

**Town of Bolton  
ZONING BOARD OF APPEALS  
MINUTES  
Monday, September 19, 2006  
6:30 p.m.**

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 Jr., Bill Pfau, Zoning Administrator Pam Kenyon, Town Counsel Michael Muller

**Absent:** None

Chairman G. Smith opened the meeting at 6:34 pm by asking for corrections to the August 21, 2006 ZBA minutes.

1. M. McComb said on page 4, paragraph 3, number 1 should read as follows: "...(1) the 3 ½ feet *of fill ten ft.* from the brook with no retaining wall is different..."
2. K. Hoopes said on pages 8-9 for item V06-30 Theta Curri the motion was not based on Town Counsel and the ZBA did not "...convert the use variance to an area variance..." as stated in the motion, but the ZBA decided it was more properly an area variance rather than a use variance. He also said that the motion language should be amended to say that the ZBA amended the application to a use variance—it should be reflected in both the application and the motion.
3. K. Hoopes said on page 13, paragraph 3, sentence 1 number 1 should read as follows: "...(1) there would be so little gain for the amount of movement you could possibly get—the *detriment* to the applicant grossly outweighs the benefit to the public..."

**Motion by** T. McGurl Jr. to approve the August 21, 2006 minutes as amended. Seconded by K. Hoopes. **Four in favor. One recused (G. Smith), as he wasn't present at that meeting.) Motion carried.**

G. Smith noted that there are only 5 members of the ZBA in attendance at tonight's meeting in case applicants want to table their applications until the ZBA is at full board status.

**Note: The agenda items were heard in the following order: 1, 2, 4, 5, 3, 6, 7, and 8.**

- 1) **V06-32 RAY, DAVID.** To alter existing single-family dwelling, specifically to construct a proposed deck, seeks area variance for a deficient front yard setback. 50' is required from the edge of the right-of-way, 8.1' is proposed. Section 156.00, Block 2, Lot 82, Zone RCL3. Property Location: 16 Fox Hollow Drive. Subject to WCPB review.

David Ray gave an overview and said that they propose to put a deck on the back of the house to join the existing walkway and deck.

G. Smith said (1) he has no issue with the application and (2) the proposed location is well off the beaten path—it wouldn't be visible from the road and (3) what the applicant wants to build is all on the backside of the house. K. Hoopes asked when the house was built and P. Kenyon replied by saying that it was built in 1984, but she is not sure why it didn't need a variance back then—she cannot speak for another Zoning Administrator.

K. Hoopes asked how many neighboring houses there are in that location and David Ray said two. K. Hoopes said that the proposed project location makes good sense and won't affect any neighbors. M. McComb said that there is no potential to disturb anything with this project given the situation that is there now.

No public in attendance.

No correspondence.

The WCPB determined no County impact with the stipulation the applicant show exactly where the deck was located.

## RESOLUTION

The Zoning Board of Appeals received an application from (V06-32) David Ray for an area variance as described above.

And, due 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 Board;

and, whereas the Warren County Planning Board determined that there was no County impact with the stipulation the applicant show exactly where the deck was located;

and, after reviewing the application and supporting documents of the same, and there being no public comment 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.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance, the one and only particular place for that deck is going to be over towards that right-of-way;

- 2) There will be no undesirable change in neighborhood character or to nearby properties, it is pretty well screened;
- 3) The request is not substantial, considering the location of where the deck is going;
- 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 building was also non-compliant when the current owner bought it.

The benefit to the applicant is not outweighed by the potential detriment to the health, safety and welfare of the community.

Now, upon motion duly made by Kam Hoopes and seconded by Tom McGurl, it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion carried.**

- 2) **V06-35 SKYE FARM CAMP.** Represented by Carl Schoder of Schoder River Associates. For the construction of a proposed guest residence building, seeks area variance for length. 120 ft. maximum allowed, 180 ft. is proposed. Section 138.02, Block 2, Lot 3, Zone RR10. Property Location: 1884 East Schroon River Rd. Subject to WCPB REVIEW. *Note: This application is in conjunction with SPR06-40.*

Carl Schoder of Schoder River Associates, representing Skye Farm Camp, gave an overview and said (1) they propose construction or expansion of an existing use to be used as an adult retreat center to accommodate 56 guests, (2) they propose construction of three individual units to be interconnected by low decks to serve to access both structures, (3) the overall proposed length from outside edge of deck to outside edge of deck would be 180 feet and the Zoning Regulation requirement is 120 feet, which is why they are seeking relief, (4) the project will be phased with units one and two being constructed first then unit three and the kitchen afterwards—total project timeframe is estimated at three years and (5) the project is subject to APA review—the APA requested additional information regarding the Bolton ZBA and PB findings.

G. Smith asked what the main reason is for the proposed decks connecting the three proposed residences and Carl Schoder said that accessibility (handicap and regular) is the main reason and the other is to keep the site contained. T. McGurl asked if it could be done any other way than having it over 120 feet long and asked if it would be possible to reduce the size of the proposed decks to come into the 120 foot requirement, because it seems like the decks expanding in between the structures is the problem, not the dormitory living space. Carl Schoder replied by saying that is correct, but it is not possible to have the buildings come into the 120-foot requirement because the buildings would then be on top of one another. G. Smith said that (1) he believes the 120-foot rule

is in place for one single structure—while the three units will be connected, it is not like the applicant is asking for a single 180 foot building and (2) the proposed buildings would be separated by the decks so there is not a fire issue. Carl Schoder said that the proposed buildings would have sprinklers for fire protection.

M. McComb said (1) it is a good looking project, (2) there is a need for wheelchair accessibility from both sides and (3) the ZBA may want to consider no future building on the proposed deck areas. Carl Schoder agreed to no future building on the proposed deck areas. K. Hoopes said (1) he is hesitant to put restrictions on future deck building because of winter conditions—the applicants may want to put in a breezeway later on, (2) this proposed location is really remote, so it is not foreseeable that it would become cluster housing and (3) he thinks it is a really good project. M. McComb asked if it would be considered non-conforming if the applicant wants to alter the proposed decks in the future and P. Kenyon said no. M. McComb said that means that the project would not need to come back before the ZBA unless the condition was put on for no future deck development, to which P. Kenyon and Town Counsel said that is correct.

M. McComb asked if the septic for the dining area to accommodate the increase in the number of guests would be a problem and Carl Schoder said yes, so there would be a new septic system installed.

No public in attendance.

No correspondence.

The WCPB determined no County impact.

## RESOLUTION

The Zoning Board of Appeals received an application from (V06-35) Skye Farm Camp for an area variance as described above.

And, due 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 Board;

and, whereas the Warren County Planning Board determined that there was no County impact;

and, after reviewing the application and supporting documents of the same, and there being no public comment 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.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance, connecting these buildings will improve the operation and will also facilitate handicap access;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, it is a religious camp now and it will be a religious retreat and it looks like it will fit in beautifully;
- 3) The request is not as substantial, because it is basically three separate buildings with connecting decks rather than a 180 foot long building;
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, due to the upgrading of the septic and the careful planning of the project;
- 5) The alleged difficulty is self-created, but the benefit to the applicant outweighs that.

The benefit to the applicant is not outweighed by the potential detriment to the health, safety and welfare of the community.

Now, upon motion duly made by Meredith McComb and seconded by Tony DePace, it is resolved that the ZBA does hereby approve the variance request as presented with the condition that any modifications to the structure will require a variance. **All in favor. Motion carried.**

- 3) V06-36 REED, IVA.** Represented by Matt Steves of VanDusen & Steves. For a proposed 2 lot subdivision, seeks area variance for; 1) Deficient side lot line setback; 8 ft. minimum required, 0 ft. is proposed on each lot. 2) Density; 5,000 sq ft. required, 4,842.88 sq. ft. proposed on lot 2. 3) Lot coverage; 40 % allowed, a) 63% proposed on lot 1 and b) 49% proposed on lot 2. 4) Parking; a) 25 required on lot 1, 0 proposed, b) 32 required on lot 2, 0 proposed. 5) Lot width; 50 ft. required, 47.72 ft. proposed on lot 1. Section 171.15, Block 1, Lot 62, Zone GB5000. Property Location: 4959 Lakeshore Drive. Subject to WCPB REVIEW.

Billy Reed, representing Iva Reed, gave an overview and said that they are looking for a lot line adjustment to divide the property into two lots because the Country Diner is a separate business from the Marketplace.

T. McGurl said that this is pretty cut and dry—it looks pretty clear that there are two businesses there. K. Hoopes asked if the purpose of the lot line adjustment is just to separate the two businesses for the sake of making separate entities and Billy Reed said yes. G. Smith said (1) the parking would remain as it is and (2) it is simple—it makes no

difference to him if it is one or two lots. There were no other ZBA member questions or comments.

No public in attendance.

No correspondence.

The WCPB determined no County impact.

## RESOLUTION

The Zoning Board of Appeals received an application from (V06-36) Iva Reed for an area variance as described above.

And, due 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 Board;

and, whereas the Warren County Planning Board determined that there was no County impact;

and, after reviewing the application and supporting documents of the same, and there being no public comment regarding the application;

this Board makes the following findings of fact:

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

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance, it would be separating two distinct businesses into two distinct properties;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, it will remain the same;
- 3) The request is not substantial, nothing is being subtracted or added—it is just being divided;
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, nothing that is not already going on there is going to go on in the future;
- 5) The alleged difficulty is not self-created.

The benefit to the applicant is not outweighed by the potential detriment to the health, safety and welfare of the community.

Now, upon motion duly made by Kam Hoopes and seconded by Tony DePace, it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion carried.**

**4) V06-37 SCOTT, HERBERT & BEVERLY.** To convert office space into an apartment, seeks area variance for deficient density. A total of 12,500 sq. ft. is required, (5,000 for commercial space & 7,500 for apartment). 4,389.90 sq. ft. exists. Section 171.19, Block 1, Lot 84, Zone GB5000. Property Location: 4941 Lakeshore Drive. Subject to WCPB REVIEW.

Sue Scott Parker, representing Herbert and Beverly Scott, gave an overview and said that (1) they propose to convert the existing office space into two apartments to house summer employment students and (2) they already have parking and there would be no additional parking needed—it would be no cars, bicycles only.

G. Smith asked if the applicants want to rent the proposed apartments year-round and Herbert Scott said that there is currently no potential for year-round rental, but if there were then he would rent year-round. Sue Scott Parker said that the neighboring businesses also have apartments above their businesses.

K. Hoopes said that (1) this is something that the Town of Bolton has identified is needed in this town—more housing for seniors and the hired help and (2) he doesn't see this proposal as having of any more impact than what currently exists as an office. G. Smith asked if the applicants only want to rent the south side and Sue Scott Parker said yes, they currently use the other side and that would remain the same.

T. McGurl said he has no concern with the conversion, but his only problem was with evening parking, which the applicant already addressed, so he is okay with it. M. McComb said that off-season use might be for boy scouts or other groups and the parking in the off-season also wouldn't be an issue. Sue Scott Parker (1) agreed and said that there are currently four parking spots and public parking is also available if needed and (2) said they are willing to let organizations use the space in the off-season for meetings.

No public in attendance.

No correspondence.

The WCPB determined no County impact.

## RESOLUTION

The Zoning Board of Appeals received an application from (V06-37) Herbert and Beverly Scott for an area variance as described above.

And, due 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 Board;

and, whereas the Warren County Planning Board determined that there was no County impact;

and, after reviewing the application and supporting documents of the same, and there being no public comment regarding the application;

this Board makes the following findings of fact:

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

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance, under the strict guidelines of the Town of Bolton Zoning Regulations and he doesn't see this as a big significant change in the impact of those dimensions;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, the general use of the building is not going to change that substantially;
- 3) The request is not substantial, those dimensions don't enlarge the building at all;
- 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, being that it is business related.

The benefit to the applicant is not outweighed by the potential detriment to the health, safety and welfare of the community.

Now, upon motion duly made by Kam Hoopes and seconded by Tom McGurl, it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion carried.**

- 5) **V06-38 SMITH, WAYNE.** Seeks 1) Area variance for commercial boat storage involving more than 5,000 sq. ft.; 17,125 sq. ft. is proposed. 2) To discuss/amend conditions of approval set forth on January 26, 2004, when approving an area variance (V03-55) for commercial boat storage involving 7,000 sq. ft. and an indoor boat maintenance facility visible from the public right-of-way. Section 123.00, Block

2, Lot 59, Zone RL3. Property Location: New Vermont Road, approximately 1 mile east of Alder Brook Rd. (Directly across from 501 New Vermont Rd). *Note: This application is in conjunction with SPR06-41 for commercial boat storage and indoor boat maintenance facility.*

Atty. Sue Millington, representing Wayne Smith, gave an overview and said (1) in December 2003 Wayne Smith made an application to the Town of Bolton for a variance for boat storage and at the January 2004 meeting the Town of Bolton approved 7,000 square feet of boat storage which included 3,000 square feet of boat storage within the building on the property conditioned on the fact that no water or electricity would be on the property and that the storage would not be visible from the road, (2) Wayne Smith is here tonight seeking an increased use of that property for 17,125 square feet of boat storage, (3) it is very difficult at this time to see the current boat storage or the proposed boat storage area from the public right-of-way, (4) the proposal is to move the boats from her client's Main Street business out of Bolton proper during the summer to increase parking for users of the public boat access ramp, and (5) her client is also seeking to use the existing building for marina services to do light work up there.

G. Smith asked what type of things the applicant is looking to do in the building and Wayne Smith responded by saying that he would like to slowly increase the use by taking the front half of the building and making it into a shop so he would be able to work on the maintenance of boats. G. Smith asked if the applicant wants to run electric and water for the building and Wayne Smith said yes. G. Smith asked what the hours of operation would be and Wayne Smith said that they would be 8:00 am to 5:30 pm regularly with the possibility of working later at night on a boat if need be, but normally not past 8:00 pm in those certain situations. T. McGurl asked if the work would be done inside the building and Wayne Smith said yes, 99% of it would be.

K. Hoopes said that (1) he has several problems with the whole plan, (2) one of his concerns is the current multi-use on the property regarding animals, boats, buildings and abandoned vehicles, (3) there was some sensitivity to neighborhood needs at the 2004 meeting so it would be just silent storage—no water, maintenance, and machine tools, (4) the applicant is looking to have all conditions put on in 2004 rescinded and to also have a three-fold increase in indoor storage, and (5) there are currently several abandoned vehicles on the site. Wayne Smith replied by saying (1) the boat storage request includes outdoor storage—not only indoor storage, (2) the first time he applied he was basically only prepared to store inside and a few boats outside, (3) The outdoor boat storage wouldn't be visible from the road and (3) all of the vehicles up there are for personal use and if the ZBA wants him to move them back off the road he will do that. K. Hoopes said that collectively all of the vehicles weigh into the same piece of property and relate to the multiple-use.

M. McComb said (1) the proposed places for boats will be visible from the road and (2) the 2004 meeting minutes state that the applicant was not going to run the boats or change fluids at the site, and (3) the ZBA was very concerned at the time that this wasn't a good site for a full building boat maintenance facility. Wayne Smith said that (1) he is

asking to expand his boat storage in the back, (2) the ZBA already gave him permission to prep boats without running or doing mechanical services on them, but he is looking to get into a situation where if it is needed (due to flooding at his Main Street location, etc.) he can do it without a violation and (3) if the ZBA feels it necessary for him to do all boat work inside the building, he is willing to do that. T. McGurl said that he would feel more comfortable having the boats stored in the back and the work being done inside the building and Wayne Smith agreed to that.

M. McComb asked if the building has ventilation and Wayne Smith responded by saying that (1) there are three ventilation shafts in the center of the building, (2) the back side of the building has a big set of sliding doors that can be opened, (3) if he is able to do this there will be certain things that will need to be done for worker safety and (4) he was given dual purpose on site plan for the animals and the boat storage—he has reduced the animals to a family farm quantity. M. McComb asked how many animals the applicant currently has on the property and Wayne Smith said he has 4 cows, chickens and 2 sow which just had a couple of litters he hopes to sell within the next couple of weeks. Atty. Millington said the applicant raises the cows/pigs for the season then slaughters them for his family's personal use.

M. McComb said that it is a big difference between what is essentially a silent boat storage business and changing spark plugs to having power, lights at night, etc. Wayne Smith said (1) it is not really the lights—he just through that out there—but sometimes in the boat business you will need to work a little later and (2) his employees are currently working 9:00 am to 5:00 pm, so he is not planning on working two shifts at this location by any means.

K. Hoopes said it seems like the applicant doesn't seem to know what he wants to do up there. Atty. Millington said that the applicant is just trying to give the ZBA an idea of what he would like to do in the future. K. Hoopes replied by saying that (1) what the ZBA deals with is relatively complete and comprehensive plans and (2) the applicant is looking at a somewhat short ZBA at this time so he may want to consider tabling it at this time. Wayne Smith said (1) the most urgent part of the application for him at this time is increasing the boat storage, (2) he has no intention of starting working inside the building this year—he already has it half-full of boats, and (3) if the ZBA needs a more detailed plan on the electric and water, he will come back with that.

M McComb said that there is a lot of disturbance on the lot already. Wayne Smith said (1) the Town of Bolton did that because they approached him asking him if they could dump their blast rock and washout on the property, to which he agreed to help the Town of Bolton out, which actually tore up his property and (2) Mitzi Nittmann said that he could excavate the area per code. M. McComb said the January 2004 minutes say that the ZBA didn't want a full-maintenance boat shop. Wayne Smith said he is willing to split the application and come back on the marina services aspect. Counsel said that the ZBA may want to consider that if it grants the 17,125 feet in commercial boat storage then the item would go to the PB for site plan review with that amount, so the ZBA may want to send it to the PB first for their recommendation. P. Kenyon said the item is on the

PB agenda for Thursday night. K. Hoopes said that if this application were tabled then approved by the PB Thursday then the applicant would have a better idea of what he can ask for when he comes back to the ZBA. M. McComb said that she still has problems with the boat maintenance facility and her concerns with that will not go away with figures of what the applicant is going to do, because it is a fundamental change from how the applicant got his first use variance.

Wayne Smith said he was told that if he wanted to expand his service he could put the boats on the outside. Counsel said that the applicant is asking for 17,125 square feet of commercial boat storage, so the PB may want to give their opinion/recommendation on if the requested amount is or is not reasonable for this site to the ZBA first before a vote is taken.

## RESOLUTION

Now, upon motion duly made by Meredith McComb and seconded by Tony DePace, it is resolved that the ZBA does hereby table the application, leave the public hearing open and send the application to the Planning Board for a recommendation. **All in favor.**  
**Motion carried.**

**6) V06-39 SELLERS, VICTORIA.** Represented by Rolf Ronning & Tesha Brown. For a proposed lot line adjustment, seeks area variance for; 1) deficient density: 40,000 sq. ft. required, 6,330 sq. ft. proposed. (8,110 sq. ft. exists). 2) Deficient side yard setback: 8 ft. minimum required, 5.9 ft. is proposed. Section 171.15, Block 1, Lot 76, Zone GB5000. Property Location: 18 Goodman Avenue. Subject to WCPB REVIEW. *Note: This application is in conjunction with SD06-13.*

Rolf Ronning, representing Victoria Sellers, gave an overview and said that (1) he and Tesha Brown bought the property that was owned by the Sellers and part of the contract was to do a lot line adjustment to expand this lot to make it more conforming to the other lots on the street, (2) they want to extend the lot to the Town of Bolton parking lot to where all the other lots are extended to and (3) it requires a variance because it makes the larger lot smaller and the smaller lot larger, which he feels is a more logical configuration.

G. Smith asked for the location of the original lot line and Rolf Ronning pointed it out on the map. M. McComb asked for an explanation of the right-of-way and Rolf Ronning said that (1) you can't get behind the house with a vehicle without the right-of-way and (2) the right-of-way is in place—it is currently existing and has no bearing on the requested lot line adjustment. G. Smith said it is obvious that the Sellers are in agreement with the right-of-way because they are not present, did not write any letter of opposition and they signed the application.

T. McGurl asked if the applicant would have to come back before the ZBA if she wants to put a garage in and Rolf Ronning said yes.

No public in attendance.

No correspondence.

The WCPB determined no County impact.

## RESOLUTION

The Zoning Board of Appeals received an application from (V06-39) Victoria Sellers for an area variance as described above.

And, due 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 Board;

and, whereas the Warren County Planning Board determined that there was no County impact;

and, after reviewing the application and supporting documents of the same, and there being no public comment regarding the application;

this Board makes the following findings of fact:

The application of the applicant is as described in Item #6 of the agenda.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance, in fact it is making an extremely small lot more likely to be a site of a more substantial site or garage in the future;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, again, the situation as it exists will basically be made more compliant with respect to Mr. Ronning's lot;
- 3) The request is substantial, in relation to the ordinance, but actually winds up improving the current situation;
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, it is just a lot line adjustment;
- 5) The alleged difficulty is self-created, but this is probably an improvement on what exists and the possibility for utilizing what is scarce land in the downtown area.

The benefit to the applicant is not outweighed by the potential detriment to the health, safety and welfare of the community.

Now, upon motion duly made by Meredith McComb and seconded by Tom McGurl, it is hereby resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion carried.**

7) **V06-40 DEMAREST, HARRY & ANITA.** Represented by Cornelius Burke. To alter existing single-family dwelling, specifically to construct a proposed front entry stoop with stairs and a 320 sq. ft. deck on the northeast corner, seek area variance for deficient setbacks. 1) Front: 75 ft. required from the edge of the right-of-way, 42 ft. is proposed; and 2) Rear: 20' is required, 17 ft. is proposed. Section 199.04, Block 1, Lot 16, Zone RL3. Property Location: 407 Coolidge Hill Rd. Subject to WCPB REVIEW. *Note: This is an amendment to V06-06 approved by the ZBA on March 20, 2006.*

Cornelius Burke, representing Harry and Anita Demarest, gave an overview and said (1) they are seeking a variance due to the fact that they have irregular lot lines, (2) when they constructed the house they stayed within the granted parameters and (3) when they wanted to construct the back deck, they were able to keep the 20 foot setback on the one side of the deck, but they were encroaching on the lot line with the 10 foot deck in the back.

G. Smith said he thought they approved the front stoop and P. Kenyon said it was a small set of steps that was on there. Cornelius Burke said that is it just a set of stairs. K. Hoopes said (1) the original application the ZBA approved it is oriented in the lot property—it fits the lot, (2) he doesn't think there is anything wrong with the proposal and (3) everyone should have a front stoop and deck. T. McGurl said the proposed deck is modest and G. Smith said that it is just an amendment to the original application V06-06 approved by the ZBA on March 20, 2006.

No public in attendance.

No correspondence.

The WCPB determined no County impact.

## RESOLUTION

The Zoning Board of Appeals received an application from (V06-40) Harry and Anita Demarest for an area variance as described above.

And, due 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 Board;

and, whereas the Warren County Planning Board determined that there was no County impact;

and, after reviewing the application and supporting documents of the same, and there being no public comment regarding the application;

this Board makes the following findings as set forth by the ZBA on March 20, 2006 when approving V06-06.

Now, upon motion duly made by Meredith McComb and seconded by Tom McGurl, it is hereby resolved that the ZBA does hereby amend V06-06 granting the amendment to the original area variance granted March 20, 2006, (V06-06) upon the same findings of fact. All in favor. Motion carried.

**8) V06-41 STAVELY JR., JAMES.** To demolish and rebuild pre-existing non-conforming single family dwelling, seeks area variance for deficient setbacks. 1) Front: 50 ft. is required, 26 ft. is proposed. 2) Sides: 20 ft. is required, a) 13 ft. is proposed on the south side and b) 10.6 ft. is proposed on the north side. 3) Rear: 20 ft. is required, 9.4 ft. is proposed. 4) Lot coverage: 15% allowed, 24% proposed. Section 186.18, Block 1, Part of Lot 29, Zone RM1.3. Property Location: 27 Rainbow Beach Rd. Subject to WCPB REVIEW.

James Stavely Jr. gave an overview and said that the house is showing signs of needing renovation, so he intends to demolish the back and rebuild, but if they can't do that due to the state of the structure, they will then look at going to full demolition.

G. Smith asked if it is correct then that the applicant may or may not need the extra three feet being requested and James Stavely Jr. said yes. T. McGurl asked if the kitchen part is to be added on and James Stavely Jr. said yes. K. Hoopes asked if the applicant has already received association approval and James Stavely Jr. replied by saying yes, the letter is already in the file. P. Kenyon said that is correct. G. Smith said no trees would be taken down because the applicant would be using the same footprint and James Stavely said that is correct.

M. McComb asked what happens to the septic for the cabin and James Stavely Jr. replied by saying that it is still their family cabin and three bedrooms, so there would be no change. M. McComb said the applicant would be adding a bathtub, dishwasher, washer and dryer and extra bathroom. K. Hoopes said that the Rainbow Beach Association has a community septic system. James Stavely Jr. said the washer is already there and the only new thing would be the second bathroom. M. McComb said that there is likely to be a substantial change in water use. K. Hoopes and G. Smith both said that the ZBA does not do anything with septic.

No public in attendance.

No correspondence.

The WCPB determined no County impact.

## RESOLUTION

The Zoning Board of Appeals received an application from (V06-41) James Stavely Jr. for an area variance as described above.

And, due 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 Board;

and, whereas the Warren County Planning Board determined that there was no County impact;

and, after reviewing the application and supporting documents of the same, and there being no public comment regarding the application;

this Board makes the following findings of fact:

The application of the applicant is as described in Item #8 of the agenda.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance, the only expansion taking place will hopefully be up—there are a few nooks being filled;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, by what is presented or by the standards of the Rainbow Beach Association itself;
- 3) The request is not substantial, it is an improvement;
- 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, that cabin was put in place in 1920.

The benefit to the applicant is not outweighed by the potential detriment to the health, safety and welfare of the community.

Now, upon motion duly made by Kam Hoopes and seconded by Tom McGurl, it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion carried.**

Meeting adjourned at 8:40 pm.

Respectfully submitted by,  
Jennifer Torebka  
Recording Secretary  
09/30/06