

**Town of Sand Lake  
Planning Board Minutes  
July 1, 2020**

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 7:32 PM

**MEMBERS PRESENT:** Ralph LaMontagna, Michael Groff, Mary Ellen Trumbull, Jonathan Bernstein, Rick Giolito, William Glasser

**MEMBER ABSENT:**

**OTHERS PRESENT:** Craig Crist (Planning Board Counsel), Monica Ryan (Town Planner), Scott Morrissey, Kevin McGrath, Frederick Nick, William Keniry, Pat Simon, Ann Bower, Ethan Marshall, Sierra Thibeault

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

**Special Use Permit Application and Public Hearing**

Paul Vincent

297 Chamberlin Hill Road

West Sand Lake, NY 12196

AR – Agriculture/Residential Zoning District

A Special Use Permit to add a 780 square foot accessory dwelling unit onto an existing dwelling.

**Tax Map #168.-4-45**

Lot Size: 2 acres

Paul Vincent was present to represent the project. He summarized the project first presented at the June 17, 2020 Planning Board (PB) meeting. He stated that the proposed project was to add a two-car garage and an in-law dwelling for his father-in-law. Arthur Herman (AH) motioned to open the Public Hearing at 7:34pm; seconded by Ralph LaMontagna (RL) and all approved. RL read the Public Hearing notice. With no written or online public comments, AH motioned to close the Public Hearing at 7:38 pm; seconded by Mary Ellen Trumbull (MET) and all approved. AH motioned to classify this Special Use Permit as Type 2 under SEQRA and declared the Town of Sand Lake Planning Board as the Lead Agency; seconded by RL and all approved. AH motioned to approve the Special Use Permit as submitted; seconded by MET and all approved.

**Special Use Permit Application and Public Hearing**

David Benyo

51 Helen Lane

West Sand Lake, NY 12196

R – Residential Zoning District

A Special Use Permit to add a 759 square foot accessory dwelling unit onto an existing dwelling.

**Tax Map #147.1-2-44.122**

Lot Size: 1.073

David Benyo was present to represent the project. He summarized the project first presented at the June 17, 2020 PB meeting. He stated that the proposed project was to add an in-law suite, a single car garage and enlarge the upper level of the main dwelling. He added that final architectural plans had not been done yet. The floor plans were reviewed – it was noted that the addition would have the same height as the original house and the

new materials would match the existing house. AH motioned to open the Public Hearing at 7:42pm; seconded by MET and all approved. RL read the Public Hearing notice. With no written or online public comments, AH motioned to close the Public Hearing at 7:45 pm; seconded by MET and all approved. AH noted the roof line for the gabled garage going towards the addition, and asked if any thought been given as to what the addition would look like afterwards. Mr. Benyo replied yes and that he had discussed that with the contractor and architect. It was thought that the roofline towards the back would continue and tie into the garage in a manner that allowed the water to flow properly. He explained that when it had been built, it was done in a way that above the garage could not be built onto. AH asked if the new one-car garage would also have a gabled roof for which Mr. Benyo replied he believed so however would leave that to the professionals. AH motioned to classify this Special Use Permit as Type 2 under SEQRA and declared the Town of Sand Lake Planning Board as the Lead Agency; seconded by RL and all approved. AH motioned to approve the Special Use Permit as submitted; seconded by MET and all approved.

**Minor Subdivision Sketch Plan**

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

**Tax Map #170.-1-7.1**

Lot Size: 20.95 acres

A Minor Subdivision Sketch Plan to create an additional lot from a 20.95-acre parcel of land.

Chris and Mari Wachtel were present to represent the project. Chris Wachtel summarized the project first presented at the June 17, 2020 PB meeting at which time PB members agreed that a site visit was needed. AH stated that a majority of the PB members had done a site visit and asked if there were any questions/comments. MET stated that the proposed project looked very reasonable and spacious with a good use of the land. MET asked if anything additional had been done to the site. Mr. Wachtel replied no as they awaited information from the PB and then the next step would be to hire a surveyor. Rick Giolito (RG) stated that the attachment of road frontage from across the road to the proposed lot should be done. RL agreed with RG and stated he believe it was the eastern portion to be connected and suggested it be written in the sketch plan when meeting with the surveyor. AH stated, he thought the proposed project would be doable and added that an Area Variance would be needed for the road frontage. The Wachtel's indicated they understood. William Glasser (WG) suggested a new right of way be sought for the power line in order to the connect the parcel on the road to the parcel in the back in case it was ever needed. Mr. Wachtel replied that there was currently one designated power line right of way crossing. He added that future crossings are available, if needed. AH concurred that it would be a good idea to put another right of way in place. He stated that he was agreeable to the proposed layout and PB members agreed that the applicants should move forward with a surveyor. AH added that the project was seen as feasible for one house and if a subdivision were ever to be done, then a road would be needed and PB members agreed. AH informed the applicants that as the PB was in agreement to the conceptual project; they should move forward with a survey. Monica Ryan stated that a survey and Area Variance Application would be needed and that the proposed project could be summarized for the Zoning Board of Appeals (ZBA) for what transpired at the PB meeting. She added that the ZBA would then be required, per State law, to seek a Recommendation from the PB at which time the PB could also set a Public Hearing conditioned on the ZBA approval of the Area Variance. WG asked if an Area Variance for 3:1 depth to width ratio would also be needed. Ms. Ryan replied if needed, it could be done in the same ZBA process. The survey map/configuration would determine whether or not that would also be needed. RL added that would be a good conversation to have with the surveyor in case the configuration can be done to meet the 3:1 depth to width ratio. Mr. Wachtel stated that he believed that the right of way given to him was 25'. He then asked if a 50' right of way was to be requested and granted, would that suffice. Ms. Ryan explained a variance would still be needed. The reason for the 3:1 depth to width ratio in the Zoning Code was to avoid spaghetti lots that may have the necessary lot width/frontage. This proposed project would resemble a flag lot that does not meet the necessary lot

width/frontage and as such it's likely the 3:1 ratio will be hard to meet. She suggested the applicants move forward as planned with the survey and avoid a spaghetti lot layout if possible. She added that when ready with the proposed survey map, the ZBA Area Variance Application should be submitted.

**Recommendation to ZBA for Area Variance Application - 2 Lot Subdivision & Coordinated SEQR Review**

Estate of Michael F. Lomonoco, Jr.  
Bonnie Jo Willard, Executrix  
60 & 64 Loon Creek Lane  
Averill Park, NY 12018  
R – Residential Zoning District

**Tax Map#158.4-2-3**  
Lot Size: .425 +/-acres  
Proposed Lot Size: .075 acres

An Area Variance Application to create a lot with insufficient area, side setback and lot width as part of two-lot subdivision.

Attorney William Keniry was present and stated that he represented the Bonnie Jo Willard who was the executrix of the Michael F. Lomonoco, Jr. estate. Mr. Keniry explained that back in 1910, Mr. Wagner subdivided the land and then in 1913 a subdivision map had been filed which created Lots 23, 24, 25 & 26 as shown on the survey map. He stated that the Area Variance Application was brought forth as pre-existing legal non-conforming conditions. He further explained that over time a one-story house was built on Lot 23 and then referred to a similarly situated house having been built on Lot 22. He stated that in 1995 Citibank had foreclosed on the house located on Lot 23. In 1997, Mr. Lomonoco bought lots 24, 25 & 26 which was one deed. He then stated that in December of 1997, Mr. Lomonoco bought Lot 23 for which he had received a separate deed from another lawyer. Mr. Keniry stated that the conveyances were made by separate deeds in two distinct transactions. Sometime after these transactions, Rensselaer County then consolidated these properties into one tax parcel. He stated that for many years Mr. Lomonoco resided in the two-story house on Lots 24, 25 & 26 and Bonnie Jo Willard has resided in the smaller house on Lot 23 since April 1998. Mr. Lomonoco became ill and passed away suddenly in December 2018. Mr. Lomonoco's will had left 60 Loon Creek Lane to Ms. Willard and the remainder (lots 24, 25 & 26) which had consisted of the two-story house was willed to the grandson and a close friend and was to be sold. Mr. Keniry then stated that the request was to retain the property that existed, reinstate these lots as two lots by granting of the area variances with respect to the non-conforming conditions as laid out and ultimately complete the subdivision through the Planning Board. Mr. Keniry stated that he had pointed out to surveyor William Darling that a potential problem could also be corrected. He then referred to a darkened lot line on the survey map by the two-story house which was proposed to be shifted a hair to the north to allow the crushed stone parking area which is located partially on what is referenced as Lot 23 and partially on Lot 24 and place it all on Lot 23. He stated that no additional changes were to be made on the site. Monica Ryan utilized the survey map and clarified for PB members the current versus proposed layout in relation to the need for Area Variances. RL asked how close the lot line was to the two-story house. Ms. Ryan replied 2'2" and that was one of the Area Variances as the side setback would not meet the Zoning Code. RL and WG replied that it was too close. RG asked the width of the crushed stone parking area for which AH replied approximately 13'. RL stated that at the minimum at least 5' would be expected. Mr. Keniry replied the narrow side year setback was not uncharacteristic of the neighborhood. He added that as it was only a crushed stone parking area, thus, did not view it as having any adverse impact on the owner of the adjacent two-story house. WG observed if fence were to be installed on the line, how would maintenance be performed. Mr. Keniry replied that some type of maintenance could be agreed upon. RG commented that the issue was seen as self-induced. Mr. Keniry replied that while self-created, the condition had existed for many, many years. RL stated he agreed with WG's comment. He then asked if the parking area could be readjusted in order for the one-story house to have adequate parking and a side yard setback 5' from the adjacent two-story house. The survey map and an arial of the property was reviewed and a discussion ensued regarding other possible options for the side yard lot line. AH stated that he agreed with WG on a maintenance agreement. He added that with the sale of the adjacent two-story house, the buyer would be aware of the property's layout. CC clarified that there were two actions to

be taken by PB members at this time: 1) respond to the ZBA request to serve as Lead Agency; and, 2) Recommendation to the ZBA to grant or deny the requested Area Variances. Ms. Ryan added that once the ZBA completed their process and if approved, then the item would return to the PB for approval of the Minor Subdivision. MET motioned to approve the request by the ZBA to serve as Lead Agency; seconded by AH and all approved. PB members agreed that a site visit would be needed prior to a Recommendation being rendered to the ZBA. Arrangements were made with the applicant for PB members to visit individually. The process time and dates for the completion of the Area Variances and the Minor Subdivision were discussed and the applicant's attorney, Mr. Keniry, stated that he agreed to it the extended timeline Mr. Keniry added that as the ZBA had the Public Hearing scheduled for July 9<sup>th</sup>; thus, it should either be left open or be contingent on receipt of a Recommendation from the PB in order to keep the process moving forward. CC replied that he did not foresee a problem with the ZBA Public Hearing remaining open or closing it with no vote. Once again, Mr. Keniry agreed to the extended timeframe needed to complete the processes.

**Recommendation to ZBA for Area Variance Application - 2 Lot Subdivision & Coordinated SEQR Review**

Frederick Nick

**Tax Map#138.04-3-8.1**

21 Knob Hill Road

Averill Park, NY 12018

Lot Size: .296 +/-acres

R – Residential Zoning District

An Area Variance Application to create an undersized lot as part of a two-lot subdivision.

Frederick Nick and surveyor Kevin McGrath were present. Mr. McGrath referred to the survey map and stated that Mr. Nick had purchased and owned the properties for 37 years and that the properties came as one taxable parcel with one parcel identification number. Mr. McGrath added that Mr. Nick wished to subdivide the parcels, each with an existing dwelling and separated by Knob Hill Road, in order to sell them to two different people. He explained that 21 Knob Hill Road would need three area variances for: 1) deficient front yard setback of 31.4' from the Town road versus the required 50'; 2) deficient lot width of 100' versus the required 150' and; 3) deficient lot size of approximately 3/10 of an acre versus required 1 acre. Mr. McGrath then explained that for 26 Knob Hill Road the house and setbacks were fine however one area variance was needed for deficient lot size as it is 7/10 of an acre versus the required 1 acre. All of the existing improvements on the properties would remain exactly as they are. Mr. McGrath explained that they had been to the ZBA for the Area Variances and, if approved, would return to the PB for approval of the Minor Subdivision. He stated the requests at this time was for the Recommendation to the ZBA and also that this be considered the first PB meeting. AH commented that the conditions pre-existed and reiterated that Knob Hill Road split the parcel. RL commented that he viewed the request as a change on paper with no impact to the neighborhood. He added that while a substandard lot, it fitted in and existed for years. RG did not see any objections to the request. Mr. McGrath agreed on the size and referred to the surrounding properties on the tax map which were similar. AH motioned to approve the request by the ZBA to serve as Lead Agency; seconded by RL and all approved. AH motioned to provide the ZBA with a positive Recommendation for the Area Variances; seconded by RL and all approved. AH motioned to schedule the PB Public Hearing for July 15; seconded by RG and all approved.

**Minor Subdivision Application**

William Momrow

**Tax Map #148.00-4-4**

502 Momrow Road

Lot Size 137.4 acres

Sand Lake, 12153

Lot 1: 27.33 acres

R – Residential Zoning District

Lot 2: 110.15 acres

A Minor Subdivision Application to subdivide a 137.4-acre parcel into two lots.

Surveyor Kevin McGrath was present and stated that a neighbor of William Momrow's wished purchase land on the south-westerly side of the road. Mr. McGrath explained that the proposed Lot 1 would consist of 27+ acres

where Mr. Momrow resided and it had been surveyed. He added that Lot 2 would be the remaining lands of Mr. Momrow was on the other side of the road and were to be sold. He explained that no Area Variances were required; thus, would only be a two-lot subdivision. He added that there were a few barns and outbuildings outlined on the map and believed that Mr. Momrow had an agreement with the buyer that he would continue to utilize them. AH asked if a lot had been subdivided from the property a few months ago. Mr. McGrath replied yes and it had consisted of 4-acres on same side of the road as the purchaser. He added that the transfer of that property had not gone through yet but the 110-acres did not include the 4-acre parcel. PB members had no questions and agreed that the proposed subdivision seemed straight forward. AH then motioned to schedule the Public Hearing for July 15, 2020; seconded by MET and all approved. AH then motioned to declare the Town of Sand Lake Planning Board as the Lead Agency and classified the Minor Subdivision as an unlisted action under SEQR with no other involved or interested agencies; seconded by RL and all approved.

**Scenic Preservation Application**

Douglas and Patricia Carroll

**Tax Map #168.-4-45**

20 Stone Camp Way

Averill Park, NY 12018

Lot Size: .19 acres

R – Residential Zoning District

A Scenic Preservation Application to install a privacy fence on north side of property and add an 8'x12' garden shed along same line within approximately 25' of Crooked Lake.

Douglas and Patricia Carroll were present. Douglas Carroll stated the proposed project was to install a boundary line fence, similar to the one on the other side of their property, to be utilized as a backing to new garden beds and help to secure their dog in the yard. He further added that they also stored a boat during the winter in that area and the proposed fence would help to camouflage it. Mr. Carroll then stated that he believed that the proposed shed would be placed on gravel and be back farther, approximately 30' or more from the lake, so as not to impinge on the neighbor's view of the lake and allow for two-three 8' fence panels. AH asked if the fence would be starting mid-way down the driveway. A site picture was reviewed and Mr. Carroll replied that the fence would stop approximately 3-4' from the end of the blacktop and the shed would become part of the fence. He added that the shed would be a dressy one with windows and window boxes. RL noted that the Carroll's did not wish to block the neighbor's lake view. Mr. Carroll replied that he had been present at the Planning Board meeting when Mr. Bulmer explained his new home project which indicated they would be 18-20' from the lake; thus, he wanted the proposed fence to be back further so the Bulmer's would have a clean view of the lake. AH asked what the height of the proposed shed would be. Mr. Carroll replied he was unsure as it had not been purchased yet however had been informed, he could not go larger than 100 square foot; thus, used an 8x12 layout. He added that he believed the proposed shed would be tall enough to stand in. AH asked how far would the proposed projects be off the property line. Mr. Carroll replied that it would be pretty close. He explained that he had placed stakes in the ground and had Michael Wager to the site. He added that he wanted to be off the property line enough in order to maintain the other side of the fence. Ms. Ryan explained that the Zoning Code required that the shed be 5' off the property line. Mr. Carroll replied that was fine and asked if he did so, could he plant shrubs or something similar behind it. Ms. Ryan replied that was fine and clarified that while the fence could be on the property line, the accessory structure needed to be 5' back. AH asked if the shed would block the neighbor's view. Mr. Carroll replied that it would be back 30 to 35'. AH asked if stakes were placed. Mr. Carroll replied yes for the fence however not for the shed. He explained that where the shed is proposed is where he stored his boat and it was 5' off the property line. He further stated that no site work had been done at this point. RG commented as the ZBA approved the neighbor's proposed home to be 30' back from the lake and have a deck extend out from that point, he did not foresee a problem with the Carroll's request. AH commented that it may impinge on the view from a side window of the neighbor's proposed house and wondered if a site visit should be done. It was noted that a public comment had been received on the project and CC stated it would be the PB's decision on whether to read it for the record. As the letter had been submitted

by Andrew & Moira Bulmer who were present, it was decided that they would read the letter at which point Mr. Bulmer did so (attached). Mr. Carroll explained that it was not feasible to place the shed in the back due to amount of drainage that came from the woods behind them. It was then clarified that the lakeside was considered the front yard and the new Zoning Code allowed accessory structures in the front yard if on a lake in the Town with a required 10' setback. Mr. Bulmer commented that he continued to feel that the lake view would be impeded by the proposed project. RG asked Mr. Bulmer if their proposed home would be in line with the neighbor's house at 20 Stone Camp Way. Mr. Bulmer replied yes. MET asked if the Carroll's proposed project needed any type of Area Variances for which Ms. Ryan replied no. With the exception of WG, who stated he had a medical condition that needed to be addressed, the other PB members agreed to perform a site visit so a determination could be made at the next PB meeting. RG asked the Bulmer's to stake out their proposed house in order that a full picture could be gained. Mr. Bulmer agreed to do so. RL asked that the Carroll's stake out the shed for which they agreed to do so.

**Scenic Preservation Application**

Robert R. Loveridge  
54 Harriman Road Extension  
Averill Park, NY 12018  
R – Residential Zoning District

**Tax Map #158.-4-3-26**

Lot Size: .85 acres

A Scenic Preservation Application to construct a 25' x 14' deck within approximately 21' of Burden Lake.

Robert Loveridge and contractor Wayne Gendron were present. Mr. Gendron represented and referred to the site picture and stated that the proposed deck would be coming 14' off the front of the house towards the lake. He added that the deck would be 25' in width on a 66' lake frontage parcel and be 21' off the lake. It was noted that Mr. Gendron was a member of the ZBA; thus, recused himself from further representing Mr. Loveridge on the project. Mr. Loveridge explained the deck would be approximately 10-12" off the ground. He referred to a site picture and stated the proposed deck abutting but not connected to, the house and basically be a large rectangle to elevate the outdoor furniture and provide a flat surface. Additional site pictures were reviewed and PB members agreed that they had no issues with the proposed project. With no further questions, AH motioned to classify the Scenic Preservation Application as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as the Lead Agency; seconded by MET and all approved. AH motioned to approve the Scenic Preservation Application as submitted subject to the following conditions: before, during and after construction, 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 MET and all approved.

**Scenic Preservation Application**

Ann Bower  
26 Stone Camp Way  
Averill Park, NY 12018  
R – Residential Zoning District

**Tax Map #168.-4-45**

Lot Size: 3.1 acres

A Scenic Preservation Application to cover an existing deck on front of home to create a screened in porch within approximately 32' of Crooked Lake.

Ann Bower and contractor Ethan Marshall were present. Ms. Bower stated that the proposed project was to cover and screen-in the existing deck on the lakeside of the home. AH asked if it would be one story or two story, Ms. Bower replied that it would be one story. Mr. Marshall referred to the site picture and added that the peak of the roof would be tied in between the two windows. RL noted that there was a tree close by. Ms. Bower stated she did not want any trees to come down. Mr. Marshall explained that the same footprint of the existing deck would be utilized; thus, he'd be able to work around the tree. RG asked what the deck was currently sitting on. Mr. Marshall replied 8" concrete piers which may be switched to 12" piers. Ms. Ryan pointed out it

may be necessary for the applicant to get an Area Variance from the ZBA because the deck would become an enclosed porch and once roofed and enclosed it is treated as part of the primary structure and primary structure setbacks must be acknowledged. The required rear yard setback is 50' which would not be met. RG agreed that that an Area Variance would be needed. RL commented that he would be in support of a positive recommendation, if needed. Ms. Ryan replied that a conditioned approval could be done and PB members agreed. AH motioned to classify the Scenic Preservation Application as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as the Lead Agency and an involved agency would be the Town of Sand Lake ZBA; seconded by RL and all approved. AH motioned to approve the Scenic Preservation Application as submitted subject to the following conditions: 1) Area Variance approval by the ZBA for a deficient rear yard setback to be created with the deck enclosure; and 2) before, during and after construction, 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 MET and all approved. Ms. Ryan explained the ZBA Area Variance Application process with Ms. Bower.

#### **DRAFT RESOLUTION APPROVALS**

##### Scenic Preservation Application for Andrew and Moira Bulmer

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.

##### Major Conservation Subdivision Final Plat Application for Birch Builders

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 Application for Rensselaer Land Trust/Birch Builders

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.

##### Site Plan Review Application for Jeffrey Porubcan

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 MET and all approved.

##### Site Plan Review Application for Ernest W. Popp

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 MET and all approved.

#### **MINUTES:**

MET motioned to accept the February 5, 2020 minutes as submitted; seconded by AH and all approved.

#### **ADDITIONAL BUSINESS:**

CC noted a request to table the Special Use Permit/Site Plan Review Application was received from Mr. Bailey's attorney. MET motioned to accept the request to further table the Special Use Permit/Site Plan Review Application; seconded by AH and all approved. RL noted that a request to table the application had also been received for the previous PB meeting for which CC agreed.

#### **ADJOURNMENT**

MET motioned to adjourn the meeting at 10:15 pm; seconded by RL and all approved.