Future PB Mtgs	Future ZBA Mtgs
August 19, 2026	September 10, 2026
September 2, 2026	October 15, 2026

TOWN OF SAND LAKE
ZONING BOARD OF APPEALS
THURSDAY, AUGUST 13, 2026 – 7:00 PM
SAND LAKE TOWN HALL

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Chair Melissa Toni (MT) called the meeting to order at 7:03 PM.

The Pledge of Allegiance was recited.

MT indicated there were four items on the agenda tonight; one of which is a public hearing (Larkin). MT announced the ZBA would hear comments on that application.

APPLICATIONS

Area Variance

Robert Warland
17 Rutherford Road
West Sand Lake, NY 12196
R - Residential

Tax Map #: 146.4-2-37
Lot Size: 2.42 acres

Applicant is building a home at 17 Rutherford Road and seeks to obtain an area variance so that the frontal setback will be 15 feet instead of 50 feet.

Robert Warland explained that he is building a house at 17 Rutherford Road in West Sand Lake. He indicated that a couple weeks ago, they had the foundation staked out, and it is too far down the hill to have any type of backyard. It drops way off, and it wasn't really something that they could see until we got the thing staked out, and the lot cleared.

He explained that so now that it's done, they'd like to move it up closer to the road, like the rest of the houses on that road, because there's not a single house on that road with a 50 foot setback.

He continued to explain that they would like to have a 25 foot backyard if possible.

The setback's 50 right now and applicants wishes to go to 15 feet from the Town setback.

Every single house on the road is approximately 15 feet from the town setback, and that is what he is asking for. He provided pictures to show how close houses in this neighborhood are to the road.

Board members looked at diagrams of the original plan compared to what the applicant is asking for. The proposed variance would help with the placement of the septic system.

MT: MT acknowledged houses on Rutherford Road are very tightly situated. This variance could provide a sound break from Route 43 as well.

MT: September 10th is our next ZBA meeting. All right, motion to determine Robert Warland, 17 Rutherford Road, area variance application to be complete including SEQR. Jon Milkiewicz (JM) seconded the motion. Motion passed.

MT: Moved to schedule a public hearing at 7 p.m. September 10th. JM seconded the motion. Motion carried.

Use Variance & Area Variance

Peter Teal, Jr.
120 Momrow Road
Averill Park, NY 12018
RR – Rural Residential

Tax Map #: 160-1-20.31
Lot Size: 20.598 acres

Applicant is requesting a use variance to subdivide 20.598 acres into two (2) 10+/- lots. One lot currently has a residential dwelling. The second proposed lot consists of a garage (accessory structure) however no residential dwelling, necessitating a use variance. One of the proposed lots does not meet the 3:1 Rule.

Pete Teal (PT) explained he has approximately 20 acres he'd like to subdivide for his children. The Code Enforcement Officer submitted a letter which helped the ZBA determine what needs to be done. One is an area variance on Lot 1 and one is a use variance on Lot 1, because there is a garage, an accessory structure. One lot is 10 acres, and the other is almost 11. Both variances are for Lot 1.

MT asked if applicant plans to start soon, to which he replied not right away, as they still have to go to the bank, and line up a builder. Most likely the spring is when things will get under way.

MT made a motion to determine that the area variance and use variance applications are complete. Scott Blair seconded the motion, which passed.

MT announced that applicant would have a public hearing for 7 o'clock September 10th. This will be two, this will be a double public hearing for the area variance on lot one, and one is for the use variance on the same lot. MT made a motion to put these before a public hearing, seconded by Valarie Jeffers (VJ). Motion carried.

PT inquired if he needs to go before the Planning Board on this, to which MT responded that it goes before Planning because it's a subdivision, but the variances have to be addressed first. MT advised that PT could talk to the Planning Board and the Code Enforcement Officer, in the meantime, and get a feel for the outcome, and that PT could do a "pre app" with the Planning Board. MT indicated that use variances are a different standard than the area variances.

CC: Use variances are difficult to obtain. The ZBA would probably be Lead Agency.

MT confirmed that PT will return before the ZBA on September 10 at 7 PM.

CC: Attorney Crist read the criteria for use variances:

- (1) To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the board an unnecessary hardship. Such demonstration includes the balancing for each and every permitted use. One cannot realize a reasonable return. Substantial, as shown by competent physical, financial evidence.
- (2) That the alleged hardship is unique and does not apply to substantial portion of the district or neighborhood.
- (3) That the requested variance will not alter the essential character of the neighborhood.
- (4) Alleged hardship has not been self-created. If approved, the ZBA shall grant a minimum variance necessary and may impose reasonable conditions.

MT explained that's what the criteria is that may be addressed on September 10th.

Area Variance

Daniel Sanchez
138 Garner Road
Averill Park, NY 12018
R – Residential

Tax Map #: 158.-2-47.22
Lot Size: 55 acres

Applicant seeks to subdivide two 2-acre parcels each to his two children: (2 acres to son and 2 acres to daughter). There is not enough frontal roadside coverage as applicant uses an easement for ingress and egress, as will the two new plots.

Dan Sanchez indicated he is looking to do a minor subdivision of two 2 acre parcels for each child. He acknowledged that he does fall short in the frontage aspect of things, so that's why he was instructed to come before the ZBA and see what we could do. He explained that the last time he was before the ZBA, the board had a concern about the passage of emergency vehicles. The Averill Park Assistant Fire Chief visited the residence and confirmed there would be enough room for such vehicles. The Fire Chief from West Sand Lake also visited the property and concurred. He has also consulted with the Code Enforcement Officer on this matter.

Applicant said he is most likely going to install a dry hydrant for fire safety purposes.

MT acknowledged a letter from the Code Enforcement Officer that indicates what applicant has before the ZBA now will meet code.

He has a deeded right of way to access his driveway, from a neighbor. The two new lots will also have a deeded right of way.

MT asked what if any comments the Planning Board had. Val Waldin (VW) produced an email from the Planning Board chair that indicated code issues. The Code Enforcement Officer produced a letter that what is before the ZBA now will meet Code. MT said there will be issues with the Planning Board such as the deeded lots.

MT stated that currently, our job is to determine if this is a complete application and we should schedule a public hearing. She asked the board if they had any questions. No one did.

MT motioned to determine the Dan Sanchez of 138 Garner Road application complete. JM seconded the motion. Motion carried.

MT motioned to schedule a public hearing for September 10th at 7 p.m. VJ seconded the motion which passed. The public hearings usually take a solid ten minutes, just to be aware.

Area Variance – PUBLIC HEARING

Michael and Karen Larkin
15 Woodlawn Court
West Sand Lake, NY 12196
R – Residential

Tax Map #: 146.02-3-12
Lot Size: 0.22 acres

Applicant is requesting permission to construct an attached garage to the residence 5 feet from the property line, requiring an area variance of fifteen feet.

MT: Next up is Larkin. We have a public hearing. So let me explain what's happening with the public hearings. We're going to open the public hearing. What I want the applicant to do is to come up and explain to us and the public what the proposal is for the project, and then, we will open it, and we'll take public comment. We have received comments by email, and we'll go through them, and then we will also ask the public if there are folks here that would like to come up and talk. If we ask you to come up and, or if you raise your hand and you'd like to come up and talk, we ask that you come up and give your name and your address, so that we know where you are, and then give us your comment. We really listen to public comments. That is one major part of our job. When we make a decision, we are absolutely considering public comments. So if you have them and you want to talk about them, please come up and tell us what you're thinking on the project. Before I open it, let's have the applicant come up and explain to us and the public what your proposal is.

Michael Larkin (ML): "My name is Michael Larkin. I'm proposing an attached garage to my house that's on 15 Woodlawn Court. Being that the property line is closer than I would have realized, what I'm proposing, I'm here for variance. If you drive around that neighborhood, if you go off my side street, over and down, there are 29 houses, and there's only one other house without a garage, at the corner of Longview, and Rockery. One at the end of my street is a three-car garage, which is bigger than some of the houses on my own street, and I think

there are nine or ten houses on the street. When we built the house, I was under the impression the subdivision that was built in, was built, in 1927. That's Booker Nelson Booker. I was told, at the time, that there was a five-foot setback. I built it the house in 1996.

I put a mudroom on, thinking, someday, when we can, we'll build a garage, and I will have that 5 foot setback. So that's the reason I attached the mudroom at the time. So, that's why I'm here this evening."

MT: Okay. All right, thank you. Motion to open the public hearing for Larkin at 7:34. Second? SG seconded. All in favor. All right, you can have a seat. We are going to ask if there's public comment. Is there anybody from the public that would like to come up and give us your comments?

Scott Favreau (SF): My name is Scott Favreau, and we reside at 19 Woodlawn, which is the house right next door to this house. Have you folks had the opportunity to drive by?

SB: Yes. Yes, I've gone by several times.

SF: So without a doubt, we are the most impacted by this. We are not in favor of it, by the way. There are other garages on our street and our neighborhood that are close to the property line. But the houses are not as close as ours. Our houses are probably the closest in the neighborhood. I don't know that for a fact, but visually, that appears to be the case.

SB: Is it that your stockade fence?

SF: No, that's the neighbor's stockade fence. That's Mike's thing, stockade fence. It's not ours. So there are houses that the garages are closer. This will be really close. He's asking to go from 20 to 5 and that seems huge variance to me. We would love that the Larkins had enough room for a garage, but I don't think they do. And it's going to be a big wall of a garage on our side yard. And again, no one else in the neighborhood is affected. I mean some can't even see it. But we see it. We see it the most. Because it will be right on the side of our yard. Um, I think we have, you have a letter from us; from our son, yeah, who explains our position in greater detail. Did you have any questions for me? Okay. Thank you.

Carol Favreau (CF): Scott. Could you also mention…

SF: Yeah, and it's also, um… It's big. Because it's 40 foot long, which is going to look like a wall in our side yard, you know, because it's going to be so close. You know, if it were 18 feet, you know, I don't know how you determine what gets approved and what doesn't. But 5 feet is really close. Really close.

SB: Well, he, so, would he, had a fence, it would stay, correct?

SF: I don't know.

SB: I mean, I'm looking at the garage, the plan we had is 22 feet wide by 40-foot. Right. But they have that jog that sticks out is why the depth so they can go alongside, I think it leaves them 14 feet, actual real width of the garage. So I was trying to eyeball the fence versus the side of the house as it is now. And according to the plan, it's a single story garage, which is 8 foot walls plus the peak of the roof. So you're probably 12 foot high. Then I'm looking at the stockade fence is about 6, just, you know, you didn't measure it. So six, 14 foot is already covered by the height of the fence and the fence is, you can only go 6 foot anyway. That's legal.

SF: And it's not so much the height, I guess. The reason why we're all here, the variance of the footage. That's the real concern. It's just going to be too close. Okay, thank you.

MT: Anybody else? In public comments? We have also received other comments. I'm going to go through them. I'm not going to read them, but we begin to kind of paraphrase. We have Emmanuel Criscione at 20 Woodlawn. No issues with neighbors building that. Michelle Snyder at... 16 Woodland, garage would not block views for her. And I think that's it in email or letter. Did we receive any phone calls? No. Okay. There was a phone call that was followed up with the email, so they're one and the same. Got you. Okay. Last call for public comments?

Mary and Jeff Gladding: Hi, Mary Gladding, and Jeff Gladding, we're at 9 Woodlawn Court. We understand that it's small, but we have the same thing on our end of the street. We're just down two houses, and the garages are either this way or this way. They're all very close. And I don't think it'll affect the neighborhood. I think it's in character with the rest of the neighborhood. And there, because they're the one right across the street from them, is pretty close to the lot. It's the way the neighborhood was designed. I think at the time, they were just, like, our fence, our garage, to be honest with you is so far in the back of our yard than the garage, back of the garage. And that's how it's been since it was built in 1948. No problem. Okay. All right. All right, we have no issues.

Jacob Snowder: Hi, I'm Jacob Snowder here. I live in 16 Woodlawn Court. My mom, Michelle Snyder provided comment. I just want to say from our perspective, you know, we're going to be the ones directly facing the garage, so we have no issues. We've known these people our whole lives, and they deserve the chance to beautify their property as every other, you know, property on the street, has a garage, and they wanted this for a long time. So. That's okay. Thank you. Thank you.

MT: No more comments? Right, motion to close the public hearing at 7:41. My motion is on hold.

MT: Okay, uh, motion and close public hearing 7:42. SB: Second. All in favor. Motion carried.

MT: All right. All right, now it is time for the board to discuss. I'm going to be frank, I don't want to make any motions, but my recommendation or my vote is to deny this. I think it's too substantial. We have criteria we go through for determining if a variance should be issued, and I'm just going to give you my reasons, and then, you know, there's four other members.

Undesirable changes. It sounds like it wouldn't be that desirable or undesirable to the neighborhood. However, a detriment to nearby properties, it is 5 feet and 40 feet long against that property line. I think that is too tight. Explain if it's possible to satisfy means through any other means. I believe there is, there's a mudroom that could be shrunk, the garage could be pulled over closer to the house, and it could be shorter than 40 feet. Asking if the requested area variance is substantial, it is substantial, from 20 feet to 5 is bigger than any we've ever issued since I've been here. And will it have an adverse effect on physical or environmental conditions in the neighborhood? Most likely not, was the alleged hardship self-created, and we know from the past everything we see here is self-created. But for those reasons, my recommendation is denial, but I don't want to, I mean, there's four other people.

JM: I'd like to take a vote on it. From my perspective, I'd approve it.

MT: Okay. You can make a motion to approve. Anybody can.

SB: I mean, I'm okay at the fence, the height. It's in a development from 1927. We've only had zoning in 1972. So it's not really going to hurt anything. I don't really like the depth being 40 foot, but he only ends up with, I think it was 14 feet wide, going down the end; you know, alongside it. So, I mean, it being, it's already fenced off. I'm for only because it's in an older neighborhood and you can't change what's already there.

JM: Yeah, and driving through the neighborhood, it really doesn't change anything characteristics of anything.

VJ: Well, just for the record, I would vote against it. For all the reasons that Melissa cited. And in addition to that, the openness, I feel like it is going to block the view of the neighbors. Not all the neighbors, of course. Just one neighbor, but for my money, that's enough.

SG: I would approve it.

SB: So let's make a motion to vote on it.

MT: Yeah. So, I'm not going to make that motion. If so, whoever is making a motion to approve just, so, you know, you have to go through all of the steps. You know, this can walk you through, but right, SEQR, the whole thing.

CC: So if someone is making a motion to approve, the motion would be 1st to classify the action as Type 2. And then, just further put your reasons on the record, so we can draft a decision.

JM: Scott, you want to make a motion, or anyone?

CC: First, have you a SEQR classification as a SEQR Type 2, correct? Is there a 2nd to that motion? JM: Second. All in favor. That's just on the SEQR classification. 5-0

CC: Now, now let's go to the merits of the application. Next is, does someone care to make a motion to grant the requested area variance?

SB: I make a motion to grant the area variance. JM: Second. All in favor? All against? It passes three to two.

CC: Are there any conditions that you want to impose as part of the approval?

SB: Yes. Other those conditions, the condition is that a fence be kept up, 6 foot high, which is the legal standard, maintained. So it's never to fall over, be taken down, be in place for eternity. The place burns down, whatever you want. You know, so at least they have the privacy of their own fence. And another condition, a single story garage, not exceed 14 foot high at the peak of the roof. No overhang, when I say 5 feet, but not a one foot overhang, nothing. It's got to be clean, 5 foot from the top, down to the bottom. So it's not impeding anymore.

JM: Water runoff can't run off in the neighbor's yard. Gutter direction would be directed away from neighboring property.

CC: Any other conditions? I think that you guys should do this is, why don't you vote with those conditions? Someone care to make a motion, to approve subject to the following conditions, a fence to be kept, 6 feet high and maintain to be a single-story garage, not to exceed 14 feet overall height, with no overhang. And gutters to be directed away from neighboring property.

SB: I don't know the law on this, but that side of that garage, if they can get away without putting windows down inside the garage, no one can look back and forth. No windows on that side of the garage. I mean, they could have it in the back. They can have it overhead door with natural light.

CC: No windows on side of garage facing neighbors. Okay, so we have a motion to approve. Scott, you're making that motion. Yes. Second, Jonathan, all in favor. So it passes three to two. Okay, you're good to go.

ML: It was absolutely going to be no windows, to face that property. And I had no intention of putting gutters on. Do I need to put gutters on?

SB: I mean, well, the way your roof is going to be... Just because you're going to have sheet water coming off the roof. They don't want it directed at their property. So whatever you have to do, to keep the water off? Because right now you don't have a problem, because the ground absorbs the water as it rains.

ML: I wasn't sure if I just needed to.

JM: No, we're not saying that you need to. We just need to make sure that they're not directly..

ML: I had those in the two things that we had no intention to do, putting gutters on or having windows on that side at all. That's fine. Thank you.

MT: All right. So we're good to go on that. No, we have just minutes. Any changes edits made to the minutes that are from July 9th? It looks good to me. I don't have any changes. All right, motion to accept, draft minutes, from July 9th as final. VJ: second. Motion carried.

MT: Motion to adjourn 7:52. Seconded by JM. Motion carried.