

**The Town of Bolton
ZONING BOARD OF APPEALS
MINUTES**

Monday, March 21, 2005

6:30 p.m.

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SEQR = State Environmental Quality Review

PB = (Town of Bolton) Planning Board

WCPB = Warren County Planning Board

APA = Adirondack Park Agency

LGPC = Lake George Park Commission

DEC = Dept of Environmental Conservation

Present: Chairman Greg Smith, Tony DePace, Kam Hoopes, Meredith McComb, Tom McGurl, Michael Murray, Bill Pfau, Zoning Administrator Pam Kenyon

Absent: Town Counsel Michael Muller

G. Smith opened the meeting at 6:30 pm by asking for corrections to the February 2005 ZBA minutes. K. Hoopes asked that on page 13, last paragraph, "wetland manager" be changed to "woodland manager." Motion by K. Hoopes to approve the February 28, 2005 ZBA minutes as amended. Seconded by T. DePace. All in favor. Motion carried.

1) V05-04 KING, DONALD. Represented by Carl Schoder P.E. For the construction of a proposed retaining wall, seeks area variance for 1) a deficient front yard setback. 75' is required from the edge of the right-of-way: 45' is proposed; and 2) a deficient side yard setback. 20' is required: 11' is proposed on the east property line. Section 171.07, Block 2, Lot 43.2, Zones RL3 & RM1.3. Property Location: South side of Braley Hill Road between Braley Lane and Aviator Lane. Subject to WCPB review.

Donald King, representing his own project, said that he is proposing to construct a wall as a solid surface on the downhill side of his driveway as part of his proposed stormwater plan approved by the PB. He said on the uphill side, there is a gutter line from the highpoint through to a retention area that collects any excessive stormwater that doesn't run or seep through on the natural flow. Donald King added that his driveway and the stone wall that forms the east side of the driveway are parallel to Bill Thompson's driveway. G. Smith asked if a culvert was being put in by the road. Donald King said (1) they have already installed a brand new 15 or 18 inch culvert, (2) they have put hay bales and silt fence down, (3) they have seeded the area, and (4) they have put erosion mat down, all in order to make sure there is no siltation going in the direction of the gutter line. P. Kenyon said there was no action taken by Warren County, as they didn't have a quorum. M. McComb said it seems like a modest house, well-suited for the size of the lot and that the request for the setback variance on the retaining wall is simply because of the contour of the land. T. DePace asked if there were any other options for building the driveway. Donald King said the only other alternative could be to go to a pervious surface that wouldn't collect the water, but he prefers not to pave the road. He said that they would rather deal with all stormwater issues upfront. T. DePace asked if the project would add any more run-off to the culvert coming down, as there is a problem with that brook across the street on the lake side. Donald King said that they are actually filtering and slowing down the run-off by holding the excess water, containing it in a basin where it will discharge slowly through the rock, so there is not a high volume discharge at any given time. There was no public in attendance to speak on this item.

RESOLUTION

The Zoning Board of Appeals received an application from Donald King (V05-04) for an area variance as shown on the map entitled “Wastewater Treatment System & Site Improvements” prepared by Schoder River Associates dated 12-09-04.

And, due 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 there being no public comment regarding this application;

this Board makes the following findings of fact:

The application of the applicant is as submitted in Item #1 on the agenda.

The Board makes the following conclusions of law:

- 1) The benefit cannot be achieved by means other than an area variance
- 2) There will be no undesirable change in the neighborhood character to nearby properties
- 3) The requested variance is not substantial
- 4) The request will have no adverse, or has had no adverse, physical and environmental effects (in the neighborhood or district), in fact it will be an improvement of those
- 5) The alleged difficulty was not self-created, the lay of the land is the lay of the land

Now, upon **motion duly made** by K. Hoopes and seconded by T. DePace, it is resolved that the ZBA does hereby grant approval for said project as presented, specifically to approve the plans entitled “Wastewater Treatment System & Site Improvements” prepared by Schoder River Associates dated 12-09-04. **All in favor. Motion carried.**

2) MITZI NITTMANN. Code Enforcement Officer. Seeks interpretation of Section 200-8 Definitions. LAND USE or DEVELOPMENT or USE – ***Any*** construction or other ***activity which materially changes*** the use or ***appearance of land*** or a structure or the intensity of the use of land or structure. An emphasis should be placed on the bold/italicized portions shown.

Agenda Item #2 was tabled until further notice.

Meeting adjourned at 7:00 pm.

Respectfully submitted by,
Jennifer Torebka
Recording Secretary
03/23/05