

**Town of Bolton**  
**ZONING BOARD OF APPEALS**  
**MINUTES**  
**Tuesday, July 16, 2013**  
**6:30 p.m.**

SEQR = State Environmental Quality Review  
PB = (Town of Bolton) Planning Board  
WCPS = Warren County Planning Staff  
APA = Adirondack Park Agency  
LGPC = Lake George Park Commission  
DEC = Dept of Environmental Conservation

**Present:** Jason Saris, Jeff Anthony, John Michaels, Donald King, Tony DePace, John Famosi, David Ray, Matt Slaughter, Zoning Administrator Pamela Kenyon and Counsel Michael Muller

**Absent:**

The meeting was called to order at 6:30 pm.

Jason Saris asked if there were any corrections or changes to the June, 2013 minutes.

**RESOLUTION:**

**Motion by** John Michaels to approve the June 18, 2013 minutes as written. **Seconded by** Don King. **All in Favor. Motion Carried.**

**V13-11 ADIRONDACK DESIGNERS & BUILDERS.** Represented by Hutchins Engineering. To expand/convert motel unit into a single family dwelling, seek area variance to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 186.07, Block 1, Lot 6.4, Zone RCH5000. Property Location: 4824 Lake Shore Drive. Subject to WCPS review.

*Note: This item was withdrawn at the applicant's request.*

**V13-19 SCHEIBER JR., EDMUND.** To alter non-conforming single family dwelling, specifically to replace existing 2'x 4' landing with stairs with a 26'x 14' deck, 1) seeks area variance for a deficient shoreline setback. 75' is required, 33' is proposed; and 2) to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 200.18, Block 1, Lot 47, Zone RM1.3. Property Location: 51 Hemlock Point Road. Subject to WCPB and APA review. *Note: This item was tabled at the June meeting at the applicant's request.*

Mr. Scheiber expressed his appreciation to the board for the opportunity to table his application at the last month's meeting. He then proceeded to thoroughly explain his project, answering each question on the variance application and he addressed some of the questions from the June 18 meeting as follows:

- He did not consider the garage side for a deck due to the lack of a lake view.
- He does not believe he modified the deck without permission.
- The house was not reconstructed closer to the lake, it was built in same footprint.
- He removed the deck from the 1999 variance application at the Zoning Administrator's request.

- He disagrees that adding screen sliders as opposed to a screened in porch makes more living space.
- He explained the definition of a 3 season porch as he found it in his research.
- The difficulty was not self-imposed as original house was built prior to setbacks.
- He tried to correct the added structure in his 2003 variance application.
- Mr. Scheiber also stated that all his neighbors had decks.

Jason Saris asked how the proposed dimensions came about. Mr. Scheiber answered that it was due to the bow window that sticks out 2 feet.

Jason Saris asked how high off the ground it was to be and what the purpose of it was. Mr. Scheiber explained that it was to be used for porch furniture and grilling with some flower boxes.

Jason Saris inquired about the height of the deck off the ground and what the use would be for the space underneath it. Mr. Scheiber stated that the deck was 24 inches and it would be flush with the door. He also explained that the space was not to be utilized.

George Adams spoke from the public in favor of Mr. Scheiber's project. He stated that they get great pleasure from their own deck and hoped for the same for Mr. Scheiber, and respectfully hopes the Board grants it.

John Michaels inquired if Mr. Scheiber was saying the house was a foot back from original footprint, because he disagrees as the 2 foot bay window actually puts the house right back to where it was. John Michaels stated that he believes this is a substantial request. Jason Saris says he disagrees with Mr. Michaels, he stated that it was an allowable use and a moderate request. John Michaels said that he disagrees as it is a 30% variance and was denied by a prior board. Jason Saris said he is looking at this as a new application with a modest deck on a relatively modest home, consistent with the neighborhood.

Tony DePace asked if they would have a rail around the deck. Mr. Scheiber explained that it was not required and they wanted to do benches and planters

Don King said he thought Mr. Scheiber did a great job presenting his project but he was making a motion to deny due to the fact that he is having issues with the following:

- Granting a new variance on top of the previous one.
- There were alternatives that had not been presented to place the deck further from the lake.
- Difficulty was self imposed.

Now, upon motion duly made by Don King and seconded by Tony DePace, it is resolved that the ZBA does hereby deny the variance request as presented. Jason Saris and John Famosi opposed. **All Others in Favor. Motion Carried.**

**V13-23 LAGOY, THOMAS.** Represented by Kyle LaGoy. To alter non-conforming garage, specifically to add a 14'x 25' addition, seeks area variance for 1) deficient setbacks. Front:

100' is required, 32' is proposed. Shoreline: 100' is required, 65' is proposed. Side: 30 is required, 15' is proposed; and 2) to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 185.00, Block 2, Lot 13.2, Zone RR5. Property Location: 700 Trout Lake Road. Subject to WCPB review.

Kyle LaGoy presented the project and explained that they needed to expand the garage for storage to clean up the property.

John Michaels asked the size of the lot. Kyle LaGoy replied 1.3 acres.

Jason Saris stated they had no alternative and they would need a variance for anything they did to the property to which Kyle LaGoy agreed.

Jason Saris asked about the plans for stormwater runoff from the roof. Kyle LaGoy said they planned on using stone around the building. Jason Saris asked about the grade. Kyle LaGoy said there was not much of a pitch at all, it was relatively flat.

Chris Navitsky said they are not opposed and believes a condition of stormwater should be required due to the proximity of the stream.

Don King asked about the finished floor elevation of the structure size relative to the stream. Kyle LaGoy was unsure and explained that the stream was over the bank, 65 feet away. Don King was unsure as how to implement stormwater. Jeff Anthony replied they could make it a could make it a condition of approval.

There was no correspondence or WC impact.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Thomas LaGoy (V13-23) for an area variance as described above.

And, due to notice of the public hearing of the ZBA at which time the application was to be considered having been given and the application having been referred to the Warren County Planning Staff;

And, whereas the Warren County Planning Staff determined that there was no County impact;

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application;

this Board makes the following findings of fact:

The application of the applicant is as described in Item#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; the extension would be better than a new building.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, the applicant has done a nice job with the plan and is considering the environmental impact with the steep slope.
- 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; the applicant will do minor stormwater.
- 5) The alleged difficulty is not self-created, the applicants have accommodated our requests. The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

Now, upon motion duly made by Tony DePace and seconded by John Michaels, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition; 1) minor stormwater be implemented. **All in Favor. Motion Carried.**

**V13-24 MITCHEL-ZEID, KATHRYN.** Represented by Kevin Mayard. To alter non-conforming single family dwelling, specifically to add a 16'x 20' addition, seeks area variance to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 213.13, Block 1, Lot 3, Zone RM1.3. Property Location: 49 Coolidge Hill Road. Subject to WCPB review.

Kevin Maynard described the project. He commented that the stream was 75 feet from building and down a bank. He said they could implement stormwater if necessary.

Jason Saris asked if there was a more compliant place on the property to place the addition.

Ms. Mitchel-Zeid replied no, this is the only practical place. Mr. Maynard agreed, explaining that the crawl space would be used for storage.

There was no correspondence or WC impact.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Kathryn Mitchel-Zeid (V13-24) for an area variance as described above.

And, due to notice of the public hearing of the ZBA at which time the application was to be considered having been given and the application having been referred to the Warren County Planning Staff;

And, whereas the Warren County Planning Staff determined that there was no County impact;

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application;

this Board makes the following findings of fact:

The application of the applicant is as described in Item#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; the setback is further than the existing house.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, the applicant has done a nice job with the plan and is considering the environmental impact with the steep slope.
- 3) The request is not substantial; 20 ft addition

- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; the applicant will do minor stormwater.
- 5) The alleged difficulty is not self-created; the applicants have accommodated our requests. The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

Now, upon motion duly made by John Michaels and seconded by Don King, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition;  
1) minor stormwater to be implemented. **All in Favor. Motion Carried.**

**V13-25 THE GROVE ON LAKE GEORGE, LLC.** Represented by Jason Gutheil. To demolish and rebuild non-conforming single family dwelling unit #18, seeks area variance for 1) Deficient setbacks. Front: 75' is required from Cotton Point Road, 45' is proposed. Shoreline: 75' is required, 68' is proposed. 2) Lot coverage. 15% is allowed, approximately 20% is proposed. 3) In accordance with Section 200-19 distance between structures. 20.10' is required between the proposed structure and unit 19. 20' is required between the proposed structure and units 1& 2. 17.11' is proposed for unit 1 and 13.4' is proposed for unit 2. Section 200.14, Block 1, Lot 2, Zone RM1.3. Property Location: 89 Cotton Point Road. Subject to WCPB and APA review.

Jason Gutheil presented the project and explained that the present use is a seasonal rental. He was unsure of the age of the building. He explained that a new structure would improve appearance and functionality as the existing structure was rotting. Mr. Gutheil stated he believed there would be no adverse effects with the new structure. Mr. Gutheil explained he amended the plan from 13.4 feet from unit 2 to 11 feet between structures to allow for the bump out.

John Michaels asked Town Counsel Michael Muller if the short term lease was legal. Town Counsel Michael Muller said the owner was the applicant.

Jason Saris asked if Pam Kenyon was aware that Mr. Gutheil had just amended his project which he explained again.

John Michaels asked about the increase in the living space to 46 sq. feet in the back corner and 45 sq. feet in front. Mr. Guthiel explained this was to square off the building.

John Michaels asked Pam Kenyon how this would affect the septic this close to the lake. Pam Kenyon replied that the applicant was not increasing bedrooms, and there were no bathrooms in this structure. The bathrooms are located in a community structure.

There was no correspondence or WC impact.

## **RESOLUTION**

The Zoning Board of Appeals received an application from The Grove on Lake George (V13-25) for an area variance as described above.

And, due to notice of the public hearing of the ZBA at which time the application was to be considered having been given and the application having been referred to the Warren County Planning Staff;

And, whereas the Warren County Planning Staff determined that there was no County impact;

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application;

this Board makes the following findings of fact:

The application of the applicant is as described in Item#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; Applicant has stayed in almost identical footprint of existing structure.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, this will be a welcome change to the neighborhood
- 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; very minimal change.
- 5) The alleged difficulty is not self-created; the house has been there for 50 years.

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

The practical difficulty to this project is that the existing structure is in such disrepair that it does not warrant repairing and should be rebuilt. The APA allows up to 25% expansion of existing structures and this will be less than a 25% expansion to a pre-existing non-conforming structure.

Now, upon motion duly made by Don King and seconded by Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

**V13-26 BOYNTON, CASEY.** Represented by Brian Sawn. To alter non-conforming single family dwelling, specifically to add an approximate 475 square foot deck, seeks area variance for 1) a deficient side yard setback. 20' is required, 2' is proposed; and 2) to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 200.18, Block 1, Lot 43, Zone RM1.3. Property Location: 4148 Lake Shore Drive. Subject to WCPB review.

Brian Sawn explained the project and informed them that the deck would add 475 sq. ft. deck to the house, with the underside to be latticed and not used. The deck would allow them to use currently unusable elevation.

Jason Saris stated that it was a large deck and asked what the deck would be used for. Mr. Sawn explained that it would be for more sitting and grilling.

Don King stated that although the project made sense as it created more usable space, they were getting closer and closer to the property line. Don King said his concern is the closeness

to the property line and at a minimum the line of the deck should be carried parallel to the property line. John Michaels agreed.

Jason Saris asked if they considered doing something that did not create such a property line issue. Mr. Sawn explained that the north side was parking and the applicant was looking for a lake view and to use.

John Michaels asked the purpose of the lattice, and stated that it would impact the view from the lake. Don King explained that they might consider removing the lattice on the lakeside. Jeff Anthony suggested they use vegetation in place of the lattice.

Don Engles from the public stated he was a neighbor to the south and he was in favor of the project, as it would not have any impact on him.

There was no correspondence or WC impact.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Casey Boynton (V13-26) for an area variance as described above.

And, due to notice of the public hearing of the ZBA at which time the application was to be considered having been given and the application having been referred to the Warren County Planning Staff;

And, whereas the Warren County Planning Staff determined that there was no County impact;

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application;

this Board makes the following findings of fact:

The application of the applicant is as described in Item#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;
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, Applicant will be removing lattice and adding landscaping to the lakeside of the deck.
- 3) The request is not substantial; large deck that is mostly within compliance.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; will not require additional stormwater.
- 5) The alleged difficulty is not self-created; logical use of uneven space.

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

Now, upon motion duly made by Jeff Anthony and seconded by Tony DePace, it is resolved that the ZBA does hereby approve the variance request as presented with the following conditions; 1) No lattice to be used. 2) Landscaping to be incorporated around the front of the deck. **All in Favor. Motion Carried.**

The meeting was adjourned at 7:45.

Minutes respectfully submitted by Kate Persons.