

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, June 20, 2017
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, Carla Cumming, Joy Barcome, John Whitney, Holly Dansbury, Lorraine Lefevre and Counsel Michael Muller

Absent: Jeff Anthony, Zoning Administrator Pamela Kenyon

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

Jason Saris asked if there were any corrections or changes to the May 16, 2017 minutes.

RESOLUTION:

Motion by Joy Barcome to approve the May 16, 2017 minutes as presented. **Seconded by, Holly Dansbury. All in Favor. Motion Carried.**

- 1. V17-12 VANDYCK, MAUREEN & LOUIS.** Represented by Eric Whiting. To alter single family dwelling, seek area variance for 1) deficient setbacks. Front: 50' is required. 37' is proposed. Shoreline: 75' is required, 28' is proposed; and 2) to alter non-conforming structure in accordance with Section 200-57B1b. Section 171.19, Block 1, Lot 58, Zone RM1.3. Property Location: 19 Evergreen Lane. Subject to WCPS review. This item was tabled at the May 2017 meeting pending additional information.

Eric Whiting presented the following:

- Last time he was before the Board they were asking for relief for 3 items that were not compliant.
- Two of them are due to the property and house being non-compliant.
- They have located the addition the furthest from the lake that they could.
- The owner is very interested in green technology and will be taking care of any stormwater.
- The height was the challenge the last time they were before the Board.
- They have rectified this by lowering the roof line and are only looking for two area variances now.

Jason Saris asked what the plan was for the color and product to be used on the outside of the addition. Mr. Whiting stated they were looking to use a dark colored cedar exterior and possibly a light grey metal roof, but they are not sure yet.

Holly Dansbury asked for review of the setbacks they are applying for. Mr. Whiting detailed them on the plan for her. Mr. Whiting stated that the setback required was 50' from the road and they were requesting 37' from the road in order to keep it as far away from the pond as possible. This is in keeping with the other homes on this road.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Maureen & Louis VanDyck, (V17-12) 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: Looking at the property layout they have done a good job situating the building and enhancing the property without encroaching further on the lawn. It is a fairly minimal front yard setback request.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This will significantly enhance the neighborhood.
- 3) The request is not substantial.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. This will look much better and they will be adding stormwater features to address erosion.
- 5) The alleged difficulty is self-created; Considering all the elements, this is not a significant 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**, Joy Barcome it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

2. **V17-15 McCLEERY, CAROL & HAROLD.** For the placement of a proposed 11'x 17' storage building, seek area variance for a deficient front yard setback. 30' is required, 8' is proposed. Section 171.15, Block 3, Lot 79, Zone GB5000. Property Location: 5 Congers Point South. Subject to WCPS review

Carol McCleery presented the following:

- They would like to have a shed to house their sunfish.
- It is too hard to bring the sunfish up and down from the lake and they are not allowed to leave it out on the property.
- They would like to place it near the right of way, which goes through their property, where it will be most unobtrusive.
- This is not a heavily used road, but they need to be 30' away from this right of way.
- They have submitted many photos of this area in their packet.
- This is the least obtrusive place to locate this structure for the neighborhood.
- They are using the smallest possible size shed to fit the sunfish.
- This would make it much easier for them to use the sunfish on a regular basis.
- She detailed the submitted photos.
- There has been no objection from the HOA.

Lorraine Lefevre complimented Ms. McCleery for the great job she did on her application. She stated that this was a great alternative to what they are doing now. She stated that it has been very hard because most applicants have not been putting out their pink sheet so the Board knows what they are looking at.

Holly Dansbury asked if there were any issues with sheds in the HOA. Ms. McCleery stated that she had submitted it to the Board and they have no issues. Jason Saris explained that HOA approval on an application was not necessary for this Board's approval they are only bound by the Town Ordinance.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Carol & Harold McCleery, (V17-15) 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: The applicant did a good job locating this structure with the bushes and access to the road.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. They did a thorough job making sure this would not change the character of the neighborhood.
- 3) The request is not substantial. It is a shed.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. It is an attractive shed that will be hidden by shrubs.

5) The alleged difficulty is self-created; This is the best possible solution the applicant could come up with.

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 Holly Dansbury and **Seconded by**, Lorraine Lefevé it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

3. **V17-16 BEALE, WAYNE.** To alter single family dwelling, specifically to add a 14'x 20' uncovered deck/walkway, seeks 1) area variance for a deficient front yard setback. 50' is required, 32.7' is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B1b. Section 213.13, Block 1, Lot 29, Zone RCM1.3. Property Location: 8 Thunderbird Road. Subject to WCPS review. See V17-01 for previous approval.

Wayne Beale presented the following:

- He was before the Board several months ago and received approvals for a sunroom and deck.
- He detailed photos of the sunroom and proposed deck to the Board.
- Once they added the approved deck and sunroom they realized that a deck on the other side would help balance it out.
- The new deck will have a walkway that will go around to the front of the house.

Jason Saris asked if the proposed deck would be a mirror image to the existing deck. Mr. Beale stated it would be identical with the addition of a walkway to the front. Jason Saris stated he thought it would look very nice when he was done.

Lorraine Lefevé asked about the removal of trees for the new walkway. Mr. Beale stated that there would be a few scraggly 6" to 8" trees against the building that would be removed and leave the rest. They would be removing a part of the chain link fence too.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Wayne Beale, (V17-16) 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 #3 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: This is the only place on this structure to put this deck.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties.
- 3) The request is not substantial. It is consistent with the previously approved setback request.
- 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 self-created; Weighing all the factors the Board considers, the benefit outweighs any negatives.

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**, Joy Barcome it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

4. **V17-17 McPARTLAND, PATRICK & CINDY.** Represented by Kevin Knobloch. To alter single family dwelling, specifically to add a 19'x 35' addition, seek area variance for 1) deficient front yard setback. 50' is required. 38' is proposed; and 2) to alter non-conforming structure in accordance with Section 200-57B1b. Section 185.20, Block 1, Lot 10, Zone RCL3. Property Location: 31 Millstone Drive.

Kevin Knobloch presented the following:

- The applicant would like to add a tiny addition on their existing home.
- 75% of the proposed addition and 100% of the deck will meet the setbacks.
- The ridge will stay the same as the existing home.
- The color scheme will be the same as the existing structure.
- They will be taking down a minimal number of trees, which will make it healthier for the other trees once it is thinned out.
- He apologized for not having the pink sheet to post on the property as he was never given one when they filled out the application. If they had received it with their packet they would have most definitely have posted it.
- They have not received anything from the HOA as of yet.

Jason Saris stated that the applicant was here to address the Town of Bolton ordinance, not the HOA. Pat McPartland stated he had in fact received HOA approvals, he just did not have it in writing.

Lorraine Lefevre asked about the garage and if they were seeking variances for it. Mr. Knobloch stated the garage meets all the required setbacks. He stated that they have also received stormwater approvals.

Lorraine Lefevé asked about the driveway to the garage. Mr. Knobloch stated they wanted to have the side view of the garage facing the road. This allows landscaping in front of the garage blocking the view of it from the road.

Lorraine Lefevé asked about the area with dumpsters and the proximity of the new driveway and this area. Mr. McPartland explained that the driveway was on his property but the dumpster area was HOA property. Lorraine Lefevé stated this was very close to the association boundaries. Mr. McPartland stated that this was not part of the variance request and did not require approval.

RESOLUTION

The Zoning Board of Appeals received an application from Cindy & Patrick McPartland, (V17-17) 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 #4 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: This allows the addition to be connected to the house.
 - 2) There will be no undesirable change in the neighborhood character or to nearby properties. It is in the rear of the home and will match the existing home.
 - 3) The request is not substantial.
 - 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The addition is minimal and it will blend in nicely.
 - 5) The alleged difficulty is self-created; This is a 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 Holly Dansbury and **Seconded by**, John Whitney it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

The meeting was adjourned at 6:32pm

Minutes respectfully submitted by Kate Persons