

**Town of Sand Lake
Planning Board Minutes
December 2, 2020**

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 7:31 PM

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

MEMBER ABSENT:

OTHERS PRESENT: John & Mary Slyer, John & Patricia Mulligan, Malcolm McPherson
Monica Ryan (Town Planner)

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

Minor Subdivision and Public Hearing

Eric M. & Mary A. Dahl (applicant)
Devin and Carolyn Lander (property owner)
9 Dahl Way
Averill Park, NY 12018
R – Residential Zoning District
A Minor Subdivision Application to create a 2-acre lot from a 10.77-acre parcel.

Tax Map # 147.1-2-10.121

Lot Size: 10.77 acres
Lot 1: 2.01 acres
Lot 2: 8.76 acres

Attorney Malcolm McPherson was present to represent the project. Mr. McPherson summarized that the project had initially been before the Planning Board (PB) on November 4, 2020 for a Zoning Board of Appeals Recommendation. He added the ZBA had held a Public Hearing on November 12, 2020 and received approval for an Area Variance regarding insufficient lot frontage. He added that the proposed two-lot subdivision consisted of an existing house on Lot 1 and Lot 2 was vacant with access on Fisher Road. Monica Ryan confirmed that the ZBA had approved the needed Area Variance. The survey map was reviewed. AH asked if building was proposed for Lot 2 or if it was just being acquired. Mr. McPherson replied a previous buyer had withdrawn; however, there may be another interested party and was unsure if any building would take place right away. With no other questions from PB members, Ralph LaMontagna (RL) read the published Public Hearing notice. At 7:47 pm, Arthur Herman (AH) opened the Public Hearing; seconded by MET and all approved. Ms. Ryan stated that a few telephone calls had been received regarding the project, however there had not been any written comments submitted. With no online public comments, AH closed the Public Hearing at 7:48 pm; seconded by Rick Giolito (RG). AH motioned to classify this Minor Subdivision Application as an Unlisted action under SEQR and declared the Town of Sand Lake as the Lead Agency; seconded by RL and all approved. AH motioned to give this project a Negative Declaration under SEQR; seconded by Michael Groff (MG) and all approved. William Glasser (WG) asked Craig Crist (CC) if it should be noted that Lot 2 could not be further subdivided without a Town Road constructed to prevent the situation that had happened on Route 351. CC asked if such a condition had been done on other applications to which PB members stated no. CC then stated it would need to be an off-line discussion in an Executive Session for the attorney's advice. Ms. Ryan and CC pointed out that

that any further subdivision and access to the subdivided lots would need PB approval. CC stated that he has seen where other Boards stated that property could not be further subdivided. It was agreed to move forward based on the size of the proposed lot and any future subdivision needing approval by the PB. AH motioned to give this Minor Subdivision Application, as submitted, preliminary and final approval and waived the final hearing. The motioned was seconded by WG and all approved. Ms. Ryan advised Mr. McPherson that additional copies of the survey map would be needed to which Mr. McPherson agreed to obtain from surveyor Fred Metzger.

Special Use Permit and Site Plan Review

John T Slyer (applicant)

John and Mary Slyer (property owners)

322 Methodist Farm Road

Averill Park, NY 12018

R – Residential Zoning District

Tax Map # 159.-1-48.2

Lot Size: 3.73 acres

John and Patricia Mulligan (property owners)

334 Methodist Farm Road

Averill Park, NY 12018

R – Residential Zoning District

Tax Map #159.-1-48.1

Partial Lot Size: ~10 acres

(related to the project)

A Special Use Permit and Site Plan Review application for a summer youth recreation camp.

John and Mary Slyer were present to represent the project along with John and Patricia Mulligan. Mr. Slyer explained that when they had begun the recreation program in 2005, they had been in a residential recreational zoning district which allowed the camp and then the zoning had changed to require a special use permit for such activities. Until now, they had not applied for a Special Use Permit (SUP)/Site Plan Review (SPR). He further explained that in 2020 all the camp programming were held on-site versus other places. He stated that they were now seeking a SUP/SPR in order to continue to operate in the same manner. AH explained that the Zoning Code change happened three years ago which now required the SUP. RL stated that the program had expanded due to COVID-19; thus, it is a matter of solidifying the activities that were already taking place. Ms. Ryan explained that under the new Zoning Code, such an activity would require an SUP; however, under the old Zoning Code it was permitted as a use of right and had been grandfathered under old status for all activities up to and including 2017. She added that as the program had grown with participants as well as an increase of on-site activities recently, the Town had felt that a review and SUP was needed at this time for the expansion – not the original programming. AH asked if there were now 6 groups of 10 participants to which Mr. Slyer replied yes and that was the maximum as it was the most manageable number. RL stated that he did not have any problem with the plan as the applicants have done the program for a good number of years and he found it to be excellent. He stated that he had been by the site on a day when a road race was taking place and found it to be done very safely. RL asked if the tents were seasonal to which Mr. Slyer replied yes. RL noted that the program operates for a couple of months during the summer from 9 am to 5 pm and involved some very good elements for the youth. RL noted that there were no any parking issues and the neighbors loved it which was supported by the submission of their letters via the applicant. RG stated he had had been by the same day as RL and agreed with RL's comments. RG also noted that there had not been letters of complaints. Ms. Ryan clarified that the neighbors were not yet notified by the Town as a Public Hearing was not yet scheduled. AH agreed with comments made by RL and RG in that the program was well run and accepted. WG noted that on the Mulligan's northwest corner of the property there is property in a county agricultural district right across the street and asked if an Agricultural Data Statement was necessary. Ms. Ryan replied that she would look into that however it would need to be within 500' from the project itself. It was determined that it would be approximately 1,000' away; thus, an Agricultural Data Statement was not needed. AH noted that three items would need to be corrected on Part 1 of

SEQR. Ms. Ryan replied that Mr. Slyer had resubmitted a corrected form. RL asked if a check by the Fire Department was needed. Jonathan Bernstein (JB) replied that all activities were held outside so did not believe that was needed. WG agreed and RL was satisfied and did not see a need to pursue it any further. With no further questions/comments, AH motion to schedule the Public Hearing for December 16, 2020 at 7:30pm; seconded by Mary Ellen Trumbull (MET) and all approved. AH motioned to classify the project as a Type 2 action and declared the Town of Sand Lake Planning Board as the Lead Agency; seconded by RL and all approved.

DRAFT RESOLUTION(S) APPROVAL:

Minor Subdivision for Mary Jane Tifft

MET motioned to waive the full reading of the draft Resolution; seconded by JB and approved by RL, MG and RG. AH and WG abstained.

RL motioned to approve the Resolution in its entirety; seconded by RG and approved by MG, MET and JB. AH and WG abstained.

Boundary Line Adjustment (1/2) for Richard & Elena Ketzner from Sharon Hogle Guthier/Susan Hogle Rowlands-Clemens

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 (2/2) for Sharon Hogle Guthier/Susan Hogle Rowlands-Clemens from Susan Link

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.

SEQR Determination of Significance for Kenneth Bailey

AH motioned to waive the full reading of the draft Determination of Significance; seconded by MET and all approved.

AH motioned to approve the Determination of Significance in its entirety; seconded by MET and all approved.

Negative Declaration for Kenneth Bailey

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 RG and all approved.

Special Use Permit for Kenneth Bailey

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 approved by MG, RL and RG. WG and JB opposed.

Site Plan Review for Kenneth Bailey

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 approved by MG, RL and RG. WG and JB opposed.

ADJOURNMENT – AH motioned to adjourn the meeting at 8:19 pm; seconded by MET and all approved.