

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, November 14, 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: Joy Barcome, Holly Dansbury, Lorraine Lefevé, Jeff Anthony, John Whitney, Carla Cumming and Zoning Administrator, Pamela Kenyon

Absent: Jason Saris and Counsel Michael Muller

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

Jeff Anthony asked if there were any corrections or changes to the October 17, 2017 minutes.

RESOLUTION:

Motion by Holly Dansbury to approve the October 17, 2017 minutes as presented. Seconded by, Lorraine Lefevé, John Whitney and Carla Cumming abstained. All others in Favor. Motion Carried.

1. **V17-32 PHILLIPS, ROBERT & SYLVIA.** To alter single family dwelling, specifically to excavate a crawl space to create additional living space, seek area variance to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 171.19, Block 2, Lot 22, Zone GB5000. Property Location: 23 Anchorage Road. Subject to WCPB review.

Jackie Phillips-Murray presented the following:

- They have owned 23 Anchorage since 1986.
- They are not proposing to make any changes to the residence that exists.
- They would like to renovate a crawl space underneath the home as usable area.
- Under the code a non-conforming structure needs an area variance.
- This is not substantial and there will be no undesirable change to the neighborhood.
- The alterations will be interior only.

Lorraine Lefevé inquired what the space is currently used for. Ms. Phillips-Murray stated it was used for storage.

Lorraine Lefevé asked if there would be rock removal. Ms. Phillips-Murray stated that it would be necessary to remove some of the rock that is under the house. They will be using a drill and a solution that will break the rock. There will not be any blasting. Lorraine Lefevé

asked what percentage of the area would need to be cleared. Zoning Administrator, Pamela Kenyon replied more than half. John Whitney asked how much rock would be removed in the process. Ms. Phillips-Murray stated the space itself was 840 sq. ft. so she would estimate about 60%. Robert Phillips stated that it sloped down in the back to the entrance way. He is thinking 20% to 25% of the volume. Carla Cumming asked what the headroom was for the space they were looking to excavate. Mr. Phillips stated about 4ft. Carla Cumming stated this would mean that they would be taking up to 5ft. in that area. Mr. Phillips agreed. Mr. Phillips stated that they were not doing any blasting.

John Whitney asked when the house was built. Ms. Phillips-Murray stated around 1979. John Whitney stated that there must have been some decision not to disturb the rock that is now being disturbed. Ms. Phillips-Murray stated she could not say one way or another, it is a very unique house and she cannot say what the decision making was for the design.

Holly Dansbury said they were working with a licensed engineer through the process to make sure it was secure. John Whitney stated it was a substantial change to the property, it's not just the engineering question of can you, it's the question of the zoning prospective of is it a substantial difference. The way it is being explained it seems substantial to him. Holly Dansbury stated they were staying within the existing footprint. John Whitney explained that changing the earth for the house is also a substantial change.

Ms. Phillips-Murray said the variance is related to the dimensions that are set forth in the Town's schedule and she does not believe there is anything in that schedule regarding depth. John Whitney stated the question is a balancing test and he believes this is substantial.

Joy Barcome asked what types of impact there would be. Ms. Phillips-Murray stated they had consulted a professional engineer who stamped the plans for the project which is what they needed to do to meet the building code. She believes distinction is whether they meet the building code or whether this is a variance issue. The structural issue is a building code issue, as opposed to an issue of meeting the area and use requirements of the zoning code which is the purview of this Board's jurisdiction.

Lorraine Lefevre asked if the Town Engineer could look at this project and see how this would impact the existing rock. Zoning Administrator, Pamela Kenyon stated that she could ask him to look at it.

Joy Barcome asked if there was a restriction of how deep they could alter the earth. Zoning Administrator, Pamela Kenyon replied no. Lorraine Lefevre stated they were going down below the garage floor. Mr. Phillips stated it was the garage threshold and detailed it to the Board.

Holly Dansbury asked if they had chosen the rock removal contractor as of yet. Mr. Phillips stated they had chosen Alpha Drilling. Jeff Anthony stated the rock removal they were proposing was a very simple noninvasive process.

Zandy Gabriels asked how close they would be getting to the sewer line. Ms. Phillips-Murray stated the sewer line was on the opposite side of the garage and the project.

Norman Crisp a member the Anchorage Association stated

- They had no problem with them renovating the inside of their home.
- They have questions about the timing of the project.
- They would like to know how many vehicles will be involved and would like assurances that they will stay on the Phillips property.
- They would like to know the size and number of vehicles to be used for the removal of material as this is a small road.
- Their concern is the impact to the neighborhood.

Ms. Phillips-Murray stated they would like to start the project during the off season if they are granted the variance. In terms of the contractor vehicles, this is not a large space. The rock removal will be done in pickup trucks. They have plenty of room for all the vehicles to park on their driveway and they are not in need of any heavy equipment.

Jeff Anthony asked if the rock removal would be done within the winter months and construction well on the way before summer. Ms. Phillips-Murray stated this was correct. Jeff Anthony said rock was heavy and he did not see it in pickup trucks. In his opinion it would be 4 or 5 dump truck loads. Ms. Phillips-Murray stated that the big trucks were not anticipated.

John Whitney asked if this building was pre-zoning. Zoning Administrator, Pamela Kenyon stated it was. John Whitney stated that he could not believe that this is a good balance. Holly Dansbury stated they did not need it at the time and now they desire it. Lorraine Lefevé stated that they have a huge rock underneath their house. John Whitney stated that was what he was getting at this was part of the original design. Jeff Anthony stated that rock removal was a common thing in the Adirondacks and they are now looking to add space by going down and removing rock. Zoning Administrator, Pamela Kenyon stated the area for rock removal meets the setbacks, this variance is due to the fact that the house itself does not meet the setbacks which necessitates the variance. Jeff Anthony stated this is modification of a non-conforming structure of which the modification is within the limit of the setback requirements and are all interior. From a visual perspective there is no value.

Norman Crisp asked for assurance that all the contractors be instructed to park on the Phillips property as part of the permit. Ms. Phillips-Murray stated that they will absolutely accommodate that request and will make sure instruction is given.

Jeff Anthony asked that damage to any nearby properties will be covered during the rock removal process. Mr. Phillips stated they are very sensitive to that.

Correspondence from Dee Birkenstock with concerns of drilling.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Robert & Sylvia Phillips, (V17-32) 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: The applicant stated this is for additional living space.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This is within the existing footprint in the interior of the building.
- 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. It is staying as it is.
- 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**, Lorraine Lefevre it is resolved that the ZBA does hereby approve the variance request as presented with the following conditions: 1) The Town Engineer confirm this will not affect the sewer lines. 2) The applicant will have all contractors stay on their property. 3) The applicant will supplement the insurance to cover any damages to the neighborhood. John Whitney opposed. **All others in favor. Motion Carried.**

2. **V17-33 VACATION BY QUALITY PMLLC.** Represented by Gregg Biche. To alter single family dwelling, specifically to add a dormer on the north side, seeks area variance for 1) a deficient front yard setback. 30' is proposed. 6' is proposed from Roger's Memorial Park Road; and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 171.19, Block 2, Lot 15, Zone GB5000. Property Location: 2 Roger's Memorial Park Road. Subject to WCPS review.

Tom Andress presented the following:

- This is a project on the corner of Rogers Memorial Park.
- It was converted around the 1950's.
- This is a single-story home with an attic used for storage.
- They would like to convert the attic space by adding dormers to the north side and a stair way for additional living space.
- This is a pre-existing non-conforming structure.

- The building does not meet the zoning requirements.
- They are staying within the existing footprint, but are going up.
- The dormer will be 3 windows in a row.
- He detailed the plan to the Board using comparisons with the Library and Visitor Center.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Vacation By Quality PMLLC, (V17-33) 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, 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:
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This is a minor change.
- 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.
- 5) The alleged difficulty is self-created; They bought the house as is but it does not encroach on any other setbacks.

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.**

The meeting was adjourned at 6:39pm

Minutes respectfully submitted by Kate Persons