

**Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Monday, September 17, 2007
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, Jeff Anthony, Kam Hoopes,
Meredith McComb, Tom McGurl, Jr.
Town Counsel Michael Muller, Zoning Administrator Pam Kenyon

Absent: Tony DePace and Bill Pfau

Chairman Greg Smith opened the meeting at 6:33pm by asking for corrections to the July 16, 2007 and August 13, 2007 ZBA minutes.

July 16, 2007 meeting minutes:

RESOLUTION

Motion by Kam Hoopes to approve the July 16, 2007 ZBA minutes as presented.
Seconded by Jeff Anthony. **Three in favor. Two recused, Meredith McComb and Tom McGurl, Jr.,** as they weren't at that meeting. **Motion carried.**

August 13, 2007 meeting minutes:

1. M. McComb said on page 4, first full paragraph, sentence 1 should read, "M. McComb asked when the building *lot* was purchased and Atty. Lapper said that it was purchased as a building lot in 1971."
2. M. McComb said on page 5, paragraph 1, sentence should read, "... (10) one of the normal criteria for an area variance is whether a variance is substantial and normally when you get beyond 15-20% it is substantial—in this case the applicants want to go 49 ft. into a **50 ft. setback** area which is a 98% change and definitely substantial, not insubstantial and **(11)** the environmental issue is an issue for the ZBA..."
3. M. McComb said on page 10, first full paragraph, sentence 2 should read, "G. Smith asked what the maximum height is in the association and Paul Fazackerly said that (1) **it is 24 feet up from** natural grade, which is in their bylaws and (2) they spent years discussing this and it applies to everyone—just because you are down in front of someone doesn't mean you shouldn't have the opportunity to build to those height restrictions."
4. J. Anthony said on page 19, paragraph 2, sentence 2 should read, "K. Hoopes asked if it is an exchange of elements and Brian Donohue said no, he's proposing an **8 square foot** addition to his footprint—he'd be covering the deck on the second-floor."
5. J. Anthony said on page 24, in the second full paragraph, sentence 1 should read, "J. Anthony asked if the APA has spoken on this **yet.**"

6. G. Smith said on page 23, paragraph 2, sentence 4 should read, “G. Smith agreed and said the applicant also *possibly* poured gravel in the lake.”

RESOLUTION

Motion by Meredith McComb to approve the August 13, 2007 ZBA meeting minutes as amended. Seconded by Jeff Anthony. **Four in favor. One recused, Tom McGurl, Jr.,** as he wasn't at that meeting. **Motion carried.**

Note: Agenda items were heard in the following order: 2 (off the agenda), 3, 4, 1, and 5 through 11.

- 1) **V07-28 EIGO, THOMAS.** For the construction of a proposed retaining wall (partially constructed). Seeks area variance for deficient setbacks; 1) side; 20 ft. is required, 10 ft. is proposed. 2) Shoreline; 75 ft. is required, 20 ft. is proposed. Section 213.05, Block 1, Lot 15, Zone RM1.3. Property Location: 15 Marion House Drive. Subject to WCPB & APA Review. ***NOTE: This item was approved by the ZBA on June 18, 2007 and subsequently reversed by the APA. The application has been placed on this month's agenda for reconsideration.***

M. McComb said that from what she reads from Town Counsel's letter on this, she wonders about rehearing the matter as the APA is asking Mr. Eigo to meet two standards. She is not comfortable reconsidering it based upon APA standards, because the ZBA applied their criteria for which the applicant met. G. Smith said he thinks that maybe the ZBA didn't follow all the criteria correctly and maybe they need to re-do that. P. Kenyon said that (1) the Town of Bolton doesn't deal with practical difficulties anymore—the APA still does and (2) she requested the item be tabled until Counsel arrives. The applicant agreed.

G. Smith said that the ZBA and the APA don't have standards that mesh. Counsel agreed and said that (1) his advice would be that the applicant be allowed to make a presentation that would supplement that which was previously presented and approved, (2) this is never going to mesh—what the ZBA has done is entirely correct, it is a standard that is imposed on the ZBA through its own code as well as in Town Law, (3) the test the APA is using called “practical difficulties” don't fit when one seeks an area variance and they never will, (4) he wrote a letter to the APA, (5) a couple of comments came into his office that this had also been brought to the attention that Town Law and the older code mandates the ZBA's five criteria and what the APA says not only doesn't fit, but it is actually these very tests that have been resoundingly rejected by the courts, so that when the APA was created in 1973 they did use the then applicable test of practical difficulties, economic hardship, which have been resoundingly rejected since 1973, (6) he would suggest the ZBA let the Eigos go through the presentation and that the ZBA give consideration to the factors in Section 200-65A. Additionally the ZBA should give some discussion as to whether or not there are some difficulties that can be overcome by not necessarily granting the variance and if there are no such alternatives or other feasible choices here and (7) if the ZBA gives an honest attempt to try to do both, which is definitely overkill, it is an application that then either warrants approval and has met the standard requirements of the code of the ZBA and the APA or it doesn't warrant approval

and it has probably failed either of the five elements of the code of Town Law or the failure is in the practical difficulty analysis. M. McComb said that (1) her problem is with making this applicant jump through two sets of hoops and whether this causes difficulties for future applicants and (2) Counsel's letter and the Xerox about the new statutory standard seems to her that Counsel is absolutely right on this. Counsel said that (1) they aren't going to win, in that if they keep pounding away at that same wall, which happens to be the APA, then it leaves the Eigos with an application that even if approved locally, will not be approved by the APA, (2) the next proper procedural step would be for the Eigos to file an Article 78 against the APA, then a judge would decide, (3) he does admit it seems foolish to have the Eigos do two things, but it may be the easier, practical and more inexpensive way to go about it and (4) when Mr. DiNapoli was here, his case was identical in the legal theory applied by the APA and the course of action was to give Mr. DiNapoli a chance to change his plan and it worked.

J. Anthony said that his concern again is that time and time again the ZBA gets applications in front of them that they know violate APA law, then the ZBA approves it and send it to the APA, but it's not going to slide under the radar screen there, the APA will nail it. Counsel said that he thinks the APA will nail this one because they are looking at it, but he thinks they will nail it with a very outdated and inappropriate regulation. Nevertheless, the APA has the final word. J. Anthony said that somehow even with these outdated rules and regulations, the APA has a way of winning every time. Counsel agreed in that (1) he thinks the practical approach is to let the Eigos supplement their previous application, (2) for the ZBA to ask questions about whatever suits the analysis of Code Section 200-65A and (3) he would ask the ZBA to give consideration if they feel there is something that is approvable and 4) to work through the awkwardness of the additional leg being "practical difficulties".

K. Hoopes said that (1) this is the first time the applicant and the ZBA are hearing this practical approach, (2) the ZBA is short two members tonight, so he would suggest that further preparation on the applicant's part may be warranted, (3) if Counsel could point out to the applicant where he thinks the applicant should make his efforts on clarifying some of these points and (4) retaining walls in that area are synonymous to the Marion house. Counsel agreed and said that (1) K. Hoopes knows that from his personal experience and (2) the record does not demonstrate that. K. Hoopes said that the ZBA would want the applicant to have a chance to make his wish list and come back.

M. McComb said that (1) she doesn't want people following both the Bolton Code and the APA code, which is what she thinks happened with Porters Cottages—she thinks the ZBA has enough trouble administering its own Zoning Code and (2) in a sense, she thinks the town should fight this and defend the process, but if they can't do that she doesn't want to set Mr. Eigo back for another month. K. Hoopes said that the only way they can fight this with the APA is for Mr. Eigo to file the Article 78 at his expense, the ZBA will go along with him and support the ZBA's part of it, but it is Mr. Eigo who gets exposed.

J. Anthony said that (1) his only concern is that the APA relies heavily on the full exploration of alternatives to the proposed action and (2) he thinks the weakness with this application is that there is an alternative and they are dealing with something that is

almost a half-given, which is where the APA is going to beat them and (3) unless Mr. Eigo comes through to the ZBA showing that there are options that have been considered and alternatives that are to be rejected for one reason or another and the case is built that way, he thinks they are dead in the water. Counsel agreed and said that the only alternative at this point is to either go there or to not go there—there have to be some choices in the middle and even if there aren't choices available, the APA is suggesting there should be. K. Hoopes said that the problem he has with the APA is that they do this in an almost arbitrary and capricious manner and he thinks at some point there should be accountability.

Tom Eigo said that (1) the APA seemed to focus on recreation use and that was the reason for the wall, which is not the case and (2) it seemed that the APA dealt with the recreation aspect, which isn't what it is there for. M. McComb said that she thought the ZBA addressed that; it was not for a patio, it was simply to hold fill. Tom Eigo said that he doesn't understand how the APA could make a judgment without being here to defend itself. J. Anthony said that the alternative is to reduce the size to 100 sq. ft.. M. McComb asked if the ZBA could consider that as an alternative, and then reject it. Counsel said (1) yes, (2) J. Anthony has a good point, this record must develop the words, so that the APA who is not present can read the record and duly note that other alternatives were considered and it was the ZBA's determination that these are not feasible either economically or from a design or engineering standpoint. In other words, they are being rejected and this which is proposed is the best solution and (3) the question still remains is it a solution that is attempting to solve the problem or there is no problem, (4) he thinks the applicant has to develop something on the record that talks about the topography of the terrain and what is hopefully achieved by allowing this particular structure to be where it needs to be at the size it needs to be. Tom Eigo said that (1) his proposal last time was that the retaining wall was basically to control stormwater run-off, (2) it is common sense to him that a flat area would hold more water than a pitched area and (3) he can do what J. Anthony suggested, but it is an unfavorable alternative to what is there now.

M. McComb said that in looking on page 18 of the minutes from when the ZBA considered this before, she asked if the applicant has plans for a patio down there and she recalls him having said "no" and that didn't make it into the minutes, so maybe that is part of the problem. M. McComb said that it didn't make it into the minutes, but maybe the ZBA can just amend the minutes. P. Kenyon asked if there were any ZBA members not present when this application was heard in June 2007. G. Smith said all ZBA members were present at that meeting. P. Kenyon said that J. Anthony was the only ZBA member that voted against this application at the June 2007 meeting. J. Anthony said that his only reason for voting against it is that he thought the APA would reject it. T. McGurl asked (1) if it is correct that in the minutes of the last meeting, Mr. Eigo said that although it is unfeasible there is a remedy whereby he could peel off the top layer of blocks and shorten up the wall and (2) if that would have set the stage for the APA right there, because you are basically saying that you could meet code, but chose not to. Counsel said that (1) it means you can meet code, but he doesn't know all of Mr. Eigo's alternatives, but that could certainly be something that needs to be on the record, as the APA's decision to overrule has undone that which was previously voted on, so in some respects it is a new application.

M. McComb said she recalls the neighbors' wanting the work done, what's been done is looks good, having Mr. Eigo pull that out would prolong the progress and it looked like it was an environmentally sensible approach to that bank. K. Hoopes said that he agrees with T. McGurl in that the APA kept harping on the flat recreational space and the APA mentioned just as a sideline part where he mentioned that it would mitigate stormwater run-off—that it was lessening the steepness of the bank, so he gets the feeling the ZBA is getting set up here. K. Hoopes said that the APA does not make much of a case against the wall; they just say that the ZBA didn't make enough of a case for the wall. Counsel said that (1) no, the APA doesn't honestly apply criteria for the typical ZBA analysis of an area variance application and (2) the APA wants the ZBA to do it anyway. J. Anthony said that (1) this is not a violation yet, but it can be a violation and (2) the APA's goal is to bring it into compliance fully, and that is the way they approach these things, especially with walls and structures within a setback, the APA will push to have that wall taken down or put it into compliance with the 100 square foot rule and the APA will not accept anything less than that. K. Hoopes agreed and said that (1) if the ZBA is going to do what Counsel is suggesting, which he thinks is make a better case, he thinks this it would partially be in preparation for an Article 78, so that Town Counsel and the applicant's lawyer would have all the ammunition they need to go before the APA and say that they have answered all the APA's questions. J. Anthony said that (1) what the ZBA needs in front of it tonight is an identification of all the feasible alternatives and the reasons why the don't work, or are rejected or are not practical and then pick the best one and (2) he doesn't know if Tom Eigo is prepared to present 4 to 9 alternatives that he has considered or if the ZBA is going to try to build this case sitting here in front of the public. K. Hoopes said that he suggests the ZBA table it, and build a case if the applicant is going to go that route, but that is up to the applicant. G. Smith asked what the applicant wants to do and Tom Eigo said that (1) he wants to go home, (2) to him it is just a wall—a landscape element and (3) he will do whatever he has to do, but it seems ridiculous to him that he has to change it, as it would be less favorable to change it, but he will do it if he has to—he doesn't know what other choice he has here. Tom Eigo then asked what his choices are. J. Anthony said that the applicant can build a case of alternatives, show that he has looked at them and a certain amount of them don't work economically, a certain amount of them don't work aesthetically, some of them don't work environmentally, and the one being proposed is the best—the applicant needs to put that in front of the ZBA. K. Hoopes said that the applicant is not under too much of a time constraint because the wall is there. G. Smith said that the applicant would have to come back to the ZBA next month. Tom McGurl said that the applicant would then come back to the ZBA to present all the options and the ZBA can review all the options and say that this is the best one here. G. Smith said that the ZBA could put all that in its motion to re-grant the variance. J. Anthony said that the ZBA's very first criteria for granting the variance is whether the benefit can be achieved by other feasible means to the applicant and if the ZBA can't say "no" to that that there are no other alternatives, then the ZBA loses one of its five points of law. G. Smith said that then the applicant loses. J. Anthony said that the applicant technically doesn't need to meet all five of these to get an approval before the ZBA, but the applicant certainly has to meet the substantial number of them. Tom Eigo said that the APA will never come and look at the wall and the ZBA already granted the variance, so he assumes the ZBA granted the variance in the first place because there are benefits to keeping this the way it is. G. Smith agreed and

said that (1) the APA won't come look at the wall and (2) if the applicant can come back with more conclusive information for the ZBA, the ZBA can re-word it so it sounds a lot better to the ZBA then it might go through the second time. K. Hoopes said that (1) one of the things the APA does is go through their six pages here, essentially showing where the ZBA didn't do its job properly, (2) what the ZBA needs to do is to go back, count all the points the APA says the ZBA didn't cover, present them again, the ZBA then talks about them in print and (3) essentially the applicant re-applies for that variance the second time—same thing all over again—then see if the APA rejects it again and then go from there. Tom Eigo asked if he could just write a letter to the ZBA and have the ZBA turn it over to the APA. G. Smith said no, Mr. Eigo would have to come back and present them in a public forum where the ZBA can discuss it—it all has to be in the minutes. J. Anthony said that the shortcoming of this whole thing is that it is going to be sent back up to the APA anyway after the ZBA approves it, if the ZBA approves it, or whatever the ZBA does and the APA still has the whack at it to say it is in violation of the APA's law and the APA can come after the applicant and the applicant would be fighting them. G. Smith said that if that doesn't work then the applicant could possibly shrink it down to under 100 square feet, but it might be worth going through it a second time. K. Hoopes said that (1) the easy thing would be just to take wheel barrows down there and bury it until the applicant has less than 100 square feet and (2) it is a shame because it is a real good looking stone wall. M. McComb said that on page 2 of the APA letter it says that the exact size of the proposed wall is unknown. G. Smith said that when the applicant comes back, he should provide the information the APA says it didn't get, so the applicant should go through that letter and make sure the APA gets all the information they didn't get, so the ZBA can cover all the bases for the applicant next month. Tom Eigo agreed.

Resolutions:

Now, upon motion duly made by Kam Hoopes and seconded by Jeff Anthony, it is resolved that the ZBA does hereby table this application pending additional information. **All in favor. Motion Carried.**

- 2) **V07-50 RERA, RONALD.** For the placement of a 11 ft. x 14 ft. storage building. Seeks area variance for a deficient side yard setback; 8' is required, 5 ft. is proposed. Section 186.18, Block 1, Lot 30, Zones **RCH5000** & LC45. Property Location: 3 Homer Point Road.

P. Kenyon said that in this case the variance was not required, so the item is off the agenda.

- 3) **V07-51 MICHAELS, JOHN.** To alter pre-existing non-conforming structure. Specifically to demolish and rebuild single family dwelling and leave the patio area intact. Seeks area variance for 1) deficient setbacks. a) shoreline: 75 ft. is required from the mean high water mark, 26' is proposed; and b) front: 75 ft. is required from the edge of the right-of-way, 34.46 ft. is proposed. 2) To alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 200.14,

Block 1, Lot 10, Zone RM1.3. Property Location: 151 Cotton Point Road. Subject to WCPB & APA Review.

John Michaels gave an overview and said that (1) they want to live in Bolton year-round, (2) vertical blocks hold the structure in place making it impossible to turn it into a year-round residence, (3) they propose to stay within the existing footprint including the deck, which they have and (4) it will be substantially in the same spot as it is now.

G. Smith said that applicant has two stories now and wants to keep the two stories. John Michaels agreed. G. Smith said the applicant wants to basically keep the same square footage and the deck area is to become part of the home because the applicant has the slate patio, which he understands the applicant doesn't need that deck off the front of the house. John Michaels agreed. G. Smith asked if the applicant has received association approval and John Michaels said yes. G. Smith asked when the applicant plans to do the renovations and John Michaels said in the off-season, as that is what the association allows.

M. McComb asked the height of the existing house and John Michaels said that it is about 31 ft. high, but they don't need a variance for the height. M. McComb agreed, but said it is an increase if the applicant is going up higher. G. Smith said that going up a few more feet would not obstruct anyone's views. M. McComb said that on the north elevation there are basement windows and asked if there is a basement now. John Michaels said no, that it is a crawl space that is accessible from underneath the deck now.

M. McComb said that (1) this parcel is one of the largest in the area, (2) the proposed footprint is virtually identical to the existing footprint and (3) while she is a little worried about it being a bit out of scale, she agrees no views will be obstructed. G. Smith agreed and said that (1) the house to the south east of the applicant is a two-story structure as well, (2) the applicant has a big lot and (3) the applicant is not asking to increase the footprint or move it closer to the lake.

M. McComb asked if it is pretty much a tear down and rebuild and John Michaels said yes. M. McComb asked if there are any plans for stormwater and John Michaels said that they would do a drip line all the way around the house.

No correspondence.

The WCPB determined no County impact.

No comments from public in attendance.

RESOLUTION

The Zoning Board of Appeals received an application from John Michaels (V07-51) 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 any other means feasible to the applicant besides an area variance, he is basically staying within the footprint that is pre-existing;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, it looks like it will fit in well and she believes the applicant is planning to maintain the screening that exists in front of the lake;
- 3) The request is not substantial, it is virtually the same footprint;
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and the applicant proposes a drip line stormwater treatment system;
- 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 Meredith McComb and seconded by Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented.
All in favor. Motion Carried.

- 4) V07-52 SARIS GAGE REALTY (PERFORMANCE MARINE).** Represented by Jason Saris. 1) For the placement of a proposed 28 ft. x 14 ft. portable garage type structure, seeks area variance for deficient setbacks. a) Side: 8 ft. is required, 1 ft. is proposed. b) Rear: 15 ft. is required, 6 ft. is proposed. c) Lot coverage: 40 % is allowed, 41% is proposed. 2) To alter pre-existing non-conforming structure. Specifically to install a 20 ft. x 26 ft. retractable awning on the marine building, seeks area variance to alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 171.19, Block 2, Lot 2, Zone GB5000. Property Location: 4938 Lakeshore Drive. Subject to WCPB Review.

Jason Saris, representing Saris Gage Realty (Performance Marine), gave an overview and said that (1) they propose to put a temporary garage structure in front of the shop area, as they can't winterize, shrink wrap, and cover boats in certain weather variables and (2) they are asking for a retractable awning coming off the building to provide some shade, which would be a permanent addition to the building but will be temporarily used during the day and retracted at night.

G. Smith asked if the retractable awning comes in different colors to blend in with the building when it is out and Jason Saris said yes, they haven't looked into color options too much at this time, but they just had the idea it would be helpful to have some shade. K. Hoopes said that part of the variance sought is a lot coverage area of 40% is allowed and 41% is proposed and asked if that is just for the portable structure. Jason Saris said it is for both the structure and the awning. G. Smith said he supposes when the applicant builds the 45-ft. by 85-ft. building approved by the ZBA, the temporary structure would be removed, and Jason Saris said yes, they hope so.

M. McComb said the ZBA is looking for an awning to be up from May to October and a temporary building to be up from Labor Day to Thanksgiving or snow. Jason Saris agreed. G. Smith said that both of these objects are proposed to be in front of the applicant's own building where it is not obtrusive to anybody. M. McComb said that (1) it does impact the little rental building behind the Brass Ring, (2) there is a window right behind where the portable building is going to go, but she doubts that would be much of an issue going up from Labor Day on and (3) the awning would probably look better from the apartments up in the House of Scotts. K. Hoopes said that (1) the dates being used are not really accurate because the applicants don't do shrink wrapping from Labor Day on—they don't do that until the very end of the season and (2) the awning would be deployed in case of heavy sunshine or rain. M. McComb said that she would rather approve the outside of what the applicant needs than try to dicker down—she'd rather approve the most the applicant might need. G. Smith said both are temporary. T. McGurl asked if the awning would be coming off the building when the 85-ft. by 45-ft. building is completed and Jason Saris said no, the awning is for shade and that is their primary work area, so it would remain.

T. McGurl asked how long the temporary building would be there before the new building is built. Jason Saris said that they might be building the building as soon as possible, but it is a matter of financing. K. Hoopes said that (1) the ZBA has to keep in mind that these temporary structures are structures and (2) once the ZBA grants the variance it runs with the property. J. Anthony said that it is also within the ZBA's prerogative to put on a condition that once the permanent 45-ft by 85-ft. building is put in the temporary structure never goes up again. Jason Saris agreed to that condition.

The WCPB determined no County impact with the condition the plans be clarified as to proposed buildings.

G. Smith said that it is for the shop building, not for the front of the building where you rent the stores up front, which is showed on the plans that will be on record. M.

McComb asked if there is any power in the temporary building and G. Smith said no, lead cords if anything.

No correspondence.

No comments from public in attendance.

RESOLUTION

The Zoning Board of Appeals received an application from Saris Gage Realty (Performance Marine) (V07-52) 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 condition the plans be clarified as to proposed buildings;

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 any other means feasible to the applicant besides an area variance;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, this is a GB5000 zone and it is business and marina use;
- 3) The request is not substantial, it is one foot larger in lot usage which is on a temporary basis;
- 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, they are trying to guard from the weather.

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 Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented with the

following condition: Once the large 45 ft. x 85 ft. building to the north is built, the temporary structure is to be removed. **All in favor. Motion Carried.**

- 5) **V07-53 HOFFMANN, BILL.** Represented by Jim Miller of Northfield Design. To alter pre-existing non-conforming structure. Specifically to raise the roof and construct new stairs with landing, seeks area variance for 1) a deficient front yard setback. 75 ft. is required from the edge of the right-of-way, 7.9' is proposed; and 2) to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 171.11, Block 1, Lot 48, Zone RM1.3. Property Location: 132 Horicon Avenue. Subject to WCPB Review.

Jim Miller of Northfield Design, representing Bill and Kay Hoffmann, gave an overview and said that (1) they propose to raise the roof on the existing building, (2) they are not enlarging the footprint, (3) they propose to take down a portion of the building in the back; replacing it with an oak porch, (4) there is an existing foundation with a deck on it that is in disrepair and they have been told by the county they need a building permit for that, so that is also included in the variance and (5) they will not be going closer to the road, but it will be going up.

G. Smith said that (1) this is nice to see and it has been a long time coming, (2) this is such a vast improvement and (3) it is nice to see a younger couple purchasing this and wanting to fix it up like this and make it look like something respectable again. J. Anthony agreed. G. Smith said that (1) the applicants are not asking for too much or for anything out of the distance, (2) the applicants want to go up and make the second story a full story, (3) the applicants want to put a nice looking deck off the back side of the house away from the roadway and (4) he thinks it is wonderful and the house is going to look great when it is done, no matter what color they choose to paint or stain it. J. Anthony said that when you drive by, the areas of expansion on the back and even replacing the deck is hardly visible from driving by. G. Smith said that this house was just so old and neglected until this couple purchased it and it needs every bit of work the applicants say it needs, which he knows for a fact, as he lived across the street from there for quite a few years. T. McGurl asked if the proposed new roof over the front door would stay the same distance from the road and Jim Miller said yes.

No correspondence.

The WCPB determined no County impact.

No comments from public in attendance.

M. McComb said that this is exactly the same footprint and G. Smith agreed.

RESOLUTION

The Zoning Board of Appeals received an application from Bill Hoffman (V07-53) 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 #5 of the agenda.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance, the house is where it is and anything they do to it is going to come before the ZBA;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, it is exactly the opposite—it is going to be a vast improvement;
- 3) The request is not substantial, they are dealing with the same footprint over again, just polishing it up and making it look great;
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, as the building stands now it almost is an environmental effect;
- 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 Tom McGurl, it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

- 6) **V07-54 BOUSE, CORNELL & WENDY.** To demolish and rebuild single family dwelling. Seeks area variance for deficient setbacks. 1) Side: 20 ft. is required, 12.7 ft. is proposed on the north side, 18 ft. is proposed on the west side and 19 ft. is proposed on the sought side. 2) Shore: 27 ft. is required from the mean high water mark, 21.7 ft. is proposed. Section 200.14, Block 1, Lot 8, Zone RM1.3 Property Location: 120 Cotton Point Road. Subject to WCPB & APA Review.

Cornell Bouse gave an overview and said that (1) they bought the house in 2001 knowing it would need work, (2) he's spent the last 5-6 years working on it, (3) there is an existing

garage that will remain as is, (4) it's tilty inside and rodents occupy the attic seasonally, (5) the four existing bedrooms are like reverse triangle bedrooms, (6) they propose to go from 21.4 ft. to 31 ft. in height, (7) the heights of the neighboring homes are 24.6 ft, 21.5 ft. so that they propose would not be out of line with the character of the neighborhood, (8) the proposed change will not affect the Dunleavy house, in fact Brian Dunleavy gave him a letter to submit to the ZBA that he is in favor of the project, (9) they propose Adirondack siding on the house and (10) the proposed house would be proportionate to the existing garage.

K. Hoopes said that (1) a lot of times the garages were shared between the rental properties and (2) Lester Streever didn't build these things to last, but built until he came up with more scrap and more sawdust and (3) in a lot of these places the fill is sawdust from the lumberyard. G. Smith said that (1) he visited this site and this is definitely a tear down—there is no straight line in the roof or floor and some of the kegs of cement have sunk lower than others have—he agrees with the applicant that the only thing you can do is start from scratch, (2) the applicant is not increasing the footprint except for the 6 feet off the back and the applicant has the room back there to do that, (3) he respects that the proposed house isn't getting any closer to the lake and (4) the height isn't going to effect anybody down there. T. McGurl said that it is now the biggest house on the street height wise and M. McComb agreed.

M. McComb said the notation on the map says “distance between two adjoining houses within the association is 1.5 times the height of the taller house.” P. Kenyon said that (1) they all have their designated space they have to use, so she didn't apply that part of the ordinance and (2) they all have their allocated space they can use, so historically they go by those spaces that are allocated. M. McComb said that (1) this is how you wind up keeping everybody with a view in a tight association if you stick to those and (2) the ZBA could say the applicant has the room to pull it back, so pull it back further from the lake, but then the applicant winds up being behind the other guys' houses. Cornell Bouse said that originally they were going to square it and not make it L-shaped, but in order to save the pine tree there, they decided to cut back and to go with the L-shape, so they wouldn't have to take down the two massive trees that are there, plus he doesn't even think Cotton Point would allow taking the trees down. G. Smith said that the applicant doesn't want to take those trees down either and Cornell Bouse agreed. K. Hoopes said that the ground is already disturbed where the applicant is.

M. McComb said that she would be strongly in favor to having stormwater management applied to this house, since it is a complete tear-down and re-build completely within the 75-ft. shoreline setback—things such as eaves and drip lines. G. Smith said that the applicant could put some stone around the outside edge for a drip line, which would save the house siding as well. Cornell Bouse agreed to that.

The WCPB determined no County impact.

Correspondence:

- Letter dated 09/14/07 from Chris Navitsky, Lake George Waterkeeper - concerns.
- Letter dated 08/21/07 from Brian Dunleavy - in favor of project

From the public, Marylou McGurl said that her understanding is that any building that is demolished and is going to be rebuilt has been subject to a stormwater review, so she is not understanding why this gentleman has to go through that process and asked if she is misunderstanding. Counsel said that (1) in part Mrs. McGurl is misunderstanding, in that the Zoning Administrator does an inventory of what is presently on-site and the Zoning Administrator considers the exact footprint and the existing impervious surface then goes to the code and tries to calculate with this new building and to whatever extent it exceeds the old footprint, is there an additional at least 1,000 square feet of added impervious surface and (2) actually with this plan there isn't, so it actually comes within the narrow confines of an exception. M. McComb said that the ZBA has asked and received agreement that there will be stormwater management on this new construction. Marylou McGurl said that was her question, as her assumption is that any new building that is being done should have a stormwater review and K. Hoopes said that it is the new part that is the sticking point—it has to be 1,000 square feet of new building exceeding what was there already. G. Smith said if that were the case, they would have to go through stormwater review without a doubt. M. McComb said that since it is complete new construction, she thinks the stormwater management is a good idea and will be good for the applicant too, as it is his waterfront.

RESOLUTION

The Zoning Board of Appeals received an application from Cornell and Wendy Bouse (V07-54) 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 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 #6 of the agenda.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance, his entire building envelope within the association is within the 75-ft. setback;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, it is a small expansion of a pre-existing cabin, simply making it into a livable modern home;

- 3) The request is substantial with regards to the ordinance, but it is not substantial in terms of the increase proposed;
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, because the applicant has agreed to a condition of approval of applying stormwater management measures during construction and for run-off;
- 5) The alleged difficulty is not self-created, because of the pre-existing location of the house.

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 Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition: Stormwater management controls to be implemented. Tom McGurl opposed. **All others in favor. Motion Carried.**

- 7) **V07-55 CHURCH OF BLESSED SACRAMENT.** Represented by Kathleen Sousa. To alter pre-existing non-conforming structure. Specifically to construct a handicap ramp, seeks area variance to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 171.19, Block 1, Lot 80, Zones GB5000 & **RM1.3**. Property Location: 7 Goodman Avenue. Subject to WCPB Review.

Jim Palazzo, representing Church of Blessed Sacrament, gave an overview and said that the church proposes to put in a handicap ramp to get into the back room. He then referenced the map to clarify the proposal.

G. Smith said that this would be the only way to get through to the back for the handicapped. K. Hoopes said that (1) the only thing they are facing here is that it is a pre-existing non-conforming structure, (2) they are not invading any lot lines, (3) this is a church and a handicap access, so the ZBA has everything going for this one and (4) there are no stormwater problems. G. Smith said that (1) it is pretty much a technicality the church has to go through to get this and (2) he knows it has been a long time coming.

No correspondence.

The WCPB determined no county impact.

No comments from public in attendance.

G. Smith said this request is a given and pretty cut and dry.

RESOLUTION

The Zoning Board of Appeals received an application from Church of Blessed Sacrament (V07-55) 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 #7 of the agenda.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance, this is the logical entrance into the rear of the church and it forms the most practical way of gaining handicap access;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, it is hardly a visible element in the landscape;
- 3) The request is not substantial, it is extremely minor—just a short handicap ramp;
- 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 existed prior to these handicap rules, regulations and laws and compliance with these is pretty much mandated today.

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 Jeff Anthony and seconded by Kam Hoopes, it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

- 8) **V07-56 BESSETTE WILLIAM & IRIS.** To alter pre-existing non-conforming structure. Specifically to enlarge existing deck. Seek area variance for 1) a deficient front yard setback, 100 ft. is required from the edge of the right-of-way, 90' is proposed and 2) to alter a pre-existing non-conforming structure in accordance with

Section 200-57B(1)(b). Section 170.00, Block 1, Lot 39, Zones **RR5** & LC25.
Property Location: 345 Edgecomb Pond Road.

William Bessette gave an overview and said that they propose to extend the existing 8-ft. wide deck on the front of the house down the side and across the back of the house at the same level of the existing deck.

K. Hoopes said that (1) this is another one where a good chunk of the concern is that it is altering a pre-existing non-conforming structure and (2) he is assuming the structure is non-conforming because 100 ft. is required from the edge of the right-of-way scenic corridor and it is only 90 ft. and (3) he doesn't see anything offensive with this plan environmentally or aesthetically or anything else—it seems it is all happening away from the scenic corridor. M. McComb agreed and said that it is a modest extension that should look nice against the house. G. Smith said that you really can't even see it from the road.

M. McComb asked if the windows on the second-story would provide access to the deck from the upper level and William Bessette said yes, they propose to change the window on the gable end to a door.

No correspondence.

No comments from public in attendance.

RESOLUTION

The Zoning Board of Appeals received an application from William and Iris Bessette (V07-56) 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, 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 any other means feasible to the applicant besides an area variance, it is a matter of attaching a modest deck to a pre-existing non-compliant structure;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, because the request is so insubstantial and it is not in anyone's view;
- 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, because it is a minor project;
- 5) The alleged difficulty is not self-created, because of the location of the house within the scenic corridor, which was put in after it was built.

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 Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented.

All in favor. Motion Carried.

- 9) **V07-57 BRORSEN, JENNIFER.** Represented by Atty. Jeffrey R. Meyer. To alter pre-existing non-conforming structure. Specifically to add a 22 ft. x 30 ft. boathouse/dock. Seeks area variance to alter a pre-existing non-conforming structure in accordance with Section 200-57(1)(b). Section 200.18, Block 1, Lot 54, Zone RM1.3. Property Location: 95 Hemlock Point Road. Subject to WCPB & APA Review.

Atty. Jeffrey R. Meyer, representing Jennifer Brorsen, gave an overview and said that (1) they propose to put a roof over a pre-existing wharf and join that roof to a pre-existing non-conforming boathouse and (2) they also propose to add a dormer to the boathouse facing the south, which is below the 16 ft. height limit.

G. Smith said that had this boathouse been 16 ft. or less the applicant wouldn't even need to be here. K. Hoopes said that the ZBA granted the variance for that boathouse some time ago because it was a match to the original boathouse that historically went with the house. G. Smith asked if this would all remain 16 ft. and lower and Atty. Meyer said yes. K. Hoopes said that (1) it does have a very unfinished look down there right now and (2) this will tie it in, cover it up and make it much more aesthetically pleasing and (3) there is a ton of shoreline here, so the applicants certainly qualify. G. Smith asked how much shoreline the applicants have and Atty. Meyer said according to the survey it is 1,466 ft.

T. McGurl asked why no variance is needed to cover the second part of this dock and G. Smith said that the applicants is only here because the height of the existing boathouse is non-conforming because it is over 16 ft. in height. T. McGurl said that if the original boathouse was less than 16 ft. then the applicants could just cover it and G. Smith said yes, the applicants would just need to get a permit and do it. M. McComb said that (1) in favor of the project in her mind is how small the existing boathouse is and (2) she knows there was discussion at the time of blocking view of other houses across the bay through this area, but when she went down around the end of the existing boathouse, it struck her as the houses are really oriented looking out at the main lake than through here. G. Smith said that the boathouse from the other side of the bay is actually quite attractive. M. McComb said that she is glad it is going to be meeting the 16 ft. code, but certainly is in scale with the property and there aren't any other boathouses on that side. G. Smith

agreed and said that he doesn't think it is asking too much—they are just filling in a gap down there and he thinks it will look much more attractive when it is done. M. McComb said that she also thinks the job the applicants did in adding the guest house on the property was extremely nicely done and as unobtrusive as possibly could be and very attractive. G. Smith said that the property came out very nice down there.

No correspondence.

The WCPB determined no County impact.

No comments from public in attendance.

G. Smith said that he thinks this will be an improvement to the boathouse down there and the property.

RESOLUTION

The Zoning Board of Appeals received an application from Jennifer Brorsen (V07-57) 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 #9 of the agenda.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance, this is all hinging on a previous variance the ZBA gave to make the boathouse in excess of 16 ft. and that was made in an effort to match the historical boathouse that was being removed and replaced;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, again, it is in an effort to match the historic property that was there—the house and the boathouse and there are no nearby properties that are going to be effected;
- 3) The request is not substantial, especially given the amount of shore frontage this property enjoys;

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

10) V07-58 EARLIS, EILEEN. To alter pre-existing non-conforming structure. Specifically to enlarge existing deck. Seeks area variance for 1) deficient setbacks a) front: 50 ft. is required, 20 ft. is proposed and b) side: 20 ft. is required, 6 ft. is proposed. 2) To alter a pre-existing non-conforming structure in accordance with Section 200-57(1)(b). Section 200.18, Block 1, Lot 26, Zone RM1.3. Property Location: 28 Island View Loop. Subject to WCPB Review.

G. Smith asked if the applicant doesn't want to go up, but rather just out a little bit with the deck and Mr. Earlis said yes. M. McComb said that it is just the double cross hatch section and Mr. Earlis replied by saying that it is actually based on the drawing, so it is a 5 ft. by 22 ft. foundation.

Mr. Earlis gave an overview and said that (1) they only reason they are proposing this is to handle an expanding family and (2) they want to get the railing to conform to code, which it isn't now.

G. Smith said that (1) the applicant wouldn't be intruding on anybody, (2) it is right on the applicant's own property and (3) the applicant has gotten association approval. T. McGurl asked if the front with two steps is coming out onto the lawn and Mr. Earlis said yes. G. Smith said this is pretty cut and dry too. K. Hoopes said that this would extend to the green space, not toward the lake.

No correspondence.

The WCPB determined no County impact.

No comments from public in attendance.

RESOLUTION

The Zoning Board of Appeals received an application from Eileen Earlis (V07-58) 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 #10 of the agenda.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance, expansion to the front of the building seems very logical;
- 2) There will be no undesirable change in neighborhood character or to nearby properties, it is a very minor expansion and in character with the existing deck that is already there;
- 3) The request is not substantial, it is only a few feet;
- 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, it seems like there is a shortage of deck space here, the family is growing and a little extra space might be needed.

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 Jeff Anthony and seconded by Kam Hoopes, it is resolved that the ZBA does hereby approve the variance request as presented. Tom McGurl opposed. **All others in favor. Motion Carried.**

11) ED SCHEIBER. To discuss renovations to the museum. Section 171.19, Block 2, Lot 13, Zone GB5000. Property Location: 4924 Lakeshore Drive.

Ed Scheiber, president of the Bolton Historical Society, handed out items to the ZBA members, gave an overview and said that (1) even though the property belongs to the Town of Bolton, he feels proposals should be presented to the Bolton ZBA and PB, (2) Finney Design Associates have be hired for this project, (3) they need an additional display area, an additional storage area and climate control (they have no heat or air conditioning), (4) they evaluated several concepts to figure out the best way to add on to

the building and try to minimize the encroachment into the park, (5) they propose to add onto the rear of the existing building, (6) they propose to encroach 60 ft. into the park and the shed would be taken off with a walkthrough area added on with a new entrance that would accommodate the handicap ramp, so the structure would be approximately 75 ft. in length and the setback would be +/- 40 ft. from the existing sidewalk, (7) they have incorporated an area that could be divided off and used as two rooms, (9) they are asking to move 60 ft. back into the park and the building length would be +/- 75 ft., (10) they are not sure how the rock outcropping would affect their plans, until they have a survey done, (11) they propose a connector between the two buildings where there would be restrooms and propose to move the reception area to the back to give a view to the existing structure as well as to the new structure, (12) the center section of the new building would be two-stories and give them the storage and archiving space on the second floor, (13) they propose to make the addition eclectic and distinct from the existing church and (14) the proposal would add about 3,000 square feet to the existing 2,800 square feet, which is extremely crowded.

K. Hoopes asked how this affects the ZBA. P. Kenyon said the Bolton Historical Society is exempt. Counsel replied by saying that (1) at this point it is hard to figure out how the matter pertains to the ZBA's jurisdiction, because the TB and its board members now control the park, that is that they can also reconfigure the boundary lines if asked and they find it convenient to the purpose and (2) in a manner of speaking, he is speculating that the TB would be willing to change the boundary lines so that addition fits within what the Historical organization would own and it needs no variances. G. Smith asked if this is similar to what the library wanted to do when they added a section on the back. Counsel said yes, when they started hearing the discussions of the possibility of the Bolton Historical Society wanting to add on, there was a time not so long ago where the responsible parties who could make these concessions and reconfigure boundary lines involved more than just the Town of Bolton—there were people who had reserved rights and deed covenants, who would be the heirs of the original parties that created the park and such, but simply stated, that is beyond this as an issue, so whatever the Bolton Historical Society manages to convince the TB as an attractive reason to reconfigure boundary lines that is achievable if that is their desire, so it is entirely possible that no variances are necessary. G. Smith asked if the TB could in turn give part of Rogers Park property to the museum and could establish a new boundary line and Counsel said yes. P. Kenyon said that the applicants are basically here as a courtesy to the ZBA and also they will be presenting it to the PB on Thursday just to let all the boards know what their plans are.

M. McComb asked if in the Town's Ordinance there is any referendum on disposal of parkland or if that is not part of the Town of Bolton's code. Counsel replied by saying that (1) no, the Town Law does require that if there is a determination of surplus land, that such a resolution, ordinarily, is a type of resolution subject to permissive referendum, meaning that a petition is circulated and if a certain percentage of voters wish to find a determinant, then they could perhaps have a permissive referendum and (2) the exception to the rule he just stated is where the intended recipient is not-for-profit organization that may very well be doing quasi-governmental work, and it seems that the Bolton Historical Society may be, so they go around in a big circle and the answer comes out "no".

M. McComb said that (1) she thinks this is a support-building presentation, which she appreciates and (2) she likes that they are still going to have light shining on the old stained glass doors. T. McGurl asked who'd be paying for this project and Ed Scheiber said they would be raising funds privately. M. McComb asked if the building is required to have two bathrooms, because she knows the library only has one and Ed Scheiber said that he would have to research that. M. McComb asked where the public local meetings and gatherings are proposed to take place and Ed Scheiber said in the little annex in the back, which is about 200 square ft. M. McComb asked how that compares to the reading annex in the back of the library and Ed Scheiber said that it would be a bit bigger.

G. Smith said that he likes the idea of keeping the front the way it is in looking at it from Main Street. Ed Scheiber said that Finney Design Associates is in the process of putting together the report on phasing of the project and costs. M. McComb said that if blasting becomes necessary, she'd be more in favor of losing one of the bathrooms and having a unisex bathroom and not blasting there. Ed Scheiber said that they looked at it and though they could go up to the rocks, but they will have to see when the report from Finney Design Associates is complete. G. Smith said that it looks nice and wished the Bolton Historical Society luck on the project.

Meeting adjourned at 8:29pm.

Respectfully submitted by,
Jennifer Torebka
Recording Secretary
09/24/07