

**Town of Sand Lake
Planning Board Minutes
May 19, 2021**

The minutes, as follows, are intended to provide a general summary of the Agenda items and Public Hearings. Quotes presented are not verbatim, nor is all discussion which occurred presented herein. This document should not be relied upon as a transcript of the actual proceedings. The transcript of this meeting has been recorded and is available at the Town Hall.

CALL TO ORDER: Arthur Herman, Chairman, called the meeting to order at 7:30 PM

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

MEMBER ABSENT:

OTHERS PRESENT: Shane Cahill, Joseph & Melissa Jankovic, Ben Neidl, Esq., Casey Bates, Kevin McGrath, William Glasser, Monica Ryan (Town Planner)

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

Minor Subdivision Application and Public Hearing

Shane Cahill (Applicant)
Glenn Kinney (Property Owner)
144 Methodist Farm Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 170.2-1-16
Original Lot Size: 9.44 acres
Lot 1 Size: 2.73 acres
Lot 2 Size: 6.70 acres

A Minor Subdivision to create one new residential lot from an existing residential property with acreage.

Realtor Shane Cahill presented and summarized the project, which was initially discussed at the May 5, 2021 Planning Board meeting. It was noted that the project required Zoning Board of Appeals (ZBA) granting of an area variance for proposed Lot 1 as it would exceed the allowed lot depth to width 3:1 ratio. Arthur Herman (AH) asked if the ZBA had granted the area variance to which Mr. Cahill replied yes. AH asked if there was sewer in that area to which Mr. Cahill replied yes and added that it was right at Saxby Way and as such, could go across Lot 2 to connect. AH noted that the proposed lots would be substantial in size. Mary Ellen Trumbull (MET) asked if proposed Lot 1 had a buyer up or if the minor subdivision was in hopes of attracting a buyer. Mr. Cahill replied that currently there was no buyer or contract. It was noted that proposed Lot 1 would be a little over 700' in depth. MET asked if the Kinney property had access to Saxby Way. Mr. Cahill replied that the access to proposed lot 2 bordered Saxby Way and referred to the survey map to clarify. With no further questions from the Board, Ralph LaMontagna (RL) read the Public Hearing notice that was posted in the Troy Record and the Advertiser. AH then motioned to open the Public Hearing at 7:48pm; seconded by MET and all approved. MR read the public comment letter submitted by Elizabeth Cushing (attached) concerning access for the proposed lots via Saxby Way as it was not the current method for access. It was discussed that access to the proposed Lot 1 would be via Methodist Farm Road. With no further written or online comments, AH closed the public hearing at 7:50pm; seconded by MET and all approved. AH asked if anyone utilized Saxby Way for access to the lake. Mr. Cahill replied that he was not aware of the answer. He added that the property had been in the Kinney family for a long time and a son currently lived in one of the houses.

AH made a motion to declare this Minor Subdivision application as an unlisted action under SEQR and declared the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by RL and all approved. AH made a motion to give this action a negative declaration under SEQR. He stated that the Town of Sand Lake Planning Board, as Lead Agency, has determined from the information presented and ensuing discussion, the proposed activities will not present a significant adverse effect on the environment. The motion was seconded by Michael Groff (MG) and all approved. AH made a motion to grant approval to the Minor Subdivision Application, as presented, granting preliminary and final approval of the plat and waived the final hearing. The motion was seconded by RL and all approved.

Special Use Permit and Site Plan Review

Joseph Jankovic
Eastern Union Turnpike
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 159.-1-2.12
Lot Size: 23.13 acres

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

Craig Crist (CC) asked to address the board regarding a conflict. He stated that he had just learned and confirmed that attorney Ben Neidl, who was representing the Jankovic's, was employed by a law firm that CC had retained as an executor for an estate; thus, he was unable to represent the Board on this matter. He explained that in other instances similar to this matter, another attorney had been appointed to represent the Board. Jonathan Bernstein (JB) stated he was not comfortable moving forward without counsel and Board members agreed. Monica Ryan stated that it would be the Board's decision whether to move forward or pend the matter until counsel could be retained. AH motioned to pend the matter until the June 2, 2021 PB meeting to allow time for counsel to be retained. The motion was seconded by JB and all approved.

Sign Placement Application

Casey Bates (Applicant)
Dominick Bates (Property Owner)
3031 NY Highway 43
Averill Park, NY 12018
HMU – Hamlet Mixed Use Zoning District

Tax Map # 148.3-6-25
Lot Size: .09 acres

A Sign Placement Application for a 24" X 36" wall sign for a new business.

Casey Bates presented and referred to the pictures of the proposed draft sign. She explained that the building sign would consist of the business name, phone number and email address. She added that the email address would be shorter than what was shown and that the overall the sign would be a little smaller than what was proposed. AH asked if the sign colors would be blue and white and Ms. Bates replied they would either be blue or grey with white and offered to send a final proof before having it printed. AH asked for that to be done. Ms. Bates stated that the sign would not be any bigger than 24" x 36" and, if anything, may be smaller.

With no further questions from the Board, 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 and no other interested or involved agencies. The motion was seconded by Rick Giolito (RG) and all approved. AH motioned to approve the Sign Placement Application, as submitted for a 24" x 36" sign and the Board shall receive a proof to reflect the actual colors to be utilized. The motion was seconded by MET and all approved.

Boundary Line Adjustment

Sharon Hogle Guthier and Susan
Hogle Rowlands-Clemens (Applicants/Donor Parcel)
1st Dyke Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 158.-3-6.11
Original Lot Size: 30.64 acres
Proposed Lot Size: 5.47 acres

And

Sharon Hogle Guthier and
Susan Hogle Rowlands-Clemens (Receiving Parcel)
60 1st Dyke Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 158.-3-6.3
Original Lot Size: .85 acres
Proposed Lot Size: 26.02 acres

A Boundary Line Adjustment application for the donor parcel of 30.64 acres to donate 25.17 acres to the receiving parcel of .85 acres which will result in a donor parcel of 5.47 acres and a receiving parcel of 26.02 acres.

Surveyor Kevin McGrath presented and stated that the layout of the current lots was unusual. Mr. McGrath explained that Hogles owned about 31+ acres on 1st Dyke Road. The survey map was viewed, and he stated that there was an original farmhouse in the lower right-hand corner - Tax Map # 158.-3-6.3 which consisted of .8 acres of land. Mr. McGrath added that the remaining property was over 31.49 acres; thus, the owners wanted to rearrange the property to place the bulk of property with the original family farmhouse and the parcel with Tax Map 158.-3-6.11 would end up being 5.47 acres. He informed the Board that the ZBA had granted area variance due to the loss of road frontage for the proposed boundary line adjustment. Mr. McGrath stated it would only have 44.5' of road frontage as that was all the frontage in this vicinity on the westerly part of the property. He added that the 5.47-acre parcel had an existing driveway, and the plan was for the grandson to build a home on that property. He explained that the remaining property had 250' of frontage with the house and another driveway access with 60' of frontage in addition to a 20' pathway to access the land in back. He added that that the only option for the applicant would be to add that 60' of frontage, mentioned above; however, that would block the access to the bulk of the property and still not bring the road frontage up to what was required by code. He concluded that this action would not create another lot but rather just rearrange a boundary line between two existing parcels. MET asked if the house that Mr. McGrath referred to was being built at this time. Mr. McGrath replied yes as a driveway existed and he noted a new well had been installed and there would be access to the existing sewer system. Andrew Karl (AK) asked if it was correct that the area with the proposed 44' of frontage jutted out into the centerline of the road. Mr. McGrath replied it was confusing and they had tried to follow the 50+ year old deeded line of the property for Hogle and Ketzer; and back then some had used the centerline of the road while others used the side of the road.

AH motioned to declare this Boundary Line Adjustment application as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board to be the Lead Agency. Seconded MG and all approved. AH motioned to approve the Boundary Line Adjustment, as submitted; seconded by MET and all approved.

Boundary Line Adjustment (1 of 2 related)

Mary Jane Tiffit (Property Owner/Donor Parcel)
26 Bears Head Road
Averill Park, NY 12018
RR – Rural Residential Zoning District
AND

Tax Map #: 159.-2-2.21
Original Lot Size: 5.028 acres
Proposed Lot Size: 4.90 acres

Mary Jane Tiftt (Property Owner/Receiving Parcel)
Bears Head Road
Averill Park, NY 12018
RR-Rural Residential Zoning District

Tax Map #: 159.2-3-31
Original Lot Size: 3.05 acres
Proposed Lot Size: 3.18 acres

A Boundary Line Adjustment application for the donor parcel of 5.028 acres to donate 0.13 acres to the receiving parcel of 3.05 acres which will result in a donor parcel of 4.90 acres and a receiving parcel of 3.18 acres.

AH recused himself from the project due to the applicant being a relative of the family. RL accepted to take the lead on the project and introduced the project. Surveyor William Glasser presented and stated that the Board may recall that Lot 1 and Lot had recently been part of a subdivision. The survey map was viewed, and Mr. Glasser explained that the proposed project involved the change of one boundary line between Lot 1 and Lot 2 to gain .13-acre of land and then adding .13-acre for the Boundary Line Adjustment (BLA) mentioned below to Daniel Robertson. He further explained that by adding the .13-acres to the Robertson parcel, it would allow them to gain access to Glass Lake via an easement by the Glass Lake Preservation Corp. RL stated that the BLA would basically take .13 acres from Tiftt to Tiftt to maintain the 3-acre zoning requirement and then provide Robertson with .13-acres to allow for lake access. Mr. Glasser agreed with RL's statement.

With no additional questions or comments from the Board, RL motioned to declare this Boundary Line Adjustment application as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board to be the Lead Agency. Seconded MET and all approved. RL motioned to approve the Boundary Line Adjustment, as submitted; seconded by MG and all approved.

A Boundary Line Adjustment (2 of 2 related)

Mary Jane Tiftt (Property Owner/Donor Parcel)
Bears Head Road
Averill Park, NY 12018
RR-Rural Residential Zoning District

Tax Map #: 159.2-3-31
Original Lot Size: 3.18 acres
Proposed Lot Size: 3.05 acres

AND

Danielle Robertson
4-8 Bears Head Road
Averill Park, NY 12018
RR-Rural Residential

Tax Map #: 159.-2-22
Original Lot Size 1.08 acres
Proposed Lot Size: 1.21 acres

A Boundary Line Adjustment application for the donor parcel of 3.18 acres to donate 0.13 acres to the receiving parcel of 1.08 acres which will result in a donor parcel of 3.05 acres and a receiving parcel of 1.21 acres.

As this BLA is 2 of 2 related – see the discussion above for details on the project. RL motioned to declare this Boundary Line Adjustment application as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board to be the Lead Agency. Seconded MG and all approved. RL motioned to approve the Boundary Line Adjustment, as submitted; seconded by MG and all approved.

DRAFT RESOLUTIONS – Applications had been approved at the May 5, 2021 Planning Board Meeting

- Negative Declaration for Thomas & Flora Fasoldt
AH motioned to waive the full reading of the draft Negative Declaration Resolution; seconded by MET and all approved.
AH motioned to approve the Negative Declaration Resolution in its entirety; seconded by MG and all approved.

- Minor Subdivision for Thomas & Flora Fasoldt
AH motioned to waive the full reading of the draft Resolution; seconded by MG and all approved.
AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.
- Scenic Preservation for Jess Brannen & Susan Knowles
AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved.
AH motioned to approve the Resolution in its entirety; seconded by MG and all approved.

ADJOURNMENT – AH motioned to adjourn the meeting at 8:27pm; seconded by MET and all approved.