

**TOWN OF SAND LAKE
PLANNING BOARD MEETING
WEDNESDAY, DECEMBER 21, 2022 – 7:30PM
SAND LAKE TOWN HALL**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ATTENDANCE

Scenic Preservation Application and Public Hearing

Marisa Milanese (Applicant/Property Owner)

758 Taborton Road

Sand Lake, NY 12153

RR – Rural Residential Zoning District

Tax Map #: 149.-2-20

Lot Size: .58 acres

A Scenic Preservation Application to construct two sheds (16' x 20' and 8' x 12') within 100' of Little Bowman Pond.

Recommendation to the Town Board – Sketch Plan for a Natural Resource Extraction PDD

Rifenburg Construction Incorporated

205 Thais Road, 128 Springer Road, 106-108 Springer Road

4170 NY 150

Tax Map #s: 147.-3-24

147.-3-25

147.-3-7

158.-1-6.2

A Sketch Plan related to an application to establish and expand a Natural Resource Extraction PDD on lands owned by Gardner and the existing Hoffay Pit and Hunt Mine.

DRAFT RESOLUTIONS FOR APPROVAL

Special Use Permit – Joseph Sanchez

Application approved at the December 7, 2022 Planning Board Meeting

ADJOURNMENT

**RESOLUTION OF TOWN OF SAND LAKE PLANNING BOARD
ON APPLICATION FOR APPROVAL OF SPECIAL USE PERMIT**

WHEREAS, JOSEPH SANCHEZ (“Applicant”), applied to the Sand Lake Planning Board (“Planning Board”) for a Special Use Permit approval to construct a detached garage with a second dwelling unit.

PROPERTY OWNER/APPLICANT NAME AND ADDRESS: Joseph Sanchez, 132 Garner Road, Averill Park, NY 12018

PROJECT NAME: Construct a detached garage with a second dwelling unit.

LOCATION: 132 Garner Road, Averill Park, NY 12018

TAX MAP NO: 158.2-47.21

ZONING DISTRICT: Residential

LOT SIZE: 16.92 acres

SPECIAL USE PERMIT APPLICATION PREPARED BY: Joseph Sanchez

SPECIAL USE PERMIT APPLICATION DATED: November 1, 2022

WHEREAS, pursuant to § 250-15 of the Town of Sand Lake, New York, Zoning Code (“Zoning Code”) and the Use Table incorporated therein, the proposed use requires the issuance of a special use permit.

WHEREAS, on December 7, 2022 a **public hearing** was held by the Planning Board on the application for the Special Use Permit.

WHEREAS, on December 7, 2022 a **Motion** was made by Arthur Herman, **Seconded** by Mary Ellen Trumbull and unanimously carried that this be listed as a Type 2 action under SEQR declaring the Town of Sand Lake Planning Board to be the lead agency.

WHEREAS, Article VIII of the Zoning Code sets forth all matters related to the issuance of Special Use Permits in the Town;

WHEREAS, § 250-78 of the Zoning Code, entitled “Intent,” provides:

- A. The intent of this article is to set forth additional requirements which shall apply to certain land uses and activities which, due to their characteristics or the special characteristics of the area in which they are to be located, require special consideration so that they may be properly located and planned with respect to the

objectives of this chapter and their effect on the surrounding properties and community character.

- B. The primary purpose of special use permit review is to ensure harmony with the Zoning Code and that proposed uses will not adversely affect the neighborhood if the special use requirements are met, compatibility with the surrounding neighborhood and to ensure the long-term benefit of the use to the Town.

WHEREAS, § 250-80 of the Zoning Code, entitled “Criteria,” sets forth that “The Planning Board shall consider the following general criteria when making a determination for a Special Use Permit”:

- A. Compatibility of the proposed use with the principles of the district, the purposes set forth in this chapter, and the goals of the Comprehensive Plan.
- B. Compatibility of the proposed use with adjoining properties and with the natural and man-made environment.
- C. Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, including accessibility to fire, police, and emergency vehicles and sufficient water supply and appurtenances for firefighting purposes.
- D. The overall impact on the site and its surroundings, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.
- E. Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town.
- F. Consistency of the location of the proposed use with the goal of creating a healthy mix of uses that enhances the viability of the hamlets and Town.
- G. Compatibility with the historic character and use of the structure or structures and the historic character of the site and in the surrounding area, if applicable.”

WHEREAS, § 250-83(A) of the Zoning Code also provides in relation to Special Use Permits that:

The Planning Board shall not issue a Special Use Permit unless it makes a recorded finding that the proposed use will satisfy the standards set forth herein. In order to reach positive findings in support of the Special Use Permit, the Planning Board may require conditions of, and/or modifications to, the project. Such conditions must directly relate to or be incidental

to the proposed permit. If the Planning Board does not make a positive finding in support of the special use permit, it shall deny the special use permit. In issuance of such a denial, the record of the Planning Board must address the criteria outlined above and include the facts and reasons upon which such denial was based;

WHEREAS, a public hearing, of appropriate and timely notice, was held on December 7, 2022.

NOW, THEREFORE BE IT RESOLVED THAT this Planning Board makes the following determinations:

- A. *This activity is compatible with the principles of the zoning district in which it is located, the purposes set forth in this chapter, and the goals of the Comprehensive Plan.*
- B. *This activity is compatible with adjoining properties and with the natural and man-made environment.*
- C. *There is adequate parking and vehicular circulation as the property already has parking area large enough for the requisite two parking spaces. The property has an existing septic system. There is sufficient water supply and appurtenances for firefighting purposes.*
- D. *The overall impact on the site and its surroundings, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances will be minimal. No adverse impact is foreseen as the property consists of 16.92 acres.*
- E. *Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town.*

**The building footprint of the proposed project is restricted to the approved Site Plan provided by the applicant. The addition of the second dwelling will not affect compatibility with surrounding uses, or the natural or scenic resources of the Town.*
- F. *The activity is consistent with the goal of creating a healthy mix of uses that enhances the viability of the Town.*
- G. *Compatibility with the historic character and use of the structure or structures and the historic character of the site and in the surrounding area, if applicable.*

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT this Planning Board hereby makes a positive finding in support of the issuance of the special use permit and therefore Applicant is hereby **GRANTED** a special use permit by the following vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
HERMAN	X			
LaMONTAGNA	X			
TRUMBULL	X			
BERNSTEIN	X			
GIOLITO	X			
SLAVIN	X			
KARL	X			

Date:

Arthur Herman, Chairman
Sand Lake Planning Board