

**Town of Sand Lake
Planning Board Minutes
May 1, 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, Mary Ellen Trumbull, Jonathan Bernstein, Ralph LaMontagna, Michael Groff, Craig Crist

MEMBER ABSENT:

OTHERS PRESENT: Bill Glasser, Shawn Hardy, Michael J. Hoffay, Karen Kelly

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

Scenic Preservation Application

Michael Hoffay

Jim Kelly (Property Owner)

2389 Rt. 43

Averill Park, NY 120198

R – Residential Zoning District

A Scenic Preservation Application to replace an existing deck with a sunroom and new deck on a residence on Crooked Lake.

Tax Map #159.4-3-5

Lot Size: 70 sq. ft. x 80 sq. ft.

Builder/Contractor Michael Hoffay presented on behalf of the Kelly's stating that the property owners wish to replace a current deck with a three-season sunroom (16' x10') and an attached deck to the side (8'x10') on their home on Crooked Lake. Mr. Hoffay explained that this project will be done using pressure treated lumber and have white vinyl rail with stairs and railing on both sides. He added everything will be the same as the house including width and will continue the character with lattice work underneath. He stated that the structure will consist of vinyl windows and a sliding door, be one story and it will not impede the vision of neighbors. Michael Groff (MG) asked Mr. Hoffay if he received a variance from the Zoning Board of Appeals. Mr. Hoffay replied that he had as the location of the project was too close to the water yet there were no other options. Arthur Herman (AH) referred to the site pictures and stated that it looked like the next-door neighbor has a deck going the same distance. Mr. Hoffay agreed and added that the neighbor's deck would be out little further. AH referred to the site pictures again and asked if the tree was staying. Mr. Hoffay replied that the tree would remain as the owners want it for shade and there are no trees to be removed. Mary Ellen Trumbull (MET) asked how close to the lake would it be when the project was finished. Mr. Hoffay responded approximately 13' at the closest corner adding that it was originally 22-23' and then original 6' deck. MET asked if the final dimensions would be doubled for the house and deck combined. Mr. Hoffay responded that they are only coming out 10' as the width will be the same as the house. Ralph LaMontagna (RL) asked if it was fair to say that with the new sunroom/deck, they would not be moving any closer to the lake. Mr. Hoffay responded "yes, pretty much". AH asked if the PB members had any other questions. Rick Giolito (RG) asked if it was correct that the sunroom was going to extend out after the house. Mr. Hoffay responded that it will be

going towards the lake yet be the same width as the house. RG reviewed the site pictures with Mr. Hoffay and RG gained a clearer understanding of the project. It was noted by Craig Crist (CC) that Question #1 of the completed SEQR Application was answered as a "Yes" for: Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? Therefore, (CC) wanted to clarify that Mr. Hoffay was at the PB meeting for a Scenic Preservation Application and not for a change in the Law for which Mr. Hoffay responded was correct. RL mentioned that he had seen that question answered in the same manner on other applications and CC agreed that he could see how applicants would answer that question incorrectly. MET asked what the start date would be once all approvals were in place. Mr. Hoffay responded that he would gain the Building Permit the next day, if approved, as they are ready to go. MET asked what the anticipated completion date would be for which Mr. Hoffay responded it would take no more than three weeks as it would be a fairly cut and dry project. RG asked if the nearby homeowners were notified to which Mr. Hoffay responded yes. RG then asked if there had been negative responses and Mr. Hoffay responded that he had not heard any.

With no other comments or questions, AH made a motion to declare this Scenic Preservation Application as an unlisted action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. Seconded by Dominick Bates (DB) and all approved. AH made a motion to give this action a negative declaration under SEQR, stating 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. A determination of non-significance will be recorded and a Draft Environmental Impact Statement need not be prepared. Seconded by MG and all approved. AH made a motion to grant approval to this Scenic Preservation Application, as submitted, subject to the following conditions: while under 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. Seconded by RL and 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

Tax Map #147.3-2-27

AR – Agriculture/Residential Zoning District

Donor Parcel Tax Map #147.3-2-27 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

Bill Glasser represented the Cusack's and stated that the parcel is 50' wide by 365' long. He further stated that the Cusack's want the proposed parcel of land to provide them with some extra space as their driveway is currently right up against its boundary line. Mr. Glasser further added that Ms. Swimm is to retain the 10 acres as it is currently for sale. AH pointed out that the donation of this parcel would result in a road frontage issue for Ms. Swimm on the 10-acre lot as it would then exceed the 3:1 ratio; thus, would require an area variance

from the Zoning Board of Appeals (ZBA). The site plan map was reviewed and AH stated that with the new zoning laws, the Area Variance Application would need to go in front of the ZBA. Mr. Glasser stated that he understood; however, had not thought about the 3:1 ratio on the 10-acre lot. RL explained that the Planning Board (PB) used to be able to grant waivers for such issues but it is now with the ZBA. Mr. Glasser asked if next ZBA meeting would be in two weeks and PB members confirmed. AH stated to Mr. Glasser that the PB will not be able to grant approval on the Boundary Line Adjustment (BLA). Mr. Glasser asked if the PB would make a recommendation to the ZBA on the Area Variance. Craig Crist (CC) responded that an Area Variance Application would need to be completed/filed in order to be placed on the ZBA agenda. AH added that once the application was filed, the ZBA may ask the PB for a recommendation and if so, then Mr. Glasser may need to return to the PB meeting for a Recommendation. CC then clarified with Mr. Glasser on whether it was correct to state that he was withdrawing the BLA application to which Mr. Glasser agreed. RL mentioned that Ms. Swimm should be informed that if this parcel is sold, the 10-acre lot would not conform. AH responded that Mr. Glasser would inform Ms. Swimm as he represented her as well.

Site Plan Review Application

Shawn and Noelle Hardy (Applicant)

Edward Francis (Property Owner)

3269 NY 43

Averill Park, NY 12018

HMU – Hamlet Mixed Use Zoning District

Tax Map #147.4-1-27

Lot Size: 1.29 acres

A Site Plan Review Application to expand business activity on property for Mess Hall Restaurant.

Shawn Hardy presented and stated that the Mess Hall’s original plan did not entail the side yard which has a picnic table and they wish to add another picnic table along with fencing out in that area. He further stated that they recently purchased a BBQ smoker to add to their lunch and dinner menu as they begin to focus on their summertime venue. Mr. Hardy added that as they have been in business for two years, they would like to better utilize that area. AH asked Mr. Hardy to clarify the location of the fence. Mr. Hardy responded that the fence would be located in the perimeter’s outside edge line and while the area grows in fairly well, the fence would provide more seclusion. Mr. Hardy added that Michael Wager had taken a few pictures which reflected that when the smoker was in operation, it did not give off much smoke. RG asked if the fence was just around the smoker area. Mr. Hardy responded that the fence would be around the seating area and be a barrier from what is currently parking. RL asked if it was fair to say that the intended tent would be surrounded by fence to which Mr. Hardy replied yes. MET asked if any parking would be given up to which Mr. Hardy responded no and indicated he mows the area now and would just be fencing it in. MET asked what would be the height of the fence to which Mr. Hardy replied that it would be an 8’ high fence. RL stated that currently there are posts for parking and asked if fence would be behind those posts. Mr. Hardy explained that the posts would be removed and the parking signs would go on the fence and act as a barrier; making the fenced area more enjoyable and appealing. MET asked if the tent would be seasonal to which Mr. Hardy replied yes. A short discussion ensued regarding length of time for temporary and it was believed to be 180 days to which Mr. Hardy responded that timeframe would fit their season for such type of business activities. RG asked if there was to be a fence in the front and in the back. Mr. Hardy explained the configuration stating while type of fencing would vary (split-rail and stockade), it would be around the seating area with an opening in the back of the building (by the hill) for access to the propane tanks. MET asked Mr. Hardy to show her on the site pictures the area he referenced and the pictures were reviewed/discussed. Mr. Hardy stated that they are looking to place more focus on lunches and dinners with the kids soon to be out of school. AH asked CC if this Site Plan Review required a Public Hearing to which CC replied that he believed it did. AH stated that Public Hearing would be in two weeks. Mr. Hardy asked if approval at this PB meeting would be for everything

but the tent. PB members and CC replied that the Public Hearing would need to be held first as no approvals could be given ahead of time. Mr. Hardy indicated that he was fine with that information. RL stated that, in his opinion, the proposed project was a good use of the property and business as well as being nestled in a nice area. He further added that it would be safer with no loss of parking yet be more comfortable for their customers in the summer. Mr. Hardy agreed and added that he also wanted the area fenced in to protect the kids. AH went over the Site Plan Review application with Mr. Hardy and asked that he complete a few missed questions. AH made a motion to hold a Public Hearing in two weeks; seconded by MET and all approved. Mr. Hardy then proceeded to amend his application as discussed with AH.

MINUTES –

ADJOURNMENT

AH motioned to adjourn the meeting at 7:55PM. MG seconded the motion and all approved.