

**Town of Sand Lake
Planning Board Minutes
April 3, 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: Rick Giolito, Dominick Bates, Mary Ellen Trumbull, Jonathan Bernstein, Ralph LaMontagna, Craig Crist

MEMBER ABSENT: Michael Groff

OTHERS PRESENT: Terri Dunworth, John P. Walsh, Monica Ryan

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

Boundary Line Adjustment Application

Michael and Sharon Banks
1038 Chamberlin Road Ext.
West Sand Lake, NY 12196

Tax Maps #168.-4-52.2/168.-4-52.13

AR – Agriculture/Residential Zoning District

Donor Parcel Tax Map #168.-4-52.2 Current Lot Size 3.891 acres/Donating 1.367 acres/Proposed Adjusted Lot Size 2.524 acres

Receiving Parcel Tax Map #168.-4-52.13 Current Lot Size 1.071 acres/Receiving 1.367 acres/Proposed Adjusted Lot Size 2.438 acres

A Boundary Line Adjustment Application to donate 1.367 acres to an existing lot.

Michael Banks presented their proposal to split and merge two pieces of property on Chamberlin Hill Road Extension. Mr. Banks provided some background information indicating that back in 1988/89 they had been deeded the original 2.52 acres from Mr. and Mrs. Winnicki upon their passing. Mr. Banks stated they then separated 1.367 acres from the 2.52 acres and tacked it onto their 2 acres. He further explained that this proposal is to now take that 1.367-acre parcel and add it to the smaller lot

which is adjacent to their other lot and would allow the smaller parcel to meet current code compliance for a building lot. Arthur Herman (AH) asked if there was currently a structure on the smaller lot to which Mr. Banks replied there was a structure on it and discovered that the structure was considered illegal even though he had been given a building permit. Planning Board (PB) members and Mr. Banks reviewed the survey map to clarify the parcels being discussed for the split and merge. Mr. Banks stated that this proposal would bring them back to the original 2.5 acres that they had when the house was built and also have almost 2.5 acres for the other parcel. PB members and Mr. Banks reviewed the survey map and discussed parcels that are currently deeded together. AH asked Mr. Banks if he was the owner of both parcels to which Mr. Banks replied yes. Mary Ellen Trumbull (MET) asked if Mr. Banks had a building permit that had been approved a while ago. Mr. Banks responded that he has had three building permits: One for the original build of the house, one for the structure on the small lot and another permit for a garage recently built on the other property. MET asked if there was a plan to build on the other lot to which Mr. Banks responded that he hopes to do so however his wife is undecided at this time. Mr. Banks further stated that as of now, there is a storage building on the smaller lot and reiterated that he did not know back then that they could not have the storage building without a residence as he had received the building permit and been paying taxes on it. AH stated that maybe the permit was issued because the parcels were owned by Mr. Banks. Mr. Banks agreed adding that it probably looked continuous yet those parcels were deeded separate. The PB members agreed that the separate structure was not under review as the proposal plan is for a boundary line adjustment. Mr. Banks added should they decide to downsize, the approval of this proposed BLA would bring the lots into current code compliance.

As there were no further questions from PB members, AH made a motion to declare this Boundary Line Adjustment as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by MET and all approved. 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. Seconded by Dominick Bates and all approved. AH made a motion to grant approval of this Boundary Line Adjustment Application, as submitted, subject to the following condition: the signed maps and a new deed for each parcel as adjusted be recorded with the Rensselaer County Clerk within 60 days of the maps being signed by an Authorized Representative of the Town of Sand Lake Planning Board. Seconded by MET and all approved.

Area Variance Application – Recommendation to the ZBA

Dan Holser
Huntley Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #159.-1-73

Lot Size: 5 acres

An Area Variance Application for proposed subdivision lot with insufficient road frontage which exceeds the lot to width ratio of 3:1.

Arthur Herman announced that as Dan Holser was not notified of this item being placed on the agenda, and Mr. Holser was not present. Monica Ryan explained that the recommendation could be made on the basis of the last meeting's information due to no changes in the proposed plans, however it would be the Planning Board's (PB) decision whether to take action at this time. Jonathan Bernstein (JB) stated he felt this item should be held over until Mr. Holser can be notified. MET added that the ZBA would not have had the PB minutes to review and asked if ZBA turned the item back to the PB. Ms. Ryan responded that the ZBA had to turn it back to the PB and pointed out that there would another PB meeting (April 17) for Mr. Holser to be invited to attend and a recommendation could be made for immediate turnover to the Zoning Board of Appeals (ZBA) for their meeting the following evening (April 18). Dominick Bates (DB) stated that as this item was only for a recommendation and a similar recommendation done in the past without the presence of the owner, PB should move forward. Monica Ryan agreed that this method had been utilized for a similar situation. She then clarified that this proposed plan, under State Law, should have gone to the ZBA first then to the PB for recommendation; however, Mr. Holser had requested to present the proposed plan to the PB first. Ralph LaMontagna (RL) stated that he agreed with JB and that the PB should wait for Mr. Holser to be present. RL added that on the rare recommendation occasion for the previous similar situation, the issue was more straightforward and this proposed plan has questions for which Mr. Holser should have the opportunity to speak on. A majority of PB members agreed with RL and AH made a motion to table this item until the next meeting. Seconded by JB and with the exception of DB who opposed; all other members approved.

MINUTES – March 6, 2019

MET asked if it was known whether Dan Coiteax had filed paperwork for the adjoining of his lots. Monica Ryan responded that she would check with the Assessor's Office on Mr. Coiteax's filing of the needed paperwork. MET then made a motion to approve the minutes as presented; seconded by AH and all approved.

ADJOURNMENT

AH motioned to adjourn the meeting at 7:46 PM. RL seconded the motion and all approved.