

**Town of Sand Lake
Planning Board Minutes
November 18, 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 7:31 PM

MEMBERS PRESENT: Ralph LaMontagna, Mary Ellen Trumbull, Jonathan Bernstein, Rick Giolito, William Glasser, Craig Crist, Esq.

MEMBER ABSENT: Michael Groff

OTHERS PRESENT: Mary Jane Tifft, Kevin McGrath, Andrew Gilchrist, Esq., Ken Bailey, Kerry Back, Kevin Brocks, Cindy Brocks, Winston & Deborah Hagborg, Monica Ryan (Town Planner)

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

Minor Subdivision and Public Hearing

Mary Jane Tifft
26 Bears Head Road
Sand Lake, NY 12153
RR – Rural Residential Zoning District

Tax Map # 159.-2-2.2
Original Lot Size: 8.8 acres
Proposed Lot 1: 3.05 acres
Proposed Lot 2: 5.03 acres

An area variance application regarding insufficient lot frontage for one lot of a proposed two-lot Subdivision.

Mary Jane Tifft was present. Arthur Herman (AH) recused himself as Ms. Tifft is his sister-in-law and William Glasser (WG) recused himself due to survey work he had performed on the property. Ralph LaMontagna (RL) recapped the project which had been initially presented at Planning Board (PB) meeting of October 21, 2020 as the Zoning Board of Appeals (ZBA) had requested a Recommendation on the Area Variance that was needed. RL explained that the Area Variance had been needed because Ms. Tifft's residence would not have the required 250' lot width/frontage because of the newly created lot, which has plenty of road frontage, but must be 3 acres so no additional land could be taken from that lot to add to her lot. He then stated that the ZBA had granted approval for the Area Variance with a condition that a building permit be pulled within a two-year time period for Lot 1 as it would consist of a barn with no primary structure. Ms. Tifft agreed the information was correct and had nothing additional to add. At 7:34 pm RL motioned to open the Public Hearing; seconded by MET and all agreed. Jonathan Bernstein (JB) read the published Public Hearing notice. With no public comments, either in writing or online, RL closed the Public Hearing at 7:38 pm. RL motioned to give this Minor Subdivision Application, as submitted, preliminary and final approval with the condition that the requirements imposed by ZBA are met for the building permit to be pulled within two years. MET seconded the motion and all approved.

Boundary Line Adjustment (1 of 2)

Sharon Hogle Guthier and
Susan Hogle Rowlands-Clemens (applicants / donor parcel)
1st Dyke Road
Averill Park, NY 12018
R – Residential Zoning District
AND

Tax Map # 158.-3-6.11

Current Lot Size: 31.28 acres
Proposed Lot Size: 31.20 acres

Richard and Elena R. Ketzner (receiving parcel)
126 1st Dyke Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 158.4-2-14

Current Lot Size: 0.21 acres
Proposed Lot Size: 0.29

A boundary line adjustment application for the donor parcel of 31.28 acres to donate 0.08 acres to the receiving parcel of 0.21 acres which will result in a donor parcel of 31.2 acres and a receiving parcel of 0.29 acres.

Surveyor Kevin McGrath was present to represent the project. Mr. McGrath explained that a survey had been done several years ago for Mr. Ketzner for the construction of a new home. At the time, the survey had revealed that their driveway was off the property line. Mr. McGrath stated it was for that reason that the Boundary Line Adjustment (BLA) was being requested so 25’ of land may be gained in order to clear the edge of their blacktopped driveway. He added that the road frontage would remain the same. AH commented the request made sense and would increase the Ketzner’s lot size; thus, he saw no issues to which PB members agreed. AH motioned to classify this BLA as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as the Lead Agency. Rick Giolito (RG) seconded the motion and all approved. AH motioned to approve the BLA as submitted, seconded by MET and all approved.

Boundary Line Adjustment (2 of 2)

Sharon Hogle Guthier and
Susan Hogle Rowlands-Clemens (applicants / receiving parcel)
1st Dyke Road
Averill Park, NY 12018
R – Residential Zoning District
And

Tax Map # 158.-3-6.11

Current Lot Size: 31.2 acres
Proposed Lot Size: 31.55 acres

Susan Link (donor parcel)
118 1st Dyke road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 158.-3-7

Current Lot Size: 2.41 acres
Proposed Lot Size: 2.05 acres

A boundary line adjustment application for the donor parcel of 2.41 acres to donate 0.36 acres to the receiving parcel of 31.2 acres which will result in a donor parcel of 2.05 acres and a receiving parcel of 31.55 acres.

Surveyor Kevin McGrath was present to represent the project. Mr. McGrath explained that the Hogle’s wished to increase the road frontage by adding 13’ to the 31’ that existed in order that a driveway may be constructed to access the vacant property. Mr. McGrath added that the donated parcel was a wooded strip of land. The survey map was reviewed and current layout discussed to clarify the parcel being donated/received. Mr. McGrath stated that another BLA would be done in the future, amongst the Hogle properties, as a son of theirs planned on constructing a home.

AH motioned to classify this BLA as a Type 2 action under SEQRA and declared the Town of Sand Lake Planning Board as the Lead Agency. RL seconded the motion and all approved. AH motioned to approve the BLA as submitted, seconded by MET and all approved.

Special Use Permit/Site Plan Review Application

Ken Bailey

Tax Map # 157.-3-34.1

204 Barnes Road

West Sand Lake, NY 12196

Current Lot Size: 64.66 acres

AR – Agriculture/Residential Zoning District

A Special Use Permit/Site Plan Review Application to establish a seasonal event venue on an agricultural/residential property.

Ken Bailey and attorney Andrew Gilchrist were present. AH recited that the final vote on the project had been postponed due to a tie vote as a result of all members not being present at the PB meeting of November 4, 2020. AH noted that one member continued to be absent; however, believed it was necessary to move forward. AH also stated that Mary Ellen Trumbull (MET) had abstained at the last meeting and asked if she would be ready to vote or had a reason to continue to abstain. MET stated she was ready to vote. AH then stated that a letter had been received from attorney Phillip Dixon which asked for other conditions and included additional comments. AH asked if Board members wished to discuss that information or move forward to the final vote. MET asked to comment on input received from the public recently as well as those received at the Public Hearings. She stated that the requested project was clearly not June Farms and the perception that had been misassigned to Mr. Bailey initiative bled over from June Farms. She added that the concern for noise and lighting had been addressed. She stated that the concern for debris on the road is something she experienced from neighbors who throw a party; thus, difficult to monitor. She stated that the project should not be called a “party barn”. She stated her concern was primarily for Friday afternoon staging for an event that would create additional traffic on Barnes Road; thus, would support a conditional approval if that were addressed. She asked that Mr. Bailey be willing to encourage whatever equipment and deliveries needed for staging be done prior to 2:30 pm so as to not compete with school buses and people coming home from work. Mr. Bailey stated he would not have a problem with such a condition. AH asked if it was known how many cars or trucks would be needed for staging. Mr. Bailey replied that he believed it would be very little. Mr. Gilchrist recited, for the record, if such a condition were to be proposed for a Friday event, it would be on any delivery or vehicles needed to prepare for the event to be completed by 2:30 pm. He then asked Mr. Bailey if he was in agreement to which Mr. Bailey replied it was fine with him. RL added that another condition should be that there is absolutely no parking on Barnes Road during the events as, more than adequate parking would be available onsite. Mr. Bailey replied he was fine with that and added there would not be any parking on Barnes Road. Mr. Gilchrist stated that there was adequate off-street parking being provided for the proposal and added, in general, he was not aware of any parking restrictions placed on Barnes Road by the Town Board; however, the applicant has stated he is agreeable to a condition for no parking on Barnes Road for an event. AH noted that a cap of 17 events per season would also be set as a condition of the Special Use Permit. AH recapped the conditions discussed thus far: 17 events annually per season (June 1 through October 31); 150 guests maximum per event; hours of operation; music off by 10pm with event ending by 11pm; the Special Use Permit would require renewal one year after the first event; no amplified music outside of the barn; no fireworks at the events; no parking on Barnes Road and for a Friday event all delivery/prep trucks will arrive prior to 2:30pm. Mr. Gilchrist stated that he had noted that ballast lighting had been requested. AH replied that would part of the Site Plan Review.

AH motioned to approve the Special Use Permit with the following conditions:

1. The special use permit is a one-year renewable special use permit, which shall expire one year from the conducting of the first event. After that one-year period the Applicant and the Planning Board reserve the right to revisit any of the conditions set forth herein should the Planning Board decide to renew said permit;
2. From June 1 through October 31, Friday-Sunday, and shall be limited to maximum number of 17 events per year;
3. Events shall have a maximum of 150 guests per event;
4. For events scheduled on a Friday, all commercial vehicles related to event preparation (including caterer and delivery) shall arrive at the site prior to 2:30 p.m. to reduce traffic during peak travel times. The definition of commercial vehicle shall be as defined in Chapter 250, of the Zoning Code,
5. There shall be no parking of vehicles related to an event on Barnes Road.
6. Music shall end no later than 10:00 p.m. with overall events to end no later than 11:00 p.m.;
7. There shall be no amplification of music outdoors; and
8. There shall be no fireworks.

Vocal comments were received online from the public that reflected their dissatisfaction with the Chairman's motion.

The motion was seconded by RL. RG and MET were in favor of the motion; both JB and WG opposed. AH recapped that the vote was 4 in favor and 2 opposed; thus, the Special Use Permit was approved.

AH then moved onto the Site Plan Review and noted that the additional lighting along the driveway was to be addressed. WG commented that the ballard lighting would not light up the parking lot much less the driveway. He added that pole lighting would be needed for those areas. Mr. Bailey noted that June Farms had only ballard lighting and added that Crystal Lake Beach had no lighting. With no additional comments, AH motioned to approve the Site Plan Review as submitted with the condition that additional adequate lighting be placed along the parallel parking on the driveway. Mr. Gilchrist noted that the lighting would be subject to approval by the Building Department upon application for the building permit. AH agreed. The motioned was seconded by MET. RL and RG were in favors of the motion; both WG and JB opposed. AH stated the Site Plan Review application was also approved. Mr. Gilchrist requested that the records of the November 4 and November 18, 2020 Zoom meetings be preserved. Ms. Ryan assured him that would be.

ADJOURNMENT – AH motioned to adjourn the meeting at 8:20 pm; seconded by MET and all approved.