

**Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, May 19, 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: Jeff Anthony, Jason Saris, Matthew Slaughter, Holly Dansbury, Tom McGurl, John Whitney, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller

Absent: Donald King, John Famosi & Michael Calautti

The meeting was called to order at 6:30 pm.

Jason Saris asked if there were any corrections or changes to the April 14, 2015 minutes.

RESOLUTION:

Motion by Jeff Anthony to approve the April 14, 2015 minutes as presented. **Seconded by,** Matthew Slaughter. **All in Favor. Motion Carried.**

1. **V15-14 DELVALLE, JORGE.** Represented by Loreen Meher. To alter non-conforming single family dwelling, specifically to install a roof-mounted solar array, seeks area variance for 1) a deficient front yard setback. 100' is required, 40' is proposed; and 2) to alter non-conforming structure in accordance with Section 200-57B1b. Section 185.00, Block 1, Lot 13.1, Zones **RR5** & LC25. Property Location: 44 Lamb Hill Road. Subject to WCPS review.

Loreen Meher presented the following;

- They are seeking a variance to install 25 p.v. modules for a 6.5kw system.
- The system will be interconnected to the homes current electrical service and will be utilizing the homes existing footprint.
- The homes current footprint will remain intact and will only be visible by a profile between 4" to 6".
- This will not produce an undesirable change to the neighborhood.
- It will be a benefit to the homeowner.
- There company does not do ground mounts anymore and this is an existing building so there would be no change.

Jason Saris asked how visible they would be. Ms. Meher stated they would only be visible to the profile, and the only people to regularly see them would be the homeowner. Jason Saris asked if they were reflective. Ms. Meher replied not really. Holly Dansbury stated they have

been improving the solar panels so that they were not so reflective. Ms. Meher stated that there were no neighbors close enough to be affected if there was any reflection.

Holly Dansbury asked why they no longer used the ground mount solar panels. Ms. Meher replied among many things they were more difficult and neighbors also did not like the looks of the ground mounts.

Holly Dansbury stated that a roof mount system would not need trees to be cut for installation as opposed to ground mount. Tom McGurl asked what percentage of the roof would be covered with the panels. Ms. Meher stated she did not have that information with her but she could get it for him.

John Whitney asked the square footage of the array. Ms. Meher stated 440.25 sq. ft.

Jason Saris asked what the offset of power would be. Ms. Meher stated 99.72%.

Correspondence:

- APA letter stating this item was non-jurisdictional.

RESOLUTION

The Zoning Board of Appeals received an application from Jorge Delvalle, (V15-14) 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#1 of the agenda.

1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance:

2) There will be not be undesirable change in the neighborhood character or to nearby properties. It will not be visible from the road and it is not a highly reflective surface.

3) The request is not substantial; it has pre-existing non-conforming setbacks.

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

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

2. **V15-15 MARTIN, THOMAS.** To alter non-conforming single family dwelling, specifically to construct a screened in porch, seeks area variance for 1) a deficient front yard setback. 30' is required, 27' is proposed; and 2) to alter non-conforming structure in accordance with Section 200-57B1b. Section 186.14, Block 1, Lot 65.2, Zone RCH5000. Property Location: 3 Shallow Beach Road. Subject to WCPS review.

Thomas Martin presented the following:

- He purchased property last year with his brother.
- They want a screened in area so as not to be eaten alive by mosquitoes, or swarmed by bats.
- The building is non-conforming.
- The stairs on the south side are the 3' they are requesting from the setback.
- It will not have an adverse effect on the neighborhood.
- The construction will be lumber and painted the same color as the cabin.

Jason Saris inquired if this was a seasonal cabin. Mr. Martin replied yes.

Holly Dansbury asked if they could do without the south side steps. Mr. Martin replied that this was the most practical area.

Holly Dansbury asked if the south side steps would be sticking out any further than what already exists. Mr. Martin replied these steps would not be sticking out any further than what is already there, and this is the best area. Jason Saris stated they understand this is a pre-existing non-conforming structure and he is not furthering any encroachment. Mr. Martin replied this was correct.

Matthew Slaughter asked if they could move the whole porch and stairs 3' to the north. Mr. Martin replied this would not work structurally.

Tom McGurl asked about the two sets of stairs.

Correspondence:

- Atty. Muller read a letter from the Lake George Waterkeeper recommending the imposition of reasonable conditions of stormwater management.

Jeff Anthony detailed different ways that Mr. Martin could implement minor stormwater management.

RESOLUTION

The Zoning Board of Appeals received an application from Thomas Martin, (V15-15) 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 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: Porch could not be changed without making it awkward.
- 2) There will not be undesirable change in the neighborhood character or to nearby properties. It will improve the appearance of the cabin.
- 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; these are not going to be a problem with the implementation of stormwater controls.
- 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 Matthew Slaughter and seconded by Tom McGurl, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition; 1) stormwater management measures are to be implemented and approved by the Zoning Administrator. **All in favor. Motion Carried.**

3. **V15-16 DOBERT, MARVIN.** To alter non-conforming single family dwelling, specifically to install a solar PV system, seeks area variance for 1) Deficient setbacks. **Front:** 100' is required, 65' is proposed. **Rear:** 50' is required, 20' is proposed; and 2) To alter pre-existing non-conforming structure in accordance with Section 200-57B1b. Section 139.00, Block 1, Lot 69, Zone RR10. Property Location: 426 County Route 11. Subject to WCPB review. See V11-03 for previous approvals.

Marvin Dobert presented the following;

- He has a non-conforming building.
- The panels would not be facing County Route 11
- It will not have any adverse effects on the neighborhood or the environment.
- This would be running his home on 100% clean power.

- His company does install ground mount solar panels but they are more expensive.
- He may come back to do this if he needs more power than he is actually offsetting.

John Whitney inquired about depowering the system in case of a fire or emergency. Mr. Dobert stated the case Mr. Whitney was talking about was an incorrectly wired system. He detailed how it was done and explained a master electrician is needed to install these panels. He stated that a fire is very rare, but it does happen. He stated that there are many inspections to hopefully prevent this from happening. He stated that there is a rapid shutdown system if there is a short or the power goes out everything shuts down at the panel level.

RESOLUTION

The Zoning Board of Appeals received an application from Marvin Dobert, (V15-16) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#3 of the agenda.

- 1) The benefit could be achieved by any other means feasible to the applicant besides an area variance: This is a non-conforming structure with the need of an area variance.
- 2) There will not be undesirable change in the neighborhood character or to nearby properties. The placement is not visible by neighbors or anyone in the area.
- 3) The request is not substantial; this is a system that is raised only 4" above the roof and will follow the roof line.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; no increase of impervious area and the solar panels cannot be seen.
- 5) The alleged difficulty is self-created but it does not have any bearing on the outcome the vote.

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

4. **V15-17 SMITH, VICTOR & MARY.** For a proposed lot line adjustment between those parcels designated as Section 171.19, Block 1, Lot 10 (Smith) and Section 171.19, Block 1, Lot 11 (Waage), seek area variance for deficient density on the Smith parcel. 3 acres are required, 1.85 acres is proposed. Zone RL3. Property Location: 38 Mohican Road. Subject to WCPS review.

Victor Smith presented the following:

- They were here before the Board last year for a small addition.
- They found a boundary line encroachment by their neighbor when they had the property surveyed.
- Part of the neighbors building and paved area were on his property.
- It is 0.7 acres being transferred and it is a minimal change.
- There will be no adverse effect.
- Only one survey stake would change.

Jason Saris asked if they were trying to increase compliance between the two properties. Mr. Smith replied that was correct. Jason Saris asked if the transfer was approved would the areas that are encroaching meet the setbacks. Mr. Smith replied he believes the neighbor already has a variance for those existing structures.

Holly Dansbury asked if this was already a non-conforming lot and if this would be improving that. Mr. Smith stated it would be improving the non-conformity.

Zoning Administrator, Pamela Kenyon stated it would bring the west side into compliance. Mr. Smith replied this would eliminate any problems down the road. Jason Saris replied this was a good idea all the way around and it would limit any liability.

RESOLUTION

The Zoning Board of Appeals received an application from Victor & Mary Smith, (V15-17) 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 Board makes the following conclusions of law:

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

1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: this is due to current lot lines.

2) There will be no undesirable change in the neighborhood character or to nearby properties. It will make the properties more compliant than they currently are.

- 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 is just a lot line adjustment and is a benefit to the neighborhood.
 - 5) The alleged difficulty is not self-created; the original lot line was pre-existing and this will bring it more into conformity.
- 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 Tom McGurl and seconded by Holly Dansbury, it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

5. **V15-18 SALAMONE, CAROL.** Represented by John Isaacs. To alter single family dwelling, specifically to add a 358 square feet extension to deck, seeks area variance for a deficient side yard setback. 30' is required, 25' is proposed. Section 141.00, Block 1, Lot 22, Zone RCL3. Property Location: 5666 Lake Shore Drive. Subject to WCPS review.
NOTE: This is an amendment to V14-08 approved April 2014.

John Isaacs presented the following;

- The deck extension is needed for the homeowners aging parents.
- The current design does not have deck railings.
- The deck is high enough to cause injury if a fall was to happen.
- The 357 sq. ft. expansion is mostly for the reconfiguration of the stairs.
- This also includes over a 100 sq. ft. of the original deck.
- This will not be an impact to the neighborhood.
- It will benefit the use of the home.
- He does not see it as an impact, this is wooded area and there are no close neighbors.

Holly Dansbury asked if the deck would be going any further out then what is currently allowed by a previous variance. Mr. Isaacs stated it would not. Jason Saris asked if the any trees would be coming down to accommodate this. Mr. Isaacs replied that there would not be. Holly Dansbury asked if they would be lower than the rest of the deck. Mr. Isaacs replied that was correct.

John Whitney asked about the stone steps in the application that were referenced in the Waterkeeper's letter. Mr. Isaacs stated it is not an issue because it is less than 100 sq. ft.

Correspondence:

- Atty. Muller read a letter of concerns from the Lake George Waterkeeper.

Jason Saris asked if Mr. Navitsky was referring to items from the variance that was previously approved to build the home and not connected to this application in any way. He asked if Mr. Isaacs had an approved stormwater plan and if the new construction affected it in any way. Zoning Administrator, Pamela Kenyon stated that it did not.

RESOLUTION

The Zoning Board of Appeals received an application from Carol Salamone, (V15-18) 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#5 of the agenda.

1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: the actual variance is insubstantial and does not change the distance to the lake.

2) There will be no undesirable change in the neighborhood character or to nearby properties. This will be an improvement and blend in better with the lower structure.

3) The request is not substantial; it is about 10% and construction is not increasing the variance.

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; but it is minimal and non-substantial change.

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 the variance request as presented. **All in favor. Motion Carried.**

The meeting was adjourned at 7:18pm.

Minutes respectfully submitted by Kate Persons.