

**Town of Sand Lake  
Planning Board Minutes  
July 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 7:32 PM

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

**MEMBER ABSENT:** William Glasser

**OTHERS PRESENT:** Craig Crist (Planning Board Counsel), Monica Ryan (Town Planner), William Ryan, Kevin McGrath, Douglas & Patricia Carroll, Frederick Nick, Winston Hagborg, Andrew Bulmer

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

**Recommendation to ZBA for Area Variance Application - 2 Lot Subdivision**

Estate of Michael F. Lomonoco, Jr.

Bonnie Jo Willard, Executrix

60 & 64 Loon Creek Lane

Averill Park, NY 12018

R – Residential Zoning District

An Area Variance Application to create a lot with insufficient area, side setback and lot width as part of two-lot subdivision.

**Tax Map#158.4-2-3**

Lot Size: .425 +/- acres

Proposed Lot Size: .075 acres

Attorney William Ryan was present and stated that he represented the Bonnie Jo Willard who was the executrix of the Michael F. Lomonoco, Jr. estate. William Ryan summarized the project initially presented at the Planning Board (PB) meeting on July 1, 2020. At that meeting, it had been determined by PB members that a site visit for the proposed interior lot line was needed before a Recommendation could be rendered. Arthur Herman (AH) asked PB members for their thoughts based upon the site visit being completed. Rick Giolito (RG) stated that as the two-story house had an overhang, the proposed interior lot line was too close. Mary Ellen Trumbull (MET) stated she believed the interior lot line should go straight from what originally existed for a lot line. RG added that he and MET had been at the site together and spoke with Ms. Willard who was unclear of the ask. Ralph LaMontagna (RL) stated he had taken pictures taken during his site visit and submitted them to Monica Ryan. The pictures were reviewed and RL stated that there seemed to be plenty of room on both sides of the vehicle for the one-story dwelling to enter and exit. He noted that the one-story dwelling had many plantings on the side of home that stood out approximately 3' which could be pushing them closer to the neighbor's property. RL added that he could not personally support 2 1/2' from the neighbor's property line as proposed; however, could support the original lot line. AH noted that the original lot line was close to 8' and asked PB members if the interior lot line of 5' would be supported. RL and RG replied yes. Mr. Ryan stated he would go back to the Zoning Board of Appeals (ZBA) with whatever Recommendation is made by the PB. Ms. Ryan explained that if the ZBA approved the Area Variances, with consideration to the PB Recommendation, amended maps would then be needed prior to returning to the PB to complete the Minor Subdivision. AH motioned to provide a positive recommendation for the Area Variance application based on configuration of the lots and

subject to the following condition: The interior lot line subdividing the parcel shall be no closer than 5' to the dwelling located on the property identified as "Lots 24, 25, 26". The motion was seconded by MET and all approved. AH motioned to schedule a PB Public Hearing for August 19, 2020; seconded by MET and all approved. CC clarified for all that the PB Recommendation to the ZBA was non-binding.

**Minor Subdivision and Public Hearing**

Frederick Nick  
21 Knob Hill Road  
Averill Park, NY 12018  
R – Residential Zoning District  
A Minor Subdivision Application to subdivide a.296-acre parcel into two lots.

**Tax Map#158.04-3-8.1**  
  
Lot Size: .296 +/-acres

Frederick Nick and surveyor Kevin McGrath were present. Mr. McGrath summarized the project which had been presented July 1, 2020 Planning Board meeting. With no further questions from PB members, AH opened the Public Hearing at 7:56 pm and RL read the published notice. With no written or online public comments received, AH closed the Public Hearing at 7:59pm; seconded by RG and all approved. Ms. Ryan explained that the ZBA had completed SEQR and classified the project as an unlisted action with a negative declaration as well as approved the Area Variances. AH noted that the ZBA had been declared as the Lead Agency previously. AH motioned to give this Minor Subdivision Application and preliminary and final approval and waive the final hearing; seconded by RL and all approved.

**Minor Subdivision Application and Public Hearing**

William Momrow  
502 Momrow Road  
Sand Lake, 12153  
R – Residential Zoning District  
A Minor Subdivision Application to subdivide a 137.4-acre parcel into two lots.

**Tax Map #148.00-4-4**  
Lot Size 137.4 acres  
Lot 1: 27.33 acres  
Lot 2: 110.15 acres

Surveyor Kevin McGrath was present and stated he represented William Momrow. Mr. McGrath summarized the project which had been presented July 1, 2020 Planning Board meeting and reiterated that no Area Variances were required. With no further questions from PB members, AH opened the Public Hearing at 8:02 pm and RL read the published notice. With no written or online public comments received, AH closed the Public Hearing at 8:04pm; seconded by MET and all approved. AH motioned to classify the project as an unlisted action under SEQR and declared the Town of Sand Lake PB as the Lead Agency; seconded by MET and all approved. AH motioned to give this Minor Subdivision a negative declaration; seconded by MET and all approved. AH motioned to give this Minor Subdivision Application and preliminary and final approval and waive the final hearing; seconded by MET and all approved.

**Scenic Preservation Application**

Douglas and Patricia Carroll  
20 Stone Camp Way  
Averill Park, NY 12018  
R – Residential Zoning District

**Tax Map #168.-4-45**  
  
Lot Size: .19 acres

A Scenic Preservation Application to install a privacy fence on north side of property and add an 8'x12' garden shed along same line within approximately 25' of Crooked Lake.

Douglas and Patricia Carroll were present. Douglas Carroll summarized the project which had been presented at the July 1, 2020 Planning Board Meeting. At that meeting, it had been determined by PB members that a site visit was needed before a determination could be rendered. AH stated that there had been a neighbor who was

concerned regarding the location of the fence and shed. MET noted that fence and shed had been staked out however the neighbor's house was not when she and RG had performed the site visit. RG commented that he did not have any issues with the proposed fence and the applicant had indicated that the shed may be moved back. AH and RL had also performed a site visit and the applicant informed them that the shed would be 5' from the property line and drainage work would be performed. RL added that they viewed the site line view from different angles and noted there was a small area that would be blocked. RL stated that the Carroll's had agreed that the shed would not be built on any type of berm. RG agreed that the move of the shed 5' should alleviate some issues. Doug Carroll stated that they were not 100% sure if all the fence and shed would be done as it would be based on aesthetics as the project moved along; however, wanted approval if whole project was to be done. AH stated that in the discussion with the Carroll's it was mentioned not going further down with the shed then the line of the deck, which was approximately 15' from the property corner, for which the Carroll's thought would be fine. Mr. Carroll reiterated that he really did not want to go down much further than that. CC asked the applicants if they were in agreement to the application being amended in line with what was presented. Mr. Carroll replied they were seeking approval for what had been proposed for the fence and shed if it were to come to fruition. Ms. Ryan stated that on the proposal she did not believe it was noted that shed would be 5' off the property and could be a condition of the approval for the record. Mr. Carroll added that if he were to be 25' to 30' off the lake, that would be fine. Mr. Bulmer commented regarding parcels of the property owned by the Carroll's versus what the Crooked Lake Association owned. CC replied that the PB does not make such determinations. AH asked if it would work if the fence and shed were to end at a point where a straight line could be drawn from the existing deck of the existing dwelling. Mr. Carroll replied that was fine. AH made a motion to declare the Town of Sand Lake PB as Lead Agency and classified this project as a Type 2 action under SEQR; seconded by RL and all approved. AH then motioned to approve the Scenic Preservation Application with the following conditions: 1) the fence and shed end at a point where a straight line could be drawn from the existing deck of the existing dwelling; 2) the shed be built 5' from the property line; and, 3) before, during and after construction, 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. This was seconded by MET and all approved.

**Minor Subdivision Application**

Howard J. and Susan P. Read  
30 Barnes Road  
West Sand Lake, NY 12196

AR – Agricultural/Residential Zoning District

A Minor Subdivision Application to subdivide a 46.81-acre parcel into two lots.

**Tax Map#157.-3-40.31**

Lot Size: 46.81-acres

Lot 1: 6.37-acres

Lot 2: 40.44-acres

Surveyor Kevin McGrath was present and stated he represented Howard and Susan Read. Mr. McGrath explained that in 1987, the previous owner had divided the parcel into 5 lots of which the Read's had purchased two of them on the same day. He further explained that while there were two different deeds, they had one tax map numbers for the last 33 years. Mr. McGrath referred to the survey map and stated that the Reads had a buyer for the 6.37 acres on the northerly side of the road. Ms. Ryan read a question submitted online: My question for the subdivision is whether the adequacy of the water table had been considered for three additional houses when some residents already had issues with water. Mr. McGrath replied that he did not know anything about it and reiterated that this was only for the sale of 6.37-acres for one residence eventually. Ms. Ryan explained for all that a Public Hearing would be scheduled in the future for this project to allow for public comments. AH noted that there was plenty of road frontage for which PB members agreed. AH asked if there were any wetlands. Mr. McGrath replied no, and added there was a small drainage ditch in the rear of the property. The DEC map is reviewed and noted that any bides of water were well off the property. Mr. McGrath explained that the layout of the proposed 6.37-acre parcel had been chosen by the buyer and there were no

issues with a well or septic system. AH motioned to schedule the Public Hearing for August 5, 2020; seconded by RG and all approved.

**Scenic Preservation Application**

Richard Keeler

22 Taylor Way,

Sand Lake, NY 12153

RR – Rural Residential Zoning District

A Scenic Preservation Application to construct a 12' x16' platform on the shoreline with a 4' x 20' extension dock for boats on Little Bowman Pond.

**Tax Map #149.-2-9.2**

Lot Size: 15.99 acres

Richard Keeler was present and stated he wished to construct a 12' x 16' platform on the shoreline that would be for a couple of chairs. RG stated that the extension dock was not a PB determination as that would be handled through DEC. Ms. Ryan clarified that the applicant appeared before the PB for approval of the platform/deck itself. Mr. Keeler explained that a majority of the platform would be on the land and approximately 2' would be out over the water. AH asked if six techno posts would be installed. Mr. Keeler replied yes, either four or six on land. He added that the platform would consist of pressure treated lumber and Trex decking in an earth tone color. RL noted that the site plan did not reflect any proposed lighting for which Mr. Keeler stated that was correct as there was no power or water in the proposed project area. Mr. Keeler added they were 253' from the nearest neighbor's property line. With no further questions, AH motioned to declare the Town of Sand Lake PB as Lead Agency and classified the project as a Type 2 action under SEQR; seconded by MET and all approved. AH motioned to approve the Scenic Preservation Application as submitted with the following conditions: before, during and after construction, 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. The motion was seconded by Mary Ellen Trumbull and all approved.

**Sign Placement Application**

Lawrence A. Corbett (Applicant)

3031 Rt 43 LLC (Property Owner)

Averill Park, NY 12018

HMU – Hamlet Mixed Use Zoning District

A Sign Placement Application for a new business.

**Tax Map#148.3-6-25**

Lot Size: 3,920 square foot

Lawrence Corbett was presented and stated that other than the new sign which would be placed on the pre-existing post, no other changes were proposed. AH noted that the last time such a project was proposed at the location, there had been concern over the height of the sign. Ms. Ryan agreed and stated that previously a sign had been proposed to be lower on the post which would have created a visibility issue; thus, had the prior applicant place the sign higher on the post. RL recalled that previously there had been two signs which caused the visibility issue. AH asked how high off the ground the proposed sign would be. Mr. Corbett replied that the arm of the post was approximately 11' off the ground and the proposed sign would be 3' from top to bottom; thus, the sign would be 8' from the ground at the lowest point. He further stated that the oval sign would be a total of 12 square foot - 4' wide by 3' tall. MET asked if the sign would be lighted for which Mr. Corbett replied no. AH declared the Town of Sand Lake PB as the Lead Agency and classified it as a Type 2 action under SEQR; seconded by MET and all approved. AH motioned to approve the Sign Placement Application as submitted; seconded by MET and all approved.

**DRAFT RESOLUTION APPROVALS**

Special Use Permit Application for Paul Vincent

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.

Special Use Permit Application for David Benyo

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.

Scenic Preservation Application for Robert Loveridge

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.

**ADDITIONAL BUSINESS:**

Site Plan Review – Dunkin Donuts

Ms. Ryan informed the PB members that a new draft site plan had been received from Dunkin Donuts (DD). She noted that one part of the Dunkin Donuts Area Variances Application had been denied by the ZBA; thus, DD had revised a draft site plan to address that issue which would be presented to the PB. She explained that the revised draft site plan had been sent to Michael Wager and Wayne Bonesteel for review and comments.

**ADJOURNMENT**

AH motioned to adjourn the meeting at 8:47 pm; seconded by RL and all approved.