

**Town of Sand Lake
Planning Board Minutes
November 3, 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, Mary Ellen Trumbull, Rick Giolito, Jonathan Bernstein, Andrew Karl, Craig Crist, Esq.

MEMBER ABSENT: Michael Groff

OTHERS PRESENT: Joshua Vics, Bryan & Sally Southard, Sean Fitzgerald, Millard Keneston, John Hill, Kevin McGrath, Robert Flansburg, P.E., Monica Ryan (Town Planner)

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

Minor Subdivision Application

Karen Gillen & Rebecca Welch (Applicants/Property Owners)
110 Kipple Road
Sand Lake, NY 12153
RR – Rural Residential

Tax Map #: 161.-2-1.11

Original Lot Size: 61.74 acres

Lot 1 Size: 5.57 acres

Lot 2 Size: 61.74 acres

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

Surveyor Kevin McGrath represented and summarized the project which was originally presented at the October 20, 2021 Planning Board meeting. With no questions from the Board 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 7:35pm.

Mr. Southard stated that they resided in that area all their lives and were concerned that the creation of the new lot would impact the water runoff onto their property which was south and downhill of the project. He explained that the water runoff was the result of two different creeks that came down off the hill. Ms. Southard added that was the reason that nothing had been done with the property previously. Mr. McGrath stated that the Southard's were correct in that there was seasonal runoff and added that drainage ditches existed however would not classify it as wetland as there were no standing bogs. Mr. Southard added that while he was not a builder, he felt the property was not suitable for building; otherwise, he would have purchased the land. AH asked how flat the property was. Mr. McGrath replied that it was relatively flat in the front area and sloped towards the backside which consisted mainly of rocks that the water ran through. Rick Giolito (RG) indicated that he was aware of the area and asked the Southard's if their property was like the proposed lot prior to building on it. Ms. Southard replied that their lot had been all trees when they purchased it. She added that they could not put a basement in due to the amount of water runoff; thus, their home had been built on a slab. Mr. McGrath added that the

proposed lot was solid woods, and an opening existed for the power line that went into the back of the Gillen & Walsh property. RG asked if a foundation would be feasible to which AH replied that it could be done. He added that prior to gaining any building permit an engineer would need to design the layout for a septic system and drilled well. AH stated that the applicants at this time were looking only to subdivide and sell the lot as is. Mr. McGrath agreed and added that with the proposed lot being over 5-acres; there would be options for placement of a dwelling. Board members agreed that the Planning Board was reviewing for determination of the minor subdivision and not the building of a dwelling on the newly created lot and noted that the survey map reflected "not for development at this time". AH added that any buyer would then need to go through the motions of getting development approved by the Rensselaer County Health Dept then the Town Building Department.

Sean Fitzgerald stated that he had moved to the area from Albany and had bought his home to escape the noise and asked if further subdividing would be allowed. He added that he also noted a large amount of water runoff which would head towards the proposed lot and felt the project was not a good idea. AH replied that the proposed 5-acre lot was a good size and explained that if the zoning criteria could be met, further subdividing could be a possibility however, that would require future Planning Board review and approval. Mr. McGrath noted that this zoning district required the lot to be a 3-acre minimum and have 250' of frontage. With no further public comments, AH motioned to close the public hearing at 7:47pm; seconded by RL and all approved.

AH made a motion to give this Minor Subdivision a Negative Declaration under SEQR and the Town of Sand Lake Planning Board as Lead Agency had determined from the information presented and the discussion that the proposed activities would not present a significant adverse effect on the environment and a determination of non-significance would be recorded in a draft environmental impact statement is not to be prepared. This motion was seconded by RL and all approved. AH made a motion to approve the Minor Subdivision Application as submitted; seconded by Mary Ellen Trumbull (MET) and all approved.

Site Plan Review Application

Matt Baumgartner – June Farms
275 Parker Road
West Sand Lake, NY 12196
AR – Agricultural/Residential Zoning District

Tax Map: #157.-3-3.1
#157.-3-2.1
Lot Size: 101.30 acres

A Site Plan Amendment application to amend glamping and dwelling site locations at June Farms.

Joshua Vics of June Farms represented the project and stated that while approval had been previously granted by the Planning Board for the glamping and dwelling, the original site location was being amended to place them closer to the road. He explained that the fire department asked that these structures be accessible as possible for public safety purposes which was one of the driving factors to relocate the structures. MET asked if they were the same structures as originally proposed/approved. Mr. Vics replied no as these were considered Quonset huts that came as a kit and added that they had already been ordered/purchased and reiterated that the only site plan amendment was the altering of the location. RL asked how far from Parker Road would the huts be located. Mr. Vics replied that he did not have a diagram in front of him but would guesstimate that they would be less than 200 yards. RL replied that specifics would be needed that reflect the setback from the road. The diagram submitted by Mr. Baumgartner for the amended application was shared with Mr. Vics and reviewed by all. AH noted that there the original Site Plan application had a cabin proposed which was closer than the latest proposal for the huts. Mr. Vics added that Mr. Baumgartner's vision was to keep the huts in a secluded manner; thus, very few trees

would be removed and landscaping such as new pine trees would then be added. Jonathan Bernstein (JB) asked if there were firepits to which Mr. Vics replied he did not know. RL stated the applicant was not asking for any extras and just looking to relocate and move closer to the road. Mr. Vics agreed and added that while not familiar with the original layout, he assumed that the huts were being relocated from a back driveway to off the main front driveway. He explained the topography of the new location and stated that the huts would not be in a direct line of sight from the road. RG asked where the parking would be located for the huts. Mr. Vics referred to the diagram and stated that there would be a driveway/turnoff off the main driveway for such parking. RG indicated that the application was not seen as complete as much of the items discussed had not been reflected on the diagram submitted. JB stated that with the huts being closer to the road, it could possibly be louder. Mr. Vics replied that there had not been any previous noise complaints related to the Air B&Bs. Board members agreed that a solid plan reflecting specifics and measurements was needed for the record before a determination could be rendered by the Planning Board. It was agreed that the applicant would speak with the Planning Office regarding the original approval and what the Planning Board was seeking for the amendment prior to returning.

Boundary Line Adjustment (1 of 2 related)

John Hill (applicant/donor parcel)
8 Eastview Road
Averill Park, NY 12018
R-Residential Zoning District
AND

Tax Map #: 147.4—1-10.12
Original Lot Size: 3.97 acres
Proposed Lot Size: 3.8829 acres

KRJ Holdings (receiving parcel)
Thais Road
Averill Park, NY 12018
acres
R-Residential Zoning District

Tax Map #: 147.4-1-10.111
Original Lot Size: 26.36 acres
Proposed Lot Size: 26.4471

A Boundary Line Adjustment application for a donor parcel of 3.97 acres to donate .0871 acres to a receiving parcel of 26.36 acres which will result in a donor parcel of 3.8829 acres and a receiving parcel of 26.4471 acres.

John Hill and Edward Patanian were present. John Hill is an owner of both the Hill and KRJ Holdings parcels. Mr. Patanian represented and stated that Millard Keneston's driveway turnaround inadvertently encroached on the adjacent lot of KRJ Holdings. He added that Mr. Hill (who was also a part of KRJ Holdings) offered to do a Boundary Line Adjustment (BLA) to correct the issue. Mr. Patanian explained that during the survey process, it was discovered that the Tax Map was incorrect as the KRJ Holdings parcel only had 18' of frontage which was some of the land to be donated to Mr. Keneston to correct the encroachment. He stated that in order to make the KRJ Holdings lot no less non-conforming than it was prior to the BLA 2 of 2 (below) being approved, Mr. Hill, who also owns the adjoining lot on the other side of the KRJ holdings property, agreed to donate some of his parcel frontage to the KRJ Holdings property. RL summarized by stating that in the end Mr. Keneston would gain some extra property and Mr. Hill for KRJ Holdings would gain a small amount of road frontage. The survey map was viewed by the Board members.

AH motioned to classify this Boundary Line Adjustment as a Type 2 action under SEQR and declared the Town of Sand Lake as Lead Agency with no other interested or involved agencies. This motion was seconded by MET and all approved. AH motioned to approve the Boundary Line Adjustment as submitted; seconded by MET and all approved.

Boundary Line Adjustment (2 of 2 related)

Millard Keneston (applicant/receiving parcel)
252 Thais Road
Averill Park, NY 12018
R-Residential Zoning District
AND
KRJ Holdings (donor parcel)
Thais Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 147.-3-14.31
Original Lot Size: 1.0177 acres
Proposed Lot Size: 1.2485 acres

Tax Map #: 147.4-1-10.111
Original Lot Size: 26.4471 acres
Proposed Lot Size: 26.216 acres

A Boundary Line Adjustment application for a donor parcel of 26.4471 acres to donate .2308 acres to a receiving parcel of 1.0177 acres which will result in a donor parcel of 26.216 acres and a receiving parcel of 1.2485 acres.

See conversation above for Boundary Line Adjustment 1 of 2 between Hill and KRJ Holdings. This second BLA would donate the portion of the KRJ Holdings property with the driveway encroachment to Mr. Keneston.

AH motioned to classify this Boundary Line Adjustment as a Type 2 action under SEQR and declared the Town of Sand Lake as Lead Agency with no other interested or involved agencies. This motion was seconded by RG and all approved. AH motioned to approve the Boundary Line Adjustment as submitted; seconded by RL and all approved.

Scenic Preservation Review Application

Robert L. Flansburg, PE – Dreamscapes Unlimited (applicant)
Gary & Linda Brown (property owners)
26 West Shore Drive
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 158.4-5-15

Lot Size: .50 acres

A Scenic Preservation Review Application to flood-proof an existing residential home on Burden Lake by raising it above flood elevation; and adding a small deck.

Engineer Robert Flansburg represented and stated that the Brown's home had been flooded with 2' of water during the July 2021 storm. He explained that to correct the issue the existing home would need to be raised 4'. Mr. Flansburg added that he had spoken with Alton Knapp of Knapp Associates Insurance Agency, who managed the flood insurance and provided a flood insurance certificate for the Building Department. Mr. Knapp noted to Mr. Flansburg that he generally went 3' higher than anything on the existing lot; thus thought the increased height to 4' would be sufficient. Mr. Flansburg stated that the house would be on pilings and enclosed with lattice. He explained that with the height increase of 4' to the first-floor elevation, stairs and landings would be needed. He added that the Brown's also wished to add a deck onto the back of the house. The site layout and floor plan were viewed. AH asked if a deck existed as noted on the site layout plan submitted. Mr. Flansburg replied no deck currently existed. He explained that the deck had been previously proposed and approved however never built due to the home being flooded shortly after other renovations had been completed. AH asked the size of the proposed

deck. Mr. Flansburg replied that there would be a side door off the master bath with a 3.6' walkway that would lead to the 10' by 17.6' deck. It was confirmed that there would not be a roof on the deck.

AH motioned to classify this Boundary Line Adjustment as a Type 2 action under SEQR and declared the Town of Sand Lake as Lead Agency with no other interested or involved agencies. This motion was seconded by MET and all approved. AH motioned to approve the Scenic Preservation Application as submitted with the following conditions: before, during and after construction/landscaping, proper precautions will be taken to prevent any discharge of sediment into the Lake and proper erosion controls will be put in place to prevent future erosion into the Lake until sufficient regrowth has taken place. The motion was seconded by MET and unanimously carried forward.

RESOLUTIONS FOR APPROVAL

- Boundary Line Adjustment for Linda Schroeder and Rebecca Southard-Kreiger
AH motioned to waive the full reading of the draft Resolution; seconded by RG and all approved.
AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.
- Boundary Line Adjustment for Lance-Bowen and Kennedy (1 of 2 related)
AH motioned to waive the full reading of the draft Resolution; seconded by RG and all approved.
AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.
- Boundary Line Adjustment for Kennedy and Lance-Bowen (2 of 2 related)
AH motioned to waive the full reading of the draft Resolution; seconded by RG and all approved.
AH motioned to approve the Resolution in its entirety; seconded by RL and all approved.

DRAFT MINUTES FOR APPROVAL - MET motioned to accept the June 16, 2021 minutes as submitted; seconded by AH and all approved.

ADJOURNMENT – AH motioned to adjourn the meeting at 8:35pm; seconded by MET and all approved.