

**Town of Sand Lake
Planning Board Minutes
March 3, 2021**

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 7:33 PM

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

MEMBER ABSENT:

OTHERS PRESENT: Christopher Wachtel, Matt Wachtel, Maureen Straight, Albert Hayner, John Slyer, Joseph Jankovic, Melissa Jankovic, Antonino Aliberti, Kevin McGrath, Monica Ryan (Town Planner)

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

ZBA Recommendation - Area Variance and related Minor Subdivision

Christopher and Mari Wachtel
215 Methodist Farm Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 170.-1-7.1
Current Lot Size: 20.94 acres
Proposed Lot 1 Size: 19.30 acres
Proposed Lot 2 Size: 1.64 acres

An area variance application for insufficient lot width as part of a minor subdivision application to create one new residential lot.

The survey plat thumbnail was reviewed and Christopher Wachtel explained that a two-lot Minor Subdivision was proposed in order that Lot 2 could be sold to his son to build a home. He explained that the proposed Lot 2 required Area Variances for insufficient lot width and exceeding the maximum lot depth to width ratio. He added that Lot 2 would have a 50' access from Methodist Farm Road and be adjacent to his home on proposed Lot 1. The areal picture was then reviewed and Mr. Wachtel explained how the driveway and easement for Lot 1 crossed his sister's property and the National Grid right of way. Arthur Herman (AH) asked the width of the right of way to which Mr. Wachtel replied that he believed it was 25'. Mr. Wachtel explained that the driveway for Lot 2 would be to the left of it in a westerly direction and have the proposed 50' access. Monica Ryan reminded the Planning Board (PB) members that the Wachtel's had initially presented a sketch plan to the PB on June 17, 2020 which proposed Lot 2 only having access via the existing driveway easement. She added it was determined by the PB members that a site visit was necessary. She further explained that the Wachtel's then reappeared before the PB again on July 1, 2020 where it was noted that the Wachtel's had 632' of road frontage on Methodist Farm Road. An inquiry was raised regarding the 50' access and Ms. Ryan noted from the previous meeting minutes that Board members had not been comfortable with Lot 2 not having other access besides the driveway/right of way for Lot 1; however, would be comfortable with a separate 50' width road/driveway access point off Methodist Farm Road.

Ms. Ryan explained that the Wachtel's had presented before the Zoning Board of Appeals (ZBA) on February 11, 2021 and a public hearing was scheduled for March 11, 2021. She added that in addition to the insufficient lot

width, there would also be a 3:1 depth to width ratio issue. The areal picture is reviewed to clarify the proposed 50' access for Lot 2. It was also clarified that as the current driveway for proposed Lot 1 was on a neighboring driveway; thus, Lot 2 would only have the 50' access being proposed. Ralph LaMontagna (RL) stated that in the past such requests had been recommended provided the ZBA approved the requested area variance; thus, he was comfortable with the proposed 50' access for Lot 2. Andrew Karl (AK) asked if the 50' access was granted, would an area variance still be needed for the 3:1 ratio for which Ms. Ryan replied yes and it was all one Area Variance Application. AH stated that whether the proposed access was 50' or 150', Lot 2 would utilize the existing driveway as it had an easement. Michael Groff (MG) stated that the proposal was like a modified flag lot for which many had been approved in the past. AK noted there was not any topography shown and asked if the proposed 50' access would easily lend itself for a driveway to be constructed, if needed. Mr. Wachtel replied yes as that area was relatively level all the way back in. He added that to the west of that area, it would not be the same due to a high bank. AH and surveyor Kevin McGrath agreed that a request of 150' for road access would almost be creating a separate lot.

RL motioned to declare the Town of Sand Lake Planning Board as Lead Agency; seconded by AH and all approved. AH motioned to classify this project as an Unlisted action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency with the ZBA being listed as an involved agency; seconded by Mary Ellen Trumbull (MET) and all approved. AH motioned to give this project a Negative Declaration under SEQR. He stated that 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. This motioned was seconded by RL and all approved. AH motioned to provide the ZBA with a positive recommendation for the proposed 50' access and 3:1 depth to width ratio; seconded by RL and all approved. AH motioned for a PB Public Hearing to be scheduled for April 7, 2021 on the Minor Subdivision Application conditioned on the ZBA approval of the requested Area Variances at their March 11, 2021 meeting. The motion was seconded by MET and all approved.

ZBA Recommendation - Area Variance and related Special Use Permit

Maureen Straight

Tax Map #: 159.2-1-13

158 Glass Lake Road

Averill Park, NY 12018

Lot Size: 0.4 acres

R-Residential Zoning District

An area variance application for insufficient side yard setbacks for the construction of a primary single-family dwelling in addition to an existing dwelling.

Maureen Straight and surveyor Kevin McGrath were present. Ms. Ryan stated that in addition to the requested recommendation from the ZBA, the PB members could also utilize the meeting as the initial presentation for the Special Use Permit (SUP) application. She explained that the applicant proposed a primary dwelling and along with an existing accessory dwelling on the parcel which would be permitted with a SUP in the District. Ms. Straight stated that a seasonal cottage existed that was less 700 square foot. She confirmed that with the proposed primary dwelling the existing cottage would become the accessory building; thus, required a SUP. She added that the location for the proposed primary dwelling was chosen as it was most beneficial for the house plan as well as the neighbors. The elevation picture was reviewed. RL asked the applicant why two dwellings were being proposed on the lot versus replacing the existing cottage. Ms. Straight replied that the accessory dwelling would be utilized for family that visited as the cottage was perfectly useful. Ms. Straight added that even if the cottage were to be removed/replaced, area variances would still be needed for the setbacks; thus, thought the proposal was the best use of the property. RL then noted that the proposed primary dwelling would have a garage and asked that the parking layout be explained as well as entry to the garage. Ms. Straight replied that while a defined driveway was not shown on the site plan; however, the hash marked area was currently a stone driveway which would be extended in a curve to the garage for access and egress. RL then asked how the addition of the garage

would affect the outside parking. Ms. Straight replied that she did not believe it would affect it. RL asked how would folks enter the garage to which Ms. Straight replied on the side. RL asked if a conversation had taken place with the neighbor, Ms. Doyle regarding the proposed project. Ms. Straight replied she had and shared the proposed site plan. She added Ms. Doyle replied that it looked like a great plan and thanked Ms. Straight for not blocking the view. RL asked the elevation of the proposed dwelling to which Ms. Straight replied 35'. AK stated that he had done a drive-by and noted that the proposed dwelling looked close to the neighbor Michael Smith; thus, asked far away would it be. Mr. McGrath replied that the house on that lot was down very close to the lake and as the proposed dwelling would be set back, it would not block their view. AK asked if there had been any correspondence with that neighbor. Ms. Straight replied yes and that she had conversations and shared the proposed site plan, including house elevation, with the neighbors on both sides as well as across the road. She added that Nancy Dunn and herself had walked the property and discussed the proposed layout which would not block her view. Rick Giolito (RG) stated that it appeared there was a 90-degree stand of trees that would block the house from being seen from the road and asked if that was correct. Ms. Straight replied yes and they were 30'-40' arborvitaes that were on the corner and also down the driveway of the Dunn lot. RG then stated as the elevation area for the proposed dwelling was below grade; thus, overall height of 35' would not be seen from the road. Ms. Straight stated that was her understanding from the builder that one floor would be below grade. RG asked if the area was zoned for multi-family-dwellings. Ms. Ryan replied that the zoning permitted for an accessory dwelling of 800 square foot or less with a principle however required a SUP. She added that what was unusual in this case was that the existing cottage would become the accessory and proposed dwelling would become the primary. Ms. Ryan explained that Zoning allowed lakefront properties to have an accessory structure to be at the roadside, as long as there was a 10' setback. She added that the existing cottage exceeded that setback. RG asked about the proposed garage and Ms. Ryan replied that as it is proposed to be attached to the house it would be a part of the primary dwelling; thus, not considered an accessory structure. The site picture was reviewed and RL noted what appeared to be a natural runoff channel to the lake and asked if that was correct. Ms. Straight replied yes and it consisted of four French drains underneath that she had installed. RL asked if it was correct that the building would be within 5' of the green dots that appeared on the site picture. Ms. Straight replied that the dots were just to show the line down from the trees to property line. Mr. McGrath referred to the site picture and stated that the green dots on the other side reflected the 5'. RL then stated that the other side was then the 14' for which Mr. McGrath replied yes. RG referred to the site picture and asked if a pavilion existed to which Ms. Straight replied yes. Board members discussed the need for a site due to the size of the lot. Ms. Ryan reminded the Board members that the impact criteria for a SUP should also be considered as well as the criteria for an Area Variance. RL commented that one of the criteria involved whether the project would impact the character of the neighborhood to which Ms. Ryan replied that was correct. RL added that many of the lake front properties had similar accessory dwellings. Ms. Ryan clarified that it was allowed Town-wide in every district. RG commented RL raised a good point regarding the quality of the Town especially surrounding the lakes yet was concerned due to recently approved projects such as for the Bulmers. AH replied that the Bulmer project was a different in that the proposed dwelling was moved back. RG agreed with AH and stated to RL the only other option would be to ask the applicant to remove the cottage and move the proposed dwelling closer to the road. RL commented that was his thought at first glance due to a change of the character; however, the Town Zoning Code allowed for it with a SUP. Ms. Ryan clarified that the SUP Application provided Board members with the ability to review the project for impacts and either deny it or, if deemed appropriate, set conditions. RG asked if there was a reason that the proposed house was angled in such a way that the corner would be 5' from the property line versus straight to minimize the distance from the property to the neighbor. Ms. Straight replied that the proposed layout was done not to restrict anyone's view of the lake nor disturb the current driveway and/or trees. She added that placing the home straight would have impacted Doyle's lot. AH agreed with RG. Ms. Straight explained that she also wanted to be able to curve in the driveway in order to have a turnaround for the car versus having to drive straight in. RL added that an important aspect to consider was that the neighbors were supportive of the project. Ms. Ryan clarified that a PB public hearing for the project was yet to be held and Craig Crist (CC) reminded Board members that no action was to be taken on the SUP at this time; just the Recommendation to the ZBA for the Area Variances. MET stated that she recused herself from the project as she

lived across the road from the project and stated Ms. Straight had shared the plans with her and her view of the lake would not be obstructed. AK stated that should there be concerns about the visual impacts, he has seen ways in which photo renderings of the proposed building could be done which take into account the elevation. He added that he did not wish to place any additional cost on the applicant, at this point, as it seemed the neighbors were not overly concerned and the Public Hearing would give a better insight. RL motioned to give this project a positive Recommendation for the listed Area Variances; seconded by RG and approved by MG and Jonathan Bernstein (JB). AH stated he opposed and MET abstained.

ZBA Recommendation – Area Variance and related Minor Subdivision

Thomas & Flora Fasoldt (applicant)
111 Wisner Road
Averill Park, NY 12018
RR– Rural/Residential District

Tax Map # 148.-1-25
Current Lot Size: 20.15 acres
Proposed Lot 1 Size: 9.7 +/- acres
Proposed Lot 2 Size: 3.34 +/- acres
Proposed Lot 3 Size: 7.11 +/- acres

A Minor Subdivision Application to create two new residential lots from a 20.15-acre parcel.

Surveyor Kevin McGrath represented and stated that Area Variances were need in relation to a proposed Minor Subdivision. He explained that Lot 1 on the northly side contained approximately 4/12 acres and an existing house which would be “z” hooked to the land across the road, which the applicants wished to retain and consisted of the remainder of the property for a total of 9.7 acres. Mr. McGrath stated the proposed Minor Subdivision would be to create Lot 2 on the northerly side of the road that would consist of 3.34 acres for one of the sons to build a home and this proposed lot needed no area variances. He then referred to the survey map and spoke of proposed Lot 3 that would consist of 7.11 acres however needed an area variance for the 3:1 depth to width ratio due to it being a long lot. Mr. McGrath stated that there was nothing more the applicants could do to comply with the 3:1 ration and further development was not planned. He added that the 3:1 ratio had been put into effect to prevent folks from creating subdivisions of multiple lots which was not being proposed for this project. Mr. McGrath added that Lot 3 would be for one of sons who would mostly like build near the road and leave the back of the property wooded. Ms. Ryan shared areal site pictures and the tax map of the property to reflect the proposed subdivisions. AH stated it could be two area variances for the 3:1 ratio as the proposed Lot 1 looked to be non-conforming. Ms. Ryan explained that the definition on the 3:1 ratio for the proposed Lot 1 was difficult to apply as it crossed the road; thus, would both the north and south sides of the road be counted for road frontage. Mr. McGrath stated that proposed Lot 1 would be the remaining lands after the proposed Minor Subdivision. RG asked if the applicants considered making Lot 3 and Lot 1 (on the same side of the road) just one lot. Mr. McGrath explained that the applicants would like to retain the 5.11 acres portion for proposed Lot 1 - across the road - as a possibility for another child in the future. AH confirmed that Lot 1 on the north side of the road would be 5.11 acres and the south side would consist of 4.59 acres to which Mr. McGrath agreed. It was discussed that any future subdivision of proposed Lot 1 would definitely need to be addressed for an area variance on the 3:1 ratio as well as a lot width as it is proposed at 175’ versus 250’; however, that was not being proposed at this time. Mr. McGrath stated that Lot 3 did consist of 263’ of frontage. RL stated one area variance was needed at this time and if any future subdivision was to be done, additional area variances would need to be sought to which AH agreed. Ms. Ryan informed the Board members that this meeting could count as the initial meeting for the proposed Minor Subdivision should they be inclined to do so.

With no further questions, AH motioned to declare the Town of Sand Lake Planning Board as the Lead Agency; seconded by MET and all approved. AH motioned to classify this project as an Unlisted action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency with the ZBA being listed as an involved agency; seconded by RL and all approved. AH motioned to provide the ZBA with a positive recommendation for the proposed 3:1 depth to width ratio on Lot 3; seconded by RL and all approved. AH motioned for a PB Public Hearing

to be scheduled for April 21, 2021 on the Minor Subdivision Application conditioned on the ZBA approval of the requested Area Variances; seconded by RL and all approved.

Minor Subdivision Application

Albert Hayner (applicant)
17 Sheer Road
Averill Park, NY 12018
R– Residential District

Tax Map # 158.-2-79.2
Current Lot Size: 70.28 acres
Proposed Lot 2A Size: 68.7 +/- acres
Proposed Lot 2B Size: 1.58 +/- acres

A Minor Subdivision Application to create one new residential lot from a 70.28-acre parcel.

Surveyor Kevin McGrath represented and stated that a number of years ago a subdivision for several lots had done and a Town Road built. The survey map was reviewed and Mr. McGrath explained that the Town also had another road, Hillcrest Road, that went up and around the proposed parcel however had never been reflected on the tax maps. He explained that he had recently been before the Town Board who abandoned the road and deeded it back to Mr. Hayner in order that 1.58-acre subdivision could be proposed for the grand daughter to build a home. Mr. McGrath explained that the proposed 1.58-acre lot would have 225' of road frontage at the end of Arlene Court. He added that engineering had been done and approval was received from the Health Department. AH noted that the agenda reflected the property as a Rural/Residential District versus Residential District to which Ms. Ryan agreed that it was a Residential District. AH noted that the proposed lot would meet the 3:1 depth to width ratio. AK noted that Arlene Court was only partially paved then turned to gravel and narrowed. He asked if anything further would be done such as paving or widening for emergency vehicles to gain access. Mr. McGrath stated that it currently was a solid roadbed and believed that the granddaughter would improve it in order that a driveway could be placed at the end around the curve. AH asked if the Town would then plow to the end of Arlene Court. Mr. McGrath replied that he believed the Town currently only went as far as the last house on Arlene Court and then backed up. He added that the proposed parcel had been two existing lots and would now having more land added to it. AH motioned to classify the project as an Unlisted action and the Town of Sand Lake Planning Board be the Lead Agency with the Town of Sand Lake Highway being an interested agency. RL seconded the motion and all approved. AH motioned to schedule the Public Hearing for March 17, 2021 at 7:30pm; seconded by MET and all approved.

Special Use Permit and Site Plan Review Application

John Slyer (applicant & property owner)
SKY HIGH Adventure Center, Inc.
27 Lake Avenue
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 148.3-1-27.2
Lot Size: 9 +/- acres

A Special Use Permit and Site Plan Review Application establishing a community center for recreational/ educational programs.

John Slyer presented and stated that the purpose was to try to put the old St. Henry's School back into use by creating a community center for kids, families and senior citizens for recreational/educational programs. Mr. Slyer stated that one of the plans involved having a sport fields available and creating a trail around the building for bike and run training programs. He added that they wished to have a summer program this year utilizing the outdoor grounds similar to the Sky High Adventure Camp at his current Methodist Farm Road location and transition those activities to the Lake Avenue property. He explained that the purpose of the inside of the building, over time, would be to create community meeting rooms, large group meeting rooms, office space for other not-for profits and possibly office space for counseling sessions or things of that nature as well as storage spaces for local youth sports programs. Some of the indoor plans include a community bike shop, art studios and places

where folks can learn some new skills as well as an exercise area for weights and aerobics, and a quiet area for after school programming. He stated the inside activities would be down the road as the immediate need was to try to utilize the outside for the upcoming summer. He added that a full assessment of the building's interior was needed before it could be occupied. AH asked if the Lake Avenue property would be used instead of Methodist Farm Road or in conjunction with it. Mr. Slyer replied he believed it would be used in conjunction due to the slightly different programming and also offer it with the not-for-profit as its own entity to try and keep programs going for when they decide to retire. AH asked about the planned outside activities for the upcoming summer. Mr. Slyer replied that, if approved, there would be simple trails, utilize the athletic field for soccer and possible football, and the area between the field and building would be for young kids to how to learn to bicycle. RL commented that the proposed activities sounded well planned out, very ambitious and a great project that was well needed. He added that if any signage were to be utilized down the road, it would need approval. RL then mentioned that the site plan revealed a proposed shed and asked for details on what look like. He then asked what a dosing station was as referred to on the site plan. Mr. Slyer explained that the site plan base map was an old survey; thus, the dosing station noted had been for the septic which is no longer functional and therefore no longer applied as the site is now on sewer. Mr. Slyer clarified that the shed existed and was not newly proposed. The Board reviewed the aerial which confirmed that the shed was already there. RL added that parking already existed and asked about the challenge course having adventure-based elements. Mr. Slyer replied yes, they would be low and removed off season so they don't weather or be abused at times when there was no supervision. Mr. Slyer then stated that the dimensions of the larger tents would be 20' x 40' and similar to what they currently utilized. RG asked about the septic for the building and Mr. Slyer stated that it was now connected to the Town sewer; thus, the septic had been disconnected. Ms. Ryan explained that when the site had been considered for a 24-unit senior housing project, the pipe size was reviewed for the sewer line and found suitable. RG asked if it was correct that the building would eventually have bathrooms and running water to which Mr. Slyer agreed. AK asked if there was a timeline for when the building may be approved for occupancy. Mr. Slyer replied that there was not a precise timeline as of yet. He added that they continued to talk with engineers and architects on a phased in plan that included research on an energy efficiency grant to make the building green as possible. He explained that the first phase would be to get the outside ready and then repair the roof as significant leaks existed as well as other issues. He further stated that they would work with Michael Wager and others to have the building into compliance to hopefully have part of the building open by the fall. AK noted that the application mentioned that people on the site per day listed 6-10 groups; thus, 60-90 people total and asked what the number would be for on-site volunteers. Mr. Slyer replied there would at least 1 staff member for 10 kids and younger kids, the number would be less per staff member. He added that he did not anticipate reaching the full total at this time as that process would have needed to start months ago. AK noted that swimming at Crystal Cove was mentioned and how it would be accessed as there were no sidewalks in the area. Mr. Slyer replied that the plan was to speak with Father Tom of the church to gain permission to walk through the cemetery and then the parking lot. He added that if they were to go off-site, such as the Town Beach, transportation would be used and most likely would be arranged with the school district. AK then noted that this site may be closer to neighbors than the current site and asked if there would be whistles, megaphones, airhorns or music playing. Mr. Slyer stated that they did not utilize megaphones and while whistles were used once in a while, it was not a lot. He stated that much of the noise would be from kids playing and laughing. He added that the staff may play some music however he would have rules instituted in regards to volume and appropriateness so as not to be disruptive. AK noted the porta-sans and wash stations and asked if there was any potable water on-site currently. Mr. Slyer replied there was water that had been approved in the past by the Health Department and would continue to work with them. AK then asked if the proposed athletic field would be over the old septic field and if so, would there be any digging. Mr. Slyer replied that it would be however no digging would be done. He added that they may brush hog as it as it was overgrown and then start mowing it. He added that some organic material may be added to help the area grow and make it more usable. Mr. Slyer stated that he had been in communication with a few of the neighbors who had been very supportive. He also added that he was willing to speak with anyone who may have questions. With no further questions, AH motioned to classify the project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as the Lead Agency. The motion was seconded by MET and all approved. AH

motioned to schedule the public hearing for March 17, 2021 at 7:30pm; seconded by MET and all approved. Mr. Slyer asked what would be needed in order to get the building opened and occupied. Ms. Ryan replied that it would be an amendment to the Special Use Permit and considered an expansion due to the added activities. CC agreed with Ms. Ryan.

Special Use Permit and Site Plan Review Application

Joseph Jankovic (applicant & property owner)
Eastern Union Turnpike
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 159.-1-2.12

Lot Size: 23.13 +/-acres

A Special Use Permit and Site Plan Review Application to utilize basketball courts for personal use and by a non-profit organization.

Joseph and Melissa Jankovic were present to represent the project. The site pictures were reviewed and Ms. Jankovic stated that the basketballs had been installed and utilized by their daughters and during the COVID pandemic they allowed a non-profit organization, NY HAVOC, to practice. She explained that they were seeking to be able to continue to utilize the courts this upcoming summer in the same manner as it remained challenging to find feasible facilities to practice. She added while they had been initially informed by Michael Wager of the Building Department that the building of the basketball courts did not require a building permit; then last summer, the Town had asked that a Special Use Permit Application be submitted should the use continue beyond the end of October 2020. Ms. Ryan agreed with the statement. AH stated that it was basically a large vacant parcel with basketball courts for which the Jankovic's agreed. MET stated she had viewed the area and noted that it was very large. She noted that there was a trailer on the property and asked if anyone lived there. Mr. Jankovic replied that it was his personal camping trailer that was parked there for the winter and no one lived in it. RL noted that the proposed request for the activities to be done between the hours of 3 and 8 pm weekdays and 8:30 in the morning until dusk on the weekends, and asked for a sense of the typical activity that took place on a weekday along with how many groups – he noted that the application indicated that it was limited to 50 people. Ms. Jankovic replied that during the summer the typical group was around 50 during the week and on the weekend, there could be a couple of groups or a double session to practice. RL then asked if tournaments were held there for which the Jankovic's replied no. RL stated that this was a response to COVID for which the Jankovic's agreed. RL then asked about long-term use of the courts when the daughters no longer participated. Mr. Jankovic replied that they hoped to utilize the courts for this summer and maybe one additional year. RL asked what would happen with the courts after that to which Mr. Jankovic replied that that was where he wished to place a barn. Ms. Jankovic added that they started to turn the property into a workable agricultural field; thus, the courts were short-term. RL noted that crops were grown on the property and asked what happened when the crops were harvested in terms of equipment and safety measures. Ms. Jankovic replied that the crops were all hand-picked. RG asked if it was the size of the group practicing that created the request for a Special Use Permit Application to which Ms. Jankovic replied she was not completely positive. AH stated that he believed there had been some neighbor complaints. Mr. Jankovic replied that they had received a citation from Michael Wager indicating that a Special Use Permit Application would need to be sought – Ms. Ryan confirmed that the request came from the Town. MET asked who insured it and Ms. Jankovic replied that the insurance was through them and the NY HAVOC program. RG stated that basically the property was being used by the non-profit organization as practice courts and asked if that was correct. The Jankovic's replied yes, during COVID. RG then asked where the practices would be held once the COVID restrictions were lifted. The Jankovic's replied typically it would be in high school gyms. RG and AH agreed nothing further could be done until a Public Hearing was conducted to hear from the neighbors. RG asked Ms. Ryan if this application was similar to SKYHIGH Adventures in that the particular area was an allowed use in regards to the number of participants and sports organization. Ms. Ryan replied it was about the definition of the uses. She added that this application was in the same Residential Zoning District and the Zoning Code allowed, with a Special Use Permit, outdoor recreation for other than personal use; thus, the same

definition/category as SKYHIGH Adventures. RG then stated in considering this application the PB would be allowed, if approved, to set conditions in regards to timeframe approved for, limited hours and number of days the activity may take place to which Ms. Ryan agreed. MET then asked the applicants if the activity currently took place 7 days/week. The Jankovic's replied that it varied depending on the weather and many weekends they would be attending tournaments in different states. AK asked the Jankovic's if they had reach out to abutting property owners to which the Jankovic's replied they had not. Ms. Ryan asked PB members if there was additional information being sought from the applicant. RL stated that information on the designated parking would be helpful. The Jankovic's replied that many of the parents dropped their kids off then left and others carpooled; however, there was plenty of room for parking in the field. RL asked if it was fair to say that a limited timeframe Special Use Permit was being requested. Mr. Jankovic replied that they did not wish to pin themselves on a limited timeframe of one year and was thinking more like two years. RG stated that it would be at the PB's discretion and if approved with a one-year limit, the applicant could then reapply. Site pictures were reviewed and PB members agreed that a site visit would be needed and arrangements were made with the applicant for Board members to visit individually. With no further questions, AH motioned to schedule the Public Hearing for March 17, 2021 at 7:30pm; seconded by MET and all approved.

Special Use Permit Review and Scenic Preservation Application

Antonino Aliberti
64 Loon Creek Lane
Averill Park, NY 12018

Tax Map # 158.4-2-31

Lot Size: .35 +/- acres

A Special Use Permit Application to convert an existing basement in a single-family dwelling on Burden Lake into an apartment creating one additional dwelling unit and constructing a second story dormer.

Antonino Aliberti stated that he proposed to raise the roof (versus a dormer) on the lakeside of the home and convert the basement into an apartment. He explained that the reason for the raising of the entire roof on the lakeside of the home would allow for the second floor to have two bedrooms. MET stated that the proposed project would result in a two-family dwelling and asked if the proposed basement apartment would be rented out to which Mr. Aliberti replied yes. The areal picture was reviewed and Ms. Ryan reminded PB members that a Minor Subdivision had been done recently for 60 and 64 Loon Creek Lane prior to Mr. Aliberti taking ownership. Ms. Ryan clarified for PB members that the proposed dormer/raising of the roof fell under Scenic Preservation and the proposed two-family fell under the Special Use Permit. She added that a two-family home was an allowable use in this district with a Special Use Permit. RL asked if the siding would be similar to what existed to which Mr. Aliberti replied it would be the same. AH motioned to schedule the Public Hearing for March 17, 2021 at 7:30pm; seconded by MET and all approved.

DRAFT RESOLUTION(S) APPROVAL

Minor Subdivision for Edward Patanian – Westfall Village

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.

MINUTES:

MET motioned to accept the February 17, 2021 minutes as presented; seconded by RL and all approved.

ADJOURNMENT – AH motioned to adjourn the meeting at 9:51pm; seconded by MET and all approved.