

**Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, December 15, 2015
6:30 p.m.**

SEQR = State Environmental Quality Review
PB = (Town of Bolton) Planning Board
WCPS = Warren County Planning Staff
APA = Adirondack Park Agency
LGPC = Lake George Park Commission
DEC = Dept. of Environmental Conservation

Present: Jason Saris, Tom McGurl and Jeff Anthony, John Whitney, John Famosi, Holly Dansbury, Joy Barcome, Alternate Lorraine Lefevre, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller

Absent:

The meeting was called to order at 6:31 pm.

Jason Saris asked if there were any corrections or changes to the November 17, 2015 minutes.

RESOLUTION:

Motion by John Famosi to approve the November 17, 2015 minutes as presented. **Seconded by,** John Whitney. Jason Saris, Jeff Anthony & Tom McGurl abstained. **All others in Favor.**
Motion Carried.

1. **V15-43 WARD, ROBERT MARK.** Represented by Darrow Mansfield. To alter single family dwelling, specifically to add a 16'x 30' addition with a 5'x 11' connector and deck, seeks area variance to alter a non-conforming structure in accordance with Section 200-57B1b. Section 199.07, Block I, Lot 8.1, Zone **RL3** & **RR5**. Property Location: 999 Wall Street. See V15-30 for previous approvals.

Darrow Mansfield presented the following:

- He detailed the plans for the requested alteration to the previously approved plan.
- The project has been amended to move the addition to the side of the building instead of what had been approved in the rear.
- The addition is essentially the same size with a short catwalk connecting the two.
- This will allow them to leave the existing house completely alone.
- The house is historic and has its own interesting character.
- In addition there will be an open deck in the rear connecting the existing and proposed structures.
- The proposed structure meets all the setbacks and height requirement. It's just the existing home that requires them to get a variance.

Jason Saris inquired about the conditions of the original building. Mr. Mansfield stated the original design came out of the back of the house would require changing the roof and it became more logical to have the addition self-contained.

John Whitney asked if this project had come forward in the original variance request, would it have a need for zoning discussion when everything they were adding was within the setbacks or was this due to the modification of a prior approval. Jason Saris explained that this was a pre-existing, non-conforming structure and anything you add to it needs a variance. John Whitney stated it seems there was a practical difficulty in the approved plan and there does not seem to be much difference in the proposed plan.

Jason Saris asked if both the addition and the existing home would be able to access the proposed deck through doors. Mr. Mansfield replied there was not access from the house itself but they would be able to access it from the connecting structure.

RESOLUTION

The Zoning Board of Appeals received an application from Robert Mark Ward, (V15-43) for an area variance as described above.

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application; this Board makes the following findings of fact:

The application of the applicant is as described in Item#1 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: This is a fairly minor alteration of a previously approved variance for practical reasons that do not further encroach on the setbacks.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will be built in the same design as the house.
- 3) The request is not substantial; the expansion is within the setbacks.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; This is a pre-existing, non-conforming structure.
- 5) The alleged difficulty is self-created; but it is not detrimental to the neighborhood or the environment and is fairly consistent with the previously approved request.

The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

Now, upon motion duly made by John Whitney and seconded by Tom McGurl, it is resolved that the ZBA does hereby approve variance request as presented. **All in favor. Motion Carried.**

2. **V15-44 McPARTLAND, FRANCIS.** To alter single family dwelling, specifically to add a 5'x 5' covered porch and steps, seeks area variance for 1) deficient setbacks. Front: 50' is required, 33' is proposed. Side: 15' is required, 13' is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B1b. Section 156.20, Block 1, Lot 20, Zone RCM1.3. Property Location: 11 Cottage Lane. Subject to WCPS review. See V11-54 and V09-41 for previous approvals.

Francis McPartland presented the following:

- In 2010 when the home was built he did not feel a second point of entry/egress was necessary.
- He has since found that he needs a second door for safety reasons.
- He explained that his son had to jump out the window from backed up smoke.
- He believes that the new building code for New York State requires 2 points of egress in some areas.

Jason Saris questioned the change in code since 2010. Mr. McPartland stated he was not certain it was the code but he thinks perhaps it was back then. He showed pictures of where the door would go. He explained the existing door was 5 or 6 feet from the fireplace.

Jason Saris asked if the addition would further encroach any of setbacks. Mr. McPartland stated he did not believe so, but it was a maximum of 3 feet extra which was minimal. Zoning Administrator, Pamela Kenyon replied she did not believe it did go any closer to the right of way than the existing house.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Francis McPartland, (V15-44) for an area variance as described above.

And, due to notice of the public hearing of the ZBA at which time the application was to be considered having been given and the application having been referred to the Warren County Planning Staff;

And, whereas the Warren County Planning Staff determined that there was no County impact;

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application;
this Board makes the following findings of fact:

The Board makes the following conclusions of law:

The application of the applicant is as described in Item#2 of the agenda.

1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: The location of the proposed doorway does not encroach further on setbacks and is the only practical location for the purpose of egress.

2) There will be no undesirable change in the neighborhood character or to nearby properties. This will be built in the same design as the house.

3) The request is not substantial; it is only a 5' x 5' entrance way.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

5) The alleged difficulty is not self-created; This is a pre-existing, non-conforming structure. The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

Now, upon motion duly made by John Famosi and seconded by Jeff Anthony, it is resolved that the ZBA does hereby approve variance request as presented. **All in favor. Motion Carried.**

- 3. V15-45 FOY, EDWARD.** Represented by Joseph Haines. To replace existing single family dwelling and small cottage with a four unit townhouse complex, seeks area variance for 1) Density: 80,000 square feet is required, 11,210 square feet exists; and 2) Setbacks: Front: 30' is required, 18' is proposed from Route 9N and 12'5" is proposed from Norowal Road. Side: A total of 20' is required, 8' is proposed. Section 171.15, Block 3, Lot 28, Zone GB5000. Property Location: 4992 Lake Shore Drive. Subject to WCPS review. NOTE: Type II Site Plan Review is required for multiple family dwelling or condominiums but has yet been applied for.

Joseph Haines presented the following:

- Currently the property has a single family dwelling with 6 bedrooms, 2 full bathrooms and 3 half bathrooms.
- It has been used as a seasonal rental home for summer employees.
- They are proposing to demolish the existing structure and build 4 town houses that will consist of 2 bedrooms, 2 full baths and 1 half bath for each unit.
- They have determined that they can make it a 3 story building on the back side.
- He passed out renderings and revised drawings to the Board.
- He detailed the elevation on his handouts to the Board.
- They determined that from Lake Shore Drive it would look like a 1.5 to 2 story building and the back side it would be a 3 story building, with a roof line that makes it look like a 2.5 story building.
- He stated that there was a 7' drop from the corner closest to the front of the property by the repair shop to the back corner.
- They were able to raise the first floor off the ground and have the garage underneath the building.
- The height of the ridge will be a little bit lower than the garage next to it.
- This fits in with the character of the neighborhood.

Holly Dansbury asked what the total building height would be. Mr. Haines stated 34' from the garage to the ridge. Holly Dansbury asked if the footprint of the units would be 3,600 sq. ft. each. Mr. Haines stated that was the footprint of the building. It is a nice size unit that they have tried to keep compact as possible with modern day amenities.

Jason Saris asked how much parking would be available for each units. Mr. Haines stated 2 spots in the garage and 1 extra spot for visitors, making an additional 4 parking spots at the rear of the property. Mr. Haines detailed it on the plans to the Board. Jason Saris stated that it's been his experience that garages are used for storage and not parking.

Jeff Anthony stated that the allowable lot occupation is 40% and if they have 18.8% right now and 33.8% in the future and asked if they calculated the 33.8% on simply building coverage or or if it was total impervious. Mr. Haines stated it was his understanding that it was for building coverage only. Zoning Administrator, Pamela Kenyon replied that was correct. Jeff Anthony asked how they are they planning to solve the stormwater due to all the new impervious surfaces which were way more than 33.8%. Mr. Haines stated they had not done any stormwater calculations at this time as they were only here for decisions for the variance and detailed some of the ways they may allow for stormwater. Jeff Anthony stated he did not like to approve variances that somewhat tied the hands of the Planning Board. He would like to see information on how they plan on solving the stormwater, water, sewer and electrical service before they approve a variance. Mr. Haines stated he did not want to put a lot of engineering into the project before receiving variance approval. Jeff Anthony stated it would not be a lot of money for simple engineering of the project.

Mr. Haines asked for feedback on the design. He stated that they have had discussions on different ways to handle the stormwater. Jeff Anthony stated it was nicely designed and handsome building, but he worries about approving this without being sure it would technically work.

Holly Dansbury agreed with Jeff Anthony and stated it was a great design and fits in really well. It is good that it encourages people to come into town and have a place to stay, but they needed to make sure that they had some kind of stormwater taken care of. It fits nicely in the town.

Jason Saris asked if they were considered town homes. Mr. Haines stated that was correct. Jason Saris said the reason for asking, was that the approvals for the new ones at the Bell Point property were called town homes and the developer stated that kind of ownership was easier to finance. They also required variances because they were considered separate dwellings, but there were no setbacks between them, and this is not being asked for here. If these were town homes, it is his understanding that it would be required. Mr. Haines stated that in the building code they were really separate homes, but there would not be a lot line between them. Jason Saris stated that a condo was a different form of ownership. It concerns him if they are not asking for what they need.

Jason Saris asked if the density 80,000 square feet is required, and 11,210 square feet exists if this was for 1 unit. Zoning Administrator, Pamela Kenyon stated that 20,000 sq. ft. was required per for each unit. Mr. Haines stated that the Zoning Ordinance had different requirements for calculating density for condominiums, apartments, town homes and residential detached units. They do not fall into any of those. There are 4 units with 4 separate owners. Jason Saris asked if there was enough density for one. Zoning Administrator, Pamela Kenyon replied 1/5 of one. Mr. Haines stated there were different ways of analyzing density for a piece of property. Jason Saris stated it makes a difference to the Board of how much relief of density the applicant is asking for.

Jeff Anthony asked if the person buying the town home would own the land underneath it. Mr. Haines stated typically you own from the sheet rock in. He stated the outside of the unit is part

of the Association and the land is divided equally between the 4 units. He stated this would be one lot. Jeff Anthony stated then they would be considered condominiums under New York State law. The Board and Mr. Haines discussed at great length how this should be properly done. Jason Saris stated the Board had criteria they must follow. Mr. Haines stated that was something they would have to look into. Atty. Muller stated the applicant would have to make a choice. He detailed the difference of what the applicant would need for town houses and condominiums. He stated that there was definitely a choice, they had an important decision and at some point they would have to pull the trigger in one direction or another.

Tom McGurl stated he would like to see a more formal plan for stormwater and this is a major variance request, maybe two or three units are better. He understands that sometimes this is a monetary issue, but at the same time they are stretching out the variance as far as it can possibly go. He asked about the front lawns. Mr. Haines stated that they would stagger the building a little bit so they would not have a straight façade going across, which is consistent with the block. To pull it back to accommodate the 30' setback would lose the guest parking spots. He believes they would be pulling them back farther than they would need to be.

Mr. Haines stated that stated they also have a front yard setback on Norowal Road that goes down to 12.5 to 15 feet. This is more of a private road and they would still have proper site lines for turning in and out of this road. They spoke to their neighbors next door and their concern was the side yard setbacks. They only have one side yard, so they made it the minimum. Tom McGurl stated if they went down to 3 units they would not be using all that density.

Holly Dansbury asked if they could shift it over a little. Mr. Haines stated it would reduce the front yard a little bit.

Jason Saris stated certainly he would not want them to lose any guest parking and quite honestly he is not sure they have enough. There is no street parking along 9N down by this project. Parking is a concern.

Pamela Kenyon inquired about the possibility of retaining walls. Mr. Haines detailed on the plans where he would be putting them and they would be approximately 3 feet in height. Zoning Administrator, Pamela Kenyon stated they would be considered a structure and she would need the details and a grading plan showing how the retaining walls would tie in. She explained that these were different than the submitted plans.

Jason Saris asked if the applicant would like the Board to table the application.

RESOLUTION

Now, upon motion duly made by Holly Dansbury and seconded by Tom McGurl, it is resolved that the ZBA does hereby table the variance request as presented. **All in favor. Motion Carried.**

4. **V15-46 WALLIN, ELIZABETH.** Represented by Kasselmann Solar. To alter single family dwelling, specifically to add roof mounted solar panels, seeks area variance to

alter a non-conforming structure in accordance with Section 200-57B1b. Section 199.04, Block 1, Lot 12, Zone RL3. Property Location: 420 Coolidge Hill Road. Subject to WCPS review.

Steve Kasselmann of Kasselmann Solar presented the following:

- They are using 40 panels that are highly aesthetic and not very noticeable.
- The panels don't face the street and have anti reflective coating.
- They are top end solar panels.
- They have a third party structural engineer that signed off on the project stating the existing structure can hold the weight.
- He passed out a color mock up to the Board.

Jason Saris asked if everything would be on the roof. Mr. Kasselmann replied they would.

Holly Dansbury asked if this was a non-conforming structure. Zoning Administrator Pamela Kenyon replied yes.

RESOLUTION

The Zoning Board of Appeals received an application from Elizabeth Wallin, (V15-46) for an area variance as described above.

And, due to notice of the public hearing of the ZBA at which time the application was to be considered having been given and the application having been referred to the Warren County Planning Staff;

And, whereas the Warren County Planning Staff determined that there was no County impact; And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application; this Board makes the following findings of fact:

The Board makes the following conclusions of law:

The application of the applicant is as described in Item#4 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: It is a modification of a non-conforming structure, so there is no other choice.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. These are roof mounted solar panels and it is a minimal visual impact.
- 3) The request is not substantial; this is simply mounting solar panels on the roof.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; there is no impact on the site conditions itself, it is just the roof line.
- 5) The alleged difficulty is self-created; this is a minor variance. The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

Now, upon motion duly made by Jeff Anthony and seconded by John Famosi, it is resolved that the ZBA does hereby approve variance request as presented. **All in favor. Motion Carried.**

- 5. V15-47 MASHUTA, ANTHONY.** Represented by Spectra Engineering. For the construction of a proposed seawall/stairs, approximately 100' in length and 4' in height, seeks area variance for deficient setbacks. Shoreline: 75' is proposed from the mean high water mark, .5' is proposed. Side: 20' is required, 12' is proposed on both sides. Section 200.10, Block 1, Lot 9, Zone RM1.3. Property Location: 21 Cotton Point Road. Subject to WCPS and APA review

Jason Sabliski of Spectra Engineering presented the following:

- They are proposing a 100' long by 4' high seawall along the lake made of natural stone.
- They will be replacing an existing staircase.
- It will be 2' off the mean high water mark.
- It is to be installed for aesthetic reasons scour protection.

Jason Saris asked if there had been issues with the shoreline. Mr. Sabliski said the shoreline is a little irregular in this area. Jeff Anthony stated he had visited the site and he did not see any negative wave impact on that shoreline. It is a natural shoreline and it seems stable. He does not understand why this application is before them. He asked if they made a permit request to the Army Corp. of Engineer or the DEC. Mr. Sabliski stated they have and the Army Corp. of Engineers stated if the wall is set back from the mean high water line they would not have any jurisdiction. Jeff Anthony asked if they would be doing any work below the mean high water mark. Mr. Sabliski replied they would not, the face of the wall and excavation would be in from the mean high water mark. He stated the property to the north had rip rap and this would be a continuation.

Jason Saris asked to be shown where this was going to be placed above the mean high water mark. Mr. Sabliski detailed it on the plans to the Board.

Jeff Anthony asked how they are reducing the wave action or scour on the 2 feet below the wall. Mr. Sabliski stated they would be putting in natural rock in front of it approximately 1 foot in diameter.

Jason Saris asked if the wall would be dug down in. Mr. Sabliski stated the wall would be 2' below the lake elevation. Jason Saris asked if basically the wall would be before the greenery detailed on the plan and cobble would cover the greenery. Mr. Sabliski replied basically yes. Jeff Anthony stated they would be working in the water to place the cobble. Mr. Sabliski replied yes. Jeff Anthony stated they would definitely need DEC and Army Corp. of Engineer permits. Mr. Sabliski stated they would.

Jason Saris asked if the wall would be dug down in. Mr. Sabliski stated the wall would basically be 2' down below the bed of the lake elevation and instead of back filling they would be putting in rock. Mr. Sabliski stated they would be going up 4' to 6' above the water elevation.

John Whitney asked if there were alternatives such as planting vegetation as this seems like a very disruptive project. It seems there would be other ways to accomplish this. Holly Dansbury stated she thought it was a clean neat wall and asked if there would be any vegetation near the edge. Mr. Sabliski stated they were looking to put perennials in directly behind the wall. John Whitney stated there is clearly a cosmetic effect but the question is if the goal is to protect the shoreline with this structure, are there other more practical less disruptive ways to do this other than building a wall. Mr. Sabliski stated that they did not look at other alternatives to accomplish this as this was what the owner wanted. There are other alternatives but he does not believe this would be that disruptive. This style has been used along the shoreline of Lake George all over. John Whitney stated this house sets back much further than many of the homes that may become compromised due to the shoreline. There is no real structural need for this it is purely aesthetic. Holly Dansbury stated she thought it looked nice.

Jason Saris asked about the existing grade above the waterline. Mr. Sabliski stated it would not be any higher than that.

Jason Saris asked if the trees would be removed. Mr. Sabliski stated they were not looking to remove any trees.

Alternate Lorraine Lefevre asked about the path to the dock area and how close to dock the wall would be. Mr. Sabliski detailed it to her on the plan.

Chris Navitsky stated his concerns with the following;

- The Board should not approve this application without approvals from DEC.
- There will be an undesirable change.
- The Town would set a precedent by granting the variance.
- There will be adverse impacts to environment.
- DEC does not approve the construction of vertical seawalls.
- There are alternatives available.
- There does not appear to be erosion on the shoreline.
- There is low level vegetation on the shoreline which is protecting it.
- Seawalls are constructed where there is lawn only.
- This does not warrant the level of granting a variance.

John Famosi asked if it was a sea wall or a retaining wall because it appears to be a retaining wall. Mr. Sabliski replied that was correct. John Whitney stated that within 75' of a shoreline you need to demonstrate a practical difficulty and to have either, you would need a problem. Mr. Sabliski stated he agreed. Jason Saris explained that if it was a seawall it was truly there to protect the shoreline and if it was a retaining wall the water was not going to hit it. The purpose for it would really be aesthetic. He asked what the benefit to the applicant was and

could it be achieved by any other means. This is now landscaping and they had to look at the criteria for balancing the request. Holly Dansbury stated the benefit was the aesthetic, a pleasing front area. She stated the Board had to balance this against the possible detriment to the area, so they are trying to address the concerns of erosion. Planting is part of what would be needed. Mr. Sabliski stated planting was part of the application.

Jeff Anthony stated that there is no consideration to other alternatives. There is a multitude of ways to stabilize the shoreline that are more environmentally sound. He cannot support this application as it does not look at all the alternatives. Holly Dansbury asked even if this is what they wanted to aesthetically see there. Jeff Anthony stated that the more important thing is what the effect to the environment is. He stated that the Waterkeeper has stated that the seawall will create more problems than it will solve. Visually it may be pleasing to the applicant, but it was not the answer environmentally.

Jason Saris stated that it appears the cobble is to stabilize the shoreline and the wall is setback from that. He stated the cobble could be put in instead of the wall. Jeff Anthony stated maybe. Mr. Sabliski asked about a small 3' behind the mean high water mark. Jeff Anthony replied it would not be a better alternative. He would still be ripping up the whole shoreline that is fairly stable just because it's what they want. They can table this and they can come back after receiving DEC and A.P.A. approvals.

Holly Dansbury asked if he wants them to explore other options, at least investigate if this is the best way.

John Whitney stated first and foremost they need to see that there has actually been erosion. Then they need to explore the alternatives.

Alternate, Lorraine Lefevre stated some rocks had rolled out, but it was not erosion. Holly Dansbury stated it was unsightly. Tom McGurl said that is your opinion. Jason Saris stated that some people think natural is beautiful. John Famosi stated they would have to demonstrate a practical difficulty.

Jason Saris stated that the A.P.A. requires practical difficulty or hardship. Mr. Sabliski stated the A.P.A. stated that they had no jurisdiction. Zoning Administrator, Pamela Kenyon informed the Board it was a variance and they A.P.A. will still be looking at it. Atty. Muller stated this was correct, they have no jurisdiction over the issue, but they have jurisdiction over the variance. He explained that they had their own criteria. Jason Saris explained that A.P.A. would overturn this variance if they did not show practical difficulty or hardship.

Mr. Sabliski stated if they move it back he does not see any negative impact. Tom McGurl asked what the reason for it would be, as in where is the practical difficulty.

Jason Saris asked what the applicant would tell the A.P.A. their practical difficulty was. Mr. Sabliski stated he was here to represent the client, and the client feels this is the best solution to stop the erosion. Jason Saris stated so the practical difficulty is to stop the erosion on the site. Mr. Sabliski replied yes.

Mr. Sabliski asked to have the application tabled to address some of the Boards concerns and look at other alternatives. In the meantime he will get answers from DEC.

Now, upon motion duly made by Holly Dansbury and seconded by Jeff Anthony, it is resolved that the ZBA does hereby table the variance request as presented. **All in favor. Motion Carried.**

6. **V15-48 McALEER, ART & ANNETTE.** As a condition of approval set forth on July 19, 2011, seek area variance to cut additional trees along the road accessing the septic system. Specifically, the conditions read as follows. Any future cutting outside this area will require variance approval. Section 171.18, Block 1, Lot 11, Zone RL3.
Property Location: 322 Potter Hill Road

Art McAleer presented the following:

- They were before the Board 4 years ago talking about the cleanup and maintenance to their septic.
- There are 8 trees along the edge of the pathway accessing the septic.
- He is asking for a variance to remove them.

Jason Saris asked why they wanted to take them down. Mr. McAleer stated it would be so equipment could access the septic.

Tom McGurl asked how big the trees were. Mr. McAleer replied 20' to 40' high. Tom McGurl stated that they must have been there 4 years ago. Mr. McAleer replied they were and probably should have been taken when they put in the access way. Jason Saris asked if maintenance was required or if it was something they just wanted. Mr. McAleer replied it was both.

Holly Dansbury asked if they have had the septic tank pumped out. Mr. McAleer said no. Holly Dansbury asked if this was the road they would use if they had to have it pumped out. Mr. McAleer replied it was.

John Whitney asked if there were more trees on the lot besides these. Mr. McAleer replied there were plenty. John Whitney asked if the appearance from the road would change. Mr. McAleer replied you would see trees on both sides of that road.

Jason Saris asked what part of the septic system needs to be accessed by going down that road. Mr. McAleer replied it was the entire leach field and the tank.

Holly Dansbury asked if a truck could ever get down there to clean out the septic tank. Mr. McAleer said it would have to. Mr. McAleer replied the only other alternative would be to pave the road down and they did not want to do that.

Holly asked if it could be accessed by the Association road. Mr. McAleer replied it could not.

Jason Saris stated that the DOH recommendation is that the septic tank be pumped every 3 years.

Jason Saris asked if they would be able to get a truck down there with the removal of the trees. Mr. McAleer replied that they did.

Holly Dansbury stated it was steep.

Tom McGurl asked if this was the same access they used when they built the septic system. Mr. McAleer replied that it was.

John Whitney inquired if they would be back for more tree removal down the road. Mr. McAleer replied they did not plan on taking any other trees after this.

RESOLUTION

The Zoning Board of Appeals received an application from Art & Annette, (V15-47) for an area variance as described above.

And, due to notice of the public hearing of the ZBA;

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application;
this Board makes the following findings of fact:

The Board makes the following conclusions of law:

The application of the applicant is as described in Item#6 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: There is no other feasible way to maintain safe access to the septic system.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. There is still plenty of trees for passerby perspective.
- 3) The request is not substantial; This is a few trees and does not affect any zoning issues.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; A safer cleaned out septic is a benefit for everyone.
- 5) The alleged difficulty is not self-created; but it is not detrimental to the neighborhood or environment. This is a pre-existing septic and not self-created.

The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

Now, upon motion duly made by John Whitney and seconded by Tom McGurl, it is resolved that the ZBA does hereby approve variance request as presented. **All in favor. Motion Carried.**

7. **V15-49 24 ANCHORAGE ROAD HOLDINGS, LLC.** Represented by C.Raymond & Sons Inc. and Charlie Spinella. 1) To alter single family dwelling, seeks area variance for a) Deficient setbacks. Front: 30' is required, 19.9' is proposed. Shoreline: 50' is required, 48' is proposed. Rear: 15' is required, 13.6' is proposed; and b) to

alter a non-conforming structure in accordance with Section 200-57B1b. 2) For the construction of a garage/storage, seeks area variance for a deficient shoreline setback. 50' is required, 37' is proposed. 3) For the construction of proposed retaining walls, seeks area variance for deficient setbacks. Shoreline: 50' is required. 8' is proposed. Side: 15' is required, 0' is proposed. Section 171.19, Block 2, Lot 24, Zone GB5000. Property Location: 24 Anchorage Road. Subject to WCPS review.

This application was tabled at the applicants request

The Board agreed to change the meeting dates from 6:30pm to 6:00pm starting in January 2016.

The meeting was adjourned at 6:46pm.

Minutes respectfully submitted by Kate Persons