

**Town of Sand Lake
Planning Board Minutes
January 3, 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 7:33 PM

MEMBERS PRESENT: Andrew Karl (AK), Arthur Herman (AH), Ralph LaMontagna (RL), Arthur Herman (AH), Michael Slavin (MS), Edward Patanian (EP), Craig Crist, Esq. (CC)

MEMBER ABSENT: Mary Ellen Trumbull (MT) Rick Giolito (RG),

OTHERS PRESENT: Ariel Saati, Aton Saati, Kevin McGrath, William Chenot Jr.

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

Special Use Permit Application with Public Hearing

Ariel Saati
3049 NY 43
Averill Park, NY 12018

Tax Map #: 148.3-6-2
Lot Size: .11 +/- acres

CRO-Commercial Reuse Overlay

Site Plan Review Application in connection with a Special Use Permit application to remodel existing structure and open a Deli style restaurant.

RL recused himself from this application due to personal conflict.

Mr. Saati reviewed his application originally presented at the December 20, 2023, meeting.

EP asked if there was a need for a grease trap, asking about the sewer location, Mr. Saati confirmed that they will have one installed and the sewer connection goes out the back of the building, EP also asked about a fire suppression system which Mr. Saati stated he would have and believed it would exit the right side of the building towards the church.

AK posed concern regarding Handicap parking and said he believes that per ADA regulations he will need to provide at least 1 spot in which Mr. Saati agreed.

With no further questions from the board, AH read the Public Hearing Notice which was posted in the Troy Record.

AK then motioned, seconded by AH and all approved to open the Public Hearing at 7:36 PM.

At this time Bill Chenot Jr., who owns the Jiffy Mart (gas station/and established deli) directly across from the deli location proposed by Mr. Saati. He said he is within 100', he is concerned about his business but equally concerned about his own employees and other local eateries in the area. He asked about traffic surveys. Mr. Chenot was also concerned about his parking lot being used for patrons of proposed deli. He feels that an additional local deli will take away from the already existing establishments.

Mr. Saati then replied that he believes that it is an unfair characterization that the two establishments would be doing the same thing, and he did not feel that his business would jeopardize the business owned by Mr. Chenot but that he did understand the concerns presented.

MS stated that he can see Mr. Chenots point, asking, what happens when people are indeed using the Jiffy Mart parking lot?

AK said if it were to get to that point, it would then be a codes enforcement issue.

Under the advice of CC, he can post signs deeming the property for customer parking only.

With no further questions or comments made or received AK motioned, seconded by EP and all approved to close the Public Hearing at 7:45PM.

Originally classified as an Unlisted Action and issuance of Negative Declaration, under the guide of CC AK motioned, seconded by MS and all approved to rescind the original classification of Unlisted Action and issuance of the Negative Declaration.

AK, seconded by AH and all motioned approved to classify this as a Type Two Action.

CC then read from the Town of Sand Lake Zoning Codes 250-80 Criteria

"The Planning Board shall consider the following general criteria when making a determination for a special use permit:

A. Compatibility of the proposed use with the principles of the district, the purposes set forth in this chapter, and the goals of the Comprehensive Plan.

B. Compatibility of the proposed use with adjoining properties and with the natural and man-made environment.

C. Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, including accessibility to fire, police, and emergency vehicles and sufficient water supply and appurtenances for firefighting purposes.

D. The overall impact on the site and its surroundings, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.

E. Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town.

F. Consistency of the location of the proposed use with the goal of creating a healthy mix of uses that enhances the viability of the hamlets and Town.

G. Compatibility with the historic character and use of the structure or structures and the historic character of the site and in the surrounding area, if applicable.”

EP confirmed no additional structural design is being completed and that Mr. Saati was returning when he was ready to present his Sign Placement Application.

AK motioned, seconded by EP and all approved to approve the Special Use Permit Application for Ariel Saati

Site Plan Review Application

Ariel Saati

3049 NY 43

Averill Park, NY 12018

CRO-Commercial Reuse Overlay

Tax Map #: 148.3-6-2

Lot Size: .11 +/-acres

Site Plan Review Application in connection with a Special Use Permit application to remodel existing structure and open a Deli style restaurant.

Please refer to the below italicized script for information presented at the December 20, 2023, Planning Board Meeting in reference to the Presented Site Plan Review Application:

Site Plan Review Application in connection with a Special Use Permit application to remodel existing structure and open a Deli.

Rensselaer County Bureau of Planning has reviewed and determined that pursuant to Section 239-m the proposal does not have a major impact on County plans and that local consideration shall prevail.

RL being an active member of the Church of the Covenant, which is a direct neighbor of the above address, recused himself.

MET asked if door dash will be offered. Mr. Saati said if it is available, he is interested, door dash is associated with his current location in Albany.

Mr. Saati introduced his father who was with him and presented his Site Plan Review and Special Use Permit applications. Mr. Saati said they own a restaurant in Albany which has had 30 years of success to date and they are hoping to do the same here. Mr. Saati said he grew up here and felt this was an area ripe for new foods. MET asked about parking. Mr. Saati said the back parking is for the tenants upstairs but that they had also created 8 parking places in the front of the building and were in the process of purchasing the property across from 3049 NY 43 on Orient Avenue which will also provide more parking. MET expressed concern with the area being quite populated especially Sundays between St. Henrys church and the Church of the Covenant. Mr. Saati said that there was a strong chance they would be closed on Sundays however, that was not a guarantee, but it would relieve some congestion. EP asked for a copy of the Site Plan showing the number of parking spaces.

MS confirmed that they are reconfiguring the existing building not expanding the building and that there would be no other businesses in the building.

EP asked about sign designs. Mr. Saati said that he is not prepared to present sign designs but will be returning to the board at a later date with a Sign Placement Application.

AK motioned seconded by AH and all approved to approve the Site Plan Review Application as presented.

Boundary Line Adjustment Application

Applicant: Todd Scaccia
Donor: Kimberly Ostrander & Peter Chuckta
401 Millers Corners Rd
East Greenbush, NY 12061
AR -Agricultural Residential Zoning District
AND

Tax Map #: 169.-2-29.1
Original Lot Size: 11.17 +/- acres
Proposed Lot Size: 10.94 +/- acres

Receiver: Todd Scaccia
435 Millers Corners Rd
East Greenbush, NY 12061
AR - Agricultural Residential Zoning District

Tax Map #: 168.-4-37.11
Original Lot Size: 144.74 +/- acres
Proposed Lot Size: 144.91 +/- acres

A Boundary Line Adjustment Application from a donor parcel of 11.17 +/- acres to donate .23 acres to a receiving parcel of 144.74 +/- acres which will result in a donor parcel of 10.94 +/- acres and a receiving parcel of 144.91 +/- acres.

Kevin McGrath presented the Boundary Line Adjustment Application for Kimberly Ostrander and Peter Chuckta explaining that Mr. Scaccia has a bit of frontage on 150 and Millers Corners Rd but is hoping to purchase this land as it would provide significantly better site distance than other areas, where he could establish a driveway. He is wanting to enter his property avoiding designated Army Corps of Engineers Wetlands. The donors have agreed to sell Mr. Scaccia about 50' which is the location of where Mr. Scaccia would like to have his driveway placed. He did state that he has already obtained the necessary Area Variance regarding the Depth to Width Ratio.

MS confirmed the location of the land being purchased by Mr. Scaccia.

RL said both lots are very big and confirmed the requested Boundary Line Adjustment.

With no further questions AK motioned, seconded by RL, and carried unanimously, to declare this Boundary Line Adjustment a Type 2 Action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency under SEQR with no other involved or interested agencies and all approved.

AK motioned, seconded by MS, and carried unanimously, to approve the Boundary Line Adjustment as presented.

Scenic Preservation Application

Dennis and Kelly Tremont
202 Eastern Union Tpke
Averill Park, NY 12018

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

R – Residential Zoning District

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.

The applicant was contacted during the meeting, and he said he was not aware the meeting for their application was being held.

AK motioned, seconded by AH to table this agenda item until the next Planning Board Meeting scheduled for January 17, 2023.

AGENDA ITEMS: ADDITIONAL BUSINESS

- Motion to rescind approval for the Airosmith OBO Archtop Fiber Site Plan Review with Public Hearing Agenda item dated December 20, 2023.

AK motioned, seconded by RL, and carried unanimously to rescind the Site Plan Review Approval Dated December 20, 2023, for Airosmith OBO Archtop fiber.

- Motion to hold a Public Hearing on January 17, 2024, for Airosmith Development OBO Archtop Fiber for a Special Use Permit for installation of an un-manned Fiber Optics Hub. Application is in association with an approved Area Variance.

AK motioned seconded by RL and carried unanimously, to schedule a Public Hearing on January 17, 2024, for a Special Use Permit for Airosmith Development OBO Archtop Fiber.

DRAFT MINUTES FOR APPROVAL

AK moved, seconded by AH, and carried unanimously, the December 20, 2023, minutes as presented for approval.

AK asked if there was any additional business to be presented.

EP asked if they were doing any site visits.

CC said site visits are always encouraged with permission to access the property.

ADJOURNMENT

AK motioned, seconded by AH to adjourn the meeting at 8:06PM and all approved.