

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, September 19, 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

Absent: Jeff Anthony, Zoning Administrator, Pamela Kenyon and 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 August 15, 2017 minutes.

RESOLUTION:

Motion by Joy Barcome to approve the August 15, 2017 minutes as presented. **Seconded by,** Holly Dansbury. **All in Favor. Motion Carried.**

1. **V17-25 4944 LAKESHORE DR., LLC. BRIAN & VIRGINIA ALLEN (The Shack).** To allow a 150 square foot gazebo to remain in its present location, seek area variance for **1)** a deficient front yard setback. 30' is required, 7' is proposed; and **2)** Parking. 1 additional space is required, 1 space has been eliminated, 0 is proposed. Section 171.19, Block 2, Lot 1, Zone GB5000. Property Location: 4944 Lake Shore Drive. Subject to WCPS review.

Jason Saris recused himself for this item.

Brian Allen presented the following:

- They needed an area for seating for people waiting to sit.
- He talked to the Zoning Administrator and was told it needed to be less than 100 sq. ft.
- He drew up the plans and it was as it was the right square footage on the ground, he did not realize that meant the top area too.
- His builders a little bit larger on the overhang than what he had drawn.

John Whitney stated it was a nice looking pergola.

Joy Barcome asked if he had lost a parking space with the new pergola. Mr. Allen stated that he was not sure that he had as people had been lining up in that same 6' area. He said he did not know how many parking spots were there. He had put the bumper in. There had originally been lines. The fencing and picnic table had been there from the previous owner, he had added the bumper to allow for 4 cars. They can still get 4 cars as long as they are not big cars.

John Whitney asked how many spaces are required. Mr. Allen stated he looked through the original site plan and could not find anything on the amount of parking spaces.

Holly Dansbury asked about the variance and parking. John Whitney stated that it is in the agenda and a variance is required. It is a business in town and they have to take that in to consideration. Mr. Allen stated there is now curb side parking in that area that they lost a space. John Whitney explained that was not on the actual property, and the zoning was for the property.

Jason Saris stated that as a neighboring property owner they had no objections to this application. He said all of the enhancements have made it aesthetically better and he believes this is an improvement for the flow of traffic through the property. He thought the structure was a trellis when he first saw it and if it was a trellis and a separate bench there would be no need for a variance. A trellis is landscaping and a bench can be placed anywhere. A variance is required only because they are attached. This is very low impact.

Zandy Gabriels finds the structure a beneficial improvement to the property and therefore the whole town. The issue of including the eaves in the footprint is an all too common error that we find in Bolton Landing all the time. Sometimes it matters quite a bit, in this situation he does not believe it matters at all.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Brian & Virginia Allen, (V17-25) 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: This is a minimal and attractive way to adjust the flow of the property.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This is an improvement and looks very nice.
- 3) The request is not substantial. If it was a bench and separate trellis it would not require a 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; This is minimal and is not a detriment to the physical effect of the neighborhood.

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

2. **V17-26 DUARTE, DENNIS.** Represented by Greg Bonath. To allow a 15'5" x 30' deck to remain in its present location, seeks area variance for deficient setbacks. Front: 75' is required, 64' 10" is proposed. Side: 30' is required, 24'8" is proposed. Section 185.00, Block 1, Lot 50, Zone RCL3. Property Location: 589 Trout Lake Road. Subject to WCPS review. See V15-20 for previous approvals for a 15'x 30' deck with a 66' front yard setback.

This item was tabled as there was no representation

Now, upon motion duly made by Holly Dansbury and **Seconded by**, Joy Barcome it is resolved that the ZBA does hereby table the variance request as presented. **All in favor. Motion Carried.**

The meeting was adjourned at 6:16pm

Minutes respectfully submitted by Kate Persons