

**Town of Sand Lake
Planning Board Minutes
August 4, 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 7:31 PM

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

MEMBER ABSENT:

OTHERS PRESENT: Scott Blair, Michael Lawrence, Wayne Gendron, Mary Ellen Bielawa, Frank Maier, Pamela Maier, Monica Ryan (Town Planner)

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

Scenic Preservation Application

Mary Ellen Bielawa (Property Owner)
12 Calkins Farm Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 169.-2-1-66
Lot Size: 19,035.72 SF

A Scenic Preservation application to extend an existing fence within 100' of Burden Lake.

Mary Ellen Bielawa presented and stated that she been before the Planning Board (PB) on July 21, 2021 for a Boundary Line Adjustment (BLA) as a result of a dispute with her neighbor which had been resolved through the courts. Ms. Bielawa further stated that the BLA had been approved by the PB and added that the settlement agreement also reflected that her neighbor would not object the additional piece of fence being added to what currently existed. She explained that the additional piece of fence would be approximately 2' from the new boundary post and when completed, the fence would be approximately 12' from the lake. Arthur Herman (AH) asked the height of the fence to which Ms. Bielawa replied 6'. Ralph LaMontagna (RL) noted that it would be of the same material as the existing fence to which Ms. Bielawa replied was correct.

AH 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 Mary Ellen Trumbull (MET) and all approved. AH approved the Scenic Preservation Application as submitted with the following condition: proper precautions will be taken to prevent any discharge of sediment into the Lake and proper erosion controls will be put in place to prevent future erosion into the Lake. The motion was seconded by Michael Groff (MG) and all approved.

Special Use Permit Application

Michael Lawrence (Property Owner)
4066 NY Route 150
West Sand Lake, NY 12196
AR-Agricultural/Residential Zoning District

Tax Map #: 158.-1-30.1
Lot Size: 4.70 acres

A Special Use Permit application for a Home-Based Business II for a plumbing business on a residential property.

Michael Lawrence presented and stated was in the process of building a home for himself on this parcel for which the foundation had just been poured. Mr. Lawrence stated he currently was in North Greenbush and had 22 acres there and had no issues with the business functions in that location. He stated that he had a 1-ton dump truck, a van, an equipment trailer, an excavator, and a skid steer. He indicated that his business was slowing up due to aging and did not anticipate any sort of noise. AH noted that the application indicated a storage of scrap metal. Mr. Lawrence explained that if he replaced a hot water heater as part of his business, he would retain the old one and place in a small pile on his property for scrapping until such time as he had enough to fill his dump truck. He added that the scrap metal pile would not be seen from outside of the property and added that his home would be 500' from Route 150. AH noted that a line of trees had been left around the property to which Mr. Lawrence agreed. Rick Giolito (RG) asked if the parking would be up the driveway and not be near or within 100' of Route 150 to which Mr. Lawrence agreed. RL stated that the request for a Special Use Permit was to operate a plumbing business to which Mr. Lawrence replied yes and added that he was a licensed plumber. RL asked if equipment would be stored outside or in the trailer. Mr. Lawrence explained that the equipment would be outside as the trailer contained tools and supplies. RL stated that a sketch plan was needed to reflect where all the items would be located – such as the parking lot, dumpster, scrap metal pile and container and added that those items needed to be 100' away from the property line. Craig Crist (CC) clarified by reading the provisions listed under Chapter 250, Section 47c of the Zoning Code regarding a Home-Based Business II. RL reiterated that a detailed sketch plan was needed to identify the location of the items mentioned as it would be needed for the record as well as for Board members and the Public Hearing. Andrew Karl (AK) agreed with RL's request for a detailed sketch plan. RL asked if any type of signage would be utilized to which Mr. Lawrence replied no. AH noted that the 100' distance from the property line applied when work was performed on the property; otherwise, it only needed to be 25' from the property line and screened in. RL then stated that the scrap metal pile may or may not need to be screened in due to the number of existing trees that surrounded the property. AH agreed with RL and asked the applicant to amend the site plan layout to reflect the location of the house, parking lot, location of storage along with distance from property line to which Mr. Lawrence to do so. MET shared with Mr. Lawrence a copy of the Zoning Code for a Home-Based Business II. AH motioned to schedule the Public Hearing for August 18, 2021 conditioned upon a compliant sketch plan being submitted to the Town Planning Office no later than August 10th. The motioned was seconded by RL and all approved.

Scenic Preservation Application

Justin Adamo (Applicant)
Michael & Joanne Ingham (Property Owner)
38 Manning Way
Sand Lake, NY 12153
R-Residential Zoning District

Tax Map #: 149.11-1-1
Lot Size: 0.96 acres

A Scenic Preservation application to add a lower deck and screened porch along with removal of a tree within 100' of Big Bowman Pond.

Contractor Justin Adamo presented and stated that there was an existing elevated deck structure with piers in place and the project involved placing a screened-in deck platform directly underneath it. Mr. Adamo added there would not be any other changes or encroachments towards the pond. AH asked if the project would go out to the existing posts to which Mr. Adamo replied yes. MET asked if the platform would need to be raised. Mr. Adamo replied that there were small river rocks that would need to be raked out to flatten out the area and added that no equipment would be needed for that work. AH noted it would be supported/connected by the existing posts. MET asked the location of the tree being proposed for removal. Mr. Adamo stated the removal of the tree could be postponed if seen as an issue. He explained that the tree was right along the water and would probably stand

for another 5-10 years however it had some minor defects. He added that the owners had scheduled a tree removal company to remove other trees outside of the scenic preservation area and added this tree seeing as the company would be onsite for the other work. RG stated that he had visited the site and noted that the tree was right at the water's edge and still alive however as he was not a tree expert therefore would not comment on how to proceed with it. RG added that the slope to the water was quite steep; thus, all the trees were angled towards the water. He added that should the tree fall; it could possibly damage the owner's dock. MET asked the diameter of the tree to which Mr. Adamo replied it was probably 10". RL stated that he would not have an issue with the removal of three as the owner was not looking to clear a tree for a view of the water. He also noted that the area was surrounded by trees and added that the owner could plant another tree. RG stated that the replanting of a tree in the same location would be next to impossible due to the steepness of the slope. Mr. Adamo agreed that the removal of the tree was not for a view as the upper deck provided a nice lake view. AH asked Board members if a site visit was needed to view the tree under discussion. It was agreed that a site visit was not necessary.

AH 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 MG and all approved. AH approved the Scenic Preservation Application as submitted, including the removal of the tree; seconded by MG, and approved by RL, Jonathan Bernstein (JB), AK, RG. MET opposed and stated that the removal tree removal was not an imminent problem.

Boundary Line Adjustment Application

Frank Maier (Applicant - Property Owner - receiving parcel)
77 Gundrum Point Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 169.2-1-28
Current Lot Size: 6,955 SF
Proposed Lot Size: 8,409 SF

AND

Gundrum Point Association, Inc. (donor parcel)
9 Kitty Lane
Rensselaer, NY 12144

Tax Map #: 169.2-1-46
Donating: 1,454 SF

A Boundary Line Adjustment application for the donor parcel to donate 1,454 sq. ft. to the receiving parcel of 6,955 sq. ft which will result in a receiving parcel of 8,409 sq. ft.

Frank Maier presented and stated that he wished to acquire the 10' strip that was between him and his neighbor which was part of a larger parcel across the road owned by the Gundrum Point Association. Mr. Maier stated that he had been maintaining and occupying the 10' strip for approximately 38 years and the Association had now agreed to transfer it to him. AH asked if the 10' strip was part of the road frontage. Mr. Maier stated that the road frontage was 50' and the 10' strip ran down to the lakeshore. RG asked if anyone used the 10' strip to which Mr. Maier replied no as it was very steep. He added that years ago it may have been thought of as an access way to the lake from the Association's 9-acres on the opposite side of the road. RG noted that the transfer would not affect the lot on the other side to which Mr. Maier agreed. AH asked if it may have originally been for boats to the access the lake to which Mr. Maier replied there was no way to get a boat in from there due to its steepness. RL asked who owned the shed to which Mr. Maier replied that it belonged to him and agreed that it was situated on the Association's property. RL asked Mr. Maier if he would be willing to move the shed as it was on the property line and 8' - 10' from the neighbor's garage. Mr. Maier replied that the relocation of the shed would not be a problem and added that he initially thought the property line was closer to the neighbor's garage. Mr. Maier stated that the shed was used for storage of lawn furniture. AK shared an aerial view of the property for Board members to view. It was noted that 5' from the property line was allowed for a shed; however, if the neighbor needed to do any work on their garage, the location of shed could be an issue.

AH 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 MG and all approved. AH approved the Boundary Line Adjustment Application

as submitted; seconded by MET and approved by MG, MET, JB, AK, RG. RL opposed due to the present location of the shed. AH asked if the shed could be relocated a few additional feet from the property line to which Mr. Maier agreed to do so.

DRAFT RESOLUTIONS FOR APPROVAL

Site Plan Review for Christopher Hosley

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 RL and all approved.

Scenic Preservation for Christopher Rollins - Scott Bendett

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.

Site Plan Review for Alyson Regan – Albert Hayner

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 MET and all approved.

Boundary Line Adjustment for Mary Ellen Bielawa – Russell Bennet – Burden Lake Preservation Corp.

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 RG and all approved.

Boundary Line Adjustment for Russell Bennett – Burden Lake Preservation Corp.

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.

Site Plan Review for John Slyer – Sky High Adventures

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.

ADJOURNMENT – AH motioned to adjourn the meeting at 8:14pm; seconded by MG and all approved.