

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, November 17, 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: John Whitney, John Famosi, Lorrain Lefevé, Holly Dansbury, Joy Barcome, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller

Absent: Jason Saris, Tom McGurl and Jeff Anthony

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

John Famosi asked if there were any corrections or changes to the October 20, 2015 minutes.

RESOLUTION:

Motion by John Whitney to approve the October 20, 2015 minutes as presented. **Seconded by,** Joy Barcome. **All others in Favor. Motion Carried.**

John Famosi gave the applicant the option to table his application due to the lack of a full Board.

1. **V15-42 NIAZI, TARIQ.** Represented by Clyde LaForge. In accordance with Section 200-93 (other regulations applicable to Planned Unit Development), seeks area variance (PUD Amendment) to add stairs to existing deck. Section 157.05, Block1, Lot 88.24, Zone PUD. Property Location: 13 Fox Run - Lagoon Manor. Subject to WCPS, ZBA, PB, APA and TB review. Subject to SEQR. See V15-06 for approvals for the deck.

Brad LaForge presented the following:

- They recently built a deck and decided they needed to add stairs.
- They are looking to add stairs to the back of the deck.

John Famosi stated the Board had asked the applicant if they wanted stairs when they first applied for the deck and they were told they did not. Mr. LaForge stated that they decided they wanted them half way through the construction of the deck.

John Whitney stated the approved size of the deck was based on the site line to the building and now they want to extend beyond this line. Mr. LaForge stated that the stairs would be off the other end of the deck away from the neighbor. He explained the other existing decks have stairs coming off them, and they are asking to come off the side corner.

Holly Dansbury asked if the steps were coming off the side between the decks. Mr. LaForge replied no, and he detailed the setup to her.

Lorrain Lefevre asked if this was to the center of the piece of property. Mr. LaForge replied no, not the close center.

John Whitney asked if that was down toward the lake. Mr. LaForge replied yes.

John Famosi asked if they had considered any other locations for the placement of the stairs. Mr. LaForge explained they had, and this was the best area to place them.

John Famosi asked if there was practical difficulty in putting the stairs anywhere else. Mr. LaForge replied there was and detailed how they decided that this was the best area for placement of the stairs.

Lorrain Lefevre asked if this hardship was self-created because of where they put the deck. Clyde LaForge replied from the audience that it was.

Holly Dansbury asked if the HOA had any concerns with the stairs. Mr. LaForge replied that they did not.

John Famosi inquired if this would be the only practical way to access the back yard from the house. Mr. LaForge replied pretty much, otherwise they would have to walk all the way around the building to get to that area.

John Whitney stated that he did not know that the Board would have approved the size of the deck if the stairs were included when they came before the Board the first time. Holly Dansbury stated her concern at the time was the privacy of the deck not the stairs. Mr. LaForge stated the biggest concern last time was the encroachment of the privacy wall not the stairs.

Atty. Muller stated that the application is not a standard type of variance. He stated that this is a PUD and explained to the Board how a PUD was created. He stated that the applicant was trying to make an adjustment in the PUD because the PUD came as a whole block. This is just not a perfect fit in terms of the typical; should we grant a variance, where is his practical difficulty, etc. It has been a hard thing to explain to ZBA and TB members. The APA has stated these are little ones, they thanked the Town for letting them know about them, but they really don't care. Procedurally the Boards have struggled with these. He stated that whatever the Board does, if the applicant gets an approval he must go to the Planning Board who will look at it conceptually which upon approval must go to the Town Board for a PUD amendment. He explained what they should do procedurally.

John Whitney stated that many of the units have decks and stairs on the back. Atty. Muller replied that they had to go through the same procedure. John Whitney stated that there was not a role by the ZBA to start saying no and making Lagoon Manor come with the whole plan

including the decks and stairs rather than one corner at a time. The Board discussed this among themselves. Atty. Muller stated the Board needed to do what they thought was right.

A letter from James Hiatriides in favor of the application.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Tariq Niazi, (V15-42) 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: If you change the steps around they will encroach on the neighbor.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It is in line with the other decks in the neighborhood.
- 3) The request is not substantial; this is just a few steps.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; It is a simple set of steps.
- 5) The alleged difficulty is self-created; but it is not detrimental to the neighborhood or environment.

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

The meeting was adjourned at 6:46pm.

Minutes respectfully submitted by Kate Persons.