

**Town of Bolton  
ZONING BOARD OF APPEALS  
MINUTES  
Tuesday, December 13, 2016  
6:00 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, Jeff Anthony, John Whitney, Joy Barcome, Tom McGurl, Holly Dansbury, Lorraine Lefevre, Alternate Carla Cumming and Zoning Administrator Pamela Kenyon

**Absent:** Counsel Michael Muller

The meeting was called to order at 6:00 pm.

Jason Saris asked if there were any corrections or changes to the November 15, 2016 minutes.

**RESOLUTION:**

**Motion by** Joy Barcome to approve the November 15, 2016 minutes as presented with the following correction at the top of page 1. “Jeff Anthony” asked if there were any corrections to the October 18, 2016 minutes, should be changed to Tom McGurl. **Seconded by**, Holly Dansbury. Jeff Anthony, Jason Saris and John Whitney abstained. **All others in Favor.**  
**Motion Carried.**

1. **V16-37 SALAMONE, CAROL.** Represented by the Dock Doctors. For the construction of a hillside trolley, seeks area variance for deficient setbacks. 1) Shoreline: 75’ is required, 4’ is proposed from Lake George and 5’ is proposed from the stream on the north side of the property; and 2) Side yard. 30’ is required, 15’ is proposed. Section 141.00, Block 1, Lot 22, Zone RCL3. Property Location: 5666 Lake Shore Drive. Subject to WCPS and APA review. This item was tabled at the September 2016 meeting pending additional information.

Zach Monroe of Winchip Engineering presented two additional options to the Board, options B & C.

The Board chose option C, as only 2 trees would need to be removed in this option. Jason Saris stated that he felt that this was the least disruptive and most reasonable way to go.

Lorraine Lefevre stated that she also believed option C was the best way to go due to safety issues.

Mr. Monroe stated that option C is 21.6’ from the stream at the closest point and is fits in between the trees.

No County Impact

**RESOLUTION**

The Zoning Board of Appeals received an application from Carol Salamone, (V16-37) 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 application of the applicant is as described in Item#1 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: Based upon photos, maps and engineering reports there are no alternatives.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. The existing stone path is not in good repair, and the repairs would be more disruptive.
- 3) The request is not substantial. The trolley itself is only 3' above ground level.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They have a need for access to the lake front and the request is not substantial. They are only removing 2 trees.
- 5) The alleged difficulty is not self-created; Given the topography of the land it is not possible to access the lake front in a usable fashion. This is the best available balance. The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

Giving due consideration to the APA requirement that a shoreline variance will require a further finding that what the applicant has proposed and what the applicant's presentation has demonstrated supports the granting of this shoreline setback variance upon proof of demonstrated hardship or practical difficulty : the demonstrated circumstances of shoreline access difficulty and reasonable safety considerations that can be easily achieved by the granting of this variance satisfactorily proves that strict compliance with shoreline setbacks would impose an unnecessary hardship on the property in diminishing its value by impeding reasonable shoreline access . The granting of this variance alleviates a demonstrated practical difficulty that the terrain and topography require such a variance and by such variance approval the reasonable usefulness of the property is maintained and it results in a solution that achieves a measured and reasonable shoreline access in avoidance of the demonstrated practical difficulty that is unique to this property.

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

2. **V16-44 KREBS, STEVE & DEBORAH.** To demolish and rebuild non-conforming camp, seek area variance for 1) Deficient setbacks. Sides: 30' is required, 4.17' is proposed on the north side and 28.2' is proposed on the south side. Shoreline: 75' is required, 53.2' is proposed; and 2) to alter a nonconforming structure in accordance with Section 200-57B1b. Section 185.19, Block 1, Lot 19, Zone RCL3. Property Location: 42 Trout Lake Village Road. Subject to WCPS and APA review.

Steve Krebs presented the following:

- The existing foundation consists of 12 6x6 wooden posts.
- They are proposing to change this to concrete footings, below the frost line.
- The deck in the front of the house will be staying.
- He was told by a contractor several years ago, that the building needed to be replaced.
- This past year a tree fell on the building.

Jason Saris stated that the placement of the existing deck dictates the proposed location, which does not allow them to become more compliant.

Tom McGurl asked if there were other 2 story dwellings in the area. Mr. Krebs replied yes.

The Board asked what type of stormwater controls the applicant planned on implementing. Mr. Krebs detailed them to the Board stating he would be using gutters and leaders to rock trenches.

No County Impact.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Steve & Deborah Krebs, (V16-44) 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 application of the applicant is as described in Item#2 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: Based on the septic system, hill and existing deck there are no other feasible alternatives. This is a slight modification and does not increase encroachment or setbacks.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This is an improvement. This is an improvement from what presently exists.
- 3) The request is not substantial. It is no more than what currently exists at this time.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They will be implementing stormwater controls which currently do not exist.

5) The alleged difficulty is not self-created; The structure was damaged by a falling tree. The structure placement is of no further incursion on setbacks and there are no alternative areas to construct it.

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

Giving due consideration to the APA requirement that a shoreline variance will require a further finding that what the applicant has proposed and what the applicant's presentation demonstrates in the granting of this shoreline setback variance is supported by a finding of hardship or practical difficulty, there is a further finding that the demonstrated circumstance of the current location of a pre-existing non conforming structure being retained as the location of the replacement structure in order to affix it to a pre-existing deck is the best and preferred method of replacing the current poorly maintained structure with a more modern structure and that strict compliance with current shoreline setback would impose an unnecessary hardship on the property as the replacement improvement should be located in reasonable conformity with the existing footprint all in an effort to preserve the existing amenities that will remain in place . The granting of this variance alleviates a demonstrated practical difficulty and allowing the new improvement at the current location of a pre-existing, non-conforming structure maintains a proper balance between the reasonable usefulness of the property and the current requirements for shoreline setback. To require conformity with current setback requirement would create an unnecessary hardship upon the property and to require relocation of the existing amenities would constitute an unreasonable practical difficulty.

Now, upon motion duly made by John Whitney and **Seconded by**, Tom McGurl it is resolved that the ZBA does hereby approve the variance request as presented with following condition:

1). The proposed stormwater controls must be approved by the Zoning Administrator. **All in favor. Motion Carried.**

Jason Saris asked the Board how he felt about inviting the A.P.A. to a Board meeting to discuss the reversal of Ed Scheiber's variance that had been denied. The Board was in agreement of this.

Now, upon motion duly made by John Whitney and **Seconded by**, Joy Barcome it is resolved to adjourn the meeting. **All in favor. Motion Carried.**

The meeting was adjourned at 6:35 pm

Minutes respectfully submitted by Kate Persons