

**Town of Sand Lake  
Planning Board Minutes  
June 5, 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), Ralph La Montagna (RL), Rick Giolito (RG), Arthur Herman (AH), Mary Ellen Trumbull (MET), Craig Crist, Esq. (CC)

**MEMBERS ABSENT:** Edward Patanian (EP), Michael Slavin (MS)

**OTHERS PRESENT:** Patricia Ryan, Thomas Ryan, Lance Harting, Scott Blair, Karen Mason, Daryl Bart, Peter Schaefer, Karol O' Sullivan, Mike O' Sullivan, Stuart Nippies, Rob Dressner, Nancy Warden, Barbara Counterman, Justin Hillman, additional residents.

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

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

CC opened saying; the mining provisions that were before this board for an advisory recommendation are being withdrawn, there is a provision already in the zoning that covers that 250-99 (h) so those amendments will not be under recommendation by the board tonight because it is effectively withdrawn.

At this time many residents present left the meeting.

**Site Plan Review**

Lance Harting  
244 Sheer Rd  
Averill Park, NY 12018  
**AR** –Agricultural Residential Zoning District

**Tax Map #:** 158.-2-73.113  
**Lot Size:** 2.166 +/- acres

A Site Plan Review Application to construct a detached, 1152 sq ft garage.

Mr. Harting presented his Site Plan Review Application to construct a detached, 1152 sq ft garage for storage. AH confirmed the exact location of the garage. AK said it meets all setbacks and dimensional requirements confirming this would not be a dwelling and no water will be in place. RL asked if he had plans for external lighting, which Mr. Harting said he did not. RL reminded that should he install lights they needed to face downward per code. Mr. Harting agreed. AK confirmed color and material of siding. Mr. Harting said it was steel and stone colored the roof charcoal grey, indicating a close match to the house. RL asked if there was a driveway. Currently there is not, there will eventually be a driveway from the existing driveway. AH confirmed the direction the overhead doors will face. Which will be towards Sheer/Gardner roads.

With no additional questions from the board AK motioned seconded by AH and unanimously approved that this be classified as a Type 2 action under SEQR and the Town of Sand Lake Planning Board be Lead Agency with no other involved or interested agencies.

AK motioned seconded by MET and unanimously approved this Site Plan Review Application conditioned that proper erosion and sediment controls being installed during construction.

**ADDITIONAL BUSINESS**

Recommendation has been requested from the Town Board on resolution 2024-05-112 as to form. Relating to updates to Section 250 of the Town of Sand Lake Zoning Code. The following changes were reviewed, and the recommendations are below to be provided to the Town of Sand Lake Town Board on June 12, 2024.

AK read the following ending with; the above changes clarify how and where the defined uses could exist.

*C. Section 250 Attachment 1 shall be amended to include Use entries for “Adult Entertainment” and “Industrial Processing” as already defined in Chapter 250, and such uses shall be subject to the Supplemental Regulations contained in Article VI, and shall only be permitted in PDD Districts, subject to Planning Board and Town Board approvals. “Light Manufacturing” shall also only be allowed in PDD Districts, not HMU or HC Districts.*

RL questioned the terms “Adult Entertainment”, “Industrial Processing” and “Light Manufacturing” saying he was unable to find the definition of “Light Manufacturing”

AK stated he was able to find the definition under Section 250-199 Definitions from the 2017 Town of Sand Lake Zoning Code, it reads as follows:

**LIGHT MANUFACTURING**

*The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.*

**RECOMMENDATION: all board members present agreed to the modifications presented in resolution 2024-05-112 C. Section 250 Attachment 1. AK-YES/RL-YES/AH-YES/RG-YES/MET-YES.**

The following changes in § 250-34 Accessory buildings, structures and dwellings were reviewed:

*§ 250-34 Accessory buildings, structures and dwellings.*

*A. Accessory dwellings and structures larger than 1,200 square feet of gross floor area which are associated with nonagricultural uses are subject to site plan review.*

AK said this is a change from the current size of 900 sq’.

B. Accessory buildings and structures are subject to the following:

(1) Accessory buildings and structures shall not be constructed on a parcel of land without an existing principal dwelling or principal commercial structure already on the parcel of land.

AK said he felt that was sensible. AH did not agree questioning what a principal building was and if it had to be owner occupied. RG did not agree with this; citing the example of a resident buying 150 acres to farm and wanting somewhere to store their tractor but not residing on the property to which AH agreed. MET asked if the properties that already had these buildings would be grandfathered in and AK said I don’t think it would be retro-active but a non-conforming preexisting lot of record. RG felt this was saying you must live on the land to construct an accessory building. RL said the other side of the argument is that if you’re going to have an accessory structure on a property, they want the owner to be on the property and not have an “absent landlord” where they just rent it out and don’t maintain it. RG said he felt this was overly broad and there should be exclusions, for example a farmer. As there were 3 board members present MET asked directly “what was your intention in this revision” to which they deferred to CC. CC said he felt the 2 changes were highlighted by AK, the 1200 sq’ up from 900 sq’ and the remainder should be interpreted by

the natural and plain meaning. He then re-read the proposed amendment § 250-34 B (1) (cited above). AK followed with, if there is nothing and you put a 2000' barn is that now the principal building? RG said that is how I interpret it, you could always come in and get a permit for commercial use if commercial use is allowed in that area. AK read the definition of building accessory found in the 2017 Town of Sand Lake Zoning Code as follows:

**§ 250-199 Definitions**

***Building, Accessory***

A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

**DEFINITIONS-from resolution 2024-05-112**

**DWELLING, SINGLE-FAMILY**

*A building containing one dwelling unit and located on its own separate lot of record. This detached building designed for year-round occupancy by one family only, but not including a mobile or manufactured home, trailer or motel. All accept this definition.*

**DWELLING UNIT**

*A single unit within a building providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A building or portion thereof providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities. All accept this definition.*

**DWELLING UNIT, ACCESSORY**

*A dwelling unit attached to, or created within, a single-family home or accessory structure thereto, with separate ingress and egress of habitable area. This second dwelling unit either in or added to a single-family dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling shall be clearly accessory and incidental to the principal dwelling. All accept this definition.*

RG said he was not clear as there needed to be defined definitions of what specific structures were. What can be constructed if there is no principal building.

CC reminded; that this is an amendment to the existing law set forth in Article 6 Supplemental Regulations 250-34. Providing a brief overview. See the below Supplemental Regulation for context.

**§ 250-34 Accessory buildings, structures and dwellings.**

Accessory dwellings and structures larger than 900 square feet of gross floor area which are associated with nonagricultural uses are subject to site plan review. CC said it then goes into setbacks which are normal provisions.

**Accessory buildings and structures are subject to the following setbacks:**

**(1)** Front yard setback: the same as for the principal building, except that lots which abut the shoreline of a lake as delineated in the Scenic Preservation Overlay and consider the lakeside or rear yard the front yard may have a front yard setback of 10 feet for accessory buildings.

**(2)** Side setback: five feet from side property lines.

**(3)** Rear setback: 10 feet from rear property lines.

**(4)** Corner lot side yard: on the side fronting a public right-of-way the setback shall be the same as the front yard setback for the principal building except that properties that abut the shoreline of a lake as delineated in the Scenic Preservation Overlay may designate one side fronting a public right-of-way the front yard for purposes of locating accessory uses in the front yard as provided in Subsection **B(1)** above.

CC compared C-D-E for proposed changes to which there are none he continued onto

**F. shall apply to accessory dwelling units:**

**(1)** For site plan review of accessory dwelling units, the applicant shall provide evidence of the adequacy of wastewater treatment for the unit.

**(2)** Accessory dwelling units shall be a maximum of 800 square feet.

**(3)** The owner(s) of the lot upon which the accessory dwelling unit is located shall reside within the principal or accessory dwelling unit.

**(4)** A homeowner of a lawful single-family use shall be permitted one accessory dwelling unit.

**(5)** An accessory dwelling unit may be located either in the principal building or in an accessory building.

CC said they have expounded upon F as follows, Proposed law

*The following shall apply to accessory dwelling buildings and dwelling units:*

**(1)** *All accessory dwelling buildings and units are subject to site plan review. This is new provision.*

**(2)** *For site plan review of accessory dwelling units, the applicant shall provide evidence of the adequacy of wastewater treatment for the unit. This is new provision.*

**(3)** *Accessory dwelling unit single-family, shall in the aggregate comprise not more floor area than either the principal single-family dwelling on the lot or 1,200 square feet, whichever is more restrictive. The owner of the property shall be the year-round occupant of the principle dwelling on the property. This is new provision.*

*(4) Accessory dwelling units shall be a maximum of 800 square feet. This is similar to the current law.*

*(5) The owner(s) of the lot upon which the accessory dwelling unit is located shall reside within the principal or accessory dwelling unit. This is the same as the current Zoning Code. This is the same as f3 in the existing law.*

*(6) A homeowner of a lawful single-family use shall be permitted one accessory dwelling unit. This is the same as the existing law.*

*(7) An accessory dwelling unit may be located either in the principal building or in an accessory building. This is the same as the existing law.*

MET said she has 2 questions, first referencing B1 (of the proposed Local Law) we have not gotten clarity where there is not a principal residence.

RG said this is saying if you don't live on the parcel.

AK said he does not feel that is what is says 'as accessory buildings and structures shall not be constructed on a parcel of land without an existing principal dwelling or principal commercial structure already on the parcel of land.'

MET said what she was asking about is not a dwelling unit but a stand-alone structure on a property.

AK said in his mind how can you have an accessory building if you do not have a principal building, wouldn't that building be the principal building? RG agreed with this statement. AK said he didn't know that the line in the code was needed.

MET continued to voice concern regarding putting up a structure on a piece of noncontiguous land.

RG said while I recognize your point (to AK) it says principal commercial structure already on the parcel of land so that precludes a bare piece of land as this indicates there is already a building on the property. H if you can build any structure on a piece of vacant land.

CC said to build an accessory building you need to meet the other provisions of the code.

AK agreed and indicated he would like clarification, AH agreed.

**AK proposed requesting further clarification on 250-34 B (1).**

MET then said her 2<sup>nd</sup> question was regarding having up to a maximum of 800 sq' of proposed Local Law

**F. (4)** Accessory dwelling units shall be a maximum of 800 square feet.

If I own a 2-acre property and live there, I could put multiple cottages under 800 sq’?

AK said that is part of the current code.

RG read from the proposed Local Law indicating the limit of the number of accessory dwelling units.

**(6)** A homeowner of a lawful single-family use shall be permitted one accessory dwelling unit.

AK referenced F proposed local law changes.

**F. The following shall apply to accessory dwelling buildings and dwelling units:**

1. *All accessory dwelling buildings and units are subject to site plan review. Advising this is a new sentence. All recommend this change*
3. *Accessory dwelling unit single-family, shall in the aggregate comprise not more floor area than either the principal single-family dwelling on the lot or 1,200 square feet, whichever is more restrictive. The owner of the property shall be the year-round occupant of the principle dwelling on the property. This is a new phrase. All recommend this change*
5. *The owner(s) of the lot upon which the accessory dwelling unit is located shall reside within the principal or accessory dwelling unit. This is a new phrase. All recommend this change.*

**RECOMMENDATION: All board members in attendance were in agreement to the amendments aside from seeking clarification on 250-34 B(1). AK-YES/RL-YES/AH-YES/RG/YES/MET-YES.**

In review of additional updates to the current Zoning Code AK read E.

*E. Sections 250-140 (D) and 250-141 (D) Removal of members, shall have an additional sentences added to the end of each paragraph cited that read as follows: “Failing to attend two consecutive meetings of the Board or missing twenty (20%) percent of the scheduled meetings of the Board during a twelve month period shall constitute grounds for removal from the Board. Board Members must abide by the Town Code of Ethics, Article 18 of the New York State General Municipal Law, New York State Public Officers Law and any and all other applicable laws. In particular, Board Members are prohibited from using their Board Positions to seek or refer business to themselves, friends and/or family members.”*

*(Such changes would better clarify the attendance and ethical requirements to remain on the Planning Board and Zoning Board of Appeals).*

AK said he was not against the changes but felt the 2 meetings portion of the proposal was overly strict using hospitalization/serious illness/death in the family as an example.

RG said this is a solution in search of a problem and he felt that there had never been a time when there had not been at least a quorum allowing all meetings to continue as scheduled, asking if there was a problem. AK indicated he did not recall having a shortage of members. RG said he feels it is onerous and prejudicial to retired people. This was leaving each member's fate in the hands of the board, and they could remove one member but keep another member. It does not say shall constitute immediate grounds for removal, if I were to vote for this it would say immediate grounds for removal that way everyone knows that if you miss 2 meetings in a row you are gone.

MET said there are no grounds for a leave of absence. There are no excused absences. Planning meets 2 times a month ZBA meets 1, for us to miss 2 meetings it is over the course of a few weeks where the ZBA has much longer between meetings. She feels it is discriminatory to the Planning Board to begin with and with no leave policy for an excused absence. AK did agree with the excused absence portion. RG said right now there are no requirements on attendance, I think they are trying to put parameters on attendance. MET disagreed saying this is a screw. RL said whether we have a quorum or not we are all valuable here the more people we have the more opinions, I am also in favor of the notion that if a medical or personal thing come up that be taken into consideration but for someone to decide to not be here because they can't make the personal commitment there needs to be some sort of parameters. RG said that hasn't happened. RL disagrees. RG asked who and RL would not elaborate. RL wants parameters vs leaving the policy open ended. He feels the Town Board is looking for commitment from members, also saying this is a Public Service job. MET said when Nancy Perry was Town Supervisor, she implemented a pay if you go policy as opposed to the stipend received monthly, regardless of attendance. MET indicated this was Nancy Perrys position on attendance, if we don't show we don't get paid. She said she has missed 4 meetings and was considered AWOL and asked what the attendance policy was told there isn't one. This is new and it is too punitive, you're dealing with people where are the options; family/health issues/ability to request absences. You make it so tight that it makes it almost impossible for people to sit on the Planning Board. RG echoed it being too punitive and posed concern as to who made the decision to keep one person vs another. RL said the devil is in the details and it is a matter of setting parameters. I do think these parameters are very tight as they do not account for a formal leave of absence or a health issue for example. I do believe those should be taken into consideration but in the end the town board makes the decision, and they are asking for recommendations.

RG said he continues to hold the opinion that this is "a solution in search of a problem."

AK prompted formulation of a recommendation outside of it being punitive. This recommendation is not taking into consideration the that the Planning Board has an



average of 24 scheduled meetings vs ZBA which has an average of 12 scheduled meetings. AK said he feels 3 consecutive missed meetings is appropriate to put us more in line with the ZBA. RL agreed with 3 conditioned, hospitalizations etc. were taken into consideration. MET said she felt under certain circumstances there should be the option for a leave (medical, family, personal emergency, etc.) AK agreed to take the roll of determining if an absence is excused. RL asked why the Town Board would not make that determination. AK said he felt the chairman of the Planning Board is empowered by the Town Board to assist in things of this nature so that it doesn't trickle up to the Town Board unnecessarily. Also providing the example of potentially missing the Planning Board meetings before the Town Board was able to determine if those absences were excused. RL wanted to ensure there was a mechanism that informed the Town Board. AK said a reason would need to be conveyed to the Planning Chairman who would convey to the Town Board. AK recommended, due to the potential for the number of meetings changing by year 3 consecutive missed meetings or 5 total scheduled meetings shall constitute grounds for removal from the Board. AK asked if this was a rolling 12 months or a calendar year. CC said the natural reading of a 12-month period is a rolling 12 months. AK also recommended that if the attendance policy is updated it not be applied retroactively but from the date of the filing of the proposed law. The recommendation has been made to leave excused/unexcused absence approval to the discretion of the Planning Board Chairman (AK), but the Planning Board Chair said he would like examples for guidance-but not limited to the listed examples. MET said she feels there is more flexibility when there are not listed acceptable absences as RL has indicated he would like. The Planning Board did agree that a clause including "for example" be placed approved Local Law.

**RECOMMENDATION:**

- 1. As it pertains to the Planning Board: Failing to attend three consecutive meetings or missing five of the scheduled meetings of the Board during a 12-month period shall constitute grounds for removal from the Board.**
- 2. Excused absences shall not count towards the limits imposed above. Excused absences include, but are not limited to hospitalization, serious illness, bereavement, etc.**
- 3. Procedurally, a Board member will inform the Planning Board Chairman of an absence and the purpose for absence prior to the meeting they will miss.**
- 4. This policy will go into effect when the local law is filed, and it cannot be applied retroactively.**

**AK-Yes as revised, RL-YES as revised, AH-YES as revised, RG-NO leave it as it is, MET-NO-after clarifying RG's comment that he felt it should remain as it is, if you don't come you don't get paid.**

The last recommendation reviewed by the Planning Board was read by AK

*F. Section 250-71 shall have an additional sentence added to the end of the paragraph that states as follows: "Scenic preservation reviews shall be classified as Type II actions under SEQRA."*

*(Such change would remove any uncertainty and inconsistency as to how Scenic Preservation Reviews are to be treated under SEQRA).*

AK said the majority of these were deemed Type 2 except for those associated with a Site Plan Review.

**RECOMMENDATION: Do not include the language: "Scenic preservation reviews shall be classified as Type II actions under SEQRA." AK-YES, RL-YES, AH-YES, RG-YES, MET-YES.**

## **RESOLUTIONS**

### **Minor Subdivision Negative Declaration for Drake-Slavin SUB 24-07.**

AK motioned seconded by RG and carried unanimously to waive the full reading Negative Declaration for Drake Slavin.

AK motioned seconded by AH and carried unanimously to adopt the Negative Declaration for Drake Slavin.

### **Minor Subdivision Resolution for Drake-Slavin SUB 24-07.**

AK motioned seconded by MET and carried unanimously to waive the full reading Minor Subdivision Resolution for Drake Slavin.

AK motioned seconded by RL and carried unanimously to approve the Minor Subdivision Resolution for Drake Slavin.

### **Site Plan Review Resolution for Slattery SPR 24-03**

AK motioned seconded by AH and carried unanimously to waive the full reading Site Plan Review Resolution for Slattery.

AK motioned seconded by MET and carried unanimously to approve the Site Plan Review Resolution for Slattery.

## **DRAFT MINUTES FOR APPROVAL**

MET moved, seconded by AK and carried unanimously to approve the May 15, 2024; minutes as written.

AK motioned seconded by AH and carried unanimously to adjourn the meeting at 8:13PM.