

**Town of Sand Lake
Planning Board Minutes
April 7, 2021**

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 7:33 PM
- MEMBERS PRESENT:** Ralph LaMontagna, Michael Groff, Mary Ellen Trumbull, Rick Giolito, Andrew Karl, Craig Crist, Esq.
- MEMBER ABSENT:** Jonathan Bernstein
- OTHERS PRESENT:** Kevin McGrath, Christopher & Mari Wachtel, Maureen Straight, Andrew Craig, Peter Letko, William Glasser, Justin Adamo, Anja Carr, Monica Ryan (Town Planner)
- RECORDING CLERK:** Laura Fedoreshenko, Clerk for the Planning Board and ZBA

Minor Subdivision Application and Public Hearing

Christopher and Mari Wachtel
215 Methodist Farm Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 170.-1-7.1
Current Lot Size: 20.94 acres
Proposed Lot 1 Size: 19.30 acres
Proposed Lot 2 Size: 1.64 acres

A Minor Subdivision Application to create one residential lot.

Christopher and Mari Watchel were present along with surveyor Kevin McGrath. Mr. McGrath presented and summarized the project which had been presented at the March 3, 2021 Planning Board meeting. He followed up that an area variance was recently granted by the Zoning Board of Appeals (ZBA) for a lot width of 50' for at the front setback line for proposed Lot 2. Mr. McGrath explained that the lot width of 50' had been suggested by the Planning Board (PB) upon a review of the sketch plan at the June 17, 2020 PB meeting. With no questions from Board members, Ralph LaMontagna (RL) read the Public Hearing notice that had been posted in the Troy Record and The Advertiser. Arthur Herman (AH) opened the Public Hearing at 7:46 pm; seconded by Mary Ellen Trumbull (MET) and all approved. With no public written or online comments received, AH motioned to close the Public Hearing at 7:48pm; seconded by RL and all approved.

AH motioned, seconded by MET and unanimously carried to give this a Negative Declaration under SEQR. AH motioned to grant preliminary and final approval for this Minor Subdivision and waive the final hearing with the following condition: the signed maps and new deeds for each parcel be recorded with Rensselaer County Clerk within 60 days of the maps being signed by an Authorized Representative of the Town of Sand Lake Planning Board. The motion was seconded by RL and all approved.

Special Use Permit Application and Public Hearing

Maureen Straight
158 Glass Lake Road

Tax Map #: 159.2-1-13

Averill Park, NY 12018
R-Residential Zoning District

Lot Size: 0.4 acres

A Special Use Permit Application to establish a primary dwelling and an accessory dwelling on a single lot.

Maureen Straight and surveyor Kevin McGrath were present. Monica Ryan shared that area variances had been granted by the ZBA for any portion of the proposed single-family structure to have a 5’ west side yard setback and a 14.1’ east side yard setback. Ms. Straight summarized the project which had been initially presented at the March 3, 2021 PB meeting. Ms. Straight explained that she did not have architectural drawings of the proposed primary dwelling as she wanted to ensure the needed approvals would be granted. Ms. Ryan shared a picture of an elevated rendering of a similar home for PB members to view. AH asked how the accessory dwelling would be utilized. Ms. Straight replied that it would be for family members only and not rented out.

With no questions from the Board, RL read the Public Hearing notice that had been posted in the Troy Record and Advertiser. AH opened the Public Hearing at 7:54 pm; seconded by RL and all approved. Ms. Ryan shared that for the ZBA public hearing for the area variances, there had been positive letters received from neighbors (Dunns and Doyles) who were on either side of Ms. Straight. With no public written or online comments received, AH motioned to close the Public Hearing at 7:56pm; seconded by Andrew Karl (AK) and all approved.

AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Planning Board as Lead Agency; seconded by RL and approved by Andrew Karl (AK), Michael Groff (MG) and Rick Giolito (RG). MET abstained due to residing directly across from Ms. Straight. AH motioned to approve the Special Permit Application as submitted; seconded by AK and approved by RL, MG and RG. MET abstained.

ZBA Recommendation Area Variance and related Minor Subdivision

Shane Cahill (Applicant)
Glenn Kinney (Property Owner)
144 Methodist Farm Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 170.2-1-16
Original Lot Size: 9.44 acres
Lot 1 Size: 2.73 acres
Lot 2 Size: 6.70 acres

An area variance application regarding a proposed minor subdivision to create a lot that exceeds the 3:1 ratio of lot depth to lot width.

This agenda item was tabled for a future Planning Board meeting as neither the applicant nor property owner were present.

Sign Placement Application

Lake Avenue Community Church (Applicant)
Hope Lutheran Church (Property Owner)
4363 NY 150
West Sand Lake, NY 12196
HC-Hamlet Commercial Zoning District

Tax Map #: 146.2-4-43
Lot Size: .72 acres

A Sign Placement Application to demolish and replace an existing sign.

Andrew Craig and Peter Letko were present. Mr. Letko explained that the existing sign was deteriorating and would be demolished. He explained that it would be replaced with a new 8’ high by 8’ wide sign frame with 4’ x 8’ verbiage on both sides in black lettering with a white background. He added that the verbiage would include

basic information about the church. AH asked the size of the existing sign that was being demolished. Mr. Letko replied that it was a wedge shape of 8' high, 6' deep and 6 1/2' long. RL added that he believed the current sign also had a brick structure and asked if that was correct to which Mr. Letko replied yes. Pictures of the existing and proposed sign were viewed, and RG noted that the proposed sign would be an improvement. RL agreed with RG and noted that the proposed sign was within the Zoning Code and would have three smaller signs hanging below it to announce: Sunday school, children's Sunday school and adult bible study. MET noted that the sign would be solar lit.

AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Planning Board as Lead Agency; seconded by RG and approved by all. AH motioned to approve the Sign Placement Application as submitted; seconded by MG and all approved.

Boundary Line Adjustment Application (1 of 2 Related)

Jennifer and Christopher Rollins (applicant/donor parcel)
Scott and Claudia Bendett &
Jennifer and Christopher Rollins (Property Owners)
34 Huntley Road
Averill Park, NY 12018
R-Residential Zoning District
AND

Tax Map #: 159.-1-24
Current Lot Size: 1.10 acres
Donating: .61 acres
Proposed Lot Size: .51acres

Jennifer and Christopher Rollins (applicant/ receiving parcel)
37 Perry Way
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #: 159.-4-1-34
Current Lot Size: 1.13 acres
Receiving .61- acres
Proposed Lot Size: 1.74 acres

A Boundary Line Adjustment Application: the donor parcel of 1.10 acres to donate .61-acres to the receiving parcel of 1.13 acres, resulting in a donor parcel of .51 acres and receiving parcel of 1.74 acres.

Surveyor William Glasser presented and stated that the Rollins and Bendetts had purchased the 1.10-acre landlocked parcel between their properties. He added that only a deck and a shed existed on this parcel. Mr. Glasser explained this Boundary Line Adjustment (BLA), along with the application below, proposed to split the 1.10-acre parcel amongst the Rollins and Bendetts which would result in the 1.10-parcel being eliminated. The survey and tax map were viewed to clarify the proposed BLAs.

With no further questions, AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Planning Board as Lead Agency; seconded by MG and approved by all. AH motioned to approve the Boundary Line Adjustment as submitted; seconded by AK and all approved.

Boundary Line Adjustment Application (2 of 2 Related)

Scott and Claudia Bendett (applicant/donor parcel)
Scott and Claudia Bendett &
Jennifer and Christopher Rollins (Property Owners)
34 Huntley Road
Averill Park, NY 12018
R-Residential Zoning District
AND

Tax Map #: 159.-1-24
Current Lot Size: .51 acres
Donating: .51 acres
Proposed Lot Size: Eliminate

Scott and Claudia Bendett (applicant/ receiving parcel)
36 Huntley Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #: 159.-4-1-34
Current Lot Size: 12.19 acres
Receiving .51 acres
Proposed Lot Size: 12.70 acres

A Boundary Line Adjustment Application: the donor parcel of .51-acres to be donated to the receiving parcel of 12.19 acres, resulting in a receiving parcel of 12.7 acres and donor parcel elimination.

See discussion for BLA 1 of 2 above.

AH motioned to classify this project as a Type 2 action under SEQRA and declared the Town of Sand Planning Board as Lead Agency; seconded by MET and approved by all. AH motioned to approve the Boundary Line Adjustment as submitted; seconded by AK and all approved.

Scenic Preservation Review

Justin Adamo (Applicant)
Anja Carr (Property owner)
3 Lawson Road, Sand Lake, NY 12153
RR-Residential

Tax Map #: 149.11-1-21

Lot Size 0.45 acre 12153

A Scenic Preservation Review Application to construct a deck within 100' of Big Bowman Pond.

Anja Carr and contractor Justin Adamo were present. A picture of the existing deck and porch area was viewed, and Ms. Carr stated that the concrete deck dated back to approximately 1930 and was deteriorating. She explained the outline of her property in relation to the project. Ms. Carr stated she wished to extend the existing porch over the cement sidewalk with stairs down to the pathway, which needed to be leveled out, and build a deck to have a usable yard. She stated that the approval of this project would provide for a safe area without collapsing/disintegrating cement and/or deteriorating wood frame. AH asked if there was any type of sketch to reflect where the deck would be going. Ms. Carr stated that the deck would be going over the existing cement block and if leveled it would be same height of the wall that existed. MET asked if any of the concrete would be removed. Ms. Carr replied no as it was disintegrating and it would be a safety hazard to try and remove it. She explained that other homes with a similar concrete deck have just had wood decks built over them. Mr. Adamo stated that the concrete was sound enough to build off and anchor into. He added that the corners were cracked/chipped off and it had some surface pitting; however, would be an easy structure to use as a base. He further explained that the deck would be constructed over the existing concrete using a wood frame with Trex surface on top. MET asked what would support the Trex decking. Ms. Carr stated that the current concrete contained rebar; thus, proposed to leave the crumbling concrete as it has been there for 80 years. Ms. Carr clarified that the proposed deck would not extend out beyond what is considered the concrete "diving area". AH asked if the wood deck would be removed. Ms. Carr replied yes, the rotten wood would be removed as it was collapsing. AH clarified that the proposed deck would be going from the house to the edge of the existing rotting wood deck. Ms. Carr replied yes and reiterated that it would not be going any further than what currently existed. RG asked how wide the deck would be to which Ms. Carr replied that it would go from the end of the house wall to where the water started at the edge of the dock. Ms. Ryan asked if it would wrap around the edge of the house on the one side. Ms. Carr replied that while she would like to do so, her focus at this time was on the lakeside and once done may consider doing the side. RG asked if any side work was being planned at this time. Ms. Carr replied that it would only be boards on the ground at this time to utilize as a walkway. MET asked if it was possible to obtain an actual drawing for what was being proposed. AK and RL agreed with MET. MET asked if the application was to be considered conceptual to which Ms. Carr replied no as she was looking to have the work done within the next month. Additional pictures were reviewed and PB members agreed that a more detailed sketch plan was needed to include positioning and dimensions as well as the setback to neighboring property prior to any determination/decision being rendered. Ms. Carr replied that it would be 5' from the neighbor's property as they had placed a 70' dock onto her property. MET stated that as approvals by the PB became a legal document; specifics for the proposed project were needed and as such she could not approve an application based on a

conversation. RG asked what color it would be to which Ms. Carr replied that the Trex would be grey, and the wood left natural and stained in the future.

AH stated that a sketch plan reflecting the dimensions was needed before a decision could be rendered and added that such information would also be provided to the Building Department to understand what had been approved; MG agreed. AH added that a site visit may be needed, and arrangements were made with the applicant for Board members to visit individually. It was agreed that the applicant and contractor would return before the PB on April 21, 2021 with the additional information.

DRAFT RESOLUTIONS – Applications were all approved at the March 17, 2021 Planning Board Meeting

Negative Declaration for Albert Hayner

CC read the full draft of the Negative Declaration.

AH motioned to approve the Negative Declaration in its entirety; seconded by MET and all approved.

Minor Subdivision for Albert Hayner

AH motioned to waive the full reading of the draft Resolution; seconded by RL and all approved.

AH motioned to approve the Resolution in its entirety; seconded by RL and all approved.

Special Use Permit for John Slyer

AH motioned to waive the full reading of the draft Resolution; seconded by MG and all approved.

AH motioned to approve the Resolution in its entirety; seconded by MG and all approved.

Site Plan Review for John Slyer

AH motioned to waive the full reading of the draft Resolution; seconded by MG and all approved.

AH motioned to approve the Resolution in its entirety; seconded by AK and all approved.

Special Use Permit for Antonino Aliberti

AH motioned to waive the full reading of the draft Resolution; seconded by MG and all approved.

AH motioned to approve the Resolution in its entirety; seconded by RL and all approved.

Scenic Preservation for Antonino Aliberti

AH motioned to waive the full reading of the draft Resolution; seconded by RG and all approved.

AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Boundary Line Adjustment for Victoria Frazier

AH motioned to waive the full reading of the draft Resolution; seconded by MG and all approved.

AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.

Site Plan Review for Sarbjeet S. Sahuta – SKJ Properties IV LLC

AH motioned to waive the full reading of the draft Resolution; seconded by MG and all approved.

AH motioned to approve the Resolution in its entirety; seconded by AK and all approved.

Sign Placement Application for William Burdick – Udderly Ice Cream

AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved.

AH motioned to approve the Resolution in its entirety; seconded by MG and all approved.

APPROVAL of DRAFT MINUTES

MET motioned to accept the March 3, 2021 minutes as submitted; seconded by RL and all approved.

EXECUTIVE SESSION

At 9:05pm, MET motioned for the PB to go into Executive Session for an Attorney/Client discussion; seconded by AH and all approved. At 9:52pm, AH motioned to end the Executive Session and resume the PB meeting; seconded by MET and approved by RL, RG and AK. MG was unable to rejoin the meeting.

ADDITIONAL BUSINESS

1. AH made a motion authorizing the filing of notice of appeal and all necessary actions to appeal the decision in the litigation entitled Barnes Road Area Neighborhood Association, et. al versus the Planning Board at the Town of Sand Lake; seconded by RL and all approved.
2. MET made a motion to hereby move that should the ZBA, for any reason, determine it does not have jurisdiction or declines jurisdiction in the previously submitted appeal to the ZBA on the Jankovic matter; the PB Planner is requested to, on behalf of the PB, request a determination on the classification of use on the Jankovic matter from the Code Enforcement Officer/Building Inspector. The motion was seconded by AH and all approved.

ADJOURNMENT – RL motioned to adjourn the meeting at 9:55pm; seconded by AH and all approved.