

**Town of Sand Lake
Planning Board Minutes
July 3, 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: Ralph LaMontagna, Vice Chairman, called the meeting to order at 7:30 PM

MEMBERS PRESENT: Mary Ellen Trumbull, Rick Giolito, Jonathan Bernstein, Craig Crist

MEMBER ABSENT: Arthur Herman, Michael Groff

OTHERS PRESENT: Maryellen & Kevin King, Bill Glasser, Ed Brzozowski, Monica Ryan

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

Special Use Permit and Public Hearing

Kevin and Maryellen King
4478 NY 150

Tax Map #146.-5-6.2

West Sand Lake, NY 12196

Lot Size: 2.03 acres

R – Residential Zoning District

A Special Use Permit to add an in-law apartment on an existing dwelling.

Maryellen and Kevin King presented. Mr. King stated that the proposed plan was for an 800 square foot in-law apartment to be added to their existing residence and would be for his mother and father. Mr. King explained that the addition would be added to the side of their house and meets requirements for being far enough away from the neighbors' property. Ralph LaMontagna (RL) explained the Public Hearing and review process and then motioned to open the Public Hearing at 7:31PM; seconded by Rick Giolito (RG) and all approved. Jonathan Bernstein (JB) read the Public Hearing notice. RL then invited the public comments. As there were no public comments, RL closed the Public Hearing at 7:34PM; seconded by Mary Ellen Trumbull (MET) and all approved. RL explained that the Planning Board's determination would be based on consideration of general criteria set forth for Special Use Permits (Section 250-80) and then proceeded to read them as follows:

The Planning Board shall consider the following general criteria when making a determination for a special use permit:

- A. Compatibility of the proposed use with the principles of the district, the purposes set forth in this chapter, and the goals of the Comprehensive Plan.
- B. Compatibility of the proposed use with adjoining properties and with the natural and man-made environment.
- C. Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, including accessibility to fire, police, and emergency vehicles and sufficient water supply and appurtenances for firefighting purposes.

- D. The overall impact on the site and its surroundings, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.
- E. Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town.
- F. Consistency of the location of the proposed use with the goal of creating a healthy mix of uses that enhances the viability of the hamlets and Town.
- G. Compatibility with the historic character and use of the structure or structures and the historic character of the site and in the surrounding area, if applicable.

RL then asked PB members if they had any questions. MET commented that the project was pretty straightforward and RL agreed. RG mentioned that PB members had many questions answered at the first PB meeting that the King's attended. Mr. King then mentioned, for the record, that their residence was previously a two-family dwelling going back to approximately 1990; thus, the application seemed consistent with what existed at one time. RL mentioned that upon review of the site plan map, he noted that the parking looked to be sufficient. RL then asked if the structure would be built with materials similar to their house in order to blend in. The Kings responded yes and added that the siding would be the same as the house. RL then asked if there would be any exterior lighting. Ms. King responded there would be a front porch light and one light in the back; however, it would not shine on the neighbors. RL mentioned that the lighting should be limited to the property as not to disrupt the neighbors. RL then pointed out that the new structure appeared to be right on the well. Mr. King responded that there would be more maintenance done to ensure it is clear. He then agreed that the well would be in the basement and added that their only alternative would be to drill another well. Ms. King also added that they had discussions with the contractor concerning the well and Mr. King mentioned that there would be serviceability issues. With no further questions from the PB members, RL motioned to list this as a Type 2 action under SEQRA and declared the Town of Sand Lake as the Lead Agency; seconded by MET and all approved. RL then motioned to approve the Site Plan Review Application as submitted with no conditions; seconded by JB and all approved.

Boundary Line Adjustment

Steven Cusack (Applicant and Receiving Parcel)
28 Old South Road
West Sand Lake, NY 12196
and

Tax Map #147.3-2-27.15

Geraldine Swimm (Donor Parcel)
46 Old South Road
West Sand Lake, NY 12196
AR – Agriculture/Residential Zoning District

Tax Map #147.3-2-27.2

Donor Parcel Tax Map #147.3-2-27.2 46 Old South Road, West Sand Lake, NY 12196 Current Lot Size 10.42 acres/Donating .42 acres/Proposed Lot Size 10 acres

Receiving Parcel Tax Map #147.3-2-27.15 28 Old South Road, West Sand Lake, NY 12196 Current Lot Size 2.317 acres/Receiving .42 acres/Proposed Lot Size 2.735 acres

A Boundary Line Adjustment Application to donate .42 acres to an existing residential lot.

Surveyor William Glasser represented for the Cusack's and stated that he had appeared before the PB two months ago where he was informed that this Boundary Line Adjustment would result in the larger

parcel having a 3:1 length to width ratio issue. Mr. Glasser mentioned that he had appeared before the Zoning Board of Appeals (ZBA) for an Area Variance and they scheduled a Public Hearing for July 18, 2019. Mr. Glasser explained that it was his understanding that the larger parcel now had a pending sale and asked if the PB could grant approval of the BLA contingent upon ZBA approval of the Area Variance which would assist in moving the process along. RL reviewed the history by stating that on May 1, 2019 Mr. Glasser initially appeared before the PB and on June 6, 2019 Mr. Glasser appeared before the ZBA whose review/discussion of the Area Variance application revealed that meeting the 3:1 ratio was short by approximately 17'. Mr. Glasser agreed and added that the lot line would need to change by 17'. RL then asked if the message received from the ZBA Mr. Glasser .was that a "very light" area variance would be needed. Mr. Glasser agreed and stated that with the area variance, the ratio would then be 3.05:1. RL then clarified that Mr. Glasser's request for conditional approval of the BLA was due to the date of the next ZBA Public Hearing not being until July 18 for the Area Variance which would then push the PB BLA review/approval to August. RL reiterated that Mr. Glasser had started the process back in early May. Mr. Glasser agreed and reiterated that there was now a pending sale on the larger parcel of property. JB asked Mr. Glasser if the map he had was new. Mr. Glasser replied it was the same maps however showed the length to width on it. MET asked if there were any changes since the first PB meeting. Mr. Glasser replied that one change was the Tax Map # to reflect the correct parcel. MET asked if there were any boundary line changes. Mr. Glasser replied "no" as it would still be the 50' x 363' for the lot line adjustment. PB members reviewed larger version of map brought in by Mr. Glasser. RG asked Mr. Glasser if he had been turned down for the BLA back in May. Mr. Glasser replied that there was no decision at the May PB meeting as he was referred to the ZBA for the Area Variance. MET then clarified that the ZBA agreed to then have the Area Variance application go for a Public Hearing for which Mr. Glasser and RL agreed. Craig Crist (CC) then stated that the referral delayed the matter and this was an unusual situation; thus, the reason Mr. Glasser was requesting conditional approval of the BLA. Monica Ryan added that if the 3:1 ratio issue for the larger parcel been recognized upon the BLA being filed back in May, Mr. Glasser would have appeared before the ZBA first for the Area Variance versus the PB for the BLA. She added that it would be PB members decision whether to grant the conditional approval or not and pointed out that Mr. Glasser did have a favorable discussion with the ZBA. RL agreed and added that rather than push out the BLA decision until August, the request for conditional approval would assist to keep the process moving forward since the ZBA had given a favorable message. RL further stated that the ZBA favorable message did not guarantee approval of the Area Variance and if it was denied, then the BLA would not be approved as the condition would not have been met. RG asked CC if the PB was able to provide a conditional approval of the BLA as it would be out of the normal order of business. CC responded that this was an unusual circumstance which dated back to May 2019 and did not view it as establishing a pattern or setting a precedent nor seen as illegal. RL also added that in the past, such requests were squelched as many times the applicant had not even applied to the ZBA. RG agreed and stated that such conditional approval should not be used against anyone who may voice a concern. RL stated that, in his opinion, a conditional approval does not add any weight the applicant's position. RG replied that it would if, unbeknownst to the PB, the representative/applicant stated to the concerned party that they received a conditional approval from the PB to which RL agreed. CC then asked how many days after the ZBA Public Hearing meeting would it be before the next PB meeting. PB members responded that their meeting would be August 7 and as such would be a couple of weeks after the 7/18 ZBA meeting. JB asked if there was a closing date on the aforementioned pending sale. Mr. Glasser responded that

it was his understanding that the owner had a buyer however the closing process was on hold pending determinations of the Area Variance and BLA. JB then stated that the PB is just a path in the process and its decision would be ministerial as the final say would be with the ZBA. Mr. Glasser pointed out that lot line adjustments are normally completed in one PB meeting; however due to the 3:1 ratio issue, required going before the ZBA for the Area Variance and then a Public Hearing. RL clarified that with the pending buyer, the conditional approval of the BLA would shorten the process. RG then asked why the BLA was not approved initially. CC replied that the whole process could not be approved until such time as the Area Variance is granted. Monica Ryan stated that PB members could have issued the conditional approval of the BLA back in May; however, that did not happen and instead Mr. Glasser was referred to the ZBA which lengthened the process. She then added that for those reasons, Mr. Glasser was seeking an exception to the situation given that the BLA is not a controversial issue. RG replied that the BLA was not controversial; however, seemed like a convoluted process. JB agreed and added the PB was trying to untangle the situation to which RL agreed. CC reiterated that any such granting of the conditional approval was not setting precedence. Mr. Glasser replied that the request would not have been asked for if it weren't for the issue of the sale on the property. RL agreed and stated that the PB reviewed each situation individually and that this was a unique situation in that it has taken so long coupled with having a buyer. RL added that the Area Variance needed was minimal and as there was a bureaucratic mix-up, the PB would be trying to keep the process in motion. MET made a motion to grant the conditional approval. RL replied that as this was a BLA, the SEQR would need to be done first. RL then motioned to declare the Town of Sand Lake as the Lead Agency and classified this BLA as a Type 2 action under SEQR; seconded by MET and all approved. MET then motioned to grant the conditional approval pending the ZBA Public Hearing meeting and its approval of the Area Variance. CC then clarified that the conditional approval of this BLA would not be establishing precedence and would go into effect if, and only if, the Area Variance is granted by the ZBA. JB then seconded the motion to grant the conditional approval of this BLA and all approved.

Minor Subdivision Application and Boundary Line Adjustment Application-Karl Farm

E. W. Birch Builders & Construction, Inc.
3975 NY 150
West Sand Lake, NY 12196

Tax Map #158.-1-26.11
Lot Size: 74.91 acres
Lot TBD: 3.55 acres

AR – Agriculture/Residential Zoning District

Remaining Parent Lot – 71.36 acres

Part 1 - A Minor Subdivision Application to subdivide one lot from a 74.91-acre parcel of land.

Part 2 – A Boundary Line Adjustment Application donating .28 acres from parent parcel of 71.36 acres.

Donor Parcel Tax Map #158.-1-26.11 Rt. 150, West Sand Lake, NY 12196 Current Lot Size 71.36 acres/Donating .28 acres/Proposed Lot Size 71.08 acres

Receiving Parcel Tax Map #158.-1-26.4 Rt. 150, West Sand Lake, NY 12196 Current Lot Size 2.09 acres/Receiving .28 acres/Proposed Lot Size 2.37 acres

Ed Brzowski presented and stated the proposed plan is for a one lot subdivision and also a lot line adjustment. Mr. Brzowski explained that the one lot subdivision is across the street on Route 150 and is an existing parcel that is tied to the Karl Farm's parent parcel. He then stated that the plan is to also add a 20' parcel to the existing Lot 3 which he had built a home on in the interim. Mr. Brzowski added that there is a prospective buyer for Lot 3 who has requested that the 20' easement be added

to the Lot 3 parcel in order to close the deal. JB and RG asked Mr. Brzozowski to walk the PB members through the proposed plan for further clarification. PB members and Mr. Brzozowski reviewed the site plan map. Mr. Brzozowski then explained that the proposed subdivision plan is to take Lot 5A, which is an existing parcel, and make it a separate lot as it currently belongs with the parent parcel of Karl Farms via the 20' strip located across the street. He further explained that upon separation of Lot 5A, the BLA for that 20' parcel located across the street would then be added to Lot 3. Monica Ryan clarified for all by stating that while the prospective buyer wanted the 20' strip added to Lot 3, that strip is currently the only connector for Lot 5A to the parent parcel located across the street; thus, the reason for the subdivision request. RG asked and Mr. Brzozowski clarified that the pending sale of the newly built house was on the previously approved Lot 3. Discussion then ensued regarding Route 150 going through the property. Monica Ryan explained that it was necessary for the "z" hook to connect Lot 5A to the parent parcel and added that there are many "z" hooks in the Town. With no other questions, RL motioned to set the Public Hearing for July 17, 2019 at 7:35pm for the Minor Subdivision and stated the BLA would be addressed thereafter.

Major Conservation Subdivision Application – Sketch Plan – Karl Farm Phase 2

E. W. Birch Builders & Construction, Inc.
3975 NY 150
West Sand Lake, NY 12196
AR – Agriculture/Residential Zoning District

Tax Map #158.-1-26.11
Total acreage: 74.63 acres
Lot 4: 1.30 acres
Lot TBD: 1.77 acres
Lot TBD: 1.78 acres
Lot 7: 2.1 acres
Lot 8: 1.25 acres
Lot 9: 1.16 acres
Lot 10: 4.0 Acres

Remaining Parent Lot: 61.27 acres

A Sketch Plan discussion regarding a Major Conservation Subdivision Application to subdivide 7 lots from a 74.63-acre parcel of land.

RL announced that Mr. Brzozowski would be coming back before the PB at another time to discuss the Major Subdivision. MET then motioned to table this sketch plan discussion; seconded by RL and all approved. CC asked if the applicant had requested the item to be tabled. RL replied that the decision to table the discussion was based on the proposed complex documents being received by the PB 24 hours before this meeting thus not allowing sufficient time for PB members to review/digest them prior to the meeting. CC added that with the absence of two PB members, that left only four members present to discuss the proposal and asked Mr. Brzozowski if he consented to the sketch plan being heard at the next meeting. Mr. Brzozowski replied that he understood the reasoning as the plan is complex and added that he was fine with it being discussed at the next meeting. CC asked Mr. Brzozowski, for the record, if he was agreeable to this plan discussion being tabled for which Mr. Brzozowski replied yes.

MINUTES –

ADJOURNMENT – RL motioned to adjourn the meeting at 8:05PM. MET seconded the motion and all approved.