

**Town of Sand Lake
Planning Board Minutes
March 20, 2024**

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: Andrew Karl, began meeting at 7:00 PM

MEMBERS PRESENT: Andrew Karl (AK), Edward Patanian (EP), Michael Slavin (MS), Ralph La Montagna (RL), Rick Giolito (RG), Arthur Herman (AH), Craig Crist, Esq. (CC)

MEMBERS ABSENT: Mary Ellen Trumbull (MET)

OTHERS PRESENT: Kevin McGrath, Dan Espey, Josh Fodrowski, Richard Cotrona, Lance Farrell, Justin Farrell, Hunter Farrell

RECORDING CLERK: Sarah Jones (SJ), Clerk for the Planning Board and ZBA

Scenic Preservation Application

Richard Cotrona

42 Evergreen Dr

Averill Park, NY 12018

R –Residential Zoning District

Tax Map #: 170.1-1-4

Lot Size: .56 +/- acres

A Scenic Preservation Application to construct a white with blue trim, 20' x 24' steel 2 bay garage on an asphalt pad located in the Scenic Preservation Zone of 3rd Burden Lake.

Mr. Cotrona presented his Scenic Preservation Application explaining that he would like to construct a steel 2 bay garage on an asphalt pad.

AK confirmed the pad is pre-existing.

AH asked for confirmation as the drawings show a lean-to. Mr. Cotrona said that it was an offered option, but he is not adding it. The building will be 20'x24'.

RL confirmed there would not be plumbing.

EP asked if he had spoken to his neighbors, he also asked if there were woods on Mr. Downs property (Neighbor). Mr. Cotrona said he had mentioned the construction but had not confirmed it and that there is a wooded area between the garage and Mr. Downs as well as the Coffee properties.

MS expressed concern regarding metal buildings located in the Scenic Preservation Zone questioning it's fit into the surroundings.

It is pre-painted white with blue trim to match the house.

CC read § 250-76 Standards of review.

A.

In acting on any application under this article, the Planning Board shall endeavor to ensure that all development and/or structures hereafter erected or altered in exterior appearance, including signs, within the Scenic Preservation Overlay shall be of such design, appearance and relation to one another that they will not impair the attractiveness and appearance of the scenic preservation area in particular and the Town in general.

B.

In furtherance of these purposes, the Planning Board shall seek to ensure good building design, but shall not prescribe any type or particular style of architecture. Nothing in this article shall be construed to prevent ordinary maintenance or repair of any structure within the scenic preservation area; nor shall anything in this article be construed to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the Code Enforcement Officer prior to the adoption of this chapter.

In reviewing AH asked the height and if it would be rounded or resemble a house. Mr. Cotrona said the height would be 9' and resemble a house.

With no further questions from the board and agreement that a site visit or public hearing would not be necessary, AK motioned, seconded by AH and all approved to classify this project as a type 2 action under SEQR and Town of Sand Lake lead agency with no other interested or involved parties.

AK motioned seconded by AH and unanimously carried to approve this Scenic Preservation Application.

Boundary Line Adjustment Application

Applicant: Russell & Christal Blair

Donor: Michael E. Lawrence

4066 NY 150

West Sand Lake, NY 12196

AR-Agricultural Residential Zoning District

AND

Receiver: Russell & Christina Blair

3996 NY 150

West Sand Lake, NY 12196

AR – Agricultural Residential Zoning District

Tax Map #: 158.-1-30.1

Original Lot Size: 4.77 acres

Proposed Lot Size: 4.06 acres

Tax Map #: 158.-1-27.112

Original Lot Size: 55.13 ac

Proposed Lot Size: 55.84 ac

Boundary Line Adjustment application from a from a donor parcel of 4.77 ac to donate .71 ac to a receiving parcel of 55.13 which will result in a donor parcel of 4.06 ac and a receiving parcel of 55.84 ac.

Kevin McGrath presented the Boundary Line Adjustment application for the Blairs explaining that he would like to have access to the northern end of the property.

EP asked if there was any chance a town road would be constructed or was just a driveway. Mr. McGrath said he did not think a town road would be constructed but could be in the future. EP expressed concerns regarding the turning radius should there be future plans for a town road. AK asked if there was an intention to make the property into a subdivision. Mr. McGrath said he was not aware of such plans, adding the proposed entrance would have to cross a pond but is not a designated wetlands or Army Corp wetlands.

AK expressed concern about the Town of Sand Lake code:

§ 225-21 Double frontage lots.

Double frontage lots should be avoided.

He continued by saying "it does not say shall be avoided but should so I would need a compelling reason to approve this as he already has 427' of road access south of the requested Boundary Line Adjustment."

MS asked if his concern is what would be done in the future. AK said yes, he (the applicant) may not have a full plan yet, he did not know. Just following the code as it is written is what causes concern.

EP said if there is an agreement between neighbors, and they are requesting an additional entrance he did not see where it created any issues.

McGrath said he felt he (the applicant) just wanted an additional entrance as he (the applicant) and donor are friends.

RG confirmed there is nothing on the land proposed in the Boundary Line Adjustment. Mr. McGrath confirmed.

RL questioned the pond and Mr. McGrath confirmed that there is a pond there but said It is not wetlands but a body of water. EP said for a boundary line adjustment we do not need to worry about wetlands. RL said correct but if they want to put a driveway off that road it would need to be addressed to determine if he needed to contact the DEC or Army Corp of Engineers as the SEQR short form does indicate wetlands or a body of water.

CC said the application says the Boundary Line Adjustment is requesting access to 150 which he currently has. Mr. McGrath confirmed that yes, he has access but with such a large piece of property he would like access to the other side of the property.

AK said he did not feel the request was justified, if the 427' were not accessible it would be different but, going by the code 'avoid double frontage lots' he was not in favor of it.

RL said he was comfortable with it as it was a 55-acre parcel and that may be why there was wiggle room in the code.

RG said he would need a more compelling reason to give a positive vote and he agreed with AK.

Mr. McGrath said he was surprised by this, as when a subdivision is reviewed by the fire department for example, one of the first things confirmed is a secondary entrance and it is usually a priority.

AK said speaking in hypotheticals if this were to be a subdivision and the fire department could speak to that it would be a different situation, but just to have more access to the land based on the code is why he feels how he does.

AH motioned seconded by RL and echoed by ms to approve the Boundary Line Adjustment. EP abstained from this vote. RG and AK voted to deny the application.

CC said we need a majority of 4 "yes" votes. With 3 votes-Yes and 2 votes-No and one abstaining this fails. He asked Mr. McGrath if he wanted to return to the applicant and re-tool the application.

There was further speculation among the board and Mr. McGrath in relation to code § 225-21 and what it referenced.

CC read into the record “the Town of Sand Lake code: **§ 225-21 Double Frontage lots.**
Double frontage lots should be avoided.

The board members went on to agree that it does not give further context.

Minor Subdivision Application

Nadine and Joshua Fordowski
Olmstead LN
Sand Lake, NY 12153
R- Residential Zoning District

Tax Map #: 159.-1-71
Lot Size: 77.65 +/-acres
Proposed Lot 1: 8.88 +/- acres
Proposed Lot 2: 68.78 +/- acres

A Minor Subdivision Application to create one new lot.

Mr. McGrath presented the Minor Subdivision Application for the Fordowskis saying that he has already received Zoning Board Area Variance approval for the 3:1 ratio on the remaining lands. He went on to review the Army Corp of Engineers Wetlands that were marked on the map saying that a biologist did say a driveway would be acceptable. The board reviewed with Mr. McGrath where potential houses would be built.

RL said the ZBA has already been named SEQR and confirmed that they would need silt fencing and hay bales for erosion control when building the driveway.

With no additional questions from the board AK motioned EP seconded by and unanimously approved to hold a public hearing on April 3, 2024, at 7:00PM.

Minor Subdivision Application

Justin Farrell
98 Snake Hill Rd
Sand Lake, NY 12153
RR-Rural Residential Zoning District

Tax Map #: 148.-1-9.1
Lot Size: 55.74 +/-acres
Proposed Lot 1: 3.11 +/- acres
Proposed Lot 2: 3.14 +/- acres.
Proposed Lot 3: 52.73 +/- acres

A Minor Subdivision Application to create two new lots.

Mr. Farrell presented his application explaining there is an existing house on the land, and he was looking to subdivide it into 3 lots. RL said that lot 3 does have a vernal pool but that he had received approval from the ZBA conditioned they avoid the vernal pool when accessing the property.

Based on the location of the property as it borders another town (Poestenkill) AK asked CC if they would need to be notified. CC said yes, they needed to be notified.

AK asked about lot 2 as it appears oddly shaped. Mr. Farrell explained there is an existing drilled well and the intention was to include it with the lot.

With no additional questions from the board AK motioned, seconded by EP and all approved to hold a public hearing on April 3, 2024, at 7:00PM.

DRAFT RESOLUTIONS FOR APPROVAL

Minor Subdivision Resolution for Long-Hijos SUB 24-01

AK motioned seconded by MS and carried unanimously to waive the full reading of the Minor Subdivision Resolution **SUB 24-01** for Long-Hijos.

AK motioned seconded by AH and carried unanimously to approve Minor Subdivision Resolution **SUB 24-01** for Long-Hijos.

Scenic Preservation Review Application for Apple SPZ 24-03

AK motioned seconded by AH and carried unanimously to waive the full reading of the Scenic Preservation Resolution **SPZ 24-03**.

AK motioned seconded by RL and carried unanimously approve Scenic Preservation Resolution **SPZ 24-03**.

Scenic Preservation Review Application for Leonardo-Sheridan SPZ 24-04

AK motioned seconded by AH and carried unanimously to waive the full reading of the Scenic Preservation Resolution **SPZ 24-04**.

AK motioned seconded by AH and carried unanimously to approve the Scenic Preservation Resolution **SPZ 24-04**.

DRAFT MINUTES FOR APPROVAL

AK motioned seconded by RG and all approved to accept the draft March 6, 2024, minutes as final.

ADJOURNMENT

AK motioned, seconded by AH, and unanimously approved to adjourn the meeting at 7:46PM.