

**Town of Sand Lake
Planning Board Minutes
December 18, 2019**

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, Rick Giolito, William Glasser, Craig Crist

MEMBER ABSENT: Michael Groff

OTHERS PRESENT: Debbie Momrow, William Momrow, Kevin McGrath, Lawrence Howard, Matt Baumgartner, Pam McCooey, Ashley McCooey, Althea Hamilton, Edward Hamilton, Mark Nasuti, Vicki Fowler, Monica Ryan

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

Minor Subdivision Application – Preliminary Plat and Public Hearing

William E. Momrow
502 Momrow Road
Sand Lake, NY 12153

Tax Map #159.-2-7.1
Lot Size: 141.49 acres
Lot 1 – 4.02 acres
Lot 2 – 137.48 acres

RR – Rural Residential Zoning District

A Minor Subdivision Application to subdivide a 141.49-acre parcel into two lots.

Surveyor Kevin McGrath presented and stated that new survey maps had been submitted that reflect “not for development” per the conversation at last Planning Board (PB) meeting. Mr. McGrath added no tests had been done yet however will be done in the spring for such things as the septic system. He explained that the proposed 4-acre lot had approximately 2 acres of open field. He added that the proposed lot met Zoning Code for the required road frontage and is above the required 3-acre minimum for the Zoning District. With no further questions from PB members, Arthur Herman (AH) had Ralph LaMontagna (RL) read the publicized Public Hearing notice. AH then motioned to open the Public Hearing at 7:35 pm; seconded by Mary Ellen Trumbull (MET) and all approved. AH then asked for public comments. Lawrence Howard stepped forward and reviewed the site plan map and Mr. McGrath explained the layout of the proposed Minor Subdivision. With no further public comments, AH motioned to close the public hearing at 7:36 pm; seconded by MET and all approved. AH then 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. 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; seconded by MET and all approved. AH 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. Seconded by MET and all approved.

Site Plan Review Application

Lawrence Howard
17 Old Route 66
Averill Park, NY 12018
HMU – Hamlet Mixed Use

Tax Map #148.3-1-8

Lot Size: .37 acres

A Site Plan Review Application to change an existing enclosed front porch of building to an open porch on a mixed-use building.

Lawrence Howard presented and stated that the proposed project was to change the existing front porch of the building to an open porch. He explained that the area appeared to be sagging and would be addressed to ensure it is structurally sound. He further stated that there would not be any changes to the entrances/exits and added that the appearance of the current enclosed porch was not attractive nor appealing. AH asked if the porch had been open at one time for which William Glasser (WG) replied no and added that the porches in that area were all enclosed with storm windows. Mr. Howard asked if the houses dated back to the 20's or 50's for which WG replied the 20's and that they were basically identical. With no further questions or comments from PB members, AH made a motion to declare the activities proposed under this Site Plan Review Application as a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board, as Lead Agency. Seconded by Rick Giolito (RG) and all approved. AH made a motion to grant approval to this Site Plan Review Application, as submitted, seconded by MET and all approved.

Boundary Line Adjustment Application

Boundless Woods LLC/Contact-Lawrence Howard (Donor Parcel) **Tax Map #149.-1-11.11**

737 Taborton Road

Sand Lake, NY 12153

RR – Rural Residential Zoning District

Current Lot Size 54.31 acres/Donating 2.07 acres/Proposed Lot Size 52.24 acres

And

Mark Nasuti and Vicki Fowler (Receiving Parcel)

Tax Map #149.-1-11.2

592 Taborton Road

Sand Lake, NY 12153

RR – Rural Residential Zoning District

Current Lot Size 2.02 acres/Receiving 2.07 acres/Proposed Lot Size 4.09 acres

Lawrence Howard stepped forward and stated that he represented Boundless Woods and that Mark Nasuti and Vicki Fowler were also present. Mr. Howard went over the history and stated that Boundless Woods had previously purchased the house and with approximately 70-acres to preserve the hillside behind the lake. He added, at the time, there had been concerns that if the house was sold, the land would be developed as it once had access to the lake. He added that Boundless Woods then organized with the neighbors on the lake to purchase the property as it provided them with additional land and the Boundary Line Adjustments had been done. He further explained that 2-acres, which included the house, had been sold and Boundless Woods retained the remainder of land. He added at the time of that sale, the Zoning Code had a minimum requirement of 2-acres. Mr. Howard stated that Mark and Vicki had previously purchased the home and now Boundless Woods wished to transfer the proposed 2-acres to them which would result in the lot meeting the required minimum of 3-acres under the updated Zoning Code. He added that this transfer would also mean that Boundless Woods would no longer have any land across Taborton Road which seemed logical for the separation of the two parcels. RL commented that the transfer would turn the house lot into a conforming lot. Mr. Howard agreed. Jonathan Bernstein (JB) asked what Boundless Woods was. Mr. Howard explained that it was an LLC which consisted of approximately 20 members who wanted to protect and preserve the land around the lake. He added that a majority of those members lived on the lake. AH asked about the lot that existed across the street. Mr. Howard replied that the parcel, which consisted of a barn, is connected by a “z” hook to the original 2.02-acres with the house and will remain unchanged. AH made a motion to declare the activities proposed under this Site Plan Review Application as a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board, as Lead Agency. 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. Seconded by MET and all approved.

Special Use Permit Amendment Public Hearing

June Farms/Matt Baumgartner

275 Parker Road

West Sand Lake, NY 12196

AR – Agriculture/Residential Zoning District

Tax Map #157.-3-3.1/

#157.-3-3.2

A Special Use Permit Amendment for a single-use, hours of operation extension for the event venue.

Matt Baumgartner presented and stated that that the hours of operation currently are approved until 11:00 pm; the proposed request is to extend the closing hour for New Year’s Eve to 1:00 am. AH asked if the plan for the extended closing hour was only for New Year’s Eve. Mr. Baumgartner replied yes and stated that the event may not happen again if tickets to the upcoming event did not sell out. JB asked if the patrons would be allowed to leave their cars overnight at no charge. Mr. Baumgartner replied yes. MET spoke of concerns she had been made aware of regarding patrons parking on the road and/or on other people’s property. She added that Mr. Baumgartner had previously assured the PB there would not be parking on the road as they would park up by the event or patrons would be

brought in by limo or other transportation. Mr. Baumgartner replied that there was one incident during a festival for which it had gotten too busy too fast. He assured the PB that type of parking was not encouraged and stated that next season there would be gravel parking added along the back woods. Mr. Baumgartner stated that during the winter season there were hunters parked on his and the neighbor's property for which no one complained; yet, complaints were received for the one incident. He then asked if the Town would enforce it for the illegally parked hunters. RG asked if the hunters were on the property without permission for which Mr. Baumgartner replied yes. JB replied that the police should then be called. JB then asked the reason why there had been the parking on the road. Mr. Baumgartner replied that they had been short on parking and some patrons arrived one person per vehicle which quickly filled up the parking area. AH asked about the previously proposed overflow parking area for which Mr. Baumgartner replied that it had gotten wet; thus, was not feasible for use. RL stated that he did not see an issue with the extended hours of operation for New Year's Eve. He then asked if there were any precautions that could be taken for the amount of tickets sold. Mr. Baumgartner replied that only 75 tickets were being sold. Mr. Baumgartner added that in regards to sound, he has learned from past mistakes and for this event the neighbors should not hear anything as it would be held inside the closed-up building. MET asked if there would be fireworks for which Mr. Baumgartner replied no. With no further questions, AH had RL read the publicized Public Hearing notice. AH then motioned to open the Public Hearing at 7:55 pm; seconded by MET and all approve. An attendee stepped forward and stated she was one of the closest neighbors and had no issues with the proposed extension for the hours of operation as she planned on attending the event. She then stated that her questions were along the line of conservancy and direction for the future use of farm land. She asked if it was the PB that would be responsible for community involvement for the new thing of city projects coming into the country farm land. She added that there needed to be a balance for the neighbors giving up some of their peace and quiet. She added that they realized that Mr. Baumgartner has been trying to manage some of the issues that had arose. She then asked what the PB's role was. Craig Crist (CC) clarified that what stood before the PB was the amendment for a Special Use Permit to extend the closing hour from 11:00 pm to 1:00pm for one night of the year. He then added that the issue brought up by the attendee would be addressed in the Comprehensive Plan for the community. WG added the review of that Plan was still in process. CC stated that is where community growth and development would be reviewed and community input solicited. Monica Ryan added that generally the Town welcomes agricultural business for the added value. She then stated that the PB role would be to review proposed activities on a case by case basis. RL added that it was the Town Board's responsibility to create ordinances and the PB ensures applicant is within the boundaries of those guidelines and that the project is implemented in a correct manner. He then explained Matt Baumgartner's original Site Plan Review as an example of the PB role. The attendee then asked what would be the process should Mr. Baumgartner sell the property to someone else and would boundaries be set. AH replied that Mr. Baumgartner's original application had been approved with a limited number of events allowed per year in order to see how it worked out. RG explained that if, in the future, the attendee's children wished to subdivide the 10.5-acres they owned, there would be nothing the PB could do; thus, the PB tries to be fair as possible within that balance. AH added that should there be a new owner of June Farms in the future, then that person would need to come before the PB with their proposed plan. With no further public comments; AH closed the Public Hearing at 8:07 pm; seconded by MET and all approved. AH then motioned to classify this Special Use Permit Amendment as a Type 2 action under SEQR with no other interested or involved agencies; seconded

by RL and all approved. AH then motioned to approve this Special Use Permit amendment as a single use for New Year's Eve hours of operation extension until 1:00 am. Seconded by MET and all approved. JB added the condition that should patrons who drink too much be able to leave their cars on the premise overnight. RG asked about the limit on attendees for which Ms. Ryan replied that June Farms had been approved on the original application with a limit of 250-300 attendees and would need to come before the PB for another amendment in order raise that cap. A discussion ensued and PB members agreed that the number of attendees allowed would remain at 250 no matter the event; however, the original approved cap of 12 events per year remained unchanged.

DRAFT RESOLUTION APPROVALS:

Scenic Preservation for Damon Korszun

AH motioned to waive the full reading of the drafted Resolution; seconded by RL and all approved. AH motioned to approve the Resolution in its entirety; seconded by RL and all approved.

MINUTES – MET motioned to approve the October 2, 2019 minutes as submitted; seconded by AH and all approved.

ADJOURNMENT - AH motioned to adjourn the meeting at 8:13pm; seconded by JB and all approved.