

**Town of Sand Lake  
Zoning Board of Appeals (ZBA)  
February 11, 2021**

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 or the actual proceedings. The transcript of this meeting is on a digital voice recorder and available at the Town Hall.

CALL TO ORDER: Melissa Toni opened the meeting at 7:02 PM

MEMBERS PRESENT: Geraldine Burger  
Scott Bendett  
Amy Lent  
Wayne Gendron  
Craig Crist, Esq.

MEMBERS ABSENT:

OTHERS PRESENT: Paul Glasser, Jr., Maureen Straight, Christopher Watchel, Mari Wachtel,  
Kevin McGrath, Andrew Bulmer, Monica Ryan (Town Planner)

RECORDING CLERK: Laura Fedoreshenko, Clerk for Planning Board and ZBA

**Area Variance Application and Public Hearing**

Paul Glasser, Jr.  
99 Glass Lake Road  
Averill Park, NY 12018  
R-Residential Zoning District

**Tax Map #: 159.-1-5.1**

Lot Size: 4.40 acres

An area variance application to place an accessory structure in the front yard.

Melissa Toni (MT) explained the process for the order of agenda events. MT motioned to open the Public Hearing at 7:06 pm; seconded by Scott Bendett (SB) and all approved. Paul Glasser, Jr. summarized the proposed project which was initially presented before the Zoning Board of Appeals (ZBA) at the February 4, 2021 meeting. He reiterated that the project was to place a 12'x16' shed to the left of his house which was considered his front yard. He stated that the shed would not be completely in front of the house, as originally proposed, as now he proposed it 8-10' in front as drainage existed behind that area. The site picture was reviewed and Mr. Glasser added that the proposed shed color would match the house with siding and a black roof. MT asked that the amount of shed footage to be in front of the plane of the house be clarified. Mr. Glasser replied 10' as the drainage was right in front of the garage and the porch sat 8' out. MT noted the change from the what had been originally proposed was an improvement. Monica Ryan reported that there had been one neighbor who stopped in the office to look over the project and was fine with it. With no public written or online comments received, MT motioned to close the Public Hearing at 7:09pm; seconded by SB and all approved. MT asked Mr. Glasser to provide the exact footage to the road to which he replied 70' to road edge. Ms. Ryan stated that, for clarification purposes, the variance be based on how many feet in front of the plane of the house for demarcation purposes. MT stated that a variance would be listed as a maximum of 10' in front of the plane of the house. Wayne Gendron (WG) commented that he had done a site visit and asked Mr. Glasser the location of proposed shed. Mr. Glasser replied that it would be basically where a trailer stood. He added he had a contractor at the site as crusher

run/gravel would be needed underneath the shed for it to sit level. WG then stated when driving by the site from Glass Lake it was noted that the property had an extremely steep bank that ran towards his home; thus, he would not have noticed a shed placed in the proposed area. WG added the shed would sit back and not be prominent or noticeable on the road; thus, did not see an issue with the proposed location. He added that in walking the rest of the property it was a very hilly terrain. MT then asked WG if he would be in agreement to the 10' in front of the plane of the house. WG replied yes based on the differences seen during the site visit versus the other applications that had been received/denied. SB stated that he noted the irregular configuration for how the house was situated and that the driveway to the front door of the house was nearly 200' feet in itself. Amy Lent (AL) stated that between the downhill slope and the camouflage of the trees, the proposed location was not terribly objectionable however wished to be careful in setting any precedent.

WG motioned to declare the Town of Sand Lake ZBA as the Lead Agency and classified the project as a Type 2 action under SEQR; seconded by SB and all approved. WG motioned to approve the Area Variance for a maximum of 10' of the shed to be in front of the front plane of the house; seconded MT and all approved.

MT stated that the following criteria that ZBA members considered upon making the determination for this Area Variance Application.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.  
MT stated that Board members noted it would be downhill and unseen; thus, not a detriment to nearby properties. She added that it did not appear that any neighbors would see the shed from their home.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.  
MT stated that the property was reviewed/discussed and there were no other options to achieve the desired outcome. She added that the original proposal was for 100% in the front yard and the revised proposal was a better alternative.
3. Whether the requested area variance is substantial.  
MT stated that the requested Area Variance was significantly less than originally proposed.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.  
MT stated she did not believe the request would have an adverse effect or impact. She added that the shed would be set back and adequate drainage existed and fill would be added to level the shed; thus, no impact to drainage.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.  
MT stated that a majority of the applications received had been self-created and was the nature of the applications.

**Area Variance Application**

Christopher and Mari Wachtel  
215 Methodist Farm Road  
Averill Park, NY 12018

**Tax Map #: 170.-1-7.1**  
Original Lot Size: 20.94 acres  
New Lot 2 Size: 1.64 acres

R-Residential Zoning District

Parent Lot 1 Size: 19.30 acres

An area variance application for insufficient lot width as part of a minor subdivision application to create one new residential lot.

The survey plat thumbnail was reviewed and Christopher Wachtel explained that a two-lot Minor Subdivision was proposed in order that Lot 2 could be sold to his son to build a home. He explained that the proposed Lot 2 required Area Variances for insufficient lot width and exceeding the maximum lot depth to width ratio. He added that Lot 2 would have a 50' access from Methodist Farm Road and be adjacent to his home on proposed Lot 1. The areal picture was then reviewed and Mr. Wachtel explained how the driveway and easement for Lot 1 crossed his sister's property and the National Grid right of way. He then explained that the driveway for Lot 2 would be to the left of it in a westerly direction and have the proposed 50' access. MT stated that the Lot 2 driveway would then be right alongside the sister's driveway to which Mr. Wachtel replied that was correct. Ms. Ryan explained that while the Wachtel's were aware that some sort of Area Variance was needed, they had presented a sketch plan to the Planning Board (PB) on June 17, 2020. She added that the sketch plan had proposed Lot 2 only having access via the existing driveway easement. Mr. Wachtel agreed and stated he would have given Lot 2 a right of way to use the existing driveway for access. Ms. Ryan added that it has been determined by PB members that a site visit was necessary. PB members performed the site visit and the Wachtel's reappeared before them on July 1, 2020. Ms. Ryan explained that as the Wachtel's had 632' of frontage on Methodist Farm Road, the PB was not comfortable with Lot 2 not having other access besides the driveway/right of way for Lot 1; however, would be comfortable with a separate 50' width road/driveway access point off Methodist Farm Road. Ms. Ryan added that the PB recognized that the front area of that 50' access would be relatively unusable due to the right of way and the steepness of the area not being particularly buildable; however, it would allow for another dedicated road frontage/access if ever needed. MT then asked if there was a reason that 632' was not split in half so each had 150' so no Area Variance would be needed. Mr. Wachtel replied he did not wish to part with it and did not see his son as ever using that 50' right of way to gain access to Lot 2 as a right of way and driveway already existed. He added that he would provide that dedicated 50' access, if determined it was needed. MT explained that the ZBA reviewed all alternatives in order to alleviate the need for an Area Variance. She added the 632' did not have to be split in half but rather just give enough for Lot 2 to be in compliance with 150' of road frontage. Mr. Wachtel then asked if it was necessary for that additional access of 50' if Lot 2 would be given a right a way from what existed. MT replied that 150' lot frontage was required per the Zoning Code. MT then asked Mr. Wachtel if they would consider revising the survey plat to reflect 150' road frontage so an Area Variance would not be needed. Mr. Wachtel replied that he wished to remain with the proposed 50' as he did not want to part with any additional frontage than what was necessary. MT asked the reason for not wishing to part with additional land. Mr. Wachtel replied that Lot 2 was the only area that could be considered a nice buildable lot as the rest of it was very steep and he utilized it to harvest wood.

With no further questions, WG motioned to consider the application complete and scheduled a Public Hearing for March 11, 2021; seconded by SB and all approved. MT stated that a site visit may be needed and arrangements were made with the applicant for Board members to visit individually. MT motioned to seek a Recommendation from the Planning Board; seconded by WG and all approved. Mr. Wachtel agreed on his availability to attend the PB meeting on March 3, 2021 for the Recommendation to the ZBA and first official Minor Subdivision Application review.

**Area Variance Application**

Maureen Straight  
158 Glass Lake Road  
Averill Park, NY 12018  
R-Residential Zoning District

**Tax Map #: 159.2-1-13**

Lot Size: 0.4 acres

An area variance application for insufficient side yard setbacks for the construction of a single-family dwelling.

Maureen Straight and surveyor Kevin McGrath were present. Maureen Straight stated that she wished build a single primary residence on the property. She added that Kevin McGrath would speak to all the site plans that had been submitted. Ms. Straight explained that the lot was narrow and the proposed home was meant for such type of lots. She then stated that she would need Area Variances for each of the side yard setbacks as there was no way the proposed location for the home would meet the Zoning Code requirements. An aerial picture along with the site plan was reviewed for the configuration of the lot, the existing cottage and how neighbors were situated. Ms. Straight stated that the cottage would be on the roadside and the primary structure would be on the lake side. MT asked the what would be the dimensions for the setbacks. Mr. McGrath responded that it would be 5' from the new dwelling. MT asked if the proposed new dwelling would be single-story. Ms. Straight replied no, it would be a two-story. Ms. Ryan showed an elevation photo along with pictures submitted with the application that depicted a very similar home. MT stated that she noted there was open grass between the neighbor to the east and the proposed home and asked if any screening was proposed in that open area. Ms. Straight replied no. MT then asked the same for the other side of the proposed home. Ms. Straight replied there was already a line of trees along with two garden beds. Ms. Ryan clarified on the map the existing garden beds. SB motioned to consider the application complete and schedule the Public Hearing for March 11, 2021 at 7:00pm; seconded by WG and all approved. Ms. Ryan stated that the ZBA may wish to coordinate with the Planning Board (PB) as the applicant also needed a Special Use Permit (SUP) due two dwellings (primary and an accessory) the lot. She added that Ms. Straight was fully aware and had submitted an SUP application for the PB. Ms. Ryan stated that no Scenic Preservation Application was needed as the proposed dwelling would outside of the 100' from the lake. MT motioned to seek a Recommendation from the PB on the Area Variance application; seconded by WG and all approved. Ms. Ryan informed Ms. Straight that her attendance at the March 3, 2021 7:30pm PB meeting would be for the Recommendation as well as the first meeting for the SUP Application. Ms. Straight agreed she would be available for the March 3 PB meeting.

**Area Variance Application**

Andrew Bulmer  
24 Stone Camp Way  
Averill Park, NY 12018  
R-Residential Zoning District

**Tax Map #: 170.2-1-4**

Original Lot Size: 1.84 acres

New Lot: 1.0 Acres

Parent Lot: 0.84 acres

An area variance application for insufficient lot size and insufficient lot width associated with a proposed minor subdivision to create one new lot.

Andrew Bulmer stated that he proposed to subdivide a one-acre lot off of his property for his daughter to build a home. The site plan is reviewed and Mr. Bulmer explained that the proposed one-acre lot would be above and the .84-acre would be below. It was noted that the property had been granted Area Variances back on November 21, 2019 for deficient yard setbacks and at that time, it was mentioned that a garage may be placed across the street as part of the 0.84-acre lot. A survey map was reviewed to which

Mr. Bulmer stated that he had local surveyor Dan Peters survey and pointed out the one-acre lot dimensions. MT stated that insufficient lot size and width was being sought for the proposed 0.84-acre lot to which Mr. Bulmer agreed. MT asked if the proposed .84-acre lot would still consist of the 92' of lot width versus the required 150'. Mr. Bulmer replied yes and nothing would change for the proposed 0.84-acre lot from what had been approved. MT then asked if the proposed one-acre lot would be a conforming lot to which Mr. Bulmer replied yes.

SB motioned to consider the application complete and scheduled the Public Hearing for March 11, 2021; seconded by WG and all approved. MT motioned to seek a Recommendation from the PB on the Area Variance application; seconded by SB and all approved. Mr. Bulmer asked if the ZBA thought anything additional was needed in regards to the information and plans submitted, MT replied that she did not see anything that stood out at this time. Ms. Ryan clarified that the survey map submitted would need to have the frontage measurement and some other measurements and information in order for the Planning Board to utilize the survey for subdividing the property. Ms. Ryan added that it would be at the ZBA's discretion to either use the submitted map or to request a new that included the information. MT stated that the ZBA's expectation would be that the drawings matched. Mr. Bulmer replied that everything was identical and the surveyor Mr. Peters had done the additional lot to show the proposed new lot. MT reiterated that if a new map was needed for the PB, it was expected that the ZBA would receive the same drawings. Mr. Bulmer replied that he would have the surveyor add the requested information.

#### **DRAFT MINUTES FOR APPROVAL**

WG motioned to accept the December 10, 2020 minutes as submitted, seconded by SB and approved by Geraldine Burger (GB). AL and MT abstained due to no opportunity to read them.

**ADJOURNMENT** - MT motioned to adjourn the meeting at 7:53pm; seconded by SB and all approved.