

**Town of Sand Lake
Planning Board Minutes
October 21, 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 7:32 PM
- MEMBERS PRESENT:** Ralph LaMontagna, Mary Ellen Trumbull, Jonathan Bernstein, Rick Giolito, William Glasser, Craig Crist, Esq.
- MEMBER ABSENT:** Michael Groff
- OTHERS PRESENT:** Malcolm McPherson, Esq., Ken Herter, Nancy Herter, Marty Andrews, Evelyn Francis, Mary Jane Tiffit, Monica Ryan (Town Planner)
- RECORDING CLERK:** Laura Fedoreshenko, Clerk for the Planning Board and ZBA

Special Use Permit/Site Plan Review Application - POSTPONED

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.

Arthur Herman (AH) stated that Ken Bailey had requested that his project be postponed. Crist (CC) asked that a motion be made to accept Mr. Bailey’s continued request to adjourn consideration of his application and all matters relating thereto and to accept all prior tabling of that matter. AH moved the motion stated by CC; seconded by William Glasser (WG) and all approved.

Boundary Line Adjustment (1 of 3 related)

Evelyn Francis (applicant and receiving parcel) **Tax Map # 169.02-1-57**
15 Zack Lane
Averill Park, NY 12018 Current Lot Size: .229 acres
R – Residential Zoning District Proposed Lot Size: .281 acres
And
Geoffrey and Darlene Mohos (donor parcel) **Tax Map # 169.2-1-94**
33 Zack Lane
Averill Park, NY 12018 Current Lot Size: 6.234 acres
R – Residential Zoning District Proposed Lot Size: 6.182 acres

A Boundary Line adjustment donating .052 acres.
Evelyn Francis was present and stated that the small donor parcel would be added onto her land. The survey map is reviewed and it was agreed that the requested Boundary Line Adjustment (BLA) was straight forward. AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of

Sand Lake Planning Board as Lead Agency; seconded by Rick Giolito (RG) and all approved. RG motioned to approved the BLA as submitted; seconded by Mary Ellen Trumbull (MET) and all approved.

Boundary Line Adjustment (2 of 3 related)

Marty and Kathryn Andrews (applicant and receiving parcel)
19 Zack Lane
Averill Park, NY 12018
R – Residential Zoning District
And

Tax Map # 169.02-1-56

Current Lot Size: .229 acres
Proposed Lot Size: .382 acres

Geoffrey and Darlene Mohos (donor parcel)
33 Zack Lane
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 169.2-1-94

Current Lot Size: 6.182 acres
Proposed Lot Size: 6.029 acres

A Boundary Line adjustment donating .153 acres.

Marty and Kathryn Andrews were present. Mr. Andrews stated that the small donor parcel would be added onto their land. AH noted that a shed existed on part of the donor parcel to which Mr. Andrews agreed and explained that a rock wall existed along the required BLA; thus, approval of the request would make for a natural boundary. Ralph LaMontagna (RL) noted that approval of the request would improve the lot as the shed was not on the Andrews' property line currently to which Mr. Andrews agreed. The survey map is reviewed and it was agreed that the requested BLA was straight forward. AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by MET and all approved. AH motioned to approved the BLA as submitted; seconded by MET and all approved.

Boundary Line Adjustment (3 of 3 related)

Kenneth and Nancy Herter (applicant and receiving parcel)
25 Zack Lane
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 169.02-1-55

Current Lot Size: .23 acres
Proposed Lot Size: .372 acres

And
Geoffrey and Darlene Mohos (donor parcel)
33 Zack Lane
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 169.2-1-94

Current Lot Size: 6.029 acres
Proposed Lot Size: 5.887 acres

A Boundary Line adjustment donating .142 acres.

Kenneth and Nancy Herter were present. Mr. Herter stated that the small donor parcel would be added onto their land. AH noted all three of the related BLA requests were under a ¼ acre; thus, the requests would improve all three lots. AH motioned to classify this project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by RL and all approved. AH motioned to approved the BLA as submitted; seconded by MET and all approved.

ZBA Recommendation – Area Variance related to a Minor Subdivision

Mary Jane Tifft

26 Bears Head Road

Sand Lake, NY 12153

RR – Rural Residential Zoning District

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

Tax Map # 159.-2-2.2

Original Lot Size: 8.8 acres

Proposed Lot 1: 3.05 acres

Proposed Lot 2: 5.03 acres

AH recused himself due as Ms. Tifft is his sister-in-law and WG recused himself due to survey work he had performed on the property. Ms. Tifft was present and RL asked her to briefly explain the project. Mary Jane Tifft stated she was seeking to subdivide the 8.61-acre lot that her house is on into two lots. She added that the daughter-in-law was interested in purchasing the newly created lot. The survey map was reviewed. Monica Ryan explained that on Bears Head Road, there is section with a barn on it which had been a separate parcel that was merged with Ms. Tifft's house and garage property years ago for tax purposes however there were two deeds. Ms. Tifft stated she would like to reinstate the lot split but adjust the line as her driveway had changed. She further explained that the driveway to her home had initially been closer to the top of the mountain. She added that as it was too tight a turn to access as two stone pillars existed; thus, the driveway was relocated to just before the first pillar which then made it too close to the boundary line of her property. Ms. Tifft stated that in order to provide additional room, the proposed lot line would be extended by 40'. The reason for the area variance is that Ms. Tifft's residence will not have the required 250' lot width/frontage because the newly created lot, which has plenty of road frontage, must be 3 acres so no additional land could be taken from that lot to add to her lot. RL explained that for the Recommendation to the ZBA, the issues to be reviewed are: insufficient road frontage for Lot 2 and on Lot 1 a barn existed with no primary structure. He then stated that the PB Recommendation to the ZBA could include a condition that Lot 1 be given a period of time, such as one year, for a building permit to be pulled. Ms. Tifft asked what the timeframe would be for the building permit to be pulled to which RL replied that the ZBA would need to make that determination. RL explained that the recommended condition to the ZBA would be to ensure that a primary structure is built on the proposed lot where the barn existed. Ms. Tifft replied that she understood the condition however did not believe one year was in the plans to have a house built. RL replied that Ms. Tifft should share with the ZBA what she believed the timeframe would be for a house to be built. Ms. Ryan explained that for SEQR purposes, this project would be a coordinated review with the ZBA; thus, SEQR should be done as well. She added that this discussion could also be considered the first meeting for the Minor Subdivision to streamline the processes. RL motioned to classify the Minor Subdivision Application and related Area Variance as an unlisted action and declared the Town of Sand Lake Planning Board as the Lead Agency with the ZBA listed as an involved agency. MET seconded the motion and all approved. Ms. Tifft asked for clarification and CC explained the processes of the Boards as well as SEQR. RL motioned to give this Minor Subdivision and Area Variance a Negative Declaration under SEQR and that the proposed action described would not have a significant adverse effect on the environment, and a Draft Environmental Impact Statement need not be prepared. MET seconded the motion and all approved. RL motioned to schedule the PB Public Hearing for November 18, 2020 at 7:30pm; seconded by JB and all approved. RL motioned to give a positive Recommendation to the ZBA on the Area Variance with the following condition: As the accessory structure for Lot 1 will have no primary structure on it until the planned residential dwelling is built, it is recommended that a time limit be set for obtaining a building permit for the residential dwelling (e.g., two years). This motion was seconded by MET and all approved.

ZBA Recommendation – Area Variance related to a Minor Subdivision

Eric M. & Mary A. Dahl (applicant)
Devin and Carolyn Lander (property owner)
9 Dahl Way
Averill Park, NY 12018
R – Residential Zoning District
A Minor Subdivision Application to create a 2-acre lot from a 10.77-acre parcel.

Tax Map # 147.1-2-10.121

Lot Size: 10.77 acres
Lot 1: 2.01 acres
Lot 2: 8.76 acres

Attorney Malcolm McPherson was present and stated he represented the Dahls. Mr. McPherson stated that he had not been at the first PB meeting of August 5, 2020 however was at the first ZBA meeting held on October 15, 2020 for the Area Variance. He explained that the ZBA had no issues with the requested Area Variance request and had set a Public Hearing for November 12, 2020. The survey map was reviewed and Mr. McPherson summarized the project which had been initially before the PB on August 5, 2020. He stated that the Dahls proposed to create a 2-acre lot, on which a house existed, from the 10.77-acre parcel. He added that the remaining 8.76-acres would have access via Fisher Road and the 2-acre lot would continue to utilize the permanent easement via Dahl Way (a private drive) out to Route 351. AH recalled that at the August 5, 2020 PB meeting, it was decided that an Area Variance was needed; thus, the project was now back to the PB for a Recommendation. It was clarified that the Area Variance was needed due to the 50' road frontage for Fisher Road versus the required 150'; and the 2-acre lot would have not road frontage (only an easement) if the Minor Subdivision became approved. AH noted that the Lot 1 had existed since the house had been built. RG asked if proposed Lot 2 was just a field for which Ms. Ryan pulled up a site picture which confirmed it was a field. RL noted that the property had been the same forever and did not see any negative impact to the neighborhood. He added that this was seen as the only way to create two lots. RG asked if Lot 2 would be built on. Mr. McPherson replied not at this time. AH explained that if a housing development on Lot 2 were to be proposed, it would require PB approval and need to reflect a planned road to be constructed. WG asked what was the easement for on Fisher Road. Mr. McPherson replied that it had been given to the neighbor in order to access a back lot. WG then stated that topography would be needed, at a minimum, for the proposed Lot 2 property as there was approximately a 20-25% slope at the end of Fisher Road to access the field. He added that under the Zoning Code a driveway or roadway could not be over 10%; thus, was not sure how either would be feasible. RL stated there were no plans to build on it to which WG replied it would be a newly created lot with no access coupled with the fact that the Zoning Code required topography for a Minor Subdivision. As the conversation ensued on the topography, Ms. Ryan stated that as PB had another meeting prior to the next ZBA meeting; thus, a site visit could be done if so desired. A site picture on the 2' contours, submitted by WG, was reviewed. Ms. Ryan clarified that access would be needed for a sewer line and driveway. AH stated a site visit should be performed prior to a Recommendation being rendered to the ZBA and PB members agreed. Mr. McPherson stated that he did not see an issue with the site visit to be performed and agreed to return the PB meeting on November 4, 2020.

DRAFT RESOLUTION APPROVALS

Scenic Preservation Review Application for Tom and Vicki Simons

RL 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 June 3, 2020 minutes as presented; seconded by AH and all approved.

ADJOURNMENT – AH motioned to adjourn the meeting at 8:23 pm; seconded by MET and all approved.