

**Town of Sand Lake
Planning Board Minutes
September 15, 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 7:30 PM

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

MEMBER ABSENT:

OTHERS PRESENT: Tom Lilly, James Lilly, Martin Balga, Vince Pirri, Jr., Kevin McGrath, Monica Ryan (Town Planner)

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

Scenic Preservation Application

Tom Lilly – Kay’s Burden Lake Restaurant
10 Walsh Lane
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 169.2-1-52
Lot Size: 0.95 acres

A Scenic Preservation application for permanent approval of seasonal outdoor dining and use of 20’x50’ tent for outdoor seating 180 days each year which was temporarily approved in 2020.

Tom Lilly and son, James Lilly were present. Tom Lilly stated that his son James was a business partner/part owner of the restaurant. Tom Lilly explained that they wished to turn the temporary approval granted in 2020 into a permanent approval to continue the outdoor dining in the same manner as the last two years. Tom stated that at the time the temporary approval had been granted, seating capacity was a concern that the Board wished to revisit. Tom explained that pre-COVID, there was basically 160 seats and they continued to run with the same amount and shuffled seats as necessary due to weather conditions. He stated that sales were down approximately 17% versus 2019. He added that on a nice day many of the customers preferred to be seated outdoors. He also stated that he had checked with Mr. Wager and Ms. Ryan and was informed that there were no complaints received on the outdoor seating. He explained that they had held back on spending additional monies until such time it is known whether the Board would grant permanent approval. He further explained that the spending would involve the purchase of updated computers to handle the business properly. He added that the blacktop needed to be resurfaced for property drainage as well as for smooth seating for safety and sanity conditions. Arthur Herman (AH) asked if there had been any issues with parking to which Tom replied no more than usual and added that there the outdoor seating did not increase the issue. James Lilly explained that since they had done arranged for a U-shaped take-out drive-thru, neighbors have indicated that parking issues improved as those customers were no longer taking up a parking spot. He added that they had also gotten more exact on their take-out times which streamlined the process for a faster turnaround. AH asked if

the outdoor plans would continue when COVID was over. Tom replied that would continue with some possible slight changes as it was currently very labor intensive. He added that they did not envision the take-out service moving back indoors. James added that they had rearranged the inside so staff handling the take-out service were located closer to the door for easier access to such customers. Michael Groff (MG) commented that he had used the take-out services and found it very efficient. James further stated that they also had a staff person who directed the traffic for dine-in versus take-out. RL stated that the indoor capacity seemed to have changed. James replied there was less seating indoors which allowed for more room as tables were spaced out and that set up would continue. He further explained that the kitchen staff could not handle any more than the numbers currently being served for dine in and take-out; thus, did not foresee adding more tables. Tom explained that while their permitted indoor seating capacity was 140; they had 160 seats however had never been at 100% capacity. He added that between the indoor and outdoor, they remained at 160 seats and had no plans to add more at this time. It was agreed that should seating above 160 be needed, the applicant would return to the Planning Board.

AH motioned to classify the project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by MG and all approved. AH motioned to permanently approve the Scenic Preservation Application for the outdoor dining and use of the 20 x 50 tent for use of up to 180 days each year with a maximum seating of 160 seats. MG seconded the motion and approved by JB, Rick Giolito (RG) and Andrew Karl (AK). The motion was opposed by Mary Ellen Trumbull (MET) and Ralph LaMontagna (RL) with respect to applying a condition to the maximum seating capacity of 160 seats.

Scenic Preservation Application

Valerie Balga
1202 Burden Lake Road
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 158.4-5-24
Lot Size: 0.17 acres

A Scenic Preservation application to renovate a flood damaged home within 100' of Burden Lake.

Martin Balga and builder Vince Pirri, Jr. were present. Mr. Balga explained that their home had been flooded out and it had been recommended that the house be raised above the flood plain for the renovation. AH asked how far the house would be raised. Mr. Balga replied another story as the 1st floor would become unoccupied space and used as a garage/storage. Pictures of the proposed remodeled home were viewed, and it was clarified that the 2nd story roof would be raised to accomplish the desired outcome. RL asked about the overall height of the proposed home to which Mr. Pirri replied it would not be higher than 34'. RL asked if it was correct that the remodeled home would be in the same footprint with no trees cut down and that any lighting would be down shedding. Mr. Balga replied that all those statements were correct. Mr. Pirri stated that the outside materials would be stone masonry and siding – renderings were viewed. MET asked how much higher the roofline would be to which Mr. Pirri replied 7 1/2' - 8' feet. MG commented that the Board may see these situations more and more due to folks needing to be above the flood plain. Mr. Balga stated that with the raising of the house, it would not obstruct the neighbor's view due to the layout of the lots. Mr. Balga added he had spoken with the next-door neighbor who was fine with the project. He further added that the neighbor behind them had a view that faced in another direction. AH commented that he seen the reason for the proposed project and a discussion ensued by Board members on whether a public hearing and/or site visit was needed. JB pointed out that the proposed project was within the confines of the Zoning Code. AK commented that he wished to do a site visit. AH commented that while a rendering of the proposed project had been submitted, the architectural drawings were not ready. Ms. Ryan pointed out that it was unknown where

the dwelling currently sat in relation to the flood plain. RL stated that the Board should vote on the proposed project as that would determine next steps to be taken.

AH motioned to classify the project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by Jonathan Bernstein (JB) and all approved. RL motioned to approve the Scenic Preservation Application with the following condition: the height of the dwelling shall not exceed 34 feet and remain in accordance with the height maximum in the Zoning code. The motion was seconded by JB and approved by MET, MG. The motion was opposed by AH, AK and RG.

Boundary Line Adjustment

Kay Bradley/Bradley Park Builders LLC (applicant/ donor parcel)	Tax Map #: 1474.3-4-30
28 Autumn Lane	Original Lot Size: 1.62 acres
West Sand Lake, NY 12196	Proposed Lot Size: 1.41 acres
R-Residential Zoning District	
AND	
Deann L. Bradley, Trustee (receiving parcel)	Tax Map #: 147.3-4-29
17 Winter Haven	Original Lot Size: 1.63 acres
West Sand Lake, NY 12196	Proposed Lot Size: 1.84 acres
R-Residential Zoning District	

A Boundary Line Adjustment application for a donor parcel of 1.62 acres to donate 0.21 acres to a receiving parcel of 1.63 acres which will result in a donor parcel of 1.41 acres and a receiving parcel of 1.84 acres.

Surveyor Kevin McGrath represented the project. Mr. McGrath explained that the Bradley's owned both properties. He referred to the survey map explained the layout of Autumn Lane. Mr. McGrath then explained the history and stated that when the subdivision had been originally approved there were two lots and a cul-de-sac. He further stated that the applicant then decided not to develop further and eliminated the cul-de-sac and split the center of the road into two lots. Mr. McGrath stated that Kay Bradley, who resided at 17 Winter Haven, now wished to sell her home and a build a smaller one on the Autumn Lane lot. He stated that a driveway existed to serve the existing home and a new driveway had been constructed for the vacant lot. He explained that the Boundary Line Adjustment (BLA) was proposed in order that the existing home would continue to have its own driveway without the need for a right of way. He added if the BLA were to be approved, the donor parcel on Autumn Lane would continue to have more than the required road frontage, and the road frontage on the vacant lot would increase from 30' to 60'.

AH motioned to classify the project as a Type 2 action under SEQR and declared the Town of Sand Lake Planning Board as Lead Agency; seconded by MG and all approved. AH motioned to approve the Boundary Line Adjustment as submitted; seconded by RG and all approved.

RESOLUTION APPROVAL

Special Use Permit for Michael Lawrence

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.

PB Minutes 9/15/21

MINUTES APPROVAL

MET motioned to accept the May 19, 2021 minutes as submitted; seconded by RL and all approved.

RL motioned to accept the June 2, 2021 minutes as submitted; seconded by AH and all approved.

ADJOURNMENT – AH motioned to adjourn the meeting at 8:31pm; seconded by MG and all approved.