

**Town of Sand Lake  
Planning Board Minutes  
January 15, 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 7:30 PM

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

**MEMBER ABSENT:**

**OTHERS PRESENT:** Kevin McGrath, Dennis Tremont, Ken Bailey, Mike Wager, Monica Ryan

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

**Minor Subdivision – Preliminary Plat Sketch Plan Discussion**

Dennis Tremont (Applicant)

D. Wallace Bryce (Property Owner)

202-204 Eastern Union Turnpike

Averill Park, NY 12018

R – Residential Zoning District

**Tax Map #159.4-1-11**

Lot Size: 1.6 acres

A Sketch Plan discussion regarding a proposed Minor Subdivision Application for a two-lot subdivision.

William Glasser (WG) recused himself due to original work performed for D. Wallace Bryce on the property. Dennis Tremont and surveyor Kevin McGrath presented. Mr. McGrath stated that new maps were prepared as a house on the proposed Lot 2 had been recently removed which allowed a movement of a line by a few feet. He explained that the proposed Lot 1 remained at an acre with a dwelling on it and no Area Variances were needed. He added that the proposed Lot 2 would remain vacant so no Area Variance would be needed for a side yard setback. Mr. McGrath then explained that as proposed Lot 2 would be 6/10 of an acre, it required Area Variances for an undersized lot as well as only having 143' of road frontage versus the required 150'. AH then asked if two buildings existed on the proposed one-acre lot for which Kevin agreed. Monica Ryan explained that the current Zoning Code required one acre per dwelling. She added that there was not an Area Variance on file for the three buildings on the 1.6-acre lot; thus, may have predated the 1972 Zoning Code. She then explained that the result of the proposed Minor Subdivision of the property would then make it more of a non-conforming lot. She concluded that an Area Variance would then be needed for proposed Lot 2 lot to cover two buildings per the current Zoning Code. Kevin McGrath replied that when they go before the Zoning Board of Appeals (ZBA) for Area Variances it would include proposed Lot 2 for less than the

required lot size and road frontage and for Lot 1 to retain two buildings on a one-acre lot. Mary Ellen Trumbull (MET) stated she was very familiar with the property and mentioned the garage at the head of the drive as well as the single-story dwelling were both in great despair. She noted that both buildings would take in water during storms. She then asked if it was year-round or seasonal. Mr. Tremont replied that at one time all three buildings had been year-round; however, turned into seasonal. MET then asked if the proposed Lot 2 was mainly wetland. Mr. McGrath replied that some drainage had come from off the road. He added that another issue was that no one had been on the property to maintain things such as the diversion of a spring that also existed on the lot. Mr. McGrath then noted that any wetland would then fall under the Army Corps of Engineers (ACOE) and added as there were no plans to build on Lot 2 at this time, the maps would be labelled as "not for development". Mr. McGrath also stated that the owner, Mr. Bryce, would need to come before the Town prior to any building being done in the future. Ms. Ryan clarified that should the Minor Subdivision be approved; Mr. Bryce would not appear before the Planning Board (PB) as it would be a Building Permit needed at that point. Arthur Herman (AH) pointed out that due to that lot being within 100' of the water, Mr. Bryce would need a Scenic Preservation Application and possibly have to deal with setbacks. Mr. McGrath then asked if Mr. Bryce were to come to the Planning Board within 24 months, would a proposed build plan be "grandfathered in". Ms. Ryan replied that rule would no longer apply should the Minor Subdivision be approved as it would be considered a new lot of record; thus, would require Area Variances to build on a non-conforming lot. AH stated that if the 1.6 acres were to remain as one lot, then three dwellings could have remained on the parcel for which Ms. Ryan agreed. Mr. McGrath stated that it may be possible for Mr. Bryce to meet the setbacks on the proposed .6-acre lot. MET asked Mr. Tremont if had or planned to purchase Lot 1. Mr. Tremont replied it was his plan to purchase if the situation as proposed could be approved. Ralph LaMontagna (RL) asked Mr. Tremont what his plans were for proposed Lot 1. Mr. Tremont replied he would be looking to bring the whole property back to life which included the remodel of the dwellings that existed. Rick Giolito (RG) asked if it would be for personal use versus rental properties. Mr. Tremont replied yes for personal use and confirmed it would not be rented. RL asked if the applicant was looking to maintain two dwellings on the properties for which Mr. Tremont replied yes. RL asked Mr. Tremont if he planned to maintain the two dwellings on the proposed lot. Mr. Tremont replied yes and stated that they both would need of a lot of work. RG confirmed with Ms. Ryan that two dwellings on the proposed Lot 2 would require an Area Variance for which she agreed. RG then stated to Mr. Tremont that the Area Variance for two dwellings on the reduced lot may not be granted. Mr. Tremont replied that was his reason for going in front of the PB and ZBA with the preliminary plans prior to the purchase. AH clarified that Mr. Tremont was trying to get an idea on how the PB felt on the Minor Subdivision prior to seeking the Area Variance. Craig Crist (CC) clarified that it would be a non-binding recommendation to the ZBA. Ms. Ryan explained that two dwellings on a lot would be allowed however would need to meet double the minimum for acreage and have 300' of road frontage. She added that setbacks would need to be met for each dwelling as if they were by themselves. RL stated that was why he had previously asked if the two dwellings would be retained because if it were to only be one, that would simplify the process. Mr. Tremont replied that he understood and added that the dwellings pre-existed. Ms. Ryan clarified that as the dwellings pre-existed, the lot size being reduced is what would trigger the need for the Area Variances. RL asked the location of the existing well. Both Mr. McGrath and Mr. Tremont replied that they were unsure would have to check with Mr. Bryce. MET asked if the one well serviced all three dwellings for which Mr. Tremont replied that he believed it had. AH noted that the site plan map

reflected two grinder pumps; one for the upper dwelling and the other for the lower dwelling. Mr. Tremont agreed with AH's statement. AH asked PB members their thoughts on the proposed Minor Subdivision and as well as a site visit. RG replied he would like a site visit as he had not seen the property. Jonathan Bernstein (JB) stated that the Area Variance should be obtained first and then return to the PB. Mr. McGrath replied that they were hoping to be able to eliminate an additional meeting by coming to the PB first. Ms. Ryan explained that as a Minor Subdivision was proposed, the ZBA would be required to request the PB recommendation by State statute. CC agreed and stated that the formal request for recommendation should be received first from the ZBA. MET asked if the plans were contingent upon approval of the proposed Minor Subdivision. Mr. Tremont replied yes as the current owner did not wish to sell the entire 1.6 acres. Ms. Ryan explained that the creation of the separate lots with the two dwellings on the one-acre lot was created in such a way that it would not impact the function of the site. She added that this information did not mean she advocated for the .6-acre lot; however, wanted to point out that the configuration of homes on the proposed 1 acre would work. AH asked if the dwelling that existed would be expanded. Mr. Tremont replied that no footprints would be changed. RL pointed out that, if approved, the improvement of the dwellings on the site was a positive. AH pointed out that a positive for the proposed .6-acre lot would be that a future build could be required to be 50' from the water versus being right on the water as was the case with the previously demolished dwelling. RL stated that for the proposed .6-acre lot, it would not dramatically change the area as other lots in that location were even smaller. He added that it would then be up to the owner to work with the ACOE with the understanding that, if a future structure were to be approved, it may be very small. Mr. McGrath added that a future possibility could be that the owner sells the .6-acre lot to an adjacent neighbor. RL then noted that the site was overgrown with trees and asked if any would be removed. Mr. Tremont replied while he had not taken an in-depth look, he thought either none or a minimal amount removed. He added that he planned to trim those trees that were well over the house as they had caused moss to grow on the roof. He explained that the drainage would need to be looked at closely and dug out 6-8' around the house. As Mike Wager was present in the audience, he spoke in regards to the property. Mr. Wager explained that on proposed Lot 2, a tree had fallen on the house which resulted in a Code Violation; thus, the reason for the house having been demolished. Mr. Wager then asked if a smaller building which sat on the proposed property line would also be demolished. Mr. Tremont replied yes as it was falling down. Mr. Wager then stated that for the dwellings on Lot 1, he did not see any issues and pointed out on the site map an area for ample parking and noted a couple of dead trees that should also be removed. Mr. Wager added that the proposed size of 1,100 sq. ft. would only be a small amount over what is allowed for an accessory building. He added that the Building Department did not see an issue and felt that the proposed plan would help to clean up the area as proven by the cooperation received thus far. He closed by stating that while he understood that the creation of the proposed .6-acre lot would be non-conforming, however noted that 60-80% of the lots around Crooked Lake were 1/2 to 1/4 acre. AH asked PB members for their consensus on the feasibility of the project coupled with whether Mr. Tremont should apply for the Area Variance then return to the PB. RL replied yes; Michael Groff (MG) replied that he thought it had merit and RG thought that the applicant should apply for the ZBA Area Variance. MET felt that the cleanup would be a big undertaking; however still seen an issue with the creation of the proposed .6-acre lot. An unidentified attendee stated that he owned property on Crooked Lake and noted that some folks had made sizeable investments into their property; thus, viewed the proposed project of upgrading the structures and surroundings as a positive for the

property values in the area. He added that the maintenance of the property would be a good thing as some properties were not which resulted in trees falling into the lake. AH asked PB members if a site visit was needed. RG replied that he would do a site visit and asked if it was ok to do so. CC and Ms. Ryan clarified that although the current property owner was not present, his signature on the ZBA Area Variance Application authorized permission for the premises to be inspected which covered both the PB and ZBA members. AH informed the applicant that other than a site visit nothing further could be done by the PB at this stage.

**Special Use Permit/Site Plan Review Application**

Ken Bailey

204 Barnes Road

West Sand Lake, NY 12196

AR – Agriculture/Residential Zoning District

**Tax Map #157.-3-34.1**

Lot Size: 64.66 acres

A Special Use Permit/Site Plan Review Application to construct a 48' x 72' event barn on residential/agriculture property to be used for a seasonal event venue.

Ken Bailey presented and referred to the site plan map and noted that topography, property lines and location of structure as well as parking were reflected. RL confirmed the location of proposed lights on the site plan map. Mr. Bailey referred to a picture to reflect the finished product for the proposed structure and stated that he also had footing plans drawn up. He showed the location of where he planned to place rented trailer type porta johns and added that the company would come to the property to clean them out. He stated that if the event barn was to be successful, he would then look at a full-blown septic system to support it. Mr. Bailey explained that he had been in contact with a few vendors who confirmed that they possessed an alcohol permit; thus, he would not need one. AH asked the number of events to be held. Mr. Bailey replied that he could not build the event barn for only 12 events. He then stated that he expected 6 events per month for a 5-month period (June through October) for a total of 30 events per year. WG then asked about parking spaces and noted that the Grafton venue for which Mr. Bailey referred to had allotted for 120 spaces for customers plus additional spaces for vendor and big trucks to get in and out. WG stated that Mr. Bailey's site plan did not come close to that amount. Mr. Bailey referred to the previous holding of his daughter's wedding on the property and stated that they had 150 cars parked on the property. JB then asked what specifics the PB members needed to know for the Special Use Permit Application. RL replied that the items to be considered was the parking situation, number of events and noise from music. WG asked what type of surface would be placed in the parking lot. Mr. Bailey replied that the topsoil would be taken down 6", rolled fabric laid down and crusher run over top of it – he added that it would be 24' wide with a culvert at the end. Mr. Bailey stated that he did not wish to have a dumpster as he would take care of the garbage himself. Ms. Ryan clarified that the Zoning Code did not have parking specifics for such things as an event barn rather it was based on material use. AH asked how many parking spaces were proposed. Ms. Ryan replied 57 plus handicapped. Ms. Ryan stated that in models reviewed, it suggested 1 parking space for every 4 seats plus 1 per every 100 square foot of a building. She then explained that based on that information coupled with a total of 200 seated guests for an event reflected a need for 85 parking spaces. AH added that should an event total 175 guests the caterers, band and any others providing a service would also need to be accounted for which Ms. Ryan agreed.

Mr. Bailey explained that he had spoken with the NYS Liquor Authority and was advised that for alcohol to be served he could either obtain a one-day permit for \$36 as long as food was being served or the caterers would have their own alcohol permit. AH asked at what point would a Public Hearing be held. Ms. Ryan replied that should the PB conclude that the application was complete and enough information provided then the Public Hearing could be scheduled. AH and RL agreed that there should be lighting along the parking and that the parking spaces be expanded to 85. RL asked that the number of events be clarified. AH replied that Mr. Bailey asked for 6 events per month for 5 months for a total of 30 events with 150 people per event. RL and CC mentioned that the number of events could be conditioned. JB stated that the setting of any condition should be done after the Public Hearing for which AH and RL agreed. Mr. Bailey stated that for hours of operation he would thinking it would close at 10 pm as it could take to 11 pm for all to clear out including band and caterers. AH and RL asked if any of Mr. Bailey's neighbors were aware of the project. Mr. Bailey replied he was not aware if they knew. MET replied that she thought it was admirable for Mr. Bailey to want to have another venue in town. RG asked that the maximum number of attendees be clarified. Mr. Bailey replied it would be between 150 and 175. JB asked if the Fire Marshall would be involved regarding the maximum capacity. Mr. Wager replied yes as well as the overall final plan reviewed by the Building Department for various aspects including the entry road to ensure proper radius for a fire truck to access. AH asked PB members if the Public Hearing should be the next step for which all agreed. AH asked when the plan for starting the proposed project was. Mr. Bailey replied that he would like to start as soon as approved and added that realistically, it would take a couple of years to complete. RL and AH asked if amended site plan maps would be available for the Public Hearing along with actual sample picture of the proposed barn, lighting and proposed pathway(s) to the restrooms. Ms. Ryan advised that Mr. Bailey should be ready to present the whole package at the Public Hearing. Mr. Bailey replied that there would be ready for a proper presentation of the project along with new site plan maps. AH then asked if any landscaping would be added for which Mr. Bailey replied he was not sure as it was currently a hay field. Mr. Bailey asked the PB to be mindful on number of events to be conditioned as the project will be costly thus needed a way to cover the costs. AH replied that a determination on condition(s) would incorporate input from the neighbors at the Public Hearing. AH motioned to schedule the Public Hearing for March 4; seconded by MET and all approved.

#### **DRAFT RESOLUTION APPROVALS:**

##### Minor Subdivision for Betsy Owens/Jackson Lawrence Estate

AH motioned to waive the full reading of the drafted Resolution; seconded by RG and all approved.

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

AH motioned to waive the full reading of the drafted Negative Declaration Resolution; seconded by MET and all approved.

AH motioned to approve the Negative Declaration Resolution in its entirety; seconded by RL and all approved.

##### Boundary Line Adjustment for Boundless Woods/ Mark Nasuti and Vicki Fowler

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 MET and all approved.

Minor Subdivision for William Momrow

AH motioned to waive the full reading of the drafted Resolution; seconded by MET and all approved.

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

Special Use Permit for June Farms/Matt Baumgartner

AH motioned to waive the full reading of the drafted Resolution; seconded by MET and all approved.

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

**MINUTES** – MET motioned to approve the October 16, 2019 minutes as submitted; seconded by AH and all approved.

**ADDITIONAL DISCUSSION –**

Ms. Ryan explained that as a New Year was starting it was seen as an opportunity to clarify for the Planning Office the documentation PB members would like to see from applicants to consider an application complete along with the timeframe needed to ensure all of the documentation can be reviewed. A discussion ensued regarding topography, formal survey maps and/or site plans. The outcome was that applicants would be informed by the Planning Office that they will be required to submit a complete package that included the proper documentation as per the Zoning Code for their particular project. Additionally, it was decided that for Site Plan and Subdivision Applications, applicants would be informed that topography would be required upon submission. Ms. Ryan stated that should an applicant wish to go forward without the required documents, this is their right. She added that It would then be up to the PB members to inform them that the application cannot be acted upon as it is incomplete if the PB determined that that was the case.

**ADJOURNMENT** - AH motioned to adjourn the meeting at 9:12pm; seconded by MG and all approved.