

**Town of Sand Lake  
Planning Board Minutes  
February 6, 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:** Rick Giolito, Dominick Bates, Michael Groff, Mary Ellen Trumbull, Arthur Herman, Jonathan Bernstein, Craig Crist

**MEMBER ABSENT:** Ralph LaMontagna

**OTHERS PRESENT:** Z. Singh, Frida Fobeca, Josephine Saabye, Hyunbue Chang, Denise Bottachiari, Frank Connors

**RECORDING CLERK:** Karol O’Sullivan, Clerk for the Planning Board and ZBA

**Site Plan Review**

Arts, Letters and Numbers, Inc.  
1543 Burden Lake Road  
Averill Park, NY 12018  
HMU – Hamlet Mixed Use Zoning District

**Tax Map #159.1-2-26**  
  
Lot Size: 1.45 acres

A Site Plan Review Application to construct a 13’ x 20’ deck on the south façade of house.

Frida Fobeca, Director for Art, Letters and Numbers, Inc. (ALN) presented before the Planning Board (PB). She explained that this location is the main house for their organization and they would like to construct a deck along the south façade of house where a previous deck had been already placed. Frida indicated that the materials in the application reflects what is being suggested and it is pretty much extending the deck that was there along the façade. Art Herman (AH) commented that one plan shows there was existing concrete piers and looking to cover that whole area again to which Frida agreed. Mary Ellen Trumbull (MET) commented that this area overlooks the building down the hill. Frida agreed and stated this house is not really facing anyone but their property. AH asked if this would be

constructed as a pressure treated deck with railings and no roof to which Frida agreed indicating this is mostly to inhabit the space they cannot use right now. MET asked what does the 'Numbers' in name reference stating we understand Art and we understand Letters. Another member of ALN stated that you could say that Art Letters and Numbers stands for a disciplinary organization of physicists/scientists and mathematicians and the name contains all the distinct fields of knowledge. Another member commented that a lot of numbers are involved in art and architecture. Dominick Bates (DB) commented that on the east side of the building it is showing some piers and asked if that was an overhang or is that for deck also? Frida responded that the previous owners had a wraparound porch and believed it had been removed but she did not know when. Frida stated the piers/footings that remain will be used in whatever condition that is feasible. Rick Giolito (RG) asked whether or not if the "L existed now? Frida responded that it does not; the east side of the building has a porch right now with a roof which will be connected. DB asked if the deck will be designed by an architect and Frida responded yes, a licensed architect. DB indicated that architect would get into the size of the joists and Frida agreed indicating that would be their next step. AH responded that building plans would be reviewed by the building inspector. AH asked how many people did they plan to put on this deck to which Frida responded that will be up to the architect to decide. AH commented that usually there would be a plan of the deck and believe that is what DB was getting at. Frida agreed and responded that they did not want to start that process or get too far ahead until they had permission to do so. AH asked board members if anyone felt the plans needed to come back in front of them? All agreed building plans would be handled by Building Department.

With no other questions from the PB, AH made a motion to declare this Site Plan Review as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by MG and all approved. AH made a motion to give this action a negative declaration under SEQR, stating 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. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. Seconded by DB and all approved. AH made a motion to grant approval to this Site Plan Review Application as submitted. Seconded MET and all approved

**Special Use Permit and Public Hearing**

Pagliavento Builders

Tax Map #170.-1-29.214

153 2<sup>nd</sup> Dyke Road

Averill Park, NY 12018

Lot Size: 1.01 acres

R – Residential Zoning District

A Special Use Permit to build a new single-family dwelling with an in-law apartment and walk-out basement.

Mark Pagliavento of Pagliavento Builders handed out official sketches as this document was not available at the last meeting. Mark stated there is a 4-lot subdivision and they have a client that would like to build a house on one of those lots. The client has a family member that they would like to give some space in the basement; it's a walkout basement and client wants to create some space for them.

Mark indicated that this is an official sketch which is part of the plan that would go to the Building Department. Mark also noted that the basement space was kept at 800 square foot which is the maximum to stay within code for this permit. RG asked if this apartment will have a separate service? Mark responded no, this is just to be a space within the house to give some privacy. RG asked if the staircase going upstairs would be open? Mark responded no, a stairway from the hall will go down into the basement. At the bottom of the stairs there will be a door to go into the unfinished section of the basement and the other door will be to the apartment. There will also be the walkout door which will lead out to a patio and could be used as a separate entrance if the client wanted to or could be entered through the house. Mark also stated that he spoke with Mike the Building Inspector and will construct it with all the proper fire separations as if it was a real apartment. AH asked if there were any other questions from PB members and then DB read the Public Hearing Notice. AH made the motion to open up the meeting to the public at 7:44pm. Mr. Harnish asked what would be the approximate value of the property and the structure as he lives nearby? Mark responded about \$400,000. Mr. Harnish commented that this sounds like the property closest to the lake. Mark and Mr. Harnish discussed his house location versus the proposed new home. Mark stated that the walkout for basement apartment would be on left so Mr. Harnish would not even see it. AH asked if they are cutting all the trees down. Mark responded only what is needed, but no clear-cutting. Mark further stated they would take down only what is needed and then anything additional that the customer would ask for. Owner (sitting with Mark) asked why all the questions as this is for a Special Use Permit. DB responded that actions being taken for this Special Use application may affect the PB decision and as this is a Public Hearing, people have the right to ask questions

With no other questions from the PB or the public, AH made a motion to declare the Public Hearing closed at 7:47PM. Seconded by MET and all approved. AH motioned to declare this as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by DB and all approved. AH made a motion to give this action a negative declaration under SEQR. He stated 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. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. Seconded by MET and all approved. AH made a motion to grant approval to this Special Use Permit Application as submitted. Seconded by MET and all approved.

**Sign Placement Application**

Mohammad Basit (Applicant-Y&H Auto Planet)  
Daniel Zimmerman (Property Owner)  
3565 NY 43  
West Sand Lake, NY 12196  
HMU – Hamlet Mixed Use Zoning District

**Tax Map #147.1-4-23**

Lot Size: 2.05 acres

A Sign Placement Application for a 34” x 67” used car lot sign.

Brother of Mohammed Basit represented Y&H Auto Planet and indicated the previous owner had a lot sign and Y&H replaced it with a new one. He said they did not realize they needed approval for the sign replacement and apologized for not doing so. AH asked if PB members had seen the sign and some members responded they had. RG asked if the owner of the property gave them permission to change the sign? Y&H Auto responded yes as it was previously a used car lot; while they thought about LED, they had changed their mind. AH stated that according to Hamlet Code, the design should match the looks of the building. MET responded that it does not match the essence of the business and location and stands out. Y&H Auto responded that they apologize but they just listened to the owner of the building that the sign had been approved. RG asked how much was paid for the sign for which Y&H Auto responded, he was unsure. MET asked if the sign is lit and was told it is not. Jonathan Bernstein (JB) asked what is the standard -does it or does it not meet the standard? PB discussed. DB stated Town would not let Rite Aid put white sign up yet next store, AJ's had white sign. Craig Crist (CC) read Section 250 -61 & 250-46 I 3c (Hamlet) from Town Codes to answer JB. AH stated that it meets all but does not address aesthetics of building. CC replied that the code states signs should complement building. PB members agreed simple sign.

AH pointed out that the car lot was approved for 10 cars at this time. Y&H Auto replied he thought it was 15 to 20. PB members confirmed it was approved for 10 cars and if Y&H Auto is to have more than that, they will need to come in for a new application. Y&H Auto responded that 10 cars will be good now and as the house next door will vacate, they hope to use that area to expand. AH suggested that expansion should be brought back to Town for approval. AH asked if unlisted or Type 2; CC responded unlisted.

AH made a motion to declare this as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by DB and all approved. AH made a motion to give this action a negative declaration under SEQR. He stated 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. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. Seconded by MG and all approved. JB made a motion to grant approval to this Sign Placement application as submitted. Seconded by MET and all approved.

**Sign Placement Application**

Kyle Scott (Applicant – AJ's Pizzeria)

Daniel Zimmerman (Property Owner)

3563 NY 43

West Sand Lake, NY 12196

HMU – Hamlet Mixed Use Zoning District

**Tax Map #147.1-4-22**

Lot Size: .69 acres

A Sign Placement Application for a 52" x 76" pizzeria sign.

Kyle Scott owner of pizzeria presented before PB for sign replacement. He stated that the green posts are staying, replacing sign with same size/shape and lights with no other changes. MET

complimented on the improvements. Kyle responded they are getting there and has applied for a liquor license which is pending approval.

AH made a motion to declare this as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by MET and all approved. AH made a motion to give this action a negative declaration under SEQR. He stated 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. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. Seconded by MG and all approved. AH made a motion to grant approval to this Sign Placement application as submitted. Seconded by MET and all approved.

**Scenic Preservation Application**

Amy Lent  
28 Seneca Road  
West Sand Lake, NY 12196  
R – Residential Zoning District

**Tax Map #147.1-1-67.2**

Lot Size: .76 acres

A Scenic Preservation Application to place a shed within 61' of Reichard's Lake.

Amy Lent explained to the PB that the property is on an angle and there are 87 old concrete steps down through the woods to the lake which they cannot physically use right now to carry their kayaks. She indicated that this results in them having to drive the car down which is tedious and does not happen that often. Thus, their reason for looking to install a shed in the woods is to use it as a boat house which will be 28 feet back from the road and 61 feet from the water. She stated that the soil disturbance would be 800 square feet for the 10x14 foot shed and they are planning for it to be a dark hunter green to blend in with the woods. She further explained that tree removal would be for an access driveway to the shed. Amy Lent referenced her picture of trees to be removed and said one of the trees is currently dead and no trees/shrubs will be taken down between shed/water so the view across the lake will be the same as it is now. AH commented that all 5" trees do not need approval. The PB was advised that Michael Wager agreed that trees should/could come down. AH pointed out that it was noted by Mike that there is another tree that he had marked which he thought should also be removed to which Amy commented she had not heard that yet; AH then shared a picture w/Amy to clarify and she agreed. RG noted that there are two parking spaces and asked whether the plan was to drive or walk down the steps to the lake to which Amy responded that they would do both but mostly drive down. RG asked how long they lived there and Amy responded two years. AH commented that this looks like a good idea and the PB members agreed. MET commented that this would be a prebuilt and delivered shed to which Amy agreed.

AH made a motion to declare the activities proposed under the Scenic Preservation Application as (an unlisted action under SEQR), declaring the Town of Sand Lake Planning Board, as Lead Agency. Seconded by MET and all approved. AH made a motion to give this application a negative declaration under SEQR. He stated the Town of Sand Lake Planning Board, as Lead Agency, has determined from the information presented and discussion, that the proposed activities would have a non-significant

impact on the environment. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. Seconded by DB and all approved. AH made a motion to grant approval to this Scenic Preservation Application, as submitted, subject to the following conditions: 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. Seconded by MET and all approved.

**Minor Subdivision Application**

Denise and Frank Bottachiari  
Lindeman Road (Between 48 and 81)  
Sand Lake, NY 12153  
R – Residential Zoning District

**Tax Map#149.-2-30.1**  
Lot Size: 127.8 acres  
Lot 1 - 122.8 acres  
Lot 2 – 5.46 acres

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

Represented by Denise Bottachiari and Frank Connors. Denise stated they are asking approval to subdivide land on Lindeman Road to build a new home in the future for which the property will border where her father (Frank) resides. AH asked Frank if this property would surround his house to which Frank responded yes. He said the subdivision was designed to achieve the necessary frontage. PB members reviewed survey map to understand how the 250’ of road frontage needed was achieved. Frank explained the Town suggested this approach. AH asked when they plan on building to which Denise responded in the Spring. AH commented that it is a large lot and able to accommodate septic/well.

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. Seconded by MG and all approved. AH made motion to schedule a Public Hearing for February 20, 2019 at 7:30 PM. MET seconded the motion and all approved.

**MINUTES** – MET motioned to approve the December 19, 2018 minutes. MG seconded the motion and all approved. AH motioned to approved the January 16, 2019 minutes. MET seconded the motion and all approved.

**ADJOURNMENT**

AH motioned to adjourn the meeting at 8:25 PM. MG seconded the motion and all approved.