

**Town of Sand Lake
Planning Board Minutes
October 20, 2021**

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

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

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

MEMBER ABSENT:

OTHERS PRESENT: William Glasser, Jodie Evans, Ben Neidl, Melissa Jankovic, Joseph Jankovic, Robert Shuey, Matthew Griffin, Kevin McGrath, Monica Ryan (Town Planner)

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

Special Use Permit and Site Plan Review Application

Joseph Jankovic (applicant & property owner)

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.

Christopher Langlois, Esq stated that he had been hired by the Town of Sand Lake to represent the Planning Board (PB) as Special Counsel as Craig Crist had recused himself from this matter. Mr. Langlois stated that the project had been in front of the PB previously as the application had been submitted in February 2021. He then stated that the last action taken by the PB was on May 5, 2021 where the project was classified as an Unlisted Action under SEQR, declared the PB as the Lead Agency and issued a positive declaration for the Determination of Significance which requires an additional process that needed to be followed. He further stated the project was then placed on hold as an issue had been raised regarding the use classification that ultimately had been subject to an appeal in front of the Zoning Board of Appeals (ZBA). He stated that the ZBA subsequently rendered a decision last month concluding that the use was as CEO Wager had determined it to be – Open Space Recreation; thus, with the issue resolved, it placed the project back in front of the PB to continue with the Special Use Permit & Site Plan Review subject to the environmental quality review determination of significance. Mr. Langlois stated an attorney-client meeting could be held if the Board members felt the need to do so. Michael Groff (MG) stated he wished to move forward at this time. Arthur Herman (AH) agreed and stated questions could be asked as needed. Jonathan Bernstein (JB) asked that it be clarified for the public on actions to be taken at this meeting. Mr. Langlois replied that the process going forward would be discussed with no action taken at this meeting. He cited that a positive declaration had been issued back in May 2021 and as such an Environmental Impact Statement (EIS) would need to be prepared in draft and then in final. He added that prior to getting to

that step, the Board needed to engage in the process entitled “scoping” which served the purpose of focusing on the eventual EIS for the areas more likely to be of a significant impact. Mr. Langlois stated that would lead to a drafted written scoping document initially prepared by the applicant and submitted to the Board for review, input, and acceptance. Once accepted, the draft written scope document would then be available for public comment. The Board would then decide on the required information to be obtained to evaluate the impacts. He used noise as an example of impact for which the Board could then require the applicant to have a noise/sound study performed. It was stated that a written notice, for the record, would be prepared by Mr. Langlois and the Planning Office that documented the two areas cited as a significant impact. It was clarified for Mr. Neidl and applicants that the two areas previously identified as potentially moderate to large impacts were: 1) change in use or intensity of use of land; and 2) impairing the character or quality of the existing community. Noted within these areas of impact was the noise and traffic and the focus would then be on the nature of the use which created concerns for those areas. Ralph LaMontagna (RL) stated he would like to address the impact on noise which had been cited as a concern of the neighbors and discussed at the March 2021 meeting. He added that there seemed to be a discrepancy between the applicants and the neighbors on the level of noise for which a potential sound study by a professional was discussed. He added that he now found it to be appropriate to proceed in that direction to gain an objective measure which would allow the Board to figure out how to move forward to address/mitigate, as necessary. Mr. Neidl commented that while basketball was not in the norm for a sound study, a group could be gathered to play for this purpose which may lead to technical recommendations on how the sound could be muffled, if needed. JB commented that he believed the noise to be two issues that consisted of the sound made by the basketball and the sound of the parents; thus, the entire situation would need to be recreated to capture the whole situation. Mr. Neidl stated that they would investigate how that sound study could be performed. Andrew Karl (AK) agreed with RL on the need for a sound study performed in an appropriate location that reflected the girls playing basketball and how that compared to the normal everyday noise of traffic and possibly the nearby fire siren. Mr. Langlois also recommended that the most intense level of use expected on the property be recreated for the sound study with decibels cited from various areas.

Mary Ellen Trumbull (MET) stated a concern for her as well as the neighbors was the traffic congestion especially if emergency vehicles needed to respond to a call as the applicants’ driveway opening by the firehouse was single lane and difficult to safely navigate pulling to the side as a ditch existed. Mr. Neidl agreed that would be looked at as part of the scoping process. AK added that it would also be beneficial for a quick study to be done for the site line distance for those exiting the applicant’s driveway due to the incline/decline on Eastern Union Turnpike. Mr. Neidl agreed that the site line distance would be looked at. It was clarified that there was no lighting at the courts as no power existed on the property. The applicants were informed to prepare the draft scope document and submit to the Planning Office when ready to be placed on a future PB agenda.

Boundary Line Adjustment

Linda Schroeder (applicant/ donor parcel)
NY 150
West Sand Lake, NY 12196
R-Residential Zoning District
AND

Rebecca Southard-Kreiger (receiving parcel)
3939 NY 150
West Sand Lake, NY 12196
R-Residential Zoning District

Tax Map #: 157.-3-27.12
Original Lot Size: 4.23 acres
Proposed Lot Size: 3.28 acres

Tax Map #: 157.-3-27.11
Original Lot Size: 1.95 acres
Proposed Lot Size: 1.29 acres

A Boundary Line Adjustment application for a donor parcel of 4.23 acres to donate 0.95 acres to a receiving parcel of 1.95 acres which will result in a donor parcel of 3.28 acres and a receiving parcel of 2.90 acres.

Surveyor William Glasser represented the project. Mr. Glasser explained that Linda Schroeder wished to donate a piece of property behind her house to her daughter. The survey map was viewed, and he added that most of the donor parcel was a swamp however this Boundary Line Adjustment (BLA) would make the property lines more reasonable. Mr. Glasser added that Ms. Schroeder also owned the piece of property that sat in the middle. He added that no other changes such as setbacks were being done and the project met Zoning.

The PB reviewed and after no additional discussion, AH made a motion to declare this Boundary Line Adjustment as a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. The motion was seconded by MET and all approved. AH made a motion to grant approval of this Boundary Line Adjustment Application, as submitted, subject to the following condition: the signed maps and a new deed for each parcel as adjusted be recorded with the Rensselaer County Clerk within 60 days of the maps being signed by an Authorized Representative of the Town of Sand Lake Planning Board. The motion was seconded by RL and all approved.

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 the project. Mr. McGrath explained that the applicants had purchased the Dobert Farm and contractors were performing major renovations to the farmhouse. He stated that the purpose of proposed subdivision was to sell Lot 1 lot to generate income. The survey map was viewed, and he stated that the proposed lot met Zoning. He explained that there a narrow overhead power line strip of approximately 20' existed which served the Gillen/Welch property; however, was not an easement, nor would it affect any future building plans for the newly created lot. Mr. McGrath added that the clients informed him that another subdivision would be forthcoming for the purpose of obtaining a bank mortgage. It was noted that in addition to neighbors within 100' of the overall property being notified of the public hearing, the Town of Berlin would also be notified as a portion of the overall property was in the Town of Berlin.

AH made a motion to declare this Minor Subdivision Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. He noted that the two interested agencies would be the Town of Berlin and NYSEG with no other interested or involved agencies. The motion was seconded by MET and all approved. AH motioned to schedule the Public Hearing for November 3, 2021; seconded by MG and all approved.

Boundary Line Adjustment (1 of 2 related)

Ron Lance & Paula Bowen (applicant/donor parcel)

Tax Map #: 158.2-2-22

272 Garner Road
Averill Park, NY 12018
R-Residential Zoning District
AND

William J. Kennedy, Jr. & Dana Daisy (receiving parcel)
1441 Burden Lake Road
Averill Park, NY 12018
R-Residential Zoning District

Original Lot Size: 2.534 acres
Proposed Lot Size: 2.50 acres

Tax Map #: 158.2-1-15.2
Original Lot Size: 6.976 acres
Proposed Lot Size: 7.01 acres

A Boundary Line Adjustment application for a donor parcel of 2.534 acres to donate .034 acres to a receiving parcel of 6.976 acres which will result in a donor parcel of 2.50 acres and a receiving parcel of 7.01 acres.

Surveyor Kevin McGrath was present to represent the project. AH commented that the two proposed Boundary Line Adjustment (BLA's) were for an equal amount of land swap to which Mr. McGrath agreed. The survey map was reviewed, and Mr. McGrath explained that a sharp diagonal line existed as it most likely had been an old mill property. He stated that when the home had been built, it was only 7' off the property line and the owners now wanted to sell it and wished to move away from that line. Mr. McGrath stated that this BLA would add approximately 40' of road frontage and result in the home being approximately 20' off the property line. AH noted that the existing propane tank was on the neighbor's property to which Mr. McGrath agreed. Rick Giolito (RG) noted that the proposed BLA would correct a few issues to which Mr. McGrath agreed.

AH made a motion to declare this Boundary Line Adjustment as a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. The motion was seconded by RG and all approved. AH made a motion to grant approval of this Boundary Line Adjustment Application, as submitted, subject to the following condition: the signed maps and a new deed for each parcel as adjusted be recorded with the Rensselaer County Clerk within 60 days of the maps being signed by an Authorized Representative of the Town of Sand Lake Planning Board. The motion was seconded by MG and all approved.

Boundary Line Adjustment (2 of 2 related)

William J. Kennedy, Jr. & Dana Daisy Kennedy (donor parcel)
1441 Burden Lake Road
Averill Park, NY 12018
R-Residential Zoning District
AND

Ron Lance & Paula Bowen (applicant/receiving parcel)
272 Garner Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 158.2-1-15.2
Original Lot Size: 7.01 acres
Proposed Lot Size: 6.976 acres

Tax Map #: 158.2-2-22
Original Lot Size: 2.50 acres
Proposed Lot Size: 2.534 acres

A Boundary Line Adjustment application for a donor parcel of 7.01 acres to donate .034 acres to a receiving parcel of 2.50 acres which will result in a donor parcel of 6.976 acres and a receiving parcel of 2.534 acres.

See discussion for BLA 1 of 2 above.

AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Planning Board as Lead Agency; subject to the following condition: the signed maps and a new deed for each parcel as adjusted be recorded with the Rensselaer County Clerk within 60 days of the maps being signed by an Authorized Representative of the Town of Sand Lake Planning Board. The motion was seconded by seconded by RL and approved by all.

RESOLUTION APPROVAL

Scenic Preservation for Beverly MacMillen, Lawrence and Janet D'Angelo

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 8:20pm; seconded by MG and all approved.