

**TOWN OF SAND LAKE  
PLANNING BOARD MEETING  
March 2, 2022  
SAND LAKE TOWN HALL**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

**Special Use Permit and Site Plan Review Application with Public Comment**

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 State Environmental Quality Review draft scoping document in relation to a Special Use Permit and Site Plan Review Application to utilize basketball courts for personal use and by a non-profit organization.

**Minor Subdivision Application and Public Hearing**

Francis Lake (Applicant)

**Tax Map #: 169.-2-7.1**

Johanna Lake (Property Owner)

193 Rabie Road

Original Lot Size: 187.54 acres

Averill Park, NY 12018

Proposed Lot 1 Size: 178.67 acres

AR - Agricultural/Residential Zoning District

Proposed Lot 2 Size: 8.869 acres

A Minor Subdivision application to create a new lot from vacant land.

**DRAFT RESOLUTIONS FOR APPROVAL –**

- Negative Declaration for Christina Hennessy  
Negative Declaration declared at the February 16, 2022 Planning Board Meeting
- Minor Subdivision for Christina Hennessy  
Application approved at the February 16, 2022 Planning Board Meeting

**MINUTES FOR APPROVAL**

November 17, 2021

December 1, 2021

January 5, 2022

**ADJOURNMENT**

**RESOLUTION/NEGATIVE DECLARATION OF THE TOWN OF SAND LAKE PLANNING BOARD UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT—CHRISTINA HENNESSY**

**WHEREAS**, Christina Hennessy (“Applicant”) is proposing a two-lot minor subdivision in order to create one new lot from existing residential property. The current lot size is 4.096 acres with the parcels to be 2.092 acres and 2.004 acres. The location of the proposed lots is at Burden Lake, Sand Lake, County of Rensselaer, New York (169.2-1-89.2) (“the Project”); and

**WHEREAS**, the State Environmental Quality Review Act (“SEQRA”) and the regulations thereunder require the Board to undertake a review of the potential environmental impacts, if any, associated with the project before approving same; and

**WHEREAS**, this Project is an unlisted action within the meaning of SEQRA and was classified/re-classified as such and a public hearing was held on February 16, 2022; and

**WHEREAS**, Part 1 of a Short Environmental Assessment Form has been prepared and reviewed in connection with the proposed Project; and

**WHEREAS**, Part 1 of the Short Environmental Assessment Form was transmitted to, if any, all involved agencies, together with notification of the Board’s desire to act as lead agency with respect to the environmental review of the proposed Project; and

**WHEREAS**, any/all involved agencies have either consented to Board acting as lead agency with respect to the environmental review of the proposed Project, or have failed to raise any objection thereto within thirty (30) calendar days; and

**WHEREAS**, 6 NYCRR Section 617.7 requires a lead agency to issue a written determination of significance with respect to any proposed unlisted action; and

**WHEREAS**, the Board at the February 16, 2022, meeting carefully considered the nature and scope of the proposed Project, as set forth in the Short Environmental Assessment Form prepared with respect to such action, and resolved to issue a Negative Declaration and makes the following determinations which shall constitute the written elaboration and formal Negative Declaration for the aforementioned proposed action:

1. The proposed action, as noted above, seeks to subdivide the existing property into two residential lots in a R - Residential Zoning District. Applicant desires there to be a 2.092 acre parcel and a remaining parcel of 2.004 acres. The lot to be created would have frontage on Burden Lake Road.
2. The proposed action is classified under SEQRA as an unlisted action.
3. Upon consideration of the action, review of the Short Environmental Assessment Form, the criteria contained in 6 NYCRR § 617.7(c), including with the help of a professional engineer and personnel from the Planning and Building Department and all other supporting information, the Board identifies the following relevant areas of environmental concern, as set forth hereafter, and analyzes whether the proposed action may have a significant adverse impact on the environment and hereby concludes that it will not.

4. The proposed action will not create a material conflict with an adopted land use plan. The proposal had a conflict with the zoning and required an area variance for the lot depth to width ratio, however, the variance was not considered substantial or to have an impact on the neighborhood or environment. It is noted that the subject action is located in a zone that permits such residential use.

5. The proposed action will create no or a small impact in the form of whether it will result in a change in the use or intensity of use of land.

6. The proposed action will not impair the character or quality of the existing community. Again, this use is ideally located in the zone it is being placed. It fits with surrounding uses. The desired subdivision will not adversely impact this portion of the Town or the Town as a whole.

7. The proposed action is not in a Critical Environmental Area.

8. The proposed action is projected to have no or small impact, much less no adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.

9. It is not projected to result in an increase in the use of energy at this time or if there is an increase, it is expected to not be a material increase in usage and will be consistent with the addition of a single-family residence.

10. Any impact to both the well and septic treatment will be minor. The proposed project is located on the municipal sewer system and will require connection to that system.

11. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources. Again, the subject use is going where it is permitted and where such uses are encouraged to be located.

12. The proposed project does not involve, and therefore will not result in, any substantial adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna).

13. The proposed action will not result in an increase in the potential for erosion, flooding, or drainage problems. Any impacts are minor and are especially minor considering the adequate protections concerning each of the foregoing.

14. The proposed action will not create a hazard to environmental resources or human health. This matter has been carefully studied by this Board and it will meet all requirements.

15. The proposed project does not involve, and therefore will not result in, the removal or destruction of large quantities of vegetation or fauna, a substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on any significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat thereof, or other significant adverse impacts to nature resources.

16. The proposed project will not create a material conflict with the community's current plans or goals as officially approved or adopted.

17. The proposed project will not result in the impairment of the character or quality of any important historical, archeological, or aesthetic resources, or of existing community or neighborhood character. The proposed project is not within a scenic vista nor does it contain a designated scenic resource and, thus, will not impact any such resource.

18. The proposed project will not result in any major, adverse, change in the use of either the quantity or type of energy.

19. The proposed project will not result in the creation of a hazard to human health.

20. The proposed project does not involve, and therefore will not result in, a substantial change in the use, or intensity of use, of land including agricultural, open space, or recreational resources, or in its capacity to support such uses.

21. The proposed action will not result in the encouragement or attraction of a large number of people to the site as compared to the number of people that would come absent the action.

22. The proposed action will not result in a material demand for other actions, will not result in changes to two or more elements of the environment which together would result in a substantial adverse impact, and will not cumulatively result in a substantial adverse impact when considered with any related actions.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby declares/re-declares itself lead agency with respect to the environmental review of the proposed Project; and it is further

**RESOLVED**, that the Board finds and concludes that the proposed action is an unlisted action within the meaning of 6 NYCRR 617.2(al); and it is further

**RESOLVED**, that upon consideration of the foregoing, the Board finds and concludes that the proposed action will not result in any significant adverse impacts to the environment; and it is further

**RESOLVED**, that the Board hereby resolves to issue a Negative Declaration with respect to the proposed action.

DATED:

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Arthur Herman, Chairman of Sand Lake Planning Board

**RESOLUTION OF SAND LAKE PLANNING BOARD  
ON APPLICATION FOR APPROVAL OF A SUBDIVISION PLAT  
CHRISTINA HENNESSY**

**WHEREAS**, the Sand Lake Planning Board has received an Application of Approval for a Minor Subdivision plat from Christine Hennessy (“Applicant”) to create one new lot from existing residential property.

**OWNER NAME AND ADDRESS:** Christina Hennessy, 20 Highview Place, East Greenbush, NY 12061

**LOCATION OF THE PROPERTY:** Burden Lake Road, Averill Park, NY 12018

**TAX MAP NUMBER:** Tax Map #: 169.2-1-89.2

**ZONING DISTRICT:** Residential

**LOT SIZE:** 4.096 acres

**PARCEL(S):** Lot 2A: 2.092 acres; Lot 2B: 2.004 acres

**NAME ON MAPS:** Christine Hennessy

**MAPS PREPARED BY:** Kevin McGrath, McGrath Land Surveyors

**NUMBER OF SHEETS:** One      **MAP DATED:** June 8, 2021 & Revised 2/22/22

**WHEREAS**, an area variance from the Sand Lake Zoning Board of Appeals for exceeding the permitted lot depth to width ratio of 3:1 was required for this project.

WHEREAS, on January 13, 2022 the Zoning Board of Appeals on a MOTION made by Melissa Toni, seconded by Amy Lent and unanimously carried, granted approval of the Area Variance to allow for a 3.42:1 versus 3:1 lot depth to width ratio for Lot 2B as proposed on the Preliminary Plat.

**WHEREAS** on February 16, 2022 a Motion was made by Arthur Herman, seconded by Ralph LaMontagna and unanimously carried that this Minor Subdivision Application be listed as an Unlisted action under SEQR.

**WHEREAS** on February 16, 2022 a Motion was made by Arthur Herman, seconded by Ralph LaMontagna and unanimously carried that the Town of Sand Lake Planning Board be declared as Lead Agency.

**WHEREAS** on February 16, 2022 a Motion was made by Arthur Herman, seconded by Mary Ellen Trumbull and unanimously carried to give this a Negative Declaration under SEQR and that the proposed action described will not have a significant adverse effect on the environment, and a Draft Environmental Impact Statement need not be prepared.

**WHEREAS** on February 16, 2022 a Public Hearing was held on a Preliminary Plat for the proposed Minor Subdivision.

**WHEREAS** on February 16, 2022 a Motion was made by Arthur Herman seconded by Ralph LaMontagna and unanimously carried to accept the Minor Subdivision Preliminary Plat 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.

**BE IT FURTHER RESOLVED** that the Chairman and/or Vice Chairman of the Sand Lake Planning Board be and hereby are authorized to sign such subdivision plat.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sand Lake Planning Board, after due consideration, does hereby grant final approval of this subdivision plat herein before identified, as submitted.

PLEASE NOTE, the Planning Board has no authority to alter or determine the ownership of property and that the decision of the Board herein is not a determination of the underlying ownership of the subject property/ies.

DATED:

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Arthur Herman, Chairman of Sand Lake Planning Board

**Town of Sand Lake  
Planning Board Minutes  
November 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 7:30 PM

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

**MEMBER ABSENT:** Michael Groff

**OTHERS PRESENT:** Matt Baumgartner, Michael Arnold, Andrew Didio, David Leckonby, Kevin McGrath, Monica Ryan (Town Planner)

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

**Site Plan Review Application**

Matt Baumgartner – June Farms (Property Owner)  
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.

This is the second meeting for this project which had been initially represented by Joshau Vics at the November 3, 2021 Planning Board (PB) meeting. Matt Baumgartner and Engineer Andrew Didio of Taconic Engineering, DPC were present. Mr. Didio shared a site plan for the amended location of four glamping cabins which had been previously approved. He explained that the amended site would have the Quonset hut style cabins tucked into the forest and additional handouts were provided by Mr. Didio for clarification. He then spoke of the level area near the proposed cabins and explained it would be for parking - one space per cabin along with an extra space to allow for an ADA access isle for the one ADA cabin. Mr. Didio explained that the ADA cabin would have an access ramp to meet up with the deck of the cabin. He stated that the cabins would not have full foundations in order that they could essentially be mobile. He explained that pile foundations would be utilized to set the cabins onto. He added that each cabin would have its own bathroom and referred to the septic system design to be submitted to the Rensselaer County Dept. of Health who had previously visited the site. Mr. Didio then referred to questions raised by the PB at the last meeting and talked about the pull-off area on Parker Road. He explained that Parker Road would need to be widened for a length of 200' to allow for 5-6 cars to pull off while waiting to enter into June Farms. Mr. Baumgartner confirmed that the proposed hobbit house would remain in the same location as previously approved. Jonathan Bernstein (JB) asked how the cabin would be made ADA accessible. Mr. Didio replied that it would be done via a ramp on a grade of approximately 1 on 20% grade and then 1 on 12 by the cabin. Mr. Didio explained that any commercial

business with up to 25 units is required to have at least one ADA unit under their regulations which Building Codes also followed. Mr. Baumgartner explained that the pull-off previously mentioned was a suggestion for trying to correct the on-road traffic for customers waiting to get into June Farms. He explained that he did not believe the pull-off area was needed at this time because additional on-site parking areas had been added; thus, the backup on Parker Road was only maybe twice a summer. He explained the number of on-site parking spaces also helped to regulate the number of customers they wished to have on-site. Board members agreed that the pull-off area should be researched more at this time to help alleviate the concern of neighbors. Mr. Baumgartner was instructed to speak with the Highway Department regarding the widening of Parker Road. Arthur Herman (AH) asked the applicant if he would be able to do something similar on his property should the Highway Dept. not agree to the widening of the road to which Mr. Baumgartner replied yes. Mr. Baumgartner mentioned that there was also the issue of customers not being able to find June Farms. He asked if a small sign could be placed on the nearby island area where Best Road met Parker and Higgins Road. AH asked who would be able to provide permission for such signage in that area mentioned. Mr. Didio stated he believed it would need to be the Town Highway Department who would also provide the specifications for the type of structure supporting the sign. JB felt that the PB would not have jurisdiction over the signage proposed for the island area and Board members agreed. Ms. Ryan added that off-premises signs were allowed for directional purposes in the Zoning code and added that it would need to be known if that island were Town owned. Craig Crist (CC) stated that the PB could not provide permission for the applicant to place a sign on Town-owned property as that would need to be brought before the Town Board.

Andrew Karl (AK) referred to the proposed pull-off area and asked if separate one-way in and one-way out driveways were feasible. Mr. Baumgartner replied that was not feasible due to the topography, streams, and federal wetlands. AK asked if the current driveway could be widened to accommodate two-way traffic. Mr. Baumgartner replied that the current flow of traffic into the farm regulated the volume, and he did not wish to get the customers into the farm faster. He further explained that the Fire Department had asked that the main driveway be kept clear in case of an emergency. He added that in addition to the astronomical expense, he feared that widening the driveway would result in twice the amount of traffic in and out. It was agreed that the pull-off area would not be a part of this application as it could take the Highway Department may need additional time to review the situation.

Ralph LaMontagna (RL) noted that the cabins would be setback 75' from the road and that bollard lighting would be used; thus, he did not have any issues. Mr. Didio noted that the septic design would be within the 75' setback and asked if that would be an issue. Ms. Ryan replied that our Zoning code did not address that, just the building itself. JB asked if they would be year-around to which Mr. Baumgartner replied yes. Mr. Baumgartner explained that the location chosen for the cabins was part of the Fire Department request to keep them closer to the main driveway and road. He added that the amended location was also closer to existing electric.

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 Mary Ellen Trumbull (MET) and all approved. AH motioned to approve the amended Site Plan and supplemental application materials related to the architecture of the glamping structures and outdoor lighting. It was noted by the Board that prior to any future amendments to the Site Plan, a pull-off area on Parker Road or the widening of the June Farms driveway should be explored to alleviate the backlog of traffic on the main road.

**Site Plan Review Application**

David Leckonby (applicant & property owner)  
3642 NY Highway 43  
West Sand Lake, NY 12196  
PDD – Planned Development Zoning District  
CRO – Commercial Reuse Overlay Zoning District

**Tax Map # 147.1-1-57**

Lot Size: 6.5 acres

A Site Plan Review Application for a 38' x 20' addition to an existing garage.

David Leckonby stated that the proposed addition to the existing garage would be utilized for more car repair space as he was hiring additional employees. He explained that the addition would be to the rear left of the building; thus, not seen from the parking lot. AH reviewed the site plan and asked who owned the trolley car roadway. Mr. Leckonby stated that he owned it as an easement no longer existed. He stated that the addition would be wood framed and connected to the existing building. He added that there would not be any bathrooms as it would be strictly for car repair. Mr. Leckonby explained that the addition would have the same roof angles as the existing building. The site plan was reviewed, and AH asked about a recent trench to which Mr. Leckonby replied that they had removed a fence and began to put in the footings. RL asked if there would be lighting on the building to which Mr. Leckonby replied there would be a lot of lighting and security. RL then stated that the lighting should be downward to conform with the Zoning code and Mr. Leckonby agreed. Board members agreed that a Public Hearing was not necessary.

With no further questions AH motioned to classify the project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by RL and all approved. AH motioned to approve the Site Plan Application as submitted; seconded by MET and all approved.

**Minor Subdivision Application**

Sandra Deacon, Trustee (Applicant/Property Owner)  
140 Old Route 66  
Averill Park, NY 12018  
RR – Rural Residential

**Tax Map #: 148.-7-25.2**

Original Lot Size: 2.387 acres

Lot 1 Size: 1.371 acres

Lot 2 Size: 1.016 acres

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

Surveyor Kevin McGrath represented the project and stated that his company had surveyed the lot years ago for the Deacon family. The survey map was reviewed, and Mr. McGrath explained that it had been one large parcel and pointed out a couple of the lots that had been sold 50-75 years ago. He further explained that the current property owner/trustee lived out of state and now wished to subdivide the property prior to selling the existing house and create another residential lot. He added that the area was served by sewers and both lots met the requirements of the Zoning code.

With no questions from the Board members, AH motioned to schedule a Public Hearing for December 1, 2021 at 7:30pm; seconded by Rick Giolito (RG) and all approved.

**Site Plan Review Application**

Frederic DeMay, President (applicant)  
Rensselaer Plateau Alliance (property owner)  
690 Taborton Road  
Sand Lake, NY 12153  
RR – Rural Residential Zoning District

**Tax Map # 149.-2-2.11**

Lot Size: 122 acres

A Site Plan Review Application for conversion of existing log landing to a parking lot, installation of a kiosk and a roadside sign.

Frederick DeMay and Jeffrey Briggs of the Rensselaer Land Trust (RPA) were present. Mr. DeMay stated that the RPA was an accredited land trust who now owned 122 acres on Taborton Road that the LaBarron family had donated approximately one year ago. He explained that the RPA intended to convert the land into a community forest which would align well with the local space plan. He added that there were already trails on the property and visitors have been to the site. He stated that a parking lot did not exist; however, a log landing area existed which had potential to be cleaned up to convert into a parking area as well as a spot to place a kiosk towards the back. He referred to the site plan and stated there were two options: one for an eight-space parking lot and the other for 10. He explained that the RPA was unsure how far they could go back as that would need to be determined by a contractor after assessing the size of the existing boulders as that would dictate whether there could be 8 or 10 parking spaces. AK asked if the project would be the same as what had been done at Barberville Falls. Mr. DeMay replied that this project would be generally the same except smaller. He explained that there would be a crusher run on top of fabric and along with trying to level out the drainage along the side with placement of sediment ponds on each side. He added that the RPA had spoken with the County as Taborton was a county road and felt that once RPA was done, the County would come up and clean out the existing drainage culvert that drained to the other side of the road. AH asked if there was a culvert under the driveway to which Mr. Briggs replied no and explained the current layout of the ditch. RG noted that when the area was logged, there were many issues with muck that affected the driveway of folks towards the lake and asked if this project would alleviate that issue. Mr. DeMay replied that would be the intent. Mr. Briggs explained that the drainage ditches were designed as there was ground seepage especially after a heavy rain to which RG agreed. AH asked if the proposed driveway would taper down and then go up to which Mr. DeMay replied yes.

The signage was discussed, and Mr. DeMay stated they understood that there was a 12 square feet limit. He referred to sample pictures of signs utilized at other RPA properties. Board members agreed that if the sign was within the 12 square feet allowed by code, they would not have any issues with it. Mr. DeMay stated that the sign would most likely be like the one at Barberville Falls. The kiosk was discussed and pictures of existing kiosks at other RPA locations were viewed. Mr. DeMay explained that it was a standard design taken from DEC that was used for the kiosks. It was confirmed that no lights would be on the kiosks as all of RPA locations were a dawn to dusk operation unless there was some type of special request; otherwise, after-hours use was highly discouraged.

With no further questions 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 Site Plan Application as submitted; seconded by RL and all approved.

## **RESOLUTIONS FOR APPROVAL**

- Scenic Preservation for Gary & Linda Brown  
AH motioned to waive the full reading of the draft Resolution; seconded by RL and all approved.  
AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.
- Boundary Line Adjustment for John Hill (Hill to KRJ Holdings (1 of 2 related))  
AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved.  
AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.
- Boundary Line Adjustment for KRJ Holdings (KRJ Holding to Keneston) (2 of 2 related)  
AH motioned to waive the full reading of the draft Resolution; seconded by RL and all approved.  
AH motioned to approve the Resolution in its entirety; seconded by RL and all approved.
- Negative Declaration for Karen Gillen & Rebecca Welch  
AH motioned to waive the full reading of the draft Negative Declaration; seconded by MET and all approved.  
AH motioned to approve the Negative Declaration in its entirety; seconded by MET and all approved.
- Minor Subdivision for Karen Gillen & Rebecca Welch  
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 RL and all approved.

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

**Town of Sand Lake  
Planning Board Minutes  
December 1, 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.

**MEMBER ABSENT:**

**OTHERS PRESENT:** Kevin McGrath, Doug & Nancy Worden

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

**Minor Subdivision Application and Public Hearing**

Sandra Deacon, Trustee (Applicant/Property Owner)  
140 Old Route 66  
Averill Park, NY 12018  
RR – Rural Residential

**Tax Map #: 148.-7-25.2**  
Original Lot Size: 2.387 acres  
Lot 1 Size: 1.371 acres  
Lot 2 Size: 1.016 acres

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

Surveyor Kevin McGrath represented the project and summarized the project which was initially presented at the November 17, 2021 Planning Board (PB) meeting. With no questions from the Board members, Arthur Herman (AH) motioned to open the Public Hearing at 7:35pm; seconded by Michael Groff (MG) and all approved. Ralph LaMontagna (RL) read the public hearing notice that was published in the Troy Record and the Advertiser. Ms. Worden asked if the proposed subdivision met the Zoning code with regard to lot size. AH replied yes as the proposed subdivision would be over an acre. Ms. Worden asked for clarification of the project in relation to her home. Mr. McGrath referred to the survey map and outlined the proposed subdivision. Ms. Worden was concerned with the water runoff and Mr. McGrath stated that the direction for the flow of drainage from the property was towards the road. It was explained by Board members that the only project before them was the proposed subdivision and that any future building of a dwelling on the vacant lot would not be in their jurisdiction but rather the Building Inspector. With no further written or in-person public comments received, AH motioned to close the Public Hearing at 7:42pm; seconded by MG and all approved.

AH motioned to classify the project as an Unlisted Action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by RL and all approved. AH motioned 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 Mary Ellen Trumbull

(MET) and all approved. AH motioned to approve made a motion to grant approval to the Minor Subdivision Application, as presented, granting preliminary and final approval of the plan and waived the final hearing. The motion was seconded by RL and all approved.

**Boundary Line Adjustment Application**

David Trickey & Elizabeth Wilkins (Applicant/Donor Parcel)  
First Dyke Road  
Averill Park, NY 12018  
R – Residential

**Tax Map #: 158.-3-10**  
Original Lot Size: 4.72 acres  
Proposed Lot Size: 2.71 acres

**AND**

David Trickey & Elizabeth Wilkins (Receiving Parcel)  
9 First Dyke Road  
Averill Park, NY 12018  
R – Residential

**Tax Map #: 158.-3-9**  
Original Lot Size: 13.54 acres  
Proposed Lot Size: 15.55 acres

A Boundary Line Adjustment Application for a donor parcel of 4.72 acres to donate 2.01 acres to a receiving parcel of 13.54 acres which will result in a donor parcel of 2.71 acres and a receiving parcel of 15.55 acres.

Surveyor Kevin McGrath represented the project. The survey map was viewed and Mr. McGrath explained that the applicants owned a home on 1<sup>st</sup> Dyke Road with 13 acres. He added that the Trickey's had purchased an adjacent lot several years later which also had a home on it. Mr. McGrath stated that his clients planned to the sell the home that existed on the 4-acre lot; however prior to doing so, wished to do a Boundary Line Adjustment (BLA) to add 2 acres from the back of it to the 13 acre lot. He added that the existing road frontage would remain the same and added that the area was served by the Town sewer.

With no questions from Board members, 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 MG and all approved. AH motioned to approve this Boundary Line Adjustment, as presented. The motion was seconded by MET and all approved.

**Boundary Line Adjustment Application**

Dennis Tremont & Kelly Millett-Wilson (Applicant/Receiving Parcel)  
202-204 Eastern Union Turnpike  
Averill Park, NY 12018  
R – Residential

**Tax Map #: 159.4-1-11**  
Original Lot Size: 1.59 acres  
Proposed Lot Size: 1.66 acres

**AND**

Richard Rusin (Property Owner/Donor Parcel)  
208 Eastern Union Turnpike  
Averill Park, NY 12018  
R – Residential

**Tax Map #: 159.-3-1**  
Original Lot Size: 37.89 acres  
Proposed Lot Size: 37.82 acres

A Boundary Line Adjustment Application for a donor parcel of 37.89 acres to donate 0.07 acres to a receiving parcel of 1.59 acres which will result in a donor parcel of 37.82 acres and a receiving parcel of 1.66 acres.

Surveyor Kevin McGrath represented the project and explained that the applicant had purchased the property approximately a year ago from Wally Bryce and it had consisted of two dwellings on it (a main house and small cottage) and, a third "camp" had been demolished after it was unsafe. He summarized that at the time, Mr. Bryce had wanted to keep a portion of the property that was the old camp site. As such, Mr. Tremont had proposed to split the lot keeping the main house and cottage on one lot and creating a second lot which Bryce would retain. It was explained that the prior proposed split required area variances as the new lot would be both undersized, shy on lot width and had a question of possible wetland. Since that time, Mr. Tremont decided to hold on moving forward with the proposed minor subdivision and subsequently ended up purchasing the whole parcel from Mr. Bryce. Mr. McGrath stated that, at this time, his client was seeking to obtain additional vacant land from a neighbor which would add property frontage and square feet to his lot.

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 MG and all approved. AH motioned to approve this Boundary Line Adjustment, as presented. The motion was seconded by MET and all approved.

**Boundary Line Adjustment Application**

Dennis & Katherine Stewart (Applicant/Donor Parcel)  
11 Morlock Drive  
West Sand Lake, NY 12196  
R – Residential

**Tax Map #: 147.3-1-6.1**  
Original Lot Size: 1.74 acres  
Proposed Lot Size: 1.66 acres

**AND**

Dennis & Katherine Stewart (Receiving Parcel)  
17 Morlock Drive  
West Sand Lake, NY 12196  
R – Residential

**Tax Map #: 147.3-1-6.2**  
Original Lot Size: .69 acres  
Proposed Lot Size: .77 acres

A Boundary Line Adjustment Application for a donor parcel of 1.74 acres to donate 0.08 acres to a receiving parcel of .69 acres which will result in a donor parcel of 1.66 acres and a receiving parcel of .77 acres.

Surveyor Dan Peeters represented the project. The survey plat was viewed and Mr. Peeters stated that his clients owned both parcels. He explained that the Stewart's had a home on the larger parcel and the smaller parcel had a home on it that was rented out for which the tenant wished to purchase. He stated that the tenant, prior to purchasing, wanted to ensure there would be enough room to back out of the garage without encroaching on the Stewart's side property line; thus, was the reason for the proposed BLA. Mr. Peeters added that the existing shed was currently utilized by the tenant. He also explained that the septic line to the smaller lot currently crossed the property line; however, the proposed BLA would also correct that issue. Mr. Peeters stated that the donor lot did not meet the 3:1 lot depth to width ratio however was an existing situation which would not be made worse by the proposed BLA as the width is measured at the 50' front setback line and the BLA was behind that line. AH noted that the proposed BLA would make the smaller lot a bit more conforming.

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 MG and all approved. AH motioned to approve this Boundary Line Adjustment, as presented. The motion was seconded by RL and all approved.

**RESOLUTIONS FOR APPROVAL**

- Site Plan Review for Matt Baumgartner- June Farms  
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 RG and all approved.
- Site Plan Review for David Leckonby – Leckonby’s Autoworks  
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.
- Site Plan Review for Rensselaer Plateau Alliance  
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 RL and all approved.

**ADJOURNMENT** – MET motioned to adjourn the meeting at 8:00pm; seconded by AH and all approved.

**Town of Sand Lake  
Planning Board Minutes  
January 5, 2022**

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, Jonathan Bernstein, Andrew Karl, Michael Slavin, Craig Crist, Esq.
- MEMBER ABSENT:** Rick Giolito
- OTHERS PRESENT:** Christine Hennessy, William Glasser, Kevin McGrath, Monica Ryan (Planner)
- RECORDING CLERK:** Laura Fedoreshenko, Clerk for the Planning Board and ZBA

Arthur Herman (AH) welcomed Michael Slavin as a Board member and thanked Michael Groff for his years of service.

**Scenic Preservation Application**

Thomas & Michelle Darling (Applicant)  
113 Second Dyke Road  
Averill Park, NY 12018  
R-Residential Zoning District

**Tax Map #: 169.2-2-19.2**

Lot Size: .26 acres

A Scenic Preservation application for the replacement of a single-family dwelling with flood damage.

Surveyor William Glasser was present and represented the project. Mr. Glasser explained that his client's home was flood damaged as a result of the July 2021 storm. He explained that they wished to replace the home however the layout would be reoriented and 2-3' of fill would be needed on the lakeside to raise the new home out of the flood zone. The flood zone for the area was discussed and Mr. Glasser stated the new home would be on a slab. AH asked if grass would be planted on the slope to which Mr. Glasser replied yes. Mr. Glasser then added that the Zoning Board of Appeals (ZBA) had approved the Area Variances that were needed for the setbacks. AH asked if the new home would be moved back. Mr. Glasser referred to the survey layout and stated the new home would be turned and a garage added to the backside towards 2<sup>nd</sup> Dyke Road. Andrew Karl (AK) noted that the plans indicated the new home would be 2' higher than the previous structure. Mr. Glasser agreed and stated that an 8" step would be added to gain access to the first floor of the home.

With no further questions from Board members, 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 Mary Ellen Trumbull (MET) and all approved. AH motioned to approve the Scenic Preservation Application as submitted: 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 Ralph LaMontagna and unanimously carried forward.

**Recommendation to the ZBA on an Area Variance Application**

Christina Hennessy (Applicant/Property Owner)  
Burden Lake Road  
Averill Park, NY 12018  
R-Residential Zoning District

**Tax Map #: 169.2-1-89.2**  
Original Lot Size: 4.096  
Proposed Lot 2B Size: 2.004 acres

An Area Variance application regarding a proposed subdivision to create a lot that exceeds the 3:1 lot depth to width ratio.

AK recused himself from the project for personal conflict reasons. Christina Hennessy stated she wished to subdivide the vacant 4 acres in half to create two equal lots. She added that contractor Dan Sanchez would be the builder for placement of one home built on each lot. RL stated that the issue was that one of the proposed lots exceeded the 3:1 lot depth to width ratio to which Ms. Hennessy agreed. RL stated that he felt the proposed subdivision would be good size lots; thus, did not fall into the category of a “spaghetti lot” situation. He noted that the Zoning code requirements for setbacks and lot width were in compliance; thus, did not see an issue with the Area Variance request for Lot 2B. A discussion ensued as to why the subdivision line was not drawn directly down the middle. It was concluded that by doing so, it would have resulted in both lots needing an Area Variance. AH noted that an option for not needing an Area Variance was if one of the parcels was not two acres and cut wider in the back to meet the 3:1 lot depth to width ratio. Ms. Hennessy replied from a realtor perspective, it would be beneficial to have two symmetrical lots for selling purposes. Craig Crist, Esq. (CC) went over some of the Area Variance criteria that is considered to clarify for the applicant as to why options to alleviate the need for variance relief were being discussed. RL noted that one of the criteria considered is “adverse impact” and noted that he did not see any with the request as proposed. MET noted that one person could end up buying both lots. Jonathan Bernstein (JB) stated his thought was to let the market decide as he did not see an issue and added that the final decision would be made by the ZBA.

RL made a motion to give the Area Variance request a positive recommendation to the ZBA; seconded by JB and approved by Michael Slavin (MS). AH and MET opposed the motion.

**Minor Subdivision Application**

Karen Gillen & Rebecca Welch (Applicant)  
110 Kipple Road  
Sand Lake, NY 12153  
RR-Rural Residential Zoning District

**Tax Map #: 161.-2-1.111**  
Lot Size: 56.17 acres  
Proposed Lot 2A Size: 6.83 acres  
Proposed Lot 2B Size: 49.34 acres

A Minor Subdivision application to create one new lot from a residential lot with acreage.

Surveyor Kevin McGrath was present to represent the project. Mr. McGrath summarized the 6-acre minor subdivision previously done for this property by the applicants to sell for financial purposes. He explained that the applicants were having contractors renovate an old rundown farmhouse on the remaining property and now had the home in a condition to be able to secure a mortgage on it. He added that the applicant did not wish to mortgage the entire property; thus proposed the 6.83-acre lot which covered the house on one side and the three barns across the road for the securing of the mortgage. He added that the rest of the property would be vacant and left untouched. Mr. McGrath explained that the

proposed lot meets the Zoning code requirements and were done in a fashion as not to have a 3:1 lot depth to width ratio issue. Board members did not see any issues with the project.

AH motioned to classify this project as an Unlisted Action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by MET and all approved. AH motioned to schedule the Public Hearing for January 19, 2022 at 7:30pm; seconded by RL and all approved.

### **RESOLUTIONS FOR APPROVAL**

- Negative Declaration for Sandra Deacon  
AH motioned to waive the full reading of the Negative Declaration; seconded by MET and all approved.  
AH motioned to approve the Negative Declaration in its entirety; seconded by RL and all approved.
- Minor Subdivision for Sandra Deacon  
AH motioned to waive the full reading of the draft Resolution; seconded by MET and all approved.  
AH motioned to approve the Resolution in its entirety; seconded by MET and all approved.
- Boundary Line Adjustment for David Trickey & Elizabeth Wilkens  
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 AK and all approved.
- Boundary Line Adjustment for Dennis Tremont & Karen Millett-Wilson  
AH motioned to waive the full reading of the draft Resolution; seconded by JB and all approved.  
AH motioned to approve the Resolution in its entirety; seconded by JB and all approved.
- Boundary Line Adjustment for Dennis and Katherine Stewart  
AH motioned to waive the full reading of the draft Resolution; seconded by AK and all approved.  
AH motioned to approve the Resolution in its entirety; seconded by RL and all approved.

### **MINUTES FOR APPROVAL**

MET motioned to accept the July 7, 2021 minutes as presented; seconded by AH and all approved.

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

MET motioned to accept the August 4, 2021 minutes as presented; seconded by AH and all approved.

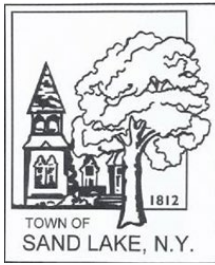
MET motioned to accept the August 18, 2021 minutes as presented; seconded by AH and all approved.

AK motioned to accept the September 15, 2021 minutes as presented; seconded by AH and all approved.

MET motioned to accept the October 6, 2021 minutes as presented; seconded by AH and all approved.

MET motioned to accept the October 20, 2021 minutes as presented; seconded by AH and all approved.

**ADJOURNMENT** – AH motioned to adjourn the meeting at 8:21pm; seconded by MET and all approved.



TOWN OF SAND LAKE  
Planning Board  
P.O. Box 273/ 8428 NY Route 66  
Sand Lake, NY 12153  
(518) 674-2026 x117

**Please Note:**

There is no new application information for the 3/2/22 Planning Board Meeting.  
Please refer to the 2-16-22 Planning Board Agenda and Applications for documents  
associated with applications on the 3/2/22 Planning Board agenda.