

**Town of Sand Lake
Planning Board Minutes
March 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, Ralph LaMontagna, Arthur Herman, Jonathan Bernstein, Craig Crist

MEMBER ABSENT:

OTHERS PRESENT: Dan Holser, Dan Coiteux, Monica Ryan, Karol O’Sullivan

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

Minor Subdivision Application

Daniel Holser
Huntley and Holser Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map#159.-1-73
Lot Size: 53.60 acres
Lot 1 - 5 acres
Lot 2 – 2.46 acres
Parent Lot – 46.14 acres

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

Dan Holser presented that he has a 5-acre lot on Huntley Road with 150’ of road frontage and the other lot is on the corner of Holser and Huntley with a couple hundred foot of road frontage, and is proposing to subdivide it. Art Herman (AH) asked if these two parcels are all part of one continuous piece of property on both sides of the road? Mr. Holser agreed indicating it was all a part of the old farm. AH stated that lot 2 is fine and the other lot is long and narrow asking if there was a reason that it is so long and narrow? Dan replied that in looking at the terrain of the lot, there is a power line halfway through the back and then the land drops off (pointed it out on the map). The PB members reviewed the map. Rick Giolito (RG) asked if the lot Mr. Holser was asking the PB to approve was conforming? AH replied that the lot has 150’ road frontage and is over an acre of property but exceeds the 3:1 ratio. Mr. Holser responded he heard something about that and was shocked thinking that anyone would

bring it up as it is a beautiful lot and he understands the terrain there. Mr. Holser further stated that he would not start another subdivision back where it drops off indicating there is one spot in the whole area where a lot could be done with a private drive through a couple of lots; otherwise it's all road frontage on Huntley Road. Mr. Holser also stated that the lot drops off considerably after you go past the power line. RG asked if there was any access to which Mr. Holser replied there was not and he would have to buy property to get access to the back. He explained that is the reason for proposing this plan. RG mentioned that he understands that with the 3:1 ratio, the Town may be worried about dividing again sometime in the future. AH stated the reason for the 3:1 ratio is to stop "spaghetti lots". Mr. Holser disagreed with the term and indicated that the lot next to it was a 5-acre lot and he is trying to be consistent. Mary Ellen Trumball (MET) asked the following, referencing Question # 11 of the application: Will the lot be connecting to existing waste/water utilities and Mr. Holser answered "yes". Mr. Holser and PB members reviewed the application. Mr. Holser then explained that he was trying to make one application conform for the two proposed lots – further stating that Lot 1 will be private septic and Lot 2 will be a sewer connection. MET then stated that Mr. Holser did not need to come to the PB but rather the Zoning Board as a variance is needed for the plan due to Lot #1 not conforming to the 3:1 ratio. PB members discussed next steps to be taken.

Mr. Holser then handed out a resolution from 2015 and referred to the map pointing out a previously approved waiver by the PB on a different subdivision with no variance needed thus he did not see a reason for variance at this time. Mr. Holser also read Section 225-36 on subdivisions and referred back to the previous waiver approval on different lot. AH explained the PB used to perform the waivers however it is now done at the Zoning Board of Appeals (ZBA). Monica Ryan agreed that it is now part of the ZBA and Ralph LaMontagna (RL) explained that Mr. Holser will now need to get a variance from the ZBA and they would, most likely, ask the PB for a recommendation. Mr. Holser asked if what he read from was current and PB members confirmed it was not the latest zoning code. Mr. Holser then asked about the coding of "RR2" (rural residential) versus "R" (residential). AH explained with new zoning code, Mr. Holser's property is now labelled as "R". Mr. Holser asked if the new zoning was in effect to which AH replied that it was and RL further indicated that the new zoning code was available online. It was agreed the next step is for Mr. Holser is to go the ZBA for a variance. PB members then discussed next steps to be taken and it was agreed that next step should be the ZBA. Dominick Bates (DB) asked how many feet are left for road frontage and if that meant subdividing additional lots? DB also mentioned that in 2015 the subdivision could have been done as a cul-de-sac versus now being done as spaghetti lots. Mr. Holser explained that the cul-de-sac would not work due to the drop off. DB indicated that it could have worked to which Mr. Holser replied that he had problems with a previous cul-de-sac and this land was not feasible for that set up. MET stated that the measurements of Lot 1 are not meeting current code of 3:1 ratio. She pointed out that the lot next to it has 900' of road frontage and asked if Mr. Holser was going to further subdivide four more times? Mr. Holser replied he has no idea what he will do until a buyer arises and has no additional buyers at this time. MET asked "no buyers" to which Mr. Holser responded no other buyers except for these two lots". RG pointed out that current application is asking for 6:1 ratio versus 3:1 requirement. Mr. Holser expressed his amazement that the planned lot does not conform. Monica Ryan confirmed that if the proposed lot was changed to form a rectangle lot then it would conform and negate the need for a variance (Monica and Mr. Holser went over the map). Mr. Holser responded that the plans have been set in motion with the buyer so changes to the proposed lot layout were not feasible. RL then stated

that it is Mr. Holser's choice to either move the lot line to conform or go to the ZBA for variance. Mr. Holser replied he would go in the direction of the ZBA. PB members discussed if a recommendation should be made to the ZBA at this time. It was agreed to wait for an actual ZBA application to be filed and a recommendation requested by the ZBA. AH explained to Mr. Holser that he will need to go to the ZBA with an application first. Mr. Holser responded that was fine and he would proceed in that direction at which point Karol O'Sullivan provided Mr. Holser with the ZBA Area Variance application.

Site Plan Review

Dan Coiteux
3579 NY 43

Tax Map #147.1-4-24.5/147.1-4-24.11

West Sand Lake, NY 12196

Lot Size: 2.5 acres

HMU - Hamlet Mixed Use Zoning District

A Site Plan Review Application for expansion of commercial activities on the "Chill Out" ice cream stand site.

Dan Coiteux read the following from a cover letter he had prepared (along with a new site plan map):

"For the purpose of simplicity, I am outlining my model of business and needs for the above-mentioned business:

1. The ice cream business has proven to be very successful. The addition of the barbecue vendor also proved to be popular. Many customers have suggested they would love the addition of food. It is my intent to use the existing ice cream store to serve a light menu that does not involve frying and a hood. Keeping the interior clean is a top priority.
2. I would like the opportunity to use the existing areas to be able to sell and have novelty events. Examples: pumpkin patches, donuts and coffee with a petting zoo, flowers. I do not know if this is regulated, but I have researched all of the above with the department of agriculture.
3. I would like to build a wagon in the area shown. The purpose of this is to create a novelty area for cooking only on the weekends. If this is the case, I would not need permanent hook ups. If ever at a future date I decided to use it permanently instead of temporary, I would comply with all building codes. I would also like the flexibility to put up a 10x10 vendors tent in lieu of the wagon. This would allow me to be more creative with the services.
4. I would like put up a 10x10 vendors tent as shown on the drawing. This would be used for rain protection of additional cooking equipment.
5. I would like to be able to use a temporary tent in the areas shown on the drawing. This would be used for customers to get out of the weather. I am guessing a 20x30 but appreciate flexibility.
6. With regards to your previous approval of the use of food trucks. I assume this would also include food trailers, which is what I brought in last year.

The purpose of all of the above is to provide a seasonal atmosphere that is family oriented. With the additional parking I know this will be well received by the towns people. I have hired a chef and plan on serving food as good as my ice cream."

PB members stated they had not received the cover letter Mr. Coiteux read to them and agreed the letter provides new information. Mr. Coiteux indicated he had put it in a PB staff member's mailbox. That PB staff member checked the mailboxes and the documents were not there. Copies were then made from Mr. Coiteux's original and handed out to all PB members. RG asked how many tents were being proposed Mr. Coiteux referred to his revised version of the map to show the proposed tents. One would be in the back of the building, another one over by the creek in place of previous deck idea and one that may replace the wagon. AH asked if the one by the water would be for seating only or if cooking would be done as well? Mr. Coiteux responded probably no cooking and asked if there would be an objection to cooking under that tent. RL responded that there would be an objection as the plan originally was approved as a food truck or BBQ area and now, he is asking for a food truck and a BBQ area which would bring more people in. Mr. Coiteux responded not necessarily as he would never have them running together. RL pointed out that one of the major issues is that an application was received and then Mr. Coiteux came to the meeting with additional information for PB members to digest. RL said, therefore, the application on file needs to be amended as it only outlines 4 items and does not reflect what Mr. Coiteux has changed. RL also pointed out that this proposal is on two separate tax map parcels according to the Town's records. Mr. Coiteux thought that issue had been corrected. Monica Ryan informed him that the issue was brought up at the last meeting and Mr. Coiteux has yet to file the paperwork with the Assessor. She further indicated that if two tax bills are received, then the properties have not been merged and paperwork needs to be filed to have it merged. RL stated that merging the property would be the next step as the PB cannot do anything until the merge is done. RL asked about the number of parking spaces to which Mr. Coiteux responded there are 27 parking spaces which were previously approved. RL indicated concern about the parking after doing a drive-by as the maps received did not reflect scale so unsure if sufficient space is allocated to cover the number of spots previously approved. RL further stated that while a plan had been approved, the parking concerns stem from adding activities to the business. RL further stated that a map reflecting scale would be needed so the PB can look at the site plan along with parking to accommodate 30-50 people that the new activities may bring in. RL restated that all of Mr. Coiteux's plans keep changing and the PB needs a definitive plan in order to make a decision. RG mentioned that with the smoker, there are three separate food prep areas. Mr. Coiteux responded that proposed activities would not be happening every day or all at the same time. RG pointed out that while he understands all activities will not be done at once, additions are being made to the original application after the fact. MET stated that as the lots need to be merged, the PB cannot move forward at this time. Mr. Coiteux then asked if he could clarify the PB's last approval on whether a food truck or trailer were considered the same thing. PB clarified that the previous approval for a driven/self-propelled food truck and a hitched/towed-in food trailer are one in the same. Discussions ensued between PB members and Mr. Coiteux. Jonathan Bernstein (JB) then asked Mr. Coiteux if his conversations meant that he was withdrawing his application? Mr. Coiteux stated he was withdrawing his application and indicated he would resubmit a new application with supporting documentation in the Fall of 2019.

MINUTES –None at this time.

ADJOURNMENT

MET motioned to adjourn the meeting at 8:33 PM. JB seconded the motion and all approved.