

**Town of Sand Lake  
Planning Board Minutes  
August 21, 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 7:03 PM

**MEMBERS PRESENT:** Andrew Karl (AK), Ralph La Montagna (RL), Arthur Herman (AH), Edward Patanian (EP), Rick Giolito (RG), Mary Ellen Trumbull (MET), Craig Crist, Esq. (CC)

**MEMBERS ABSENT:** Michael Slavin (MS) excused per AK

**OTHERS PRESENT:** Robbie MacCue, Sandra Pelton, James Lilly, John Butuell, Ken Gifford

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

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

**Site Plan Review**

Kays Pizza-James Lilly  
10 Walsh Ln.  
Averill Park, NY 12018

**Tax Map #:** 169.2-1-52  
**Lot Size:** .56 +/- acres

**R** – Residential Zoning District

Site Plan Review Application to propose an 8'x10' trailer to be used as a soft serve ice cream window.

James Lilly presented his Site Plan Review Application explaining that he would like to serve ice-cream from a converted 2 place horse trailer to his customers after dining. He said the trailer will be located where the gazebo was previously located.

EP asked if this would be open during normal restaurant hours and if he felt there would be parking issues. He said yes it would be during normal operation hours and did not feel it would be open during the day. He also said that they were not changing the existing parking so it should not create a problem. If anyone was lining up for ice cream, it would be directed to the porch.

AK asked if the trailer is going to be hooked to water or sewer. Mr. Lilly said yes, it will be hooked to the building, but it is also a portable unit that he could move for possible events and will have a self-contained water supply but while at Kays Pizza it will remain hooked to the water supply already on site. The Trailer also has a self-contained grey water tank.

RL asked how he was going to get people to line up on the porch vs into the parking lot. He explained that the gazebo was where people smoked and there was a plastic yellow chain that would “contain” people to that area.

RG expressed concern about kids running around and asked them to be very careful.

MET verified it was not an ice cream destination but more for people leaving dinner from the restaurant.

AK asked if any additional DOH approvals were needed. Mr. Lilly said yes and indicated he had already been in contact with them and was awaiting approval from this board and if received they would perform the appropriate inspections. AK asked about the “Jimmys” sign and Mr. Lilly said it is just a decal that will go on the trailer. Because there is no guidance for decals in the zoning code, he requested Mr. Lilly obtain clarification from the building inspector.

AK proposed conditions limiting serving to typical business hours and installation of barriers. EP said he did not see the harm of it being open additional hours and also asked if he had any barrier in mind. AK proposed a fixed barrier. RG suggested permanent Bollards.

With no additional questions or comments from the board, AK motioned seconded by EP and carried unanimously that the Town of Sand Lake Planning Board be lead agency with no other interested or involved agencies.

AK motioned seconded by RL and carried unanimously to classify this application as a type 2 action under SEQR.

AK motioned seconded by AH and carried unanimously to approve this application contingent upon the installation of Permanent Safety Bollards to separate pedestrians from vehicles. Any signage in relation to this application must be approved through the building department-Mike Wager. CC also added that should the decals/signs be approved they would then be included as part of this site plan approval to alleviate the necessity of the applicant returning in relation to information provided in this application to which the board members agreed. It is the determination of Mike Wager that the signage proposed is classified as a decal and therefore approved and included within this application.

**Scenic Preservation Review**

Robbie MacCue  
111 Reichards Lake Rd  
West Sand Lake, NY 12196  
**R** – Residential Zoning District

**Tax Map #:** 147.1-2-1.2  
**Lot Size:** 1.6+/- acres

A Scenic Preservation Review Application to Remove existing structures located within DEC wetlands and construction of an A-frame home with secondary unit connected via breezeway project is located within the Scenic Preservation zone on Reichards Lake.

Mr. MacCue presented his Scenic Preservation Application with architect Ken Gifford. He explained that he is interested in removing the home located on the property and rebuilding. Mr. MacCue also plans to remove the septic system on the property and tie into the municipal sewer

line. He had originally hoped to tie into the sewer line located at the beach but was told because of the size and age of the existing line it was not felt it could support his needs and is now looking at directional boring across State Route 351 to the manhole located at the cross of State Route 351 and Tollgate Rd. He is also looking to install a proper well as there is a pointed well that cannot be used.

Mr. Gifford stated he is a Landscape Architect and has known the family for many years. He reviewed this proposal based on the setbacks required of the town, the DEC, configuration of the lot and the width of the right of way on State Route 351 is going to make this a challenging. He presented the proposal showing the existing buildings the location of proposed build being that there are so many setbacks to work with. He explained that there will be a rain garden/rock drainage ditch allowing water to sink into the ground. The driveway would be in roughly the current location. He said they want to keep as much mature vegetation as they can.

EP has questions regarding the directional bore asking about the conversation regarding the directional bore and necessary grinder pumps. Mr. MacCue said he has spoken to the previous town supervisor Scott Gallerie, the town's engineer and the highway department to get additional information on tying into the town sewer. He also said there is an expander process method that may be optional.

AK asked for confirmation of the exact location of the tie-in on Tollgate Rd.

MET confirmed that it will be 2 A frames connected w a Breezeway. MET confirmed who would be located at the "2" homes. He said owner operated potentially a care location for a family member as needed and short-term rentals as applicable.

With a lot of information reviewed Mr. MacCue is going to continue to expand on his applications and return when appropriate.

**Special Use Permit**

Robbie MacCue  
111 Reichards Lake Rd  
West Sand Lake, NY 12196  
**R** – Residential Zoning District

**Tax Map #:** 147.1-2-1.2  
**Lot Size:** 1.6+/- acres

A Special Use Permit to remove existing structures located within DEC wetlands and construction of an A frame home with secondary unit connected via 12' breezeway. This construction will include transitioning from current septic on property to municipal sewer and drilling of a new well. Mr. MacCue presented his Special Use Permit Application with architect Ken Gifford. He explained that he is interested in removing the home located on the property and rebuilding. Mr. MacCue also plans to remove the septic system on the property and tie into the municipal sewer line. He had originally hoped to tie into the sewer line located at the beach but was told because of the size and age of the existing line it was not felt it could support his needs and is now looking at directional boring across State Route 351 to the manhole located at the cross of State Route 351 and Tollgate Rd. He is also looking to install a proper well as there is a pointed well that cannot be used.

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With a lot of information reviewed, Mr. MacCue and Mr. Gifford are going to continue to expand on his applications and return when appropriate.

RG questioned if a Variance for lake setback was needed. AK also suggested he obtain clarification as to any necessary requirements for short term rentals.

## **RESOLUTIONS**

### **Site Plan Review Resolution for Johanidesz SPR 24-05**

AK motioned seconded by RG and all approved to waive the full reading of the Site Plan Review Resolution **SPR 24-05** for Johanidesz.

AH and MET Recused

AK motioned seconded by RG and all approved the Site Plan Review t Resolution **SPR 24-05** for Johanidesz.

AH and MET Recused

### **Site Plan Review Resolution for Djernes SPR 24-06**

AK motioned seconded by RG and all approved to waive the full reading of the Site Plan Review Resolution **SPR 24-06** for Djernes.

AH and MET Recused

AK motioned seconded by RL and all approved the Site Plan Review Resolution **SPR 24-06** for Djernes.

AH and MET Recused

## **DRAFT MINUTES FOR APPROVAL**

AK moved the August 7, 2024, minutes as presented, seconded by RG and unanimously carried.

## **ADJOURNMENT**

AK motioned seconded by AH and carried unanimously to adjourn the meeting at 7:57PM