

**Town of Sand Lake  
Planning Board Minutes  
March 17, 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, Jonathan Bernstein, Rick Giolito, Andrew Karl, Craig Crist, Esq.

**MEMBER ABSENT:**

**OTHERS PRESENT:** John Slyer, Albert Hayner, Joseph & Melissa Jankovic, Antonino Aliberti, Kevin McGrath, Dan Peeters, Michael Kitner, Sarbjeet Sahuta, William Burdick, Tom Besch, Tyler Michaels, Allen Michaels Jim Bonesteel, John Colandrea, Fred DeMay, Madeline Murray, Kenneth Harmer, Sean Stahlman, Matthew Griffin, Emily VanDeCar, Jennifer Alarcon, Monica Ryan (Town Planner)

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

**Minor Subdivision Application and Public Hearing**

Albert Hayner (applicant)  
17 Sheer Road  
Averill Park, NY 12018  
R– Residential District

**Tax Map # 158.-2-79.2**  
Current Lot Size: 70.28 acres  
Proposed Lot 2A Size: 68.7 +/- acres  
Proposed Lot 2B Size: 1.58 +/- acres

A Minor Subdivision Application to create one new residential lot from a 70.28-acre parcel.

Surveyor Kevin McGrath presented and summarized the project which had been initially presented at the March 3, 2021 Planning Board (PB) meeting. With no questions from PB members, Ralph LaMontagna (RL) read the Public Hearing notice that had been posted in the Troy Record and Advertiser. Arthur Herman (AH) opened the Public Hearing at 7:37 pm. With no public written or online comments received, AH motioned to close the Public Hearing at 7:38pm; seconded by Michael Groff (MG) and all approved.

Arthur Herman (AH) motioned, seconded by RL 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 Mary Ellen Trumbull (MET) and all approved.

**Special Use Permit and Site Plan Review Application and Public Hearing**

John Slyer (applicant & property owner)  
SKY HIGH Adventure Center, Inc.  
27 Lake Avenue  
Averill Park, NY 12018

**Tax Map # 148.3-1-27.2**  
  
Lot Size: 9 +/- acres

R – Residential Zoning District

A Special Use Permit and Site Plan Review Application establishing a community center for recreational/ educational programs.

John Slyer presented and summarized the project which had been initially presented at the March 3, 2021 PB meeting. The site plan was reviewed, and Mr. Slyer indicated that the four tents initially proposed for summer use may not all be used this year due to the program just starting up. He pointed out that the location had plenty of parking. He added that they hoped to be able to occupy the building sometime within the next year and are currently looking to be able to have the bathrooms working and have some office space open asap. Mr. Slyer also wished to replace the existing sign copy with new copy on the existing sign structure. A picture of the sign frame was reviewed, and Mr. Slyer indicated that they had painted the frame and removed the sign within so it may be replaced. RL stated that the PB had reviewed the project at the March 3<sup>rd</sup> meeting and had asked several questions. He noted that there had been an overwhelming support from the public submitted to the Board. Andrew Karl (AK) asked if there would be any night-time lighting activities. Mr. Slyer replied no and added that the only lighting would for entrances/exits to the building along with small solar lights for entrance/exit to the parking lot for safety. He added that there would not be stadium lighting at all. AK asked if there would be lighting to the sign to which Mr. Slyer replied no and added that the electric to that area was not functional. AK then recommended that the proposed trails not come too close to the neighboring properties to alleviate any trespassing. Mr. Slyer replied that there had been some conversations with neighbors and he would bring to his Board the option for nearby children to walk through this property to avoid walking on Route 43. He added that if neighbors agreed, it would be an annual agreement, and the Board would look at insurance about any liability issues. AK then asked if the signage was followed the Zoning Code. Ms. Ryan replied that she had reviewed it and stated that as it was an existing sign; thus, was grandfathered as a non-conforming sign which at some prior date was either approved or pre-dated zoning - no previous record could be located. She added the Zoning Code stated that the existing sign could be utilized however could not be enlarged or made more non-conforming. She stated that the Zoning Code fell silent on change of copy which was what the proposed change would fall under. AH noted that the outline of the sign wording would be smaller to which Mr. Slyer agreed. Ms. Ryan clarified that the sign face structure is what was measured for zoning purposes. With no questions from PB members, RL read the Public Hearing notice that had been posted in the Troy Record and Advertiser. Arthur Herman (AH) motioned to open the Public Hearing at 7:52 pm; seconded by MET and all approved. Ms. Ryan read the public comment letters submitted from the following (letters attached):

John Holser, Bruce Perry, Cherisse Young, Sean Stahlman, Stacie Bennet & Guy Gramley, Erica Lilly-Genung, Scotti Fisher, Amy Stahlman, Richter Dobert, Adam Borland, Tammy Borland, Claire Sherwood, Edward Ashley, Timothy Murdick Sr. - President, Nopiates Committee, MaryBeth Hollinger.

Online public comments were then received:

Tom Besch stated he was a resident of Sand Lake and Barnes Road. Mr. Besch explained that his four sons, a nephew and niece had attended SKYHIGH Adventures camps under John and Kathy. He stated that his niece had asked that he share the following comment: SKYHIGH Adventures was more than just physical fitness, it was positive mental development and a place to learn honesty, respect and safety as well as ask questions, listen, and be prepared. Mr. Besch stated that his son's attendance at the camp had made a big difference in their lives. He added that the proposed project was excellent and a well-needed positive outlet that he supported and hoped others would as well.

Tyler Michaels stated he was a resident of North Greenbush. Mr. Michaels stated that he wished to express his support and added that he attended as a camper and worked with the program for the last two years. He

explained that he had an amazing experience of working there and watching kids grow as they learned new skills. He added that it positively impacted callous kids and was a wonderful outlet for kids of all ages.

Allen Michaels stated he was a resident of North Greenbush and was also in support of the Slyer's proposed project. Mr. Michael added that SKYHIGH was a benefit to the Town as well as the surrounding area. He further stated that the Slyer's were extremely conscious of their impact and made all attempts to minimize any negative effect on the area. He stated an example of this was the attention to detail on the specifics on the intentions for the project and development plans. Mr. Michaels added that SKYHIGH offered athletic and educational opportunities to young people that could not be obtained anywhere else in the area. He explained that training for such things as a lifeguard was expensive and completely booked when offered by other venues such as the YMCA. He stated that SKYHIGH also promoted jobs that were meaningful opportunities for young people as well as encouraged development not just educationally but also with their athletics. He then referred to recent news media that had focused on the area being the center for heroine sales and drug use and stated how fortunate the Town was to have a resident with a vision and where-with-all to create a community center. Mr. Michaels closed by asking the PB to approve the proposed project.

Jim Bonesteel (Executive Director of the Rensselaer Plateau Alliance) stated that they had property and an office in Town. Mr. Bonesteel stated he agreed with what the supporters had said thus far. He stated that he has known John and Kathy for years and found them to be great people and added that his children had gone to the camp. He concluded that the Slyer's were investing their own time, money, and hard work to provide this resource to the community which he found to be fantastic.

John Colandrea stated he resided on Kodiak Drive in Averill Park and he was in support of the project. Mr. Colandrea stated that his son had participated in the camp multiple times and enjoyed it. He added that his son had brought in friends to attend the camp from as far away as Grafton and Schoharie as nothing like it existed in those areas. He added that such a community center was a critical piece to the future of the community. He concluded by saying his son had gone through a tough time and truly believed that the strength mustered to deal with it was gained from his participation at the camp.

Fred DeMay stated he was a resident of Sand Lake in the Taborton area and was fully in support the project. Mr. DeMay stated that he was also the President of the Rensselaer Plateau Alliance (RPA) which was an accredited land trust but also did educational programming. He then stated that he sees the proposed community center as an opportunity for collaboration as so many of the missions overlap; thus envisioned a future partnership. He concluded that the RPA full endorsed approval and looked forward to working with the Slyers.

Madeline Murray stated she resided in Poestenkill and worked at SKYHIGH for last few years and found it to be a great opportunity for her. She added that she had become a lifeguard and attested that the camp has had a huge impact on the kids in the community which prepared them for whatever life threw at them.

Collin Hansen stated that he resided in North Greenbush had attended the camp since he was seven and then worked at the camp for the last three years. He added that his attendance at the camp provided him the opportunity to do things and go places that he never thought he could such as a trip to Peru with the Slyers to volunteer in schools. He explained that John had taught him to help underprivileged children to make their experience better and at the same time taught his students different cultures – all of which he felt was needed and the proposed project would provide.

Kathy Slyer then read a public comment letter that had been sent directly to them from Daniel Macaloney who stated he was 11 years old and a resident of Sand Lake - currently in 6<sup>th</sup> grade at Algonquin Middle School. Daniel wrote that he had attended the camp for the last five summers. Daniel further wrote that he had learned so much regarding safety, respect, sportsmanship, competition, and physical fitness while able to enjoy at the same time.

Daniel stated that all those skills were ones that he would have for the rest of his life. Daniel wrote that with the permission of his parents, he was writing in support of the project in the community as nothing like it currently existed in Sand Lake. He added that he felt it would not only benefit him but other families in the community who needed the support. Daniel concluded that if it is true that the kids are to be the future, then supporting the project should be a priority for the community.

With no further public comments, AH closed the Public Hearing at 8:32pm; seconded by MET and all approved. AH noted that concerns raised regarding lighting and hours and operations which had been discussed. Jonathan Bernstein (JB) noted that the public comment letter of opposition from Bruce Perry mentioned covenants and it was JB's understanding that the PB did not get involved in that. Craig Crist replied that was correct. Rick Giolito asked how many kids attended SKYHIGH at its original location. John Slyer replied 60 kids however they would not be ready for that amount at the proposed location at the start-up. RG asked what the hours of operations would be. Mr. Slyer replied it would be weekdays from 8:00 am until 5:00pm during July and August for the summer camp program. Mr. Slyer replied that some lifeguard training was done in May and June as kids needed it for the summer. RG asked how they were able to avoid complaints from neighbors with the 50-60 kids that attended the current camp. Mr. Slyer replied that the noise was mainly from kids playing and laughing however no disruptive loud noise or cursing. He stated that while some music may be played, it was not loud, and that the kids were supervised well. He added the kids go on bike rides and they operated in small groups. MET noted the new proposed facility would also operate on Saturday and Sunday. Mr. Slyer replied that while some programming would take place then, it would not be full camp programming and be smaller groups with the possibility of soccer games or things of that nature. He added that if a long bike ride were being done, they would have the kids meet at the site real early; however, would not be loud or disruptive and then gone from the site. MET then asked if there would be pickleball to which Mr. Slyer said that was on his agenda. RL noted that the letter of opposition mentioned impact to the water. Mr. Slyer replied a water test had been done previously when a 24-unit senior house had been proposed at the site and the Town had that information. Mr. Slyer added that they would be doing an evaluation of the water supply at some point; however, would not be near the use of the 24 unit previously proposed. Mr. Slyer stated that should any water be needed for the fields; the plan to look at a system that gathered the runoff water from the roof and create a giant cistern to serve that purpose. RL added that any noise or water issues were settled in the past when the site had been a full-fledged functioning school building. Mr. Slyer clarified that the deed restriction did reflect that the property had to go to a non-for-profit which they were and offered to address any additional concerns on that issue. RG noted a comment about fencing and asked if the proposed project was adjacent homes. Mr. Slyer replied that the site did border some residential homes; however, no fence was planned as they were looking to keep the natural landscaping with the trail away from those borders. RL noted the amount of positive public support the project received and added that this was a great endeavor.

RL asked Mr. Slyer if additional approval was being sought at this time regarding use of the building. Mr. Slyer replied they were hoping to also be able to access the building to make the bathrooms operational and work on storage and office space prior to the summer months. Their reason for this was that their schedule would become busy with the outdoor programming making it difficult to attend future PB meetings.

AH motioned to approve the Special Use Permit for the outdoor activities and the use of the building for office space, bathrooms, and storage with additional inside activities needing further PB approval. Seconded by MET and all approved. AH motioned to approve the Site Plan Review, including the signage, as submitted; seconded by JB and all approved.

**Special Use Permit and Site Plan Review Application and Public Hearing**

Joseph Jankovic (applicant & property owner)

Tax Map # 159.-1-2.12

Eastern Union Turnpike

Averill Park, NY 12018

Lot Size: 23.13 +/-acres

R – Residential Zoning District

A Special Use Permit and Site Plan Review Application to utilize basketball courts for personal use and by a non-profit organization.

Joseph and Melissa Jankovic were present. Ms. Jankovic summarized the project which had been initially presented at the March 3, 2021 PB meeting. AH asked that the hours be clarified to which Ms. Jankovic replied Monday - Friday 3:30 pm until dusk and on weekends 8:30-9:00 am until dusk. She added there was not practice every day and it was depended on the weather and sometimes they were away at tournaments. RL noted there were several letters received from community members that were either in support or listed concerns. RL stated that initially the goal was to meet a need for COVID which turned out well for those in the HAVOC program and was good; however there have been several neighbors who had concerns regarding sudden construction and then kids playing. He added that the Town had also been taken by surprise as the intention was to build a basketball court on personal property; however, it then seemed that the HAVOC organization was running their business on a regularly scheduled basis at the site. He added the neighbors also became concerned regarding the noise in the evening as the site is in a residential area. RL then asked how the basketball courts were built and if it was financed by the Janokovic's personally to which Ms. Jankovic replied yes. RL then asked if any monies had been received from HAVOC or AAU. Ms. Jankovic replied they had not received any monies from those organizations and added that parents had helped clear the site and build the courts. Mr. Jankovic added that before they had done anything they had asked permission from the Town. RL stated that he believed there may have been some miscommunication on the scope of use proposed as privately versus use by an outside organization/agency seven days a week. RL then noted that port-a-potties with soap and water were part of the facilities for which Ms. Jankovic agreed. RL then asked the Jankovics if they also paid for those with no funding from anyone else to which Ms. Jankovic replied yes - and added that no funding had been received. RL then asked who paid for maintenance of the courts or parking area. Mr. Jankovic replied that there was no maintenance outside of mowing or cleaning of the courts which was done by them. RL stated no money was received from the organizations to which the Jankovic's replied there was not. RL then asked if HAVOC received a fee for the girl's participation. Ms. Jankovic replied that HAVOC received funding for tournaments based on participation. RL asked if HAVOC charged for practice sessions for which Ms. Jankovic replied no. RL asked the Jankovics if they had any type of liability insurance for the girls who practiced in case of an injury. Ms. Jankovic replied that they had their own liability insurance and added that through AAU every member is covered. JB asked if that policy was a homeowner's policy or if it was a separate policy. Ms. Jankovic replied that it was a separate policy for the property. RL asked who did the organizing and the advertising for the groups to come to the site and practice. Ms. Jankovic replied that Terrance Florence who ran AAU through NY HAVOC sets it up and sends out links for participants to sign-up for specific timeslots. RL noted that public comment had been received which referred to the site as "HAVOC on the Hill" and asked if it was known as such by the group. Ms. Jankovic replied yes, it is a nickname.

RL noted that some of the public comment letters indicated they were under the impression that a barn was going to be built on the site at some point. RL asked if there had been any plans or ideas to build a barn. Mr. Jankovic replied that they had only owned the property for a year and Ms. Jankovic added that while they had ideas of what to do with the land, they did not have any written-up plans.

RL asked if it was correct that the Jankovics were asking for this Special Use Permit (SUP) for one or two years for which Ms. Jankovic replied yes. RL then stated as the use seemed to be temporary, would it be correct to say that when COVID was over this use would be over to which the Jankovics replied yes if facilities open for the kids to play safely inside. RL complimented the Jankovics for what they had done during this period. RL then advised that prior to such time of building the barn, the applicant would need to come back before the PB as that would be considered an accessory structure on a lot that did not have a primary structure was not allowed by the Zoning Code. Mr. Jankovic replied that they would apply for agricultural status at that time as they planned to grow vegetables.

MET asked what first aid and/or procedures were in place should a child become injured while playing. Mr. Florence of NY HAVOC replied that he was certified as well as some of the parents. He explained that there had been a situation where a girl sprained her ankle and there was a parent, who happened to be an ER nurse, that stepped in right away to administer first aid and he had been present as well, if needed. He further explained that all the HAVOC coaches were required to be AED and CPR certified through the Red Cross in addition to a fire fighter available that could also certify them. MET asked how the kids had access to water. Mr. Florence replied that there was always a cooler and several cases of water available at the site. MET then asked where games were played if the facilities were closed due to COVID. Mr. Florence replied that right now the girls were not playing any games; however, when they did play last Fall it was in Pennsylvania. He added that when able to get back to playing, the games would be in Pennsylvania and eventually in Albany when opened which could be April 17<sup>th</sup>. MET then stated that if facilities were open at that time, then there would be a place to practice indoors. Mr. Florence explained those places would be schools and/or other such facilities normally used were not renting out due to COVID concerns which is why they decided to go outside. RG stated that when those facilities did open, was the plan to return indoors to the hard courts. Mr. Lawrence replied that he had been researching this for a few months and found that schools will not rent to outside groups or have outsiders in their building; thus, would not be renting gyms for the foreseeable future. RG then asked if it was preferable to practice on hardwood courts to which Mr. Florence replied it was. He added that in this case, the outdoor experience had been great as it was safer according to the CDC versus being at high risk indoors; thus, he did not believe that would change anytime soon as more precautions and restrictions were being taken. RG asked if practices were done seven days a week as the kids were out of school or was it that there was just so many kids in the HAVOC program. Mr. Florence replied no as they were not at the site morning to dusk and added that on weekends, they started on site about 9:00-9:30am and practiced until 2:00-3:00pm. He further explained that on weeknights, they started 4:30-5:00pm and practiced until the beginning of sunset to which RG commented that in the summer that could be until 9:30pm. Mr. Florence replied that to this point they had never practiced that late as it was not necessary and added that they had not stayed on the site past 9:00pm. RL stated that in reviewing the HAVOC website, it was a tremendous program for young people and the Jankovics are viewed as heroes for making it feasible for the girls to have this outlet. RL then asked how the organization dealt with sound issues if they had come up in other situations. Mr. Florence replied that the sound issues had been brought to their attention as a neighbor had placed a call and a State Trooper went to their back porch and listened to the noise made by the girls which was laughter. Mr. Florence stated that the back of the neighbor's house was approximately 50 yards away, and the sound was girls laughing maybe some clapping and the coaches giving instructions but not any yelling or screaming. He added that the nature of the program is to create opportunities for girls to play at the next level regardless of talent and to have fun. He also stated that due to COVID, they had limited the number of attendees. He explained that the State Trooper had come to them after being at the closest neighbor's porch and stated that the noise coming from the cars passing by on the road was far greater than the noise made by the girls. RL clarified that his question was meant to be more on the sound level and how it affected/impacted the neighbors. RL then asked if anyone ever requested a sound study of 50 kids playing basketball. Mr. Jankovic replied that he had bought a decibel reader and had done a comparison of the noise from road traffic and then the girls which turned out to be minimal. RL stated that he believed that such a study would be needed to be an objective measurement; thus, asked thoughts on whether such a study was needed. Mr. Jankovic replied that it was suggested by a parent to plant a row of arborvitae to help minimize the noise and had offered to donate them as they had them on their property. RL commented that he was not looking to incur a huge cost but rather to do what is effective.

MET stated that the issue was before them as they were being made to play catch-up a year later versus the norm of an application coming in without history. She added that considering the fact there were several letters still to be read into the record, she felt that it was important to move the public hearing and AH agreed. Andrew Karl (AK) then stated that regarding the use, he felt there were two possible ways to view the application: recreation club or recreation open space. He added that he believed that recreation open space was allowed under the SUP; however, if the use classified as recreation club it would not be permissible. Thus, AK wanted the type of use

clarified along with the reason as he felt a case could be made either way. Ms. Ryan stated that it was her understanding that the classification was initially generated by Michael Wager, Code Enforcement Officer/Zoning interpreter, who had determined the use as recreation open space. Mr. Jankovic commented that it would not have been built if they did not have permission to do so. AK replied that while that was correct, he believed there had been some miscommunication early on between the Town and the applicant which was why the SUP application was before the Board at this time.

AH motioned to open the Public Hearing at 9:22pm; seconded by MET and all approved. RL read the Public Hearing notice that had been posted in the Troy Record and Advertiser.

Ms. Ryan noted that there was a general letter of support submitted which had been signed by 24 folks of which 23 of them resided in the Town. She then read the following public comment letters that had been submitted (letters attached):

Karen Farley, Rosemary Stahlman, Alexis Hanley, Anduena Squires; Cathy Wood; Jennifer Bogart; Luke Reiter; Stephanie Weiss; Geoffrey Griffin; Kathryn Griffin; Eric Kelly, Judith Murlock, Matt Griffin, Beth Tobin Harmer, Emily Vandercar; Robert Shuey; Claire Hanley; Julie Hanson

Online public comments were then received as follows:

Jennifer Alarcon stated she resided in Troy and thanked the Jankovics for offering their property for her daughter to play basketball as well as all the other children. She added that she was thankful that her daughter, who had recovered from a major injury in her junior year, had the opportunity to play at these courts safely and had since received a scholarship to play college basketball. She added that if it were not for the Jankovics, there would not have been the opportunity for the girls to play anywhere. She closed by saying that they were always told it was temporary for COVID issues.

AH motioned to close the public hearing at 10:18pm; seconded by MET and all approved. MET noted that she observed that the players and their parents clearly supported the opportunity while the neighbors clearly experienced the ball playing on the court as dismayed, disappointed, upset or putout. She asked if she heard it correctly that the hours of operation were dictated by HAVOC versus the PB having the option to set conditions for such things as days and hours of practice. AH and RG replied that the PB could set conditions for those items as well as limit the number of participants allowed at one time.

MET then spoke of the earlier conversation on the designation made by Michael Wager on classification of use as private versus public. She added it was a posted property for use only by members of the club – the club being HAVOC; thus, not sure that the designation made by Mr. Wager was appropriate and liked it to be resolved prior to moving forward with a determination. RG agreed and stated it did not sound like open recreational use but more like recreational club use. JB asked that legal opinion be provided to the Board. CC stated that the initial determination of the use was not something reviewable by this Board as it is a determination made by the Building Inspector for which the Board did not oversee. MET stated that if the Board did not agree with it or the use had expanded beyond the daughter's playing in the yard. CC replied that was not the role of the Board to oversee what the Building Inspector determined. AK asked if the Board could ask the Building Inspector to revisit the determination. CC replied that the Board could not seek a determination and so forth. JB asked if an opinion on the legality could be done. CC stated it was not a Planning Board attorney determination as it belonged with Building Inspector. MET asked if it would be appropriate to have Mr. Wager participate in the next PB meeting. CC replied that if there was disagreement on the Building Inspector's determination, there would then need to be an appeal of the determination seeking interpretation through the Zoning Board of Appeals (ZBA) and so forth. CC explained that normally applications come in and it is the Building Inspector who determined what approvals were or were not needed. MET stated that as a few Board members had that question, would it be correct for

the issue to be referred to the ZBA for clarification. CC read from the Zoning Code Article 14 – Section 250-144 (C) on Appeals and then stated that it would be an appeal to the ZBA. MET motioned to appeal to the ZBA the determination on the classification of use as open space versus recreation club, seconded by RG and unanimously carried. Ms. Ryan then stated that at this point the SUP application is tabled and would then be sent onto the ZBA as an appeal to which CC agreed. RL asked if a request should be done for a sound study to be performed by a professional company. AH replied that a sound study could not be done unless the basketball court was in operation which it was not at this time. He added that he wondered if the noise could be mitigated by limiting the participants or some other means. JB commented that the PB no longer had jurisdiction on the application to which CC stated was correct. CC added if determined to be recreation club, then it could only be considered by the ZBA as a Use Variance and as such would not be granted by the PB. He added that he recommended that the PB await to hear from the ZBA on the appeal for classification of use. Mr. Jankovic asked if the courts could continue to be used until such time as the ZBA ruled. CC replied that it was not his or the PB's determination. Ms. Ryan stated that it was her understanding that the Building Inspector issued a notice of non-compliance last Fall that nothing could happen further until the permitting process was granted; thus, she assumed that notice was still in effect. CC and Ms. Ryan noted that as the motion to appeal the classification of use to the ZBA had been made, a letter would be sent as formal communication to the ZBA appealing the determination of the Building Inspector on classification of use for which the applicants would participate to explain how the courts are utilized. CC recommended that it be further clarified that the application was not complete at this point because SEQR has not been completed. AH motioned to deem the application as not complete as SEQR has not been completed. The motion was seconded RL and all approved.

**Special Use Permit Review and Scenic Preservation Application and Public Hearing**

Antonino Aliberti  
64 Loon Creek Lane  
Averill Park, NY 12018

**Tax Map # 158.4-2-31**

Lot Size: .35 +/- acres

A Special Use Permit Application to convert an existing basement in a single-family dwelling on Burden Lake into an apartment creating one additional dwelling unit and constructing a second story dormer.

Antonino Aliberti presented and summarized the project which had been initially presented at the March 3, 2021 PB meeting. Ms. Ryan clarified that there were two applications before the PB: Special Use Permit and Scenic Preservation. She explained that the Public Hearing was for the Special Use Permit on the proposed two-family unit to be in the basement. She added that the Scenic Preservation Application was for the roof bump which was not related to the proposed new dwelling unit; thus, did not require a Public Hearing.

The Scenic Preservation Application was first reviewed, and pictures of the proposed raised roof viewed. MET asked if the roof would be higher than the original. Mr. Aliberti replied no, it would be approximately the same level as the existing part of the roof. AH commented that a dormer would be more attractive than the proposed raised roof. Mr. Aliberti replied that a dormer would result in two very small bedrooms. Mr. Aliberti commented that a home had been built recently a few doors down and was higher than what he proposed. RL stated that he had no issue and noted the materials for the siding raised roof be of the same materials as the rest of the dwelling. Mr. Aliberti agreed and stated it would still be two-toned.

AH motioned that the project being classified 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. RL motioned to approve the Scenic Preservation Application as submitted; seconded by MET and approved by MG, JB, RG and AK. AH stated that he opposed.

The Special Use Permit was then reviewed regarding the proposed creation of an apartment in the basement. MET stated that she shared a concern as some neighbors regarding the additional mobility and traffic impact on

the single lane road. AH asked if there was ample parking. Ms. Ryan showed a survey that had been done for a recent Minor Subdivision of the property which reflected that area. She noted that the Zoning Code required one parking space per dwelling unit. AH noted that the parking area would be sufficient to accommodate the request. RL commented that if a dwelling unit were to be added, it would be a given that there would be an increase in traffic of one or two cars. With no further questions from the PB members, RL read the Public Hearing notice posted in the Troy Record and the Advertiser. AH motioned to open the Public Hearing at the 10:54pm; seconded by MET and all approved. Ms. Ryan read the two written public comments submitted by William Russell and Janelle & Richard Ellis III (letters attached). Online public comment was received from Janelle Ellis who asked where the proposed entrance/exit would be located to the apartment. Mr. Aliberti replied there was an existing entrance/exit in the back part of the building. Ms. Ellis asked if another one needed to be created. Mr. Aliberti replied not necessarily as the existing windows were large enough to suffice for the fire code. AH noted that the creation of an apartment would not add, on a daily basis, a significant amount of traffic. AH noted that the lot was .35 acres and asked if there were plans for another dock on the lakeside to which Mr. Aliberti replied no as he did not plan to have a boat and only planned to stay there for the summer. AK asked if the apartment would be an income unit for year-round use to which Mr. Aliberti replied yes and added the renter could look after the home when they were not there. RL indicated that if the tenant wished to utilize the dock, they would be able to which Mr. Aliberti replied yes. With no further public comments, AH motioned to close the Public Hearing at 11:07pm; seconded by MET and all approved. AH motioned to classify this project as a Type 2 action and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by RL and all approved. AH motioned to approve the Special Use Permit Application as proposed; seconded by RL and all approved.

**Boundary Line Adjustment Application**

Victoria Frazier (applicant/donor parcel)  
NYS Route 150  
East Greenbush, NY 12061  
AR – Agricultural/Residential Zoning District  
And  
Michael E. Suplee (receiving parcel)  
3593 Route 150  
East Greenbush, NY 12061  
AR – Agricultural/Residential Zoning District

**Tax Map # 168.-4-40**  
Current Lot Size: 86.21 acres  
Donating: 0.24 acres  
Remaining Lot Size: 85.97 acres

**Tax Map # 168.-4-41**  
Current Lot Size: 93.88 acres  
Receiving: 0.24 acres  
Adjusted Lot Size: 94.12 acres

A Boundary Line Adjustment Application for the donor parcel of 86.21 acres to donate .024 acres to the receiving parcel of 93.88 acres which will result in a donor parcel of 85.97 acres and a receiving parcel of 94.12 acres.

Surveyor Dan Peeters represented and stated two separate scenarios were discussed with Ms. Ryan. He added that option A (squared off version) was most favorable to Ms. Frazier and Mr. Suplee however it did not conform to the 3:1 lot depth to lot width ratio but made the proposed lots more uniform. He explained that option B (jut out version) would not create a less conforming lot with regard to the 3:1 rule (the existing lot did not meet the rule but was an existing lot of record) however the lot configuration was unsightly. He added that as Ms. Frazier had a potential buyer for the property, she was not interested in going before the ZBA for an Area Variance as would be needed for option A however hoped it could be done in that manner. Pictures of the options were viewed, and Ms. Ryan explained that the lot was unusual in that the lot width at the setback line was only wider at that one spot and did not contribute to the actual lot width. AH asked the reason for the request. Mr. Peeters stated the Ms. Frazier would be selling and Mr. Suplee was interested in gaining a buffer to his driveway. He explained that Ms. Frazier agreed as it would not affect the land being sold nor the ability for the buyer to construct a driveway if they so wished. RL stated as the proposed lots would be large, he did not see an issue with option A and would support waiving the 3:1 ratio. Mr. Peeters added that option A would follow along a row of existing spruce trees which had been planted by Mr. Suplee's father years ago. Ms. Ryan explained that the question would be if option B would be creating a worse irregularity and added that the 3:1 ratio was in Zoning and

Subdivisions and for Subdivisions it is stated that the PB should not be approving worst irregularities than already existed. She added that Subdivision gave the PB the waiving power for the 3:1 lot depth to width ratio rule but since the provision was in zoning as well it would require a variance but for the fact that it would create a worse irregularity. She explained that in this scenario, it seemed that if the PB did not waive the 3:1 ratio it would result in a worst irregularity as the applicant would settle for option B versus seeking an Area Variance. AH asked why the bottom portion could not be given the Mr. Suplee as it seemed it would meet the regulation and not create an irregular lot. Mr. Peeters agreed that it was doable however option A was more suitable for both parties. CC clarified that Ms. Ryan was saying that the configuration for option B could be approved as it met code however it would be irregularly shaped which the PB could approve as it met the other area requirements. PB members felt that it was not clear that they had the ability to waive the 3:1 ratio; thus, option B was viewed. Mr. Peeters stated that if option A is not feasible then his client would agree with option B which will create the irregular lot. AH stated why not option C as mentioned earlier as it could be approved to which AK agreed. CC stated that the applicant would need to agree to option C. As the applicant was not present at the meeting to approve option C, it was decided to go with option B and waive the irregular lot. AH motioned to classify the BLA as a Type 2 action with the Town of Sand Lake Planning Board as Lead Agency: seconded MET and all approved. A roll call was taken to approve the BLA as proposed under option B – members in favor were: MET, AK, RL, and RG; members who opposed were AH and JB – MG had left the meeting prior to the vote. With a vote of 4 in favor and 2 opposed, the BLA proposed as option B was approved.

**Site Plan Review Application**

Sarbjeeet 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 renovate an existing car wash building into a retail wine and liquor store.

Architect Michael Kitner represented and stated that the vacant carwash would become a retail store. Mr. Kitner explained that the site changes would be in the façade and everything else, for the most part, would stay the same. He noted that there were parking allocations on the existing pavement and that there would not be any square footage change. He further stated that there would be façade elevation changes on the ingress/egress which has to be street side as required by the NYS Liquor Authority. As such, he explained that a street facing existing window would be replaced for the entrance/exit and a handrail added to guard pedestrians from the path of traffic. He further explained that the principal entrance to be utilized would be on the side of the building away from the traffic. Site pictures of the floor plan were viewed. Mr. Kitner explained that four overhead doors existed – two each on the left and right sides of the building, three of which would be built up with insulated concrete forms to be similar with the construction for the rest of the building. He added that the fourth door would be turned into a large window entrance way and there would be a clerestory window at the top 2' of the 10' opening. He further stated that a new canopy would be added to designate the entrance. The canopy will have lighting and a sign on it. MET asked what would happen with the existing propane tanks. Mr. Kitner replied that the tanks would remain and be utilized to heat both existing buildings on the property as well as for retail purposes. JB asked Ms. Ryan if a liquor store could be placed that close to the high school to which she replied that there is nothing in the zoning code regulating the location of a liquor store so it would be determined by the NYS Liquor Authority. AK asked what the colors of the proposed project would be to which Mr. Kitner replied similar to what existed, and that the owner preferred red for the awning/canopy to match the Citgo color. AK stated that he had been over by the proposed project that day and noted a lot of trash all over the place by the dumpster and vegetable oil canisters behind the dumpster that seemed to be leaking used cooking oil onto the ground. He then stated that he thought that corner of the property ought to be spruced up a bit and recommended a dumpster enclosure as well as for the clothing bin. AK then asked the purpose of the proposed storage container. Mr. Kitner

replied it would be utilized for storing inventory and explained that in this type of business, the purchasing power came with quantity; thus, the container would hold the additional quantity for when there was not room in the building. MET stated her concern would be that storage unit would be a freestanding liquor closet. Mr. Kitner replied that while the container would be an accessory structure, it would be more of a vault. RL asked where the storage container would be located. Mr. Kitner replied that it would be hidden behind the building. AH asked if the location of the storage unit would be closer to the residential area. Mr. Kitner replied yes and added that the one house was up on a hilltop and separated by vegetation which he believed would be a sufficient boundary. Mr. Kitner also stated that if the PB members had a suggestion on another location, they would be open to including it in their submittal or having it as a condition. MET stated that if the accessory structure were to be visually appealing, it would need to be similar in color as the proposed liquor store and fenced in considering it was mentioned that the project was close to a high school. Mr. Kitner replied that security cameras would be installed to which RG replied that he felt that was not sufficient. RG asked if the storage container would be another building or be a metal container. Mr. Kitner replied he believed it would be a metal container to which RG replied that would not be good. PB members agreed that they would need more details and pictures for what the storage container would look like. Mr. Kitner replied that if the storage container were tabled at this time, it would not hold up the review of the project for the proposed change of the building. AH asked a driveway also came off the back left-hand corner. Mr. Kitner explained that was from an existing survey which they had used to develop the drawing and the areal picture was viewed as it better depicted what currently existed. RL asked if there would be any lighting on the outside of the building. Mr. Kitner referred to the areal picture and stated that lighting existed on the building and the parking lot. He added that the additional lighting would be under the awning/canopy. AH stated that the PB would want to see screening for the dumpsters. RG added that the screening should be like a surrounding fence with slats to hide them. Mr. Kitner stated that making such a request as a condition would be fine with his client in order to keep the project moving forward. RG then stated that he would like to see the same for the clothing drop bin to which Mr. Sahuta replied it would be removed from the property. Ms. Ryan clarified with the applicant/owner that the proposed storage container was being tabled at this time and they would return to the PB with an amended Site Plan at a later date to which Mr. Kitner replied yes. Ms. Ryan agreed with AK's comment that the applicant would also need to return to the PB with Sign Application for any additional signage. Mr. Kitner replied that the Sign Application would be handled by a sign company. AH asked if a Public Hearing should be held. Ms. Ryan replied that the holding of a Public Hearing would be at the PB's discretion. She further explained that that a liquor store was considered a retail store which was an allowed use in that area; thus, PB members were to review the function of the site. PB members agreed not to hold a public hearing since it was an allowed use. Mr. Kitner replied that the urgency to begin construction was due to the NYS Liquor Authority's approval having a time limit. He stated if the aspects of the building renovation were approved, they would move forward with the building permit at this time and then return to the PB in the next few weeks with information on the dumpster enclosure, color of the building, awning/canopy color and storage container. AK commented that for the dumpster enclosure maybe utilize something like the enclosure on site by the medical offices. Mr. Sahuta stated that the enclosure by the medical office was a plastic fence and he would use similar fencing for the dumpster and go with a chain link fence for the storage container. AH and RG stated that the PB was still in need of more information for the storage container; thus, that was not part of the current approval to which Mr. Sahuta replied ok.

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 RL and all approved. A motion was made by AH and seconded by MET and unanimously carried to grant approval of the Site Plan with the following with conditions: 1) Site Plan approval specifically for the building renovations only as submitted; **CONDITIONED** on:

The Applicant shall be required to obtain Site Plan approval from the Planning Board for all remaining elements on the Site Plan, including, but not limited to garbage receptacle screening, the proposed storage container and site location, prior to issuance of a Certificate of Occupancy.

**Sign Placement Application**

William Burdick (applicant/property owner)

Udderly Ice Cream, LLC

3579 Route 43

West Sand Lake, NY 12196

HMU – Hamlet Mixed Use Zoning District

**Tax Map # 147.1-4-24 & 147.1-4-24.5**

Lot Size: 3 acres

A Sign Placement Application for reopening of a business under a different name.

William Burdick presented and stated that the project was to seek approval for signs for the business under a new name replacing the signs at the entrance utilizing the same location and post along with the same signs on each side of the building. Mr. Burdick added that the plan was to open for operation Easter weekend. He added that a menu sign board would be located right in front of the building at the order window. He mentioned that he was looking to add a few small strips, approximately 4"x36," to advertise items such as fresh squeeze lemonade, old fashioned creamsicle and fruit smoothies. Monica Ryan asked the location of those small strips to which Mr. Burdick stated it had not been determined yet. Monica Ryan stated that the amount of signage permitted in the Zoning Code was based on the width of the building's frontage; thus, the total allotted would be 30 square foot aggregate which would cover the one freestanding sign and one wall sign. It was agreed by Board members and Ms. Ryan that the menu sign board did not need to be counted. She added that an Area Variance would be needed for the second wall sign on the other side of the building and the small strips that were mentioned by Mr. Burdick as only two signs are allowed. Ms. Ryan stated that Mr. Burdick was 11 feet over his allotment. 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 RG and all approved. AH motioned to approve the freestanding sign and one wall sign; seconded by RL and all approved.

**ADJOURNMENT** – AH motioned to adjourn the meeting at 12:12am; seconded by RG and all approved.

## Karol O'Sullivan

---

**From:** Karol O'Sullivan  
**Sent:** Wednesday, March 17, 2021 4:48 PM  
**To:** Art Herman; 'Ralph LaMontagna'; 'Michael Groff'; Jonathan Bernstein; 'Rick Giolito'; 'Mary Ellen'; 'Andrew Karl'  
**Cc:** 'cristsports@yahoo.com'; Monica Ryan (MRyan@sand-lake.us)  
**Subject:** Slyer Public Comment

Hello again,

Below is a public comment on the Slyer project.

Laura

**From:** John Holser <digitalfilmfarm@mac.com>  
**Sent:** Wednesday, March 17, 2021 4:12 PM  
**To:** Karol O'Sullivan <KO'Sullivan@sand-lake.us>  
**Subject:** Community Center - Input

To whom it may concern,

I'm writing to express my support for John Slyer and his vision for a community center at 27 Lake Avenue.

I've known John for over fifteen years and, during that time, I've watched him build Sky High Adventures into a local resource. A resource that enhances our community by promoting active lifestyles through athletics, arts, and vocational training. Every spring for over ten years, I see the road signs appear for High Adventure Camp. Yup, John's dedicated, summer is on its way, and John's Methodist Farm rd. home will be busy with kids learning how to jump higher and try harder.

We all know that keeping active is important and we understand the benefits of having a community center. But like most of us I don't know the all the obstacles standing in the way of this becoming a reality.

What I do know is that every big vision needs a dedicated leader. John Slyer has proven he's a leader who knows how to get things done. He's persistent and is not afraid to roll up his sleeves.

I hope you will look favorably upon this proposal and agreed to take the next step to make this community center a reality.

Sincerely,

John Holser

John Holser - Director / Producer  
- Who Killed Hazel Drew -  
The 1908 Murder that Inspired Twin Peaks  
[www.hazeldrew.com](http://www.hazeldrew.com)  
<https://www.facebook.com/WhoKilledHazelDrew/>

Bruce Perry  
23 Gettle Road  
Averill Park, New York 12018

Town of Sand Lake  
Planning Board  
P.O. Box 273  
Sand Lake, New York 12153

March 11, 2021

Laura Fedoresshenko,  
Clerk for Planning Board

This letter is written in response to your letter to me of March 4<sup>th</sup>, 2021, asking for written comment regarding the Special Use Permit/ Site Plan Review to establish a community center for recreational/educational purposes by John Slayer at 27 Lake Avenue, Averill Park, N.Y. 12018 (Tax Map ID 148.3-1-27.2).

Our property has a common property line about 300 feet long (Tax Map ID 147.-2-26.11). Obviously, we are concerned about the development of this neighboring property which has been essentially dormant for multiple years. By copy of this letter, we wish to be kept fully informed of any advancement in the proposed development.

Below are the **points of concern** that we wish the Planning Board to address in their consideration of any permitting.

- 1) Water usage – As is well documented, the water table and aquifer in this region of the Town are in a depleted state. We request that before increased water usage by multiple people is allowed on this site, that a pump down test be performed on the sites well with measurement of the effect on neighboring wells. If there is a negative effect, the developer should be required to mitigate the caused damage.
- 2) Fencing - The proposed use will bring multiple people to a property that has been previously vacant or seen limited use. The perimeter (excluding the Lake Avenue entrances) should be required to be fenced to prevent unwanted trespassing and loss of privacy.
- 3) Covenant - It is our understanding that there is a deed restriction on this property that requires that any development be a “Not for Profit”. We would like this covenant to be upheld.

- 4) Lighting – Athletic Facilities sometimes have bright and objectionable outdoor flood lighting. We do not want to have such outdoor lighting that will disrupt the current status of nightfall in our rural community.
- 5) Hours of Operation – We are concerned with the noise developed by a recreational facility (outside activities). As a minimum, the hours of operation should be limited to no later than 7PM and no earlier than 8 AM , 7 days a week. Other mitigation measures may be required.

Please enter our concerns into the record for this proposed development. We would appreciate a response confirming that this letter will be entered into the official review record.



Bruce Perry  
Adjacent Property Owner  
518-441-2228  
[perrybball@aol.com](mailto:perrybball@aol.com)

cc: Kosullivan@sand-lake.us via email

## Karol O'Sullivan

---

**From:** Cherisse Young <cherisseyoung@aol.com>  
**Sent:** Wednesday, March 17, 2021 1:31 PM  
**To:** Karol O'Sullivan  
**Subject:** Sky High Adventure Center

To the Town of Sand Lake Planning Board,

I am writing in support of the Sky High Adventure Center. My daughter has attended Sky High Adventure Summer Camps since she was 6 years old. For the next 6 summers, Erin has repeatedly asked to spend more and more time at the Sky High Adventure Camps. She now wants to be a Jr. Counselor when she is old enough.

Under the training and direction of John and Kathy Slyer, kids at the Sky High camps learn not only the skills of life long sports but also how to interact with peers, problem solve, challenge themselves, learn leadership skills, set goals and more ALL OUTSIDE! The effect this has on a child's mental health is immeasurable.

With so much not going on this past summer due to the pandemic, I was so grateful that John and Kathy of Sky High Summer Camps put the enormous effort and investment into figuring out how to operate safely for summer 2020. It was so good to see kids outside and being active. I didn't realize how much the pandemic had affected my daughter, Erin (age 12) until I saw the night and day difference in her even after one day at camp. She slept better, not as moody, off electronics and was just overall back to her happy go lucky self that she was prior to the pandemic.

Lifelong physical activity is so important to not only our physical health and wellness but also our mental well being. In addition, places like Sky High give kids a place to learn this together, giving them a sense of belonging outside the traditional school setting. Our community would benefit greatly from this local center. I fully support the creation of the Sky High Adventure Center. I am a firm believer in keeping kids active, involved and engaged so they crash into their beds at night exhausted and feeling accomplished. Idle hands are the devil's tools and I believe Sky High Adventures can keep our kids busy and out of harm's way. Sky High Adventure, Inc incorporates all these values and more.

Thank you.

Cherisse Young  
7 Beach Road  
Averill Park, NY

## Karol O'Sullivan

---

**From:** Sean Stahlman <sean.stahlman@gmail.com>  
**Sent:** Monday, March 15, 2021 9:56 AM  
**To:** Karol O'Sullivan  
**Subject:** Sky High Adventure Center Feedback

John Slyer's dedication to Averill Park and the larger Sand Lake area in general are imperative to the future of our community. I've known John for 7 years, first when I asked him to teach me to swim through his coaching at Crystal Lake in the summer and then on a personal level. What I never expected from John was his unwavering belief in people and their ability to overcome any hurdle with a positive mindset. He took me from not being able to swim 100 yards to completing an Ironman, all while refusing to hear any doubt.

Anyone who has met John and heard his vision becomes contagious with his excitement in building a community around exercise, art and comradery. He opens up his home, pool, bike track and ninja course to anyone who has an interest while always making himself available for coaching and guidance. As a near lifelong resident of Averill Park, I've consistently stated there is nothing for the community to do, or to bring the community together and the only place for many non-school affiliated activities are hosted by John.

What John is looking to create would fill a massive void for Averill Park and the community should be thrilled to have someone with the passion and drive to succeed and keep giving back.

Thank you,

-- Sean

Sean Stahlman  
45 Lake Avenue  
Averill Park, NY 12018

**From:** [skyhighadventures@gmail.com](mailto:skyhighadventures@gmail.com)  
**To:** [Monica Ryan](#)  
**Subject:** Fwd:  
**Date:** Monday, March 15, 2021 10:37:17 PM

---

Monica,

I was not sure if this email below got sent directly into you. I thought it might be good to have a few positive letters.

John

Sent from my iPhone

Begin forwarded message:

**From:** John Slyer <[skyhighadventures@gmail.com](mailto:skyhighadventures@gmail.com)>  
**Date:** March 9, 2021 at 9:12:41 PM EST  
**To:** Guy Gramley <[gramleypainting@gmail.com](mailto:gramleypainting@gmail.com)>  
**Subject:** Re:

I think it's perfect!

On Tue, Mar 9, 2021 at 8:27 PM Guy Gramley <[gramleypainting@gmail.com](mailto:gramleypainting@gmail.com)> wrote:

Hello John,

Please see our letter of support below:

Town of Sand Lake staff,

Since moving to the Averill Park area in 2010 we have been hoping, for the sake of our children, that we would see the day that a community center would open its doors.

Given our close proximity to the proposed community center, we are extremely excited to see the variety of uses that are planned for the building as well as opportunities that will be provided to the community.

Additionally, as a neighbor to 27 Lake Avenue, it is equally exciting to see a vacant property purchased and utilized in such a constructive manner. In short, we are in full support of this proposed endeavor and wish John Slyer the best of luck!

Sincerely,

Stacie Bennett  
Guy Gramley

# LETTER OF SUPPORT FOR SKY HIGH ADVENTURES

---

To the members of our community and Town of Sand Lake Representatives,

I know I am not the only born and raised Sand Lake resident who has chosen to settle into our own home, and raise my children, in the very same place I grew up. The memories of my childhood are vivid and full of fondness. We grew up taking swim lessons at the Methodist Farm Beach, going to camp at Sand Lake Day camp, playing AP youth soccer, Classie Lassie softball, going to the "Zoo" on Best Road, getting penny candy at the store in town, Ice cream at Engwer's, roller skating parties at school, the Mr. Video trips, and spending the summer enjoying the lakes, woods, and mountains we are fortunate enough to have nearby.

As a parent, I only hope my children have the same childhood memories we all have. Unfortunately, so many of these places don't exist anymore, and our youth and our older community, along with everyone in between, struggle to find activities to fill our time without heading to the other side of the river, or at best, East Greenbush, to find new activities for our families and ourselves. We spend money in other towns enjoying recreational activities we don't have here.

What the Slyer family, and Sky High Adventure is offering our community, is more than a tri-camp. It is more than running, biking and swimming, it's a venue where a community can come together and find activities for the whole family. It's a chance for the Town of Sand Lake and all of its surrounding areas to participate in the experiences of our childhoods, to find something to do besides watching TV and You Tube, something to give our kids for entertainment of all ages other than drinking and drugs. It's a chance to give our children the childhood a little more representative of our own. It is also a chance to give our retired community programs and activities to help maintain mental and physical health and well being. The possibilities are endless.

Many of us can't see the potential of what this opportunity means, but John and his family, they see it and they want to give it to all of us. This is the greatest gift this town could receive but they need your help. They need you to support this dream, because this dream is bigger than a building and some land, it is the future of our community and our children, us adults, and our seniors, they all deserve a bigger future than what we are currently offering them. There is an abundance of potential in this project!

I am a member in this community in many capacities, a parent, a sister, wife, a daughter of retiring parents, a preschool teacher, business manager, and member of the PTA. When I see other families, the children, the teens, the retired population, it is the common theme of them all that we need more in our town, that we need to build on the expanding population

and offer a lifestyle conducive to community building, and recreation for all ages. I only hope that we can turn this dream into a reality and find a way to make the Town of Sand Lake reminiscent of my own childhood.

Thank you for listening to the input of your community members.

Fondly,

Erica Lilly-Genung  
Resident, Parent, PTA representative, Preschool teacher and Local Business Manager

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

## Karol O'Sullivan

---

**From:** Fisher Family <theeightfishers@gmail.com>  
**Sent:** Wednesday, March 17, 2021 8:53 AM  
**To:** Karol O'Sullivan  
**Subject:** Skyhigh Adventure Center

Good morning,

It has come to my attention that there is a meeting tonight and the proposal for the Skyhigh Adventure Center is on the agenda. I am writing to whole-heartedly support this venture.

The vision John has for this dilapidated property is awe-inspiring, beyond the immediate benefit of providing more summer camp spaces for our youth and raising property values for all who live nearby.

Approval of the project will impact generations to come with a safe place to explore talents, build community relationships and foster healthier lifestyles.

I have offered my time, skills and heart to this project to help and I hope the members of the community will rally with the Slyer's as well.

Thank you for your time,  
Scotti Fisher  
3682 NY 43  
West Sand Lake, NY 12196

## Karol O'Sullivan

---

**From:** Amy Stahlman <amy.stahlman@gmail.com>  
**Sent:** Tuesday, March 16, 2021 4:59 PM  
**To:** Karol O'Sullivan  
**Subject:** Letter for Planning Board Meeting 3/16

Hello -

I am writing to share my positive support of the Sky High Adventures located at 27 Lake Avenue. I believe the plans to make this a Community Center for not only kids but all members of the community would be a huge benefit for our town.

Currently, residents are paying money to become members of different community centers in other towns because we do not have any local offerings, therefore he would be fulfilling a void our town has.

I also believe this will be a positive impact for the children. I wish we had something like that when we were young. John & Kathy Slyer do so much to have a positive impact on our community. They are one of the most genuine & kind hearted people I know. They focus on helping others and give back in so many ways. John's positive attitude is contagious and he helps everyone he meets to be a better version of themselves.

I met John several years ago through the triathlon club training they offer. I was not an athlete but I was interested in learning open water swim. I had a fear of open water swimming since I was a child and I wanted to overcome that fear so I could be brave enough to swim in the lakes. By the end of the season, he had me swimming the full distance around the course on Crystal Lake. His patience and encouragement gave me the freedom to overcome a lifetime of fear. As a result I am able to enjoy summers on lakes in our town, which is pretty incredible. I will forever be grateful for John & Kathy for believing in me and pushing me to accomplish my goal of overcoming my fear. They continued to encourage me to keep going, they showed me that I can really do anything I put my mind to. They continued to teach me the following year about open water swimming and even encouraged me to get a bike & learn to run. Three years later, I finished my first sprint triathlon at Crystal Cove. Something I never expected I would be able to do, I was always the person on the sideline amazed at the accomplishments of those athletes. It was a proud moment and I have the Slyer's to thank for that.

I believe that our town should not only grant permission for this Community Center but should also be an active member to help drive the success. Allowing our small town to have a center for not only children but for people of all ages to come, enjoy events and other activities that they could offer would be a huge benefit.

As a neighbor that borders the property line, I live next door, I know this will definitely impact my life. For over 20 years, the only traffic in that lot was Sunday mass and my property has had zero noise which has been so peaceful and tranquil. However, I trust that this is much more important, to see the building be granted a use that will spark joy for so many.

Thank you.

Amy Stahlman  
45 Lake Avenue  
Averill Park, NY 12018  
518-727-6581

## Karol O'Sullivan

---

**From:** Rick Dobert <rcdobert@yahoo.com>  
**Sent:** Wednesday, March 17, 2021 2:56 PM  
**To:** Karol O'Sullivan  
**Cc:** John Slyer  
**Subject:** Letter in support of the Special Use Permit application of Mr. John Slyer & SHAC

To the Sand Lake Planning Board

To the Members of the Board,

My name is Richter Dobert, I live at 35 Huntley Rd in Averill Park. I share a long property line with John Slyer and Sky High Adventure Camp.

I'm writing this letter in support of Mr. Slyer's request for a special use permit for the former St Henry's School / Lake Ave Community Church property located at 27 Lake Ave in Averill Park.

Sky High Adventure Camp is a great asset to the town and the families that take part in the activities there. Now, he's investing more of his own time, money and energy into a greater project. The SKYHIGH Adventure Center. Our town will benefit greatly from a local community center run by dedicated local people. The plan includes numerous services and facilities that the town of Sand Lake is lacking, especially with the last year of virus concerns and economic trouble. I feel sure that, if approved, SHAC will fast become a central fixture in our town, a great place for kids and community groups to meet, share, learn and grow.

Honestly, I'm not sure why a special permit should be required given the location's long and varied life as a home to just such service to our community. St Henry's school educated and cared for so many and then Lake Avenue Community Church continued caring and giving to Sand Lake at that address. Now is the time for Sand Lake to allow yet another volunteer to step forward and add to that legacy. I, for one, admire and fully support Mr. Slyer's continued dedication and support of our town and I would strongly urge the Board to approve the special use permit.

Sincerely,  
Richter Dobert  
Sand Lake resident

## Karol O'Sullivan

---

**From:** Adam Borland <21borlanda@apcsd.org>  
**Sent:** Wednesday, March 17, 2021 2:54 PM  
**To:** Karol O'Sullivan  
**Subject:** Sky High Adventure Center

Dear Sand Lake Town Board,

Please approve the Sky High Adventure Center. The Slyer family, their camp, and all they do for teens in our community is amazing. I am about to graduate, but I know I would have loved to have a place to do more outside activities and meet with other students who also enjoy the outdoor lifestyle. There is no place like this in our area. I know families have been talking about this kind of thing in Averill Park for pretty much my entire life. I hope you will make it a reality for future generations to enjoy.

Sincerely,  
Adam Borland

## Karol O'Sullivan

---

**From:** tammieborland@gmail.com  
**Sent:** Wednesday, March 17, 2021 2:48 PM  
**To:** Karol O'Sullivan  
**Subject:** Support of Sky High Community Center

Dear Planning Board,

I am certain this is one of a flood of letters of support for the Sky High Adventure Community Center. We want to add our voices to the many who have undoubtedly praised the organization, the Slyer family, and the ways in which they have invested in our community's students. I cannot think of a group better fit to lead this endeavor and we are 100% in support of opening the community center.

From a far more pragmatic perspective it seems that one of the key variables people seek when buying homes is "a good school district," meaning that housing values increase when a community attracts families with children. A community center that serves our youth with healthy and wholesome opportunities would go a long way in helping us to "compete" for families looking to move into good school districts like ours. So beyond all the obvious value this center will bring in terms of healthy social activities, the center will also be of significant economic benefit for all families in our area.

Warmly,  
Tammie Borland  
26 Morlock Drive  
West Sand Lake

[TammieBorland@gmail.com](mailto:TammieBorland@gmail.com)  
518-928-6803

## Karol O'Sullivan

---

**From:** Claire Sherwood <claire@clairesherwood.com>  
**Sent:** Wednesday, March 17, 2021 2:45 PM  
**To:** Karol O'Sullivan  
**Subject:** Letter of support for SkyHigh adventure center

Hello and I hope this email finds you well.

I am writing today in strong support of John Slyer's proposed SkyHigh Adventure Center on Lake Ave. in Averill Park. I have known John for a relatively short time period, but over the last few years I have gotten to know his passion and excellence for community building and his work with both children and adults in the triathlon athletic community. I was thrilled to hear of John's desire to expand his summer camp program and think 'big picture', so to speak, with his recent purchase and design of the Sky High Adventure Center. Not only would this be a wonderful place for the children of Averill Park to learn new skills and develop their physical fitness, it would be a center capable of offering programming and opportunities to almost all of AP residents.

On a personal note-John has discussed the possibility of developing art workshops and classes to be taught out of the community space with me. Currently, I am an active exhibiting artist and the Art Teacher at the K-8 Robert C Parker School - I grew up here in AP and returned to raise my children and to be closer to family. For as long as I can remember I have struggled with the fact that Averill Park has such few art opportunities for it's residents (children and adults alike). I have years of experience leading workshops across the Eastern US in both large cities and small towns and have always struggled with getting programming in my local community. With John's community center, I can imagine a large void (that some may not even know is missing) being filled. A place for people to come together to learn, to create, and to meet and support one another.

I am sorry that I can not be present at tonight's zoom meeting as I have another zoom meeting (who knew a year ago this would be our lives!!!)

Please accept this email as my enthusiastic support for the Sky High Adventure Center.

Warmly,

Claire Sherwood

(Thais Road -Averill Park)

website:

[www.clairesherwood.com](http://www.clairesherwood.com)

follow along on instagram:

<https://www.instagram.com/clairesherwoodstudio/>

## Karol O'Sullivan

---

**From:** Edward Ashley <edward.w.ashley@gmail.com>  
**Sent:** Wednesday, March 17, 2021 2:12 PM  
**To:** Karol O'Sullivan  
**Subject:** Sky high Adventure Center, Inc.

I am writing to express my support of the Sky high Adventure Center, Inc. special use request for a community center and educational programs.

Edward Ashley  
4 Longview Ave,  
West Sand Lake, NY 12196

--

~Ed Ashley  
[edward.w.ashley@gmail.com](mailto:edward.w.ashley@gmail.com)  
(518) 542-1451

**NOPIATES COMMITTEE**

**PO BOX 359**

**WEST SAND LAKE, NY, 12196**

To:

Sand Lake Planning Board

Good afternoon, I'm writing to you today to show my support for the proposed SKYHIGH Adventure Community Center located at 27 Lake Avenue Averill Park, NY 12018

My organization, the Nopiates Committee, is an organization that works in our community on the drug and alcohol issues that affect all of us.

Through our research with students, parents, school faculty and members of our community on the subject of substance use disorder, one constant seems to be prevalent, the lack of safe activities.

We feel strongly that the addition of this Community Center under the management of Mr. and Mrs. Slyer and their proven track record on working with our youth is not only going to benefit our youth, but our community as well.

The Nopiates Committee looks forward to working with SKYHIGH Adventure on this project as we are confident it will be successful in the development of our youth.

Please feel free to contact me with any questions @

518-225-2377

[Nopiatesevents@gmail.com](mailto:Nopiatesevents@gmail.com)

Regards

Timothy P Murdick Sr

President

Nopiates Committee

**Karol O'Sullivan**

---

**From:** MaryBeth Hollinger <marybeth.hollinger@gmail.com>  
**Sent:** Wednesday, March 17, 2021 2:02 PM  
**To:** Karol O'Sullivan  
**Cc:** John Slyer  
**Subject:** SkyHighAdventures

Dear Sand Lake Planning Board,

Sky High Adventures has been a highlight of our community for many a year. My children have attended SkyHigh camps, volunteered at the camps, and then worked at the camps. I cannot tell you how wonderful and enriching the experience has been for my children.

My children have a range of abilities and health needs, and each was made to feel special, valued, strong, and a key part of a team. They did learn about swimming and bike riding, but the most valuable lessons they learned were about inclusion, being a kind person, empathy, teamwork, acceptance, grace in winning and losing, strong work ethics, leadership, and giving back to your own community. My children carry these skills to this day.

I support Sky High Adventure's expansion to the empty building on Lake Avenue. Their community focus will provide a safe, positive, and health focused venue for Sand Lake community members of all ages.

My best,

MaryBeth

\*\*\*\*\*

MaryBeth Hollinger, RN, MSN  
[marybeth.hollinger@gmail.com](mailto:marybeth.hollinger@gmail.com)  
518 428-0623

Joseph Jankovic

Public Comment Documentation

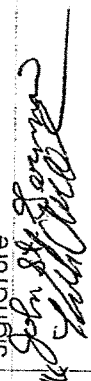

# Letter of Support

To: Town of Sand Lake Planning Board

In Support of: Allowing utilization of basketball courts on the property owned by Joseph Jankovic on Eastern Union Turnpike.

Summary: The basketball courts will be utilized by the Jankovic family and members of the New York Havoc AAU program which is a non-profit organization. Use of the basketball courts will be by owner permission only and adult supervision will be provided at all times during use. The basketball courts are not open to the general public. There will be no more than approximately 50 persons utilizing the basketball courts at one time. Use of the basketball courts will occur from approximately late April through the end of October. Hours of use may include Mon-Fri 3:30 until dusk, Sat 8:30 until dusk and Sun 9:00 until dusk. No lighting systems will be installed.

The undersigned shows support for the approval of the requested special use permit. Covid-19 has disrupted all of our lives; however, it is important to be extremely aware of the significant impact this has had on our children and adolescents, including but not limited to anxiety, depression, weight gain/loss, and poor sleeping patterns. This in turn leads to poor academic participation and performance. Allowing these girls, the opportunity to play basketball while parks and gyms remain closed not only fosters their physical health but also and more importantly their mental health and well-being. Research shows that girls who play sports have higher levels of confidence, improved academic success in school, better team-working and leadership skills, and a more positive body image.

Full Name	Signature	Address	Comments
John St. Germain Kristina Ockenholz		35 Eastern Union Tpk 7 Spring Creek and rd, Tonawanda, NY	Good for Children of the Town Let Them Get Some Fun
Al Durzagli		14 Eastern Union Tpk Arcville, PA, NY	

Full Name	Signature	Address	Comments
Gilly Dacota	<i>Gilly Dacota</i>	Evening Union	Comments only really 1st floor basketball
Kendall Reiter	<i>Kendall Reiter</i>	1 Morning Circle	I support the use of the land for basketball courts.
ERIN REITER	<i>Erin Reiter</i>	1 Morning Circle Rd CAP	I support the goals playing on the courts. Let kids be kids.
Luke Reiter	<i>Luke Reiter</i>	1 Morning Circle	
Brenda Marie	<i>Brenda Marie</i>	3 Morning Circle	
Tim & Lisa Woods	<i>T. Woods</i>	9 Morning Circle Rd.	Have a ball!
Jonathan Will	<i>Jonathan Will</i>	7 Morning Circle	Fully Support
LYDIA MAZUR	<i>LYDIA MAZUR</i>	7 morning circle rd Haverhill Park NY 12018	7 support!!!

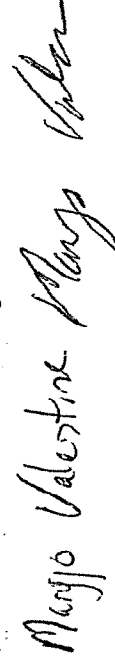

# Letter of Support


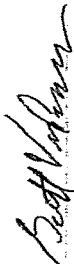
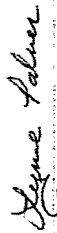

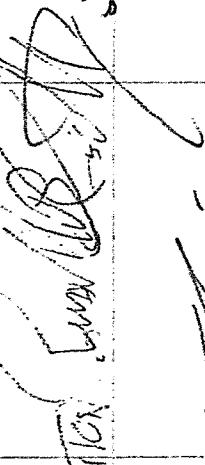

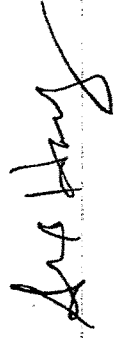
To: Town of Sand Lake Planning Board

In Support of: Allowing utilization of basketball courts on the property owned by Joseph Jankovic on Eastern Union Turnpike.

Summary: The basketball courts will be utilized by the Jankovic family and members of the New York Havoc AAU program which is a non-profit organization. Use of the basketball courts will be by owner permission only and adult supervision will be provided at all times during use. The basketball courts are not open to the general public. There will be no more than approximately 50 persons utilizing the basketball courts at one time. Use of the basketball courts will occur from approximately late April through the end of October. Hours of use may include Mon-Fri 3:30 until dusk, Sat 8:30 until dusk and Sun 9:00 until dusk. No lighting systems will be installed.

The undersigned shows support for the approval of the requested special use permit. Covid-19 has disrupted all of our lives; however, it is important to be extremely aware of the significant impact this has had on our children and adolescents, including but not limited to anxiety, depression, weight gain/loss, and poor sleeping patterns. This in turn leads to poor academic participation and performance. Allowing these girls, the opportunity to play basketball while parks and gyms remain closed not only fosters their physical health but also and more importantly their mental health and well-being. Research shows that girls who play sports have higher levels of confidence, improved academic success in school, better team-working and leadership skills, and a more positive body image.

Full Name	Signature	Address	Comments
Margo Valentine Pungo		6 Peering Circle Rd Averill Park NY 12018	Great idea for the kids
TERRENCE DINDALL		4 MORNING & CINCINNATI AVERILL PARK, NY 12018	

Full Name	Signature	Address	Comments
Francis C Thiele		22 EASTERN UNION TOPK AVERILL PARK NY 12018	I SUPPORT THE GIRLS PLAYING BASKETBALL
Scott Van Derwerken		1 Breese del dr. Averill Park NY	I support the Basketball Court
Lynne Palmer		1 Breese del Dr. Averill Park	I support for girls playing basketball
William Kudolph		15 Punny Lake Ln	Let em Play!
RUSSELL PATTON		20 JOH NIMCARTER	YES!!
Anthony Laurell?		19 JOHNNY LAKE LN	I Support Basketball
Alexis Hanley		26 Eastern Union	Let them play!!!



# Letter of Support

To: Town of Sand Lake Planning Board

In Support of: Allowing utilization of basketball courts on the property owned by Joseph Jankovic on Eastern Union Turnpike.

Summary: The basketball courts will be utilized by the Jankovic family and members of the New York Havoc AAU program which is a non-profit organization. Use of the basketball courts will be by owner permission only and adult supervision will be provided at all times during use. The basketball courts are not open to the general public. There will be no more than approximately 50 persons utilizing the basketball courts at one time. Use of the basketball courts will occur from approximately late April through the end of October. Hours of use may include Mon-Fri 3:30 until dusk, Sat 8:30 until dusk and Sun 9:00 until dusk. No lighting systems will be installed.

The undersigned shows support for the approval of the requested special use permit. Covid-19 has disrupted all of our lives; however, it is important to be extremely aware of the significant impact this has had on our children and adolescents, including but not limited to anxiety, depression, weight gain/loss, and poor sleeping patterns. This in turn leads to poor academic participation and performance. Allowing these girls, the opportunity to play basketball while parks and gyms remain closed not only fosters their physical health but also and more importantly their mental health and well-being. Research shows that girls who play sports have higher levels of confidence, improved academic success in school, better team-working and leadership skills, and a more positive body image.

Full Name	Signature	Address	Comments
William Bergoball		11 Andrews Ln STEPHENTOWN N.Y. 14668	I support the basketball courts. I think it's good for the community. It's good for the kids to be constructive & stay out of trouble.
W.H. Bergoball			





# Letter of Support

To: Town of Sand Lake Planning Board

In Support of: Allowing utilization of basketball courts on the property owned by Joseph Jankovic on Eastern Union Turnpike.

Summary: The basketball courts will be utilized by the Jankovic family and members of the New York Havoc AAU program which is a non-profit organization. Use of the basketball courts will be by owner permission only and adult supervision will be provided at all times during use. The basketball courts are not open to the general public. There will be no more than approximately 50 persons utilizing the basketball courts at one time. Use of the basketball courts will occur from approximately late April through the end of October. Hours of use may include Mon-Fri 3:30 until dusk, Sat 8:30 until dusk and Sun 9:00 until dusk. No lighting systems will be installed.

The undersigned shows support for the approval of the requested special use permit. Covid-19 has disrupted all of our lives; however, it is important to be extremely aware of the significant impact this has had on our children and adolescents, including but not limited to anxiety, depression, weight gain/loss, and poor sleeping patterns. This in turn leads to poor academic participation and performance. Allowing these girls, the opportunity to play basketball while parks and gyms remain closed not only fosters their physical health but also and more importantly their mental health and well-being. Research shows that girls who play sports have higher levels of confidence, improved academic success in school, better team-working and leadership skills, and a more positive body image.

Full Name	Signature	Address	Comments
Jennifer Becker		582 Plank Rd Averill Park NY 12018	I support this!! 

## Karol O'Sullivan

---

**From:** karen <kannfarley@aol.com>  
**Sent:** Tuesday, March 16, 2021 6:24 PM  
**To:** Karol O'Sullivan; Monica Ryan  
**Subject:** Letter in Support of Basketball Courts

To the members of the town of Sand Lake planning board:

I am writing in support of the NY Havoc AAU Basketball Program teams' use of the courts on the property owned by Joseph Jankovic on Eastern Union Turnpike. My granddaughter, Anna Jankovic, has played for NY Havoc for many years.

It has been incredibly difficult to see the heartbreaking effect COVID-19 has had. Our children have been forced to deal with anxiety, loss, fear and disappointment. As adults, we struggle with every decision on how to best protect our families and yet find a balance that allows for some socialization. It is necessary for our youth to interact with their peers. Being part of a team gives them that opportunity.

Melissa, Joe and NY Havoc found a way to provide a controlled, safe option for practicing basketball. I applaud their efforts and am grateful that they were able to accomplish this in a manner in keeping with our community standard of supporting families.

I am in favor of allowing the use of the courts.

Sincerely,  
Karen Farley  
187 Mountain View Dr.

Sent from Mail for Windows 10

## Karol O'Sullivan

---

**From:** Alexis Hanley <lexylh@yahoo.com>  
**Sent:** Tuesday, March 16, 2021 6:32 PM  
**To:** Karol O'Sullivan; Monica Ryan  
**Subject:** Public Hearing 3/17: Basketball Courts

Hi,

I am an Averill Park resident at 26 Eastern Union Turnpike and strongly support the use of the Jankovic's nearby basketball courts. I believe the building and usage of the courts by our local NY HAVOC AAU girls' basketball program sets a gold standard for community best practices. In a time when COVID-19 turned everyone's world upside down, the Jankovic's and NY HAVOC rallied to provide these kids with a safe haven. The courts allow the kids to feel a bit of normalcy in their routine that clearly brings great physical and mental happiness to them. (On occasion I could hear the sound of laughter while in my yard, which I prefer over the area dogs barking.)

For most of the NY HAVOC girls, basketball is a way of life and not just a pick-up game in the park. The courts have allowed them to safely continue their rigorous skill enhancement in hopes of being recruited by colleges, receiving scholarships and being the best player possible. The Jankovic's and NY HAVOC should be thanked and respected for devising and executing a plan that improved and should continue to improve the lives of the girls in our local communities during a very difficult pandemic.

LET THEM PLAY!

Thank you,  
Alexis Hanley

Sent from Yahoo Mail on Android

## Karol O'Sullivan

---

**From:** Rosemary Stahlman <johnnycake12018@gmail.com>  
**Sent:** Sunday, March 14, 2021 8:00 PM  
**To:** Karol O'Sullivan  
**Subject:** basketball court off of Eastern union Tpke

KO"Sullivan o would like voice my opinion on basketball ct. last spring we could here a lot of yelling, kids being bused in besides parents in cars. in and out past dark. he told everyone is was building a barn . instead he put up a basketball court without notify the town and getting a permit. he never asked neighbors if they minds. were a quiet neighbor. he tried to pull the wool over our eyes. i vote against it. Rosemary Stahlman

## Karol O'Sullivan

---

**From:** Anduena Cake <cakeanduenaa@yahoo.com>  
**Sent:** Wednesday, March 17, 2021 9:43 AM  
**To:** Karol O'Sullivan; Monica Ryan  
**Subject:** Jankovic Special Use Permit

Good morning,

I am emailing to show my support to the Jankovic family regarding their hearing tonight for a 'Special Use Permit'. As a parent of two young girls who have taken advantage of the basketball courts this past year I extremely invested in the outcome of this hearing. This past year has been very tough for everyone but especially our children, who lost their ability to socialize and be around their friends. The Jankovic's recognized this hardship and they were kind enough to offer up their property for our children to use and get away from the mundane life forced on them.

The children who utilize this program and the courts are briefed every day to be conscious of the neighborhood, keep noise at a minimum and not linger after the practice is over. Parents are reminded every day to drive carefully, drop off and leave the property immediately in a safe manner, or if the parents are waiting for the kids, they are asked to park in the back field and remain in their cars.

Please consider my support and the well-being of our children when making your decision.

Respectfully,

Anduena Squires  
Valley Falls Resident

Sent from Yahoo Mail for iPhone

## Karol O'Sullivan

---

**From:** Cathy Wood <woodc@apcsd.org>  
**Sent:** Wednesday, March 17, 2021 2:07 PM  
**To:** Karol O'Sullivan; Monica Ryan  
**Subject:** Support

To whom this may concern,

I wanted to take a minute to acknowledge the Jankovic family and their act of kindness. They gave my daughter the opportunity to get out of the house and exercise during this pandemic. They gave her the chance to do this safely by keeping numbers low and not having outside people there. Mental Health is a huge issue and even more so right now and this outlet helped many girls from the Havoc Program. I appreciate their thoughtfulness and being there for our female athletes.

FYI...Amelia is a junior at AP who just scored her 1000th point and will play in college so basketball is a huge part of her life.

Thank you for listening,  
Cathy Wood

## Karol O'Sullivan

---

**From:** Jennifer Bogart <jbogart@nycap.rr.com>  
**Sent:** Friday, March 12, 2021 3:46 PM  
**To:** Karol O'Sullivan  
**Subject:** Support of Use of Basketball Courts

Hello,

My name is Jennifer Bogart. I've lived at 33 Walsh Lane in Poestenkill for 20 years. My children attend Averill Park schools and we actively participate in various community activities.

I am writing this in support of the private and non-profit use of basketball courts located on land owned by the Jankovic family. My daughter, Mora, has been a member of Havoc (the non profit basketball program) since January 2020. She was very excited to start her first year of basketball with Havoc when COVID rocked all of our worlds. Her world went from days filled with taekwondo, basketball, art classes, Girls on the Run, Girl Scouts, softball and Odyssey of the Mind to nothing. Absolutely nothing. Consider that for a moment. An 11 year old girl who thrives most when her days and nights are filled with activities to no activities at all. Talk about a shock. We all know how hard it has been on adults but the kids have been effected just as much, if not more.

Thanks to Havoc, most of the summer and fall my daughter had something to look forward to in these long months. Her summers were usually filled with camping, vacations, sleepovers and camps, but not this year. Basketball was her sole outlet. It has helped her physically and mentally through a really hard time. She made new friends and has developed her basketball skills tremendously. Skills that she hopes to utilize on the court playing for Averill Park some day.

Mora has played at the Jankovic's courts over the past year with Havoc. Social distancing and hand sanitizing were strictly enforced. Parents parked in the back, away from the court and sat in their cars. To my knowledge, there were no COVID occurrences within the group. The same groups of girls played together routinely to minimize risk. We have never given the Jankovic's money for the use of the courts but we are very grateful and appreciative that they let the girls play there. It really helped my daughter stay active and social during hard times.

Mora is looking forward to a new basketball season and getting back on the courts. Outdoor in the fresh air is always preferred and more beneficial than inside gyms. There may not even be an indoor option as many schools are utilizing them for sports programs that have gotten delayed this year. Please allow these girls the opportunity to be outside to develop skills, build friendships and alleviate stress that we've all built up over this long winter.

If you have any questions or would like to discuss this further, please do not hesitate to contact me at (518) 867-5368.

Respectfully,  
Jennifer Bogart

## Karol O'Sullivan

---

**From:** Luke <mapletapper3@gmail.com>  
**Sent:** Sunday, March 14, 2021 7:30 PM  
**To:** Karol O'Sullivan  
**Subject:** Basketball court

To whom it may concern,

I am writing to support the use of property on Eastern Union Turnpike as a basketball practice court. My property is less than 500 feet from the property where the courts are. We could hear the teams practicing last year from our patio and did not have an issue with it. The courts are next to the firehouse. The firehouse whistle goes off a minimum of 8 times a week and can be heard over my television in my house with the windows closed. I can hear the firehouse personnel running power saws and testing their truck sirens in the evening during the week. When there is a fire call you hear the fire whistle and the truck sirens at any time of the day or night as they are pulling out of the station. When they return from call you can hear the backup alarms as well. Most of their noise is loud enough to hear in my house with the windows closed. I have not heard the basketball team in my house with the windows closed. The town has a park on the opposite side of the firehouse as the basketball courts. It currently has walking and bike trails. There is a dog park area there as well. I have heard that the piles of dirt out front are part of a bike ridding track. There is a constant flow of cars in and out of this town owned property on a daily basis. Its users also make noise of their own. Although I cannot hear any noise from this town property, I can't imagine that the neighbors living closer cannot. I feel the basketball courts fit in with the neighboring activities that are supported by the town and its taxpayers. Please allow the kids to continue practicing.

Luke Reiter  
[1 Morning Circle](#)  
[Averill Park, NY 12018](#)  
[Mapletapper3@gmail.com](mailto:Mapletapper3@gmail.com)  
[518-421-0172](tel:518-421-0172)

## Karol O'Sullivan

---

**From:** sweiss1@nycap.rr.com  
**Sent:** Monday, March 15, 2021 6:07 PM  
**To:** Karol O'Sullivan  
**Subject:** Request by Joseph Jankovic

I understand that the above-mentioned Mr. Jankovic wishes to apply for a special use permit for his property on Eastern Union Turnpike. This request will be discussed at the March 17th Planning Board meeting. I urgently request that this permit be denied. This permit is for basketball courts that already exist. They were installed illegally last year, and they don't consist of just a few hoops. They are paved, professional grade courts, and they are being used by young women players for up to 12 hours a day and 7 days a week. I live about 1/4 mile away, and I can clearly hear them. There must be a few dozen families and over 100 people within this radius, all of whom are being subject to this annoyance. I have visited Ms. Church, who lives immediately adjacent to these courts, and the noise level is intolerable! She, and her immediate neighbors, are unable to work on or enjoy their property. In addition to being illegal, this installation is totally inappropriate in a rural, residential area. Mr. Jankovic may argue that he has spent a great deal of time and money on this project, but this argument is invalid: He did it illegally, and he has no right to disturb so many people, to say nothing of depreciating the value of their property. Again, I urgently request that you deny this permit. Any board member who doesn't agree should visit this area during a practice and ask themselves if they would like to have to listen to all that noise for 12 hours a day, 7 days a week.

Thank you for your attention  
Stephanie Weiss  
11 Breezedale Drive, AP

Dear Town Planning Board,

I am writing to complain about the basketball court and that we should shut it down so I can enjoy my summer without screaming and yelling. For example, when we went to Indian Lake, we were packing the car and we heard yelling from the woods and when we got back a week later, we heard the exact same thing!

And when I got yelled at by my parents when I was in the driveway and they were inside and heard a big scream and thought it was me. I got yelled at for no good reason. Daddy was outside with me and we heard the scream again. Daddy apologized because he knew it wasn't me. They are always screaming and it never stops!!!!!!!!!!!!!! I am in 3<sup>rd</sup> grade and live right across the street from the court.

Sincerely,

Geoffrey Griffin

Dear planning board,

My name is Kathryn and I live right across the street from the basketball court and I would like to tell you my complaints about the basketball court.

1. I like to ride my bike around the driveway when it is nice out, but ever since the basketball court came in, I had to listen to constant screaming and sounds of basketballs hitting the ground EVERY SINGLE EVENING!!!!!!!!!! (a.k.a night) and I didn't ride my bike that much.

2. This is the last thing I'm going to say, I'M SICK OF THIS CONSTANT SCREAMING AND YELLING SO THIS BASKETBALL COURT SHOULD BE SHUT DOWN BECAUSE I DON'T WANT ANOTHER SUMMER RUINED!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Sincerely,

Kathryn Griffin

Town of Sand Lake Planning Board,

I wanted to reach out to you as a local resident about the concerns that have been raised regarding the Jankovic property and the basketball courts that have been built there.

I live in Averill Park, and my children attend Averill Park schools. I know that sports, and an active lifestyle, are very important not only to youth, but to adults in our community. Covid has certainly thrown a big curve ball at all of us, and has especially been a challenge for youth both with schooling, as well as youth sports. This change to school and sports has been tough on both of my children.

My older daughter loves to run and play basketball. When we initially found out her sports were on hold for the foreseeable future, due to COVID, it was definitely a difficult time for her and for us. When we found out that the Jankovic family was so gracious to create outdoor basketball courts at their property for our daughter's youth team to use, we were all ecstatic.

Since returning to regular basketball play, my daughter has been much more like herself, "pre-Covid". The protocols in place to use the courts have been excellent. Limited to no more than 50 people, with sign ups required to attend, frequent use of hand sanitizer, and it's all outdoors. It has been great!! We have never paid the Jankovic family in any way for the courts, nor to use the courts.

After hearing there were complaints and issues regarding the courts, I felt that I needed to reach out and give you my perspective.

When there, the only people that are there, are part of the NY Havoc basketball program. There have never been any teams from anywhere else in the area or beyond our area. There have never been any tournaments of any kind and certainly no teams from out of our area let alone our state.

I have heard there were complaints over the use of whistles. I have never heard any coach use a whistle the entire time my daughter has been there for practice.

I also found it troubling that on my way through Averill Park I can see youth soccer games and practices, where there are substantially more than 50 people gathered. They have continued to play and practice, has there been an issue with their sport or practices? I don't feel that it's fair to restrict our youth the opportunity to play a sport, get outside, and exercise, during a time where those activities are exactly what every child (and adult) could really benefit from.

I also think of all the benefits to the Town, as people who are part of this NY Havoc program come to Averill Park for practice. They stop to get gas, buy food from our local restaurants, and shop in our stores. All of those seem to be positives as well.

In the end, this has been an outstanding benefit to my daughter, as well as many other youth basketball players, to be able to get outside and play in a time where sports and physical activity have been limited. I hope that the benefit of this can be seen and that people who have made their property available to our youth are not punished or held to a different standard than others in our town.

I can honestly say, that the ability for my daughter to be able to play basketball during this Pandemic, has kept her mental and physical health in a much better place.

I hope that whatever permits and/or approvals that may be needed to continue to allow use of these courts will be granted, for the benefit of our youth.

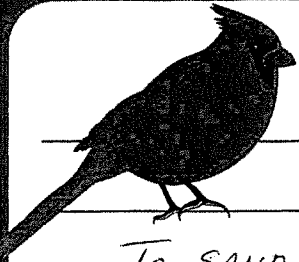
Thank you for your time.

Sincerely,

Eric Kelly  
Averill Park NY

## Notes

MARCH 10, 2021



To SAND Lake Planning Board

Regarding Joseph Jankovic - TAX  
MAP # 159.-1-2.12 Request for a  
special use permit for a site already  
done with basketball courts.

I oppose giving him a special  
permit, especially when he did the  
project without prior approval. Also  
no environmental or neighborhood impact  
studies for noise, traffic, water issues  
etc. were done. No way for us to express our  
views.

Judith Marlock

40 Eastern Union Tpk. Averill Park

Town of Sand Lake Planning Board:

My name is Matt Griffin and I reside on Eastern Union Turnpike. I am writing to request the application before you concerning the Jankovic property be denied.

The property was constructed under the guise that they were building a barn for a small farm. After the true nature of the construction was revealed and the relentless noise started, a neighbor went to the basketball courts to speak with Mr. Jankovic. The neighbor was escorted off the property, issued a trespass warning by the State Police 10 minutes later, and the property was then conspicuously posted "No Trespassing".

The noise this neighborhood has been forced to endure from the beginning of August to the end of October has so decimated the quality of life in this neighborhood that some of the residents are considering selling their homes. The constant barrage of coaches yelling, balls bouncing off asphalt, hitting rims, kids yelling and screaming, and people cheering is maddening. Imagine being subjected to that every evening and all-day Saturday and Sunday. There was no stopping it and the posted signs made it clear the landowners didn't care.

The experience of this neighborhood is best summarized by this quote from a peer reviewed article on the topic that appeared in the December 2020 issue of "Medical News Today", titled "What are the health effects of noise pollution?"

"Unwanted sounds can have a range of mental health effects.

The brain is always monitoring sounds for signs of danger, even during sleep. As a result, frequent or loud noise can trigger anxiety or stress. With continued exposure to noise pollution, a person's sensitivity to stress increases.

People living with noise pollution may feel irritable, on edge, frustrated, or angry. If a person feels they cannot control the amount of noise in their environment, its impact on their mental health intensifies."

Regarding residential use, the court was built for the sole purpose of being the home training facility of the NY HAVOC basketball player development team and that is well documented on the NY HAVOC's public Facebook page. People pay money for their kids to try out for the team and then pay other fees if their kid is chosen. These teams are businesses, not-for-profit and otherwise. This is competitive youth travel basketball where parents make an investment in their child's talent in hope that, given the right coaching, they will ultimately earn a basketball scholarship. Recruitment of players is key and the rosters for the HAVOC teams include players from all over the greater Capital Region and as far away as Syracuse. Having a private training facility is a draw for talent. Regarding "not-for-profit", Albany Med is one of the largest employers in the region and is a not-for-profit corporation. Just because it is not-for-profit doesn't mean money isn't changing hands.

The NY HAVOC is not AAU and the AAU is not NY HAVOC. The AAU is a not-for-profit support organization that, among other things, supports and helps organize college exposure tournaments on a national level. The organization is made up of professional and volunteer staff. The NY HAVOC pay a yearly membership fee to the AAU in order to gain access to the AAU sponsored college exposure tournaments. The NY HAVOC pay a premium to gain access

to the use of the AAU's not-for-profit paperwork to solicit tax-exempt donations. This is not local community athletics. This is a business.

The NY HAVOC have access to training facilities other than "HAVOC on the Hill" as the COVID restrictions are continually rolled back. The owner/director of the NY HAVOC, Terrance Florence, recently opened Buckets Performance Center in Albany, NY. Buckets is advertised as a 6500 square foot, purpose-built basketball training facility with shooting lanes and a half-court for training. The bulk of the AAU tournament season is happening now through July so it would stand to reason the teams are practicing elsewhere right now. Again, looking at the public Facebook page, you will find photos of masked up HAVOC players in a gymnasium somewhere. Places are opening back up. For instance, the NY HAVOC just held their middle school tryouts at the Saratoga Rec Center.

Mr. Florence also runs TFLO Basketball, which is a domestic, for profit, LLC named TFLO Basketball Player Development. TFLO advertises NY HAVOC on their website and NY HAVOC clinics for potential recruits. One such clinic was run all through the month of October at "HAVOC on the Hill". It is hard to distinguish where TFLO Basketball Player Development, Llc starts and NY HAVOC ends and visa versa. NY HAVOC is a player development business with an annual membership in AAU to gain access to tournaments and other benefits.

Simply stated, this application is not like John Slyer's at all. There are a host of issues with this. Not the least of which is the way this was constructed and the nature of the business utilizing it. As for continued residential use, Mr. Jankovic has a very nice half-court basketball set up in his driveway. Besides, both of his daughter's are grown with one already in college and the other going there this fall. That court served them well for years growing up and will continue to serve them when they're home visiting.

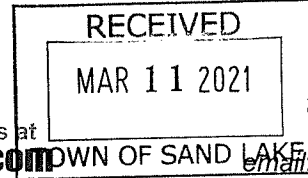
Lastly, please consider if you would like a facility like this forced on you. This is a quiet, rural, residential neighborhood. The construction of a basketball facility of this type is unreasonable and has a massive negative impact on the quality of life in the surrounding neighborhood. Further, what message would approving this application send to the residents of Sand Lake? The zoning laws are supposed to protect neighborhoods from development like this, not mitigate it retroactively. This is not a shed built too close to a property line or a deck built without a permit. This is a large, noisy, basketball training facility built to further the interests of a basketball player development business. While I wish the NY HAVOC, TFLO Basketball Player Development, and the young athletes associated with this business all the luck in the world, they need to find a new location to host their private practice facility because a quiet neighborhood isn't the right place and that should have been realized long before we reached this point.

Thank you,

Matt Griffin



Your next vacation begins at  
[www.yankeetrails.com](http://www.yankeetrails.com)



569 Third Avenue Extension  
Rensselaer, NY 12144

phone: (518) 286-2400  
toll free: (800) 822-2400  
fax: (518) 283-3279  
email: [info@yankeetrails.com](mailto:info@yankeetrails.com)

March 10, 2021

To Whom It May Concern,

I have one word for this pandemic and that word is DREADFUL. What this pandemic has done to my family's business well that's another whole story.

Everyone has been affected by Covid-19. My daughter Mary had a horrible year. Let's just say there was a lot of crying in the Harmer House. These kids need to be with their friends and not trapped in their homes.

I am so grateful for what the Jankovic family has done for these Havoc girls. Havoc Basketball saved my Mary. For just a few hours on a Saturday morning/afternoon last year, these girls got to play basketball outside, they got to laugh but most of all they were with their friends.

Mary plays for the Averill Park JV Basketball Team. On March 1, 2021 the Averill Park Warriors played the Shenendehowa Plainsmen. Mary played against her Havoc friend Gabby. Averill Park won 46 to 33. After the game, Mary and Gabby were facetimeing and laughing with each other. These two girls have Havoc to thank for their friendship.

Terrance Florence who runs the Havoc Developmental Basketball Program is one amazing man. He certainly goes that extra mile to ensure the safety protocols are all being met relating to Covid-19.

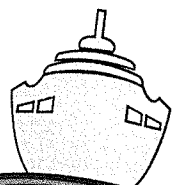
It saddens me to think that one individual can ruin what the Jankovic family has offered to these girls. This individual should bring his lawn chair along with a cup of coffee over to the Jankovic's basketball court and just watch these girls play, socially distancing of course.

I even bet these girls could get this man on the court to shoot a 3 pointer... Hey you never know!

Please let these girls play the sport they love face masks and all.

Thank you for your time.

Sincerely,  
*Beth Tobin Harmer*  
Beth Tobin Harmer  
Mary's Mom



Nancy Perry  
Town of Sand Lake Supervisor  
PO Box 273  
Sand Lake, NY 12153

Dear Ms. Perry,

I am writing to air my grievances regarding an ongoing town issue you are already aware of. The issue being the basketball courts located behind 39 Eastern Union Turnpike, owned by Mr. Jankovic.

My husband, Nicholas and I, have lived at 43 Eastern Union Turnpike since 2017 and have been so fortunate to buy a home surrounded by the most caring, friendly and welcoming neighbors. We decided to buy property in Averill Park because it offers both the luxury of a rural setting, while still offering quick access to schools, grocery stores, etc. The sudden construction of a commercially-used basketball court has changed our quiet home and daily lives, and not for the better.

A little over a year ago, we spoke with Mr. Jankovic regarding his plans for the property located directly behind our house. He told us that he would be using the land for hunting and farming, and directly stated he would never develop the property. We were extremely relieved to hear that he shared the same appreciation for the outdoors as we do, and that our home that we have come to love would not be disturbed. That was the last direct communication we had with him and were never notified of his intentions to construct the basketball courts which have caused so much disruption.

The disturbance emitting from the basketball courts is the last thing we ever expected to deal with when buying this home. Over the summer, every evening, and all day on Saturday and Sunday, we can hear constant yelling of 30-50 people and bouncing of basketballs from our home. We can no longer have a nice, quiet dinner in our backyard, and can hear the noise even with our windows closed from inside the house. We had our first child in October and were looking forward to our daughter growing up in a home where she was surrounded by woods and the sounds of nature. The shouting and basketball noise goes past sunset and we are now concerned about her sleep being interrupted by the commotion (she goes to sleep at 7:30). As I said above, even with our windows closed, the noise is intolerable.

Another concern of mine is the lack of attention paid to the current global pandemic by the participants using the courts. There is no way to responsibly social-distance while playing a close-contact sport like basketball. From what I have seen and heard, none of the players or spectators wear masks while on the property. This is incredibly dangerous, reckless and concerning seeing people come in from other counties and around the state to our town with lack of proper safety measures. In addition, these players and spectators cause added traffic and have frequently used our driveway as a turn-around.

I want to be clear that my husband and I would never have wanted to be involved in any contentious feelings with our neighbor, Mr. Jankovic, or the participants of the basketball team. We do truly wish Mr. Jankovic had attempted to discuss his plans with his neighbors and the town before this became such a problem for so many people. The complete lack of regard or respect for his neighbors' quality of life by placing the courts as close to the shared property lines as possible is appalling. I recently found out that he plans to zone the entire 23 acres as Special Permit zoning. Over the summer, we witnessed that all basketball participants were parking their vehicles in the field directly behind our home. If he is

granted this permit and continues development of the property as a commercial endeavor, we fear for our property value and quality of life. We did not buy this home to have a parking lot in our backyard and will feel forced to sell our home.

As stated before, we are so happy that we chose to grow our family and make our life here in Averill Park. We would appreciate any attempt to pacify this situation and make reasonable accommodations for the homeowners that are affected by this recent change to our neighborhood.

Sincerely,

Emily and Nicholas Vandercar

Robert W. Shuey & Anna K. Church  
39 Eastern Union Turnpike  
PO Box 255  
Averill Park, NY 12018  
March 10, 2021

Town of Sand Lake Planning Board  
Town of Sand Lake, NY  
PO Box 273  
Sand Lake, NY 12153  
KO'Sullivan@sand-lake.us

Re: A Special Use Permit/Site Plan Review to utilize basketball courts as a practice facility by a nonprofit organization on Eastern Union Turnpike, Averill Park, NY 12018  
Property Tax ID: 159.-1-1.12  
Property owner: Joseph Jankovic

To the Town of Sand Lake Planning Board:

We wish to call your attention to on-going problems that exist on the Jankovic property at 37 Eastern Union Turnpike in the Village of Averill Park (tax map ID 159.-1-2.12). These issue should be considered by the Town of Sand Lake Planning Board before making a determination as to Mr. Jankovic's Special Use Application for the property. Problems relate to the now existing basketball courts and surrounding non-conforming land use.

The existing basketball courts were constructed on the eastern side of our Eastern Union Turnpike aside and behind our property during mid-summer 2020. From that time on the constant noise and environmental issues associated with Joe Jankovic's property has become intolerable.

## **HISTORY**

Early in the summer of 2020 Mr. Jankovic began clearing brush using a yard tractor. At that time Joe Jankovic, Nick VanDecar (41 Eastern Union Turnpike) and I could meet cordially on his land and talk as neighbors. He explained the clearing was being done to open up some of the land for deer hunting. Mr. Jankovic has a deer stand at the southern corner of his lot. He was going to plant deer friendly vegetation in the area to attract the local deer herd. During subsequent conversations with Mr. Jankovic he relayed that his intent had expanded, and he now intended to create a small farm lot and possibly a barn of some sort, and plant corn and vegetables. My impression at that time was that he himself wasn't sure of what the ultimate outcome would be, but it centered around farming and deer hunting. I was wrong. Soon after a large group of people arrived on his property early one morning, cleared and burned all the vegetation from an area bout one acre square. That was followed by heavy earth moving equipment from a construction company named Blair, followed by a month of diesel smoke, dust, engine noise, back-up alarms, the smell of hot tar and all the other unpleasantries associated with a construction site.

Regrettably his stated intent was misleading and his property has evolved into a constant annoyance to myself and Anna, and the neighborhood in general. Neighbors as far away as Breezedale Drive and

Johnnycake Lane have complained to Anna and I that they can hear the screaming ball players and coaches yelling commands. "What is going on", they ask. "How can he get away with that?"

The existing basketball courts that appeared during July 2021 were conceived and constructed without any knowledge offered to the neighborhood who are now affected by the nuisance. Officials from the Town of Sand Lake admitted during a chance conversation with Anna Church that they knew nothing of the construction activity on the subject property. Mr. Jankovic insists he was told by "Mr. Wager" that he was "OK" after a verbal complaint was issued by me. A search of the Town Planning Board meetings show no record of the proposed basketball court construction on their agendas

According to the zoning ordinance Mr. Jankovic was required to get a special use permit before the basketball courts were constructed considering they were to be used for non-compliant club use on a property zoned residential. It is not reasonable to conclude that the courts were built, as he insists, for family use considering there are now two regulation size paved basketball courts on the property and Mr. Jankovic had only two teenage daughters that would have used them regularly. This situation is no longer relevant since both of his daughters will be away at school next year. All along this is clearly a commercial venture that Mr. Jankovic should have presented to the Planning Board for their consideration and a Public Hearing convened for input from concerned citizens.

Photos taken before I was denied further access to the property on Tuesday August 11, 2020 by a member of the basketball club, and a half hour later with a visit to my home by the New York State Police. The photos show that there are regularly 30 to 50± young women at any one time, along with numerous spectators (presumably parents and coaching staff) on, and around, the courts at any one time (not a COVID prevention mask to be seen anywhere).

As I understand from several other conversations with Mr. Jankovic, he and the other parents of the young women are part of a capital district basketball club or organization known as HAVOC, which is a chapter of the Amateur Athletics Union (AAU). The families pay \$2,000.00 per year membership fee. The young women travel around area playing other similar organizations. Because of the recent pandemic that travel did not happen this year, so the money was collected for the purpose of building the two basketball courts on Mr. Jankovic's Averill Park property. This information came directly from Mr. Jankovic and was confirmed by photos taken by Anna Church.

## **NOISE**

Any time the teams are present the noise level is loud, annoying and unrelenting. If the blacktopped courts are wet from a night time rain, leaf blowers arrive onsite at 7:30 AM to blow-dry the courts. Constant noise, seven days a week, which makes it impossible to enjoy our backyard. Frequently on the week-ends Anna and I will hop in the car and go somewhere... anywhere to escape the noise. 30+ basketballs all bouncing at the same time punctuated by the bang as they hit the four rattling backboard. Youth activities are a good thing, but not at the expense of people who have lived in the area for nearly 50 years, or those who recently bought what they thought was to be a quiet rural setting to raise their baby.

## **TRAFFIC**

Basketball activities run from after school hours on week-days and continues until the sun sets. On the weekends, and during the school summer vacation, activities begin first thing in the morning and lasts all day and evening. At mid-day the morning group leaves and the afternoon group arrives. This tends to create a traffic jam at the facility entrance on Eastern Union Turnpike. The access road leading into/out of the facility is a single lane gravel roadway, not wide enough for two cars to pass. So the cars

pile up on Eastern Union waiting for those who are leaving to clear the roadway. The sound of screeching brakes is not uncommon. The fire department, which is location next door at 35 Eastern Union, has had one incident on the property already. This or any other emergency could be a serious issue if apparatus could not get up to the facility because the road was cluttered with cars.

### **PARKING**

Parking is random at best. If the fields are dry there is a designated area in the southerly fields available. Otherwise parkers tend to stay on the high ground. Parking on the un-mowed grassy portion of the fields creates a fire hazard from hot catalytic converters against the dry grass. Vehicles leaking oil, gasoline or other fluids create a possible soil contamination issue. The entrance to the facility is not marked, so attendees frequently miss the roadway and have to turn around in our driveway. There is a blind hill adjacent to our driveway making backing out of the driveway onto Eastern Union extremely dangerous.

### **SURFACE WATER RUNOFF**

As a retired geologist I am particularly aware of environmental changes around me. I have testified in court or have been deposed as an expert witness in many environmental disputes all over the United States, many of which involve groundwater.

Since the construction of the basketball courts we have noticed our backyard has become increasingly swampy. A shallow drainage swale excavated by Mr. Jankovic along his access road cuts across the northeastern corner of our (Shuey/Church) property. Another drainage ditch was dug along the southern edge of the paved basketball court. They are not connected, and do not remove the surface runoff from his property as intended. Instead, much of it flows into our upper yard.

The soils in the area consist of a thin layer ( $\approx 1$  foot $\pm$ ) of organic soil on top of glacial till ( $\approx 1$  to 5 feet $\pm$ ). This overburden material lies on top of bedrock (Nassau Shale Formation). Surface runoff, or melt water, percolates vertically through the overburden to the surface of the till. Glacial till is fine grained and somewhat consolidated in this area and contain many subangular rocks of local origin. Water does not flow well through it, so much of the surface water transmigrates horizontally. This is what is happening in our backyard. Because Mr. Jankovic has removed the soil and vegetation around, and under the basketball court, surface water is not retained well by vegetation and overburden, so it migrate down-gradient and resurfaces behind our house creating a swamp. At present (March 6, 2021) there is a thick ice dam adjacent to our deck.

### **SEQRE**

Initially Joe Jankovic suggested that the non-conforming portion of his property was going to occupy only about an acre or so, but now he wishes a Special Use Permit for over 20 acres. A review of the requirements for a SEQR review suggest he should have applied for a Type I Environmental Impact Statement prior to construction. The barn door was left open and the horse has escaped. He is in violation of not only local law, but apparently state law.

### **CONCLUSION**

The basketball courts were not built with the existing planning and zoning laws followed. Mr. Jankovic slid this under the collective noses of the Town, the neighbors and possibly the AAU. His actions to date have been irresponsible, illegal, intolerable and unforgivable. He has created a nuisance property that, in no way, aligns itself with the nature of the surrounding residential neighborhood and therefore should NOT be allowed.

Respectfully,

Robert W. Shuey  
Anna K. Church

March 6, 2021

Town of Sand Lake Planning Board-

Name is Claire Hanley. I live at 44 Eastern Union Turnpike. My family has resided at that location since 1956. I am writing today in opposition to the proposed Special Use Permit that would allow continued usage of the basketball facility located at 37 Eastern Union Turnpike. While my property is not contiguous with this address, I am subjected to the noise that emanates from its use. The sound of yelling and screaming from early morning into the evening was heard throughout last summer and into the fall. It significantly disrupted and diminished the enjoyment of time spent on my porch or outside patio.

Lines of six or more cars were seen, at times, causing congestion on Eastern Union, at the entrance to this facility. While this would seem to be of concern for possibly causing an accident in and of itself, the fact that the entrance is adjacent to our Fire House adds additional concern for the ability of fire personnel and fire equipment having unobstructed access and egress to the fire station during a fire call.

It is my understanding that a site approval for the construction of this facility was not obtained prior to its construction. I was told by a neighbor that Mr. Jankovic had said he was planting corn fields on the property, as an extensive amount of work was being done to create what would have been the best darn driveway leading to a corn field I'd ever seen!

Having reviewed what is involved in having a site approval done, it seems reasonable to think that approval would not have been granted

had it been sought prior to construction. My concerns are only two (noise and effect on traffic) of what would have been addressed had the proper process been followed. The fact that the facility exists and now approval is being sought is not a circumstance that should be rewarded with that approval. That sends the message to “build it first and ask for approval later.”

This area is zoned residential. People choose to live out here to have the “best of both worlds”, quiet neighborhoods with easy access to Troy and Albany. To allow this facility (and its negative impact on this residential street) to continue operation is to invite people to ignore Town of Sand Lake Zoning and Code Enforcement guidelines, and create a circumstance the Zoning Board will be presented with repeatedly in the future.

In conclusion:

We have all been shut in, to some degree or another since last March with Covid. As vaccinations become more available and we start to turn that corner, along with nice weather not far off, I want to be able to look forward to enjoying my porch, patio and outdoor activities without the noise, disturbance and traffic issues of last year.

I ask you to imagine not being able to enjoy your yard as you have for years and please deny this Special Use Permit

Respectfully submitted,

Claire L. Hanley

44 Eastern Union Trpke.

Averill Park, NY 12018

## Karol O'Sullivan

---

**From:** Julie Hanson <juliec73@yahoo.com>  
**Sent:** Sunday, March 7, 2021 7:56 PM  
**To:** Karol O'Sullivan  
**Subject:** Jankovic special use application / comment

To the Members of the Town of Sand Lake Planning Board:

My name is Julie Hanson and I reside at 42 Eastern Union Turnpike in Averill Park. I have lived here since July 2002. I am writing to express my opposition to the on-going use of two regulation-sized basketball courts used for commercial purposes on property owned by Mr. Joseph Jankovic of Averill Park. The driveway to access this property is just southeast of the Averill Park Fire Station on Eastern Union Turnpike in Averill Park. Beginning in the late spring/early summer of 2020, Mr. Jankovic began working on his land mentioned above. He told neighbors that he was planting corn and building a barn. He mentioned that he might have some space for his daughters to play basketball with some of their friends. We listened to chain saws and assumed he was preparing his land for the corn field. We watched lowboys show up with bulldozers and similar equipment, sometimes as early as 7:00 am, on numerous days over the summer. Again, we didn't think too much of the noise and assumed all of this would be temporary, once the corn was planted. Beginning in early August, on any given day however, we began seeing dozens of cars pull in to the driveway that led up to his corn field. We also began hearing a lot of yelling and cheering, as well as repeated pounding sounds. These sights and sounds took place all day long on Saturdays and Sundays as well as on many weeknights.

It turns out that Mr. Jankovic built two paved basketball courts for use by the New York Havoc girls basketball development teams. One of his daughters is part of this organization. Families of the young ladies involved with this organization pay to be a part of this group. What we were in fact hearing with the cheers and pounding sounds was upwards of 50 young basketball players and their coaches practicing for upcoming games and tournaments. Please note that Mr. Jankovic did in fact plant some corn, as can be seen from the road in the summertime. It is unclear to me if he built a barn or not. It also turns out that he never sought any permitting through the Town of Sand Lake for what he was building PRIOR to actually building the courts and accompanying parking areas. When the Town of Sand Lake got wind of what Mr. Jankovic was actually doing, he was told that he needed to submit the permit application. These conversations took place in the fall of 2020. He just submitted the application in February 2021 after being threatened with a lawsuit seeking an injunction. At one point, his wife reportedly told a town official that they were told they needed to submit their application by a date in November. It was made very clear to them that they needed to submit the application one month earlier in October. It turns out they needed an extra month so the NY HAVOC could use the facility for hosting a recruiting clinic for potential customers of the HAVOC. Mr. Jankovic reportedly more recently told the town that once COVID restrictions are lifted, he will no longer need to use the aforementioned basketball courts. Looking at recent news, the numbers are going down and the vaccine is being administered. As a result, New York is lifting restrictions and allowing sports, like basketball, to go forward and gyms to reopen.

Mr. Jankovic has blatantly ignored the process by which town residents need to obtain permission to use their land in certain ways. In addition, he has lied about his intentions to both the Town of Sand Lake as well as his neighbors. The sustained noise from the activities that take place on his property has negatively impacted our neighborhood. As an example, I was inside my home one day last summer while the courts were in use. My eight year old children were outside playing. I heard a very loud scream and I ran outside, as it sounded as if one of my children was in trouble and was trying to get my attention. It turns out that neither of my children were in distress. It was a young lady or ladies from across the street on the courts that I heard. Please refer to a 1981 study from Westman and Walters included with this email. According to their publication, our sense of hearing is designed to elicit a physiologic response, allowing us to turn our head when we hear our name called or to answer our phone when we hear it ring as examples. The negative side of this is that "...unwanted sound..." (Westman, J., Walters, J. Noise and Stress: A Comprehensive Approach. Environmental Health Perspectives Volume 41, pg. 295), offered as a definition of noise, "...produces annoyance or

communication or task performance interference” (Westman, J., Walters, J. Noise and Stress: A Comprehensive Approach. Environmental Health Perspectives Volume 41, pg. 295). The authors go on to say that a person will respond differently to noise that can be controlled or that they believe they can control as compared to noise over which they have no control. Noise out of a person’s real or perceived control has been linked to a “...lower tolerance for frustration and greater impairment of performance efficiency” (Westman, J., Walters, J. Noise and Stress: A Comprehensive Approach. Environmental Health Perspectives Volume 41, pg. 296). As a neighborhood, we have no control over the noise and were never given a chance to control it, as Mr. Jankovic acted in utter disregard for his neighbors and the Town of Sand Lake. In addition, the number of cars coming in and out of this establishment is an accident waiting to happen. I was leaving my house a little before 8:00 am one weekend morning in August and watched vehicle after vehicle enter the driveway leading to the courts. Some hesitated as if they weren’t sure where they were headed. A few others turned around in the driveways beyond the driveway leading to the courts when they realized they missed their turn. Player rosters for NY Havoc suggest that most of the athletes that practice at the courts in question are not from the Town of Sand Lake. Many are from the greater Capital District and there are even some driving from a good distance outside of the Capital District.

I respectfully ask each of you to put yourselves in the shoes of the neighbors who live in the immediate vicinity of these two basketball courts. Please consider how you would feel if you learned that a neighbor ignored zoning and permitting requirements and lied on several occasions about his activities and intentions so that he could build a venue for a private company that has brought a level of noise pollution and traffic that is foreign to the neighborhood. If you need additional information or some proof as to what has transpired since nearly a year ago and the timeline during which the events took place, you need only search the public Facebook page for the New York Havoc organization. As an 18-year tax paying resident, I respectfully request that the Town of Sand Lake deny the special use permit submitted by Mr. Jankovic such that use of the basketball courts immediately and forever cease. I am concerned about the long-term plans on the part of Mr. Jankovic as I understand he seeks to “develop” his entire 23 acre plot of land. I am also concerned about the tenor of our neighborhood if basketball practice continues. I am aware of one lovely couple who are considering selling their home and leaving the area, as an example. Please do not “reward” Mr. Jankovic by allowing him to proceed with what he has been doing simply because he, for whatever reason, chose not to go through proper channels to develop his land and clearly did not take into consideration any of his neighbors.

As I wrap up this letter, I would like to share some observations I made while listening to the planning board meeting last evening, 3 March 2021. Every person who presented last evening before Mr. and Mrs. Jankovic was at this meeting to present their ideas and plans to the Planning Board PRIOR to breaking ground, not after they had already started and/or finished their project. I was particularly struck by the contrast between Maureen Straight’s request to build a second building on her property as compared to Mr. Jankovic’s request to use his basketball courts for NY Havoc’s practices. Mrs. Straight stated she had spoken with all of her neighbors that could possibly be affected by her new building, including property owners across the street from her that might have their view of the lake obscured. She clearly wanted this to be acceptable to her neighbors and took into consideration their privacy and views of the lake. Our neighborhood has received no such courtesy from the Jankovics. I would also like to point out that Mr. Jankovic contradicted himself last evening on a few occasions. As I mentioned earlier in my letter, he stated that once COVID restrictions are lifted, there would no longer be any need to use the courts for NY Havoc. Later in the meeting however, he stated that he would not want to be backed into a corner about not being able to use the courts for basketball practice in the future. He also indicated that building of the courts was about providing a practice venue for their daughters, but it would no longer be needed in approximately a year once their daughters move on to college. Please refer to a link at the bottom of this email to a January 2021 article in the Troy Record about their youngest daughter having been accepted to a college in the Buffalo NY area. She will attend school beginning in the fall of 2021. From my understanding, their older daughter already attends college.

Thank you for the opportunity to voice my opposition to the Jankovic special use permit application.

Julie Hanson

Antonino Aliberti  
Public Comment Documentation

March 16, 2021

To The Planning Board of Sand Lake:

I am responding to the notification letter of the Minor Subdivision Preliminary Plat Application, that was submitted on behalf of Antonino Aliberti, to the Sand Lake Planning Board.

After review of your letter, I find some issue with the planned renovations and construction of the named property by the applicant.

The address location does not appear to be correct, at the letter states: **60 Loon Creek Lane**. I believe this to be incorrect, as the description of the said changes pertains to the adjacent address of **64 Loon Creek Lane**.

The application states that the applicant wants to convert the existing basement into an apartment and raise the roof of the already second story to create a two-family dwelling. These changes would, I believe, be inappropriate for the scenic preservation of the lake and create an over powering effect to the neighboring properties. The house, as it is already, has a basement which is at least 4 feet above ground level, and in such, the main house rises well up above ground level as a two story house already.

In closing I have a couple of added questions for the board.

Has the property been seen and/or reviewed by anyone from the town board?

If not, does anyone plan on doing so prior to granting the applicant permission to proceed?

As a concerned resident and taxpayer, please let me know.

Thank you,

*William Russell*

William Russell

67 Loon Creek Lane

(518) 248-3934

Jenelle Ellis & Richard Ellis III  
70 Loon Creek Ln  
Averill Park, NY 12018

March 16, 2021

Town of Sand Lake Planning Board  
P.O. Box 273  
Sand Lake, NY 12153

Re: Minor Subdivision Preliminary Plat Application

To the Members of the Planning Board,

As the owners of 70 Loon Creek Lane, Averill Park, NY, 12018, we are responding to the letter notifying us of the Minor Subdivision Preliminary Plat Application that was submitted by Antonino Aliberti to the Town of Sand Lake Planning Board regarding property that is within 100 feet of our property. It appears the address of the location that the aforementioned application pertains to is incorrect. The letter we received states the address is 60 Loon Creek Lane, however it appears the changes being proposed actually pertain to property located at 64 Loon Creek Lane, which was recently sold to Antonino Aliberti.

Upon review of the letter we received, we have concerns we would like to address. Loon Creek Lane is a narrow, single lane, dead end, residential road that borders Burden Lake 1<sup>st</sup> Dyke and consists of closely situated residences. All but two of the residences are occupied year round. The letter we received states that the application includes a desire to convert an existing basement in a single-family dwelling into an apartment, creating a two-family dwelling, as well as raise the second story roof. The residence located at 64 Loon Creek Lane is already a two story residence with a basement that rises and is visible four feet above ground level. Thus, the main portion of the two-story residence is well above ground level and the existing roofline is well above the roofline of neighboring residences. The residence is also close to the road, with a very short distance to the lake on the opposite side of the road. These changes seem inappropriate for the scenic preservation of the lake and the neighborhood. We believe the proposed changes would also cause an overpowering effect to neighboring properties. As the homeowners of property within 100 feet, we have additional concern for encroachment of our privacy. Currently, the top of the roof of the residence at 64 Loon Creek Lane is at ground level with the main portion of our property, on which our residence sits. Raising the roof could create visibility to our property and residence that does not currently exist. Additionally, converting the

single-family dwelling to a two-family dwelling will create an invitation for increased traffic on the narrow, one lane, dead end road that is already difficult to maneuver at times. Increased traffic will also negatively affect the already deteriorating roadway.

As residents and taxpayers of Loon Creek Lane, we urge you to consider our concerns and the preservation of our neighborhood.

Sincerely,

Jenelle Ellis & Richard Ellis III