

**Town of Sand Lake  
Planning Board Minutes  
July 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 7:31 PM
- MEMBERS PRESENT:** Ralph LaMontagna, Mary Ellen Trumbull, Jonathan Bernstein, Andrew Karl, Craig Crist, Esq.
- MEMBER ABSENT:** Rick Giolito, Michael Groff
- OTHERS PRESENT:** Michael Kittner, Sarbjeet Sahuta, Christopher Rollins, Allyson Regan, Albert Hayner, Christopher Hosley, Monica Ryan (Town Planner)
- RECORDING CLERK:** Laura Fedoreshenko, Clerk for the Planning Board and ZBA

**Site Plan Review Application**

Sarbjeet S. Sahuta (applicant)  
SKJ Properties IV LLC (property owner)  
3305 NY 43  
Averill Park, NY 12018  
HMU – Hamlet Mixed Use Zoning District

**Tax Map # 147.4-1-18**

Lot Size: 2.26 acres

A Site Plan Review Application to complete renovations for a retail wine and liquor store site.

Architect/construction coordinator Michael Kittner represented and stated that the project had been originally in front of the Planning Board (PB) back in April 2021 and received approvals and the building permit. He added that at that time there had been a few loose ends such as color. He displayed a sample of the white color chosen and stated it was the closest color to match the existing building. Arthur Herman (AH) asked about the previously proposed on-site storage container to which Mr. Kittner replied that it had been eliminated based on the previous discussion. Mr. Kittner stated that the other loose end was the trash enclosure. He explained that the fencing company indicated materials could not be obtained; thus, now proposed three sides of it to be a vinyl enclosure. He added that the 10' wide gates would be chain-link fence with privacy slats as less expensive than the vinyl in the event replacement was needed due to damage by the trucks. He further added that the dimensions would be wide enough for the trucks to hopefully avoid hitting the posts and deep enough to avoid smashing the back of the enclosure. Mr. Kittner explained that due to the supply chain shortages, the enclosure could not be obtained until possibly September. Ralph LaMontagna (RL) noted that a temporary banner sign was proposed. Mr. Kittner agreed and added that images had been provided of the "opening soon" banner as well as the permanent business sign which would be on the band of the awning. He explained that the awning would also take some time to be obtained. Mr. Kittner stated that the opening soon banner would be removed once the business was open, and the other sign removed when the awning was received. Mary Ellen Trumbull (MET) asked if the applicant would then return to the PB for road signage. Mr. Kittner replied yes as the details of it had not been decided yet. MET then asked if there was a target date for opening to which Mr. Sahuta replied 10 days. RL confirmed that there would not be a road sign at this time to which Mr. Kittner agreed and added that once that plan was decided they would return to the PB. PB members agreed that the signage proposed on two sides of the

awning would not exceed the amount allowed by code. RL noted that there would be lighting underneath the awning to which Mr. Kittner agreed and stated there would also be down shedding decorative canopy lights on the building. Jonathan Bernstein (JB) asked about the hours of operation. Mr. Sahuta replied that it would either be 9am or 10am until 9pm, Monday through Saturday and 12pm – 7pm on Sunday. AK noted that the PB did not have a copy of the final site plan to reflect the removal of the storage container. Mr. Kittner stated that it would be supplied.

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 AK and all approved. AH approved Site Plan Review Application as submitted with the following contingencies:

- 1) Site Plan sketch without the storage container be provided.
- 2) Temporary banner sign and name of business sign approved until September 5, 2021 to allow time for construction of a permanent awning with name of business incorporated. The Code Inspector may approve an extension, if needed.
- 3) Screening for the garbage receptacle to consist of vinyl fence sides and a chain-link front with privacy slats to be installed no later than September 5, 2021. The Code Inspector may approve an extension, if needed.

The motion was seconded by RL and all approved.

**Scenic Preservation Review Application**

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

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

Lot Size: 1.74 acres

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

Part of Project area: .61 acres

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

Craig Crist (CC) asked that it be noted for the record that Scott Bendett was a member of the Town of Sand Lake’s Zoning Board of Appeals. Christopher Rollins presented and stated that at the Planning Board meeting of April 7, 2021 a Boundary Line Adjustment had been approved to equally divide an adjacent vacant lot that had been purchased by the Bendetts and himself. Mr. Rollins explained that the newly acquired land consisted of an approximate 12’ wall of dirt, old pine trees and shrubs. He stated that the project involved modifications to the newly acquired land that would also involve a small amount of Mr. Bendetts newly acquired land due to the topography. It was noted that Mr. Bendett was in full agreement with the proposed project as he had no plans for his area of the newly acquired land. Mr. Rollins stated that the project would allow for the merge of the newly acquired land into the existing properties. He explained that some excavation would be done and clear cutting a good portion of the newly acquired land. He stated that in addition to some trees that he owned, Mr. Bendett offered approximately 20 hemlock trees that could be repositioned onto the project area to stabilize the area. He stated that the existing trees that were right along the lake would remain. He referred to pictures to describe the contour of the land and added that some old pine trees had been lost over the last 5 years to windstorms. He stated that no structures would be built in that area and the existing sheds would be relocated. He stated that the newly acquired area would be utilized for a hardscape firepit and some benches. He stated that Mr. Bendett would add some trees to his newly acquired land.

AH asked if there was an overall number for the trees to be removed and the ones to be replanted. Mr. Rollins replied 6 large trees would be removed along with a lot of scrub trees and 3 large ones on Mr. Bendett's area. Mr. Bendett explained that the area was currently a mess, and the improvements would make the area usable. MET asked if Mr. Wager of the Building Department had been to the site. Mr. Rollins stated that Mr. Wager had been there for other reasons. The Board then agreed that a site visit would be needed, and arrangements were made with the applicant for members to visit individually. AK stated that he had visited the site the previous day and noted it was an archeology sensitive area and suggested that the applicant check with the State Historic Preservation Office prior to any digging. He also asked if an overhead view of the plan with the project area highlighted could be provided as well as a view from the water for a better understanding to be gained. Mr. Rollins agreed to do so. AK then asked about the sewer and asked if it would need to be lowered. Mr. Rollins replied yes and added that the Town Sewer Department had been to the site and marked it.

**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.

Allyson Regan and Albert Hayner were present. Mr. Hayner explained the history on how the mobile home came into existence and stated that it had recently burned down. Ms. Regan added that they now wished to replace the mobile home with a slightly bigger upgraded version consisting of two bedrooms and two bathrooms. AH asked the size of the existing mobile home versus the proposed replacement. Ms. Regan stated that the size of the mobile home that had existed was 12' x 52' for a total of 624 square feet and added those dimensions did not include the deck and an addition that had been previously approved. She added that the new single-wide mobile home would total 924 square feet, and they wished to add a deck onto it. Mr. Hayner stated that the new mobile home would not impose on anyone. RL stated that the boundary lines submitted as part of the application were: 84' from the property line on the east side by the power lines and 54' on the property line on the west side to which Allyson agreed. MET asked about the proposed decks. Ms. Regan stated that a deck in the front was being proposed with stairs and an awning to access the front door and there would also be a deck with stairs in the back. MET asked Board members if they felt a need for an actual sketch plan to be submitted. AK replied he would like an actual site plan that reflected the dimensions of the building. A map of the property was viewed along with the location of the proposed project. RL asked Board members if the application were to be amended to include the map with the project reflected, would it suffice. AK stated that he thought a survey of the project area laid out would be best to have for the record. AH asked the applicants if they had an actual survey of the property to which Ms. Regan replied they did not have a surveyor at the site. A discussion ensued regarding the need for an actual survey, and it was decided that a survey of the project area with dimensions of the mobile home reflected was needed. The applicants agreed to do so and return to the PB to complete the process when ready.

**Site Plan Review Application**

Christopher Hosley (applicant/property owner)  
17 Timberland Drive  
East Greenbush, NY 12061  
AR-Agricultural/Residential Zoning District

**Tax Map #: 168.-4-46.13**

Lot Size: 2.70 acres

A Site Plan Review application for the permitted use of an outdoor volleyball court to serve as a summer camp/clinic on an agricultural/residential property.

Christopher Hosley explained that he ran a girls and boys volleyball club that served Averill Park, East Greenbush, and Ichabod high school students. He stated that an 80 'x 50' volleyball court had been constructed in his backyard and used by himself and friends. Mr. Hosley explained that due to the pandemic during the summer and unavailability of an indoor facility, the backyard court was going to be used for small group lessons and camps. He added that he had two camps/clinics scheduled for four days each on July 12 through 15 and again August 9 through 12 and would run 3 hours from 9am until noon. He stated that the camps are capped at 15 participants and added that the camp scheduled for July only had 8 participants signed up and the August camp only had 14 participants. He stated that they were not permitting anyone to park in the road as drivers would either drop off the students in driveway and leave via the cul-de-sac or the student would park in the driveway. Mr. Hosley stated that essentially there would not be any change in the landscape as there was not a building nor noise as it was in the back of the property away from the neighbors. He indicated that Michael Wager and Tim Lawrence had been to the site. AH asked if there were any plans in the future to enlarge it to which Mr. Hosley replied no and added he would not enlarge the court or go above 15 participants or have more than one or two camps during the summer. MET asked if the camps were for just for pandemic or something that would continue. Mr. Hosley stated that the courts would remain for personal use and for next year would run one or two camps in the same manner. JB asked if Michael Wager had decided on the classification of use. Ms. Ryan replied it was classified as Recreation Open Space which was a permitted use in the AR District therefore not require a Special Permit. RL asked how bathroom facilities were provided, if needed. Mr. Hosley replied that the basement bathroom of the home was used, and hand sanitizer was available. He added that tents would be utilized if it were raining or very hot. Andrew Karl (AK) noted that the website stated the camp would be capped at 16 players and yet it was stated that the cap would be 15. Mr. Hosley confirmed that the cap would be 15. AK noted that a boys half day beach volleyball camp in the afternoon had also been listed. Mr. Hosley replied that had been cancelled as they wanted to keep it to one group and girls only for this year. It was clarified that the participants would arrive no earlier than 8:45am. AK noted that the courts had been placed on fill, so no digging had taken place. Mr. Hosley agreed and added that the court was constructed to be temporary and made from a non-connecting retaining wall. RL noted that the court was nestled in the backyard surrounded by trees and neighbors were on the other side; he then asked if the neighbors had been spoken to. Mr. Hosley replied that the neighbors on one side had just moved in and the folks on the other side recently had the passing of their parents; thus, did not have an opportunity to speak with them. He added that he had spoken with everyone else on the upper part of the street and they had no 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 RL and all approved. AH approved the Site Plan Review Application as submitted with the following contingencies:

- 1) The camp/clinic will run one time for three hours on four consecutive weekdays in July and one time for three hours on four consecutive weekdays in August.
- 2) Participants not to exceed at 16.
- 3) No off-street parking allowed.

The motion was seconded by MET and all approved.

#### **DRAFT RESOLUTIONS FOR APPROVAL**

##### Negative Declaration for Tracey Winnicki-Pezzolla & John Winnicki

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

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

##### Minor Subdivision for Tracey Winnicki-Pezzolla & John Winnicki

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 Mark Nusbaum

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.

Site Plan Review for Thomas & Flora Fasoldt

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.

**DRAFT MINUTES FOR APPROVAL**

AH motioned to accept the April 21, 2021 minutes as presented; seconded by RL and all approved.

**ADJOURNMENT** – MET motioned to adjourn the meeting at 8:48pm; seconded by AH and all approved.