

**Town of Sand Lake
Planning Board Minutes
July 21, 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 7:30 PM

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

MEMBER ABSENT:

OTHERS PRESENT: Christopher Rollins, Alyson Regan, Albert Hayner, Mary Ellen Bielawa, Laura Darling, John Slyer, Eric Westfall, Monica Ryan (Town Planner)

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

Scenic Preservation Review Application

Jennifer and Christopher Rollins (applicant/property owner)
37 Perry Way, Averill Park, NY 12018
Lot Size: 1.74 acres / R – Residential Zoning District

Tax Map #: 159.-4-1-34

AND

Scott and Claudia Bendett (applicant/property owner)
36 Huntley Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 159.-1-25

Lot Size: 12.70 acres

A Scenic Preservation Review Application to modify recently acquired land within 100' of Crooked Lake.

This is a second meeting on this project. Christopher Rollins was present to represent the project. He summarized the project explaining that he and his neighbors, the Bendetts, had previously purchased the property in between each other and then divided it in a Boundary Line Adjustment. Both parties now want to make some improvements to their newly acquired portion of that property all of which is located within 100' of Crooked Lake. The applicant explained that on his property they want to reduce the bank, move some trees, plant new trees and blend the new property with his existing residential lot. Chairman Arthur Herman (AH), Ralph LaMontagna (RL), and Mary Ellen Trumbull (MET) confirmed that they did site visits. AH commented that there was quite a hill on the property, trees along the shoreline would remain and it could be seen how the property could be regraded to be integrated into the property. He also commented that it did not appear that the Bendetts will be doing the same type of regrading – just moving structures and tree planting. MET said it was a good site visit and that she is comfortable with the proposal. Andrew Karl (AK) stated that he too did a site visit. He said that in general he is not in favor of significant clearing of trees in the Scenic Preservation area; however felt better knowing that more trees would be planted. He also commented that the property could have been developed as a residential lot

which would have required even more clearing. The intentions are good with the plans to replant some of the area to be cleared. He added that it will be important that proper erosion and sediment controls including silt fencing be used. RL mentioned that he is comfortable that trees will be planted to replace those removed. He commented that any moving of sheds must comply with zoning setbacks.

With no further discussion, AH motioned to classify the project as a Type 2 action under SEQRA 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 with the following conditions: before, during and after construction/landscaping, 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 until sufficient regrowth has taken place. The motion was seconded by RL and unanimously carried forward.

Site Plan Review Application

Alyson Regan (applicant)
Albert Hayner (property owner)
19 Sheer Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 158.-2-79.2

Lot Size: 69.7 +/- acres

A Site Plan Review application to replace a demolished manufactured home with a new manufactured home.

This was a second meeting regarding the replacement of a manufactured home with a newer one as the first was lost in a fire. The applicant had submitted a surveyed site plan for the location of the proposed home at the request of the Planning Board. The site plan was reviewed by the Board. AK commented that the side setback is closer than he thought it would be, however met the Zoning requirement. AK asked if the proposed deck would be uncovered. Ms. Regan replied yes. Monica Ryan (MR) pointed out that the home will just make it on the site with the setbacks so was important that it be accurately placed. The applicants acknowledged this and said that stakes were placed by the surveyor.

With no further discussion, AH motioned to classify the project as a Type 2 action under SEQRA and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by MET and all approved. AH approved Site Plan Review Application as submitted; seconded by MET and all approved.

Boundary Line Adjustment Application (1 of 2)

Russell Bennett (Donor Parcel)
14 Calkins Farm Road, Averill Park NY 12018
R-Residential Zoning District

Tax Map #: 169.-2-1-67

Original Lot Size: 8,292.71 SF
Proposed Lot Size: 8,269.62 SF

AND

Burden Lake Preservation Corp. (Donor Parcel)
Burden Lake Road, Averill Park NY 12018
R-Residential Zoning District

Tax Map #: 169.-1-4

Donating: 319.18 SF

AND

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

Tax Map #: 169.-2-1-66

Original Lot Size: 18,687.24 SF
Proposed Lot Size: 19,035.72 SF

AH summarized that this 1 of 2 related Boundary Line Adjustment applications. The first one involves Mary Ellen Bielawa receiving 23.09 SF of land from Bennett and 319.18 SF from Burden Lake Preservation Corp. which will result in a Bennett parcel of 8269.62 SF +/- acres and a receiving Bielawa parcel of 19,035.72 +/- SF. Laura Darling, Esq. of Young/Sommer Law Firm was there to represent the project. Ms. Darling explained that these Boundary Line Adjustments (BLA) were part of a boundary line dispute and court ordered settlement between the Bielawas, Burden Lake Preservation Corporation and Mr. Bendett that was settled in Rensselaer County Court. These Boundary Line Adjustments complete the court ordered settlement. There was discussion by the Board related to the Burden Lake Preservation Corps. property and boundary rights and the fact that they have an access easement across all properties to maintain the lake. MET sought confirmation that no frontage lines would be adjusted as a result of these BLAs. Ms. Darling confirmed that this was the case.

Finding that the BLAs will not impact the properties meeting zoning, AH made a motion that the BLA was a Type 2 Action under SEQR which was seconded by MET and all approved. AH made a motion to approve the BLAs as proposed with the condition that 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. This motion was seconded by Michael Groff (MG) and carried unanimously.

Boundary Line Adjustment Application (2 of 2)

Russell Bennett (Applicant/Receiving Parcel)
14 Calkins Farm Road, Averill Park NY 12018
R-Residential Zoning District

Tax Map #: 169.-2-1-67
Original Lot Size: 8,269.62 SF
Proposed Lot Size: 8,279.04 SF

AND

Burden Lake Preservation Corp. (Donor Parcel)
Burden Lake Road, Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 169.-1-4
Donating: 9.42 SF

AH summarized that this was a Boundary Line Adjustment (BLA) application for the donor parcel Burden Lake Preservation Corp to donate 9.24 SF to the receiving parcel, Russell Bennett which will result in a receiving parcel of 8,279.04 SF. Laura Darling, Esq. of Young/Sommer Law Firm was there to represent the project. Ms. Darling explained that this second BLA (see 1 of 2 above) would settle the other part of the dispute with Burden Lake Preservation Corporation and Mr. Bennett. Access to the lake via an easement would be maintained by Burden Lake Preservation Corporation and reflected on the deed on this BLA as well just as in the first BLA.

Finding that the BLAs will not impact the properties meeting zoning, AH made a motion that the BLA was a Type 2 Action under SEQR which was seconded by RL and all approved. AH made a motion to approve the BLAs with the condition that 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. This motion was seconded by MET and carried unanimously.

Site Plan Review Application (Amendment)

Sky High Adventure Center Inc./John Slyer
27 Lake Avenue
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 148.3-1-27.2

Lot Size: 9.0 acres

A site plan review amendment to construct a pavilion.

John Slyer and engineer Eric Westfall were present to represent the project. Mr. Slyer explained that he would like to replace the use of tents during the summer with a pavilion at the Sky High Adventure Center facility. He explained that this would be an Eagle Scout project, so it was a great opportunity as they had already lost three tents in storms. Eric Westfall, who designed the building, was present to describe the structure. He explained that it would be the same design as the one in Butler Park, which he had also designed, except the modified the truss system. The location of the pavilion was discussed to confirm that it would be in the side yard behind or no closer than the front yard setback. The applicant referenced the location on the site plan and said it would be behind the front setback line. The Board acknowledged that the location would meet zoning. The height of the building will be the same as the Butler Park pavilion unless the truss manufacturer comes back with something different. AK asked about building colors. Mr. Slyer responded that he had not thought it all through, but it would be neutral/earth tones. The Board agreed earth tones would be best. There is no lighting planned, but RL reminded the applicant any lighting must be full cutoff. Electricity will be run to the pavilion.

With no further discussion, 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 MET and all approved. AH approved Site Plan Review Application as submitted; seconded by RL and all approved.

ADJOURNMENT – AH motioned to adjourn the meeting at 8:00pm; seconded by MG and all approved.