

**Town of Sand Lake
Planning Board Minutes
September 16, 2020**

The minutes, as follows, are intended to provide a general summary of the Agenda items. 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: Arthur Herman, Ralph LaMontagna, Michael Groff, Mary Ellen Trumbull, Jonathan Bernstein, Rick Giolito, William Glasser, Craig Crist

MEMBER ABSENT:

OTHERS PRESENT: Ken Bailey, Andrew Gilchrist, Susan Burns, Andrew Fraser, Heather Hinman, Monica Ryan, Deborah Dewey, Winston Hagborg, Jennifer Hickson, Kelly Grab, James Lister, Janel Leone, Matt Pitello, Matt Musso, Ernie & Kathy Popp, Elliot Hagen, Shari Mantini, Alexa Kinnselman, Kevin Brocks, Amanda Flannigan, Sherry Back

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

Scenic Preservation Application

Susan Burns

15 Creek Lane, Sand Lake, NY 12153

R – Residential Zoning District

A Scenic Preservation Application to remove trees in the overlay.

Tax Map #159.4-2-16

Lot Size: .46 acre

Susan Burns was present to represent the application. This is the second meeting for this application. Chairman Art Herman (AH) reported that Planning Board (PB) members performed a site visit. Ralph LaMontagna (RL) stated that he observed that the dwelling is completely surrounded by evergreens and other types of trees and the desire to remove some of these trees is obvious. Some of the trees also appeared dead. It is his understanding that the property owner would like to reinstate some lawn area which is overgrown. The trees to be removed are not in the view of the waterfront. RL expressed the need for the Board to balance concern that tree coverage be maintained with the needs of property owners. As such, he stated that he is comfortable with the requested tree removal.

AH stated that he visited the property and that 3 trees have holes at their root base in the ground that suggest animals lived in them and therefore the root systems may be compromised. He further summarized that there is a hemlock that looks half dead, and two others have issues near their tops such as holes. He stated that it was his understanding that the applicant plans to keep 3 birches and a maple in the yard and no trees along the property's boundary will be removed. Rick Giolito (RG) reported that he conducted a site visit and agreed that the large tree was dead as well as the ones with the holes in

them. He stated that he had an issue with removal of the 3 healthy trees on the left-hand side as they appear to be old growth maples. For consistency, he would not support the removal of those trees as the PB has told other applicants they cannot remove trees. William Glasser (WG) commented that based on his site visit, he believes that all of the trees proposed to be removed could be removed as there are a lot dead limbs up in the canopy of the living trees. In fact, he felt more trees than requested could be removed.

Discussion ensued regarding consistency on tree removal approvals under Scenic Preservation review. RL stated that he believed the dwelling is “engulfed” in trees and bushes and that the request is reasonable and strikes the right balance. He also pointed out that the PB has compromised in the past by requesting that property owners plant trees to replace those removed.

Ms. Burns reiterated that they have beautiful trees on the shoreline and along the property line and those would all be kept. She stated that they really just want to reopen the lawn area that has gotten overgrown and just remove the trees that need to come down as they improve the dwelling. AH asked the applicant if she would you consider replacing some of the trees with something like a triple birch in a better location. The owner said she would be fine with that. Mary Ellen Trumbull (MT) wished to clarify with the Board that this would be a condition. This was confirmed.

With no further questions, AH motioned to classify this Scenic Preservation Review Application as a Type 2 action under SEQR, declaring the Town of Sand Lake Planning Board to be the Lead Agency. This motion was seconded by Mary Ellen Trumbull (MET) and carried unanimously. Arthur Herman (AH) motioned to grant approval to this Scenic Preservation Application to remove seven (7) trees as submitted with the condition that the property owner plant a triple birch in the vicinity of the trees to be removed between the dwelling and the shoreline; seconded by MET and all approved.

Special Use Permit/Site Plan Review Application – Public Hearing

Ken Bailey

Tax Map #157.-3-34.1

204 Barnes Road

West Sand Lake, NY 12196

Lot Size: 64.66 acres

AR – Agriculture/Residential Zoning District

A Special Use Permit/Site Plan Review Application to use a proposed 48’ x 72’ barn on residential/ agriculture property for a seasonal event venue.

RL reviewed with the applicant, Ken Bailey, that request is for 20 events, which would essentially amount to one a week for 5 months and asked the applicant to describe what the average event would look like in terms of activity. Mr. Bailey stated that on a typical Saturday he anticipated preparation to start at 10 or 11AM depending on the start time of the event; the events themselves would be for five hours or so; any music would end by 10:00PM with the whole event ending at 11PM to meet the Town’s rules. RL asked about activities outside such as wedding ceremonies, cocktail hours or portions of the whole event in tents outside. Mr. Bailey said tents would not be available, all activities would be associated with the barn, a cocktail hour could take place under a “lean-to” attached to the barn outside as included in the drawing of the barn provided in the original application submission; and he would allow ceremonies to take place on the property.

Would a rehearsal dinner be allowed in addition to the event and Mr. Bailey said no although it was discussed that a rehearsal dinner could count toward the number of events. Mr. Bailey said he would not

want to use up his events on smaller functions and would like to avoid holding back-to-back nights of events, if possible.

Mr. Bailey then asked to allow his attorney to speak on behalf of the project prior to the opening of the public hearing. Mr. Gilchrist summarized the location and current activities on the property, a large parcel of 66 acres with a residence and three barns, agricultural operations include haying the property and boarding horses. This proposal includes constructing a fourth barn that would be used for holding events for 5 months of the year. For the other seven months it would be used to store equipment which can be built as a matter of right under the Town Zoning Law. Therefore, the proposal before the planning board is use of the barn to hold events which is allowed with a special use permit. Mr. Gilchrist reminded the Board that there had been a previous public hearing and comments based on the previous application submissions; and, for the record, modified plans and additional materials related to the site plan as updated by Sterling Engineering, a SEQR Full EAF, and an August 7th letter from Mr. Gilchrist summarizing the Zoning Law and Noise Law as it relates to this project have been submitted for the project. The focus of this project and the meeting's public hearing should be the use of the barn for events and not the barn itself and the applicant has agreed that a second public hearing be held based on these new submissions. They have responded to some comments from PB members and submitted additional information dated August 30th on the Site Plan related to topography, wetlands, total disturbed areas as well as information on traffic, parking, lighting and sound. The applicant is compliant with the Town Noise standards. It's important to note that this will be a total of 20 events, about one a week, over a 5-month period. There will not be any on-site restaurant, kitchen or bathroom facilities. It will be catered with a temporary portable restroom facility. Music will be provided but it will be inside the barn. The application tries to address noise and traffic through technical information understanding previous public comments. Mr. Gilchrist summarized that this use is consistent with the Sand Lake Zoning Law; it's allowed with a Special Use Permit in the AR Zoning District.

RL read the published public notice hearing and AH opened the public hearing at 8:05PM; seconded by MET and all approved. RL began by reading into the record letters received from the public directed to be part of the written comment for the public hearing. It was discussed that the letters should all be read into the record at the meeting due to the fact that the meeting is virtual due to the COVID-19 Pandemic and that the Town encouraged residents to submit written comments. The written letters are attached to these meeting minutes as part of the public hearing record.

Jennifer Hickson spoke in favor of the proposed project. She stated that she was born in East Greenbush and now lived on Best Luther Road in the house she was christened in. She added that she volunteers for Rensselaer Land Trust and the Rensselaer Plateau Alliance; and served on the East Greenbush Natural Resources Inventory Working Group; and is therefore committed to preserving the fields and forests of East Greenbush and Sand Lakes; she cares about the community's scenic beauty and rural quiet. She further states that she knows it's expensive to keep open land open as property taxes are high and development will only increase with the expansion of Regeneron in East Greenbush. A seasonal event venue seems a reasonable way to try to earn the money necessary to stay on a farm. Twenty days of the year families will gather at the barn to celebrate weddings and rites of passage, these won't be in the wee hours of the morning and all music stops at 10PM. Local residents, local caterers and stores will be used. With only 150 attendees at fully subscribed event, it would only temporarily affect traffic and would be no worse than rush hour on Best Luther Road. If cars were directed to Route 150 for access to the property, there would be almost no impact to Barnes Road. She stated that a seasonal event venue will

do less damage to our community than a housing development or solar farm. She further added that Ken Bailey grew up in our community and has been contributing his time and talent to it since he was young. She thinks the Town should support his idea to preserve and share the beauty of his rural property.

Deborah Dewey and Winston Hagborg were the next speakers. Mr. Hagborg began by thanking the PB for reading the letters and that he assumes the many letters in The Advertiser have been read as well. He stated that of the 19 households on Barnes Road ,16 was opposed and the neighborhood association includes 55 people. They've lived on the road for 30 years, moving into an existing old house and this will greatly disrupt life on the road. He added that 20 events were 20 evenings which will be very harmful to life and the neighborhood. Ms. Dewey then spoke stating that that they lived at the Best Road end of Barnes Road. They moved there because there was farming with slow moving farm equipment on the road. She explained that they have to back out of their driveway onto Barnes Road and it's a blind spot for cars traveling and for themselves from the Best Road side and from the other direction, there is a hill and a dip that has a blind spot all of which creates considerable risk. She further stated that it may not be one event a week - in June there could be 2 events a day and all weekend as that's when people get married. They don't have central air so if lots of cars are going by at 10-11PM they will hear all the noise of the cars – how will they read or sleep. She added that this was not discussed in the noise evaluation. In addition to that, she questioned the comparison of the noise to it being like a library inside stating that there will be socializing outside and voices carry. She questioned who is going to enforce noise, traffic and speed since the Town doesn't have a police force. She explained that the Event Barn in Grafton has been a "nightmare" with cars speeding and drunk drivers. She then added that if there isn't someone to do enforcement it will be an issue and it seems like once it's there, we will never be able to get it backtracked if it's not working. She also questioned the portable bathrooms in the plan and whether bathrooms will be installed if customers don't want to use portable bathrooms. Lastly, she questioned what the town gets out of this project in terms of taxes with all the headaches that will come with it. She closed her statement by saying that she appreciated the PB taking the time to read the letters as not everyone could be here to speak and taking the time let listen to everyone.

Kelly Grab spoke on behalf of the project and stated she grew up on a farm riding horses and driving farm equipment on Barnes Road. She wished to speak to the term agriculture and what it meant today. She believed she is well qualified on the subject as she as a BA and Masters' Degree from Cornell University in animal science, agriculture and biology, she taught agricultural for 8 years in schools and now worked for NYS Education Department developing agricultural course work for K-12 schools. She added that she was also a Board member of Rensselaer County Farm Bureau, 4H Club development committee, and on the Board of Directors for the Schaghticoke Fair. She's married to a third-generation dairy farmer and owns a farm in Brunswick. She stated that a common term in agriculture is "Agriculture diversification" which includes a very successful diversification called "agricultural tourism" - including ice cream stands, breweries and wineries, farm-tours, apple picking, pumpkin patches, corn mazes farm stands, goat yoga and on and on. Many people have been to events in venues similar to what Ken Bailey wished to construct. The conclusion is simple, more and more farmers are thinking of diverse ways to involve the public in their agricultural endeavors. As a result, the public is more aware of this way of life. It allows businesses and livelihoods to be protected and remain profitable instead of seeing housing developments. She stated she's sure everyone has purchased something or supported an agriculture diversified businesses and has had a positive overall experience from the event and how convenient it is to now say that I will not support agriculture on my street. She closed that she has dedicated her personal and

professional life to the promotion of agricultural industry in NYS, farmers are some of the most hard working and educated people she knows and it disappointing that this project is “flat out” not supported and she is almost happy that she has moved to a town that is more supportive of agriculture.

James Lister spoke stating that he presented material at the public hearing in March and sent a letter to the PB and none of his opinions have changed. At this hearing he is focusing on the traffic impact aspect of the project as it related to the Environmental Assessment Form (EAF) submitted by the applicant. He noted that on the EAF the traffic section is two paragraphs focusing on traffic flow if the proposal is approved including “bits” of unverified information about the impacts of 70 additional vehicles traveling to an event – he wonders what happens when the 71st car arrived. He commented that the report also includes the use of wildlife cams on the road to assess the existing traffic flow of Barnes Road but there are no dates or times of when these observations took place and information total cannot be verified. However, if the data is used - you come up with a traffic increase of 7 to 10 times on an average weekend on Barnes Road to which the report characterized as “insignificant.” He does not think that this was insignificant. Mr. Lister then commented on the second traffic impact area which was on the road carrying capacity. It dealt with the volume of traffic that the road is able to carry to work effectively so there aren’t long back-ups and things of that nature. He commented that the report states that the volume of traffic would not exceed the carrying capacity of the road but it doesn’t say what the capacity for Barnes Road is. He went on to say that it discussed the carrying capacity of NY Rt. 150 – he questions why Rt 150 is being discussed when the proposal was on Barnes Road. He suggested that this is filler information to make it seem like they had done a more adequate job of assessment. He noted it was entirely lacking an evaluation of the impacts that the traffic increase would have on the existing uses on Barnes Road, nature of Barnes Road or the impacts on quality of life and safety issues for existing users and activities as there are walkers, bikers, horseback riders and farm equipment etc. Finally, Barnes Road is about .75 acres in length, no shoulder or no markings; the speed limit is 40mph despite residents attempt to get NYSDOT to reduce the speed limit to 35mph. The road is serpentine and hilly because of the geography. There is only one location where there is greater than a 50-yard line of sight on the road that’s how hilly, twisty and turning the road is. There are also many blind driveways including his own that will be less safe than they already are with more traffic. Lastly, Mr. Lister commented that there was no mention of the most significant concern with this propose which was the impact of inebriated drivers who will be leaving the events and it is naïve to think everyone will drive sober after attending events. In summary, he is opposed to this proposal and believes there will be significant impacts associated with traffic increases given the nature of Barnes Road; and that there will be safety impacts from inebriated drivers unfamiliar the road.

Janel Leone spoke next and thanked the Board for the opportunity to speak. She stated she had lived on Shaver Road for a decade with her husband and two school age children, and both are local professors. She commented that it was unfortunate that this public hearing is not in person as it is critical that the Board see how many people are opposed to the project. She is strongly opposed to this project stating that to qualify for the permit, Mr. Bailey must demonstrate that the project will not adversely impact the neighborhood which she feels Mr. Bailey has not done. The proposed project will not just inconvenience their small, rural neighborhood with increased noise and litter, but the increased traffic and type of traffic posed a threat to the safety of children and families walking, riding bikes and riding horses. She explained that when she was 7 years-old she witnessed her friend Amy being struck and killed by an oversized truck while they were out biking on their rural road in Pennsylvania. She has vivid memories of the incident and it had a devastating impact on her family and community. The incident was preventable in that large

trucks should not be traveling these rural roads. Barnes Road and the other surrounding roads are similarly rural to those of her home town and not made for large vehicles and traffic as there are no shoulders, sidewalks, centerlines, or street lights; and there are many dangerous blind spots. The roads are not made for an addition of 150-200 cars and intoxicated people. These are months when children are outside their homes playing and using the roads. In the coming weeks the Board will be tasked with weighing the benefits if this operation against the safety of the families and children that live on the country roads around the property. She can't imagine the guilt the Board will have if a child like Amy is killed because this permit is issued. She concluded that this is a bad idea with predictable and devastating consequences.

Matt Pitello spoke next and stated he has been a resident of Route 150 for nearly 30 years and is in support of the proposed project. He stated that he has known Mr. Bailey for the last 5 or 6 years and has always been impressed with his beautiful property and how well maintained it is. When he heard about the project, he thought it was a great idea and would be well done. He commented that other properties on Barnes Road, many with signs, are run down. Many of the complaints are about traffic and he finds this ironic as many other farms on the road have cars parked on the road and other activities on the road that are unsafe. He assumed that many of these property owners are jealous of Mr. Bailey. He concludes that Mr. Bailey isn't trying to build a Wal-Mart which was open 24-7; rather opening a small venue, with limited hours for local people to hold events.

Matt Musso spoke next and stated he would read his previously submitted letter to the Planning Board as it had not been read this evening's public hearing. (As part of this record, Mr. Musso's letter to the Planning Board dated July 27, 2020 has been attached to these minutes.) Mr. Musso provided additional input regarding the project. He's heard a lot of people talking about how this will be a commercial business in the area. He added that an equine center is a commercial business so there is already a commercial business in the area. He stated he that he also heard about people who are speeding and people who are drunk and it's not right or fair to assume that this was what everyone did and that the Town accepted it. He also noted that Ken Bailey's Windy Hill Farm is not June Farms and pointing out problems with June Farms and because of the issues with June Farms, Ken Bailey can't do this. He closed by stating they were two separate issues and should be dealt with separately.

Ernie and Kathy Popp – Kathy thanked the Board for their patience. They live on Parker Road about equidistant between June Farms and Windy Hill Farm. She stated that most of their concerns had already been stated by others so they will skip those and just cover the things that had not been said. Ms. Popp continued that it's not just that there are 20 events, it's when the events were to take place. She stated that if they were on Wednesday nights in the middle of winter, we would not be having this conversation. She added that 20 nights are primetime in the northeast for outdoor evening activity in the backyard and there will be competition with music, lights, and traffic and be an inconvenience for neighbors. She stated that it would also be prime haying time, as Mr. Bailey knows, and prime time for tractor traffic on Barnes Road. She added that it would also be prime time for the aforementioned June Farms. She stated that it would be good if times could be coordinated between arrival and departure between these two venues. Ms. Popp commented on the importance of the building being handicap accessible which she had not heard mention of so far. She questioned the legal definition of a barn given that this barn will be air conditioned, insulated for sound, and may need a sprinkler system. She asked - is it actually a barn or another form of structure under the building code and how is it being constructed? For a barn or an event facility? The standards for construction are different for event venues versus barns. Lastly, she suggested

Mr. Bailey consider over saturation of party barns in the area as there are four others plus some other event venues. She added that the other event venues were all within a 15-minute drive with additional venues not much farther out so perhaps this event venue wasn't needed.

Elliot Hagen spoke next and stated he was a retired US Airforce Veteran, appreciates everyone's time and is speaking in favor of the project. He added that with farmers' struggling these days, Mr. Bailey should be allowed to build this party barn to support continued farming operations. He added that it was incredible to see the transformation in NYS in the past decade. He further added that so many farms were going out of business and becoming housing developments and solar farms etc. He commented that Ken Bailey kept his property pristine, anything he builds would be beautiful and would add to the aesthetics of the area and increase land values. He also added that in regards to the traffic issues that were spoken of, while legitimate, the Broken Back Horse farm generates just as much traffic if not more and was on the same road. He concluded that he thought Ken should be allowed to build the barn and not let it turn into something else.

Shari Mantini was the next speaker and thanked the PB for listening. She stated she was a retired veteran and lived directly across from Mr. Bailey. She stated had had animals and also hayed her property. She sent a letter that was not read but assumed the Board had received it. She stated she wished to address the noise issue specifically. She explained that her house sat on the top of her hill just as Mr. Bailey's house sat atop his hill and that it was a noise magnet. She stated she heard the noise of other properties up to a ¼ mile away – she could hear their conversations as they sat on their front porch. She explained that sound traveled due to the topographical character of the area and layout of houses. She commented that the noise report in Mr. Bailey's application is somewhat misleading and confusing because the barn would be located in a wide-open space and with no means of noise attenuation. She stated that noise levels are measured in decibels with a meter. She explained that factors for accurate measurement include direction from which the noise is coming and whether noise is measured indoors or outdoors; as well the conditions and the distance from which the reading is taken as it relates to the source must be factored in. She stated that one major flaw in the report is that there is no measure of ambient noise measurement or the expected changes. She added that NYS DEC noise guidelines recommends that noise levels increase no more than 6 decibels above ambient levels but as the report did not provide ambient noise levels or the expected noise level from event, it could not be evaluated. She further stated that noise is not just at the actual event as there will be noise beforehand related to deliveries and other preparation. Ms. Mantini commented that Mr. Bailey's attorney attempted to cloud the noise issue in that the noise will already take place and that it would not be any different than the noise generated from agricultural means. She stated that music blaring, large groups of people partying and traffic honking at night was quite different than farming activities during the day. She added that the neighbors had all testified about how quiet the area is, especially at night; as it was a residential and agricultural area and to suggest that large party venue will have no impact was absolutely absurd. Ms. Mantini went on to say that the report is also incomplete in that there is no mention of the customary step of installing ongoing noise monitors to appropriately measure noise impacts over time. She asked - What's going to happen? She added there was no discussion of noise mitigating factors such as noise baffling, insulation, limitations on the DJ's volume, keeping party goers indoors and other common-sense steps. She stated that she would never want to squelch anyone's entrepreneurial endeavors however erecting a party on Barnes Road is not appropriate or compatible with the area. She added that there was another party barn a mile

and half down the road and everyone knew and heard how that had affected those neighbors. She encouraged the PB to deny the special use permit request for the party barn.

Alexa Kinnselman spoke next. She stated that she lives off of Route 150 and has boarded 3 horses on Mr. Bailey's property since she was a little girl and has ridden horses on Barnes Road for many years. She stated she has known Mr. Bailey for 18 years and added that he put his heart and soul into everything he has done. She stated that you don't know him personally but are attacking him with false assumptions about how he will handle it and then assured everyone that he was a man of his word. She continued that the place would be spectacular. She added that his barn was always pristine and any time her family and friends visited, they were always in awe about how neat and clean everything was. She further added that the barn would be a great addition and would be so much better than turning it all into houses. Ms. Kinnselman stated that Mr. Bailey was only asking for 20 events which left 345 days of nothing. She stated that if he gets this passed, it would be a beautiful asset to Barnes Road.

Kevin Brocks spoke next. He stated he was speaking in opposition and urged the PB to listen to Ken's neighbors. He stated he was not going to offer conjecture about the nature of the party goes but he was concerned about oversight. He asked - Who do we go to when the 71st car arrives – if it arrives. He added that the party barn would be in perpetuity so it's not a question of Mr. Bailey or his character. He further added that if he sold the property, we are stuck with the party barn forever and it's a question of compatibility of the party barn. Mr. Brocks stated that he grew up on Barnes Road and lived there now right down the street.

Amanda Flannigan spoke next on behalf of her husband Patrick and herself. She stated that the strong agricultural history of West Sand Lake is something that should be continued, cherished, and preserved. She further stated that progress of man was inevitable and arguably West Sand Lake had already been damaged by the sprawling uncontrolled city growth that affected many of the area's booming suburbs. She commended the foresight of previous Planning Boards to zone the Barnes, Shaver and Parker Roads area as A1 Zoning and it should be withheld. She added that it was not a tenuous law that can be swayed easily. She stated that in keeping with the Comprehensive Plan and its Vision of Sand Lake's future, this application should be respectfully denied. She continued that they do not believe the applicant has this right, under the current zoning, to benefit from a commercial enterprise as this was not a downtown business district where businesses are expected. She then stated that the nearly unanimous opposition would seem to benefit the few over the rights of many. She stated that the area was zoned for homes and farms and all the residents purchased their property with that in mind. She concluded that it should not come as a surprise that there is a strong united stand against this proposal.

Sherry Back spoke next stating that she is in total support of the Neighborhood Association for many of the reasons already stated but her main reason is the traffic. She stated that her driveway was hard to get out of and it's hard to see anyone that same over the hill. She commented that the applicant may have a beautiful property and she was not attacking how he took care of it, but he did not control the traffic on the road.

That concluded the public comments at the public hearing. AH made a motion that the public hearing be left open for written comment for another week (September 23, 2020) in case any public had difficulty connecting to the virtual meeting. This was seconded by MET and unanimously approved. AH asked if the Board or Mr. Bailey wished to make any other comments regarding what has been said.

Mr. Bailey's attorney, Mr. Gilchrist, wanted to clarify that the public hearing will be held open only for written comment for a week and then be closed at that point. Craig Crist (CC) confirmed and recommended a clarifying resolution that the public hearing be left open for written comment and would close effective September 23, 2020. AH motioned, RL seconded and the board unanimously approved this resolution. Mr. Gilchrist stated that they anticipated providing to the PB a response to the public comments for the record and was certainly respectful of the comments made. He then stated that he would, however, like to make a few comments now. He commented that he knew that the Town had a significant, multi-year process in updating the Comprehensive Plan and adopting a Zoning Code. He added that there had been several public hearings held in connection with that. He said that he brings this up because comments were made tonight that this proposed use was not an allowed use in the AR Zoning district and not consistent with the Comprehensive Plan or Zoning Law. He stated for the record, that this was not the case – this use was allowed in the AR district with a special use permit and was, therefore, consistent. He further stated that in point of fact, and point of law, the use it was proposed for was consistent. He also commented on the nature of Barnes Road. He conceded that he did not live on the road but Mr. Bailey had and that they have had extensive discussions. He stated he has heard tonight that the road is windy, hilly, narrow, and unsafe road where people can't safely get out of their driveway. He added that it was an existing public town road and if it was that unsafe – everyone was already at risk living there. He noted that it was also heard that residents felt free to jog, walk, ride bikes and horses. He said that as the applicant wanted to make sure the road is safe; they had done a traffic analysis. He stated that they just wanted a fair opportunity for review in front of the PB. Mr. Gilchrist went on to say that the PB should not be swayed by how many times the same comments were made, how loud people can shout or how many letters one submits. He stated that he and his client looked forward to the continued review of the application by the PB, including the SEQR review and the special use permit review. He stated that they anticipated being provided copies of all the written comments received so that they could respond.

Mr. Bailey stated that there were some other letters that weren't read and wondered if they needed to be resubmitted. Monica Ryan clarified that the letters that were read were those that were submitted within the window of the public hearing. She stated that letters received over the past month or at any earlier point were not all read but the Planning Board did have copies of all letters ever received into the Planning Office on the subject. She advised that everything was sent to the PB members.

Scenic Preservation Review Application

Andrew & Suzanne Fraser; Sybil Carven
188 Methodist Farm Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 170.2-1-9

Lot Size: 17,860 sq. ft.

A Scenic Preservation Review Application to replace an existing seasonal residential dwelling with a new year-round home within a 100' of Crooked Lake.

Andrew Fraser was present to represent the Scenic Preservation Application. Mr. Fraser begun by reminding the Board that he had met with them back in early August and the PB had approved the removal and replacement of a new dwelling on the property. Mr. Fraser stated they have returned because they wanted to change the position of the new structure from what was originally proposed. He stated that the reasons for the change was to be closer to the lake and a little further away from their current access driveway. He added that the structure remained the same size and the setbacks still met the current

structure. AH asked if the new structure was supposed to be well farther back in than the previous proposal. Mr. Fraser said the original plan would have covered about 50% of the current structure with the rest further back. He added that the revised proposal was more like 80% of the current footprint. AH asked if it was the same house being proposed. Mr. Fraser replied yes, the same exact plans. WG commented that the building would be very close to being in the floodplain. He recommended that they move it back slightly to avoid being in the floodplain. They discussed the flood zone being at the 832 ft. contour line. As part of the change in the project, Mr. Fraser told the Board that with the change of structure positioning, they were no longer seeking to remove the trees proposed in their prior application. The PB in August agreed to allowing only the removal of trees within the new building footprint. In the new proposal there were no trees in the footprint however were asking to remove 2 other trees of the 14 trees on the site. He added that all of the trees were at 8-10 inches in diameter. He stated they would like to remove them because they were more of a safety issue as they were so close to the house site - especially the one in the front right as it's a 16-inch pine with exposed roots. The PB reviewed photos of the trees and a photo of the tree coverage for the property from the lake with the context of the surrounding properties. AH raised the possibility that the large tree will be compromised with construction. Mr. Fraser agreed. RG agreed the large tree may be compromised. AH asked if anyone has any other thoughts on the house location. RG asked if it required any variances. Monica Ryan said that she and Mike Wager had reviewed the plans and because none of the setbacks were less than the current structure or if they were, they meet the code; the proposed footprint meets code.

AH made a motion that the PB be Lead Agency for SEQR and the project be classified as a Type 2 action under SEQR, seconded by MET and unanimously approved. AH made a motion to approve the application as submitted including the removal of the two trees with the condition that erosion control measures will be taken. MET seconded the motion and all approved.

Special Use Permit Application

Heather Hinman (applicant)
Cheryl Morey (property owner)
28 Schreiner Way
Averill Park, NY 12018
R – Residential Zoning District

Tax Map # 159-1-68.11

Lot Size: 42.40 acres

A Special Use Permit application to place an accessory dwelling on a residential property with acreage.

Heather Hinman was present to represent the project. Ms. Hinman explained that the property to be used for her project is a separate piece of a larger property and she'd like to place a tiny home on. She added that the land she'd like use was buffered by a wooded area that's part of a separate lot that's in between the main part of the property and the front piece. She stated that because the property is wooded in between and the piece that would be used is kind of secluded, she would have her own piece of paradise. The PB reviewed an aerial photographic depicting the lot configuration and the portion of the property to be used for the dwelling unit. The application provided a photo and specifications from the manufacturer. She stated she was also a gardener and it would be perfect for a having a garden. RG commented that he seen the tiny house was on wheels and asked if it was movable if necessary. Ms. Hinman said yes and she could easily move. RG asked Monica if this was simply an accessory structure on the property. Monica clarified that it was an accessory dwelling unit which requires a special use permit bit it is also an accessory structure in the front yard and therefore it would need an area variance to be located there. RL asked about the applicant's plan to collect rainwater and use it. Ms. Hinman said that

the rainwater would be collected but a company could also bring in potable water. She stated that she planned on having a composting toilet and knew that she will need filters for the gray water which she would then use for gardening. RG asked if the PB needed to let neighbors know. Monica responded that the special use permit required a public hearing. AH asked if any trees were planned to be removed to which Ms. Hinman said no. AH asked for the location of the tiny home, Ms. Hinman responded that it would be along the tree line. The PB asked the applicant to stake out the site of the tiny home for the PB to do a site visit.

AH motioned to set a public hearing for October 7th, it was seconded by RG and all approved.

WG noted that the NYS DEC SEQR database identifies that the property is within an archeologically sensitive area and asked Monica if she knew what that referred to. Ms. Ryan replied she did not and said these sensitive areas are identified and often covered a large swath of area but the known sensitive site could be fairly far away. She added that information was not provided so that people don't go digging around. RG noted that the applicant was not planning on putting in a foundation so it shouldn't be an issue.

DRAFT RESOLUTION APPROVALS

Boundary Line Adjustment for Estate of Clarence & Eleonara Momrow / Donald Benson

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.

ADJOURNMENT – AH motioned to adjourn the meeting at 10:24 pm; seconded by MET and all approved.

To: Town of Sand Lake Planning Board Sept. 14, 2020

From: Linda Allen

Re: Mr. Bailey's Proposed Project

Many letters of objection have been sent to your board as well as numerous articles submitted to our local paper regarding the proposed request to operate a "Party Barn" on Barnes Road.

Most of my neighbors and many of the local residents have voiced their opinions in opposition of this request. We've expressed our concerns and the numerous reasons why we do not want a Party Barn in our neighborhood of which I'm sure the Planning Board is well aware of the nature of our objections.

So there is no point in rehashing them other than to reemphasize that the operation of a "Party Barn" is not in any way compatible with the lifestyle of a Residential/Agricultural zoned area.

I respectfully request that the Planning Board Members really listen to the concerns and objections of their constituents and uphold the regulations of a Residential/Agricultural zoned area and not allow the request for a variance.

Thank you,

Linda Allen
3817 NY 150
West Sand Lake, NY 12196

3 Beverly Drive
West Sand Lake, NY 12196

September 13, 2020

Town of Sand Lake Planning Board
PO Box 273
Sand Lake, NY 12153

Re: Ken Bailey Special Use Permit

Dear Planning Board Members:

I am writing in reference to the Special Use Permit requested by Ken Bailey to create an event space on Barnes Road. I am in strong opposition to this request. My street, Beverly Drive, is in close proximity to this property. In building my home, I chose this location because of its tranquil, rural environment. Having an event space so close by will destroy that.

I am concerned about the noise and increased traffic which are not characteristic of the type of community any of the local residents chose to live in. I am particularly concerned about increased traffic and alcohol being served/consumed and how that could impact our safety. Without a local police force, to closely monitor, this could lead to a dangerous situation.

I am in full support of the Barnes Road Neighborhood Association and their opposition to this request.

Thank you for your consideration.

Kelly Fahrenkopf

**Don and Fran Brown
3689 State Route 150
East Greenbush, NY 12061**

9/13/2020

Planning Board
Town of Sand Lake
P.O. Box 273
Sand Lake NY 12153

Dear Members of the Planning Board,

I am writing to urge you to deny a special use permit for a party barn at Windy Hill Farm at 204 Barnes Road in Sand Lake.

We moved to Sand Lake largely because of the semi-rural nature of the area. We live near Barnes Road and take walks on it almost daily.

As Sand Lake taxpayers, we do not want to see crowds of people clogging the roads, disrupting traffic and making noise every weekend. We moved out of downtown Albany for the peace and quiet of the countryside.

Please don't allow this commercial enterprise to ruin it.

Sincerely

Don Brown

Town of Sand Lake Planning Board
Re: Hearing for Bailey Special Use Permit

As I stated in the last hearing, we are completely opposed to the party barn proposed by Ken Bailey. Ken's assurance that he will personally supervise the party is not comforting. He has not considered the community so far and I don't see why he would consider the community while supervising parties. I have great concerns that this enterprise will not be able to be safely or consistently maintained, aside from it being inappropriate for an AG/AR area.

Rodger Sutton

Town of Sand Lake Planning Board
Re: Hearing for Bailey Special Use Permit

I am in opposed to Ken Bailey's proposed party barn. I have raised my kids on this street and watched them build a life based on agriculture. This my home and this is their home. Ken wants to redefine our home by fundamentally and permanently changing our community. If our town government does not protect us, there needs to be a change.

June Groat

Town of Sand Lake Planning Board

RE: Bailey SUP

Dear Planning Board,

I attended the hearing and spoke opposing the Bailey party barn. Having heard his plans, we are more opposed than ever. It will have a direct negative impact on our AG (horse) business. We just invested in an upgrade to our horse ring and the traffic and noise will be a direct threat. A commercial party barn is obviously incompatible with the neighborhood.

We ask the planning board to deny this special use permit and allow us to preserve Barnes Rd and our AG district. We will support the Barnes Road Neighborhood Associations efforts to stop this.

Jack and Laura Schreiner

Handwritten signatures of Jack and Laura Schreiner. The signature on the left is 'Laura Schreiner' and the signature on the right is 'Jack Schreiner'.

Town of Sand Lake Planning Board
Re: Hearing for Bailey Special Use Permit

I am opposed to Ken Bailey's proposed party barn. Our district is not a commercial district and as such is not equipped for a commercial operation. I am worried for the safety of our neighborhood. People run, bike, ride, and work on the road. There is no room for heavy traffic. We are going to continue to oppose this.

Pat Sikora

Re: Bailey Party Barn

Dear Planning Board of Sand Lake,

We spoke at the hearing in opposition to Ken Bailey's request to open a party business here on Barnes Rd. We live across the street, and our barn is across Barnes Rd from our house. We have a farm. We have worked and invested in our farm, and are raising our children here, in the confidence that being in an Ag district and a AG/residential zone offers a safe place to do so. We and our children have to cross the road to tend our belted beef cows and do the chores. The idea of putting a large commercial scale party operation on Barnes Rd, here in an Ag district, is ridiculous. Ken Bailey's driveway is close to our house and directly across from one of our pastures. Commercial operations do not belong out here.

At the hearing I mentioned that the June Farm operation down on Parker Road is a real problem for us in moving equipment and getting the hay in. Think what a hundred cars each Saturday and Sunday right next to our farm would do to our work. And consider the dramatic change all that noise and activity would make here. When he bought that property he knew he was in an Ag area. He now seeks to change that for all the rest of us.

Finally, let us ask you: would you want something like that next door to you?

Legal counsel has advised us that Mr. Bailey has to show that his proposal is compatible with the neighborhood. We can think of few things less compatible. We think we are as entitled to rely on the zoning here as anyone else and urge you to reject this request to introduce a large commercial party spot onto this neighborhood.

April Middleton

West Sand Lake Planning Board
Re: Bailey Special Use Permit

Dear Planning Board,

My family has been a part of this town for generations. I have watched the area change and am very unhappy with the most recent changes permitted in our neighborhood. June Farms has been expanding without monitoring. It has now created an excessive amount of traffic on our street. A Barnes Road venue would most likely add to that. It poses safety concerns, as well as property damage concerns. The cars travel over the speed limit constantly! We have had to have the Town Highway Transportation Department set up an electronic speed limit check sign on our street to try to control the unsafe driving.

I am very opposed to this type of event barn being built again so close to our home.

Please consider all aspects this project would affect. I strongly encourage you to deny a second venue for parties and entertainment in an agricultural and residential neighborhood.

Please deny this application.

Thank you,

Kristine M. Cipperley
Kristine M. Cipperley

Planning Board
Town of West Sand Lake

Re: Bailey Special Permit


Dear Planning Board,

✓ We are very concerned about more event barn development in our area. We live at 316 Parker and are already subject to an unacceptable amount of traffic and party event related driving due to June Farms. Our experience is that a lot of these drivers go much too fast on our back road and are not paying attention. It really is unsafe.

We like to run and bike and use Barnes Road often. It would be a shame to see that road become unsafe and dangerous too. We like everyone who chooses this type of area to live, enjoy the beauty of an agricultural district. We did not anticipate this disappearing for commercial use.

WE strongly oppose this permit and employ you to consider the affect on surrounding roads and areas as well.

Thank you,

Handwritten signature of Kaela and Eric Conway in cursive script.

Kaela and Eric Conway

West Sand Lake planning Board

I remain in opposition to a variance by your board to allow an entertainment barn by Mr Bailey on his property. It is a disservice to the aspiration that this village will continue to develop into a family oriented community with out randomly scattered commercial establishments especially where overwhelmingly un welcome.

In this instance, there is no reason to inflict a party barn on a quiet rural residential part of the town.

Darrell Welch

Planning Board

Town of Sand Lake

RE: BAILEY

Dear Planning Board,

We live on Beverly Drive a couple of hundred yards from Mr. Baileys proposed party house. I spoke at the hearing. We are strongly opposed to this ridiculous proposal and support the Barnes Road Neighborhood Association's plan to contest it, in court if necessary.

Dick Little
- Jack Miller

Sand Lake Planning Board

RE: Bailey

We live on Beverly Drive, west from the event barn and related amenities proposed by Ken Bailey. We can see the house and barn on Mr. Bailey's property from our home. We were unable to attend the hearing in person and as such we are writing in opposition to the application. If the proposal were to be approved what will disturb us the most is the noise, while neighbors on Barnes Rd will have traffic as well as the noise to deal with. This is an Ag/residential area not zoned or suited for the proposed commercial venue.



John Baumeister



Karen Baumeister

To Whom it May Concern:

As a resident of Barnes Rd for nearly 25 years, we enjoy the peace and quiet of our home on Barnes Rd.

Though we live on the opposite end of Barnes Rd of the proposed "Party Barn" We fear most traffic would come from our end of the road. I can't tell you the number of times driving on Barnes Rd we had to watch for cows, chickens and horses and other livestock. Barnes Rd isn't meant for heavy traffic. Especially from folks who have been drinking.

Yours Truly,

Kerry and Sherry Back
1 Barnes Rd
West Sand Lake, NY 12196

To the West Sand Lake Planning Board,

My husband and I attended the March 4, 2020 planning board meeting where Mr. Bailey presented his request to build and operate a party venue on his 204 Barnes Road residence. He stated he was looking for something to do in the next stage of his life, a hobby that he could share with his daughter. He admitted that it would increase traffic on Barnes Road, skimming over any other possible drawbacks.

Mr. Bailey's property sits on a tall hilltop which overlooks his surrounding neighbors. His daughter's wedding music was broadcasted loud and clear to my house on 3811 NY 150. At the time, I said to myself "Bailey must be having a really big party". This loud music was accepted for what it was, a party. It is not something you usually hear in our sedate neighborhood. With that being said, I nor my neighbors find it acceptable to have to put up with such an intrusion every weekend from June into October.

We then listened to our relatives and neighbors who live on or near Barnes Road express their warranted concerns also.

Traffic increases on a road in deplorable condition. This road has sharp blind twists and turns.

Liquor consumption by temporary permits granted to clients with no monitoring or responsibility by Mr. Bailey.

Danger increase to residents, their children, farmers with heavy equipment and their livestock.

Flood light illumination for parking safety, and many more concerns.

A portion of a letter of recommendation for Mr. Bailey from the owners of June Farms was read at the meeting. The June Farm owner stated, if Mr. Bailey is granted a certain allotment of parties, he would like an increase in his allotments also. To grant Mr. Bailey this special variance would be a slippery slope to other future requests such as : "hospitality cabins", increase in party allotments, a restaurant and God knows what else to expand his "Hobby".

We chose to live in a residential/agricultural area for the safe, tranquil environment it is. We pay heavy taxes to do so. Clearly the only one to benefit from Mr. Bailey's request for a variance is himself, at the expense of his surrounding neighbors.

It would be an injustice to grant such a thing!

Sincerely and Respectfully,

Regina and Joseph Winnicki

Town of Sand Lake Planning Board
c/o Karol O'Sullivan, Clerk for Planning Board
PO Box 273
Sand Lake, NY 12153

Re: Special Use Permit for 204 Barnes Road

I am writing to express my strong opposition to the request for a Special Use Permit by Ken Bailey of 204 Barnes Road.

I have lived on Shaver Rd for 26 years and cherish the peace, quiet, and lushness of the area. A party barn would destroy much of that forever. People generally do not pay attention to just how far noise travels at night and I have no desire to spend my precious weekends listening to the noise of someone else's parties – for profit. Noise and light pollution are real and are bad enough in urban areas. They are totally out of place in the country. The community on Barnes and neighboring roads includes children, farm animals and pets. One will often find people out walking, baby walking, riding – bikes and horses, and farm equipment travels these roads.

As a taxpaying, voting resident of this community I strongly object to any thoughts of approval of this application.

Sincerely,

Linda Filarecki
107 Shaver Rd.

Town of Sand Lake Planning Board
Re; Ken Bailey Special Use Permit

Dear Planning Board,

I live on Parker Road, where we now experience an excessive amount of traffic due to June Farms. We have several hay fields. Cars are constantly driving through our fields, believing them to be June Farms. We now have destroyed areas of hay fields and ruts where cars have gotten stuck. We believe this is due to a high volume of customers unfamiliar with an agricultural district and back roads.

Zoning is in place to plan and protect proper development in our town. I believe we should abide by these plans.

I am opposed to this special use permit on Barnes Road. It is not a neighborhood suited to this type of development and should not be permitted.

Sincerely,



SUSAN J. CIPPERLEY

West Sand Lake Planning Board
RE: Bailey Special Use Permit

Dear Planning Board,

I am writing in opposition to the Bailey special use permit. It is not a venue that fits with the activities in this neighborhood. Barnes Road has only families and multiple farms. It is Zoned AR for a reason. The street is not well paved and curvy and hilly. It is a secondary road. Our children horseback ride on it and most of the farms are right on the road or across the street from the main houses.

The use of this road for a commercial venue is ludicrous and unsafe. I am sure you will exercise caution and deny this type of activity in an agricultural, family oriented neighborhood.

Sincerely

DAN KILGY

West Sand Lake Planning Board
RE Bailey Special Use Permit

Dear Planning Board

We are completely opposed and you hope you please deny this request.

Our family is very concerned about the plans for a Party Barn on Barnes Road. Our daughter takes lessons every week at Broken New Farm. We are concerned about additional traffic and their safety. It seems a risky enterprise for a road and area that is primarily agricultural and family oriented. We question the safety of such a business in a rural area like this. It strikes as a dangerous and poorly planned project.

Jeff D. Putwick

Town of Sand Lake Planning Board
RE; Bailey Special Use Permit at 204 Barnes

Dear Planning Board,

I have children that are students at the Broken New Farm with Laura Schreiner. We have always enjoyed having our children take lessons there. We appreciate the rural setting and enjoy sitting and watching in a peaceful and safe environment.

We are very confused at the prospect of having a party barn on this street and in this primarily farm and family neighborhood. It simply is not an area conducive to this type of activity.

We are also of course concerned at the changes that would occur as a result of this endeavor. Traffic would significantly increase. We question the safety of our children riding on their horses during these events. Who is going to monitor speed limits? Add alcohol to the equation and we foresee an even more dangerous threat to the safety of our children.

We are in complete opposition to this request and ask the planning board to exercise caution and deny this special use permit.

Sincerely,

A handwritten signature in cursive script that reads "Jeannine Kaskas". The signature is written in black ink and has a long, sweeping underline that extends to the right.

516 Tamarac Rd.
Troy, NY 12180

✓ #
West Sand Lake Planning Board
RE: Bailey Special Use Permit

Dear Planning Board,

I am opposed to this permit use. The neighborhood can not support a Party Barn. Barnes Road is for families and farms. We support the efforts of the Barnes Road Neighborhood Association in fighting against this type of development. It is not appropriate for the neighborhood or street.

I have always enjoyed the agricultural nature of this area. My daughter takes horseback riding lessons and it has always felt quiet and safe. A party barn would change everything. This area should be preserved as it is zoned.

Thank you for your consideration.

Ms Michelle H. Cro

Planning Board

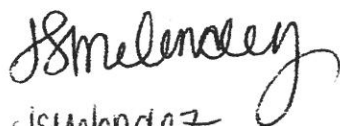
RE: Bailey Special Use Permit

Dear Planning Board,

We are writing to express great concern over the proposition to build a party event barn on Barnes Road. We have always enjoyed the peace and tranquility of this neighborhood. Our daughter has taken horseback riding lessons for several years and we have always felt comfortable with this wonderful neighborhood. They frequently take rides along Barnes Road and we can't believe that would be safe with additional traffic and potential alcohol consumption. The road is not designed to handle that much traffic and we can't imagine this is a good plan for an agricultural district. We appreciate all the farming that occurs on this street and would like to see it preserved.

We are in strong opposition to this permit and would encourage you to deny it for the safety of all.

Thank you


jmelendez

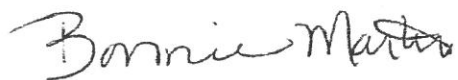
West Sand Lake Planning Board
RE Bailey Special Use Permit

Dear Planning Board,

I am asking that you deny this permit. Barnes Road is in an AR district and it is zoned this way for a very good reason. There are primarily active farms on this road and an excellent equine program that all should be preserved. There are very few active agricultural areas left. This is a successful one and it should be maintained. Party Barns are springing up everywhere. This is a neighborhood that should not be changed for this type of activity. It belongs in an area zoned for this!

I strongly oppose this permit.

Thank you for your consideration,

 Bonnie Martin

July 27, 2020

An open letter to the Town of Sand Lake, and the Town Planning Board,

I am writing in response to the many opinions I have seen recently concerning Ken Bailey's request to build a limited use event building on his farm property on Barnes road. My wife and I are longtime residents of the Capital District who moved to Sand Lake almost 3 years ago. We love the more rural quality of this area. One of the people who has helped us in our transition from suburban horse boarders to agricultural hobby farm owners is Ken Bailey.

A visit to Ken's farm quickly reveals his passion for his property and his pride of ownership. Most people who spend time at Ken's farm would recognize the beauty and high level of care his property has. That doesn't happen by accident or luck - much hard work, time, and financial investment has been poured into this land.

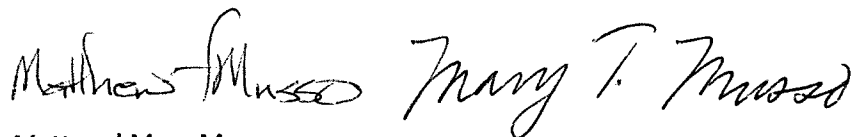
Ken's vision for an event building is not one without great expense and risk, and not one which will make him rich. It is one which will help cover the costs of maintaining something this area is rapidly losing - it's scenic private farmland.

Ken's plan may not be a perfect solution but it's a good starting point. To Ken's neighbors, I would say talk to him, see his vision, negotiate the details, see the positives. Other uses of this 66 acres could easily bring all the noise and traffic you fear, with no recourse, 365 days a year.

We love to keep things 'the way they were' without caring who the burden falls on. We need to rethink what it takes to sustain the farming heritage and the open lands of this town.

We have lived in many locations in our years and We would be happy to have Ken Bailey and his farm as our neighbor, limited use event barn included.

Ps...In case you think we can't relate because we don't live on Barnes Rd - the taxes are high, the services are low, the mining can be loud, the truck traffic can be heavy here on Thais Rd.....But we are blessed to be here.

The image shows two handwritten signatures in black ink. The first signature on the left is 'Matthew Musso' and the second signature on the right is 'Mary T. Musso'. Both signatures are written in a cursive, flowing style.

Matt and Mary Musso