding trees dying and the need to be removed and replaced in a timely fashion. With no further questions from the board RL read the public hearing into the record followed by AH motioning, seconded by MET and unanimously approved, to open the public hearing at 7:40 pm. After confirming that there were no public or written comments, AH motioned, seconded by MET and unanimously approved, to close the public hearing at 7:41pm. MET agreed with AK that there should be a stipulation regarding removal and replacement of dead trees in a timely manner. "Timely manner" being predicated by season (less than 6 months' time.) EP said he felt there should be something stating that the property be maintained on a regular basis to prevent overgrowth to not become unsightly. With no other comments from the board AH confirmed that SEQR had already been established by the Town of Sand Lake Zoning Board of Appeals (ZBA) having a negative declaration and establishing the ZBA as lead agency with no other interested or involved parties. Shawn Beqai the Chief Development Officer who was present during the meeting, spoke out, saying that he did not want to be held to a higher standard than their neighbors and are offering a public service while investing millions of dollars in the proposed site, and intended to maintain an aesthetic standard that keeps the property consistent with the neighborhood as they do with all HUB sites. AH motioned, seconded by RL and

unanimously approved, to approve the Site Plan Application for Airosmith Development OBO Archtop Fiber with the following special conditions; The property shall be maintained on a regular basis such that dead trees are to be removed and replaced within 6 months and the property as a whole is to be maintained pursuant to an aesthetic standard consistent with the neighborhood.

On January 3, 2024, the clerical error indicating 'Site Plan Review' was presented to the board and the Site Plan Review Resolution was rescinded and a motion to hold a Public Hearing on January 17, 2024, for a Special Use Permit for Airosmith Development OBO Archtop Fiber was approved.

January 17, 2024-Jake Lehman was present and briefly summarized their application.

With no further questions from the board RL read the Public Notice into the record.

AK motioned, seconded by MET and carried unanimously, to open the public hearing at 7:34PM.

As a member of the public, Peter Smith of 74 Sheer Rd came forward and asked where the Fiber Optics lines were coming from.

Mr. Lehman said the fiber optics will be pulled directly down from the power lines, which run the road frontage of Sheer Rd and run underground to the Hub site not through the wires in the air.

With no additional questions made or received AK motioned, seconded by MET and carried unanimously to close the public hearing at 7:36 PM.

RL asked, what is the projected time that this service will be available? Mr. Lehman said Quarter 4 of 2024.

ZBA is Lead Agency in reference to this application.

AK motioned, seconded by MET and carried unanimously to approve the Speical Use Permit Application presented by Airosmith Development OBO Archtop Fiber.

Failing to include the special conditions approved under the mislabeled "Site Plan Review Application" AK motioned seconded by RL and carried unanimously to rescind the approval of the Special Use Permit Application presented by Airosmith Development OBO Archtop Fiber.

AK motioned seconded by RL and carried unanimously to approve the Speical Use Permit Application presented by Airosmith Development OBO Archtop Fiber with the following conditions: The property shall be maintained on a regular basis such that dead trees are to be removed and replaced with in 6 months and the property as a whole is to be maintained pursuant to an aesthetic standard consistent with the neighborhood.

Scenic Preservation Application

Dennis and Kelly Tremont
202 Eastern Union Tpke
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #s: 159.4-1-11
Lot Size: 1.66 +/- acres

An amended Scenic Preservation Application to construct a roofed structure system to connect conditioned space to the main dwelling resolving violation. Original application presented at the October 18, 2023, meeting. Amended Scenic Preservation Application was originally scheduled to be presented before this board at the January 3, 2024, meeting.

Mr. Tremont presented his application stating they are going to connect the two buildings together as they are only 2-3 feet apart with a breezeway.

AK said that based on information provided from our code from CC adding the breezeway will resolve the violation as it is connecting the principal structure to the other structure which makes it an additional room to the principal structure which would resolve the violation.

AK asked if there were any questions from the board members, reminding the board that they were only addressing the application of Scenic Preservation that was before them.

RI said it is an existing structure that had been pre-approved.

MS said he did a site visit, and it was the same structure that existed 50 years ago.

AK confirmed the length of the Breeze way as 3-4 feet long.

MET asked if Mr. Tremont intended to rent the additional room out, stating she was asking for personal knowledge.

Mr. Tremont said he was unsure at this time.

CC read from the Town of Sand Lake, NY codes; Article 7 Scenic Preservation Overlay Area

§250-76 Standards of review.

In acting on any application under this article, the Planning Board shall endeavor to ensure that all development and/or structures hereafter erected or altered in exterior appearance, including signs, within the Scenic Preservation Overlay shall be of such design, appearance and relation to one another that they will not impair the attractiveness and appearance of the scenic preservation area in particular and the Town in general.

In furtherance of these purposes, the Planning Board shall seek to ensure good building design, but shall not prescribe any type or particular style of architecture. Nothing in this article shall be construed to prevent ordinary maintenance or repair of any structure within the scenic preservation area; nor shall anything in this article be construed to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the Code Enforcement Officer prior to the adoption of this chapter.

Reimbursable costs. -CC stated this does not apply and discontinued reading of §250-76 Standards of review.

AK motioned seconded by RL and carried unanimously that the Town of Sand Lake Planning Board be Lead Agency with no other involved or interested parties and activities proposed under the Scenic Preservation Application be classified as a Type 2 Action under SEQR.

AK motioned seconded by EP and carried unanimously to approve the Scenic Preservation Application as presented by Dennis and Kelly Tremont.

DRAFT RESOLUTION FOR APPROVAL

Special Use Permit Application Resolution for Ariel Saati SUP 24-01

AK motioned seconded by MET and carried by all members, except RL who abstained, to waive the full reading of the Site Plan Review Resolution for Ariel Saati.

AK Motioned seconded by MET and carried by all members, except RL who abstained, to approve the Special Use Permit Application for Ariel Saati.

Site Plan Review Application Resolution for Ariel Saati SPR 24-01

AK motioned seconded by RL and carried unanimously to waive the full reading of the Site Plan Review Resolution for Ariel Saati.

AK motioned seconded by MET and carried by all members, except RL who abstained, to approve the Site Plan Review Resolution for Ariel Saati.

Boundary Line Adjustment Application Resolution for Todd Scaccia BLA 24-01

AK motioned seconded by MET and carried unanimously to waive the full reading of the Boundary Line Adjustment Resolution for Todd Scaccia.

AK motioned seconded by RL and carried unanimously to approve the Boundary Line Adjustment Resolution for Todd Scaccia.

DRAFT MINUTES FOR APPROVAL

AK moved, seconded by EP, and carried by all members, except MET who abstained, the January 3, 2024, minutes as presented for approval.

ADJOURNMENT

AK motioned, seconded by MET, and unanimously approved to adjourn the meeting at 7:46PM.